Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 22, 2015

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Adrine Arakelian
Zoning Permits West Section

RE: Project No. R2014-02228-(2) – Conditional Use Permit No. 201400100
RPC Meeting: January 6, 2016 - Agenda Item: 6

The above-mentioned item has been reopened for public hearing, per the Commission's October 21, 2015 decision. The item is a request to authorize the operation of an existing trucking facility in the MPD (Manufacturing-Industrial Planned) Zone. The project was initially heard at the July 8, 2015 public hearing, and continued twice to the August 12th and September 16th hearing dates. The public hearing was closed on September 16th, but a final decision was not determined due to a procedural error. The material from the previous meetings can be reviewed online at http://planning.lacounty.gov/rpc.

Staff is recommending the following additions to the conditions of approval:

- The permittee must comply with all conditions of approval contained herein. Failure to comply with any condition of approval will result in an immediate citation of a Notice of Violation from the Department of Regional Planning, Zoning Enforcement Section. Upon a Final Enforcement Zoning Order, the project may be scheduled for permit revocation proceedings pursuant to Section 22.56.1780 of Title 22 (County Code).

- The permittee must comply with all the requirements of the Environmental Protection Agency (EPA) Unilateral Administrative Order Number 2016-01 and all future requirements by local, state, and federal agencies to regulate the site remediation process and work performed.

- The permittee must comply with the recommendations in the Department of Public Health Preliminary Environmental Health Assessment to the satisfaction of said department.

- The permittee must submit a site plan (Exhibit A), within fifteen days of approval, demonstrating the site layout under the current remediation condition, including requirements from EPA order, location of barriers, distance setback from stockpiles areas, location of stockpiles, methods used to prevent migration of contaminated soil, and any other methods used to operate in accordance with the requirements.

In addition, please find enclosed:

- EPA Unilateral Administrative Order Number 2016-01
- Department of Public Health Preliminary Environmental Health Assessment
- Site photos from 11/4/15 site visit
- "Letter of Acknowledgement" from Applicant agreeing to conditions of approval
- Three comment letters from members of the public

If you need further information, please contact Adrine Arakelian at (213) 974-6462 or aarakelian@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

SUGGESTED APPROVAL MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT NUMBER 201400100 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

MKK:AAA

Enclosures:

EPA Unilateral Administrative Order Number 2016-01
Department of Public Health Preliminary Environmental Health Assessment
Site photos from 11/4/15 site visit
"Letter of Acknowledgement" from Applicant agreeing to conditions of approval
Three comment letters from members of the public

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

BY ELECTRONIC MAIL

October 30, 2015

Ronald J. Flury and
Ecology Control Industries, Inc.
20846 Normandie Ave.
Torrance, CA 90502

Joseph C. Kelly
Montrose Chemical Corporation of California
600 Ericksen Avenue NE, Suite 380
Bainbridge Island, WA 98110

Re: Montrose Chemical Superfund Site,
Ecology Control Industries Property, 20846 Normandie Ave., Torrance, CA 90502
Issuance of CERCLA Unilateral Administrative Order to Conduct Removal Activities
U.S. EPA Region 9 CERCLA Docket No. 2016-01

Dear Mr. Flury and Mr. Kelly:

Enclosed you will find a copy of U.S. EPA Region 9 CERCLA Unilateral Administrative Order Number 2016-01 (Order) requiring Ecology Control Industries, Inc. (ECI), Mr. Ronald Flury, and Montrose Chemical Corporation of California to undertake specified removal actions with respect to soil stockpiles and open excavations present at 20846 Normandie Avenue in Torrance, Los Angeles County, California (ECI Property). This Order is being issued pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. Section 9606(a).

This Order requires response activities to prevent and mitigate impacts resulting from ECI's excavation of contaminated soil at the ECI property. The Order directs **immediate** implementation of certain tasks to avoid releases due to gusty winds or potential rain within the next several days. In all other respects, the Effective Date of the Order may be as early as

November 4, 2015. Additionally, EPA intends to initiate consent order negotiations in the near future to address disposal of the soil stockpiles.

In accordance with the provisions of the Order, you may request a conference with EPA concerning the Order. Requests for a conference should be directed to Xiao Zhang of the Office of Regional Counsel at (415) 972-3266 or at zhang.xiao@epa.gov.

We strongly encourage ECI, Mr. Flury, and Montrose to discuss a coordinated response to this Order. If you have any questions regarding the work required by the Order, please contact Anhtu Nguyen at (415) 972-3443 or at Nguyen.anhtu@epa.gov. Legal matters should be directed to Xiao Zhang of the Office of Regional Counsel.

Thank you,

John Lyons
Acting Assistant Director
California Sites Cleanup Branch
Superfund Division

Enclosure: EPA Region 9 CERCLA Unilateral Administrative Order 2016-01

Cc: Peter Goldenring, Goldenring and Prosser, APLC
Kelly Richardson, Latham & Watkins, LLP
Dot Lofstrom, Division Chief/Acting Deputy Director,
California Department of Toxic Substances Control

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

IN THE MATTER OF: Ecology Control Industries, Inc. Mr. Ronald J. Flury, and Montrose Chemical Corporation of California, Respondents Proceeding under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9606(a).	U.S. EPA Region IX CERCLA Docket No. 2016-01 **UNILATERAL ADMINISTRATIVE ORDER FOR REMOVAL ACTIONS**

UNILATERAL ADMINISTRATIVE ORDER FOR REMOVAL ACTIONS

TABLE OF CONTENTS

I.	JURISDICTION AND GENERAL PROVISIONS	1
II.	PARTIES BOUND	1
III.	DEFINITIONS	2
IV.	FINDINGS OF FACT	4
V.	CONCLUSIONS OF LAW AND DETERMINATIONS	6
VI.	ORDER	8
VII.	OPPORTUNITY TO CONFER	8
VIII.	EFFECTIVE DATE	8
IX.	NOTICE OF INTENT TO COMPLY	9
X.	DESIGNATION OF CONTRACTOR, PROJECT COORDINATOR, AND ON-SCENE COORDINATOR	9
XI.	WORK TO BE PERFORMED	10
XII.	QUALITY ASSURANCE, SAMPLING, AND DATA ANALYSIS	14
XIII.	PROPERTY REQUIREMENTS	16
XIV.	ACCESS TO INFORMATION	17
XV.	RETENTION OF RECORDS	18
XVI.	COMPLIANCE WITH OTHER LAWS	19
XVII.	EMERGENCY RESPONSE AND NOTIFICATION OF RELEASES	20
XVIII.	PAYMENT OF RESPONSE COSTS	20
XIX.	ENFORCEMENT/WORK TAKEOVER	21
XX.	RESERVATIONS OF RIGHTS BY EPA	21
XXI.	OTHER CLAIMS	22
XXII.	INSURANCE	22
XXIII.	MODIFICATION	22
XXIV.	DELAY IN PERFORMANCE	23
XXV.	ADDITIONAL REMOVAL ACTIONS	23
XXVI.	NOTICE OF COMPLETION OF WORK	23
XXVII.	SEVERABILITY	24

I. JURISDICTION AND GENERAL PROVISIONS

1. This Administrative Order ("Order") is issued under the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, (CERCLA), 42 U.S.C. § 9606(a). This authority was delegated to the Administrator of the United States Environmental Protection Agency (EPA) by Executive Order No. 12580, 52 Fed. Reg. 2923 (Jan. 23, 1987), and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B. This authority was further redelegated by the Regional Administrator of EPA Region IX to the Superfund Branch Chief by Regional Delegations R9-1290.13 (dated September 29, 1997) and R9-1290.14A (dated November 14, 2001).

2. This Order pertains to property located at 20846 Normandie Avenue in Torrance, Los Angeles County, California (the "ECI Property" or "Site"). This Order requires Respondents to conduct removal actions described herein to abate an imminent and substantial endangerment to the public health or welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

3. EPA has notified the State of California (the "State") of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

II. PARTIES BOUND

4. This Order applies to and is binding upon Respondents and their heirs, successors, and assigns. Any change in ownership or control of the Site or change in the corporate or partnership status of a Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondents' responsibilities under this Order.

5. Respondents are jointly and severally liable for implementing all activities required by this Order. Compliance or noncompliance by any Respondent with any provision of this Order shall not excuse or justify noncompliance by any other Respondents. No Respondent shall interfere in any way with performance of the Work in accordance with this Order by any other Respondent. In the event of the insolvency or other failure of any Respondent to implement the requirements of this Order, the remaining Respondents shall complete all such requirements.

6. Respondents shall provide a copy of this Order to each contractor hired to perform the Work required by this Order and to each person representing any Respondents with respect to the Site or the Work, and shall condition all contracts entered into hereunder upon performance of the Work in conformity with the terms of this Order. Respondents or their contractors shall provide written notice of the Order to all subcontractors hired to perform any portion of the Work required by this Order. Respondents shall nonetheless be responsible for ensuring that their contractors and subcontractors perform the Work in accordance with the terms of this Order.

III. DEFINITIONS

7. Unless otherwise expressly provided in this Order, terms used in this Order that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in CERCLA or in such regulations. Whenever terms listed below are used in this Order or in appendices to or documents incorporated by reference into this Order, the following definitions shall apply:

"Affected Property" shall mean all real property where EPA determines, at any time, that access or land, water, or other resource use restrictions are needed to implement the removal action, including, but not limited to, the property located at 20846 Normandie Avenue, Torrance, Los Angeles County, California. Affected Property includes the following parcels: Los Angeles County Tax Assessor Parcel Numbers 7348-020-003, 7348-020-004, 7348-020-007 and 7348-020-008.

"CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675.

"Day" or "day" shall mean a calendar day. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or federal or State holiday, the period shall run until the close of business of the next working day.

"Effective Date" shall mean the effective date of this Order as provided in Section VIII.

"EPA" shall mean the United States Environmental Protection Agency and its successor departments, agencies, or instrumentalities.

"EPA Hazardous Substance Superfund" shall mean the Hazardous Substance Superfund established by the Internal Revenue Code, 26 U.S.C. § 9507.

"DTSC" shall mean the California Department of Toxic Substances Control and any successor departments or agencies of the State.

"ECI Property" or "Site" shall mean the real property located at 20846 Normandie Avenue, Torrance, Los Angeles County, California, which consists of the following parcels: Los Angeles County Tax Assessor Parcel Numbers 7348-020-003, 7348-020-004, 7348-020-007 and 7348-020-008.

"Interest" shall mean interest at the rate specified for interest on investments of the EPA Hazardous Substance Superfund established by 26 U.S.C. § 9507, compounded annually on October 1 of each year, in accordance with 42 U.S.C. § 9607(a). The applicable rate of interest shall be the rate in effect at the time the interest accrues. The rate of interest is subject to change on October 1 of each year. Rates are available online at http://www.epa.gov/ocfopage/finstatement/superfund/int_rate.htm.

"National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300, and any amendments thereto.

