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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the matter of: San Fernando Valley Superfund Site Area 1, Burbank Operable Unit RESPONDENT: Pacific Airmotive Corporation 2940 and 3003 North Hollywood Way Burbank, California 91505 Proceeding Under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9606(a)).	U.S. EPA Docket No. 94-10

ADMINISTRATIVE ORDER FOR
PARTIAL REMEDIAL INVESTIGATION

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I. AUTHORITY

This Administrative Order ("Order") is issued on this date pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §106(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 ("CERCLA"). The President delegated this authority to the Administrator of the United States Environmental Protection Agency ("EPA" or "Agency") by Executive Order No. 12580, 52 Fed. Reg. 2923 (January 23, 1987), and further delegated it to the Assistant Administrator for Solid Waste and Emergency Response and the Regional Administrators by EPA Delegation Nos. 14-8-A and 14-14-C. This authority has been redelegated to the Director, Hazardous Waste Management Division, EPA, Region 9 ("Director") by Region 9 Delegations Nos. 1290.41 and 1290.42.

II. DEFINITIONS

A. The "San Fernando Valley Superfund Sites, Areas 1-4" are located in Los Angeles County in Southern California. These consist of four areas of groundwater contamination listed on the National Priorities List. Included within the sites are significant portions of the cities of Los Angeles, Burbank, and Glendale.

B. The "Burbank Operable Unit" consists of the areal extent of groundwater contaminated with hazardous substances that is presently located in the vicinity of the Burbank Well Field and includes any areas to which such contamination migrates. The Burbank Operable Unit, along with the North Hollywood Operable

Unit, are part of the North Hollywood Area Superfund Site, also known as "San Fernando Valley Superfund Site, Area 1."

C. The "Pacific Airmotive Corporation Site", or "Site", is the property located at 2940 and 3003 North Hollywood Way in Burbank, California. Pacific Airmotive Corporation owns and operates the Site. The Pacific Airmotive Corporation Site includes the unsaturated and saturated zones below the surface of the property as well as adjacent areas to which hazardous substances have migrated. The Pacific Airmotive Corporation Site is located within the Burbank Operable Unit of the San Fernando Valley Superfund Site, Area 1.

D. "Day" means calendar day unless otherwise noted in this Order.

III. PARTIES BOUND

A. This Order shall apply to and be binding upon Pacific Airmotive Corporation, a California corporation (date of incorporation September 12, 1967) ("Pacific Airmotive Corporation" or "Respondent"), its agents, successors, and assigns. No change in ownership or operational status will alter Respondent's obligations under this Order. Respondent shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants that are retained by Respondent to perform the work required by this Order within five (5) days after the Effective Date of this Order or within five (5) days of retaining their services. Notwithstanding the terms of any contract or agreement, Respondent is responsible for compliance with this Order and for ensuring that its employees, contractors, and agents comply with this Order.

B. Respondent shall not convey any title, easement, or other interest it may have in any property comprising the Pacific Airmotive Corporation Site, and Respondent shall not convey any interest in the corporation, without a provision permitting the continuous implementation of the provisions of this Order. Respondent shall provide a copy of this Order to any subsequent owner(s) or successor(s) before any ownership rights are transferred. Respondent shall advise EPA in advance of any anticipated transfer of interest.

IV. FINDINGS OF FACT

A. In a response, dated June 13, 1988, to an EPA Request for Information pursuant to CERCLA §104(e), 42 U.S.C. §9604(e), (hereinafter referred to as "EPA Questions"), Pacific Airmotive Corporation described itself as a commercial aircraft engine maintenance and service facility. In this same response, Respondent stated that it purchased the property at 2940 and 3003 North Hollywood Way in 1947, and has operated at those locations since 1947.

B. In a response, dated August 4, 1989, to an EPA Special Notice letter, Pacific Airmotive Corporation identified the property at 2940 North Hollywood Way as its main facility, and identified the property at 3003 North Hollywood Way as its jet engine test cell facility. In this same response, Respondent admitted that chlorinated solvents had been detected in soils at the 2940 North Hollywood Way property.

C. In its response to EPA Questions, Respondent admitted that it stores on-site, and uses on-site, various solvents, including 1,1,1 - trichloroethane and methylene chloride.

Respondent also admitted to storing jet fuels and other chemicals and wastes at the Site. In its response, Respondent identified the presence at the Site of solvent degreasing and solvent part cleaning areas, underground storage tanks, industrial waste clarifiers, drainage sumps, and chemical/waste drum storage areas.

