

1 PETER A. NYQUIST (State Bar No. 180953)  
2 MEGAN K. HEY (State Bar No. 232345)  
3 **ALSTON & BIRD LLP**  
4 333 South Hope Street, Sixteenth Floor  
5 Los Angeles, California 90071  
6 Telephone: (213) 576-1000  
7 Facsimile: (213) 576-1100

8 Attorneys for Petitioners  
9 OCCIDENTAL PETROLEUM CORPORATION,  
10 OCCIDENTAL RESEARCH CORPORATION and  
11 GLENN SPRINGS HOLDINGS, INC.

12 **STATE OF CALIFORNIA**

13 **STATE WATER RESOURCES CONTROL BOARD**

14 In the Matter of Los Angeles Regional Water  
15 Quality Control Board 13267 Order – United  
16 Production Services, Inc. (Former Occidental  
17 Research Corporation Facility), 1855 Carrion Road,  
18 La Verne, California

No.

**PETITION FOR REVIEW AND  
REQUEST FOR HEARING**

**[REQUEST TO HOLD IN ABEYANCE  
PENDING FURTHER NOTIFICATION]**

19 Pursuant to Water Code section 13320(a) and California Code of Regulations, title 23,  
20 section 2050 *et seq.*, Occidental Petroleum Corporation, Occidental Research Corporation (“ORC”)  
21 and Glenn Springs Holdings, Inc. (collectively, “Petitioners”) respectfully petition the State Water  
22 Resources Control Board (“State Board”) for review of a Water Code section 13267 Order (the  
23 “Order”), dated November 10, 2008 and issued by the Executive Officer of the Los Angeles  
24 Regional Water Quality Control Board (“Regional Board”) with regard to the former United  
25 Production Services, Inc. and Occidental Research Corporation facility, located at 1855 Carrion  
26 Road, La Verne, California (the “Site”). A copy of the Order is attached hereto as Exhibit A.

27 ///

28 ///

///

1           **I. Name and Address of Petitioners**

2           Petitioners may be contacted through counsel of record: Peter A. Nyquist, Alston & Bird,  
3           LLP, 333 S. Hope Street, 16<sup>th</sup> Floor, Los Angeles, California 90071; (213) 576-1142;  
4           pete.nyquist@alston.com.

5           **II. Specific Action or Inaction for Which This Petition for Review is Sought**

6           The Regional Board action for which this petition for review is filed concerns the issuance  
7           of the Order, entitled "Decision to Reopen Case and Requirements for Additional Site Assessment  
8           and Groundwater Monitoring Pursuant to Water Code section 13267 Order – United Production  
9           Services, Inc. (Former Occidental Research Corp.) 1855 Carrion Road, La Verne, CA (File No.  
10          101.0077, Site ID No. 2040030)," dated November 10, 2008.

11          **III. Date the Regional Board Acted or Failed to Act**

12          The date of the Regional Board's action which is subject to review is November 10, 2008,  
13          the date the Order was signed and issued by the Executive Officer of the Regional Board via  
14          certified mail.

15          **IV. Statement of Reasons the Action is Inappropriate and Improper**

16          This issuance of the Order was beyond the authority of the Regional Board, inappropriate,  
17          improper, or not supported by the record, for the following reasons:

18                 A.    The Order includes findings of fact and conclusions that are not supported by  
19                 substantial evidence in the record.

20                 B.    The Order is vague, including its failure to identify the entity or entities  
21                 responsible for complying with its directives, as well as its failure to provide legally sufficient  
22                 grounds for reopening this case against Petitioners.

23                 C.    The Order fails to identify or name additional dischargers or parties otherwise  
24                 responsible for investigating and/or cleaning up the contamination referenced therein.

25                 D.    The Order is unreasonable and violates the common law principle of laches  
26                 based on the Regional Board's failure to act in a reasonable, diligent, or timely manner, resulting in  
27                 substantial prejudice and harm to Petitioners.

