



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

June 15, 2016

VIA CERTIFIED MAIL

NO. 7005-1820-0000-6841-9544

Restructure Petroleum Marketing
Services of California, Inc.

Attn: Jeannie Newman
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VIA CERTIFIED MAIL

NO. 7005-1820-0000-6841-9551

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ssherlock@swlaw.com
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VIA CERTIFIED MAIL

NO. 7005-1820-0000-6841-9568

United El Segundo, Inc.
Rapid Gas, Inc.
CF United PropCo LLC
c/o Mark B. Gilmartin, Esq.
1534 17th Street, Suite 103
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mark@mbgilmartinlaw.com

VIA CERTIFIED MAIL

NO. 7005-1820-0000-6841-9575

J and R Wong Family Limited
Partnership – II LP
c/o Danielle Sakai
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VIA CERTIFIED MAIL

NO. 7005-1820-0000-6841-9582

My Montecito Inc., SH
Attn: Mahmood Yoonessi
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CLEANUP AND ABATEMENT ORDER NO. R8-2016-0048 REGARDING THE PROPERTIES LOCATED AT 6020 ARLINGTON AVENUE AND 6050 ARLINGTON AVENUE (REFERENCED CURRENTLY BY 6160 ARLINGTON AVENUE), RIVERSIDE, CALIFORNIA, AND SURROUNDING PROPERTIES IMPACTED BY DISCHARGES OF PETROLEUM PRODUCTS FROM THESE SITES (GLOBAL ID# 0606500004/0606535975); RB CASE NO. 083300039T/083304005T)

Ladies and Gentlemen,

We are enclosing a copy of Cleanup and Abatement Order (CAO) No. R8-2016-0048, issued pursuant to California Water Code Section 13304. The CAO requires investigation and cleanup of contaminants that have impacted, are impacting or threaten to impact the beneficial uses of groundwater in the Arlington Groundwater

WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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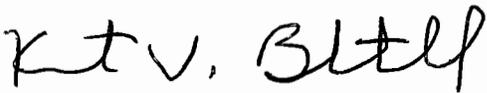
♻️ RECYCLED PAPER

Management Zone, as a result of discharges of petroleum products from the above-referenced sites located in Riverside, California.

This CAO was adopted by the Santa Ana Regional Water Quality Control Board (Regional Board) during the Regional Board's June 10, 2016 meeting.

If you have any questions, please contact me at (951) 782-3286, or by email correspondence at kurt.berchtold@waterboards.ca.gov.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

Enclosures: CAO No. R8-2016-0048

cc w/enclosure:

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CLEANUP AND ABATEMENT ORDER NO. R8-2016-0048

Directing

Restructure Petroleum Marketing Services of California, Inc.;

United El Segundo, Inc.;

Rapid Gas, Inc.;

My Montecito Inc., SH;

and

CF United PropCo LLC

(Collectively referred to as the Dischargers)

To Cleanup and Abate the Effects of Pollution and Nuisance
at

The parcels located at 6020 Arlington Avenue and 6160 Arlington Avenue (which includes a parcel formerly identified as 6050 Arlington Avenue); and surrounding impacted parcels in the City of Riverside, California, affected by commingled contamination emanating therefrom (the Site).

This Order is being issued pursuant to authority granted under the Porter-Cologne Water Quality Control Act (Water Code) sections 13304 and 13267.

The California Regional Water Quality Control Board, Santa Ana Region (Regional Board), finds the following:

PROPERTY OWNERSHIP AND SITE OPERATIONS

1. 6020 Arlington Avenue Property:

- a. A gasoline service station facility owned by United El Segundo, Inc. (United) at the 6020 Arlington Avenue address, referenced by assessor parcel number (APN) 227-022-042, in Riverside, California from at least 1997 until 2014. Rapid Gas, Inc. (Rapid Gas) operated the service station facility at the above-referenced address dating back to at least 1992.
- b. United was also the owner and Rapid Gas was the operator of the UST system, including four USTs (1-20,000 gallon; 1-10,000 gallon; 2-5,000 gallon capacity) and associated product delivery components, which were identified as a source of

hydrocarbon contamination. The leaky tank system was removed in 2002 and replaced and/or upgraded in conjunction with improvements and ongoing retail fueling operations.

- c. United sold the property and all improvements, including the underground storage tank (UST) system and product delivery components, to CF United PropCo LLC (CF PropCo) in July 2014. CF PropCo is the current landowner and fee titleholder, as well as the registered tank operator associated with retail fueling activities currently being conducted at the 6020 Arlington Avenue property.

2. 6050 Arlington Avenue Property:

- a. County records indicate that the 6050 Arlington Avenue property, referenced currently by a 6160 Arlington Avenue street address, was formerly occupied by a retail gasoline service station that was owned and operated by E-Z Serve of California, Inc. (E-Z Serve) until around 1986. Records further indicate that the service station (APN 191-190-005) and adjacent parcels (APN 191-190-002 and 191-190-003) located in Riverside, California, were subsequently redeveloped into a commercial shopping center, which still occupies the former footprint of the E-Z Serve facility and adjacent parcels along Arlington Avenue, immediately west of Adams Avenue.
- b. E-Z Serve ceased retail-fueling operations at its service stations throughout California in approximately 1985 or 1986. On April 22, 1997, Restructure, Inc. purchased all shares of capital stock in E-Z Serve Petroleum Marketing Company, inclusive of the company itself and all subsidiaries. As a result of this transaction, E-Z Serve Petroleum Marketing of California, Inc. became the wholly-owned subsidiary of Restructure, Inc. Restructure, Inc. subsequently renamed E-Z Serve Petroleum Marketing Company of California, Inc. to Restructure Petroleum Marketing Services of California, Inc. (RPMS). According to RPMS representatives, RPMS has no assets or net worth, other than the bank account it maintains for purposes of collecting (and dispersing) reimbursement monies paid to the claimant by the State's Underground Storage Tank Cleanup Fund (USTCF) for corrective action activities conducted at contaminated properties formerly operated by E-Z Serve throughout California.
- c. In 2001, the J and R Wong Family Limited Partnership – II, LP (J and R Wong) purchased the commercial shopping center property, inclusive of the former E-Z Serve parcel and other adjacent parcels collectively identified by a 6160 Arlington Avenue address. A Phase I Site Assessment performed in conjunction with due diligence prior to the property transfer failed to identify the property's former operational history as a gas station. However, several other properties in the vicinity with recognized contaminant plumes were identified as representing a potential source of pollution or contamination that could impact the property. The closest of these sites to be identified was the operating United and/or Rapid Gas service station situated immediately across the street to the east, at 6020 Arlington Avenue. Since the property itself was not identified as a current or historic source of contamination, the report concluded that the presence of contamination beneath the property could be attributed to contaminant transport from these other documented releases via groundwater flow/migration. Only through subsequent investigations completed by United and/or Rapid Gas was the legacy of the 6050 Arlington Avenue property's operational history revealed/discovered.