D. According to information supplied to EPA by Respondent and by the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board"), historically, there were at least the following spills: one jet fuel spill incident at 3003 North Hollywood Way in 1984, and two jet fuel spill incidents at 2940 North Hollywood Way in 1990 and 1991. In all incidents, jet fuels were discharged to soils underlying the surface of the Site. Investigations undertaken by Respondent following these spills detected jet fuel in soils at levels as high as 11,000 mg/kg at 2940 North Hollywood Way and 13,000 mg/kg at 3003 North Hollywood Way. The depth of jet fuel contamination extended to at least 50 feet below ground surface at 2940 North Hollywood Way and 65 feet below ground surface at 3003 North Hollywood Way.

E. On December 29, 1987, Regional Board staff inspected the Pacific Airmotive Corporation property at 2940 North Hollywood Way and noted visible discharges at the chemical/waste storage areas where the asphalt surface was observed to be cracked and distressed. In addition, Regional Board staff observed that an abandoned underground pipeline, that was located adjacent to the solvent process area and that was used to transmit solvents, was not properly capped to preclude access to the subsurface.

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F. On January 6, 1988, the Regional Board directed Pacific Airmotive Corporation to conduct a soil assessment at the chemical/waste storage areas and at the abandoned underground pipeline at 2940 North Hollywood Way. During a study undertaken in 1988, in response to the Regional Board's request, Respondent detected tetrachloroethene ("PCE") in soils in the chemical/waste storage areas at levels up to 170 ug/kg and trichloroethene ("TCE") in soils at levels up to 29 ug/kg, in samples taken at a maximum depth of five feet below ground surface. PCE was detected in soils in the vicinity of the abandoned pipeline at levels up to 3,200 ug/kg. Toluene, which is believed to be a component of jet fuel used at the Site, was detected in soils at the chemical/waste storage area at levels up to 570 ug/kg and at the abandoned underground pipeline area at levels up to 460 ug/kg.

G. Further soil assessment conducted by Respondent in 1988 at the former location of three underground solvent storage tanks at the 2940 North Hollywood Way property detected PCE in soils at levels up to 380 ug/kg and TCE in soils at levels up to 11 ug/kg. Toluene was detected in soils to a depth of fifty feet below ground surface, which was the maximum depth sampled. The maximum concentration of Toluene detected was 95 ug/kg.

H. On August 16, 1988, Regional Board staff visually inspected the boiler blow-down drainage sump west of Building #2 at 2940 North Hollywood Way. Several small cracks were observed in the sump. While overseeing the subsequent soil sampling conducted by Respondent, Regional Board staff observed extremely moist soils and high organic vapor analyzer readings at the sump.

I. On November 16, 1989, Regional Board staff visually inspected the industrial waste clarifier located at the northeast corner of the 2940 North Hollywood Way property. The inspection revealed that there were a number of leaks associated with the clarifier. There were no seals surrounding the influent and effluent piping leading to the clarifier. The piping was observed to be of the clay tile type, which is liquid permeable. The fourth stage of the clarifier, or sample box, appeared to be constructed of cement blocks without seals between each joint. According to information provided to EPA by the Regional Board, Pacific Airmotive Corporation is still operating the clarifier in the same configuration at the Site.

J. Despite the fact that chlorinated solvents have been detected in soils at the Site, and despite the likelihood that releases of solvents have occurred at the solvent degreaser, solvent part cleaning areas, solvent processing area, and floor sump within workshop buildings at the Site, Respondent has not conducted subsurface soil investigations in these areas.

K. At the Regional Board's request, Respondent initiated a groundwater monitoring program in 1987. This monitoring program was terminated by Respondent in 1992. PCE and TCE have been detected in all groundwater samples obtained from the Site at monitoring well locations MW-3 through MW-8. PCE has been detected in these monitoring wells at levels ranging from 35 ug/l to 6,100 ug/l. TCE has been detected at levels ranging from 10 ug/l to 540 ug/l. Jet fuel has been detected in two monitoring wells at the Site (MW-5 and MW-8) at levels ranging from 550 ug/l to 880 ug/l.

L. On December 23, 1992, February 5, 1993, and again on March 19, 1993, the Regional Board directed Pacific Airmotive Corporation to submit a workplan for conducting a soil gas investigation at the Site. The Regional Board based this request on field experience demonstrating that, in sandy, porous soils of the type underlying the Site, vapor transport can be the major mechanism leading to groundwater contamination.

M. On May 21, 1993, at Respondent's request, Regional Board staff met with Pacific Airmotive Corporation's representatives to discuss the issue related to soil gas investigation. In a follow-up letter to the Regional Board, dated May 24, 1993, Pacific Airmotive Corporation agreed that the meeting was productive. However, in a subsequent letter dated June 25, 1993, Respondent declined to conduct the soil gas investigation requested by the Regional Board. To date, Pacific Airmotive Corporation has not performed the requested investigation.

