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5 Attorneys for WILLIAM R. ZIMMERMAN,  
Petitioner

6  
7 BEFORE THE STATE WATER  
8 RESOURCES CONTROL BOARD  
9 STATE OF CALIFORNIA  
10

11 William R. Zimmerman,  
12 Petitioner,

13 vs.

14 Los Angeles Regional Water Quality Control  
Board,  
15 Respondent.  
16

IN RE: LOS ANGELES REGIONAL  
WATER QUALITY CONTROL BOARD  
ORDER NO. R4-2012-0069

SUPPLEMENTAL PETITION OF WILLIAM  
R. ZIMMERMAN, PURSUANT TO  
CALIFORNIA WATER CODE SECTION  
13320(a) AND CALIFORNIA CODE OF  
REGULATIONS, TITLE 23, §§ 2050 ET.  
SEQ.

17 I, WILLIAM R. ZIMMERMAN, Petitioner in the above-entitled matter, pursuant to  
18 California Water Code Section 13320(a) and California Code of Regulations, Title 23, §§ 2050 et.  
19 seq., do hereby petition the State Water Resources Control Board (the "Board") to review the  
20 Order and Revised Order referenced herein. This Supplemental Petition supplements and  
21 incorporates my earlier Petition to the Board in this matter. In support of this Supplemental  
22 Petition, I hereby declare as follows:

23 1. I am a resident of the State of California, I have personal knowledge of the matters  
24 set forth herein and if called upon as a witness could and would testify as follows:

25 2. I am 86 years old and reside at 1675 Orlando Road, Pasadena, California. My  
26 telephone number is (626) 577-1536.

27 3. On or about June 20, 2013, I received a copy of letter from LARWQCB. The letter  
28 was addressed to Mr. Jim Saselli, Senior Aerospace SSP. A copy of the LARWQCB letter is

1 attached hereto as Exhibit A.

2 4. Accompanying the letter was LARWQCB Revised Order No. R4-2012-0069 –A01  
3 (“Revised Order”). The Revised Order requires Senior Aerospace SSP, Breeze-Eastern  
4 Corporation, James Galbraith, and me to prepare and submit a work plan to conduct a subsurface  
5 soil investigation to determine if any unauthorized release of heavy metal compounds has  
6 impacted soils that could pose a threat to groundwater beneath the site located at 2980 San  
7 Fernando Boulevard, Burbank, California (the “Site”). A copy of the Revised Order is attached  
8 hereto as Exhibit B.

9 5. The Revised Order, at paragraph 2, states in part that “The Site is currently owned  
10 by First Industrial Real Estate, Inc. of Chicago, Illinois, who reported that *Mr. William*  
11 *Zimmerman and Mr. James Galbraith were the first owners/operators of Stainless Steel*  
12 *Products/Industries at the Site.*” This statement is false and it cannot be substantiated. As such,  
13 this statement is an untenable basis for the issuance of the Order and Revised Order to me.

14 6. The Order and the Revised Order were sent to me without any prior notice and  
15 without an administrative hearing before LARWQCB. Therefore, I did not have any opportunity  
16 to present objections to LARWQCB prior to the issuance of the Order and the Revised Order.

17 7. I am a trustee of a trust which owned all of the shares of Zimmerman Holdings,  
18 Inc., a California corporation (“ZHI”). From 1981 to 1995 ZHI owned all of the shares of  
19 Stainless Steel Products, Inc., a California corporation (“Stainless Steel”).

20 8. In 1995, Stainless Steel sold its business and operating assets to an entity related to  
21 Senior Aerospace SSP. Thereafter, Stainless Steel had no assets, no business activities, and no  
22 employees.

23 9. ZHI filed for bankruptcy protection in 2002, and all of its assets were liquidated in  
24 bankruptcy.

25 10. I had no direct ownership in Stainless Steel. ZHI owned all of the shares of  
26 Stainless Steel which were held as an investment, along with other investment assets at various  
27 times. The shares of ZHI were in turn held as an investment by my family trust. A diagram  
28 depicting the ownership of the two corporations is attached as Exhibit C.

1           11.     I have no knowledge of nor was I responsible in any way for the use, storage, or  
2 disposal of any hazardous wastes by Stainless Steel at the Site.

3           12.     The Order and Revised Order are inappropriate because I have no control or  
4 authority over Site and therefore cannot comply with the terms of the Order and the Revised  
5 Order.

6           13.     In addition, any involvement under the terms of the Order and Revised Order  
7 would be a severe financial burden and would jeopardize my physical health. I am now 86 years  
8 old. I have had two hip replacements, and I am handicapped to the extent that I cannot sit, stand,  
9 or walk for any significant period of time without pain and discomfort.

