



California Regional Water Quality Control Board Los Angeles Region



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Gray Davis
Governor

Los Angeles Regional Water Quality Control Board

Minutes of the May 23, 2000 Board Meeting
Richard H. Chambers, U.S. Court of Appeals Bldg.
125 S. Grand Avenue, Pasadena

INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 8:42 a.m.

Board Members Present

Susan Cloke, Jack Coe, Fran Diamond, Robert Miller, Timothy Shaheen, H. David Nahai

Board Members Absent

Robert Miller

Staff Present

Dennis Dickerson, Jorge Leon, Marleigh Wood, Dennis Dasker, Wendy Phillips, Arthur Heath, Ejigu Solomon, Dixon Oriola, Rick Vergets, Hugh Marley, Jack Price, David Hung, Yi Lu

Others Present

Terry Avchen, Christensen Miller
Dan Herlihi, San Gabriel Valley Water Company
Ted Carrera, City of Glendora
Richard Knowles, Cleanwater Management Grp.
Barry Goode, Mc Cutchen Doyle et al.

Peter Quinlan, Dudek & Associates
Kirby Brill, San Gabriel Basin Water
Quality Authority
Charles Shan, San Gabriel County
Water District

Walter Pease, City of Monterey Park
Systems
Lynn Walker, Zevnik Horton
Don Vanderkar, Aerojet

Reginald Stone, Suburban Water
Rudy Vingris, OSCO
Rita Kurth, City of Arcadia

Michael Nelson, Resolution Law Group
Urethanes
Sandra H. Waddell, McCutchen, Doyle

Roy Millender, Atty. Rubber

Pledge of Allegiance.

1. Roll Call.

California Environmental Protection Agency



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

A roll call was taken.

2. Order of Agenda.

The Executive Officer, Dennis Dickerson recommended the following changes to the Agenda.

- *Postpone Item 6 - Annual Board Performance Award*

3. Board Member ExParte Communication Disclosure.

There were no disclosures reported by the Board Members.

4. ENFORCEMENT ISSUES

Consideration of Petitions of Cleanup and Abatement Orders (CAOs) issued by the Executive Officer, to the following dischargers in the Azusa/Baldwin Park area of the San Gabriel Valley.

7.1: GenCorp Aerojet

Arthur Heath began the staff presentation covering the general background information regarding the San Gabriel Valley Superfund area. Mr. Heath indicated that staff recommends that the Board affirm all nine Cleanup and Abatement Orders for the Baldwin Park Operable Unit.

Marleigh Wood, Assistant Chief Counsel for the Regional Board, gave a brief overview of some of the legal concerns pertaining to the petitions to the State Water Resources Control Board.

In conclusion she indicated that all provisions of the Cleanup and Abatement Orders are within the region of the Boards authority.

John Katz gave the presentation to the Board on behalf of GenCorp Aerojet. He provided background information on the technical aspects of the Baldwin Park Operable Unit. He indicated that hundreds of businesses in the BPOU have contributed to ground water contamination problem there.

Boardmember Coe asked Mr. Katz who would be responsible for cleanup costs.

Mr. Katz responded to Mr. Coe.

Lynn Walker gave a presentation on the legal aspects of the BPOU, and legal authority issues. She indicated that she represented GenCorp Aerojet, Huff Corporation, both White & White Properties, Wynn Oil Company, Oil and Solvent Recycling, and Screwmatic, Inc.



Ms. Walker indicated that the cleanup orders exceed the authority of the Board under Section 13304.

Ms. Walker stated that she urges the Regional Board to participate in current negotiations with EPA for a consent decree with the PRPs.

Carol Williams, San Gabriel Valley Watermaster expressed her support of staff recommendations, and asked the Board to uphold the CAOs due to the delay of cleanup and spread of contamination lasting for so long.

Dan Arrighi, San Gabriel Valley Water Company, asked the Board to affirm and aggressively enforce the Cleanup and Abatement Orders.

Wayne Praskins, EPA, gave testimony to the Board background history on the Baldwin Park Operable Unit (BPOU). He expressed EPA's intent to address soil and cleanup issues in the BPOU. Mr. Praskins also responded to questions from the Board on other issues pertaining to the BPOU.

Ejigu Solomon gave staff presentation updating the Board on the compliance history, and soil and groundwater monitoring history.

Don Vanderkar, Aerojet gave testimony to the Board. He stated that the issuance of the CAOs to Aerojet were both unnecessary and unwarranted because of the responsive and responsible history of Aerojet with Regional Board, EPA, and as a Corporation. He summarized a brief site history of the site to the Board.

Ms. Lyon asked if other responsible parties have been investigated

Mr. Heath's replied "yes, we have".