28          ///

1 E. The Regional Board failed to provide Petitioners with a meaningful  
2 opportunity to introduce evidence to refute the Order's alleged factual findings. As such, Petitioners  
3 have been denied their rights to procedural due process, resulting in substantial harm through the  
4 imposition of unjustified and inappropriate regulatory requirements and the potential for imposition  
5 of civil liability penalties for failure to comply with the Order.

6 **V. Petitioners are Aggrieved**

7 Petitioners are aggrieved for the reasons set forth in paragraph IV, above. Additionally,  
8 Petitioners will be forced to incur substantial investigative, monitoring and other costs, without  
9 adequate cause or justification.

10 **VI. Petitioners' Requested Action by the State Board and Request To Hold**  
11 **Petition in Abeyance**

12 Petitioners respectfully request that the State Board determine that the Regional Board's  
13 action in issuing the Order was inappropriate and improper, and vacate the Order pursuant to this  
14 petition and in accordance with applicable law. Petitioners further request that the State Board hold  
15 in abeyance this petition for review and request for hearing pending further discussions between  
16 Petitioners and the Regional Board. Petitioners will notify the State Board if they intend to activate  
17 this petition. Petitioners reserve the right to amend this petition and submit a detailed statement of  
18 points and authorities in the event this petition is converted to active status.

19 **VII. Statement of Points and Authorities**

20 Petitioners reserve the right to and shall submit a detailed statement of points and authorities  
21 in the event this petition for review is activated.

22 **VIII. Statement of Transmittal of Petition to the Regional Board**

23 A true and correct copy of this petition for review was transmitted to Tracy Egoscue,  
24 Executive Officer of the Regional Board, on December 10, 2008.

25 **IX. Substantive Issues Raised Before the Regional Board**

26 Petitioners have not been afforded a meaningful opportunity to be heard on the substantive  
27 issues set forth in the Order. Pending ongoing efforts to resolve disputed issues with Regional Board  
28 staff, Petitioners may be without an adequate remedy unless the State Board grants this petition for

1 review and a hearing with respect to the issues presented herein.

2

3 DATED: December 10, 2008

Respectfully submitted,

4

**ALSTON & BIRD LLP**

5

6



7

---

Peter A. Nyquist

Attorneys for Petitioners

8

**OCCIDENTAL PETROLEUM CORPORATION,  
OCCIDENTAL RESEARCH CORPORATION and  
GLENN SPRINGS HOLDINGS, INC.**

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

# EXHIBIT A



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

November 10, 2008

Dr. Nam Baek  
Project Manager  
Glenn Springs Holdings, Inc.  
5005 LBJ Freeway, Suite 1350  
Dallas, TX 75244

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7005 1820 0001 2683 7198

**DECISION TO REOPEN CASE AND REQUIREMENTS FOR ADDITIONAL SITE ASSESSMENT AND GROUNDWATER MONITORING PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER - UNITED PRODUCTION SERVICES, INC. (FORMER OCCIDENTAL RESEARCH CORPORATION), 1855 CARRION ROAD, LA VERNE, CA (FILE NO. 101.0077, SITE ID NO. 2040030)**

Dear Dr. Baek:

We have reviewed and evaluated the file and the site investigation and groundwater monitoring reports submitted from 1981 to 2002 on the former Occidental Research Corporation (ORC) site (Site), located at 1855 Carrion Road, La Verne in California. After termination of its operations at the facility, ORC retained James M. Montgomery Consulting Engineers, Inc. (JMM) and voluntarily conducted site investigations from October 1979 through April 1981. After reviewing the site investigation report, the Regional Board had notified ORC of case closure on August 10, 1982 (see attached).

On November 22, 1989, as part of the Well Investigation Program (WIP), the Regional Board re-activated the case to investigate groundwater contamination in the Pomona Valley and required the property owner at the time, United Production Services, Inc. (UPS), to conduct additional site assessment after it had been discovered that production wells located approximately three miles downgradient of the Site were impacted with volatile organic compounds (VOCs).