"Order" shall mean this Unilateral Administrative Order and all appendices attached hereto. In the event of conflict between this Order and any appendix, this Order shall control.

"Owner Respondent" shall mean any Respondent that owns or controls any Affected Property, including ECI and Mr. Ronald Flury. The clause "Owner Respondent's Affected Property" means Affected Property owned or controlled by Owner Respondent.

"Paragraph" shall mean a portion of this Order identified by an Arabic numeral or an upper or lower case letter.

"Parties" shall mean EPA and Respondents.

"RCRA" shall mean the Resource Conservation and Recovery Act, also known as the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992.

"Respondents" shall mean Ecology Control Industries, Inc. ("ECI"), Mr. Ronald Flury, and Montrose Chemical Corporation of California ("Montrose").

"Response Costs" shall mean all costs, including, but not limited to, direct and indirect costs, that the United States incurs in monitoring and supervising Respondents' performance of the Work to determine whether such performance is consistent with the requirements of this Order, including costs incurred in reviewing deliverables submitted pursuant to this Order, as well as costs incurred in overseeing implementation of this Order, including, but not limited to, payroll costs, contractor costs, travel costs, and laboratory costs.

"Section" shall mean a portion of this Order identified by a Roman numeral.

"State" shall mean the State of California.

"Transfer" shall mean to sell, assign, convey, lease, mortgage, or grant a security interest in, or where used as a noun, a sale, assignment, conveyance, or other disposition of any interest by operation of law or otherwise.

"United States" shall mean the United States of America and each department, agency, and instrumentality of the United States, including EPA.

"Waste Material" shall mean (a) any "hazardous substance" under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under Section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any "solid waste" under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27); and (d) any "hazardous waste" under Title 22 of the California Code of Regulations, Section 66261.30.

"Work" shall mean all activities Respondents are required to perform under this Order, except those required by Section XV (Retention of Records).

IV. FINDINGS OF FACT

8. Montrose Chemical Corporation of California manufactured the pesticide dichlorodiphenyl-trichloroethane (DDT) at 20201 Normandie Avenue, Los Angeles County, California ("the Montrose Plant Property") from 1947 until the summer of 1982. Montrose ground technical grade DDT and conducted DDT formulation activities at the Montrose Plant Property. The Montrose Plant Property was the only location in the Torrance, California area where DDT grinding and DDT formulation were conducted.

9. During Montrose's operations at the Montrose Plant Property, DDT and other hazardous substances were released into the environment at and from the Montrose Plant Property in various ways, including through: leaks of technical grade DDT that was stored in improperly sealed or ripped bags on the Montrose Plant Property, generating visible dust around indoor and outdoor storage areas; vehicle traffic that tracked DDT dust into the ground; and wind that blew DDT dust out of the DDT grinding building. As much as one pound of technical grade DDT was carried to the outside air per shift from the DDT grinding building.

10. EPA has determined that DDT is a probable human carcinogen. DDT also exhibits non-cancer toxicity in the liver and nervous system. DDT is toxic to aquatic life and can cause reproductive failure in birds.

11. EPA placed the Montrose Chemical Superfund Site on the CERCLA National Priorities List in October 4, 1989, pursuant to CERCLA § 105, 42 U.S.C. § 9605.

12. The ECI Property occupies approximately 7.7 acres and is located southeast of the Montrose Plant Property along Normandie Avenue. The ECI Property is zoned commercial.

13. Seven residential properties are located along or proximate to the eastern boundary of the ECI Property. The ECI Property is separated from the residential properties by a wall.

14. The ECI Property is occupied by ECI, a registered hazardous waste transporter. ECI conducts operations at the ECI Property as part of its business as a hazardous waste transporter.

15. ECI is owned by Mr. Ronald J. Flury.

16. The ECI Property is owned by Mr. Ronald J. Flury.

17. Since the beginning of Montrose operations at the Montrose Plant Property until the early 1970's, a historical stormwater pathway existed that originated at the Montrose Plant Property. Stormwater runoff from the Montrose Plant Property flowed into a drainage ditch south of the Montrose Plant Property along Normandie Avenue. The stormwater pathway continued under Normandie Avenue and along a portion of 204th Street and then along the west side of Kenwood Avenue to Torrance Boulevard via an unimproved drainage ditch ("the Kenwood

Ditch"). The stormwater pathway continued under Torrance Boulevard, through the eastern portion of the ECI Property (as well as through portions of adjacent residential properties), and beyond.

18. In the late 1960's and early 1970's, Los Angeles County installed a storm drain ("Project 685") to convey stormwater replacing a portion of the historical stormwater pathway (including the Kenwood Ditch and the portion of the historical stormwater pathway at the ECI Property).

19. Flooding occurred between 1920 to 1965 through the historical stormwater pathway.

20. Prior to 1955, process wastewater (containing DDT) from DDT manufacturing operations at the Montrose Plant Property was occasionally released from the Montrose Plant Property. In February 1953, City of Los Angeles officials discovered ponded process wastewater from the Montrose Plant Property at the corner of 204th Street and Kenwood Avenue.

21. Concentrations of total DDT in soil at the Montrose Plant Property are present at levels in excess of 24,000 parts per million ("ppm"). DDT is also present at the Montrose Plant Property at levels (up to 710,000 ppm) consistent with the presence of spilled or discarded product, intermediates or off-specification technical or formulated DDT.

22. The maximum concentration, reported in the 1998 Remedial Investigation Report, of total DDT in the soil in the Normandie Avenue ditch south of the Montrose Plant Property is 8,600 ppm.

23. Maximum concentrations of total DDT were above 17 ppm (exposure point concentration corresponding to a 10^{-5} excess lifetime cancer risk) at 16 residential properties in the historical stormwater pathway along 204th Street and Kenwood Avenue and were above 170 ppm DDT (exposure point corresponding to a 10^{-4} excess lifetime cancer risk) at 6 of those properties. At 3 residential properties, a depositional white layer was discovered containing up to 10% DDT by weight. The soil containing these DDT levels was removed by EPA as part of the Kenwood Avenue Removal Action.

24. EPA has previously determined that the regional background DDT concentrations in Los Angeles County averaged between 1 and 3 ppm DDT, and ranged up to 10 ppm.

25. Soil sampling was conducted in 2005 at the ECI Property as part of site assessment activities commissioned by the property owner, Mr. Flury.

26. The maximum concentration of DDT found in the sampling conducted in 2005 by Mr. Flury was 325 ppm. The sample was taken in the area of the ECI Property where the historical stormwater pathway was located.

27. The upper range of the regional background DDT concentration, 10 ppm, was exceeded in 13% of the samples collected during the 2005 sampling; all samples exceeding 10 ppm of DDT were collected on the ECI Property in the area of the historical stormwater pathway.

28. In 2005, ECI excavated soils on the ECI Property around the historical stormwater pathway and stockpiled the soils on the ECI Property. In 2005, EPA ordered ECI, Mr. Flury and Montrose to address disposal of the excavated soil and to cover the open excavations. Under EPA's supervision, ECI transported the stockpiled soils to a permitted hazardous waste facility for thermal treatment and landfilling.

29. In 2006 and 2007, EPA performed soil investigations at the ECI Property. EPA found that the soils containing the heaviest concentrations of DDT on the ECI Property were adjacent to the historical stormwater pathway at 8 to 24 feet below ground surface. At least 20 percent of samples taken by EPA during this investigation contained DDT in excess of the background concentration of 10 ppm.

30. On February 3, 2014, ECI entered into a Voluntary Cleanup Agreement with DTSC to address hazardous substances on the ECI Property. On June 19, 2014, DTSC approved ECI's Removal Action Workplan, which contained ECI's plans to excavate, transport, and dispose of approximately 12,500 cubic yards of soil on the ECI Property.

31. In July 2015, ECI excavated approximately 8,000 cubic yards of soil contaminated with DDT from the eastern part of the ECI Property along the historical stormwater pathway.

32. The 8,000 cubic yards of excavated soil is stockpiled on the ECI Property. Prior to the excavation, this soil was buried under approximately 8 feet of fill material.

33. Residents around the ECI Property may be exposed to DDT through dust generation from the soil stockpiles and dust generation by vehicle traffic near the stockpiles. The primary exposure pathway is ingestion when a person brings hands to mouth after contact with contaminated soils or dust. Another exposure pathway is ingestion through inhaling contaminated dust, when the dust trapped in the mucosa is swallowed.

34. The National Oceanic and Atmospheric Administration forecasts that Santa Ana conditions will bring gusty winds to parts of the Los Angeles area starting October 29, 2015 and slight chance of showers starting November 2, 2014.

35. Hazardous substances at or near the surface of the soil stockpiles, including DDT, may migrate due to high winds or runoff from rainfall.

V. CONCLUSIONS OF LAW AND DETERMINATIONS

36. Based on the Findings of Fact set forth above, and the administrative record, EPA has determined that:

a. The ECI Property is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

b. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

c. Each Respondent is a liable party under one or more provisions of Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

(1) Respondents ECI and Mr. Ronald J. Flury are the "owner(s)" and/or "operator(s)" of the facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), and within the meaning of Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).

(2) Respondents Montrose, ECI and Mr. Ronald J. Flury were the "owners" and/or "operators" of the facility at the time of disposal of hazardous substances at the facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), and within the meaning of Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2).

(3) Respondents ECI and Mr. Ronald J. Flury arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment of hazardous substances at the facility, within the meaning of Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3).

d. The contamination, as identified in the Findings of Fact above, includes a "hazardous substance" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and also includes "pollutants or contaminants" that may present an imminent and substantial danger to public health or welfare under Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1)].

e. The conditions described in Paragraphs 8-35 of the Findings of Fact above constitute an actual and/or threatened "release" of a hazardous substance from the facility as defined by Section 101(22) of CERCLA, 42 U.S.C.§ 9601(22).

f. The conditions at the Site may constitute a threat to public health or welfare or the environment, based on the factors set forth in Section 300.415(b)(2) of the NCP. These factors include, but are not limited to, the following:

(1) actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances; this factor is present at the ECI Property due to the existence of DDT-contaminated stockpiles of soils that may blow into nearby residential yards and be ingested or inhaled by nearby residents;

(2) high levels of hazardous substances in soils largely at or near the surface, that may migrate; this factor is present at the ECI Property due to the existence of DDT contamination throughout the soil stockpiles;

(3) weather conditions that may cause hazardous substances to migrate or be released; this factor is present at the ECI Property due to the existence of high winds or runoff from rainfall;

(4) the unavailability of other appropriate federal or state response mechanisms to respond to the release; this factor supports the actions required by this Order at the ECI Property because DTSC requested that EPA act as the primary response agency.

g. The conditions described in Paragraphs 31-35 of the Findings of Fact above may constitute an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from the facility within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a). The removal actions required by this Order are necessary to protect the public health, welfare, or the environment.