- d. J and R Wong sold the 6160 Arlington Avenue shopping center property, inclusive of the parcel once occupied by the E-Z Serve station, to a limited liability corporation identified as 6160 Arlington Ave., LLC, on November 17, 2011. The property was purchased by 6160 Arlington Ave., LLC with knowledge and understanding of its impaired condition, as well as the ongoing investigations and testing being conducted in conjunction with efforts to mitigate the former E-Z Serve release. 6160 Arlington Ave., LLC retained ownership of the shopping center property until April 2013.
- e. On April 29, 2013, 6160 Arlington Ave., LLC sold the shopping center property, inclusive of the former E-Z Serve station footprint, via internet auction. According to 6160 Arlington Ave, LLC, the property was offered in "as-is" condition and proper disclosure of the property's impaired environmental condition was conveyed to prospective purchasers. The property was purchased by My Montecito Inc., SH (My Montecito) and My Montecito currently holds the title for the property.

IDENTIFICATION OF DISCHARGERS

3. For purposes of this Order, and pursuant to Water Code section 13304, RPMS; United; Rapid Gas; My Montecito Inc., SH and CF PropCo, have been identified as the Dischargers.
 - a. Water Code section 13304, subd. (a), provides, in part, that:

"A person who has discharged or discharges waste into the waters of the state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state 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, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts."
 - b. United, Rapid Gas and RPMS are being named as Responsible Parties because, as provided by additional findings herein, they or their predecessors owned and operated leaky UST systems that have been identified as the source of the hydrocarbon pollutants beneath the 6020 and 6160 Arlington Avenue properties, as well as the surrounding and downgradient Site vicinity.
 - c. My Montecito Inc., SH, is named a Discharger because as the current land-owner, it possesses legal control of the 6160 Arlington Ave, which now encompasses the 6050 Arlington Avenue parcel formerly occupied by the E-Z Serve station. Pollutants remain on the property, which constitute a continuing and/or threatened discharge of waste; thus, subjecting My Montecito to liability under Water Code section 13304. Furthermore, My Montecito's unwillingness to cooperate by providing reasonable access since acquiring the property more than two years ago has not only prevented the other parties from conducting further subsurface assessment, environmental testing and groundwater plume monitoring, but has delayed implementation of the corrective action activities needed to remediate source areas beneath the former E-Z Serve property.

- d. CF PropCo is being named a Discharger because the corporation has owned the 6020 Arlington Avenue property for more than a brief period of time, during which on-site business activities associated with ongoing retail fueling activities may or may not have contributed to, or exacerbated contamination associated with United and/or Rapid Gas' former fueling operations. Even if conditions have not been exacerbated, CF PropCo is the current fee title holder with legal control of the 6020 Arlington Avenue parcel, and is thus subject to liability under Water Code section 13304 for the continuing and/or threatened discharge of pollutants. J and R Wong and 6160 Arlington Ave., LLC, are not being named as Dischargers because they are not current owners of any of the subject properties, they cooperated with investigation and cleanup work conducted by others during their period of ownership, and there is currently no evidence to suggest that any of the petroleum hydrocarbons or volatile organic compound (VOC) pollutants present beneath, adjacent or in the downgradient Site vicinity are the result of releases or discharges stemming from business activities conducted on the shopping center property during the time when it was controlled by J and R Wong or 6160 Arlington Ave., LLC entities.
- e. As provided herein, based on Site investigations and test results included in the Regional Board's case files, the Regional Board has determined that the subsurface contamination identified at the Site originated from historical leaks of petroleum hydrocarbon-related chemicals that occurred as a result of operations formerly conducted at both the United and/or Rapid Gas and E-Z Serve gasoline stations described herein.
- f. This Cleanup and Abatement Order is being issued to **all** of the Dischargers to make them jointly and severally liable for the investigation and cleanup activities associated with the commingled releases stemming from the Site.
- g. United, Rapid Gas, and CF PropCo argue against joint and several liability and contend that responsibility for remediating the Site should be apportioned between the parties in relation to the discharges from each parcel. As explained below, the discharges from each property are sufficiently commingled to justify imposing joint and several liability for investigating and remediating the Site. Further, a comprehensive remedial response is necessary to mitigate the full extent of the contamination and provides the best path for completing remediation of the Site.

SITE BACKGROUND

4. Unauthorized Discharge of Waste - 6020 Arlington Avenue, Riverside, CA:

- a. In 1992, one 550-gallon steel waste oil UST was removed from the United and/or Rapid Gas facility and was not replaced. A total of three soil samples were collected from the tank pit to characterize subsurface conditions. The samples contained total recoverable petroleum hydrocarbons (TRPH) at concentrations ranging from 23 milligrams per kilograms (mg/kg) to 950 mg/kg, but benzene, toluene, ethyl benzene and xylenes (BTEX) and halogenated organics were not reported above detection levels.
- b. Preliminary subsurface investigations were completed to characterize the extent of

hydrocarbons beneath the facility in October 1998. Soil borings and groundwater monitoring wells completed in all three corners of the property exhibited hydrocarbon impacts. The most significant soil impacts were encountered in MW-1, installed northwest of operating USTs, where TPH-G and BTEX were detected at 10,300 mg/kg, and 42 mg/kg, 269 mg/kg, 155 mg/kg and 1,050 mg/kg, respectively. MtBE was also reported as high as 9.5 mg/kg at this location. Groundwater samples from the three monitoring wells were heavily-impacted with TPH-G concentrations ranging from 73,800 micrograms per liter [$\mu\text{g/L}$] to 103,000 $\mu\text{g/L}$ and BTEX as high as 22,500 $\mu\text{g/L}$, 26,700 $\mu\text{g/L}$, 2,330 $\mu\text{g/L}$ and 14,300 $\mu\text{g/L}$, respectively, but also contained moderate concentrations of MtBE, (613 $\mu\text{g/L}$) and other petroleum-related compounds. Based on the data generated from these perimeter points, the hydrocarbon impacts were widespread and extended beyond property boundaries.

