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***VIA REGISTERED MAIL - -  
RETURN RECEIPT REQUESTED***

April 1, 2013

George S. Spindler, President/CEO  
BP Corporation of North America  
Parent Company of:  
BP West Coast Products, LLC  
4 Centerpointe Drive  
La Palma, CA 90623-2503

Station Operator/Site Manager  
12805 Poway Road  
Poway, CA 92064

Station Operator/Site Manager  
1326 West Avenue K  
Lancaster, CA 93534

Station Operator/Site Manager  
4015 West El Segundo Blvd.  
Hawthorne, CA 90250

Station Operator/Site Manager  
23921 Alicia Parkway  
Mission Viejo, CA 92691

**Re: Notice of Violations and Intent to File Suit under the Resource  
Conservation and Recovery Act**

Dear Owners, Operators and/or Site Managers:

## NOTICE

On behalf of California River Watch (“River Watch,”) this Notice provides you with statutory notification of continuing violations of the federal Resource Conservation and Recovery Act (“RCRA”) 42 U.S.C. § 6901, *et seq.*, in conjunction with former and/or continuing operations at the following California hazardous product release sites:

- ARCO Station No. 1917  
1326 West Avenue K, Lancaster
- ARCO Station No. 3102  
23921 Alicia Parkway, Mission Viejo
- Former ARCO Station No. 1929  
4161 Bellflower Boulevard, Long Beach
- ARCO Station No. 1735  
12805 Poway Road, Poway
- ARCO Station No. 81  
4015 West El Segundo Boulevard, Hawthorne

The RCRA requires that sixty (60) days prior to the initiation of an action for violation of a permit, standard, regulation, condition, requirement, prohibition or order effective under the RCRA, a private party must give notice of the violation to the alleged violator, the Administrator of the U.S. Environmental Protection Agency (“EPA”) and the State in which the violation is alleged to have occurred - 42 U.S.C. § 6972(b)(1)(A). The RCRA also requires that a private party provide ninety (90) days prior notice to the alleged violator, the Administrator of the EPA and the State in which the violation is alleged to have occurred before initiating an action for an imminent and substantial endangerment to human health or the environment - 42 U.S.C. § 6972(b)(2)(A).

If Subtitle C, Subchapter III, violations are alleged such as in this Notice, actions can be brought without observing the 60/90 day notice waiting periods applicable to claims under 42 U.S.C. §§ 6972(a)(1)(A) and 6972(a)(1)(B) claims. When Subtitle C, Subchapter III, claims are brought in conjunction with said claims, none of the claims require a waiting period before an action may be filed.

River Watch hereby notifies all addressees of this Notice, collectively referred to hereafter as “the Dischargers,” that at the expiration of the appropriate notice periods provided under the RCRA, River Watch intends to commence a civil action against the Dischargers on the following grounds:

- Handling, transportation and unauthorized releases of various petroleum products at the sites identified in this Notice has violated and continues to violate permits, standards, regulations, conditions, requirements and/or prohibitions effective pursuant to the RCRA regarding the past and/or present handling, storage, treatment, transportation and/or disposal of hazardous products - 42 U.S.C. § 6972 (a)(1)(A).
- Past and current operations at the sites identified in this Notice have caused petroleum and other contamination in soils, in ground water and in surface waters, which presents an imminent and substantial endangerment to human health and the environment - 42 U.S.C. § 6972 (a)(1)(B).
- Past and current operations at the sites identified in this Notice violate provisions of RCRA subchapter III (Subtitle C) which governs the handling of hazardous wastes. River Watch contends the Dischargers have inadequately maintained records of the manner in which hazardous wastes have been treated, stored and/or disposed of; inadequately monitored, reported and/or complied with existing regulations concerning wastes; inadequately provided storage or transportation facilities for wastes; and have not developed adequate contingency plans for effective action to minimize damage from the unauthorized releases of hazardous contaminants from the sites – all of which has presented and continues to present a substantial endangerment to human health and to the environment.

