

ORIGINAL

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2 Attorney General of California  
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14 *Control Board, Los Angeles Region*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9  
10 COUNTY OF LOS ANGELES

**FILED**  
Superior Court of California  
County of Los Angeles

OCT 09 2015

Sherri R. Carter, Executive Officer/Clerk  
By , Deputy  
Ishayla Chambers

13 **PEAK FORECLOSURE SERVICES,**

14 **Petitioner,**

15 **v.**

16 **BAYVIEW LOAN SERVICING, LLC;**  
17 **DEL REY CLEANERS, INC.; PEMOLL**  
18 **LLC; 310 CULVER LLC,**

19 **Respondents.**

Case No. BS157001

**CLAIM OF CALIFORNIA REGIONAL  
WATER QUALITY CONTROL BOARD,  
LOS ANGELES REGION UNDER CIVIL  
CODE § 2924j(d)**

Date: October 26, 2015  
Time: 8:30 a.m.  
Dept: 45  
Judge: Honorable Mel Red Recana  
Trial Date: N/A  
Action Filed: July 24, 2015

1 The California Regional Water Quality Control Board, Los Angeles Region (Regional  
2 Water Board) submits this claim (Claim) under Civil Code section 2924j, subdivision (d). In  
3 support of the Claim, the Regional Water Board respectfully states as follows:

#### 4 **BACKGROUND**

##### 5 **I. GENERAL BACKGROUND**

6 This proceeding arises out of a nonjudicial foreclosure (Trustee's Sale) of a trust deed (the  
7 First Lien) purportedly encumbering real property located 310 Culver Boulevard, Los Angeles,  
8 California 90293, which has been assigned Assessor's ID number 4116-009-039 by the Los  
9 Angeles County Assessor (the Property). According to the petition initiating this proceeding (as  
10 amended, the Petition) and the Declaration of Kelli Espinoza filed in support thereof, (a) Peak  
11 Foreclosure Services, Inc. (Peak), acting as trustee for the First Lien, conducted the Trustee's Sale  
12 on January 20, 2015; and (b) three entities—Platinum Finance Properties, Inc.; Natural Sequence  
13 LLC; and HVH, Inc.—purchased the Property at the Trustee's Sale for \$578,000.

##### 14 **II. BACKGROUND RELEVANT TO THE REGIONAL WATER BOARD'S CLAIM**

###### 15 **A. Groundwater Contamination at the Property and the Regional Water 16 Board's Orders.**

17 A dry cleaning business has historically been operated on the Property. The Regional  
18 Water Board learned that contaminants from the business operations may have polluted  
19 groundwater. On February 21, 2012, the Regional Water Board issued an order under California  
20 Water Code section 13267 directing the owner of the Property to submit a work plan to delineate  
21 contaminants at the Property by no later than July 16, 2012 (the 2012 Order). A true and correct  
22 copy of the 2012 Order is attached here as Exhibit A. The owner of the Property failed to submit  
23 a timely work plan, and, on October 26, 2012, the Regional Water Board issued a notice of  
24 violation for failure to comply with the 2012 Order (the 2012 NOV). A true and correct copy of  
25 the 2012 NOV is attached here as Exhibit B.<sup>1</sup> The 2012 NOV gave notice that the continuing  
26

27 <sup>1</sup> The original 2012 NOV attached copies of the 2012 Order and transmittal letter.  
28 Because those documents are attached here as Exhibit A, they are omitted from Exhibit B.

1 failure to comply with the 2012 Order would give rise to potential civil penalties of up to \$1,000  
2 per day.

3 On July 31, 2014, the Regional Water Board issued a cleanup and abatement order titled  
4 *Amended Cleanup and Abatement Order No. R4-2014-0143*, which was amended on August 31,  
5 2014 (as amended, the CAO). The CAO directed the former owner of the Property and Del Rey  
6 Cleaners, Inc., then the owner of the Property, (together, the Former Owners) to assess, monitor,  
7 and cleanup and abate waste, including volatile organic compounds, that has been discharged to  
8 soil and groundwater at the Property (the Waste). The CAO directed the Former Owners to  
9 submit certain groundwater monitoring reports and a work plan for site assessment to the  
10 Regional Board by December 3, 2014. A true and correct copy of the CAO is attached here as  
11 Exhibit C, along with the cover letter transmitting the CAO on the same date. On December 18,  
12 2014, the Regional Water Board issued a notice of violation to the Former Owners because  
13 neither had submitted the documents required under the CAO (the 2014 NOV). A true and  
14 correct copy of the 2014 NOV is attached here as Exhibit D.<sup>2</sup> The 2014 NOV gave notice that the  
15 continuing failure to comply with the CAO would give rise to potential civil penalties of up to  
16 \$5,000 per day.

17 As of January 13, 2015, the Regional Water Board had incurred costs of at least \$34,208.69  
18 supervising cleanup or abatement activities, or taking other remedial action, relating to the Waste.  
19 Since January 13, 2015, the Regional Water Board has incurred not less than \$4,435.81 in  
20 additional costs supervising cleanup or abatement activities, or taking other remedial action,  
21 relating to the Waste.

22 To date, no party has submitted a work plan as required under the 2012 Order and no party  
23 has complied with any requirement of the CAO. The Regional Water Board staff estimates that  
24 potential penalties arising out of (a) violations of the 2012 Order presently total approximately  
25 \$55,000 and (b) violations of the CAO presently total approximately \$200,000.

26  
27 <sup>2</sup> The original 2014 NOV attached copies of the CAO and transmittal letter. Because  
28 those documents are attached here as Exhibit C, they are omitted from Exhibit D.

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1 by governmental agencies under section 13304, subdivision (c)(1), is secured by statute.

2 Specifically, section 13304, subdivision (c)(2), of the Water Code provides, in relevant part, as  
3 follows:

4 The amount of the costs [described in Water Code, section 13304, subdivision (c)(1)]  
5 constitutes a lien on the affected property upon service of a copy of the notice of lien  
6 on the owner and upon the recordation of a notice of lien, that identifies the property  
7 on which the condition was abated, the amount of the lien, and the owner of record of  
8 the property, in the office of the county recorder of the county in which the property  
9 is located. Upon recordation, the lien has the same force, effect, and priority as a  
10 judgment lien, except that it attaches only to the property posted and described in the  
11 notice of lien, and shall continue for 10 years from the time of the recording of the  
12 notice, unless sooner released or otherwise discharged. No later than 45 days after  
13 receiving a notice of lien, the owner may petition the court for an order releasing the  
14 property from the lien or reducing the amount of the lien. In this court action, the  
15 governmental agency that incurred the cleanup costs shall establish that the costs  
16 were reasonable and necessary. . . .

17 Here, the Regional Water Board filed notice of its lien in the amount of \$34,208.69 for  
18 remedial work on January 13, 2015—seven days before the Trustee's Sale. Under section 13304,  
19 subdivision (c)(2), of the Water Code, the Regional Water Board's lien has the same priority as a  
20 judgment lien. "A judgment lien on real property attaches to all interests in real property in the  
21 county where the lien is created . . . at the time the lien was created . . . ." (Code Civ. Proc.,  
22 § 697.340, subd. (a).) Section 2924k of the Civil Code makes clear that the proceeds of the  
23 Trustee's Sale must be applied: (1) first, to pay Peak's costs and expenses in exercising the power  
24 of sale and conducting the sale; (2) next, to satisfy the debt to the beneficiary of the First Lien; (3)  
25 next, to the payment of junior creditors "in the order of their priority." Thus, before any portion  
26 of the proceeds from the Trustee's Sale are returned to Del Rey Cleaners, Inc. or its successors in  
27 interest, the Regional Water Board's claim for costs incurred supervising cleanup or abatement  
28 activities, or taking other remedial action, relating to the Waste must be satisfied. Interest at 10

24 (...continued)

25 of subdivision (a), are liable to that governmental agency to the extent of the  
26 reasonable costs actually incurred in cleaning up the waste, abating the effects of the  
27 waste, supervising cleanup or abatement activities, or taking other remedial action.  
28 The amount of the costs is recoverable in a civil action by, and paid to, the  
governmental agency and the state board to the extent of the latter's contribution to  
the cleanup costs from the State Water Pollution Cleanup and Abatement Account or  
other available funds.

1 percent per annum on the principal amount of such costs, accruing from and after January 13,  
2 2015, must also be paid. (Code Civ. Proc., §§ 685.010, 685.090, subd. (b).)

3 The Regional Water Board understands that there is a dispute between the purchaser at the  
4 Trustee's Sale and Peak, in which the purchaser contends, in essence, that Peak and the First Lien  
5 holder concealed the existence of the CAO. That dispute does not affect the Regional Water  
6 Board's present right to satisfaction of its claim. The Regional Water Board filed its notice of  
7 lien before the Trustee's Sale. The notice of lien expressly references section 13304 of the Water  
8 Code, which is implicated when waste threatens waters of the state and gives rise to an obligation  
9 to cleanup and abate such waste. "When real property encumbered by a duly recorded abstract  
10 of judgment is transferred, the transferees are charged with constructive knowledge of the  
11 encumbrance and they take title to the property subject to the lien created by the abstract, not as  
12 bona fide purchasers." (*Federal Deposit Ins. Corp. v. Charlton* (1993) 17 Cal.App.4th 1066, 1069  
13 citing § 697.390, subd. (a); Gov. Code, § 27326.) Thus, the purchaser took the Property with  
14 notice of the Regional Water Board's lien (*ibid.*), even if no one provided notice of the  
15 recordation to Peak or the purchaser. (See Gov. Code, § 27297.5, subd. (f) ["The failure of the  
16 county recorder or a judgment creditor or lienholder to notify the person or persons against whom  
17 an abstract of judgment or involuntary lien is recorded as authorized by this section shall not  
18 affect the constructive notice otherwise imparted by recordation, nor shall it affect the force,  
19 effect, or priority otherwise accorded the lien."].) Since no party petitioned for a release from or  
20 reduction of the Regional Water Board's lien within the time permitted by section 13304,  
21 subdivision (c)(2), of the Water Code, the Regional Water Board's claim is now conclusively  
22 established as to priority and minimum amount.