10          14.     Based on a review of the Petition, this Supplemental Petition and the exhibits  
11 attached hereto, I request that the Board (a) find that I am not an owner/operator or responsible  
12 party with respect to the Site, (b) determine that the Order and the Revised Order are inappropriate  
13 with respect to me, and (c) direct the LARWQCB to rescind and withdraw the Order and Revised  
14 Order with respect to me. In the alternative, I request that the Board issue a stay of the Order and  
15 the Revised Order to permit other parties in control of the Site to comply with the Order and the  
16 Revised Order.

17          15.     Because I did not have any opportunity to present objections to LARWQCB prior  
18 to the issuance of the Order and the Revised Order, if the Board denies my request in whole or in  
19 part, I request a hearing before the Board to consider testimony, additional evidence, and oral  
20 argument.

21          16.     A copy of this Supplemental Petition has been sent concurrently to the Executive  
22 Officer of LARWQCB.

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

25           Executed on July 15, 2013, at Pasadena, California.

26

27

28

  
WILLIAM R. ZIMMERMAN

# Exhibit A



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW ROGMORE  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Los Angeles Regional Water Quality Control Board**

June 20, 2013

Mr. Jim Sasselli  
Senior Aerospace SSP  
2980 North San Fernando Boulevard  
Burbank, California 91504

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7011 2970 0000 0645 3199

**SUBJECT: REVISED REQUIREMENT FOR TECHNICAL REPORT PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2012-0069-A01**

**SITE: STAINLESS STEEL PRODUCTS/INDUSTRIES, 2980 SAN FERNANDO BOULEVARD, BURBANK, CALIFORNIA (FILE NO. 104.1005)**

Dear Mr. Sasselli:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of the Los Angeles and Ventura Counties, including the referenced site.

The Regional Board is investigating potential sources for groundwater pollution within the United States Environmental Protection Agency (USEPA) San Fernando Valley Superfund Site (Superfund Site). It is known that groundwater within the Superfund Site, including the vicinity of the Stainless Steel Products/Industries facility, is contaminated with volatile organic compounds (VOCs) and heavy metals, particularly chromium.

Regional Board staff has reviewed technical information and historical documents contained in Regional Board files for the property located at 2980 North San Fernando Boulevard, in the City Burbank, California (the Site). Stainless Steel Products/Industries has occupied the Site since approximately 1952. Stainless Steel Products/Industries' operations at the Site included the use of hexavalent chromium, sodium dichromate and chromic acid in processes such as metal etching and metal finishing. Previous investigations were conducted at the Site, which focused on VOCs and not heavy metals. Therefore, the potential discharge and/or release of chromium based compounds to the soils at the Site, as a result of the past Stainless Steel Products/Industries operations, has not been determined.

Enclosed is a Regional Board revised order for technical report requirements pursuant to California Water Code Section 13267 Order No. R4-2012-0069-A01 (Order). The Order was previously issued to Breeze-Eastern Corporation, Mr. William Zimmerman, and Mr. James Galbraith. The previously issued Order overlooked Senior Aerospace SSP, the current Site operator. Therefore, the attached Order has been revised to include Senior Aerospace SSP and to provide you with additional time to comply with

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Mr. Jim Sasselli  
Stainless Steel Products/Industries

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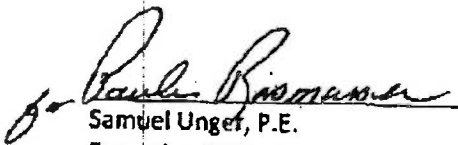
June 20, 2013

the Order to prepare and submit a Subsurface Soil Investigation Workplan in order to evaluate the subsurface conditions and the potential for groundwater contamination.

The above addition to the responsible parties for the Site constitutes an amendment to the California Water Code section 13267 Order originally dated September 21, 2012. All other aspects of the Order originally dated September 21, 2012, and amendments thereto, remain in full force and effect. The required technical report is necessary to investigate the characteristics of and extent of the discharges of waste at the Site and to evaluate cleanup alternatives. Therefore, the burden, including costs, of the report bears a reasonable relationship to the need for the reports and benefits to be obtained. Pursuant to section 13268 of the California Water Code, failure to submit the required technical report by the specified due date may result in civil liability administratively imposed by the Regional Board in an amount up to one thousand dollars (\$1000) for each day each technical report is not received.

Should you have any questions related to this project, please contact Ms. Luz Rabelo via telephone at (213) 576-6783 or via email at [luz.rabelo@waterboards.ca.gov](mailto:luz.rabelo@waterboards.ca.gov).