Accordingly, UPS retained Remedial Engineering, Inc (REI) and conducted the required site assessment in 1990. UPS and ORC also jointly contracted CET Environmental Services, Inc. (CET) to conduct additional site assessment required by the Regional Board in 1993 and 1994. On October 6, 2000, the Regional Board granted a *No Further Requirements* letter (see attached) to Brown Family Trust, successor to UPS, based on evaluations of the results of prior site investigations in 1981, 1990, 1993 and 1994, chemical use and storage practices by UPS and operational history of UPS at the Site. On the same date, the Regional Board issued a 13267 Order letter (see attached) to Occidental Petroleum Corporation (Occidental), parent company of ORC, to investigate areas at the Site, which were not adequately assessed in the previous investigations. Accordingly, The Source Group (TSG) conducted the site investigation for Occidental and submitted a report in 2001.

In light of site investigation data collected in 1990, 1993, 1994 and 2001, Regional Board staff has made a determination to reopen the case on the former ORC facility to investigate historical operations of ORC which have caused the soil and groundwater contamination at the Site, to complete site assessment and monitoring and to have the Site cleaned up.

*California Environmental Protection Agency*



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

## **SITE HISTORY**

ORC operated a research facility at the Site from approximately 1966 to 1986. ORC used the facility to conduct research and development of various chemicals, synthetic fuel, coal gasification, municipal waste incineration, fertilizer processing, mineral processing, etc. Available documents indicate that chlorinated solvents, like trichloroethene (TCE) and perchloroethylene (PCE), were stored and used for the research operations. TCE was reportedly mixed with dry ice and used as a coolant during the coal conversion process.

For its research operations, ORC constructed various buildings and pilot plants and installed sumps, an underground storage tank (UST), septic tanks, evaporation ponds, seepage pits, wash tanks and a clarifier at the facility. Prior to 1972, the facility was not connected to municipal sewer system and its waste discharge was allowed to seep into the ground from evaporation ponds. ORC installed a sewer line in 1972, which ran along the southern and eastern boundaries of the facility to be connected to the City of La Verne sewer line north of the facility. ORC had four 1000 gallons septic tanks with associated seepage pits at the Site and the bottom of the seepage pits was below the water table. ORC also leased and occupied space at a building located at 3124 Arrow Highway, north of its facility adjacent to Victor Graphics, approximately from 1975 to 1980. ORC used the building for a pilot plant for metal and glass recovery.

After termination of its operations in 1979, ORC decommissioned the facility and hauled off approximately 4,000 drums of chemical waste from the facility, out of which 1,300 drums contained some form of hazardous waste. In addition, 42,000 gallons of diluted liquid waste was removed and disposed of at a local landfill.

In 1986, ORC divided the property and sold a small parcel to Gainey Ceramics located adjacent to the western boundary of the property. The remaining portion of the property was sold to private parties in the same year. In 1989, Mr. Mike Brown and Mrs. Nancy Brown purchased the property to use it for grand stand storage. Between 1989 and 2000, Mike Brown Grandstands, which was a subsidiary of UPS, operated a business on the property, providing a variety of services for rental and set-up of staging equipment, roofing systems, grandstands, bleachers and stages.

In December, 2000, the University of La Verne (ULV) acquired the property from Brown Family Trust. ULV planned to re-develop the Site into an Athletic Complex and construct buildings for Graduate School Program. However, the redevelopment plan has not yet been implemented because of soil contamination and a PCE plume in the groundwater beneath the Site.

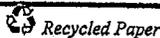
## **PREVIOUS INVESTIGATIONS**

Various site investigations were conducted from 1979 to 2001, documenting soil and groundwater contamination at the Site.

### **Soil Gas**

Soil gas surveys were performed at the Site by REL, CET and TSG in 1990, 1993 and 2001 respectively. Soil gas samples were collected at a maximum depth of 10.5 feet below ground surface (bgs) during the

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

soil gas surveys conducted by REI and CET. TSG collected samples at depths ranging from 6 feet to 20 feet bgs.

Analysis of soil gas samples detected PCE at concentrations ranging from 2.7 micrograms per liter ( $\mu\text{g/L}$ ) to 279.7  $\mu\text{g/L}$ . PCE was detected in samples collected from the southern property boundary close to the sewer line, former evaporation pond, former paint and solvent storage area, former sumps, and former locations of septic tanks. The highest PCE concentration in the soil gas was detected near the sewer line and piezometer D-18 which has one of the highest concentrations of PCE in the groundwater.