N. On March 1, 1993, the Regional Board directed Pacific Airmotive Corporation to resume groundwater monitoring at the Site. To date, Respondent has not acceded to this request.

O. In a letter dated April 12, 1993, EPA advised Pacific Airmotive Corporation to comply with the Regional Board's requirements regarding soil gas investigation. On June 29, 1993, EPA met with Pacific Airmotive Corporation's legal counsel to discuss the status of Respondent's cooperation with the Regional Board. At that time EPA advised Pacific Airmotive Corporation that EPA may invoke its enforcement authority in the event that the Regional Board's requirements are not met by Respondent.

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P. In a July 22, 1993, letter to the Regional Board, Pacific Airmotive Corporation stated that the June 29, 1993, meeting with EPA was informative and productive. Respondent claimed a willingness to cooperate with the Regional Board. Despite this assertion, to date Respondent has neither conducted the requested soil gas investigation nor resumed groundwater monitoring at the Site.

Q. In a letter dated November 19, 1993, due to the fact that Respondent had not initiated the studies required by the Regional Board, EPA requested that Respondent submit to EPA and the Regional Board a work plan for conducting a site-wide soil gas investigation and for resuming groundwater monitoring at the Site.

R. On December 13, 1993, Respondent submitted to EPA and the Regional Board a work plan that proposed a limited soil gas survey at the northeast corner of the property located at 2940 North Hollywood Way. The proposed survey did not include the remainder of the property at 2940 North Hollywood Way, nor did it include the property at 3003 North Hollywood Way. Respondent's work plan did not propose groundwater monitoring.

S. On December 13, 1993, EPA and the Regional Board rejected the work plan submitted by Respondent on that same date. EPA notified Pacific Airmotive Corporation that it must submit a revised plan including the more detailed investigation requested by EPA and the Regional Board by December 17, 1993. In response, in a letter dated December 16, 1993, Respondent refused to submit a work plan corresponding to EPA's guidelines.

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T. On May 2, 1989, EPA sent a Special Notice letter informing Pacific Airmotive Corporation that it is a potentially responsible party with respect to the Burbank Operable Unit of the San Fernando Valley Superfund Site, Area 1.

V. CONCLUSIONS OF LAW

A. The Pacific Airmotive Corporation Site is a "facility" as defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9).

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

C. Analyses of samples collected at the Site during past investigations indicate the presence of TCE and PCE. These substances, among others detected at the Site, are "hazardous substance[s]" as defined in Section 101(14) of CERCLA, 42 U.S.C. §9601(14).

D. The past, present, and potential migration of hazardous substances from the facility constitutes an actual or threatened "release" as defined in Section 101(22) of CERCLA, 42 U.S.C. §9601(22).

E. Respondent currently operates and owns, and has owned since 1947, the property located at 2940 and 3003 North Hollywood Way in Burbank, California, at which hazardous substances have come to be located. Thus, Respondent is an "owner" and "operator" as those terms are defined in Section 101(20) of CERCLA, 42 U.S.C. §9601(20).

F. Respondent is a potentially responsible party as defined in Section 107(a) of CERCLA, 42 U.S.C. §9607(a).

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VI. DETERMINATIONS

A. The Director has determined that an actual or threatened release of hazardous substances from the Pacific Airmotive Corporation Site may present an imminent and substantial endangerment to the public health or welfare or the environment.

B. The actions required by this Order are necessary to protect the public health, welfare, and the environment.

C. If performed satisfactorily, the actions required by this Order are consistent with CERCLA and the National Contingency Plan, 40 C.F.R. Part 300 ("NCP").

VII. NOTICE TO THE STATE

Pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606(a), EPA has notified the State of California of the issuance of this Order by providing the Regional Board with a copy of this Order.

VIII. WORK TO BE PERFORMED

A. General Provisions

1. All work shall be conducted in accordance with: CERCLA; the NCP; EPA "Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA" (EPA, October 1988); "Preparation of a U.S. EPA Region 9 Field Sampling Plan for Private and State-Lead Superfund Projects (EPA, April 1990); U.S. EPA Region 9 Guidance for Preparing Quality Assurance Project Plans for Superfund Remedial Projects" (EPA, September 1989); any final amended or superseding versions of such documents provided by EPA; other applicable EPA guidance documents; and any report, document, or deliverable prepared by EPA because Respondent fails to comply with this Order.

2. All plans, schedules, and other reports that require EPA's approval and are submitted by Respondent pursuant to this Order are incorporated into this Order upon approval by EPA.