VI. ORDER

37. Based upon the Findings of Fact and the Conclusions of Law and Determinations set forth above, Respondents are hereby ordered to comply with all provisions of this Order and any modifications to this Order, including all appendices to this Order and all documents incorporated by reference into this Order.

VII. OPPORTUNITY TO CONFER

38. Within three days after this Order is signed by the Regional Administrator or his/her delegatee, Respondents may, in writing, request a conference with EPA to discuss this Order, including its applicability, the factual findings and the determinations upon which it is based, the appropriateness of any actions Respondents are ordered to take, or any other relevant and material issues or contentions that Respondents may have regarding this Order.

39. Respondents may appear in person or by an attorney or other representative at the conference. Any such conference shall be held at least two days after the conference is requested. Respondents may also submit written comments or statements of position on any matter pertinent to this Order no later than one day after the conference or within three days after this Order is signed if Respondents do not request a conference. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondents a right to seek review of this Order. Any request for a conference or written comments or statements should be submitted to:

Xiao Zhang, Office of Regional Counsel
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St.
San Francisco, CA 94105
(415) 972-3266
Zhang.xiao@epa.gov

VIII. EFFECTIVE DATE

40. With respect to the work required in Paragraphs 46.a through 46.c of this Order, this Order shall be effective on the date the Order is signed by EPA. With respect all portions of this Order except Paragraphs 46.a through 46.c, this Order shall be effective five days after the Order is signed by EPA ("Effective Date") unless a conference is requested or written materials are submitted in accordance with Section VII (Opportunity to Confer). If a conference is requested or written materials are submitted, this Order shall be effective on the later of the 2nd day after the day of the conference, or the second day after written materials, if any, are submitted, unless EPA determines that the Order should be modified based on the conference or

written materials. In such event, EPA shall notify Respondents, within the two day period, that EPA intends to modify the Order. The modified Order shall be effective two days after it is signed by EPA.

IX. NOTICE OF INTENT TO COMPLY

41. Within 24 hours of each Respondent's receipt of this order, each Respondent shall notify EPA in writing of Respondent's irrevocable intent to comply with the work required in Paragraphs 46.a through 46.c. On or before the Effective Date, each Respondent shall notify EPA in writing of Respondent's irrevocable intent to comply with all portions of this Order except Paragraphs 46.a through 46.c. Such written notice shall be sent to EPA as provided in Paragraph 39. Each Respondent's written notice shall describe, using facts that exist on or prior to the Effective Date, any "sufficient cause" defense asserted by such Respondent under Sections 106(b) and 107(c)(3) of CERCLA, 42 U.S.C. §§ 9606(b) and 9607(c)(3). The absence of a response by EPA to the notice required by this Paragraph shall not be deemed acceptance of any Respondent's assertions. Failure of any Respondent to provide such notification within this time period shall, as of the Effective Date, be treated as a violation of this Order by such Respondent.

X. DESIGNATION OF CONTRACTOR, PROJECT COORDINATOR, AND ON-SCENE COORDINATOR

42. Selection of Contractors, Personnel. All Work performed under this Order shall be under the direction and supervision of qualified personnel. Within three (3) days after the Effective Date, and before the Work outlined below begins, Respondents shall notify EPA in writing of the names, titles, and qualifications of the personnel, including contractors, subcontractors, consultants, and laboratories to be used in carrying out such Work. If, after the commencement of the Work, Respondents retain additional contractor(s) or subcontractor(s), Respondents shall notify EPA of the name(s) and qualification(s) of such contractor(s) or subcontractor(s) retained to perform the Work at least two days prior to commencement of Work by such additional contractor(s) or subcontractor(s). EPA retains the right, at any time, to disapprove of any or all of the contractors and/or subcontractors retained by Respondents. If EPA disapproves of a selected contractor or subcontractor, Respondents shall retain a different contractor or subcontractor and shall notify EPA of that contractor's or subcontractor's name and qualifications within five days after EPA's disapproval. With respect to any proposed contractor, Respondents shall demonstrate that the proposed contractor demonstrates compliance with ASQ/ANSI E4:2014 "Quality management systems for environmental information and technology programs – Requirements with guidance for use" (American Society for Quality, February 2014), by submitting a copy of the proposed contractor's Quality Management Plan (QMP). The QMP should be prepared in accordance with "EPA Requirements for Quality Management Plans (QA/R-2)" (EPA/240/B-01/002, Reissued May 2006) or equivalent documentation as determined by EPA. The qualifications of the persons undertaking the Work for Respondents shall be subject to EPA's review for verification that such persons meet minimum technical background and experience requirements.

43. Within two days after the Effective Date, Respondents shall designate a Project Coordinator who shall be responsible for administration of the Work required by this Order and responding to questions from the public regarding the Work required by this Order, and shall

submit to EPA the designated Project Coordinator's name, address, telephone number, email address, and qualifications. To the greatest extent possible, the Project Coordinator shall be present on Site or readily available during the Work. EPA retains the right to disapprove of the designated Project Coordinator. If EPA disapproves of the designated Project Coordinator, Respondents shall retain a different Project Coordinator and shall notify EPA of that person's name, address, telephone number, email address, and qualifications within 2 days following EPA's disapproval. Within one day following EPA's approval of the Project Coordinator, Respondents shall post notices at the ECI Property identifying the Project Coordinator as the contact person for any inquiries regarding the Work required by this Order, with the contact information for the Project Coordinator, so that the notices are visible and accessible to the public. Respondents shall ensure that such notices contain accurate current information. Respondents shall have the right to change their Project Coordinator, subject to EPA's right to disapprove. Respondents shall notify EPA two days before such a change is made. The initial notification may be made orally, but shall be promptly followed by a written notification. Communications between Respondents and EPA, and all documents concerning the activities performed pursuant to this Order, shall be directed to the Project Coordinator. Receipt by Respondents' Project Coordinator of any notice or communication from EPA relating to this Order shall constitute receipt by all Respondents.

44. EPA has designated Anhtu Nguyen of the Superfund Division, EPA Region IX, as its Remedial Project Manager (RPM). EPA will notify Respondents of a change of its designated RPM. Communications between Respondents and EPA, and all documents concerning the activities performed pursuant to this Order, shall be directed to the RPM in accordance with Paragraph 49.a(1).

45. The RPM shall be responsible for overseeing Respondents' implementation of this Order. The RPM shall have the authority vested in an RPM and an On-Scene Coordinator (OSC) by the NCP, including the authority to halt, conduct, or direct any Work required by this Order, or to direct any other response action when he determines that conditions at the Site constitute an emergency situation or may present a threat to public health or welfare or the environment. Absence of the RPM from the Site shall not be cause for stoppage or delay of Work.

XI. WORK TO BE PERFORMED

46. Respondents shall perform the following actions:

a. Secure and manage the soil stockpiles so as to prevent releases from wind erosion or direct contact by ensuring the soil stockpiles are completely covered with plastic at all times, isolating the project area from vehicle traffic to ensure soil from the stockpiles is not tracked off-site, and inspecting the soil stockpiles daily to ensure the plastic covers are intact.

b. Within two days after this Order is signed by EPA, retain an independent contractor to take daily photographs documenting the soil stockpiles, the excavation pit, and the wall along the eastern border of the ECI Property. These photographs shall be time- and date-stamped and submitted daily to

the RPM by electronic mail by 6 p.m. Pacific Time, starting from two days after this Order is signed by EPA until the soil stockpiles are disposed, unless otherwise directed in writing by the RPM. These photographs shall also include any portions of the soil stockpiles, excavation area, and eastern wall on the ECI Property that are not being managed in accordance with Paragraph 46.a of this Order or with any EPA-approved workplan; such photographs shall be accompanied by an explanation for the noncompliance and the actions and timeline for addressing the noncompliance. In the event of rain, the submission to the RPM shall also contain photographs of any runoff from the soil stockpiles and a narrative description of the extent of the runoff.

c. Within ten days after this Order is signed by EPA, submit to the RPM a waste determination for the excavated soil stockpiled on the ECI Property.

d. Develop a workplan for management of the soil stockpiles prior to disposal to prevent further releases, including for placing soil erosion barriers around the base of the stockpiles and keeping the asphalt areas clear of residual soils.

e. Develop a workplan for stabilizing the wall on the eastern side of the ECI Property along and proximate to residential areas.

f. Retain a licensed professional engineer to assess and write a report on the impacts resulting from ECI's July 2015 excavation, including impacts on the homes adjacent to the eastern side of the ECI Property.

47. For any regulation or guidance referenced in the Order, the reference will be read to include any subsequent modification, amendment, or replacement of such regulation or guidance. Such modifications, amendments, or replacements apply to the Work only after Respondents receive notification from EPA of the modification, amendment, or replacement.

48. Work Plan and Implementation.

a. Within five days after the Effective Date, in accordance with Paragraph 49 (Submission of Deliverables), Respondents shall submit to EPA for review and approval a draft work plan for performing the removal actions (the "Work Plan") generally described in Paragraphs 46.d through 46.f above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the work required in Paragraphs 46.d through 46.f of this Order. The Work Plan shall provide for stabilizing the wall along the eastern side of the ECI Property within ten days of EPA's approval of the Work Plan.

b. EPA may approve, disapprove, require revisions to, or modify the draft Work Plan in whole or in part. If EPA requires revisions, Respondents shall submit a revised draft Work Plan within two days after receipt of EPA's notification of the required revisions. Respondents shall implement the Work Plan as approved in writing by EPA in accordance with the schedule approved by EPA. Once approved, or approved with modifications, the Work Plan,

the schedule, and any subsequent modifications shall be incorporated into and become fully enforceable under this Order.

c. Upon approval or approval with modifications of the Work Plan Respondents shall commence implementation of the Work in accordance with the schedule included therein. Respondents shall not commence or perform any Work except in conformance with the terms of this Order. Respondents shall notify EPA at least 48 hours prior to performing any Work on-Site pursuant to the EPA-approved Work Plan.

d. Unless otherwise provided in this Order, any additional deliverables that require EPA approval under the Work Plan shall be reviewed and approved by EPA in accordance with this Paragraph.

e. Any non-compliance with any EPA-approved plans, reports, specifications, schedules, or other deliverables shall be considered a violation of the requirements of this Order. Determinations of non-compliance shall be made by EPA. Approval of the Work Plan shall not limit EPA's authority under the terms of this Order to require Respondents to conduct activities consistent with this Order to accomplish the Work outlined in this Section.

49. Submission of Deliverables

a. General Requirements for Deliverables.

(1) Except as otherwise provided in this Order, Respondents shall direct all submissions required by this Order to the RPM at

Anhtu Nguyen
Remedial Project Manager
U.S. Environmental Protection Agency
Superfund Division (SFD-7-2)
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3443
Nguyen.anhtu@epa.gov

Respondents shall submit all deliverables required by this Order or any approved work plan to EPA in accordance with the schedule set forth in such plan.

