



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Los Angeles Regional Water Quality Control Board**

April 30, 2014

Mr. Douglas Weimer  
Shell Oil Products, United States  
Environmental Services Company  
20945 S. Wilmington Avenue  
Carson, CA 90810

Certified Mail  
Return Receipt Requested  
Claim No. 70123460000021663324

**SUBJECT: NOTICE OF VIOLATION FOR DEFICIENT REMEDIAL ACTION PLAN PURSUANT TO CLEANUP AND ABATEMENT ORDER NO. R4-2011-0046 AS AMMENDED BY REGIONAL BOARD CORRESPONDENCE DATED AUGUST 21, 2013 AND JANUARY 23, 2014**

**SITE/CASE: FORMER KAST TANK FARM, CARSON, CA (SITE CLEANUP NO. 0075, SITE ID NO. 204830 AND CLEANUP AND ABATEMENT ORDER NO. R4-2011-0046; FILE NO. 97-0043**

Dear Mr. Weimer:

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 Los Angeles and Ventura Counties.

The Regional Board is the lead agency overseeing the environmental investigation and cleanup of the Former Kast Property Tank Farm Site (Site) under the authority of the Porter-Cologne Water Quality Control Act (Cal. Water Code §§13000 et seq.) and other applicable laws and regulations. Pursuant to Water Code sections 13304 and 13267, the Regional Board issued Cleanup and Abatement Order No. R4-2011-0046 (CAO) on March 11, 2011, requiring Shell Oil Products US (SOPUS) on behalf of Shell Oil Company (collectively, Shell) to investigate and clean up discharges of waste in soil and groundwater at the Site.

The CAO required Shell to completely delineate the extent of waste discharged in soil, soil vapor, and groundwater both on and off the Site. The investigation of the Site was summarized in the Site Delineation Report on April 29, 2011. The Site Delineation Report concluded that total petroleum hydrocarbons (TPH) in soil extend below properties to depths of at least 10 feet.

Paragraph 3.c.II.of the CAO, as amended, required Shell to submit a remedial action plan (RAP) designed to cleanup all constituents of concern to levels protective of residential (i.e., unrestricted) land use and to achieve the applicable water quality objectives in the Regional Board's water quality control plan (Basin Plan).

On February 22, 2013, Shell submitted a Site-Specific Cleanup Goal Report (Report) to the Regional Board. The Report proposed site specific cleanup goals (SSCGs) for the constituents of concern.

On August 21, 2013, in correspondence to Shell, the Regional Board rejected the proposed SSCGs and directed Shell to revise the SSCGs in accordance with comments and directives contained in the letter, comments from the UCLA Expert Panel (convened to provide input to the Regional Board regarding site cleanup), and comments from the Office of Environmental Health Hazard Assessment.

On October 21, 2013, Shell submitted a revised SSCG Report (Revised Report) that included revised SSCGs. The Regional Board reviewed the Revised Report and determined that the revised SSCGs failed to meet the Regional Board's directives listed in the August 21, 2013 letter. The Regional Board concluded that the revised SSCGs proposed by Shell did not adequately address TPH leaching to groundwater from soil or the potential for soil vapor to intrude into residences.

On January 23, 2014, the Regional Board issued Shell a letter approving modified SSCGs to address TPH and soil vapor and directed Shell to submit a RAP and updated Human Health Risk Assessment (HHRA) in accordance with the modified SSCGs by March 10, 2014.

On March 10, 2014, as required by the CAO, Shell's consultant, URS Corporation, submitted a proposed RAP which included a Feasibility Study and HHRA.