Other VOCs were also detected in the soil gas samples.

#### Soil Matrix

Between 1979 and 1981, JMM performed soil sampling at various areas of concerns (AOCs) at the Site and collected soil samples from soil borings drilled to a total depth of 60 feet bgs. REI and TSG collected soil samples from soil borings ranging in depth from 20 feet to 25 feet bgs in 1990 and 2001 respectively. In September 1994, soil samples were collected by CET from a depth of 20 feet bgs during installation of groundwater monitoring wells at the Site.

Analysis of soil samples detected PCE and other VOCs. Soil samples collected by CET during the installation of MW-103 had PCE concentrations at 5.9 micrograms per kilogram ( $\mu\text{g/Kg}$ ) at 10 feet bgs, 26  $\mu\text{g/Kg}$  at 15 feet bgs, and 290  $\mu\text{g/Kg}$  at 20 feet bgs. One of the highest PCE concentrations (at 6,500  $\mu\text{g/L}$ ) in the groundwater was detected in MW-103. PCE was also detected in soil matrix at maximum estimated concentration of 1,100  $\mu\text{g/Kg}$  in a sample collected by TSG from 19 feet bgs.

#### Groundwater

Fifteen piezometers were installed as part of the site investigation by JMM from 1979 to 1981. In September 1994, CET installed nine groundwater monitoring wells and two more groundwater monitoring wells were installed by TSG in 2001 to collect and analyze groundwater samples.

Analysis of groundwater samples collected by JMM initially indicated the presence of TCE at concentrations up to 123  $\mu\text{g/L}$  and low level concentration of PCE in the groundwater. However, subsequent groundwater sampling conducted by REI, CET and TSG in 1990, 1994, and 2001 and analysis of samples detected PCE at higher concentrations ranging from 8,500  $\mu\text{g/L}$  to 9,700  $\mu\text{g/L}$ . The highest concentration of PCE in the groundwater was detected in D-19 (9,700  $\mu\text{g/L}$ ) which is located near the sewer line along the eastern property boundary. In 2002, quarterly groundwater monitoring by TSG consistently detected high concentrations of PCE in D-19. Depth to groundwater at the Site ranges from 14 feet to 22 feet bgs.

In addition to the site investigations, ORC was also required by the Regional Board to submit chemical use and storage history at the Site. Ike Yen Associates (IYA) prepared an audit report on the sewer systems and chemical use at the site from 1964 through 1990. The report documents the purchase of 8 gallons of PCE and 290 gallons of TCE between 1972 and 1977 for use at the Site.

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

Dr. Nam Baek  
United Production Services, Inc.  
(Former Occidental Research Corporation)

- 4 -

November 10, 2008

Between approximately 2002 and 2008, the case was backlogged with no further site assessment conducted at the Site due to lack of Regional Board's oversight resources.

On March 21, 2008, Regional Board staff made a visit to the Site and talked to representatives of ULV. The ULV representatives explained that the University's re-development plan has encountered an obstacle due to soil contamination and a PCE plume beneath the Site.

On April 24, 2008, Regional Board staff held a meeting with representatives of Occidental and discussed the Site. The staff emphasized to Occidental that the Site is a brownfield and that the Regional Board is committed to have the Site fully characterized, monitored and cleaned up for site redevelopment.

### FINDINGS

The Regional Board reviewed the file on United Production Services, Inc. (former Occidental Research Corporation) Site and various site investigation reports available in the case file and determined the following:

1. The Regional Board's decision to close the file on ORC's site on August 10, 1982 was premature for the following reasons:
  - 1.1 The Regional Board based its decision to close the file on the Site on very limited data collected from 1979 to 1981 under questionable sampling protocols and sample handling procedures. In its letter dated May 23, 1996 (see attached), Regional Board staff expressed its reservations to ORC on the collection of soil matrix samples in glass jars and their subsequent storage at room temperature.
  - 1.2 The site investigation conducted from 1979 to 1981 did not cover all AOCs at the Site and data were collected from limited parts of the Site.
  - 1.3 Subsequent site investigations conducted at the Site, as per Regional Board's requirements, in 1990, 1993, 1994, 2001 and 2002 revealed that the vadose and saturated zones beneath the Site are impacted with VOCs and that the soil, soil gas and groundwater have much more VOC concentrations than previously concluded in the site investigations conducted from 1979 to 1981. The site investigations have also indicated that there are possible onsite sources for the soil and groundwater contamination.
  - 1.4 Subsequent groundwater assessments identified the presence of a PCE plume in the perched aquifer, which extends from the northern portion of the site to the south-southeast part of the site along the direction of groundwater flow.
  - 1.5 On different occasions, Glenn Springs Holdings, Inc. (GSHI), a subsidiary of Occidental, has been claiming that the case was closed on August 10, 1982 and that it must not be directed to conduct additional site assessment. However, the Regional Board actually re-activated the case on November 22, 1989 (see attached letter), as part of WIP initiated in Pomona Valley, and

*California Environmental Protection Agency*

 Recycled Paper

*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

directed the Site owner at the time, UPS, to conduct additional assessments. All subsequent site investigations conducted by either UPS or ORC in 1990, 1993, 1994, 2001 and 2002 were because of the Regional Board's directions communicated to UPS or ORC. The perceived closure of the case on the part of GSHI may have been caused by a lack of formal communication to ORC from the Regional Board staff on the re-opening of the case at the time.

2. The Regional Board does not concur with GSHI's repeated claims that the groundwater contamination beneath the site was entirely caused by an off-site source (s) for the following reasons:

2.1 There are different AOCs at the Site, which still warrant further assessment.

- a. Sewer Sewage permits from the City of La Verne indicate that ORC had four 1,000 gallons septic tanks with associated seepage pits at the Site. The seepage pits had 4 feet diameter and depths ranging from 30 feet to 50 feet bgs. The depth to groundwater at the Site ranges from 14 feet to 22 feet bgs.

The bottom of the seepage pits were below the water table, which violated the Waste Discharge Requirements (WDR) Permit No. 70-7 (see attached) granted by the Regional Board to Garrett Research and Development Company, Inc. (Garrett), predecessor to ORC, on November 30, 1970. The permit prohibited Garrett from extending the bottom of the sewage disposal system to within five feet of fluctuating groundwater.

Direct discharge of contaminants from the seepage pits into the perched aquifer is therefore a concern.

- b. ORC connected its sewer system with municipal sewer system in August 1972. A 4 inch pipe running along the eastern property boundary from a lift pump station in the southeast corner of the Site connected ORC's sewer line with the municipal sewer system.

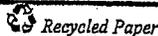
An internal memo from County Sanitation Districts of Los Angeles County (see attached), dated October 4, 1974, documented a site inspection and indicated that ORC was discharging industrial waste into its sanitary sewer line. Moreover, the memo indicated that the sewer system was badly in need of maintenance at the time of the site inspection.

Contaminant release from the sewer system is therefore a concern.

- 2.2 In a letter to one of its contractors, Andersen Engineering Company (see attached), dated July 7, 1971, Garrett estimated the daily industrial waste discharge from the facility to be 1,007 gallons and the daily septic waste to be 480 gallons.

- 2.3 In the Audit Report on sewer system and chemical use at the facility prepared by IYA in 1990, it was reported that ORC purchased up to 8 gallons of PCE and 290 gallons of TCE from July 1972 to October 1977. However, these quantities are estimates based on old purchasing records from ORC. The report was not backed up with purchase receipts or supplier invoices. Therefore, the Regional Board can not base its decisions solely on the report. Moreover, PCE and TCE consumption at the facility prior to July 1972 and after October 1977 is unknown.