- c. Between December 1999 and July 2000, additional phases of assessment were completed to characterize the extent of groundwater impacts north, west, east and southeast of the 6020 Arlington Avenue service station property. Elevated TPH-G and BTEX, and to a lesser degree MtBE and tertiary butyl alcohol (TBA), were observed in groundwater samples collected from wells east of the service station (MW-6/8), as high as 19,300 $\mu\text{g/L}$, 4,620 $\mu\text{g/L}$, 146 $\mu\text{g/L}$ and 189 $\mu\text{g/L}$, respectively. Significant groundwater impacts were also observed in MW-7, installed on the shopping center west of the United and/or Rapid Gas station, where TPH-G and BTEX were reported at 33,000 $\mu\text{g/L}$, 1,850 $\mu\text{g/L}$, 7,630 $\mu\text{g/L}$ and 1,430 $\mu\text{g/L}$ and 6,600 $\mu\text{g/L}$, respectively. Based on these results, additional characterization was needed to delineate dissolved-phase hydrocarbon contamination extending to the west, east and southeast. The presence of hydrocarbon impacts in shallow vadose zone soil collected from MW-7 at 5 feet and 10 feet bgs (above the water table), in tandem with the elevated dissolved-phase impacts observed in the corresponding well, also provided evidence to suggest a potential source originating from the shopping center property that would later be attributed to the E-Z Serve station that operated there more than a decade earlier.
- d. Additional soil testing was conducted in November and December 2002, when the USTs and product delivery piping were removed and replaced in conjunction with station upgrades. Soil samples from the northern UST excavation, as well as those collected beneath both dispensers, revealed elevated concentrations of gasoline-related hydrocarbons and fuel oxygenates, including total petroleum hydrocarbons as gasoline (TPH-G), BTEX, methyl tert butyl ether (MtBE) and lead, while samples collected in the southern tank cavity contained only low or non-detect TPH-G and BTEX, but exhibited elevated levels of MtBE. The widespread distribution of hydrocarbon impacts, and presence of significant lead and MtBE impacts observed in soil, suggested an operational history that likely included at least two separate unauthorized releases. Impacted soil was removed to the degree practical, but contaminant concentrations were observed to be increasing with depth and inaccessible due to site constraints imposed by the adjacent sidewalks, streets and right-of-ways. Approximately 1,100 tons of hydrocarbon-impacted soil were removed and transported off-site for disposal.
- e. From December 2001 through September 2006, fourteen additional groundwater wells were completed to further characterize the distribution of petroleum hydrocarbon north and east of the 6020 Arlington Avenue property and in the

residential areas located to the southeast along San Vicente and Brunswick Avenue, as well as northwest and southwest of the property in Arlington Avenue and Adams Street, respectively. Peripheral monitoring points MW-11, MW-12, MW-13 and MW-18, situated 550 feet east, 600 feet southeast, 175 feet northwest, and 425 feet southeast of the service station, respectively, were non-detect for petroleum hydrocarbon constituents. However, groundwater samples collected from MW-14, located 175 feet west of the facility, were heavily-impacted with TPH-G and BTEX concentrations reported at 120,000 µg/L and 1,900 µg/L, 38,000 µg/L, 3,300 µg/L, and 17,600 µg/L, respectively. Wells MW-15 and MW-16, installed 125 feet and 255 feet south of the service station, also exhibited elevated TPH-G and BTEX as high as 160,000 µg/L and 33,000 µg/L, 5,700 µg/L, 3,400 µg/L and 16,600 µg/L, respectively. Well MW-17, installed south of the United and/or Rapid Gas facility in the residential neighborhood along San Vicente Avenue, exhibited TPH-G and BTEX impacts, but also contained MtBE (1,400 µg/L). Based on these findings, dissolved-phase hydrocarbons and fuel oxygenates had migrated a significant distance downgradient of the 6020 Arlington Avenue service station property, extending beneath the adjacent Lube & Tune facility and residential properties situated along San Vicente. Groundwater impacts were not defined south, southeast and west of the United and/or Rapid Gas facility.

- f. Subsequent sampling of monitoring wells MW-14 through MW-16 indicated that the chemical properties and make-up of hydrocarbon constituents in groundwater were generally characterized by very high BTEX concentrations and much lower or non-detect levels of fuel oxygenates, such as MtBE and tertiary butyl alcohol (TBA). Accompanied by a predominantly south or southeasterly groundwater flow and gradient, the data provided further evidence of a contributing source stemming from the shopping center property located west of the service station. Hydrocarbon impacts reported in upgradient well MW-5 also pointed to a third potential source originating from the former Shell station that once operated north of Arlington Avenue. However, test data collected since that time generally revealed limited residual hydrocarbon impacts to soil and groundwater beneath the former Shell station, which suggested that the former Shell operations were not a significant contributor to the widespread contamination in the surrounding area.¹
- g. In July 2009, liquid-phase hydrocarbons (LPH) or gasoline free product was observed for the first time in wells MW-15 through MW-17, situated south of the service station in Adams Avenue, at thicknesses ranging from 0.30 feet to 0.70 feet. Subsequent groundwater monitoring indicated that the presence of widespread LPH appeared to be attributed to an overall decline in groundwater elevations (nearly 10 feet to date), which was allowing product trapped in subsurface strata below the water table to drain from soil pore space and collect in monitoring wells. As a result of these water level changes, free product was reported in an increasingly larger number of the on-site and off-site wells installed during earlier phases of site characterization.
- h. In February 2010, forensic analysis was completed on free product samples collected from monitoring wells MW-2, MW-7 and MW-16, located on both service station

¹ Based on information currently available, the release(s) from the former Shell station have not commingled with the plume subject to this Cleanup and Abatement Order.

properties, and along Adams Avenue, respectively, to determine whether there was any distinguishable difference in the free product being observed east and west of Adams Avenue, and thereby differentiate what originated from each of the two adjacent sites. The forensic study confirmed that the gasoline free product was attributed to at least two distinct releases. While all three of the product samples were characterized as weathered/degraded gasoline with lead additives, the product collected from MW-2 could be distinguished from the LPH observed in MW-7 based on the relative amount and combination of alkyl lead compounds and other key markers in the chemical make-up of gasoline-range organics and the product sample collected from MW-16 appeared to most closely resemble the composition and formulation exhibited by free product from MW-7. As a result, free product observed in MW-7 and MW-16 appeared to be primarily attributed to the former E-Z Serve station located west of Adams Avenue. Based on these findings, Regional Board staff instructed United to initiate free product recovery from on-site and off-site wells east of Adams Avenue, including MW-2, MW-6, MW-17, MW-19 and MW-20.