23 Since January 13, 2015, the Regional Water Board has continued to incur costs—totaling  
24 more than \$4,435.81 as of the undersigned date—supervising cleanup or abatement activities, or  
25 taking other remedial action, relating to the Waste. The Regional Water Board hereby  
26 supplements the claim secured by its lien to include all such costs incurred since January 13,  
27 2015, plus interest accruing from and after the undersigned date.  
28

1 **II. RESERVATION OF RIGHTS WITH RESPECT TO PENALTIES OWED BY FORMER**  
2 **OWNERS**

3 Additionally, the Regional Water Board reserves the right to fix penalties for the violations  
4 of the 2012 Order and the CAO described herein. The Regional Water Board hereby requests that  
5 the Court maintain *in custodia legis* any surplus funds that might otherwise be payable to Del Rey  
6 Cleaners, Inc., or its successor in interest, designee, or nominee pending resolution of penalties  
7 for past non-compliance with the Regional Water Board's orders.

8 **CONCLUSION**

9 WHEREFORE, the Regional Water Board (a) asserts (i) a claim in the amount of  
10 \$34,208.69 plus interest accruing at 10% per annum from and after January 13, 2015, secured by  
11 a lien under Water Code section 13304; (ii) a claim in the amount of \$4,435.81 plus interest  
12 accruing at 10% per annum from and after the undersigned date; and (iii) such additional costs of  
13 supervising cleanup or abatement activities, or taking other remedial action, relating to the Waste  
14 as shall be proven in this proceeding; and (b) requests (i) that the Court hold any surplus  
15 remaining after all secured claims are satisfied pending the fixing of penalties for the Former  
16 Owners' non-compliance with the Regional Water Boards orders; and (ii) such other and further  
17 relief as this Court deems just and proper.

18 Dated: October 9, 2015

Respectfully Submitted,

19 KAMALA D. HARRIS  
20 Attorney General of California  
21 ERIC M. KATZ  
22 Supervising Deputy Attorney General



23 H. ALEXANDER FISCH  
24 Deputy Attorney General  
25 Attorneys for California Regional Water  
26 Quality Control Board, Los Angeles Region

27 LA2015501816  
28 Draft Claim (Final).doc

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EXHIBIT A

10/14/2015





Matthew Rodriguez  
Secretary for  
Environmental Protection

## California Regional Water Quality Control Board Los Angeles Region

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



Edmund G. Brown Jr.  
Governor

February 21, 2012

Ms. Margo Moschel  
Executor, Estate of Barry Moschel  
c/o Velasco Law Group  
Attn: Paul D. Velasco, Esq.  
100 W. Broadway, Suite 255  
Long Beach, CA 90802

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7010 0290 0002 1866 1120

**SUBJECT: REQUIREMENTS FOR TECHNICAL REPORT PURSUANT TO CALIFORNIA  
WATER CODE SECTION 13267 ORDER**

**SITE/CASE: DEL REY CLEANERS, 310 CULVER STREET, PLAYA DEL REY, CA 90293  
(SITE CLEANUP PROGRAM NO. 0997, SITE ID NO. 204EN00)**

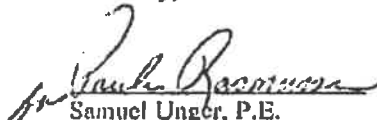
Dear Ms. Moschel,

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the State regulatory agency responsible for protecting water quality in Los Angeles and Ventura Counties. To accomplish this, the Regional Board issues investigative orders authorized by the Porter-Cologne Water Quality Control Act (California Water Code [CWC], Division 7). The Regional Board has reviewed the Del Rey Cleaners case file (Site Cleanup Program Number 0997) and determined that soil and groundwater have been impacted by volatile organic compounds. Enclosed is a Regional Board Order (Order) requiring the submittal of a work plan to delineate contaminants at the site, and the submittal of a human health risk assessment.

As of November 1, 2011, the Regional Board has implemented a paperless office system to reduce our paper use, increase efficiency, and provide a more effective way for our staff, the public and interested parties to view water quality documents in electronic form. Please submit an electronic copy of the required technical reports into the Regional Boards online document portal, Geotracker. The Del Rey Cleaners site is listed in Geotracker under Global Identification Number SL204EN2414. Should there be any oversize documents, please submit a paper copy of the oversize pages to the Regional Board.

If you have any questions regarding this project, please contact Henry Jones at (213) 576-6697 or [HJones@waterboards.ca.gov](mailto:HJones@waterboards.ca.gov).

Sincerely,

  
Samuel Unger, P.E.  
Executive Officer

*California Environmental Protection Agency*

 Recycled Paper

EXA



**California Regional Water Quality Control Board  
Los Angeles Region**



Matthew Rodriguez  
Secretary for  
Environmental Protection

320 West 4th Street, Suite 200, Los Angeles, California 90013  
(213) 576-6600 • Fax (213) 576-6640  
<http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown Jr.  
Governor

**INVESTIGATIVE ORDER NO. R4-2012-0019**

**TO PROVIDE A TECHNICAL REPORT**

**SOIL, SOIL VAPOR, AND GROUNDWATER ASSESSMENT  
AND HUMAN HEALTH RISK ASSESSMENT**

**CALIFORNIA WATER CODE SECTION 13267**

**DIRECTED TO THE ESTATE OF BARRY MOSCHEL**

**DEL REY DRY CLEANERS  
310 CULVER BOULEVARD, PLAYA DEL REY, CA  
(SITE CLEANUP PROGRAM NO. 0997, SITE ID NO. 204EN00)**

**ON  
FEBRUARY 21 2012**

The Regional Water Quality Control Board, Los Angeles Region (Regional Board) makes the following findings and issues this Order pursuant to California Water Code section 13267.

1. Del Rey Cleaners is a dry cleaning facility located on approximately 0.24 acres of land in Playa Del Rey, California. Dry cleaning operations were conducted at the site for approximately 35 years, until 2007 when the owner, Mr. Barry Moschel, passed away. Due to the historical use of tetrachlorethylene (PCE) for dry cleaning activities at the site, soil and groundwater have been impacted by the volatile organic compounds (VOCs).
2. California Water Code section 13267(b)(1) states, in part: In conducting an investigation. . ., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
3. The Regional Board has evidence in technical reports that discharges of the VOC, PCE, to soil and groundwater are present at the site. The evidence supporting this requirement

***California Environmental Protection Agency***



is summarized in the *Groundwater Investigation and Quarterly Monitoring Report* (monitoring report), *Del Rey Cleaners, 310 Culver Boulevard, Playa Del Rey, California, 90293, SLIC No. 997*, dated February 20, 2002. The monitoring report states that a maximum PCE concentration of 43,500 micrograms per liter ( $\mu\text{g/L}$ ) was detected in groundwater (groundwater monitoring well MW-3 at 7.3 feet below the ground surface [bgs]) below the site. In addition, the monitoring report states that a maximum concentration of 3,590 micrograms per kilogram ( $\mu\text{g/kg}$ ) was detected in soil (soil boring MW-2 at 6.5 feet bgs) below the site when groundwater monitoring wells were being installed on January 29, 2002.

The Regional Board does not have information confirming the waste discharged to soils has been delineated or remediated sufficiently to comply with the Regional Board's numeric cleanup goals for chemicals of concern at the subject site. This evidence leads the Regional Board to require a work plan to further assess and remediate the site. A human health risk assessment is also required due to the immediate proximity of neighboring residences.

4. This Order identifies the Estate of Barry Moschel as the primary responsible party for the discharges of waste identified in Finding Number Two, because Mr. Barry Moschel owned and operated the facility that resulted in the discharge of waste.
5. This Order requires the persons named herein to prepare and submit technical and/or monitoring reports that include a work plan to assess the extent of the waste in soil, soil gas, and groundwater at the site, and to evaluate the human risk associated with the waste present at the site.
6. The Regional Board needs this information in order to protect groundwater quality, which have been impacted by contaminants in soil as a result of the dry cleaning activities that were performed at the site. The Regional Board also needs this information to protect the health of occupants at the site, and at the residential buildings adjacent to, and across from, the site.
7. The burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The information is necessary to assure adequate cleanup of the Del Rey Cleaners site, as described herein, as contaminants at the site may pose a threat to public health and the environment.
8. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This Order requires submittal of technical and monitoring reports. It is unlikely that implementation of the work plans associated with this Order would result in anything more than minor physical changes to the environment. If the implementation

may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to implementing any work plan.

9. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**THEREFORE, IT IS HEREBY ORDERED** that the Estate of Barry Moschel, pursuant to section 13267(b) of the California Water Code, is required to submit the following:

1. By April 15, 2012, you are required to submit a work plan to completely delineate contaminants in soil, soil vapor, and groundwater at the site. The work plan shall also contain a human health risk assessment plan.

Pursuant to 13268(a) of the CWC, any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to section 13268(b)(1) of the CWC, failure to submit the required technical report described above by the specified due date(s) may result in the imposition of administrative civil liability by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day the technical report is not received after the above due date. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The State Board adopted regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, California Code of Regulation) requiring the electronic submittal of information (ESI) for all site cleanup programs, starting January 1, 2005. Currently, all of the information on electronic submittals and GeoTracker contacts can be found at [http://www.waterboards.ca.gov/ust/electronic\\_submittal](http://www.waterboards.ca.gov/ust/electronic_submittal)

To comply with the above referenced regulation, you are required to upload all technical reports, documents, boring locations and their associated soil logs, groundwater monitoring well locations, and analytical data and their associated electronic deliverable format (LABEDF) files, into GeoTracker by the due dates specified in the Regional Board letters and orders issued to you or for the Site. However, we may request that you submit hard copies of selected documents and data to the Regional Board in addition to electronic submittal of information to GeoTracker.