Under the provisions of 40 C.F.R. § 254.3, a notice regarding an alleged violation of a permit, standard, regulation, condition, requirement, or order which has become effective under the RCRA shall include sufficient information to permit the recipient to identify the the following:

1. *The standard, limitation, or order alleged to have been violated.*

Enacted in 1976, the RCRA is a Federal law of the United States contained in 42 U.S.C. §§ 6901-6992k, the goals of which are to protect the public from harm caused by waste disposal; to encourage reuse, reduction, and recycling; and, to clean up spilled or improperly stored wastes.

The EPA's waste management regulations are codified at 40 C.F.R. §§ 239-282. Regulations regarding management of hazardous waste begin at 40 C.F.R. § 260. Pursuant to the RCRA, the State of California has enacted laws and promulgated regulations that are at least as stringent as the federal regulations.

River Watch contends the Dischargers' operations at the sites identified in this Notice have caused contamination of soil, groundwater and surface waters, which contamination presents an imminent and substantial endangerment to human health and the environment. Further, that the Dischargers own or operate on-site dumps, discrete conveyances, conduits, preferential pathways and/or wells which have contributed to the transport, partial treatment, storage, or disposal of the wastes at each of the identified Sites - 42 U.S.C. § 6972(a)(1)(B).

## 2. *The Activities Alleged to Constitute Violations*

Narratives are provided below describing with particularity the activities leading to the violations alleged in this Notice. In summary, the RCRA requires that the environment and public be protected from hazardous wastes such as those alleged to be discharged from the sites identified in this Notice. Pollutants found at these sites constitute hazardous waste under the RCRA, and are required to be managed so as to not cause endangerment to the public or the environment. The RCRA specifically protects groundwater.

The liability of the Dischargers stems from either their ownership or operation of the identified sites, or activities conducted at the sites by the Dischargers which violate the RCRA and have contributed to the past or present handling, storage, treatment, transportation, or disposal of any hazardous waste which may present an imminent and substantial endangerment to health or the environment.

River Watch alleges the Dischargers to be in violation of a permit, standard, regulation, condition, requirement, prohibition, or order which has become effective pursuant to the RCRA and to be guilty of open dumping, as that term is used in the RCRA, by discharging pollutants to the open ground, allowing these pollutants to discharge to both groundwater and surface waters. The sites identified in this Notice do not qualify as landfills under 42 U.S.C. § 6944, and do not qualify as facilities for the disposal of hazardous waste. River Watch alleges the Dischargers do not possess RCRA-authorized permits for the disposal, storage or treatment of solid or hazardous waste of the type currently and historically discharged at the identified sites.

River Watch further contends that the liability of the Dischargers also stems from their ownership or operation of discrete conveyances, conduits, preferential pathways or wells, facilitating pollutant migration and discharge surface and ground waters, waters of the State

of California and of the United States via pipes, sewer lines, storm drains and utilities, thereby contributing to the past or present handling, storage, treatment, transportation, or disposal of any hazardous waste which may present an imminent and substantial endangerment to health or the environment.

The Dischargers' past and current operations at the sites identified in this Notice violate the provisions of RCRA Subtitle C which governs the handling of hazardous wastes. River Watch contends the Dischargers have inadequately maintained records of the manner in which hazardous wastes have been treated, stored and/or disposed of; inadequately monitored, reported and/or complied with existing regulations concerning hazardous wastes; inadequately provided storage facilities for wastes; and have not developed adequate contingency plans for effective action to minimize damage from unauthorized releases of hazardous contaminants – all of which presents and has presented a substantial endangerment to human health and to the environment.

3. *The discharger responsible for the alleged violation(s).*

The dischargers responsible for the alleged violations are all addressees of this Notice, collectively referred to as “the Dischargers”.

4. *The date or dates of violation or a reasonable range of dates during which the alleged activities occurred.*

The RCRA is a strict liability statute with a statute of limitations of 5 years. The range of dates covered by this Notice is April 1, 2008 through April 1, 2013. River Watch may supplement this Notice to include violations which occur after the date of this Notice. The majority of the violations identified are continuous. Therefore each day is a violation. Specific dates of violations are evidenced in the Dischargers' own records (or lack thereof) or files and records of other regulatory agencies including, but not limited to, the respective Regional Quality Control Boards for each site and GeoTracker data files.