(2) Respondents shall submit all deliverables in electronic form. All deliverables shall be submitted to EPA in the form specified by the RPM. If any deliverable includes maps, drawings, or other exhibits that are larger than 8.5 x 11 inches, Respondents shall also provide EPA with paper copies of such exhibits. Respondents shall submit all deliverables in electronic form. Technical specifications for sampling and monitoring data and spatial data are addressed in Paragraph 49.b All other deliverables shall be submitted to EPA in the form specified by the RPM. If any deliverable includes maps, drawings, or other exhibits that are larger than 8.5 x 11 inches, Respondents shall also provide EPA with paper copies of such exhibits.

b. Technical Specifications for Deliverables.

(1) Sampling and monitoring data should be submitted in standard Regional EDD format. Other delivery methods may be allowed if electronic direct submission presents a significant burden or as technology changes.

(2) Spatial data, including spatially-referenced data and geospatial data, should be submitted: (a) in the ESRI File Geodatabase format; and (b) as unprojected geographic coordinates in decimal degree format using North American Datum 1983 (NAD83) or World Geodetic System 1984 (WGS84) as the datum. If applicable, submissions should include the collection method(s). Projected coordinates may optionally be included but must be documented. Spatial data should be accompanied by metadata, and such metadata should be compliant with the Federal Geographic Data Committee (FGDC) Content Standard for Digital Geospatial Metadata and its EPA profile, the EPA Geospatial Metadata Technical Specification. An add-on metadata editor for ESRI software, the EPA Metadata Editor (EME), complies with these FGDC and EPA metadata requirements and is available at https://edg.epa.gov/EME/.

(3) Each file must include an attribute name for each site unit or sub-unit submitted. Consult http://www.epa.gov/geospatial/policies.html for any further available guidance on attribute identification and naming.

(4) Spatial data submitted by Respondents does not, and is not intended to, define the boundaries of the Site.

50. Sampling and Analysis Plan. Within five days after the Effective Date, Respondents shall submit any Sampling and Analysis Plan required to comply with the work required in this Order to EPA for review and approval. This plan shall consist of a Field Sampling Plan (FSP) and a Quality Assurance Project Plan (QAPP) that is consistent with the NCP and applicable guidance documents, including, but not limited to, "Guidance for Quality Assurance Project Plans (QA/G-5)" EPA/240/R-02/009 (December 2002), "EPA Requirements for Quality Assurance Project Plans (QA/R-5)" EPA 240/B-01/003 (March 2001, reissued May 2006), and "Uniform Federal Policy for Quality Assurance Project Plans, Parts 1-3 EPA/505/B-04/900A-900C (March 2005). Upon its approval by EPA, the Sampling and Analysis Plan shall be incorporated into and become enforceable under this Order.

51. Health and Safety Plan. Within five days after the Effective Date, Respondents shall submit for EPA review and comment a Health and Safety Plan that ensures the protection of on-site workers and the public during performance of on-site Work under this Order. This plan shall be prepared in accordance with "OSWER Integrated Health and Safety Program Operating Practices for OSWER Field Activities," Pub. 9285.0-OIC (Nov. 2002), available on the NSCEP database at http://www.epa.gov/nscep/index.html, and "EPA's Emergency Responder Health and Safety Manual," OSWER Directive 9285.3-12 (July 2005 and updates), available at http://www.epaosc.org/_HealthSafetyManual/manual-index.htm. In addition, the plan shall comply with all currently applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 C.F.R. Part 1910. If EPA determines that it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by EPA and shall implement the plan during the pendency of the removal actions.

52. Progress Reports. Respondents shall submit a written progress report to EPA concerning actions undertaken pursuant to this Order on a weekly basis, or as otherwise requested by EPA, from the date of receipt of EPA's approval of the Removal Work Plan until issuance of Notice of Completion of Work pursuant to Section XXVI, unless otherwise directed in writing by the RPM. These reports shall describe all significant developments during the preceding period, including the actions performed and any problems encountered, analytical data received during the reporting period, and the developments anticipated during the next reporting period, including a schedule of actions to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

53. Final Report. Within ten days after completion of all Work required by this Order, with the exception of any continuing obligations required by this Order, including reimbursement of any EPA Response Costs and Retention of Records, Respondents shall submit for EPA review and approval a final report summarizing the actions taken to comply with this Order. EPA will review and approve the final report in accordance with Section XXVI (Notice of Completion of Work). The final report shall conform, at a minimum, with the requirements set forth in Section 300.165 of the NCP, "OSC Reports." The final report shall include a good faith estimate of total costs or a statement of actual costs incurred in complying with the Order, a listing of quantities and types of materials removed off-Site or handled on-Site, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destination(s) of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal actions (e.g., manifests, invoices, bills, contracts, and permits). The final report shall also include the following certification signed by a responsible corporate official of a Respondent or Respondent's Project Coordinator: "I certify under penalty of law 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 have no personal knowledge that the information submitted is other than 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."

XII. QUALITY ASSURANCE, SAMPLING, AND DATA ANALYSIS

54. Respondents shall use quality assurance, quality control, and other technical activities and chain of custody procedures for all samples consistent with "EPA Requirements for Quality Assurance Project Plans (QA/R5)," EPA/240/B-01/003 (March 2001, reissued May 2006), "Guidance for Quality Assurance Project Plans (QA/G-5)," EPA/240/R-02/009 (December 2002), and "Uniform Federal Policy for Quality Assurance Project Plans," Parts 1-3, EPA/505/B-04/900A-900C (March 2005).

55. Access to Laboratories.

a. Respondents shall ensure that EPA personnel and its authorized representatives are allowed access at reasonable times to all laboratories utilized by Respondents

pursuant to this Order. In addition, Respondents shall ensure that such laboratories shall analyze all samples submitted by EPA pursuant to the QAPP for quality assurance, quality control, and technical activities that will satisfy the stated performance criteria as specified in the QAPP and that sampling and field activities are conducted in accordance with EPA's "Field Operations Group Operational Guidelines for Field Activities" (http://www.epa.gov/region8/qa/FieldOperationsGroupOperationalGuidelinesForFieldActivities.pdf) and "EPA QA Field Activities Procedure" (http://www.epa.gov/irmpoli8/policies/2105-p-02.pdf). Respondents shall ensure that the laboratories they utilize for the analysis of samples taken pursuant to this Order meet the competency requirements set forth in EPA's "Policy to Assure Competency of Laboratories, Field Sampling, and Other Organizations Generating Environmental Measurement Data under Agency-Funded Acquisitions" (http://www.epa.gov/fem/pdfs/fem-lab-competency-policy.pdf) and that the laboratories perform all analyses using EPA-accepted methods. Accepted EPA methods consist of, but are not limited to, methods that are documented in the EPA's Contract Laboratory Program (http://www.epa.gov/superfund/programs/clp/), SW 846 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (http://www.epa.gov/epawaste/hazard/testmethods/sw846/online/index.htm), "Standard Methods for the Examination of Water and Wastewater" (http://www.standardmethods.org/), 40 C.F.R. Part 136, "Air Toxics - Monitoring Methods" (http://www.epa.gov/ttnamti1/airtox.html)." However, upon approval by EPA [, after a reasonable opportunity for review and comment by the State], Respondents may use other appropriate analytical method(s), as long as (i) quality assurance/quality control (QA/QC) criteria are contained in the method(s) and the method(s) are included in the QAPP, (ii) the analytical method(s) are at least as stringent as the methods listed above, and (iii) the method(s) have been approved for use by a nationally recognized organization responsible for verification and publication of analytical methods, e.g., EPA, ASTM, NIOSH, OSHA, etc. Respondents shall ensure that all laboratories they use for analysis of samples taken pursuant to this Order have a documented Quality System that complies with ASQ/ANSI E4:2014 "Quality management systems for environmental information and technology programs – Requirements with guidance for use" (American Society for Quality, February 2014), and "EPA Requirements for Quality Management Plans (QA/R-2)" EPA/240/B-01/002 (March 2001, reissued May 2006), or equivalent documentation as determined by EPA. EPA may consider Environmental Response Laboratory Network (ERLN) laboratories, laboratories accredited under the National Environmental Laboratory Accreditation Program (NELAP), or laboratories that meet International Standardization Organization (ISO 17025) standards or other nationally recognized programs (http://www.epa.gov/fem/accredit.htm) as meeting the Quality System requirements. Respondents shall ensure that all field methodologies utilized in collecting samples for subsequent analysis pursuant to this Order are conducted in accordance with the procedures set forth in the QAPP approved by EPA.

b. Upon request, Respondents shall provide split or duplicate samples to EPA or its authorized representatives. Respondents shall notify EPA not less than two days in advance of any sample collection activity. In addition, EPA shall have the right to take any additional samples that EPA deems necessary. Upon request, EPA shall provide to Respondents split or duplicate samples of any samples it takes as part of EPA's oversight of Respondents' implementation of the Work.

c. Respondents shall submit to EPA, in the next monthly progress report as described in Paragraph 52 (Progress Reports) copies of the results of all sampling and/or tests or other data obtained or generated by or on behalf of Respondents with respect to the Site and/or the implementation of this Order.

XIII. PROPERTY REQUIREMENTS

56. Agreements Regarding Access and Non-Interference. Respondents shall, with respect to any Respondent Owner's Affected Property, use best efforts to secure from such Respondent Owner an agreement, enforceable by Respondents and EPA, providing that such Respondent Owner shall: (i) provide EPA, Respondents, and their representatives, contractors, and subcontractors with access at all reasonable times to such Affected Property to conduct any activity regarding the Order, including those activities listed in Paragraph 56.a (Access Requirements); and (ii) refrain from using such Affected Property in any manner that EPA determines will pose an unacceptable risk to human health or to the environment due to exposure to Waste Material, or interfere with or adversely affect the implementation, integrity, or protectiveness of the removal action.

a. Access Requirements. The following is a list of activities for which access is required regarding the Affected Property:

(1) Monitoring the Work;

(2) Verifying any data or information submitted to EPA;

(3) Conducting investigations regarding contamination at or near the Site;

(4) Obtaining samples;

(5) Assessing the need for, planning, implementing, or monitoring response actions;

(6) Implementing the Work pursuant to the conditions set forth in Section XIX (Enforcement/Work Takeover);

(7) Inspecting and copying records, operating logs, contracts, or other documents maintained or generated by Respondents or their agents, consistent with Section XIV (Access to Information);

(8) Assessing Respondents' compliance with the Order;

(9) Determining whether the Affected Property is being used in a manner that is prohibited or restricted, or that may need to be prohibited or restricted under the Order; and

(10) Implementing, monitoring, maintaining, reporting on, and enforcing any land, water, or other resource use restrictions regarding the Affected Property.