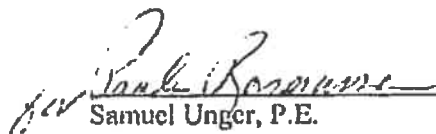
For your convenience, the GeoTracker Global ID for this Site is SL204EN2414.

*California Environmental Protection Agency*

The Regional Board, under the authority given by California Water Code (CWC) section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by a senior authorized Company Name representative (not by a consultant). The perjury statement shall be in the following format:

"I, \_\_\_\_\_, certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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."

SO ORDERED.

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

10-14-81



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW R. ROSENBERG  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Los Angeles Regional Water Quality Control Board

October 26, 2012

Ms. Margo Moschel  
Executor, Estate of Barry Moschel  
c/o Greben & Associates  
Attn: Mr. Jan Greben  
125 E. De La Guerra Street, Suite 203  
Santa Barbara, CA 93101

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7011 3500 0003 5491 0452

**SUBJECT: NOTICE OF VIOLATION FOR A DELINQUENT TECHNICAL REPORT  
PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER**

**SITE/CASE: DEL REY CLEANERS, 310 CULVER STREET, PLAYA DEL REY, CA  
90293 (SITE CLEANUP NO. 0997, SITE ID NO. 204EN00)**

Dear Ms. Moschel:

The California Regional Water Quality Control Board (Regional Board), Los Angeles Region, is the state regulatory agency with primary responsibility for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the referenced site.

The Regional Board issued a 13267 Order pursuant to the California Water Code (Order) on February 21, 2012, directing a work plan to be submitted to delineate contaminants at the site. You were required to submit the work plan by July 16, 2012<sup>1</sup>. However this report was not submitted by the due date.

On October 16, 2012, Regional Board staff contacted Mr. Greben, an environmental attorney representing the Estate of Barry Moschel, by phone to inform him that Ms. Moschel was delinquent in submitting the work plan required in the Order. Mr. Greben did not answer the phone, so a message was left and an email was sent to him after the phone call. To date, the Regional Board has not received the required work plan.

<sup>1</sup> The Regional Board issued a California Water Code section 13267 Order on February 21, 2012, with an initial due date of April 15, 2012. A time extension was issued by the Regional Board on April 27, 2012, with an extended due date of May 30, 2012. A second time extension was issued by the Regional Board on June 20, 2012, with an extended due date of July 16, 2012.

MARIA M. GARCIA, CHIEF | SAMUEL UNGER, EXECUTIVE DIRECTOR

370 West 4th St., Suite 200, Los Angeles, CA 90013 | [www.waterboards.ca.gov/losangeles](http://www.waterboards.ca.gov/losangeles)

LOS ANGELES REGION

EXB

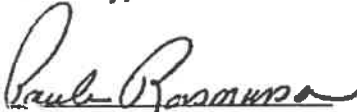
October 26, 2012

**YOU ARE HEREBY NOTIFIED** that you are in violation of Investigative Order No. R4-2012-0019 issued pursuant to the California Water Code (CWC) section 13267 on February 21, 2012 by the Regional Board Executive Officer, by failing to timely file your work plan to delineate contaminants in soil, soil vapor, and groundwater at the site by the required deadline of July 16, 2012.

You are required to comply with the Order and immediately submit the work plan to the Regional Board. Pursuant to 13268(a) of the CWC, any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to section 13268(b)(1) of the CWC, failure to submit the required technical report described above by the specified due date may result in the imposition of administrative civil liability by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day the technical report is not received after the due date specified in the Order. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning. The Regional Board may refer this matter to the Attorney General for judicial enforcement. The Regional Board reserves its right to make any enforcement actions authorized by law.

If you have any questions, please contact Mr. Henry Jones at (213) 576-6697 (hjones@waterboards.ca.gov) or Dr. Kwang-il Lee at (213) 576-6734 or (klee@waterboards.ca.gov).

Sincerely,



Paula Rasmussen  
Assistant Executive Officer

**Enclosure:**

Regional Board letter dated February 21, 2012, *Requirements for Technical Report Pursuant to California Water Code Section 13267 Order*

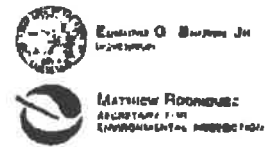
**Electronic Copies:**

Jan A. Greben, Greben & Associates (jan@grebenlaw.com)  
Peter K. West Environmental (peterk@westenvironmental.com)



*Copy of 2012 Order intentionally omitted.*





**Los Angeles Regional Water Quality Control Board**

**August 28, 2014**

**Ms. Margo Moschel  
Agent for Service  
Del Rey Cleaners, Inc.  
c/o Hany Fangary  
333 West Broadway, Suite 100  
Long Beach, CA  
90802**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Claim No. 7013 1090 0000 7172 5478**

**Mr. Daniel E. Accosta  
Trustee, Accosta Family Trust  
8634 Falmouth Avenue,  
Unit No. 12  
Playa Del Rey, CA  
90293**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Claim No. 7013 1090 0000 7172 5485**

**SUBJECT: AMENDMENT TO CLEANUP AND ABATEMENT ORDER NO. R4-2014-0143**

**SITE/CASE: DEL REY CLEANERS, 310 CULVER BOULEVARD, PLAYA DEL REY,  
CALIFORNIA (SITE CLEANUP NO. 0997 AND SITE ID 204EN00)**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface waters and their beneficial uses within major portions of Los Angeles County and Ventura County. The above-referenced site is situated within the jurisdiction of the Regional Board.

Enclosed please find Amended Cleanup and Abatement Order No. R4-2014-0143 (CAO), that the Regional Board is issuing pursuant to California Water Code section 13304, directing you to assess, monitor, and cleanup and abate waste, including volatile organic compounds (VOCs), that have been discharged to soil and groundwater at 310 Culver Boulevard, Playa Del Rey, California. The Order was amended to correct the mailing address for Daniel E. Accosta as trustee for the Accosta Family Trust, remove Elizabeth Accosta (deceased) as Trustee of the Accosta Family Trust, and to revise due dates for report(s) and work plan(s) required under the Order.

On November 27, 2013, the Regional Board provided a 30-day opportunity to comment on a draft CAO, has prepared a written response to comments, and made revisions to the draft CAO, including the addition of responsible parties identified during review of the draft CAO.

CHIEF OF STAFF, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | [www.waterboards.ca.gov/losangeles](http://www.waterboards.ca.gov/losangeles)

EXC

Accosta Family Trust  
Del Rey Cleaners

- 2 -

August 28, 2014

If you have any questions regarding this letter, please contact Mr. Jeff Brooks at (213) 620-6070 (or by email at [jeff.brooks@waterboards.ca.gov](mailto:jeff.brooks@waterboards.ca.gov)) or alternatively you may contact Dr. Kwang Lee (Chief of Site Cleanup Unit IV) at (213) 576-6734 (or by email at [kwang.lee@waterboards.ca.gov](mailto:kwang.lee@waterboards.ca.gov)).

Sincerely,

  
Samuel Unger, P.E.  
Executive Officer

Enclosure: Amended Cleanup and Abatement Order No. R4-2014-0143

cc: Mr. Dan Romano, Law Offices of Dan Romano

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**AMENDED CLEANUP AND ABATEMENT ORDER NO. R4-2014-0143  
REQUIRING**

**THE ACCOSTA FAMILY TRUST**

**&**

**DEL REY CLEANERS, INC.**

**TO ASSESS, CLEANUP, AND ABATE  
WASTE DISCHARGED TO WATERS OF THE STATE  
(PURSUANT TO CALIFORNIA WATER CODE SECTION 13304)**

**AT THE DEL REY CLEANERS FACILITY  
310 CULVER BOULEVARD  
PLAYA DEL REY, CALIFORNIA  
(SITE CLEANUP PROGRAM NO. 0997, SITE ID NO. 204EN00)**

This amended Cleanup and Abatement Order No. R4-2014-0143 (Order) is issued to the Accosta Family Trust as the former property owner and Del Rey Cleaners, Inc. as the current owner of the property, based on provisions of California Water Code sections 13304 and 13267, which authorize the Regional Water Quality Control Board, Los Angeles Region (Regional Board) to issue a Cleanup and Abatement Order and require the assessment, monitoring, and cleanup of affected environmental media and submittal of technical and monitoring reports and work plans.

The Regional Board finds that:

**BACKGROUND**

1. **Dischargers:** The Accosta Family Trust and Del Rey Cleaners, Inc. (hereinafter called Dischargers) are Responsible Parties (RPs) due to their prior or current ownership of a property located at 310 Culver Boulevard, Playa Del Rey, California (Site) on which historical dry cleaning operations resulted in the discharge of wastes, including volatile organic compounds (VOCs), such as perchloroethylene (PCE, also known as tetrachloroethene) and trichloroethene (TCE), to the subsurface soil and groundwater.

As detailed in this Order, the Dischargers have permitted waste to be discharged or deposited where it is, or probably will be discharged into the waters of the State which creates, or threatens to create, a condition of pollution or nuisance.

2. **Location:** The site is located at 310 Culver Boulevard, Playa Del Rey, California. Attachment A, Figure 1, Site Location Map, attached hereto and incorporated herein by reference, depicts the location of the Site. Additionally, Figure 2, Site Map, of Attachment A, also attached hereto and incorporated herein, depicts historical Site features.