- i. From June 2005 through September 2011, soil vapor extraction was conducted to remediate source area soils beneath the 6020 Arlington Avenue service station property and downgradient Lube & Tune facility located at 6000 Arlington Avenue. Between April 2006 and December 2009, air-sparging was also performed to volatilize dissolved-phase hydrocarbons into the vapor phase, where they could be recovered and destroyed by the operating vapor extraction system. Air-sparging was later terminated in December 2009, when the presence of LPH or gasoline free product raised a safety concern about conducting the activities in close proximity to residences. Soil vapor extraction continued through September 2011, in order to provide ongoing source removal and vapor abatement proximate to the residences, but these efforts were also terminated when they were determined to be under-scaled in comparison to the magnitude and widespread distribution of hydrocarbon contamination exposed by the receding water table. Approximately 44,135 pounds of hydrocarbons were reportedly removed as a result of this corrective action effort.
- j. The majority of site assessment and remediation activities described above were funded with reimbursement monies provided by the State's Underground Storage Tank Cleanup Fund (USTCF) under Claim No. 13675, up to the total eligible limit of \$1.5 million dollars allowed by law. Subsequent phases of site investigation and interim corrective action conducted jointly by Rapid Gas and RPMS, between 2011 and April 2015 (discussed later in this Order), were also funded with state reimbursement monies, to the sum of an additional \$1.5 million dollars (\$3 million total), under the USTCF Commingled Plume Account.

5. Unauthorized Discharge of Waste - 6160 Arlington Avenue:

- a. As indicated, E-Z Serve's fueling operations and release history were revealed when MW-7 was installed on the shopping center property located across Adams Avenue, to characterize groundwater impacts west of 6020 Arlington Avenue service station. Soil data collected during the investigation revealed elevated TPH-G and BTEX in the vadose zone above the water table and very high dissolved-phase hydrocarbon impacts to underlying groundwater, which suggested the presence of a source stemming from the property itself rather than being the result of contaminant transport via groundwater from the gas station facility across the street.

June 10, 2016

- b. According to records obtained from County fire and health departments, the eastern-most portion of the present-day shopping center was formerly occupied by a service station that operated at the historic street address of 6050 Arlington Avenue. The registered owner of the USTs was E-Z Serve of California, Inc. The USTs were removed in October 1986 and soil samples collected from the fuel tank excavation showed moderate TPH-G and BTEX impacts. Based on the prevailing cleanup standards at the time, no further assessment or corrective action was requested by oversight personnel and the property was redeveloped into the commercial shopping center and it continues to operate as a shopping center.
- c. On March 25, 2004, Regional Board staff sent correspondence to RPMS to inform it of the soil and groundwater data generated by United and/or Rapid Gas's off-site investigation on the shopping center property. RPMS was identified as the Responsible Party for the hydrocarbon contamination beneath the parcel and was instructed to initiate corrective action pursuant to California Code of Regulations, Title 23. Staff correspondence requested that a site assessment work plan and time schedule for completion of the requested activities be submitted no later than April 30, 2004. Regional Board staff received no response from RPMS representatives.
- d. Additional Regional Board letters were sent to RPMS on July 28, 2004 and August 3, 2005, to reiterate previous requests that RPMS initiate corrective action in accordance with California Code of Regulations, Title 23, and complete the subsurface assessment necessary to investigate petroleum hydrocarbon contamination beneath the shopping center property. Again, Regional Board staff received no response from RPMS representatives.
- e. On January 12, 2006, Regional Board staff telephoned RPMS representatives and left a detailed message regarding the previous requests issued by staff. Board staff requested that RPMS contact Regional Board staff to discuss these outstanding regulatory requirements and compliance deadlines. On January 13, 2006, the President of RPMS, Mr. Jack Ceccarelli, contacted Board staff to discuss site matters. While aware of staff's requests, he stated that the 6050 Arlington Avenue property was not included in the portfolio of California service station properties for which his corporation accepted environmental liability and responsibility. Furthermore, he claimed that RPMS had no assets or financial resources to allocate to corrective action efforts at the property. As a result, RPMS would rely upon state funding to cover the cleanup costs and would need to confirm claim eligibility under the State's USTCF before proceeding with any of the requested testing.
- f. On February 28, 2006 and March 23, 2006, Regional Board staff telephoned Mr. Ceccarelli, and left additional messages indicating that RPMS was being asked to proceed with the necessary subsurface investigations without further delay. Staff insisted that the assessment work be completed concurrent with RPMS's pursuit of a USTCF claim, as eligibility was not guaranteed and the testing would be necessary regardless. Additionally, since RPMS's failure to comply with staff requests constituted non-compliance, its failure to act could ultimately jeopardize its eligibility determination. Regional Board staff requested that RPMS representatives contact Regional Board staff to discuss the matter further, but received no response from RPMS.

- g. On March 28, 2006, Regional Board staff issued a notice of violation to RPMS for its failure to submit a work plan as requested by Regional Board correspondence dated March 2004, July 2004 and August 2005, and established a revised compliance deadline of April 28, 2006, for submission of the required site investigation work plan. The correspondence also reiterated previous communications that RPMS's failure to comply with Regional Board requests could jeopardize USTCF eligibility.
- h. On January 2, 2009, Regional Board staff received a work plan for the subsurface investigation that had originally been requested nearly five years earlier. The scope was conditionally approved on February 18, 2009, which established a compliance deadline for submission of the investigation results by no later than the end of the 2nd Quarter 2009. Subsequent extensions granted by Regional Board staff in order to provide additional time needed to secure access agreements, obtain permits, and compile the test data, resulted in a revised compliance deadline of August 31, 2009.
- i. Preliminary site investigations were initiated to investigate leaks and/or spills associated with the former E-Z Serve station in July 2009. Between February 2010 and January 2011, additional phases of assessments were completed to further characterize hydrocarbon impacts in source areas corresponding to E-Z Serve's tank system (e.g. USTs and dispenser islands) and delineate the extent of groundwater impacts downgradient of the property.