57. Best Efforts. As used in this Section, "best efforts" means the efforts that a reasonable person in the position of Respondents would use so as to achieve the goal in a timely manner, including the cost of employing professional assistance and the payment of reasonable sums of money to secure access and/or use restriction agreements, as required by this Section. If, within three days after the Effective Date, Respondents are unable to accomplish what is required through "best efforts" they shall notify EPA, and include a description of the steps taken to comply with the requirements. If EPA deems it appropriate, it may assist Respondents or take independent action in obtaining such access and/or use restrictions. EPA reserves the right to seek payment from Respondents for all costs, including cost of attorneys' time, incurred by the United States in obtaining such access or agreements to restrict land, water, or other resource use.

58. Owner Respondent shall not Transfer the ECI Property unless it has first secured EPA's approval of, and transferee's consent to, an agreement that: (i) is enforceable by EPA; and (ii) requires the transferee to provide access to and refrain from using the ECI Property to the same extent as is provided under Paragraphs 566.a (Access Requirements).

59. If EPA determines in a decision document prepared in accordance with the NCP that institutional controls in the form of state or local laws, regulations, ordinances, zoning restrictions, or other governmental controls or notices are needed, Respondents shall cooperate with EPA's efforts to secure and ensure compliance with such institutional controls.

60. In the event of any Transfer of the ECI Property, unless EPA otherwise consents in writing, Respondents shall continue to comply with their obligations under this Order, including their obligation to secure access and ensure compliance with any land, water, or other resource use restrictions regarding the ECI Property.

61. Notwithstanding any provision of this Order, EPA retains all of its access authorities and rights, as well as all of its rights to require land, water, or other resource use restrictions, including enforcement authorities related thereto under CERCLA, RCRA, and any other applicable statute or regulations.

XIV. ACCESS TO INFORMATION

62. Respondents shall provide to EPA , upon request, copies of all records, reports, documents, and other information (including records, reports, documents, and other information in electronic form) (hereinafter referred to as "Records") within Respondents' possession or control or that of their contractors or agents relating to activities at the Site or to the implementation of this Order, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information regarding the Work. Respondents shall also make available to EPA, for purposes of investigation, information gathering, or testimony, their employees, agents, or representatives with knowledge of relevant facts concerning the performance of the Work.

63. Privileged and Protected Claims.

a. Respondents may assert that all or part of a Record requested by EPA is privileged or protected as provided under federal law, in lieu of providing the Record, provided Respondents comply with Paragraph 63.b, and except as provided in Paragraph 63.c.

b. If Respondents assert a claim of privilege or protection, they shall provide EPA with the following information regarding such Record: its title; its date; the name, title, affiliation (e.g., company or firm), and address of the author, of each addressee, and of each recipient; a description of the Record's contents; and the privilege or protection asserted. If a claim of privilege or protection applies only to a portion of a Record, Respondents shall provide the Record to EPA in redacted form to mask the privileged or protected portion only. Respondents shall retain all Records that they claim to be privileged or protected until EPA has had a reasonable opportunity to dispute the privilege or protection claim and any such dispute has been resolved in Respondents' favor.

c. Respondents may make no claim of privilege or protection regarding: (1) any data regarding the Site, including, but not limited to, all sampling, analytical, monitoring, hydrogeologic, scientific, chemical, radiological, or engineering data, or the portion of any other Record that evidences conditions at or around the Site; or (2) the portion of any Record that Respondents are required to create or generate pursuant to this Order.

64. Business Confidential Claims. Respondents may assert that all or part of a Record provided to EPA under this Section or Section XV (Retention of Records) is business confidential to the extent permitted by and in accordance with Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and 40 C.F.R. § 2.203(b). Respondents shall segregate and clearly identify all Records or parts thereof submitted under this UAO for which Respondents assert business confidentiality claims. Records submitted to EPA determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies Records when they are submitted to EPA, or if EPA has notified Respondents that the Records are not confidential under the standards of Section 104(e)(7) of CERCLA or 40 C.F.R. Part 2, Subpart B, the public may be given access to such Records without further notice to Respondents.

65. Notwithstanding any provision of this Order, EPA retains all of its information gathering and inspection authorities and rights, including enforcement actions related thereto, under CERCLA, RCRA, and any other applicable statutes or regulations.

XV. RETENTION OF RECORDS

66. During the pendency of this Order and for a minimum of ten years after Respondents' receipt of EPA's notification pursuant to Section XXVI (Notice of Completion of Work), each Respondent shall preserve and retain all non-identical copies of Records (including Records in electronic form) now in its possession or control, or that come into its possession or control, that relate in any manner to its liability under CERCLA with respect to the Site, provided, however, that Respondents who are potentially liable as owners or operators of the Site must retain, in addition, all Records that relate to the liability of any other person under

CERCLA with respect to the Site. Each Respondent must also retain, and instruct its contractors and agents to preserve, for the same period of time specified above, all non-identical copies of the last draft or final version of any Records (including Records in electronic form) now in its possession or control or that come into its possession or control that relate in any manner to the performance of the Work, provided, however, that each Respondent (and its contractors and agents) must retain, in addition, copies of all data generated during performance of the Work and not contained in the aforementioned Records required to be retained. Each of the above record retention requirements shall apply regardless of any corporate retention policy to the contrary.

67. At the conclusion of this document retention period, Respondents shall notify EPA at least 90 days prior to the destruction of any such Records, and, upon request by EPA, and except as provided in Paragraph 63, Respondents shall deliver any such Records to EPA.

68. Within ten days after the Effective Date, each Respondent shall submit a written certification to EPA's RPM that, to the best of its knowledge and belief, after thorough inquiry, it has not altered, mutilated, discarded, destroyed, or otherwise disposed of any Records (other than identical copies) relating to its potential liability regarding the Site since notification of its potential liability by the United States, and that it has fully complied with any and all EPA requests for information regarding the Site pursuant to Sections 104(e) and 122(e) of CERCLA, 42 U.S.C. §§ 9604(e) and 9622(e), and Section 3007 of RCRA, 42 U.S.C. § 6927. Any Respondent unable to so certify shall submit a modified certification that explains in detail why it is unable to certify in full with regard to all Records.

XVI. COMPLIANCE WITH OTHER LAWS

69. Nothing in this Order limits Respondent's obligations to comply with the requirements of all applicable state and federal laws and regulations, except as provided in Section 121(e) of CERCLA, 42 U.S.C. § 6921(e), and 40 C.F.R. §§ 300.400(e) and 300.415(j). In accordance with 40 C.F.R. § 300.415(j), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements (ARARs) under federal environmental or state environmental or facility siting laws. Respondents shall identify ARARs in the Work Plan subject to EPA approval.

70. No local, state, or federal permit shall be required for any portion of the Work conducted entirely on-site (i.e., within the areal extent of contamination or in very close proximity to the contamination and necessary for implementation of the Work), including studies, if the action is selected and carried out in compliance with Section 121 of CERCLA, 42 U.S.C. § 9621. Where any portion of the Work that is not on-site requires a federal or state permit or approval, Respondents shall submit timely and complete applications and take all other actions necessary to obtain and to comply with all such permits or approvals. This Order is not, and shall not be construed to be, a permit issued pursuant to any federal or state statute or regulation.

XVII. EMERGENCY RESPONSE AND NOTIFICATION OF RELEASES

71. Emergency Response. If any event occurs during performance of the Work that causes or threatens to cause a release of any Waste Material on, at, or from the Site that either constitutes an emergency situation or that may present an immediate threat to public health or welfare or the environment, Respondents shall immediately take all appropriate action to prevent, abate, or minimize such release or threat of release. Respondents shall take these actions in accordance with all applicable provisions of this Order, including, but not limited to, the Health and Safety Plan. Respondents shall also immediately notify the RPM or, in the event of his/her unavailability, the Regional Duty Officer at 800-300-2193 of the incident or Site conditions. In the event that Respondents fail to take appropriate response action as required by this Paragraph, and EPA takes such action instead, EPA reserves the right to pursue cost recovery.

72. Release Reporting. Upon the occurrence of any event during performance of the Work that Respondents are required to report pursuant to Section 103 of CERCLA, 42 U.S.C. § 9603, or Section 304 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11004, Respondents shall immediately orally notify the RPM, or, in the event of his/her unavailability, the Regional Duty Officer at 800-300-2193, and the National Response Center at (800) 424-8802. This reporting requirement is in addition to, and not in lieu of, the reporting required by CERCLA § 103 or EPCRA § 304.

73. For any event covered under this Section, Respondents shall submit a written report to EPA within seven days after the onset of such event, setting forth the action or event that occurred and the measures taken, and to be taken, to mitigate any release or threat of release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release or threat of release.

XVIII. PAYMENT OF RESPONSE COSTS

74. Upon EPA's written demand, Respondents shall pay EPA all Response Costs incurred or to be incurred in connection with this Order. On a periodic basis, EPA will send Respondents a bill requiring payment of all Response Costs incurred by the United States with respect to this Order that includes a cost summary, which includes direct and indirect costs incurred by EPA, its contractors, and the Department of Justice.

75. Respondents shall make all payments within 30 days after receipt of each written demand requiring payment. Payment shall be made to EPA by Fedwire Electronic Funds Transfer (EFT) to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

and shall reference Site/Spill ID Number 0926 and the EPA docket number for this action.

76. At the time of payment, Respondents shall send notice that payment has been made to Anhtu Nguyen, EPA Region 9, 75 Hawthorne St., San Francisco, CA 94105, Nguyen.anhtu@epa.gov; and to the EPA Cincinnati Finance Office by email at cinwd_acctsreceivable@epa.gov, or by mail to

EPA Cincinnati Finance Office
26 W. Martin Luther King Drive
Cincinnati, Ohio 45268

Such notice shall reference Site/Spill ID Number 0926 and EPA docket number for this action.

77. In the event that the payments for Response Costs are not made within 30 days after Respondents' receipt of a written demand requiring payment, Respondents shall pay Interest on the unpaid balance. The Interest on Response Costs shall begin to accrue on the date of the written demand and shall continue to accrue until the date of payment. Payments of Interest made under this Paragraph shall be in addition to such other remedies or sanctions available to the United States by virtue of Respondents' failure to make timely payments under this Section. Respondents shall make all payments required by this Paragraph in the manner described in Paragraphs 75 and 76.

XIX. ENFORCEMENT/WORK TAKEOVER

78. Any willful violation, or failure or refusal to comply with any provision of this Order may subject Respondents to civil penalties of up to $37,500 per violation per day, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1), and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19. In the event of such willful violation, or failure or refusal to comply, EPA may carry out the required actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606. Respondents may also be subject to punitive damages in an amount up to three times the amount of any costs incurred by the United States as a result of such failure to comply, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

XX. RESERVATIONS OF RIGHTS BY EPA

79. Nothing in this Order shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing in this Order shall prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, from taking other legal or equitable action as it deems appropriate and necessary, or from requiring Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law. EPA reserves the right to bring an action against

Respondents under Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of any response costs incurred by the United States related to this Order or the Site and not paid by Respondents.