The site covers approximately 0.24 acres and consists of a small parking lot and a commercial building. The adjacent property to the east is a mixed-use commercial/residential building. Adjacent properties to the south across Pershing Drive are

used for mainly residential purposes. Commercial use properties are present across Culver Boulevard to the north of the site followed by the Ballona Wetlands and Ballona Creek. Commercial use properties are present to the west of the site followed by the Pacific Ocean.

3. **Groundwater Basin:** The Site is located in the western portion of the Los Angeles Coastal Plain above the Los Angeles Groundwater Basin, West Coast Subbasin, of Los Angeles County, commonly referred to as the "West Coast Basin" that overlies the Ballona aquifer.

As set forth in the *Water Quality Control Plan* for the Los Angeles Region (Basin Plan), which was adopted on June 13, 1994, the Regional Board has designated beneficial uses for groundwater among which include Municipal and Domestic drinking water supplies (MUN) in the West Coast Basin and has established water quality objectives for the protection of these beneficial uses.

#### SITE HISTORY

4. **Site Description and Activities:** The Site is an approximately 0.24-acre property currently owned by Del Rey Cleaners, Inc. and owned by the Accosta Family Trust prior to July 28, 2000.

Mr. Barry Moschel and family operated a dry cleaner facility at the site for approximately 45 years, between 1962 and 2007. Del Rey Cleaners, Inc., owned by Mr. Barry Moschel, purchased the property on July 28, 2000 from the previous owner, the Accosta Family Trust. The Accosta Family Trust owned the property until July 28, 2000.

From approximately 1962 to 2007, dry cleaning operations were conducted at the site. The dry cleaning machine was located along the southern wall of the on-site building, adjacent to Pershing Drive. Dry cleaning solvent was stored in 55-gallon drums immediately to the east of the dry cleaning machine, between the dry cleaning machine and the boiler. A trench drain was located in the floor near the front of the dry cleaning machine. A floor drain was present in the boiler near the southeastern corner of the building.

The property was reportedly vacant between approximately 2007 and 2009 and then was leased to a medical marijuana dispensary between 2009 and an unknown date. The property is currently vacant.

5. **Chemical Usage:** Based on a Phase I environmental site assessment (ESA) conducted in 2000 and other records available in the Regional Board's files for the Site:
  - Del Rey Cleaners used and stored PCE (also known as tetrachloroethene) on-site as a dry cleaning solvent.

#### EVIDENCE OF WASTE DISCHARGE AND BASIS FOR SECTION 13304 ORDER

6. **Waste Discharges:** Site investigations conducted at the site since May 2000 indicate that waste discharges to soil and groundwater have occurred at the site. The site investigations involved soil borings for soil gas and soil sampling and groundwater monitoring well installations for groundwater sampling and water level gauging/horizontal groundwater gradient determination.

In May 2000, a Phase I environmental site assessment was conducted for the site. The Phase I summary report states that the site may have been adversely affected by the usage and storage of PCE for the site dry cleaning operations.

In May 2000, a limited Phase II environmental site assessment was completed for the site. Five shallow soil borings were completed in the vicinity of the dry cleaning machine. PCE was detected in soil samples collected with a maximum concentration of 2,300 micrograms per kilogram ( $\mu\text{g/kg}$ ) at two soil borings (B1 at 6 feet depth and B2 at 6 feet depth). At this concentration PCE poses a threat to groundwater due to its ability to leach from the soil to the groundwater, based on the Regional Board's May 1996 soil guidance, *Interim Site Assessment and Cleanup Guidebook*.

In February 2002, a technical report for a groundwater investigation conducted at the site was submitted to the Regional Board for review. The report describes the installation and sampling of three groundwater monitoring wells installed to approximate depth of 30 feet below ground surface (bgs). PCE was detected in soil at a maximum concentration of 3,590  $\mu\text{g/kg}$  at MW2-6.5 feet depth. At this concentration, PCE poses a threat to groundwater from potential leaching from affected soil to groundwater. PCE was also detected in groundwater in concentrations greater than the California Maximum Contaminant Level (MCL) of 5 micrograms per liter ( $\mu\text{g/L}$ ) in all three of the groundwater monitoring wells installed during this effort with concentrations ranging from 160  $\mu\text{g/L}$  to 43,500  $\mu\text{g/L}$ .

In June 2014, a limited site assessment summary report for work conducted in March 2014 was submitted to the Regional Board for review. Twenty shallow soil borings were completed for this task to depths of up to approximately 5 feet bgs. Soil samples were collected for volatile organic compound (VOC) analysis during boring advancement and soil gas probes were installed and sampled for VOCs. PCE was detected in thirteen (13) soil samples out of twenty samples analyzed with concentrations ranging from 6.0  $\mu\text{g/kg}$  to 600,000  $\mu\text{g/kg}$  with the maximum concentration reported at boring V-7 located in the southeast-most portion of the building interior. Many of the reported concentrations pose a threat to groundwater from leaching from soil to groundwater. PCE was detected in all twenty (20) of the soil gas samples analyzed at concentrations that ranged from 41.7  $\mu\text{g/L}$  to 210,000  $\mu\text{g/L}$ ; all of these results exceed the industrial/commercial California Human Health Screening Level (CHHSL) for PCE in soil gas of 1.6  $\mu\text{g/L}$ . The reported soil gas concentrations represent a potential threat to human health from potential vapor intrusion mechanisms.

7. **Source Elimination and Remediation Status:** The following source removal and soil and groundwater remediation activities were completed at the Site:
- In 2009, the dry cleaning machine was removed from the site, and the building was renovated into a medical marijuana dispensary. A technical report describing the dry cleaning machine decommissioning was not submitted to the Regional Board for review.
  - The site has not been adequately characterized or remediated to acceptable regulatory standards.

## **8. Summary of Findings from Subsurface Investigations**

The Regional Board has reviewed and evaluated the technical reports and records pertaining to the discharge, detection, and distribution of wastes at the Site and the Site vicinity. Elevated levels of VOCs, primarily PCE, and other wastes have been detected in soil gas, soil matrix, and groundwater beneath the Site.

- a. Waste constituents were detected at high concentrations in the soil and soil gas in the source areas at the Site, indicating historical waste discharges onsite.

PCE was detected in the soil matrix and soil gas at elevated concentrations at potential source areas at the Site, such as adjacent to the former locations of dry cleaning-related equipment inside the building.

- b. The maximum concentration of PCE in the soil matrix is 600,000 µg/kg. The concentrations of PCE in the soil matrix exceed soil screening levels (SSLs) for the soil type beneath the Site by several orders of magnitude, posing a threat to groundwater quality.
  - c. The maximum concentration of PCE in the soil gas is 210,000 µg/L. The concentrations of PCE in the soil gas exceed the California Human Health Screening Levels (CHSSLs) of 1.6 µg/L for PCE for commercial/industrial land use by up to several orders of magnitude.
  - d. The maximum concentration of PCE in the groundwater beneath the Site is 43,500 µg/L. The concentrations of PCE in the groundwater exceed the United States Environmental Protection Agency's (USEPA's) or California Department of Public Health's (CDPH's) Maximum Contaminant Levels (MCL) of 5 µg/L for PCE by up to several orders of magnitude.
9. **Regulatory Status:** A California Water Code (CWC) section 13267 Order was issued on February 1, 2012 directing a work plan to be submitted to delineate the extent of contaminants at the site. The Discharger was required to submit the work plan by July 16, 2012. To date, the Regional Board has not received the required work plan.
- The Regional Board issued a Notice of Violation (NOV) for the delinquent work plan submittal pursuant to the California Water Code Section 13267 Order on October 26, 2012, requiring the immediate submittal of a work plan to delineate contaminants at the site. To date, the Regional Board has not received the required work plan.
10. **Impairment of Drinking Water Wells:** The Regional Board has the authority to require the Dischargers and other dischargers to pay for or provide uninterrupted replacement water service to each affected public water supplier or private well owner in accordance with Water Code section 13304.
11. **Sources of Information:** The sources for the evidence summarized above include but are not limited to: reports and other documentation in Regional Board files, telephone calls and e-mail communication with responsible parties, their attorneys and consultants, and site visits.



## **AUTHORITY - LEGAL REQUIREMENTS**

**12. Section 13304(a) of the Water Code provides that:**

*"Any person who has discharged or discharges waste into the waters of this State in violation of any waste discharge requirement 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. A cleanup and abatement order issued by the State board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."*

**13. Section 13304(c)(1) of the California Water Code provides that:**

*"... the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions. . ."*

**14. Section 13267(b)(1) of the California Water Code provides that:**

*"In conducting an investigation..., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."*

**15. The State Water Resources Control Board (hereafter State Water Board) has adopted Resolution No. 92-49, the Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304. This Policy sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the Statement of Policy With Respect to Maintaining High Quality of Waters in California. Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution 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 Title 23, California Code of Regulations (CCR) Section 2550.4. Any alternative cleanup level to background must (1) be consistent with the**

maximum benefit to 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 Water Board.

16. The Regional Board adopted the Water Quality Control Plan for the Los Angeles Region (Basin Plan), which identifies beneficial uses and establishes water quality objectives to protect those uses. The Site overlies groundwater within the West Coast Basin. The existing beneficial uses of the groundwater beneath the Site are municipal (MUN), industrial process supply (PROC), industrial service supply (IND), and agricultural supply (AGR). Water quality objectives that apply to the groundwater at the Site include the State MCLs. The MCL for PCE is 5 µg/L. The concentration of PCE in groundwater at the Site exceeds the water quality objectives for the wastes. The exceedance of applicable water quality objectives in the Basin Plan constitutes pollution as defined in Water Code section 13050(1)(1). The wastes detected in groundwater, soil matrix and soil gas at the Site threaten to cause pollution, including contamination, and nuisance.