5. *The full name, address, and telephone number of the person giving notice.*

The entity giving this notice is California River Watch, 290 S. Main Street, #817, Sebastopol, CA 95472, referred to throughout this Notice as “River Watch.” River Watch is a 501(c)(3) non-profit, public benefit corporation organized under the laws of the State of California, dedicated to protect, enhance and help restore the surface waters and groundwater of the State of California including all rivers, creeks, streams, wetlands, vernal pools and tributaries. River Watch may be contacted via email: [US@ncriverwatch.org](mailto:US@ncriverwatch.org), or through its attorneys.

River Watch has retained legal counsel with respect to the issues set forth in this Notice. All communications should be addressed to:

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## **SITES/BACKGROUND HISTORY**

### **1. ARCO Station No. 1917 - 1326 West Avenue K, Lancaster**

This site is an actively operating AM-PM Mini-Mart and ARCO-branded gasoline service station located on the southeast corner of Antelope Valley Freeway and Avenue K in a commercial area of Lancaster. Depth to groundwater varies from between 17 to 56 feet, depending upon the season. Groundwater tends to flow to the southwest. The beneficial uses of the groundwater do not include municipal or domestic supply. Three downgradient water supply wells are located within approximately 2,500 ft. of the property.

Monitoring activities commenced in 1989, following an unauthorized hydrocarbon release in approximately 1987 in conjunction with the removal of the underground storage tanks ("USTs"). Remediation efforts have included SVE and DPE system implementation, as well as SPH removal efforts with limited results.

In August of 2011 the ARCADIS indicated further DPE system remediation work would be implemented, but to date this has not occurred and there is no reference in GeoTracker records as to when such proposed remediation will be conducted.

On the basis of the last uploaded analytical data from monitoring wells (August, 2012) TPHg levels were as high as 150,000 ug/l; TBA was found as high as 133,000 ug/l; MTBE was as high as 51,100 ug/l; xylenes were as high as 22,200 ug/l, benzene was found to be as high as 11,100 ug/l, and Toluene was found to be as high as 7,210 ug/l. While these levels represent a decrease from previous analytical monitoring, they also represent a significant continuing risk to human health and threat to the local environment via heavily contaminated groundwater.

River Watch requests further active remediation at this site either by over-excavation, HVDPE or other methods with a higher potential of reducing the mass of contamination.

## **2. ARCO Station No. 3102 - 23921 Alicia Parkway, Mission Viejo**

This ARCO-branded gasoline station and AM-PM Mini-Mart is located on the northwest corner of Alicia Parkway and Jeronimo Road in a primarily commercial section of Mission Viejo, although a number of condominiums are located across the intersection to the southeast. Groundwater flows to the south at depths between 1 and 13 ft. bgs within two distinct water-bearing zones. The beneficial uses of groundwater at this site include domestic and municipal supply.

The initial unauthorized release occurred in 1986 when then existing USTs were removed and replaced. The site was excavated, and monitoring and sampling commenced the following year. Remediation efforts initially concentrated upon free product removal which at one well [E-3] in 1989 exceeded 12 ft. By 1996 SVE and GWE systems were installed and activated. Between 2000 and 2002, remediation efforts included bio-slurping [GW extraction] events. Additional over-excavation occurred when USTs were replaced in 2005.

In January 2010 a work plan was proposed to include the injection of sulfate to help bio-remediate the hydrocarbon contamination, following a strategy of bio-stimulation. GeoTracker records reflect this work plan has not been initiated. At the present time, free product exists in one or more wells. The sandy soil in the vicinity of the site has a hydraulic conductivity of as much as 9 ft. per day. Such high soil permeability requires much more proactive work than is being considered.

As of the last uploaded analytical monitoring and sampling (November of 2012,) TPHg levels were found as high as 180,000 ug/l; sulfate was at 38,000 ug/l; toluene was as high as 31,900 ug/l; benzene was found to be 30,800 ug/l; and xylenes were at 13,800 ug/l.