Mr. Nahai stated that the Board action for this matter is long overdue, and the jurisdictional challenges in this matter have no merit.

Others who gave testimony on this matter:

*Alfred Smith, Counsel for Main San Gabriel Basin Watermaster
Edward Bertrand, Mc Cormick, Kidman, & Behrens
Paul Carver, Suburban Water Systems
Cindy Birch, Co-counsel to Aerojet*

After much discussion of the Board, a motion was made to affirm the CAOs with revisions as follows:

- *Page 7 of the Cleanup and Abatement Order, Section 3 after the word "unless determined," we add "unless determined by the Executive Officer"*



- Section 4 , delete everything before the words "The Regional Board", insert the phrase "The Regional Board reserves the right to require"
- Page 10, at the end of this sentence it should read "Hearing in October 2000 after which the Board may direct such actions it deems appropriate".

MOTION: By Mr. Nahai, seconded by Ms. Cloke, and approved on a voice vote.

7.2: Wynn Oil Company

Ejigu Solomon gave the staff presentation. He gave a brief summary of the historical background of the site. He stated that Wynn Oil is one of the highest contaminated sites in a particular area. Staff recommends that the Board affirm the CAO to Wynn Oil Company.

Barry Goode gave testimony representing Wynn Oil Company. He stated that Wynn Oil has been compliant, and cooperative with the Board, and that Wynn Oil is not challenging CAO in it's entirety, but rather to call attention to the amendments they wish to have to the CAO.

Ms. Cloke asked questions of Board staff regarding cost recovery.

Mr. Dickerson replied to questions asked of Ms. Cloke.

Mr. Coe asked staff to clarify whether the nine sites chosen had the most severe contamination cases.

Mr. Heath clarified the process by which these nine sites were chosen as responsible parties.

After much discussion, there was a motion to affirm the CAOs with the following changes:

- Page 6 of the order in paragraph 2, delete the words "and emerging chemicals," and the same changes be made to paragraph 3.
- Attachment C the end of the sentence should read "Hearing in October 2000 after which the Board may direct such actions it deems appropriate".
- Section 2 on page 6, after the word "determined" in the third line; insert "by the Executive Officer."

MOTION: By Chairman Nahai, seconded by Ms. Diamond, and approved on a voice vote.

The Board recessed for lunch at 12:10. The meeting reconvened at 1:03.

7.3: White & White Properties (145 South Irwindale Avenue)

7.4: White & White Properties (204 South Motor Avenue)



Ejigu Solomon gave the staff presentation, consolidating the two sites in his presentation. He summarized their operational function, as well as the compliance problems. Mr. Solomon stated that to date, White & White has failed to sign the Cost Recovery Agreement, and failed to comply in other major requirements of the Cleanup and Abatement Order. Mr. Solomon informed the Board that that staff has agreed to make some corrections to the Order of one of the White & White Property sites, and read the changes to the Board.

Michael Nelson, Resolution Law Group gave testimony to the Board, representing White & White Properties. He clarified that these properties are settlements of trust. He clarified the purpose of the Trust, and how it is setup according to the settlement agreement.

The Board directed questions of staff.

Mr. Solomon responded to questions of the Board.

Jorge Leon, staff counsel clarified some legal issues to the Board.

After much discussion, there was a motion to affirm the CAO with the following changes:

- *Page 7, after the word "unless determined," we add "unless determined by the Executive Officer"*
- *Section 4, delete everything before the words "The Regional Board", insert the phrase "The Regional Board reserves the right to require"*
- *The assessment requirements with respect to NDMA, dioxane and perchlorate are kept in abeyance for a period of two months.*

MOTION: By Chairman Nahai, seconded by Ms. Cloke, and approved on a voice vote.

7.5: Huff Corporation

Ejigu Solomon gave the staff presentation. He summarized the chemical use history of Huff Corporation, and clarified the soil contamination findings to the Board. Mr. Solomon stated that Huff Corporation has been compliant with the CAO, but that the soil contaminants are a continuing threat to groundwater, and need to be cleaned up, and monitored. Staff recommends that the Board affirm the CAO.

Ms. Cloke asked questions of staff regarding responsible parties.

Mr. Solomon responded to Ms. Cloke's questions.

Ms. Diamond asked questions of staff.

Mr. Solomon responded to questions of Ms. Diamond.



Terry Avchen gave testimony to the Board on behalf of Huffy Corporation. Mr. Avchen indicated that Huffy Corporation has always cooperated with the Board, and is not a responsible party for soil contamination nor has used the chemicals in the evidence before the Board.