#### **DISCHARGER LIABILITY**

17. PCE and other constituents discharged at the Site constitute "waste" as defined in Water Code section 13050(d).
18. As described in Findings of this Order, the Dischargers are subject to an order pursuant to Water Code section 13304 because the Dischargers have caused or permitted waste to be discharged or deposited where it has discharged to waters of the State and has created, and continues to threaten to create, a condition of pollution or nuisance. The condition of pollution is a priority violation and issuance or adoption of a cleanup or abatement order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Regional Board.
19. Due to the activities described in this Order, the Dischargers have caused or permitted wastes, including VOCs, particularly PCE, to be discharged or deposited where the wastes are, or probably will be discharged into the waters of the State which creates a condition of pollution or nuisance. The Dischargers have caused or permitted VOCs, particularly PCE, to be discharged or deposited where the wastes are or probably will pose a potential human health threat to occupants of the buildings onsite and potentially adjacent to the site through direct contact exposure to contaminated soil and/or groundwater or through vapor intrusion into indoor air. The Dischargers, as the previous owner and current owner of a property and operator of a historical facility on the property, are responsible for complying with this Order.
20. This Order requires investigation and cleanup of the Site in compliance with the Water Code, the applicable Basin Plan, Resolution 92-49, and other applicable plans, policies, and regulations.
21. As described in Findings in this Order, the Dischargers are subject to an order pursuant to Water Code section 13267 to submit technical work plans and reports because existing data and information about the Site indicate that waste has been discharged, is discharging, or is suspected of discharging, at the property, which is or was owned and/or operated by the Dischargers named in this Order, their agents, successors, and assigns. The technical reports and work plans required by this Order are necessary to assure compliance with

section 13304 of the Water Code, including to adequately investigate and cleanup the Site to protect the beneficial uses of waters of the State, to protect against nuisance, and to protect human health and the environment.

### CONCLUSIONS

22. The Regional Board is declining to name additional potentially responsible parties (PRPs) for the Site in this Order at this time. Substantial evidence indicates that the Dischargers caused or permitted waste to be discharged into waters of the State and are therefore appropriately named as responsible parties in this Order. The Regional Board will continue to investigate whether additional PRPs caused or permitted the discharge of waste at the Site and whether these or other parties should be named as additional responsible parties to this Order. The Regional Board may amend this Order or issue a separate order or orders in the future as a result of this investigation and as more information becomes available. Although investigation concerning additional PRPs is ongoing, the Regional Board desires to issue this Order as waiting will only delay remediation of the Site.
23. Issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061(b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Dischargers to submit plans for approval prior to implementation of cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Dischargers' proposed remedial activities and possible associated environmental impacts. If the Regional Board determines that implementation of any plan required by this Order will have a significant effect on the environment, the Regional Board will conduct the necessary and appropriate environmental review prior to Executive Officer's approval of the applicable plan.
24. Pursuant to Water Code section 13304, the Regional Board may seek reimbursement for all reasonable costs to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action.
25. Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

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

or will be provided upon request.

### REQUIRED ACTIONS

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to sections 13304 and 13267 of the California Water Code, that the Dischargers shall investigate, cleanup the waste, and abate the effects of waste forthwith discharging at and from 310 Culver Boulevard, Playa Del Rey, California. "Forthwith" means as soon as reasonably possible, but in any event no later than the compliance dates within the time schedule listed in Attachment B attached hereto and incorporated herein by reference, which may be revised by the Executive Officer without revising this Order. More specifically, the Dischargers shall:

**1. Develop and Submit a Site Assessment Work Plan to Assess, Characterize and Delineate the Extent of Wastes in Soil, Soil Gas, Indoor Air, and Groundwater:**

a. Fully assess and characterize and completely delineate the vertical and horizontal extent of wastes onsite and offsite in the soil matrix, soil gas (also referred to as soil vapor), indoor air, and groundwater, including VOCs, such as PCE and TCE, and any other waste constituents at the Site.

b. Propose additional soil borings, soil gas probes, and groundwater monitoring wells to assess areas at the Site that were not previously assessed and to define the full extent of waste discharges to the soil, soil gas, and groundwater.

c. Propose a plan to assess indoor air quality in the site building and off-site buildings directly adjacent to the site.

d. Include a time schedule for implementation of the Site Assessment Work Plan within the Plan.

e. Upon Executive Officer approval of the Site Assessment Work Plan(s), you shall implement the Site Assessment Work Plan in accordance with the approved time schedule.

f. Completion of the site assessment may require multiple work plans.

**2. Develop and Submit a Conceptual Site Model:** The Conceptual Site Model (CSM) should include a written presentation with graphic illustrations of discharge scenario, geology and hydrogeology, waste fate and transport in soil matrix, soil gas, and groundwater, distribution of wastes, exposure pathways, sensitive receptors and other relevant information. The CSM shall be constructed based upon actual data collected from the Site.

The CSM shall include a preliminary human health risk assessment (HHRA), considering all waste constituents in the soil matrix, soil gas/vapor, indoor air, and groundwater, all exposure pathways and sensitive receptors. The CSM shall be updated and submitted upon request by the Regional Board as new information becomes available.

If interpretation of the CSM suggests that assessment, characterization and delineation of waste constituents is incomplete, you shall prepare and submit a work plan to complete assessment and characterization of VOCs and other potential waste constituents in soil gas/vapor, soil matrix and groundwater and to fully delineate the vertical and lateral extent of wastes in the soil and groundwater onsite and offsite.

3. **Conduct Remedial Action:** Implement a cleanup and abatement program for the cleanup of wastes in the soil matrix, soil gas/vapor, and groundwater and the abatement of the effects or potential effects of the discharges of waste on beneficial uses of water and human health. Specifically, you shall:
- A. Develop a comprehensive Remedial Action Plan (RAP) for cleanup of wastes in the soil matrix, soil gas/vapor, and groundwater originating from the Site and submit it for Regional Board review and approval. The RAP shall include, at a minimum:
- i. Preliminary cleanup goals for soil and groundwater in compliance with State Water Board Resolution 92-49 ("*Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*"). Resolution 92-49, Section III.G. requires cleanup to background, unless that is not reasonable. Alternative cleanup levels to background must comply with California Code of Regulations, Title 23, sections 2550.4, and be consistent with maximum benefit to the people of the State, protect beneficial uses, and result in compliance with the Basin Plan. Alternative cleanup levels for groundwater shall not exceed water quality objectives in the Basin Plan, including California's MCLs and Notification Levels for drinking water as established by the State Department of Public Health. Alternative cleanup levels for soil shall not exceed levels that will result in groundwater exceeding water quality objectives in the Basin Plan, including California's MCLs and Notification Levels for drinking water as established by the State Department of Public Health.
  - ii. Discussion of the technology(ies) proposed for remediation of soil matrix, soil gas/vapor and groundwater.
  - iii. Description of the selection criteria for choosing the proposed method over other potential remedial options. Discuss the technical merit, suitability of the selected method under the given site conditions and waste constituents present, economic and temporal feasibility, and immediate and/or future beneficial results.
  - iv. Estimation of cumulative mass of wastes to be removed with the selected method. Include all calculations and methodology used to obtain this estimate.
  - v. A proposed time schedule for completion of the remedial action plan.

The following information shall be considered when establishing preliminary cleanup goals:

- a. Soil cleanup levels for VOCs set forth in the Regional Board's *Interim Site Assessment and Cleanup Guidebook*, May 1996.
- b. Human health protection levels set forth in the current USEPA Region IX's Regional Screening Levels (RSLs).
- c. Protection from vapor intrusion and protection of indoor air quality based on the California EPA's 2010 (or later version) *Use of Human Health Screening Levels (CHHSLS) in Evaluation of Contaminated Properties*. Soil gas and indoor air sampling requirements are stated in the Department of Toxic Substances Control

(DTSC) and Regional Board 2012 Advisory - Active Soil Gas Investigations, and the DTSC 2011 (or latest version) Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air.

Revisions to or additional RAPs may be needed if the implemented remedial measure does not completely achieve all Site cleanup goals.

- B. Upon Regional Board approval of the Remedial Action Plan(s), you shall implement the RAP in accordance with the approved time schedule.
- C. You shall submit quarterly remediation progress reports to this Regional Board as set forth in the Monitoring and Reporting Program (Attachment C). The quarterly remediation progress reports shall document all performance data associated with the operating systems.
4. The Regional Board may require the responsible parties to conduct a comprehensive human health risk assessment (HHRA) once site cleanup is completed to evaluate the risk posed by residual contaminants in the soil, soil gas/vapor, indoor air, and groundwater to human health. The HHRA shall evaluate all exposure pathways applicable to the Site under residential and commercial/industrial land use setting and all contaminants of concern impacting the Site.
5. **Conduct Groundwater Monitoring:** Implement a quarterly groundwater monitoring program as set forth in the Monitoring and Reporting Program (Attachment C). The next quarterly groundwater monitoring report shall be due by **December 3, 2014**.
6. **Time Schedule:** The Dischargers shall submit all required work plans and reports and complete work within the time schedule listed in Attachment B attached hereto and incorporated herein by reference, which may be revised by the Executive Officer without revising this Order.
7. The Regional Board's authorized representative(s) shall be allowed:
  - a. Entry upon premises where a regulated facility or activity is located, conducted, or where records are stored, under the conditions of this Order;
  - b. Access to copy any records that are stored under the conditions of this Order;
  - c. Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
  - d. The right to photograph, sample, and monitor the Site for the purpose of ensuring compliance with this Order, or as otherwise authorized by the California Water Code.
8. **Contractor/Consultant Qualification:** As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California registered professional engineer or geologist and signed by the registered professional. All technical reports submitted by the Dischargers shall include a statement signed by the authorized representative certifying under penalty of law that the representative has examined and is familiar with the report and that to his knowledge, the report is true, complete, and accurate. All technical documents shall be signed by and stamped with the seal of the above-mentioned qualified professionals that reflects a license expiration date.