**California Environmental Protection Agency**



- 2.4 Waste manifests from 1978 to 1981 indicates that ORC disposed of approximately 39 drums of waste containing different solvents (Freon TMC and AMSCO) of unknown composition at a local landfill.
- 2.5 Site investigations conducted at the Site from 1990 to 2002 indicate that:
- a. Higher PCE concentration in the soil gas was detected onsite (279.7  $\mu\text{g/L}$  at SV-11 in the soil gas survey conducted by CET in 1993).
  - b. The highest PCE concentration in the soil matrix was detected onsite (1100  $\mu\text{g/Kg}$  at TSG-S-07 from a duplicate sample collected at 19 feet bgs by The Source Group in 2001).
  - c. The highest PCE concentration in the groundwater was detected onsite (9,700  $\mu\text{g/L}$  at D-19 in groundwater sampling conducted by The Source Group in February 2002).
  - d. PCE concentration in soil samples collected during the installation of onsite well MW-103 increased with depth (e.g. 5.9  $\mu\text{g/Kg}$  at 10 feet bgs, 26  $\mu\text{g/Kg}$  at 15 feet bgs, and 290  $\mu\text{g/Kg}$  at 20 feet bgs).
3. The sewer line that runs along the eastern property boundary from a sewer lift pump in the southeast corner of the site is not adequately assessed. Soil, soil gas and groundwater samples collected from locations near the sewer line have higher concentrations of VOCs and the Regional has repeatedly emphasized that the sewer line could be the source of detected contaminants.
  4. The soil gas samples collected during the 1990 and 1993 site investigations by REI and CET respectively were from a maximum depth of 10.5 feet bgs. Moreover, the clayey nature of the soil at the probe locations prevented collection of samples from some of the probes. These areas that were previously assessed with soil gas sampling are therefore not adequately characterized.
  5. The lateral and vertical extent of VOC contamination is not delineated in the vadose zone.
  6. The last quarterly groundwater monitoring at the Site was conducted in August 2002 and the current extent of the VOC plume in the saturated zone is not known. The plume is migrating offsite, posing a threat to an existing surface water body, Puddingstone Reservoir, located approximately 1 mile downgradient of the Site.
  7. Vapor intrusion into indoor air from the VOC plume in the groundwater poses a human health threat because of the shallow depth of groundwater beneath the Site (14 feet to 22 feet bgs).

#### REQUIREMENTS

Pursuant to Section 13267 of the California Water Code (CWC), you are hereby directed to implement the following:

1. The Regional Board has made a determination to re-open the case due to the reasons enumerated above in Item Nos. 1.1 through 1.5. You shall therefore comply with the Regional Board's directives which

***California Environmental Protection Agency***

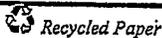


*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

will be communicated to you to complete site assessment, to better characterize and delineate the vadose and saturated zones contamination and to identify the sources for the contamination.

2. Prepare and submit a workplan for additional site assessment to address the following:
  - 2.1 The sewer line that runs along the eastern property boundary and the sewer lift pump station area shall be assessed by installing multi-depth soil gas probes to capillary fringe and advancing deep soil borings to water table.
  - 2.2 Confirmation samples shall be collected from locations where JMM had previously collected soil samples during the site investigations from 1979 to 1981. The sample collection and handling protocols followed were not in accordance the United States Environmental Protection Agency (USEPA) SW-846 Method 5035 Guidelines. Soil samples for VOC analysis were stored at room temperature. The soil samples were therefore not representative of actual site conditions.
  - 2.3 In previous site investigations, some AOCs were assessed with soil gas sampling without taking into consideration the lithology of the soil underlying the AOCs. Therefore, no soil gas samples were collected even at higher vacuum pressures. Low-level VOC detection in those low permeable soils might not also be representative of actual site conditions. Based on the lithology identified beneath the Site, new soil borings need to be advanced to water table at those AOCs which are underlain by clayey soils to collect soil samples.
  - 2.4 Step-out soil borings need to be advanced to water table in those areas where elevated VOC concentrations were detected to delineate the lateral extent of the contamination. Step-out multi-depth soil gas probes need also be installed to capillary fringe in those areas where elevated VOC concentrations were detected in the soil gas to delineate the VOC plume.
  - 2.5 The soil sampling and handling protocols shall be in accordance with USEPA sampling method SW-846 Method 5035.
  - 2.6 The soil gas sampling shall be conducted in accordance with the Regional Board and Department of Toxic Substances Control's (DTSC's) *Advisory - Active Soil Gas Investigations* [January 28, 2003 (see attached)].
  - 2.7 The work plan shall be prepared in accordance with the Regional Board's *Requirements for Subsurface Soil Investigations* [July 2003 (see attached)]. The work plan shall be submitted to the Regional Board by January 7, 2009.
3. The vertical and horizontal extent of the VOC contamination in the vadose zone needs to be fully delineated. Iso-concentration map showing the lateral extent of the contamination in the soil and soil gas shall be prepared for major constituents like PCE and TCE. Moreover, cross-sections for profiles crossing the Site north-south and east-west shall be prepared for major constituents like PCE and TCE to delineate the vertical extent of the contamination in vadose zone.
4. Prepare and submit a work plan to conduct an indoor air monitoring for VOC vapors that have the potential to migrate from the groundwater to the surrounding environment. Indoor ambient air data