Sincerely,



Samuel Unget, P.E.  
Executive Officer

Enclosure: Revised California Water Code Section 13267 Order No. R4-2012-0069-A01  
Original California Water Code Section 13267 Order No. R4-2012-0069 issued on  
September 21, 2012

cc: Ms. Lisa Hanusiak, USEPA Region IX  
Mr. Leo Chan, City of Glendale  
Mr. Bill Mace, City of Burbank Water Supply Department  
Mr. Vahe Dabbaghian, Los Angeles Department of Water & Power  
Mr. Milad Taghavi, Los Angeles Department of Water & Power  
Mr. Richard Slade, ULARA Watermaster  
Ms. Sonja Donaldson, c/o Breeze-Eastern Corporation  
Mr. William R. Zimmerman, Stainless Steel Products  
Mr. James Galbraith, Stainless Steel Products  
Mr. Craig Bloomgarden, Manatt, Phelps & Phillips, LLP

# Exhibit B

EDMUND G. BROWN JR.  
GOVERNORMATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Los Angeles Regional Water Quality Control Board

### REVISED ORDER TO PROVIDE A TECHNICAL REPORT FOR SUBSURFACE SOIL INVESTIGATION CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2012-0069-A01

DIRECTED TO BREEZE-EASTERN CORPORATION, MR. WILLIAM ZIMMERMAN,  
MR. JAMES GALBRAITH AND SENIOR AEROSPACE SSP

STAINLESS STEEL PRODUCTS/INDUSTRIES  
2980 NORTH SAN FERNANDO BOULEVARD, BURBANK, CALIFORNIA  
(FILE NO. 104.1005)

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) makes the following findings and issues this Order pursuant to California Water Code (CWC) section 13267, which authorizes the Regional Board to require the submittal of technical and monitoring reports.

1. The groundwater within the San Fernando Valley Groundwater Basin (Basin) has been impacted by discharges of heavy metals, specifically chromium. The San Fernando Valley Superfund Site (Superfund Site) lies within the Basin. The United States Environmental Protection Agency (USEPA) and the Regional Board are investigating the potential sources of the discharges to the Basin. The agencies are currently focused on identifying individuals and companies responsible for the discharges of chromium in the Basin and holding them responsible for the investigation and remediation of the source sites. The property located at 2980 North San Fernando Boulevard, in the City of Burbank, California (the Site) is a potential source of chromium and overlies the Basin.
2. The Site was developed and occupied by Stainless Steel Products/Industries since approximately 1952. The Site is currently owned by First Industrial Real Estate, Inc. of Chicago, Illinois, who reported that Mr. William Zimmerman and Mr. James Galbraith were the first owners/operators of Stainless Steel Products/Industries at the Site. The Site is currently occupied by Senior Aerospace SSP. Senior Aerospace SSP is a subsidiary of Breeze -Eastern Corporation and a successor to Stainless Steel Products/Industries. Stainless Steel Products/Industries' operations at the Site included the use of hexavalent chromium, sodium dichromate, and chromic acid. Metal coating and metal finishing processes were part of the on-site operations conducted by Stainless Steel Products/Industries. In 1987, the USEPA and the Regional Board initiated an investigation at the Site which focused on volatile organic compounds (VOCs) and not on heavy metals. Therefore, the potential discharge and /or release of chromium based compounds to the soils at the Site, as a result of the past metal finishing operations, has not yet been determined.
3. CWC section 13267(b)(1) states:

"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,

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Mr. Jim Sasselli  
Senior Aerospace SSP

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June 20, 2013

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."

4. The Regional Board has obtained evidence indicating that there is a potential for discharge of waste at or from the Site. Regional Board files indicate that operations at the Site consisted of metal coating and metal finishing processes which included the use of hexavalent chromium, sodium dichromate, and chromic acid. Stainless Steel Products/Industries is among the suspected sources of waste discharge in the USEPA Superfund Site because of the chemicals used and the operations conducted at the Site. It is known that groundwater within the Superfund Site, including the vicinity of the Stainless Steel Products/Industries facility, is polluted with VOCs and heavy metals, particularly chromium. To date, a complete subsurface investigation of heavy metals in soil or groundwater has not been performed at the Site.
5. This Order identifies Breeze-Eastern Corporation, Mr. William Zimmerman, Mr. James Galbraith and Senior Aerospace SSP as the entities responsible for the suspected discharges of waste identified in paragraph two (2) and four (4) because Mr. William Zimmerman and Mr. James Galbraith were the owners/operators of the facility where the activities occurred that resulted in the suspected discharges of waste were performed and Senior Aerospace SSP is a subsidiary of Breeze-Eastern Corporation and successor to Stainless Steel Products/Industries.
6. This Order requires the persons/entities named herein to prepare and submit a Subsurface Soil Investigation Workplan (Workplan) in order to evaluate the conditions at the Site and determine if any discharges of heavy metal compounds, specifically chromium, has impacted the soils beneath the Site that could consequently pose a threat to groundwater. You are expected to submit a complete Workplan, as required by this Order, to the Regional Board. The Regional Board may reject the Workplan if it is deemed incomplete and/or require revisions to the Workplan under this Order.
7. The Regional Board needs this information in order to determine whether the Site is a source of discharges of waste, specifically chromium, and to determine whether the subsurface soil conditions at the Site are causing or threatening to cause discharges of waste to the waters of the State within the Basin.
8. 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 identify sources of discharges of waste to the Basin and to assure adequate cleanup of the Stainless Steel Products/Industries facility, which as described above potentially poses significant threats to public health and the environment.
9. 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