Soil and groundwater results from source area monitoring wells EZ-1 through EZ-3 revealed widespread contamination beneath the property. Elevated TPH-G and BTEX concentrations were reported in soil samples collected at all three locations, at concentrations as high as 5,640 mg/kg, and 27 mg/kg, 251 mg/kg, 107 mg/kg and 734 mg/kg, respectively. Groundwater data from EZ-1 and EZ-2, installed proximate to the former tank cavity and northern dispenser island respectively, also revealed very high-dissolved-phase TPH-G and BTEX, at maximum concentrations of 190,000 µg/L and 32,000 µg/L, 31,500 µg/L, 3,360 µg/L and 17,000 µg/L, respectively. Groundwater was not collected from EZ-3, due the presence of free product, which was measured at a thickness of approximately 2 feet.

Water quality data from wells installed in the surrounding area indicated that the groundwater impacts extended beneath the public right-of-ways located south and southeast of the former E-Z Serve property. Gasoline free product was encountered in well EZ-4, located south of the property in Colorado Avenue. While LPH/free product was not initially observed in EZ-5 or EZ-6, situated southeast of the E-Z Serve station, groundwater samples collected from these wells were heavily-impacted with TPH-G and BTEX, at concentrations as high as of 145,000 µg/L, and 18,600 µg/L, 18,100 µg/L, 5,310 µg/L and 30,000 µg/L, respectively. TBA was also detected in EZ-5 at 1,090 µg/L. Since the TBA reported in EZ-5 was most likely attributed to more modern-day fueling operations, the data suggested that groundwater impacts stemming from the E-Z Serve release had migrated off-site and commingled with contamination emanating from the United and/or Rapid Gas station. Groundwater data collected from downgradient wells EZ-7, EZ-8 and EZ-9 also indicated that hydrocarbon-impacted groundwater had migrated beneath an elementary school property and private residences located south of Colorado Avenue, and extended more than 600 feet south and southeast along Adams Avenue.

- j. As discussed, shortly after the investigations above commenced, free product began to be reported in an increasingly larger number of the groundwater wells along Adams and Colorado Avenue. Based on quarterly monitoring data and preliminary forensic analysis of product samples collected from both service station properties, and the adjoining street, Regional Board staff instructed RPMS to initiate interim free product recovery from wells situated along the west side of Adams Avenue and source area wells on the 6160 Arlington Avenue shopping center property (former E-Z Serve station footprint).
- k. Site characterization conducted to investigate the E-Z Serve release and described above, was funded, largely if not entirely, with state reimbursement monies awarded by the USTCF's Commingled Plume Account claim CP0050.

6. Commingled Plume Determination (6020/6160 Arlington Avenue):

- a. In June 2011, the contaminant plumes stemming from the 6020 and 6160 Arlington Avenue parcels were determined eligible for reimbursement of cleanup costs under the State USTCF's Commingled Plume Account. This allowed for an additional \$1.5 million dollars, above and beyond the State funds already paid for United and/or Rapid Gas's cleanup efforts, to be allocated jointly for the cooperative cleanup of both releases. Site investigation and corrective action conducted jointly through 2014 were thus funded with State monies, up to the total allowable sum of \$3 million dollars (combined).
- b. Between September 2011 and January 2014, additional investigations were conducted to characterize hydrocarbon impacts proximate to E-Z Serve source areas and delineate the downgradient extent of dissolved-phase and LPH contamination along Adams Avenue and east of Adams Avenue adjacent to residences fronting Arlington Avenue, San Vicente Avenue and Brunswick Avenue. Wells EZ-12 through EZ-14 contained TPH-G and BTEX at maximum concentrations of 299,000 µg/L and 23,000 µg/L, 31,000 µg/L, 4,900 µg/L and 28,000 µg/L, respectively. Groundwater samples from EZ-15 through EZ-17 also showed elevated concentrations of TPH-G and BTEX, as well as TBA up to 970 µg/L. Subsequent monitoring has revealed persistent free product at all six locations. Well MW-21, installed 325 feet to the southeast in San Vicente Avenue, contained moderate levels of TPH-G, BTEX, MtBE and TBA, while MW-22, installed farther southeast along Brunswick Avenue, contained lower-level TPH-G and trace levels of ethyl benzene and xylenes, but was non-detect for MtBE and TBA. Trace benzene (1.0 µg/L) and naphthalene (3.5 µg/L) were reported in MW-23, but TPH-G and fuel oxygenates MtBE and TBA were not detected. Based on these investigations, dissolved-phase impacts appeared to attenuate to lower levels at a distance approximately 600 feet southeast of source areas, but the full extent of groundwater contamination in the westerly direction was still unknown. This data gap persists to present-day.
- c. Interim corrective action was initiated to recover free-phase gasoline product from Site monitoring wells located on and downgradient of both the service station properties in March 2010. LPH recovery has been completed on a routine basis, using a combination of removal methods including manual bailing (through June 2012), vacuum-truck liquid extraction (July 2012 to July 2014), and most recently by passive and/or automated collection skimmers (November 2014 to at least January

2015). During the Fourth Quarter of 2014, product was removed from Site wells located on the United and/or Rapid Gas and Lube & Tune properties, as well as select downgradient wells situated along Adams and San Vicente Avenues, via product skimmers that were generally emptied on a weekly basis. LPH recovery is not being conducted on the shopping center property (inclusive of E-Z Serve station footprint), due to the landowner's refusal to grant access.