**California Environmental Protection Agency**



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

Dr. Nam Baek  
United Production Services, Inc.  
(Former Occidental Research Corporation)

- 8 -

November 10, 2008

shall be collected in accordance with the California EPA/ DTSC *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air, February 2, 2005*. The work plan shall be submitted to the Regional Board by **January 7, 2009**.

5. You shall resume a quarterly groundwater monitoring and submit groundwater monitoring reports according to the following schedule:

<u>Monitoring Period</u>	<u>Report Due Date</u>
October - December	January 15 <sup>th</sup>
January - March	April 15 <sup>th</sup>
April - June	July 15 <sup>th</sup>
July - September	October 15 <sup>th</sup>

- 5.1 A site-wide groundwater contour map showing the groundwater flow direction and gradient needs to be included in the groundwater monitoring reports. Groundwater samples shall also be analyzed for VOCs and 1,4 dioxane.
- 5.2 A site inspection needs to be made before the start of the groundwater monitoring program to inspect the groundwater wells and account for all onsite and offsite wells since the last groundwater monitoring event was conducted in August 2002.
- 5.3 Your next groundwater monitoring report is due to this Regional Board by **January 15, 2009**.
- 5.4 As part of your first groundwater monitoring event, you shall sample a groundwater observation well (with State Well ID 1S09W11R02) located downgradient of the Site and owned by the Los Angeles County Flood Control District (LACFCD) to assess whether the VOC plume has migrated offsite and has impacted this well. Please, contact the Los Angeles County Department of Public Works, Water Resources Division to get access to the well.
- 5.5 Regional Board may require installation of additional groundwater monitoring wells offsite, based on the results of the groundwater monitoring and the LACFD well sampling.

The California Business and Professions Code, Sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals. Please refer to the State Water Resources Control Board Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under California Water Code Section 13304* (amended on April 21, 1994 and October 2, 1996). Therefore, all work must be performed by or under the direction of a California professional geologist, a California registered certified specialty geologist or a California registered civil engineer with at least five years of hydrogeologic experience. A statement is required in the report that the registered professional in responsible charge actually supervised or personally conducted all the work associated with the project. The documents must also bear a stamp reflecting the registered professional's credentialed specialty and an expiration date of the relevant license.

***California Environmental Protection Agency***

 Recycled Paper

*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

Dr. Nam Baek  
United Production Services, Inc.  
(Former Occidental Research Corporation)

- 9 -

November 10, 2008

All final reports should be developed following the Regional Board's "Guidelines for Report Submittals" (March 1991, Revised June 1993) (see attached) and shall be submitted as a hardcopy and electronic Adobe® "pdf" format. A total of two (2) hardcopies and one (1) electronic copy of each final report shall be submitted. Additionally, laboratory Quality Assurance/Quality Control (QA/QC) data must be included with each final report.

Pursuant to Section 13267(b) of the California Water Code, you are hereby directed to submit these technical reports to Regional Board by the due dates referenced above. Failure to submit the required technical reports by the due dates specified may result in the imposition of civil liability penalties by this Regional Board of up to \$1,000.00 per day for each day the reports are not received pursuant to Section 13268 of the California Water Code.