Mr. Jim Sasselli  
Senior Aerospace SSP

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section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This Order requires submittal of technical and/or monitoring reports and work plans. The proposed activities under the work plan are not yet known. It is unlikely that implementation of the work associated with this Order could result in anything more than minor physical changes to the environment. If the implementation may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to implementing any work plan.

10. Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State 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 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 the following link:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

**THEREFORE, IT IS HEREBY ORDERED** that Breeze-Eastern Corporation, Mr. William Zimmerman, Mr. James Galbraith and Senior Aerospace SSP, pursuant to section 13267(b) of the CWC, are required to:

1. Submit a Subsurface Soil Investigation Workplan (Workplan) to the Regional Board by August 2, 2013. Guidance documents to assist you with this task can be found on the Internet at the following links:

*"General Work Plan Requirements for a Heavy Metal Soil Investigation"*

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/remediation/GeneralWorkplanRequirementsforaHeavyMetalsSoilInvestigation.pdf](http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/GeneralWorkplanRequirementsforaHeavyMetalsSoilInvestigation.pdf)

*"Interim Site Assessment & Cleanup Guidebook (May 1996),"*

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/remediation/may1996\\_voc\\_guidance.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/may1996_voc_guidance.shtml)

*"Quality Assurance Project Plan"*

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/remediation/Board\\_SGV-SFVCleanupProgram\\_Sept2008\\_QAPP.pdf](http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/Board_SGV-SFVCleanupProgram_Sept2008_QAPP.pdf)

2. The Workplan shall include detailed information of former and existing chromium storage, hazardous waste management, and associated practices.
3. The Workplan must also include proposed soil sampling boring locations which shall extend to a minimum depth of 25 feet below ground surface in the areas of the previous plating processes and waste treatment (sumps, clarifiers, etc.), hazardous waste storage area, and chemical storage area.
4. The Workplan must contain a health and safety plan (HASP), as per the guidelines.

Mr. Jim Sassell  
Senior Aerospace SSP

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June 20, 2013

5. The Workplan shall include a detailed schedule of implementation of the Workplan, including field work and providing a report of the results to the Regional Board.
6. Upon approval, the Workplan shall be implemented and a report summarizing the results according to the approved schedule must be submitted to the Regional Board.

The above item shall be submitted to:

Ms. Luz Rabelo  
Water Resources Control Engineer  
Remediation Section  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013  
Phone: (213) 576-6783  
Email: [luz.rabelo@waterboards.ca.gov](mailto:luz.rabelo@waterboards.ca.gov)

Pursuant to 13267(a) of the CWC, any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to section 13268(b)(1) of the CWC, failure to submit the required Workplan described above by the specified due date(s) may result in the imposition of administrative civil liability by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day the Workplan is not received after the above due date. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The Regional Board, under the authority given by the CWC section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by Mr. William Zimmerman and Mr. James Galbraith and a senior authorized Breeze-Eastern Corporation and Senior Aerospace SSP 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."

The State Board adopted regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, California Code of Regulation) requiring the electronic submittal 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](http://www.waterboards.ca.gov/ust/electronic_submittal)

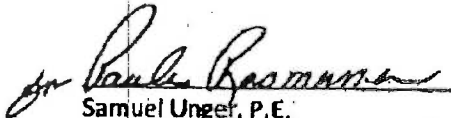
Mr. Jim Sasselli  
Senior Aerospace SSP

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June 20, 2013

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 Regional Board letters and orders issued to you or for the Site. However, the Regional Board may request that you submit hard copies of selected documents and data in addition to electronic submittal of information to GeoTracker.

SO ORDERED.

  
Samuel Unger, P.E.  
Executive Officer

6-20-2013  
Date

# Exhibit C