River Watch requests initiation of the work plan proposed in January of 2010 and the implementation of HVDPE or other strategies with a higher potential of reducing the mass of contamination.

## **3. Former ARCO Station No. 1929 - 4161 Bellflower Boulevard, Long Beach**

This site, which was formerly an ARCO- branded gasoline station, is located at the northwest corner of Bellflower Boulevard and Viking Way. Residences exist immediately to the east, west and north; commercial properties are found immediately to the south.

Groundwater underlying the site flows generally to the southwest, and has been found at approximately 30 to 32 feet bgs. Beneficial uses of groundwater at this site include domestic supply from the underlying aquifer.

The first unauthorized hydrocarbon release occurred in approximately 1983. Analytical assessments of the extent of contamination in and around the site were initiated in the latter part of 1986 while the gasoline station was in operation. ARCO took over the retail operation in approximately May of 1997 and replaced the USTs in 2002.

Over the years since the initial release, 19 monitoring wells have been installed. Free product (SPH) has continuously been found in wells from 1986 to the present. SVE has been used in the past as well as ISOC oxygen diffusion technology; however, high levels of hydrocarbon contamination persist.

A sensitive receptor survey was conducted to determine the existence of public and/or private water wells within 4,000 ft. of the site. Several water supply wells have been found generally downgradient, to the southeast and south, at distances of between 923 ft. and 1,907 ft., one of which is an active municipal supply well.

The site is being monitored on a semi-annual basis. Consideration was given to further SVE system implementation in July of 2011, but this strategy was not put into effect. Minimal SPH recovery efforts are being conducted at present.

As of the last uploaded analytical data from monitoring wells as reported in August of 2012, TPHg levels were as high as 42,000 ug/l, xylenes were as high as 5,420 ug/l, benzene was found to be as high as 3,640 ug/l, and TBA was found at 2,820 ug/l. These same levels had been found one year earlier following similar analytical testing.

River Watch requests complete delineation of this site (including vertical contaminant delineation) for the purpose of enabling a comprehensive evaluation of the extent of underlying contamination so that adequate remediation work may proceed. A more effective remediation strategy should be developed, either to include further over-excavation, HVDPE or bioremediation.

#### **4. ARCO Station No. 1735 - 12805 Poway Road, Poway**

This active ARCO-branded gasoline station and AM-PM Mini-Mart is located on the southeast corner of Poway Road at its intersection with Carriage Road in a combined commercial and residential section of Poway, approximately one-half mile north of Poway Creek. An apartment complex exists immediately south. The site is approximately 490 feet

above mean sea level. Surface water runoff flows into a municipal storm drain. Groundwater underlying the site flows generally to the southwest and south, lying between 3 and 17 ft. bgs. Beneficial uses of shallow groundwater do not include many economically feasible uses due to high TDS levels; however, deeper groundwater may be used for agricultural supply as well as industrial service supply.

Contamination was first discovered in approximately 1990. Since that time, primary remediation strategies have been limited to some over-excavation, groundwater extraction and treatment, and free product recovery efforts. Free product has been found locally offsite in past years, but is not present now. Presently, remediation efforts are limited to analytical monitoring of the site's 22 wells, and natural attenuation.

TPHg levels at several wells as of December of 2010 (the last data uploaded) were as high as 120,000 ug/l; toluene was as high as 34,000 ug/l; xylenes were found at 17,000 ug/l, benzene was found at 17,000 ug/l; ethylbenzene was found at 3,300 ug/l, and MTBE was reported to be at 1,200 ug/l.

River Watch requests more proactive efforts directed towards source control and contamination removal, including additional over-excavation. Other methods of neutralizing the hydrocarbon contamination, such as ISCO, need to be evaluated, despite the poor quality water in the shallow aquifer. River Watch also requests additional vertical delineation work in order to insure that hydrocarbon contamination will not be impacting the better quality water in the deeper aquifer underlying the site.

## **5. ARCO Station No. 81 - 4015 West El Segundo Boulevard, Hawthorne**

This active AM-PM Mini-Mart and ARCO-branded service station is located on the southeastern corner of El Segundo Boulevard and South Prairie Avenue. Groundwater flows to the northeast, and is typically found between 45 and 62 feet bgs. The beneficial uses of the underlying aquifer includes domestic supply.