- d. Between August 2010 and September 2011, mobile high-vacuum dual-phase extraction (HVDPE) was performed to mitigate hydrocarbon-impacted soil and groundwater beneath the former E-Z Serve station footprint. This extraction effort reportedly removed an estimated 97,774 pounds (or 15,579 gallons) of hydrocarbon mass from subsurface soils and recovered approximately 287,990 gallons of contaminated groundwater for treatment and discharge to the sanitary sewer. Despite the extraordinary volume of hydrocarbon mass removed during the 12-month period, remediation system data collected at the conclusion of the extraction activities indicated that soil vapor and groundwater beneath the property remained heavily-impacted. This corrective action was terminated so that the temporary system could be removed to provide clearance for dedicated remediation equipment and piping components needed to expand the remedial response site-wide. However, the upgraded remediation infrastructure was never installed, due to the property owner's refusal to grant reasonable access since acquiring the property in April 2013.
- e. In May 2013, interim HVDPE was initiated to mitigate hydrocarbon-impacted soil and groundwater beneath the United and/or Rapid Gas facility and immediately downgradient of the Lube & Tune facility. Extraction was focused on a subset of the most impacted Site wells, generally limited to those containing significant measurable free product. As a result of these measures, an estimated total of 170,271 pounds of hydrocarbon mass was removed from subsurface soils and more than 436,270 gallons of contaminated groundwater were recovered for treatment and discharged to the sanitary sewer. Including the initial corrective action efforts (e.g. vapor extraction/air-sparging) performed between February 2012 and January 2013, the cumulative hydrocarbon mass removed from beneath the facility and immediate vicinity to date has been estimated at nearly 178,950 pounds. Despite the substantial volume recovered during the most recent 20 months of operation (through December 2014), remediation data collected just prior to shutdown indicated that soil and groundwater beneath the 6000 and 6020 Arlington Avenue parcels remained heavily-impacted. A fixed-based vapor extraction unit was recently re-installed. The upgraded system utilizes the existing vapor extraction well network and piping manifold to perform vadose zone remediation of hydrocarbon-impacted soils beneath the 6020 Arlington Avenue property and adjacent 6000 Arlington Avenue parcel. To date, no comprehensive corrective action response for remediation of contaminated groundwater has been proposed and counsel for Rapid Gas has suggested that any such effort be delayed/postponed indefinitely, pending its effort to remove free product from Site wells and cost-sharing/allocation of resources by the other Responsible Parties.
- f. The scope of corrective action measures employed (individually and jointly) to mitigate Site releases has proven to be piecemeal and significantly under-scaled when considered in relation to (1) the magnitude and extent of hydrocarbon contamination shown to be present, and (2) proximity of overlying commercial

structures and nearby sensitive receptors, including the elementary school and private residences. Current conditions warrant a **comprehensive remedial response**, designed to mitigate the full expanse of Site contamination located beneath both service station footprints, as well as the adjacent streets, public right-of-ways and surrounding properties.

7. **Water Quality Standards:** The Site overlies the Arlington Groundwater Management Zone (801.26), which has been designated for beneficial uses that include: (1) Municipal and domestic supply (MUN), (2) Agricultural supply (AGR), (3) Industrial service supply (IND) and (4) Industrial process supply (PROC).

The Santa Ana Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan) establishes water quality objectives (WQOs)² for chemical constituents, to help ensure the protection of groundwater resources in accordance with designated beneficial uses. The Basin Plan further states, "All waters of the region shall be maintained free of substances in concentrations which are toxic, or that produce detrimental physiological responses in human, plant, animal or aquatic life." The primary maximum contaminant levels (MCLs)³ established by the California Department of Health Services in Title 22 of the California Code of Regulations are considered protective of the most sensitive beneficial use (e.g. MUN). As a result of Site releases discussed herein, groundwater in the vicinity has been significantly impacted and impaired by petroleum hydrocarbon compounds, including but not limited to BTEX, as well as fuel oxygenates MtBE and TBA, at concentrations which are not consistent with the levels of water quality needed to support beneficial use designations established in the Basin Plan.

- a. In October 2014, a subset of the Site monitoring wells were gauged and sampled to determine current site conditions. Gasoline free product was reported in nineteen of the monitoring points, at thicknesses up to 2.07 feet. It should also be noted that wells located on the former E-Z Serve property, many of which historically contained the most significant amounts of product, could not be inspected due to ongoing access issues. A review of current and historical plume monitoring data indicates that the commingled LPH gasoline plume extends as far north as Site wells MW-1R and MW-14, as far west as EZ-11, EZ-17 and EZ-18, to the east as far as MW-10 and downgradient of the site to the south and southeast as far as EZ-6, EZ-9 and MW-17. The extent of the contamination to the west remains unknown. Based on data generated from peripheral Site wells, the extent of dissolved-phase hydrocarbon impacts encompasses an even larger area that extends in nearly all directions, but which has not yet been adequately delineated.
- b. The table below shows the maximum contaminant concentrations of the most

² "Water quality objectives" are defined in Water Code section 13050(h) as "the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area."

³ MCLs, maximum contaminant levels, are public health-protective drinking water standards to be met by public water systems. MCLs take into account not only chemicals' health risks but also factors such as their delectability and treatability, as well as the costs of treatment. Primary MCLs can be found in California Code of Regulations, Title 22, sections 64431 - 64444. Secondary MCLs address the taste, odor, or appearance of drinking water, and are found in California Code of Regulations, Title 22, section 64449.

prevalent petroleum hydrocarbon constituents reported in monitoring wells where LPH was not present and groundwater samples were collected and quantified for dissolved-phase hydrocarbon constituents during the October 2014 monitoring and sampling event, accompanied by WQOs for each of these respective chemicals.

Constituent	Maximum Concentration (µg/L)	Water Quality Objectives (µg/L)
TPH as gasoline (TPH-G)	137,000	5 ¹
Benzene	7,800	1 ²
Toluene	21,000	40 ³
Ethyl benzene	8,300	30 ³
Xylenes	59,000	20 ³
Methyl Tertiary Butyl Ether (MtBE)	430	5 ⁴
Tertiary butyl alcohol (TBA)	4,100	12 ⁵

1- USEPA Health Advisory 2- California Primary MCL 3- USEPA Secondary MCL 4- California Secondary MCL
 5 - California State Notification Level and Response Level for Drinking Water.

- c. The above impacts to groundwater at, beneath, and emanating from the Site represent a significant impairment of groundwater resources and do not conform to the levels of water quality needed to support current and/or future uses of the groundwater resource, thereby creating a condition of pollution and nuisance in waters of the State, as defined by Water Code sections 13050(l) and (m).

8. Potential Human Health Exposure Risk: Based on the magnitude and widespread distribution of soil and groundwater contamination and presence of gasoline free product/LPH present beneath the Site and off-Site contaminant migration of elevated dissolved-phase and LPH beneath adjacent residences and school property, the Site contamination may pose a human health risk to surface occupants of existing on-Site buildings, and adjacent or downgradient structures and residences overlying the Site plume, as a result of volatilization of contaminant vapors into the indoor air.