On April 30, 2014, the Regional Board provided Shell with comments on the proposed RAP with a directive to submit a revised RAP by May 30, 2014. The Regional Board determined the proposed RAP was inadequate as it was not based on all of the SSCGs as approved by the Regional Board in its January 23, 2014 letter, as follows:

- The RAP is not based on the approved SSCGs for TPH that protect groundwater as required by the CAO.
  - Shell did not base the RAP on the SSCGs for TPH in soil as modified and approved in the Regional Boards' January 23, 2014 letter. Rather, Shell based the RAP on SSCGs for TPH in soils using the Regional Board's "Interim Site Assessment Cleanup Guidebook, 1996".
- The RAP is not based on the approved SSCGs that protect residential (i.e. unrestricted) land use as required by the CAO .
  - Shell did not base the RAP on the SSCGs for soil vapor using an attenuation factor of 0.002 for indoor air concentrations to outdoor air concentrations as modified and approved in the Regional Board's January 23, 2014 letter. Rather, Shell applied the 0.002 attenuation factor for indoor air to sub-slab soil gas concentrations.

- The RAP is not based on boundaries from the Site Delineation Report as directed in the Regional Board's Jan. 23, 2014 letter.
  - The Regional Board's January 23, 2013 letter required Shell to use the results in the Site Delineation Report and the results in the property-by-property investigations in developing the RAP. Shell used only the results of the property-by-property investigations in developing the RAP.

**YOU ARE HEREBY NOTIFIED** that you are in violation of Cleanup and Abatement Order No. R4-2011-0046 issued pursuant to the California Water Code (CWC) section 13304 on March 11, 2011 by the Regional Board Chief Deputy Executive Officer and amended by the Executive Officer in correspondence to Shell dated August 21, 2013 and January 23, 2014 by failing to submit a RAP based on SSCGs for TPH and soil vapor and on the findings in the Site Delineation Report by the required deadline of March 10, 2014.

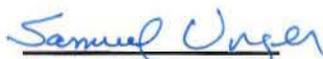
**You are required** to comply with the requirements of Cleanup and Abatement Order No. R4-2011-0046, as amended, by submitting a revised RAP by June 16, 2014 that is based on the approved SSCGs and consistent with the comments set forth in the Regional Board's letter of April 30, 2014.

Compliance with the action set forth in this Notice of Violation does not affect the Regional Board's authorization to take enforcement action against you for any of the violations noted herein.

Pursuant to CWC §13350 (e), you are subject to penalties of up to \$5,000 for each day in which the violation occurs or \$10 for each gallon of waste discharged, but not both. 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 matter may be referred to the Attorney General for further enforcement. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions, please contact Tekylwold Ayalew at (213) 576-6623 ([tawalew@waterboards.ca.gov](mailto:tawalew@waterboards.ca.gov)) or Thizar Williams at (213) 57803 or ([twilliams@waterboards.ca.gov](mailto:twilliams@waterboards.ca.gov)).

Sincerely,



Samuel Unger, P.E.  
Executive Officer

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Cc: Janice Hahn, Honorable Congresswoman, US House of Representatives,  
California's 44th District

Isadore Hall, III, Assembly member, 64th Assembly District  
Mark Ridley-Thomas, Supervisor, Second District County of Los Angeles  
Jim Dear, Mayor of Carson  
Michael Lauffer, Office of Chief Counsel, State Water Resources Control Board  
Frances McChesney, Office of Chief Counsel, State Water Resources Control  
Board  
James Carlisle, Office of Environmental Health Hazard Assessment  
Robert Romero, Department of Toxic Substances Control  
Alfonso Medina, Los Angeles County Department of Health  
Angelo Bellomo, Los Angeles County Department of Health  
Bill Jones, Los Angeles County Fire Department  
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Kim Clark, Los Angeles County Fire Department  
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Ky Truong, City of Carson  
Karen A. Lyons, Shell Oil Products US  
Alison Abbott Chassin, Shell Oil Products US  
Roy Patterson, URS Corporation  
Chris Osterberg, URS Corporation  
Michelle Vega, Edelman  
Robert Ettinger, Geosyntec  
Mark Grivetti, Geosyntec  
Thomas V. Girardi, Girardi and Keese Lawyers  
Robert W. Bowcock, Integrated Resource Management, LLC  
Deanne L. Miller, Morgan, Lewis & Bockius LLP  
Patrick Dennis, Gibson Dunn

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