XXI. OTHER CLAIMS

80. By issuance of this Order, the United States and EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or EPA shall not be deemed a party to any contract entered into by Respondents or their directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out actions pursuant to this Order.

81. Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against Respondents or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or common law, including but not limited to any claims of the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607.

82. Nothing in this Order shall be deemed to constitute preauthorization of a claim within the meaning of Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2), or 40 C.F.R. § 300.700(d).

83. No action or decision by EPA pursuant to this Order shall give rise to any right to judicial review, except as set forth in Section 113(h) of CERCLA, 42 U.S.C. § 9613(h).

XXII. INSURANCE

84. No later than ten days before commencing any on-site Work, Respondents shall secure, and shall maintain for the duration of this Order, commercial general liability insurance with appropriate limits, for any one occurrence, and automobile insurance with appropriate limits, combined single limit, naming EPA as an additional insured with respect to all liability arising out of the activities performed by or on behalf of Respondents pursuant to this Order. Within the same time period, Respondents shall provide EPA with certificates of such insurance and a copy of each insurance policy. Respondents shall submit such certificate and copies of policies each year on the anniversary of the Effective Date. In addition, for the duration of the Order, Respondents shall satisfy, or shall ensure that their contractors or subcontractors satisfy, all applicable laws and regulations regarding the provision of worker's compensation insurance for all persons performing Work on behalf of Respondents in furtherance of this Order. If Respondents demonstrate by evidence satisfactory to EPA that any contractor or subcontractor maintains insurance equivalent to that described above, or insurance covering some or all of the same risks but in a lesser amount, then, with respect to that contractor or subcontractor, Respondents need provide only that portion of the insurance described above which is not maintained by such contractor or subcontractor.

XXIII. MODIFICATION

85. The RPM may make modifications to any plan or schedule in writing or by oral direction. Any oral modification will be memorialized in writing by EPA within five days, but shall have as its effective date the date of the RPM's oral direction. Any other requirements of

this Order may be modified in writing by signature of the Superfund Branch Chief of EPA Region IX.

86. If Respondents seek permission to deviate from any approved Work Plan or schedule, Respondents' Project Coordinator shall submit a written request to EPA for approval outlining the proposed modification and its basis. Respondents may not proceed with the requested deviation until receiving approval from the RPM pursuant to Paragraph 85.

87. No informal advice, guidance, suggestion, or comment by the RPM or other EPA representatives regarding reports, plans, specifications, schedules, or any other writing submitted by Respondents shall relieve Respondents of their obligation to obtain any formal approval required by this Order, or to comply with all requirements of this Order, unless it is formally modified.

XXIV. DELAY IN PERFORMANCE

88. Respondents shall notify EPA of any delay or anticipated delay in performing any requirement of this Order. Such notification shall be made by telephone and email to the RPM within 24 hours after Respondents first knew or should have known that a delay might occur. Respondents shall adopt all reasonable measures to avoid or minimize any such delay. Within 48 hours after notifying EPA by telephone and email, Respondents shall provide to EPA written notification fully describing the nature of the delay, the anticipated duration of the delay, any justification for the delay, all actions taken or to be taken to prevent or minimize the delay or the effect of the delay, a schedule for implementation of any measures to be taken to mitigate the effect of the delay, and any reason why Respondents should not be held strictly accountable for failing to comply with any relevant requirements of this Order. Increased costs or expenses associated with implementation of the activities called for in this Order is not a justification for any delay in performance.

89. Any delay in performance of this Order that, in EPA's judgment, is not properly justified by Respondents under the terms of Paragraph 88 shall be considered a violation of this Order. Any delay in performance of this Order shall not affect Respondents' obligations to fully perform all obligations under the terms and conditions of this Order.

XXV. ADDITIONAL REMOVAL ACTIONS

90. If EPA determines that additional removal actions not included in an approved plan are necessary to protect public health, welfare, or the environment, EPA will notify Respondents of that determination and will either modify this Order or issue a new Order to address any additional removal action.

XXVI. NOTICE OF COMPLETION OF WORK

91. When EPA determines, after EPA's review of the final report, that all Work has been fully performed in accordance with this Order, with the exception of any continuing obligations required by this Order, including reimbursement of Response Costs and Record Retention, EPA will provide written notice to Respondents. If EPA determines that any Work has not been completed in accordance with this Order, EPA will notify Respondents, provide a

list of the deficiencies, and require that Respondents modify the Work Plan, if appropriate, in order to correct such deficiencies within five days after receipt of the EPA notice. The modified Work Plan shall include a schedule for correcting such deficiencies. Within five days after receipt of written approval of the modified Work Plan, Respondents shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the EPA notice. Failure by Respondents to implement the approved modified Work Plan shall be a violation of this Order.

XXVII. SEVERABILITY

92. If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall remain bound to comply with all provisions of this Order not invalidated or determined to be subject to a sufficient cause defense by the court's order.

It is so ORDERED.

BY: _____ DATE: October 30, 2015
John Lyons
Acting Assistant Director, California Sites Cleanup Branch, Superfund Division
Region IX
U.S. Environmental Protection Agency

EFFECTIVE DATE: October 30, 2015

COUNTY OF LOS ANGELES DEPARTMENT PUBLIC HEALTH
ENVIRONMENTAL HEALTH DIVISION
5050 Commerce Drive, Baldwin Park, CA 91706
Phone: (626) 430-5100
Website: www.publichealth.lacounty.gov/eh

PRELIMINARY ENVIRONMENTAL HEALTH ASSESSMENT
Fugitive Dust from Excavation Project on Normandie Avenue, Torrance

10-31-15

Note: On October 29, 2015, Los Angeles County Department of Public Health (DPH) was asked by the Coalition of Clean Air to assess whether conditions at the subject site could be adversely affecting the health of nearby residents. Based on review of available environmental and health data, DPH has prepared the Preliminary Environmental Health Assessment.

Background: Ecology Control Industries (ECI) site located at 20846 Normandie Avenue, Torrance, California consists of approximately 7+ acres of land. The site represents a portion of the former storm water runoff channel downstream from Montrose Chemical Corporation that operated near the site from 1947 to 1982. In 1991 ECI acquired a portion of the site. Soil from this site was affected by heavy metals, polychlorinated biphenyls (PCBs) and organochlorine pesticides (OCPs). A remediation plan was to remove and properly dispose of impacted soil to eventually use this site for residential purposes. Excavation began in July 2015.

Problem Identification: Complaints were made from residents regarding fugitive dust coming from the resulting trench that was dug on the northeastern corner of ECI property and the mounds of soil that were excavated from that trench.

Potential Other Sources of Exposure: Unknown.

Potentially Affected Population: Subject facility is located close to the intersection of Torrance Boulevard and Normandie Avenue and is surrounded predominantly by residential properties, with commercial/industrial facilities located in the northwest corner that intersection. The Trench was dug in the northeastern corner of the property. Approximately six to seven homes were located on the eastern side adjacent to the property line where the trench was dug.

Assessment: Mounds of dirt approximately 20 feet high running the length of the trench (which is approximately 300 feet long and 50 feet wide) were observed. The ECI facility had made attempts to cover the mounds of excavated dirt. However, several mounds were observed to be partially covered and the trench itself was not covered. There was no evidence that water and /or chemicals such as wetting, foaming and binding agents were being used to control dust particles from these exposed surfaces. Winds were observed blowing in an

easterly direction approximately 5-7 miles per hour, however, visible dust was not seen being blown from exposed surfaces. Although no fugitive dust activity was observed at the time of this assessment, based upon evidence of exposed trench and mound soil, along with the probability of high winds in the area, the complaint appears to be valid and justified.

Recommendations

(1) ECI should continually ensure that any excavated soil, known to be contaminated, is completely and securely covered in order to prevent it from being carried away by the wind.

(2) ECI should ensure that trench is covered with plastic tarp after work hours and on the weekend to prevent dust from blowing onto adjacent properties.

(3) ECI should ensure that during excavation, exposed trench surfaces are misted with water and/or chemical surfactant to prevent dust from blowing onto adjacent properties.

(4) ECI should remove mounds of excavated soil and fill trench with uncontaminated soil.

(5) The regulatory agencies should continue to explore appropriate interventions and best management practices with the goal of eliminating fugitive dust emissions from the ECI site into the community.

(6) It is recommended that agencies consider the development and adoption of alternative standards for similar facilities which are situated in close proximity to residential communities.

Charlene Contreras, REHS
Manager, Bureau of District Surveillance and Enforcement

Dr. Cyrus Rangan, M.D., F.A.A.P., F.A.C.M.T.
Director, Bureau of Toxicology and Environmental Assessment

Site Photos – 11/4/15

Stockpiles of excavated soil have been fully covered and roped down, caution tape and temporary barriers were placed to control access.

Site Photos – 11/4/15

Exposed trench area that Public Health recommends covering to prevent fugitive dust.

Sandbagging of drain area and exposed soil areas.

Site Photos – 11/4/15

Equipment used to buffer stockpiles.

Exit and entry driveway for site.

Letter of Acknowledgement

(Acknowledgement by Ecology Control Industries, Inc. to Agree to all Conditions of Approval)

Date: November 18, 2015

To: Los Angeles County Regional Planning Commission
Staff, Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, CA 90012

Re: 20850 South Normandie Avenue
Case No. CUP R2014-02228
Subject: Re-hearing of Case per Decision of Planning Commission on October 21, 2015, Agenda Item No. 9

Dear Members of the Planning Commission and Regional Planning Staff,

On behalf of the Applicant in the above-referenced case, and as President of Applicant, Ecology Control Industries, Inc., I respectfully submit this acknowledgment that we agree to all Conditions of Approval outlined by Staff and the Planning Commission in conjunction with Applicant's request for approval of the subject CUP

As President of Ecology Control Industries, Inc., I have both capacity and authority to make this acknowledgment.

By: _____

Printed Name: Ron Flury

Title: Chairman

Applicant: Ecology Control Industries, Inc. ("ECI")
20846 Normandie Avenue, Torrance, CA 90502
310-354-9999

Adrine Arakelian

From: rickjj dslextreme.com [rickjj@dslextreme.com]
Sent: Monday, October 19, 2015 10:49 AM
To: Adrine Arakelian
Subject: Project No. R2014-02228-(2), CUP No. 201400100

Follow Up Flag: Follow up
Flag Status: Flagged

Adrine,

In response to your mailing of the request for the hearing on this project, I have 2 questions:

1. Is the CUP text finalized yet? If so, where can I find it?

2. If you are still allowing public input on this matter, I would like to mention the following:
ECI has is the past been dropping very heavy objects(I believe container like those used at Terminal Island), resulting in ground vibrations similar to a minor (3.0?) earthquake, felt on my property.
I believe tne County noise ordinance 12.08.560 prohibits this, and the CUP wording should stste that. Of all the disturbances ECI has done, this is by far the worst. I am genuinely worried about damage to my property
from this.

Thank you for your consideration.