The initial unauthorized hydrocarbon release occurred in February of 2001. Analytical monitoring and sampling has been conducted since 2004, but very little in the way of active remediation other than periodic free product removal has been accomplished.

Three active leaking UST sites are located on adjacent corners, the plumes from which have combined with the release(s) from the ARCO site. The delay in addressing the contamination appears to be related to ongoing negotiations with the other companies involved: Conoco (76 Station), Exxon (former Mobil station) and a Trust site which at one time was owned by Midway Oil. Conoco and Exxon have conducted extensive remediation

work on their respective sites, such that free product in the ARCO site may arise from one or more of these offsite sources. Free product beneath adjacent roadways has been found to range from 0.10 ft. to 5 ft. in various monitoring wells.

The Los Angeles Regional Water Quality Control Board has been requesting a CAP and active remediation since at least 2008. The parties involved in the commingled plumes may still be in negotiation with RELLC in order to achieve some joint remedial efforts; however, a review of recent documents on GeoTracker reflects no intentions for any additional remediation for the ARCO site other than continued monitoring and sampling.

As of monitoring conducted in October of 2012, TBA levels at several wells were as high as 85,000 ug/l; MTBE levels were found to be as high as 62,000 ug/l and 43,000 ug/l at two wells; and TPHg levels were as high as 27,000 ug/l.

River Watch requests a complete delineation of this site, including vertical delineation. Given the extent of free product at and surrounding the site, an effective four-site remediation strategy should be developed.

River Watch also requests the following specific remediation for all of the sites identified:

- Vapor intrusion testing for any buildings or work areas above the plume to determine whether employees on site and/or persons in the nearby businesses and residences are being exposed to injurious levels of hydrocarbon, benzene or other toxic vapors.
- Preferential pathway studies to determine whether there are as yet unidentified and un-investigated conduits, sewer lines, storm drains, gravel lenses or other avenues by which hydrocarbons and petroleum constituents may be covertly migrating offsite.
- Ongoing residual mass calculations for the hydrocarbons underlying the sites to allow the measurement of progress once remediation processes are initiated.

## **REGULATORY STANDARDS**

The Resource Conservation and Recovery Act of 1976 is a federal environmental law of the United States. The RCRA establishes a national policy that, wherever feasible, the generation of hazardous waste must be reduced or eliminated as expeditiously as possible.

Pursuant to RCRA provisions, California has enacted laws and regulations that must be observed in conjunction with RCRA regulations. The State Water Resource Control Board has adopted Maximum Contaminant Levels and/or Water Quality Objectives for petroleum constituents in surface and groundwater within the region of 100 ppb for TPHg(CA cleanup standard), 1 ppb for benzene, 150 ppb for toluene and 13 ppb for MTBE. Water Quality Objectives exist to ensure protection of the beneficial uses of water. Several beneficial uses of water exist, and the most stringent Water Quality Objectives for protection of all beneficial uses are selected as the protective water quality criteria. Alternative cleanup and abatement actions need to be considered for the sites identified in this Notice that evaluate the feasibility of, at a minimum: (1) cleanup to background levels, (2) cleanup to levels attainable through application of best practicable technology, and (3) cleanup to protective water quality criteria levels.

The goal of the remediation efforts requested by River Watch is to achieve state mandated Maximum Contaminant Levels or pre-existing background levels within a reasonable time frame for each of these sites.

## **VIOLATIONS**

Information currently available to River Watch indicates the violations of the RCRA by the Dischargers as outlined and identified below have occurred every day for at least the last five (5) years, or on numerous separate occasions, and that the violations are continuing. In addition to the violations set forth below, this Notice is intended to cover all violations of the RCRA by the Dischargers for the sites identified in this Notice as evidenced by information which becomes available to River Watch after the date of this Notice.

Violations of the RCRA of the type alleged herein are a major cause of the decline in water quality and pose a continuing threat to existing and future drinking water supplies of the State of California. With every discharge, groundwater supplies are contaminated. These discharges can and must be controlled in order for the groundwater supply to be returned to a safe source of drinking water.