9. This Order is not intended to permit or allow the Dischargers to cease any work required by any other Order issued by the Regional Board, nor shall it be used as a reason to stop or redirect any investigation or cleanup or remediation programs ordered by the Regional Board or any other agency. Furthermore, this Order does not exempt the Dischargers from compliance with any other laws, regulations, or ordinances which may be applicable, nor does it legalize these waste treatment and disposal facilities, and it leaves unaffected any further restrictions on those facilities which may be contained in other statutes or required by other agencies.
10. The Dischargers shall submit a 30-day advance notice to the Regional Board of any planned changes in name, ownership, or control of the Site and shall provide a 30-day advance notice of any planned physical changes to the Site that may affect compliance with this Order. *In the event of a change in ownership or operator, the Dischargers also shall provide a 30-day advance notice, by letter, to the succeeding owner/operator of the existence of this Order, and shall submit a copy of this advance notice to the Regional Board.*
11. Abandonment of any groundwater well(s) at the Site must be reported to and approved by the Executive Officer at least 30 days in advance. Any groundwater wells removed must be replaced within a reasonable time, at a location approved by the Executive Officer. With written justification, the Executive Officer may approve the abandonment of groundwater wells without replacement. When a well is removed, all work shall be completed in accordance with California Department of Water Resources Bulletin 74-90, "California Well Standards," Monitoring Well Standards Chapter, Part III.
12. In the event compliance cannot be achieved within the terms of this Order, the Dischargers have the opportunity to request, in writing, an extension of the time specified. The extension request shall include an explanation why the specified date could not or will not be met and justification for the requested period of extension. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. Extension requests not approved in writing with reference to this Order are denied.
13. Reference herein to determinations and considerations to be made by the Regional Board regarding the terms of the Order shall be made by the Executive Officer. Decisions and directives made by the Executive Officer in regards to this Order shall be as if made by the Regional Board.
14. The Regional Board, through its Executive Officer, may revise this Order as additional information becomes available. Upon request by the Dischargers, and for good cause shown, the Executive Officer may defer, delete or extend the date of compliance for any action required of the Dischargers under this Order. The authority of the Regional Board, as contained in the California Water Code, to order investigation and cleanup, in addition to that described herein, is in no way limited by this Order.
15. Continue any remediation or monitoring activities until such time as the Executive Officer determines that sufficient cleanup has been accomplished and this Order has been rescinded.
16. Reimburse the Regional Board for reasonable costs associated with oversight of the investigation and cleanup of the Site soils and groundwater emanating from the Site.

Provide the Regional Board with the name or names and contact information for the person to be provided billing statements from the State Water Resources Control Board.

17. A Public Participation Plan shall be prepared and/or updated when directed by the Executive Officer as necessary to reflect the degree of public interest in the investigation and cleanup process.
18. The Regional Board, under the authority given by Water Code section 13267(b)(1), requires you to include a perjury statement in all reports submitted under this Order. The perjury statement shall be signed by a senior authorized representative (not by a consultant). The perjury statement shall be in the following format:

*"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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."*

19. The State Water Board adopted regulations requiring the electronic submittals of information over the internet using the State Water Board GeoTracker data management system. You are required to comply by uploading all reports and correspondence on to the GeoTracker data management system. The text of the regulations can be found at the URL:

[http://www.waterboards.ca.gov/ust/cleanup/electronic\\_reporting/docs/final\\_electronic\\_reqs\\_dec04.pdf](http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/docs/final_electronic_reqs_dec04.pdf).

20. Failure to comply with the terms or conditions of this Order may result in imposition of civil liabilities, imposed either administratively by the Regional Board or judicially by the Superior Court in accordance with sections 13268, 13304, 13308, and/or 13350 of the California Water Code, and/or referral to the Attorney General of the State of California.
21. None of the obligations imposed by this Order on the Dischargers are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of California intended to protect the public health, safety, welfare, and environment.

Ordered by:



Samuel Unger, P.E.  
Executive Officer

Date: August 28, 2014

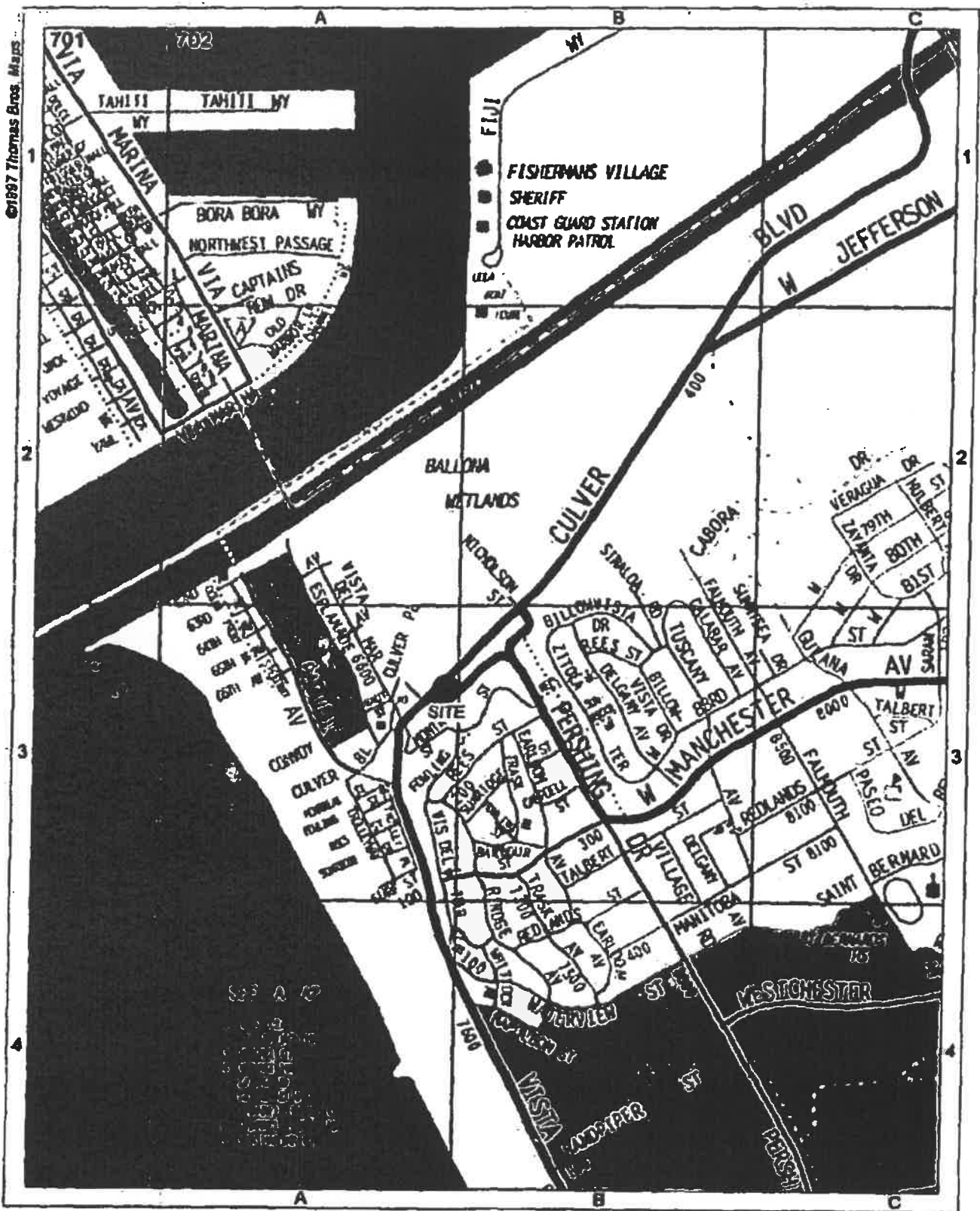


**Accosta Family Trust  
Del Rey Cleaners**

**August 28, 2014  
Site Cleanup No. 0997  
Order No. R4-2014-0143**

**ATTACHMENT A (MAPS)**

**FIGURE 1: SITE VICINITY MAP**



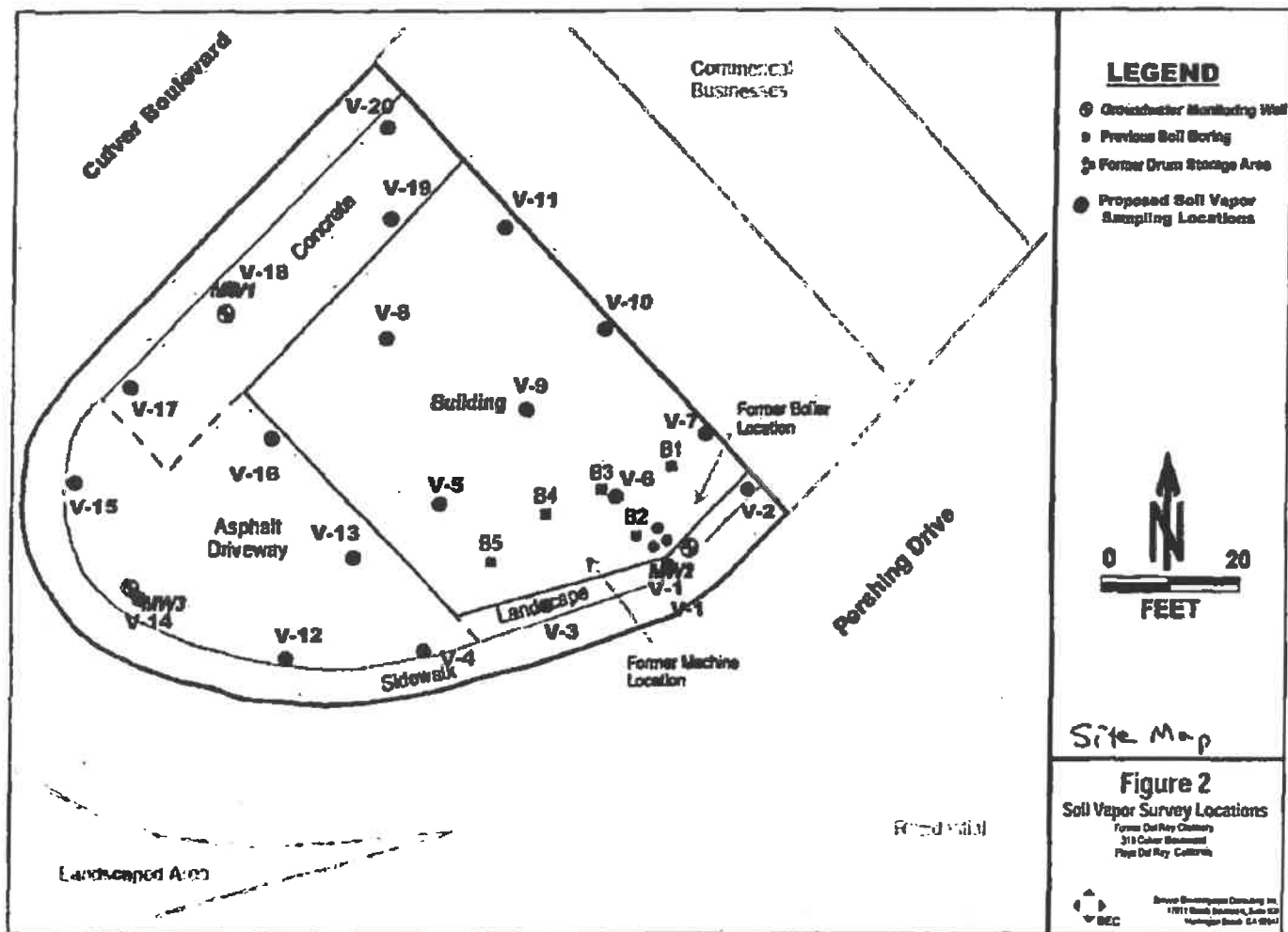
● SITE: 310 Culver Boulevard, Playa Del Rey, CA, 90293, Page & Grid 702 A3

Figure 1: Site Vicinity Map

**Accosta Family Trust  
Del Rey Cleaners**

**August 28, 2014  
Site Cleanup No. 0997  
Order No. R4-2014-0143**

**FIGURE 2: SITE MAP**



## ATTACHMENT B: TIME SCHEDULE

DIRECTIVE	DUE DATE
<p><b>1. Complete Assessment and Delineation of Waste Discharge:</b></p> <p><b>1a</b> Prepare and submit a Site Assessment Work plan including a schedule for fully assessing and completing delineation of the horizontal and vertical extent of wastes, including VOCs and other waste constituents in the soil matrix, soil gas/vapor, indoor air, and groundwater onsite and offsite.</p> <p>Implement the Site Assessment Work Plan</p> <p>Upon completion of implementation of the approved Site Assessment Work Plan, submit a Site Assessment Report.</p> <p><b>1b</b> Multiple Site Assessment Work Plans may be required to complete assessment and delineation of waste discharge</p>	<p>December 3, 2014 (original due date was September 30, 2014)</p> <p>According to the schedule approved by Executive Officer</p> <p>According to the schedule approved by Executive Officer</p> <p>Within 60 days of receiving directives from Regional Board</p>
<p><b>2. Develop a Site Conceptual Model:</b></p> <p><b>2a</b> Prepare and submit a Conceptual Site Model (CSM) which provides details on and illustrates the waste discharge scenario, geology and hydrogeology, waste constituent fate and transport in soil, soil gas and groundwater, distribution of waste constituents, exposure pathways, sensitive receptors and other relevant information.</p> <p>Include a preliminary human health risk assessment (HHRA), considering all waste constituents in the soil matrix, soil gas, indoor air, and groundwater, all exposure pathways and sensitive receptors.</p> <p><b>2b</b> <i>[Note that the Regional Board may require revisions to the Site Conceptual Model as necessary to complete the Model.]</i></p>	<p>Within 60 days of receiving directives from Regional Board</p>

DIRECTIVE		DUE DATE
3.	<b>Conduct Remedial Action:</b>	
3a	Submit a Remedial Action Plan (RAP) for cleanup of wastes in soil, soil gas/vapor and groundwater that includes a time schedule for implementation.	Within 60 days of receiving directives from Regional Board
	Implement the Remedial Action Plan (RAP)	According to the schedule approved by Executive Officer
	Upon completion of implementation of the Remedial Action Plan (RAP), submit a Remedial Action Completion Report.	According to the schedule approved by Executive Officer
3b	Multiple Remedial Action Plans (RAPs) may be required to implement multiple remedial measures to achieve all Site cleanup goals.	Within 60 days of receiving directives from Regional Board
4.	<b>Conduct Human Health Risk Assessment</b>	
	Prepare and submit a human health risk assessment (HHRA) report. The HHRA shall evaluate the risk posed by residual contaminants in all media through all exposure pathways under residential and commercial/industrial land use setting.	Within 90 days of receiving directives from Regional Board
5.	<b>Submit and Implement a Public Participation Plan</b>	
5a	Submit a Public Participation Plan for review and approval	According to the schedule specified by the Executive Officer
5b.	Update or revise the Public Participation Plan, as needed	According to the schedule specified by the Executive Officer

## ATTACHMENT C

### MONITORING AND REPORTING PROGRAM FOR CLEANUP AND ABATEMENT ORDER NO. R4-2014-0143

This Monitoring and Reporting Program is part of Cleanup and Abatement Order No. R4-2014-0143 (CAO). Failure to comply with this program constitutes noncompliance with the CAO and California Water Code, which can result in the imposition of civil monetary liability. All sampling and analyses shall be by USEPA approved methods. The test methods chosen for detection of the constituents of concern shall be subject to review and concurrence by the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board).

Laboratory analytical reports to be included in technical reports shall contain a complete list of chemical constituents which are tested for and reported on by the testing laboratory. In addition, the reports shall include both the method detection limit and the practical quantification limit for the testing methods. All samples shall be analyzed within allowable holding time. All quality assurance/quality control (QA/QC) samples must be run on the same dates when samples were actually analyzed. Proper chain of custody procedures must be followed and a copy of the completed chain of custody form shall be submitted with the report. All analyses must be performed by a California Department of Public Health accredited laboratory.

The Regional Board's *Quality Assurance Project Plan, September 2008*, can be used as a reference and guidance for project activities involving sample collection, handling, analysis and data reporting. The guidance is available on the Regional Board's web site at:

[http://www.waterboards.ca.gov/rwqcb4/water\\_issues/programs/remediation/Board\\_SGV-SFVCleanupProgram\\_Sept2008\\_QAPP.pdf](http://www.waterboards.ca.gov/rwqcb4/water_issues/programs/remediation/Board_SGV-SFVCleanupProgram_Sept2008_QAPP.pdf)

### GROUNDWATER MONITORING

The Dischargers shall collect groundwater samples from groundwater monitoring wells installed for the purpose of site investigation and monitoring. Any monitoring wells installed in the future shall be added to the groundwater monitoring program and sampled quarterly. The groundwater surface elevation (in feet above mean sea level [MSL]) in all monitoring wells shall be measured and used to determine the gradient and direction of groundwater flow. The following shall constitute the monitoring program for groundwater.

Constituent	EPA Method
Volatile organic compounds (full scan)	EPA 8260B
Temperature	Field*
pH	Field*
Electrical Conductivity	Field*
Dissolved oxygen	Field*
Oxidation-Reduction Potential (ORP)	Field*
Turbidity	Field*

\*Field - To be measured in the field.

### **REMEDIAL SYSTEMS**

Reports on remedial systems shall contain the following information regarding the Site remedial systems:

1. Maps showing location of all remedial wells and groundwater monitoring wells, if applicable;
2. Status of each remedial system including amount of time operating and down time for maintenance and/or repair;
3. Air sparge well operating records including status of each well and volume and pressure of air being injected;
4. Soil vapor extraction (SVE) well records including status of each well and photo-ionization detector (PID) readings or other acceptable methods of determining relative volatile concentrations taken at a minimum quarterly. Readings of volatile concentrations drawn from SVE wells need to be taken at a frequency that allows the efficient operation and evaluation of the SVE system;
5. The report shall include tables summarizing the operating and performance parameters for the remedial systems; and
6. System inspection sheets shall document field activities conducted during each Site visit and shall be included in the quarterly reports.

### **MONITORING FREQUENCIES**

Specifications in this monitoring program are subject to periodic revisions. Monitoring requirements may be modified or revised by the Executive Officer based on review of monitoring data submitted pursuant to this Order. Monitoring frequencies may be adjusted or parameters and locations removed or added by the Executive Officer if Site conditions indicate that the changes are necessary.

### **REPORTING REQUIREMENTS**

1. The Dischargers shall report all monitoring data and information as specified herein. Reports that do not comply with the required format will be REJECTED and the Dischargers shall be deemed to be in noncompliance with the Monitoring and Reporting Program.
2. Quarterly groundwater monitoring reports shall be submitted to the Regional Water Board according to the schedule below.

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



Groundwater monitoring reports shall include a contour map showing groundwater elevations at the Site and the inferred groundwater flow direction. The quarterly groundwater monitoring reports shall include tables summarizing the historical depth-to-water, groundwater elevations and historical analytical results for each monitoring well. The results of any monitoring done more frequently than required at the locations specified in the Monitoring and Reporting Program shall be reported to the Regional Water Board. Field monitoring well sampling sheets shall be completed for each monitoring well sampled and included in the report.