Respectfully,

Richard Jensen
1138 w 209th.

Adrine Arakelian

From: Garstang, Don [Don.Garstang@xerox.com]
Sent: Friday, November 20, 2015 5:18 PM
To: Charlene Contreras; willard.garrett@dtsc.ca.gov; Nguyen, Anhtu; barton.dana@epa.gov; john.scandura@dtsc.ca.gov; Cynthia Babich; ctupac@aqmd.gov; gkakishita@aqmd.gov; tnguyen2@aqmd.gov; BWallerstein@aqmd.gov; blumenfeld.jared@epa.gov; Barbara.Lee@dtsc.ca.gov; sanchez.yolanda@epa.gov; scottwarren@dtsc.ca.gov; info@ecologycontrol.com
Cc: Mi Kim; Adrine Arakelian; driccitiello@bos.lacounty.gov; joe@ccair.org; Angelo Bellomo; Cyrus Rangan; Gerardo Villalobos; raptorskp@aol.com
Subject: RE: Preliminary Environmental Health Assessment - Fugitive Dust from UAO Removal Activities - Torrance CA

Dear Ms. Contreras,

Thank you for providing this report. I believe one of my neighbors and I actually met with the gentlemen from Emergency Preparedness and Response that performed the inspection, John and Renor.

Although the stockpiles have been covered for a couple of weeks now, we still have an excessive amount of dust blowing from the ECI property and there is much dry loose exposed soil in the trench that is never covered. In addition, we are expecting more gusty winds in our area this weekend. The picture below was taken this morning, Friday Nov 20.

I spoke to EPA about the excellent recommendations in this report on Monday of this week, and unfortunately they had no plans to implement any of them, or any timeline for the stockpiles to be removed. Hopefully you may have more influence with the regulatory agencies that are supposed to protect our neighborhood from hazards such as these.

Best regards,
Don Garstang

From: Charlene Contreras [mailto:chcontreras@ph.lacounty.gov]
Sent: Thursday, November 12, 2015 1:10 PM
To: Garstang, Don; willard.garrett@dtsc.ca.gov; Nguyen, Anhtu; barton.dana@epa.gov; john.scandura@dtsc.ca.gov; Cynthia Babich; ctupac@aqmd.gov; gkakishita@aqmd.gov; tnguyen2@aqmd.gov; BWallerstein@aqmd.gov; blumenfeld.jared@epa.gov; Barbara.Lee@dtsc.ca.gov; sanchez.yolanda@epa.gov; scottwarren@dtsc.ca.gov; info@ecologycontrol.com
Cc: Mi Kim; Adrine Arakelian; driccitiello@bos.lacounty.gov; joe@ccair.org; Angelo Bellomo; Cyrus Rangan; Gerardo Villalobos
Subject: Preliminary Environmental Health Assessment - Fugitive Dust from UAO Removal Activities - Torrance CA

Good Afternoon,

On October 29, 2015, Los Angeles County Department of Public Health (DPH) was asked by the Coalition of Clean Air to assess whether conditions at 20846 Normandie Avenue, Torrance, California could be adversely affecting the health of nearby residents.

Based upon evidence of exposed trench and mound soil, along with the probability of high winds in the area, DPH has identified a potential health risk and recommendations are identified in the Preliminary Environmental Health Assessment attached to this email.

If you have any questions or require further information, please contact me at (213) 268-4205 or chcontreras@ph.lacounty.gov

Best regards,

Charlene Contreras, REHS
Environmental Health Manager
Los Angeles County Department of Public Health
Environmental Health Division
5050 Commerce Drive
Baldwin Park, CA 91706

Adrine Arakelian

Subject: FW: AQMD Complaint #256666/ R403/R1150 plan investigatioon

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From: Garstang, Don [mailto:Don.Garstang@xerox.com]
Sent: Thursday, October 22, 2015 10:27 AM
To: Michal Haynes
Cc: aarakelian@planning.lacounty.gov; mkim@planning.lacounty.gov; driccitiello@bos.lacounty.gov; willard.garrett@dtsc.ca.gov; Nguyen, Anhtu (Nguyen.Anhtu@epa.gov); barton.dana@epa.gov
Subject: AQMD Complaint #256666

Dear Mr. Haynes,

Thank you for contacting me about the toxic dust complaint #256666 with AQMD.

The government agency contacts for ECI that you requested are as follows.

DTSC Willard Garrett (714) 484-5352 ECI Project Manager

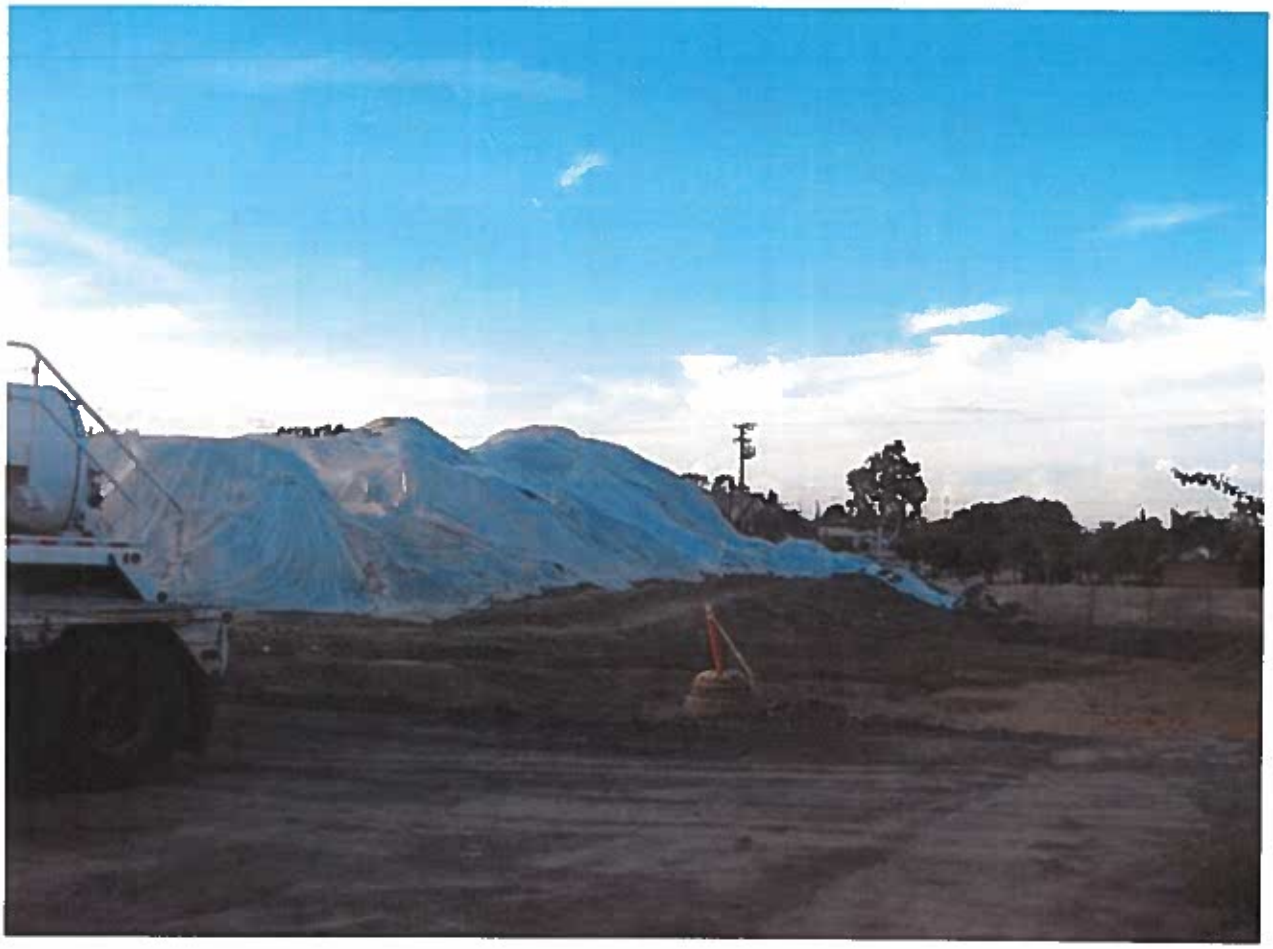
US EPA Tu Nguyen (415) 972-3443 ECI Site Manager

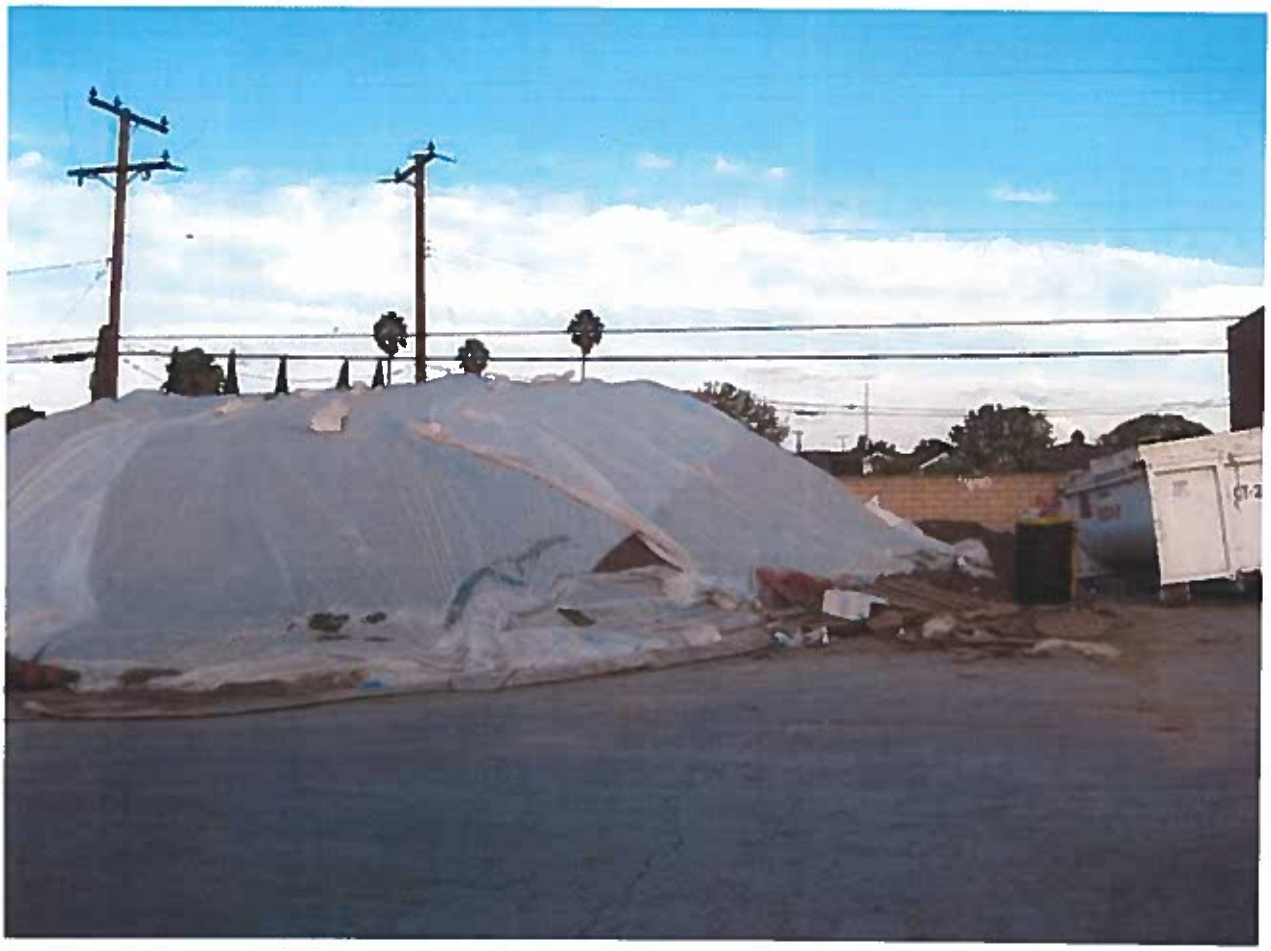
Enclosed are photos we discussed that illustrate the problem quite clearly. The ECI property has dirt everywhere and contaminated soil that is not secure. The hazardous soil is spread by their trucking operation, water runoff from rain, and primarily winds that carry it throughout our neighborhood.