### **1. Permits, Standards and Regulations - [RCRA § 7002(a)(1)(A), 42 U.S.C. § 6972(a)(1)(A)]**

River Watch contends the Dischargers' use, storage, handling and transportation of petroleum products at the sites identified in this Notice, for the period from April 1, 2008 to April 1, 2013, has violated and continues to violate permits, standards, regulations, conditions, requirements and/or prohibitions effective pursuant to the RCRA regarding storage of petroleum in USTs.

As such, the Dischargers have caused or permitted, cause or permit, or threaten to cause or permit, petroleum contaminants, petroleum constituents and other hazardous waste to be discharged or deposited where it is, or probably will be, discharged into waters of the State of California, including ground water, and now create, or threaten to create, a condition of pollution or nuisance. The discharge and threatened discharge of such petroleum waste is deleterious to the beneficial uses of water, and is creating and threatens to create a condition of pollution and nuisance which will continue unless the discharge and threatened discharge is permanently abated.

**2. Mishandling of Hazardous Waste -  
[RCRA § 3004, 42 U.S.C. § 6924, *et seq.*]**

River Watch contends the Dischargers have used, handled, stored and transported petroleum products at the sites identified in this Notice, for the period from April 1, 2008 to April 1, 2013, in a manner which has allowed significant quantities of hazardous petroleum constituents and other toxic chemicals to be discharged to soil and ground water beneath each of the sites and beneath adjacent properties. The contaminant levels of TPHg, benzene, and other toxic contaminants in ground water at and near the sites are significantly greater than the allowable Maximum Contaminant Levels and/or Water Quality Objectives for said constituents.

River Watch alleges that for the period from April 1, 2008 to April 1, 2013, the Dischargers engaged in the following activities or omissions in violation of RCRA waste handling provisions:

1. Failure to adequately maintain records of hazardous wastes which were used, handled, treated, stored or otherwise disposed of on or offsite [42 U.S.C. §6924(a)(1)];
2. Failure to satisfactorily monitor, inspect, and report the discharge of hazardous wastes [42 U.S.C. §6924(a)(2)];
3. Failure to adequately use, handle, treat, store or properly dispose of hazardous waste found at the sites identified in this Notice[42 U.S.C. §6924(a)(3)];
4. Failure to adequately locate, design and construct hazardous waste treatment, storage or disposal facilities [42 U.S.C. §6924(a)(4)]; and,

5. Failure to properly implement contingency plans for effective action to minimize unanticipated damage from the handling, transportation, treatment, storage or disposal of hazardous waste found at the sites identified in this Notice [42 U.S.C. §6924(a)(5)].

**3. Unpermitted Handling, Treatment, Storage, Transportation and/or Disposal of Hazardous Waste -  
[RCRA § 3005, 42 U.S.C. § 6925 *et seq.*]**

River Watch alleges that the Dischargers have, for the period from April 1, 2008 to April 1, 2013, engaged in the following activities or omissions in violation of RCRA waste handling provisions:

1. Deposition and maintenance of hazardous waste as described in this Notice, which causes and has caused the generation and discharge of hazardous waste to the environment;
2. Installation and maintenance of a system of conveyances to dispose of hazardous waste generated and released from the sites identified in this Notice; and,
3. Failure to possess specific permits for the handling, storage, treatment, transportation, and/or disposal of hazardous waste at the sites identified in this Notice.

**4. Prohibition Against Open Dumping -  
[RCRA § 4005, 42 U.S.C. § 6945 *et. seq.*]**

River Watch alleges that for the period from April 1, 2008 to April 1, 2013, the Dischargers engaged in the following activities or omissions in violation of RCRA waste handling provisions:

1. Open dumping by reason of the discharge of hazardous waste to open ground at the sites identified in this Notice, where said hazardous waste has contaminated and will continue to contaminate soils, ground water and surface waters;
2. The sites identified in this Notice do not qualify as landfills under 42 U.S.C. § 6944, and do not qualify as facilities for the disposal of hazardous waste; and,
3. Failure to obtain a RCRA-authorized permit for the disposal, storage or treatment of solid or hazardous waste of the type currently and historically discharged at the sites identified in this Notice.