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

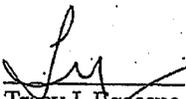
Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

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

or will be provided upon request.

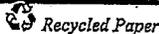
If you have any questions, please call Mr. Bizuayehu Ayele at (213) 576-6747 or Mr. Dixon Oriola at (213) 576-6803.

Sincerely,

  
Tracy J. Egoscue  
Executive Officer

- Enclosures:
1. Regional Board's Letter to ORC, dated August 10, 1982
  2. Regional Board's Letter to Brown Family Trust, dated October 6, 2000
  3. Regional Board's Letter to Occidental Petroleum Corp., dated October 6, 2000
  4. Regional Board's Letter to Occidental Petroleum Corp., dated May 23, 1996
  5. Regional Board Letter's to UPS, dated November 22, 1989
  6. WDR Permit to Garrett, dated November 30, 1970
  7. Memo from Los Angeles County Sanitation Districts, dated October 4, 1974
  8. Garrett's Letter to Andersen Engineering Company, dated July 7, 1971
  9. Advisory - Active Soil Gas Investigations, January 28, 2003
  10. Requirements for Subsurface Soil Investigations, Revised July 2000

**California Environmental Protection Agency**



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Dr. Nam Baek  
United Production Services, Inc.  
(Former Occidental Research Corporation)

- 10 -

November 10, 2008

11. *Guidelines for Report Submittals, March 1991, Revised June 1993*

Cc: Mr. Elliott Heide, Occidental Petroleum Corporation, Los Angeles, CA  
Mr. James Evensen, Jr., The Source Group, Thousands Oaks, CA  
Mr. Philip Hawkey, University of La Verne, La Verne, CA  
Mr. Donald Nanney, Gilchrist & Rutter, Santa Monica, CA  
Mr. Jeff Rupp, Scotland Investment Company, Pasadena, CA

***California Environmental Protection Agency***

 Recycled Paper

*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—  
LOS ANGELES REGION107 SOUTH BROADWAY, SUITE 4027  
LOS ANGELES, CALIFORNIA 90012 -4596  
(213) 620-4460

AUG 10 1982

FILE

Occidental Research Corporation  
P. O. Box 19601  
Irvine, CA 92713ATTN: Dr. I-Kuen Yen, Manager  
Safety Health & Environmental Control TechnologyRE: Water Quality Investigation at Your La Verne Property  
(File 80-38)

Gentlemen:

Reference is made to your "Final Report" for your La Verne site study. This report describes the subject property and the uses to which it was put as well as the drilling and sampling activities and the findings. A great deal of technical information is provided including details of the geology and hydrology.

TCE was the only constituent found that was in quantities that might be viewed with alarm. However, it was found only in the meager amount of shallow semi-perched groundwater underlying the site and only along the eastern edge of your property. The source of the TCE is undetermined.

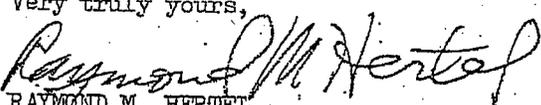
This problem is localized in semi-perched groundwater found in beds within silts and clays of low permeability and which lack direct hydraulic continuity with groundwater supply aquifer to the north or south. There is no economically practical solution for mitigating this problem. With the semi-perched groundwater movement to the south here, it is estimated that it may take several hundred years for these problem waters to come to the surface.

We wish to express our appreciation to you for your detailed study of this problem.

Considering all the factors, we are closing our files on this investigation.

Please forgive the lengthy review period.

Very truly yours,

  
RAYMOND M. HERTEL  
Executive Officer

cc: State Water Resources Control Board, Div. of Technical Services, Gil Torres  
California Department of Health Services, Hazardous Materials Management Section  
ATTN: John Hinton  
Los Angeles County Department of Health Services, ATTN: Mr. Phillip Ow  
James M. Montgomery, Consulting Engineers, Inc. ATTN: Mr. Karl H. Wiebe  
(12802 Sky Park Circle, Suite 201, Irvine 92714)

RCR:ta

6010 271