- a. Several phases of soil gas testing have been performed to evaluate the potential human health exposure risk posed to occupants and patrons of the commercial shopping center situated over the former E-Z Serve footprint (6050 Arlington Property), and residences located east and west of Adams Avenue, at 8310 Colorado Avenue and 4580 Adams Avenue, as well as 8293, 8294 and 8283 San Vicente Avenue. Vapor samples collected from 5-foot and 10-foot probes on the former E-Z Serve station exceeded the commercial California Human Health Screening Levels (CHHSL) of 0.28 µg/L, with benzene concentrations reported as high as 12.0 µg/L. Soil gas samples collected in Colorado Avenue revealed elevated

benzene and ethyl benzene at the 20-foot depth, but were non-detect at shallower depth intervals. Vapor samples collected from probes fronting residences along San Vicente Avenue revealed very high benzene, ethyl benzene and/or naphthalene concentrations at the 10-foot, 15-foot and 20-foot depth intervals, which were generally accompanied by lower or non-detect hydrocarbon concentrations in the corresponding samples collected at 5 feet bgs. However, benzene and/or ethyl benzene were reported at levels above the residential CHHSLs of .085 µg/L and 1.10 µg/L, in 5-foot samples collected at several locations. Benzene and ethyl benzene were reported at 0.56 µg/L and 5.38 µg/L in VP-8, fronting the 8283 San Vicente Avenue address. Additionally, benzene and ethyl benzene were detected at concentrations as high as 3.84 µg/L and 21.68 µg/L, respectively, in 5-foot soil gas samples collected from VP-9 and VP-10, located on the 8293 San Vicente Avenue residence. Subsequent soil gas testing performed at these locations along San Vicente Avenue resulted in conflicting data that showed low or non-detect levels in the shallow subsurface, which raised concerns about sample variability that prevented any definitive conclusions from being drawn regarding the actual threat to residents.

- b. Based on the above soil gas testing, Site contamination in unmitigated source areas associated with the former E-Z Serve station footprint may pose an imminent vapor intrusion risk to occupants of the overlying commercial businesses in the eastern portion of the shopping center property. Shallow soil vapor samples collected from three locations along San Vicente Avenue suggest that hydrocarbon vapors volatilizing upward from the heavily-impacted water table below cannot yet be ruled out as a potential human health exposure concern for residents overlying high dissolved-phase hydrocarbon and/or gasoline free product plumes. It should also be noted that no soil gas testing has been conducted to evaluate the potential human health exposure risk to the workers of the operating gasoline service station (Low Threat Cleanup Policy exemption) or the adjacent Lube & Tune repair facility. The contrasting data generated from soil vapor test performed to date represent an unacceptable uncertainty regarding the risk posed by Site contamination. As such, routine soil gas testing must be conducted to determine the long-term risk posed by Site contamination and ensure public safety.

LEGAL AND REGULATORY AUTHORITY

9. This Order conforms to and implements (1) policies and requirements of the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000), including sections 13267 and 13304; (2) applicable provisions of Statewide Water Quality Control Plans adopted by the State Water Resources Control Board (State Board) and the *Water Quality Control Plan, Santa Ana River Basin* (Basin Plan) adopted by the Regional Board including beneficial uses, water quality objectives, and implementation plans; (3) State Board policies and regulations, including State Board Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*), Resolution No. 88-63 (*Sources of Drinking Water*), and Resolution No. 92-49 (*Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under California Water Code Section 13304*); and (4) relevant standards, criteria, and advisories adopted by other State and federal agencies.

10. Basis for Cleanup and Abatement Order: Based on the findings above, the Dischargers are subject to this Order because they have caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and created a condition of pollution or nuisance. As such, the Regional Board is authorized to order RPMS; United and affiliate Rapid Gas; My Montecito Inc., SH and CF PropCo, to cleanup and abate the effects of the discharges pursuant to Water Code section 13304.

11. Need and Basis for Requiring Technical Reports: Water Code section 13267 provides that the Regional Board may require dischargers, past dischargers, or suspected dischargers to furnish those technical or monitoring reports as the Regional 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. In requiring the reports, the Regional Board must provide the person with a written explanation with regard to the need for the reports, and identify the evidence that supports requiring that person to provide the reports. The technical reports required by this Order are needed to provide information to the Regional Board regarding (a) the nature and extent of unauthorized releases, (b) degree of pollution and nuisance caused to State waters, and (c) the threat Site contamination may pose to members of the public who work or reside in structures overlying the contaminant plume. These reports will enable the Regional Board to determine the magnitude and distribution of contaminants on and in the vicinity of the Site, evaluate public safety, and ascertain what cleanup and abatement measures are required to bring the Site into compliance with applicable water quality objectives. Based on the nature and possible consequences of the discharges described in the findings above, the burden of providing the required reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

Pursuant to California Code of Regulations, title 23, sections 3890-3895, responsible parties must submit electronic laboratory analytical data (i.e. soil, soil gas/vapor, or water chemical analyses) and locational data (i.e. longitude/latitude coordinates and surface elevation of site monitoring wells), and other data generated in conjunction with environmental cleanups, to the State Geotracker database. Additional information regarding requirements pertaining to the electronic submission of data can be found at <http://geotracker.waterboards.ca.gov>.

12. Cost Recovery: Pursuant to California Water Code section 13304, the Regional Board is entitled to, and will seek reimbursement for, all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of waste and oversee cleanup of such waste, abatement of the effects thereof, or other action required by this Order.

13. State Board Policies: The State Board adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304*. This Resolution sets forth the policies and procedures to be used during an investigation or cleanup of a nuisance and requires that cleanup levels be consistent with State Board Resolution No. 68-16, the *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. Resolution No. 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution No. 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations, Title 23, section 2550.4. Any alternative cleanup level greater than background must (1) be consistent with the

maximum benefit for 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 Basin Plan and applicable Water Quality Control Plans and Policies of the State Board.

14. California Environmental Quality Act (CEQA) Compliance: The issuance of this Order is an enforcement action taken by a regulatory agency and is categorically exempt from the provisions of CEQA pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. Implementation of the required testing, assessment, monitoring and corrective action activities outlined by this Order are considered to be minor actions performed to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of hazardous wastes and substances, and therefore generally be exempt pursuant to California Code of Regulations, Title 14, section 15330. Nevertheless, the exact scope of activities required by this Order has not yet been fully determined and implementation of the corrective action efforts may ultimately result in significant physical impacts that require evaluation under CEQA. If the Regional Board determines that implementation of any plan required by this Cleanup and Abatement Order will have a significant effect on the environment, the Regional Board will conduct the necessary and appropriate environmental review prior to the Executive Officer's approval of the applicable plan.

The Dischargers will bear the costs, including the Regional Board's costs, of determining whether implementation of any plan required by this Cleanup and Abatement Order will have a significant effect on the environment and, if so, in preparing and handling any documents necessary for environmental review. If necessary, the Dischargers and a consultant acceptable to the Regional Board shall enter into a memorandum of understanding with the Regional Board regarding such costs prior to undertaking any environmental review.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 and 13304, RPMS; United; Rapid Gas; My Montecito Inc., SH and CF PropCo shall cleanup and abate the Site in accordance with the scope and schedule set forth below.