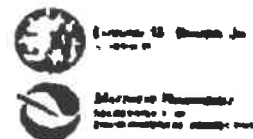
3. Quarterly remediation progress reports shall be submitted to the Regional Water Board according to the schedule below.

<u>Monitoring Period</u>	<u>Report Due</u>
January - March	April 30
April - June	July 31
July - September	October 31
October - December	January 31

Remediation progress reports shall include an estimate of the cumulative mass of contaminant removed from the subsurface, system operating time, the effectiveness of the remediation system, any field notes pertaining to the operation and maintenance of the system and, if applicable, the reasons for and duration of all interruptions in the operation of any remediation system and actions planned or taken to correct and prevent interruptions.

4. In reporting the monitoring data, the Dischargers shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized to demonstrate compliance with the requirements. All data shall be submitted in electronic form in a form acceptable to the Regional Water Board.

10/14/2015



**Los Angeles Regional Water Quality Control Board**

December 18, 2014

Mr. Daniel E. Accosta  
Trustee, Accosta Family Trust  
c/o Mary Craig Calkins  
Kilpatrick Townsend and Stockton, LLP  
9720 Wilshire Boulevard, PH  
Beverly Hills, CA  
90212-2018

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Claim No. 7012 3460 0002 9486 3780**

Ms. Margo Moschel  
Agent for Service  
Del Rey Cleaners, Inc.  
c/o Hany Fangary  
Velasco Law Group  
333 West Broadway, Suite 100  
Long Beach, CA  
90802

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Claim No. 7012 3460 0002 9486 3788**

**SUBJECT: NOTICE OF VIOLATION - FAILURE TO COMPLY WITH REQUIREMENTS  
FOR TECHNICAL DOCUMENTS PURSUANT TO AMENDED CLEANUP AND  
ABATEMENT ORDER NO. R4-2014-0143**

**SITE: DEL REY CLEANERS, 310 CULVER BOULEVARD, PLAYA DEL REY, CA  
90293 (SCP NO. 0997, SITE ID NO. 204EN00)**

Dear Mr. Accosta/Ms. Moschel:

The California Regional Water Quality Control Board (Regional Board), Los Angeles Region, is the public agency with primary responsibility for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site.

On August 28, 2014, the Executive Officer for this Regional Board issued Amended Cleanup and Abatement Order (Amended Order) No. R4-2014-0143 (attached) to the Accosta Family Trust and Del Rey Cleaners, Inc. The Order was amended to correct the mailing address for Daniel E. Accosta as trustee for the Accosta Family Trust, remove Elizabeth Accosta (deceased) as Trustee for the Accosta Family Trust and to revise due dates for the documents required for submission to the Regional Board under the Order. The Amended Order required you to submit

(LAWRENCE STIRN / M. COHEN) | SAMUEL UNDER, EXECUTIVE OFFICER

340 West 4th St Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/laowater

01/13/15 11:11 AM

EXD

technical documents consisting of a quarterly groundwater monitoring report and a workplan for site assessment (workplan) to the Regional Board by December 3, 2014.

In written correspondence with the Regional Board on January 10, 2014, current site owner Del Rey Cleaners, Inc. claimed financial hardship and inability to pay for work required under the November 27, 2013 Draft Cleanup and Abatement Order. Del Rey Cleaners repeated this claim via email on December 3, 2014. On September 11, 2014, former site owner the Accosta Family Trust, via telephone communication with the Regional Board, claimed financial hardship and an inability to pay for work required under the Amended Order. On September 24, 2014 Regional Board staff provided you with a list of information required in order to evaluate your ability to pay for work required under the Amended Order. The ability to pay information was requested for review by the Regional Board on or before October 30, 2014. The Regional Board has not received the requested ability to pay package(s) to date.

On December 3, 2014, you requested an extension (via email) of the deadline to submit documents required by the Amended Order for an additional sixty (60) days. The extension request was not received in a timely fashion and failed to provide a suitable reason for the extension. Therefore, the extension request is denied.

**YOU ARE HEREBY NOTIFIED** that you are in violation of Amended Order No. R4-2014-0143 issued pursuant to California Water Code (CWC) section 13304 on August 28, 2014 by the Regional Board Executive Officer, by failing to submit the required technical documents by the deadline of December 3, 2014.

You are required to immediately:

1. Ensure full compliance with Order No. R4-2014-0143.
2. Submit the technical documents (quarterly groundwater monitoring report and work plan for site assessment) for Regional Board review.

Please submit the required documents to the Regional Board to the attention of:

Mr. Jeff Brooks  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013-2343

Compliance with the task(s) listed in this Notice of Violation does not affect the Regional Board's authorization to take enforcement action against you for the violation noted herein.

This violation may subject you to further enforcement actions, including administrative civil liabilities of up to five thousand dollars (\$5000) for each day that you are out of compliance with the Order, pursuant to Section 13350 of the CWC. The Regional Board reserves its right to take

Accosta Family Trust  
Del Rey Cleaners  
SCP No. 0997

-3-

December 18, 2014

any further enforcement action authorized by law, including referring the matter to the Attorney General.

If you have any questions regarding this project, please contact Mr. Jeff Brooks, Project Manager, at (213) 620-6070 ([jeff.brooks@waterboards.ca.gov](mailto:jeff.brooks@waterboards.ca.gov)), or Dr. Kwang-il Lee, Unit IV Chief, at (213) 576-6734 ([kwangil.lee@waterboards.ca.gov](mailto:kwangil.lee@waterboards.ca.gov)).

Sincerely,



Paula Rasmussen  
Assistant Executive Officer

Enclosure:

Regional Board Amended Order No. R4-2014-0143 dated August 28, 2014

Electronic Copies:

Mr. Dan Romano, Law Offices of Dan Romano

*Copy of CAO intentionally omitted.*

10/14/2015

EXHIBIT E

This page is part of your document - DO NOT DISCARD



**20150042086**



Pages:  
0004

Recorded/Filed In Official Records  
Recorder's Office, Los Angeles County,  
California

01/13/16 AT 01:44PM

FEES:	0.00
TAXES:	0.00
OTHER:	0.00
PAID:	0.00



LEADSHEET



201501133340062

00010061010



006595361

SEQ:  
01

DAR - Counter (Upfront Scan)



THIS FORM IS NOT TO BE DUPLICATED

EXE



RECORDING REQUESTED BY AND RETURN TO:

FOR RECORDER'S USE ONLY

Office of the Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor  
Sacramento, CA 95814-2828  
Contact: Frances McChesney (916) 341-5174

## NOTICE OF LIEN

### AFFECTED PARTIES ARE NOTIFIED THAT:

1. This lien is created under Water Code Section 13304(c), which states that the amount of costs of supervising cleanup or abatement activities constitutes a lien on the affected property upon service of a copy of the notice.
2. The name and address of the lien claimant is:  
  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100
3. The name and last known address of the owner of record of the real property that is subject to the lien is:  
  
Ms. Margo Moschel  
Agent for Service  
Del Rey Cleaners, Inc.  
c/o Hany Fangary, Esq.  
Velasco Law Group  
333 West Broadway, Suite 100  
Long Beach, CA 90802
4. A description of the real property on which the condition was abated and to which the lien attaches is as follows:  
  
310 Culver Boulevard, Los Angeles (Playa Del Rey), Los Angeles County, California  
90293  
Assessor's Parcel Number: 4116-009-039
5. The amended amount of the lien at the time of the notice is:  
  
\$ 34,208.69

**NOTICE** In order to release this lien or reduce its amount, the owner must file a petition in the appropriate court of law no later than 45 days from the date of receipt of this notice.

Date: January 13, 2015

Eric M. Katz

TYPE OR PRINT NAME OF ATTORNEY

SIGNATURE OF ATTORNEY

*See Attached CA Acknowledgment*

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
Date Here Insert Name and Title of the Officer  
personally appeared \_\_\_\_\_  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature \_\_\_\_\_  
Signature of Notary Public

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On January 13, 2015 before me, Fernando Mercado, notary public  
(insert name and title of the officer)

personally appeared Eric M. Katz  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Fernando Mercado

(Seal)



**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Peak Foreclosure Services v. Bayview Loan Servicing, LLC, et al.**

LASC No.: **BS157001**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

On October 9, 2015, I served the attached:

**CLAIM OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION UNDER CIVIL CODE § 2924j(d)**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Los Angeles, California, addressed as follows:

**SEE ATTACHED SERVICE LIST**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 9, 2015, at Los Angeles, California.

\_\_\_\_\_  
Blanca Cabrera  
Declarant

  
\_\_\_\_\_  
Signature

**SERVICE LIST**

**Attorney for Peak Foreclosure Services, Inc.**

Krishel Law Offices  
5023 Parkway Calabasas  
Calabasas, CA 92301  
Attn: Daniel Krishel

**Attorneys for Bayview Loan Servicing, LLC**

Barry, Gardner & Kincannon, APC  
2214 Faraday Avenue  
Carlsbad, CA 92008  
Attn: Jeffrey B. Gardner & Laura J. Petrie

**Attorneys for 310 Culver, LLC**

Halavais & Associates, APC  
1 Orchard Rd., Suite 110  
Lake Forest, CA 92630-8315  
Attn: Coby Halavais

**Attorney for Penmoll, LLC**

Tepper Law Firm, APC  
3530 Wilshire Boulevard  
Suite 1205  
Los Angeles, CA 90010  
Attn: Nicholas Tepper & Jairo M. Lopez

**Attorneys for Del Rey Cleaners, Inc.**

Velasco Law Group, APC  
333 W. Broadway, Suite 100  
Long Beach, CA 90802  
Attn: Henry Fangary



I certify that this is a true and correct copy of the original CLAIM on file in this office consisting of 53 pages.

**SHERRI R. CARTER**, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 05 2017 [Signature] Deputy

**D. WADE**