**5. UST Regulations -  
42 U.S.C. § 6991 and 42 U.S.C. §6972 (a)(1)(A)**

Provisions of the RCRA govern the use and operation of USTs used for storage of petroleum products (subchapter IX, 42 U.S.C. § 6991 *et seq.*). The RCRA UST regulatory program is adopted and implemented in California under the State Underground Storage of Hazardous Substance Account Act (California Health & Safety Code § 25280 *et seq.*).

River Watch contends that for the period from April 1, 2008 to April 1, 2013, the Dischargers' use and storage of petroleum and other chemicals at the sites identified in this Notice has allowed significant quantities of hazardous chemical constituents to be released or discharged into soil and groundwater in violation of provisions of the RCRA and California's UST regulatory programs including, but not limited to, provisions governing general operating requirements for USTs, release detection and prevention requirements, release reporting and investigation requirements, and release response and corrective action requirements.

Specifically, River Watch alleges the Dischargers to be responsible for the following statutory violations with respect to the sites identified in this Notice:

1. Failure to prevent a release of hazardous chemicals and constituents in violation of 40 CFR §§ 280.30, 280.31 and California Health & Safety Code §§ 25292.1(a) - (c), 25292.3(a) and (b);
2. Failure to properly detect and monitor releases of hazardous chemicals and constituents, in violation of 40 CFR §§ 280.40 - 280.44 and California Health & Safety Code § 25292;
3. Failure to properly report and keep records of the release of hazardous chemicals and constituents, in violation of 40 CFR §§ 280.34, 280.50, 280.52, 280.53, 280.63(b) and California Health & Safety Code §§ 25289, 25293 and 25295(a)(1); and,
4. Failure to take proper corrective action following the release of hazardous chemicals and constituents, in violation of 40 CFR §§ 280.53, 280.60 - 280.66 and California Health & Safety Code § 25295(a)(1).

**6. Imminent and Substantial Endangerment -  
[RCRA § 7002(a)(1)(B), 42 U.S.C. § 6972 (a)(1)(B)]**

River Watch contends that for the period from April 1, 2008 to April 1, 2013, the Dischargers have used, handled, transported and/or stored petroleum products and other chemicals at the sites identified in this Notice in a manner which has allowed significant quantities of hazardous petroleum and chemical constituents to be discharged to soil and groundwater beneath each of the sites and beneath adjacent properties. The contaminant levels of TPHg, benzene, and other toxic compounds in groundwater at the sites are significantly greater than the allowable Maximum Contaminant Levels and/or Water Quality Objectives for said constituents. Benzene and TPHg are known or suspected carcinogens. These substances are known to harm both plants and animals. In their concentrations at the location of the sites identified in this Notice, these pollutants are creating an imminent and substantial endangerment to public health and the environment.

**CONCLUSION**

The violations as set forth in this Notice affect the economic stability, physical health and aesthetic enjoyment of members of River Watch who reside and recreate in the affected watershed areas. Members of River Watch use the watersheds for domestic water supply, agricultural water supply, recreation, fishing, swimming, hiking, photography, nature walks and the like. Their health, use and enjoyment of this natural resource are conditions specifically impaired by the violations of the RCRA alleged in this Notice.

River Watch believes this Notice sufficiently states grounds for filing suit under the statutory and regulatory provisions of the RCRA. At the close of the notice periods, River Watch intends to file a suit against the Dischargers under RCRA provisions for the violations as alleged herein. However, River Watch is willing to discuss effective remedies for the violations referenced in this Notice. If the Dischargers wish to pursue such discussions in the absence of litigation, they are encouraged to initiate such discussions at this time so that the parties might be on tract to resolving the issues raised in this Notice before a lawsuit is filed. River Watch will not delay the filing of a lawsuit if discussions have not commenced within a reasonable time following the service of this Notice.

Very truly yours,



Jack Silver

JS:lhmm

cc: Administrator  
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