After discussion by the Board, a motion was made to affirm the CAO with the following changes:

- *Page 11, paragraph 4 Cost Recovery by January 21, 2000*
- *Huffy shall submit all required work plans and reports within the time schedule listed in Attachment C*
- *Huffy shall monitor ground water for VOCs and emerging chemicals*

MOTION: By Chairman Nahai, seconded by Ms. Lyon, and approved on a voice vote.

7.6: Oil and Solvent Process Company (OSCO)

Ejigu Solomon gave the staff presentation. He gave background history of OSCO to the Board. Mr. Solomon informed the Board of the groundwater contamination at the site, and that a CAO had previously been issued to this site 20 years ago, for cleanup of TCE and contaminated soil. Staff recommendation is that the Board affirm the CAO.

Lynn Walker gave testimony to the Board on behalf of Oil and Solvent Process Company. Ms. Walker gave historical background of OSCO to the Board. She stated that OSCO does not believe that the CAO is appropriate with regards to groundwater monitoring obligation or soil assessment.

Chairman Nahai questioned Ms. Walker.

Ms. Walker responded to Chairman Nahai's questions.

Ms. Diamond questioned Ms. Walker.

Ms. Walker responded to questions of Ms. Diamond.

Mr. Heath, of Regional Board Staff addressed the Board on the issue of perchlorate on the property.

After discussion by the Board, a motion was made to adopt the CAO with the same changes made to the Aerojet Order.

MOTION: By Chairman Nahai, seconded by Ms. Lyon, and approved on a voice vote.

Ms. Cloke abstained from voting on this matter.

7.7: Rubber/Urethanes, Inc.



Arthur Heath, Chief of Remediation gave the staff presentation. He informed the Board that Rubber Urethanes to date, has not complied with the CAO. Mr. Heath explained to the Board the testing methods used for finding the sources of soil and groundwater contamination. Staff recommendation is that the Board affirms the CAO.

Roy Millender gave testimony to the Board on behalf of Rubber/Urethanes. He gave some information on the history of site, and informed the Board that the site is closed. Mr. Millender asked the Board to consider that there is an issue of financial hardship in this matter

Ms. Diamond asked Mr. Millender to clarify his statement regarding the financial hardship of Rubber/Urethanes.

Mr. Millender responded to Ms. Diamond, clarifying the assets, and subsidiaries of Rubber/Urethanes.

Wendy Phillips, Regional Board staff, also gave informed the Board that the company's audit records do indicate that there are no profits, but does not mean that they cannot fund the cleanup activities that staff is requesting.

After discussion by the Board, a motion was made to adopt the CAO with the following changes:

- *The same changes were made as in the previous orders, and additional changes below...*
- *On page 7, delete the works "will", on the first sentence*
- *In the line, delete the words "enter into a cost recovery agreement with the Regional Board to"*
- *After the word "reimburse" the words "the Regional Board" would be inserted*

MOTION: By Chairman Nahai, seconded by Ms. Diamond, and approved on a voice vote.

7.8: Screwmatic, Inc.

Arthur Heath, Regional Board staff, gave the staff presentation. He indicated that Screwmatic is in compliance with the CAO, and will be submitting a remediation plan for the soil. Staff recommendation is that the Board affirms the CAO.

Chairman Nahai, and Mr. Coe questioned staff.

Mr. Heath, and Mr. Solomon responded to questions of the Board



Robert Hines, Farella, Bran & Martel Law firm, gave testimony on behalf of Screwmatic, Inc. He asked the Board for an extension of June 15th in order to continue to work with the consultant and come up with a feasible plan to move forward with soil remediation. He indicated that Screwmatic approves of the CAO.

There was discussion from the Board members, Mr. Hines, and staff.

Mr. Heath and Mr. Solomon responded to questions by the Board.

Mr. Dickerson indicated that the Board was being eminently reasonable and fair, by not immediately requiring the groundwater well, considering the economic condition of Screwmatic.

After much discussion, a motion was made to adopt the the CAO with the same revisions that have been made in the other CAO matters, namely the change in the repairment of drinking water well section, and with the amendment suggested by the Executive Officer which would be to require soil sampling as the executive officer determines to be necessary to determine the existence or non-detection of NDMA, dioxane and perchlorate in the soil underlying the facility.

MOTION: By Chairman Nahai, seconded by Ms. Diamond, an approved on a voice vote.

7.9: Phaostron

Dennis Dickerson informed the Board that the attorney for Phaostron requests that this matter be postponed until the June 29, 2000 Board meeting.

8. *Adjournment of current meeting.*

Minutes adopted at the _____ Regular Board Meeting submitted/amended.

Written and submitted by: _____.