- 1. Site Access:** Within **30 days of adoption of this Order**, the Dischargers identified herein shall agree to reasonable terms for Site access by the other Dischargers or their authorized representatives, to any parcels or properties affected by Site contamination that are under their control, as necessary to conduct investigations and cleanup activities required by this Order. Additionally, the Dischargers shall continue to permit Site entry to their properties as needed to allow for unimpeded implementation of actions required by this Order, until such property access is no longer deemed necessary or warranted by the Executive Officer.
- 2. Defining Contaminant Plume:** Submit a work plan and proposed schedule, within **90 days of adoption of this Order**, for conducting groundwater investigations to fully delineate the lateral and vertical boundaries of the groundwater contaminant plume. The work plan shall be subject to the approval of the Executive Officer. After approval of the work plan, conduct all field work necessary to define the extent of the groundwater contaminant plume, as

directed by the Executive Officer, until the extent of the plume is fully delineated.

3. **Remedial Action Plan:** Based upon the results of item 2 above, the Dischargers shall prepare and submit a comprehensive remedial action plan (RAP), with a proposed time schedule, that is sufficiently-scaled in scope to abate the expanse of Site contamination attributed to both UST system releases, and meets basic project objectives to mitigate source-area soil and groundwater contamination beneath the respective Site parcels and remediate the commingled groundwater plume consisting of both LPH and dissolved-phase impacts, such that further off-site and downgradient migration of contaminants by groundwater transport is prevented. Upon Regional Board approval of the RAP, the Dischargers shall implement the comprehensive RAP in accordance with the time schedule approved by the Executive Officer.
4. **Quarterly Groundwater Monitoring and Reporting:** Perform ongoing quarterly groundwater monitoring and sampling necessary to characterize site conditions and gauge the effectiveness of the corrective action measures with respect to both reduction of contaminant concentrations and plume containment. These activities shall initially include, but are not limited to, conducting monthly groundwater gauging and measuring of free product thicknesses in all Site wells, as well as semi-annual sampling and analysis of the dissolved-phase plume constituents in existing Site monitoring wells, but may in the future be conducted in accordance with a modified scope and schedule, if approved in writing by the Executive Officer.

For the following quarterly groundwater monitoring periods, submit the monitoring reports by the specified due date:

Groundwater Monitoring Period	Report Due Date
January to March	April 15
April to June	July 15
July to September	October 15
October to December	January 15

5. **Soil Gas Testing:** Within 30 days of adoption of this Order, submit a proposed scope and schedule for routine soil gas testing of existing vapor probes to provide an updateable survey of subsurface conditions over time and generate the necessary analytical data required to quantify the human health exposure risk posed by Site contaminants and evaluate the vapor intrusion threat to occupants of numerous residential and commercial structures overlying the Site contamination. In this proposal, include any new vapor probes you expect to install, when you expect to install them, and their location relative to the Site. Upon receiving approval from the Executive Officer, the program of routine soil gas testing shall be initiated within 60 days, and continuously implemented in accordance with the established schedule, until such time as the Site contamination has been demonstrated to be adequately mitigated to the degree that further testing is no longer deemed necessary or warranted, as determined by the Executive Officer.
6. **Quarterly Progress Reports:** Conduct the necessary ongoing remediation activities as described above and approved by the Executive Officer, and submit quarterly progress reports to the Executive Officer, regarding the Site remediation activities, groundwater plume monitoring data and soil gas test results generated in conjunction with items 2

through 5 (above) generated during the reporting period. The quarterly progress reports must include a detailed discussion regarding all testing and data collected during the period, and the relative effectiveness of the remediation efforts, along with recommendations for any additional assessment or testing needed to characterize or delineate Site contamination.

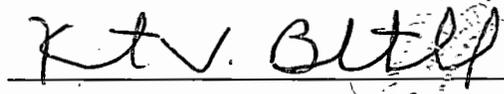
7. **If Revised RAP is Necessary:** In the event that the corrective action efforts are determined by the Executive Officer to be inadequate, the Dischargers shall submit a revised RAP within 60 days of being notified of such a determination, to propose a revised corrective action strategy capable of achieving the remedial objectives for remediation of contaminated soil, groundwater and/or abatement of soil vapor emissions for protection of human health, as set forth by the Executive Officer. Upon approval, the revised RAP shall be implemented in accordance with deadlines set forth by the Executive Officer.
8. **Qualified Professionals:** In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, all site investigations and corrective action activities required by this Order shall be performed by qualified professionals, that are licensed where applicable, and competent and proficient in the fields pertinent to the activities performed; and technical reports containing engineering and geologic evaluations and judgments, shall be prepared by, or under the direction of a registered professional engineer or geologist.
9. For purposes of this order, the Dischargers, or their authorized representative must certify under penalty of law, that they have examined and are familiar with the reports and, to the best of their knowledge, believe them to be true, complete and accurate. To this end, the following signed certification shall be included with all reports submitted pursuant to this Order:

I certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate 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.
9. All references to the Executive Officer in this Order shall include his/her delegate.
10. Failure to comply with requirements of this Order may subject the Responsible Parties to further enforcement action, including but not limited to: imposition of administrative civil liability, pursuant to Water Code sections 13268 and 13350, in an amount not to exceed \$1,000 and \$5,000, respectively, for each day in which the violation occurs under Water Code sections 13304 or 13350, or the Regional Board may refer the matter to the Attorney General for injunctive relief or civil or criminal liability.
11. Any person affected by this action of the Regional Board may petition the State Board to review the action in accordance with section 13320 of the Water Code and California

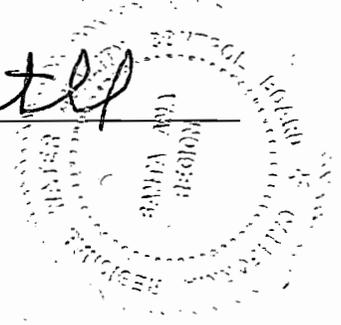
June 10, 2016

Code of Regulations, Title 23, section 2050. The petition must be received by the State Board, Office of Chief Counsel, (P.O. Box 100, Sacramento, California 95812), within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on June 10, 2016.



Kurt V. Berchtold
Executive Officer



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