USEPA has taken dust samples from our window sills and confirmed the presence of DDT. The surrounding residential community really needs some help to stop activities at ECI until the U-listed contaminated soil may be removed and the health and safety of hundreds of residents ensured.

As we head into extreme weather with el nino, we are very concerned and look forward to the results of your investigation.

ECM





Sincerely,

Don Garstang

(310) 333-2258

Adrine Arakelian

Subject: FW: AQMD Complaint #256666/ R403/R1150 plan investigatioon
Attachments: ECI_102915b.JPG

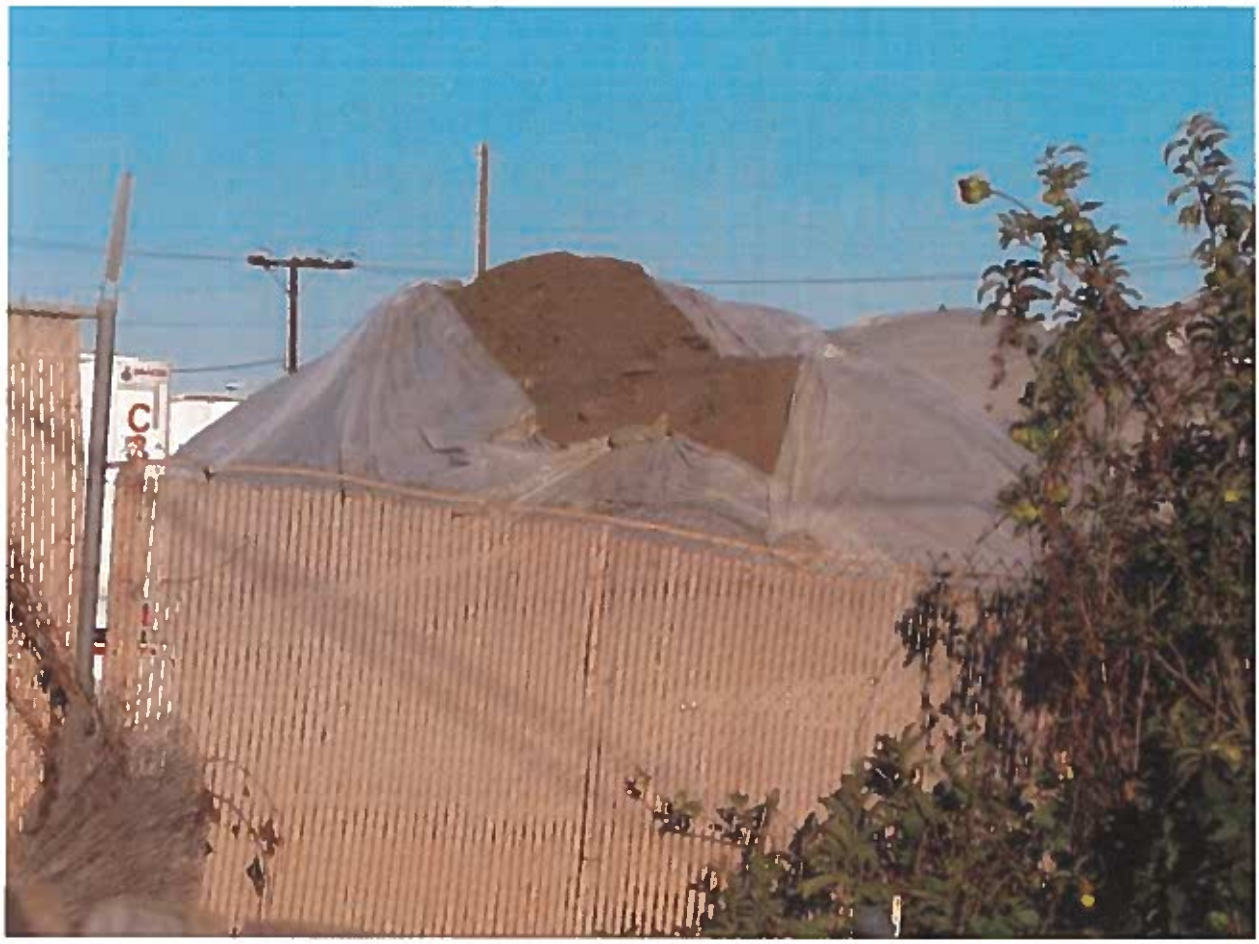
From: Garstang, Don [mailto:Don.Garstang@xerox.com]
Sent: Thursday, October 29, 2015 10:24 AM
To: Michal Haynes
Cc: Adrine Arakelian; Mi Kim; driccitiello@bos.lacounty.gov; willard.garrett@dtsc.ca.gov; Nguyen, Anhtu (Nguyen.Anhtu@epa.gov); barton.dana@epa.gov; Charles Tupac; gkakishita@aqmd.gov; tnguyen2@aqmd.gov; john.scandura@dtsc.ca.gov; Cynthia Babich (delamoactioncommittee@gmail.com)
Subject: RE: AQMD Complaint #256666/ R403/R1150 plan investigatioon

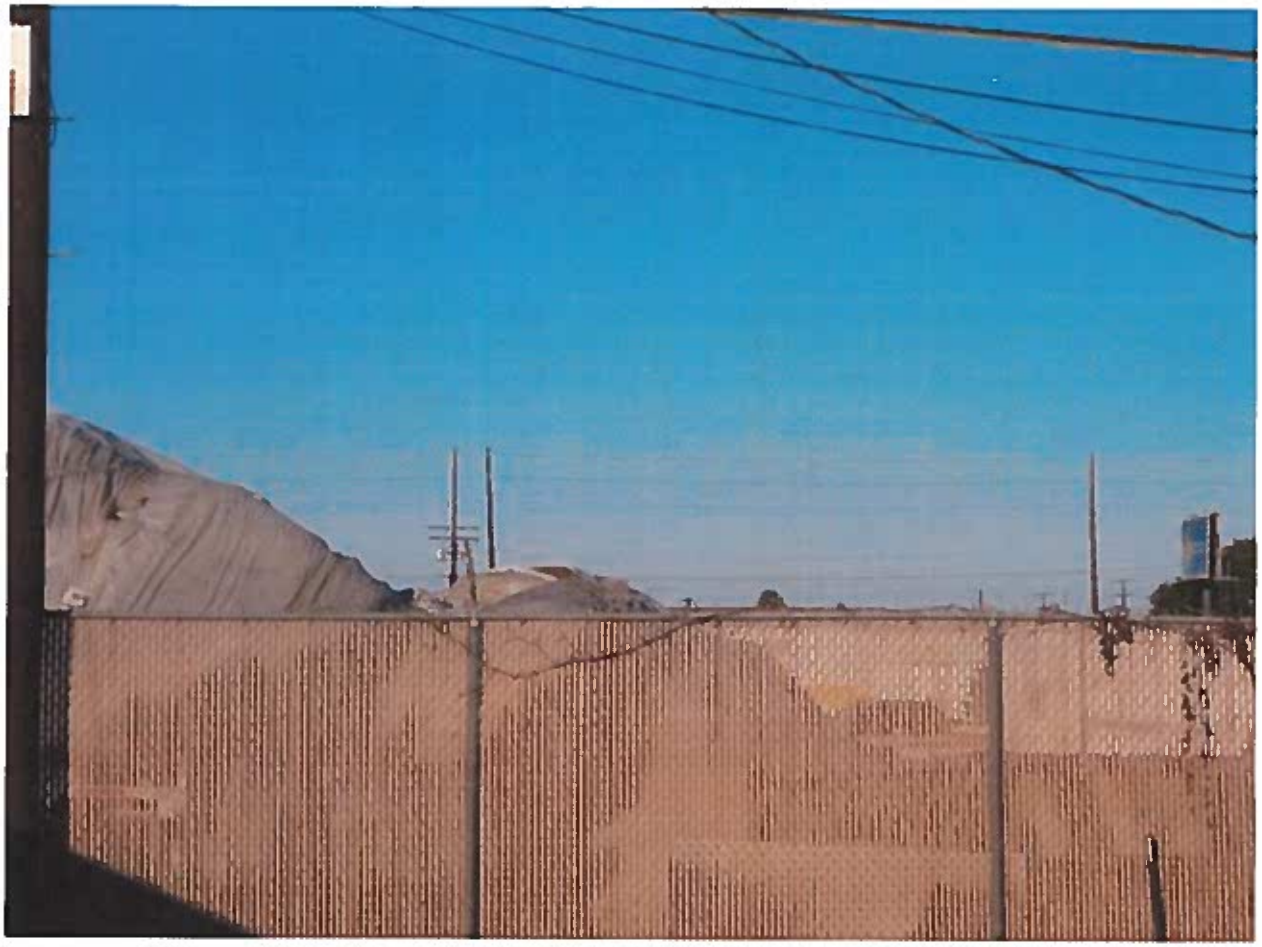
Mr. Haynes,

I have left voice messages and did not hear back from you. The status of complaint # 256666 is unknown.

In the meantime, we had some mild Santa Ana winds in the area over night, and similar to many areas throughout L.A., dust was blown everywhere, except in our case, the dust is more excessive and from U-listed soil that contains DDT and pesticides.

In addition, the winds have separated plastic sheets covering the dirt piles, and one of the largest piles is almost completely uncovered. The enclosed photos were taken this morning.





Please let me know if anyone at AQMD can do anything about this problem.

Best regards,
Don
(310) 333-2258