3. All work performed by or on behalf of Respondent pursuant to this Order shall be performed by qualified individuals or contractors with expertise in hazardous waste site investigation. The qualifications of the persons, contractors, and subcontractors undertaking the work for Respondent shall be subject to EPA review.

4. EPA will oversee Respondent's activities as specified in Section 104(a)(1) of CERCLA, 42 U.S.C. §9604(a)(1). Respondent will support EPA's initiation and EPA's conduct of activities that are carried out as part of EPA's oversight responsibilities.

5. To provide quality assurance, maintain quality control, and satisfy chain of custody requirements, Respondent shall: (a) use a laboratory that has a documented Quality Assurance Program that complies with EPA guidance (EPA, September 1989); and (b) ensure that the laboratory used by Respondent for analysis performs such analyses according to a method or methods approved by EPA in the Field Sampling Plan or Quality Assurance Project Plan to be submitted by Respondent.

B. Work and Deliverables

1. Based on the Findings of Fact, Conclusions of Law, and Determinations, EPA hereby orders Respondent to perform the following work, under the direction of the EPA's Remedial Project Manager, and to comply with all the requirements of this Order.

Respondent will furnish all personnel, materials, and services needed, or incidental to, performing the Investigation, except as otherwise specified in the Order.

2. Respondent shall initiate activities necessary to determine the nature and extent of vapor and non-vapor phase contamination in the unsaturated (vadose) zone resulting from releases of hazardous substances at the Pacific Airmotive Corporation Site, which includes the properties at 2940 North Hollywood Way and at 3003 North Hollywood Way. Both the horizontal and vertical extent of contamination shall be determined across the entire Site. In addition, Respondent shall continue to monitor groundwater quality beneath the surface of the Site. The investigation shall include:

a. Preparation of a plot plan showing all locations, past and present, where solvents are or were stored, used, or disposed.

b. Groundwater monitoring as follows:

(1) Groundwater must be sampled from monitoring wells MW-3 through MW-8 according to the following schedule:

Monitoring Frequency	Report Due
March 1994	April 30, 1994
July 1994	August 31, 1994
October 1994	November 30, 1994
January 1995	February 28, 1995

(2) Groundwater samples must be analyzed for volatile organic constituents and aromatic hydrocarbons by EPA Methods

502.1/503.1 and for jet fuel by EPA Method 8015 (Modified). Water samples must be analyzed without dilution at least once in order to detect other constituents that may exist in low concentrations in the groundwater. All analytical results must be reported on the Regional Board Laboratory Report Forms 10A/10B.

(3) Groundwater samples must also be analyzed for nitrogen and general minerals during July 1994 and January 1995 sampling events.

(4) All supplementary laboratory QA/QC data identified in Item No. 3 of Regional Board's March 1, 1993, letter to Pacific Airmotive Corporation must be provided.

c. Soil gas investigation as follows:

(1) A soil gas investigation must be implemented at both Pacific Airmotive Corporation locations, 2940 and 3003 North Hollywood Way, Burbank, California.

(2) The soil gas investigation must be carried out based upon the requirements addressed in the Regional Board's Well Investigation Program — <u>Work Plan Requirements for Active Soil Gas</u>

Investigation. All analytical results must be reported in the forms attached in the requirements.

(3) The sampling grid must be distributed over the entire area of both properties, with tighter sampling grids applied at all potential point source areas, including underground storage tanks, industrial waste clarifiers, sumps, chemical/waste drum storage areas, and industrial solvents degreasing and parts cleaning areas. Multi-depth sampling must also be applied to these areas to a minimum of 15 feet below ground surface. When potential source areas are located within buildings, angled borings shall be drilled to access the soil directly beneath the source areas.

(4) A contingency plan must be included to add additional sampling points in case high concentrations of compounds are detected during the investigation.

(5) Upon completion of the first phase of the soil gas investigation, a recommendation must be submitted regarding the need to install nested soil vapor probes. EPA and the Regional Board will make a determination as to

whether nested soil vapor probes are necessary.

(6) Upon completion of the first phase of the soil gas investigation, a recommendation must be submitted regarding soil cleanup alternatives. EPA and the Regional Board will make a determination as to whether the recommendations for soil cleanup are sufficient.

3. Respondent must maintain field and laboratory records and reports, including field logs, sample shipment records, analytical results, and quality assurance reports, to ensure that only validated analytical data are reported to and utilized by EPA. Field logs must be utilized to document observations, measurements, and significant events that occur during field activities. Laboratory reports must document sample custody, analytical responsibility, analytical results, adherence to prescribed protocols, nonconformity events, corrective measures, or data deficiencies. All laboratory analytical results must be reported on Regional Board forms as specified in Item 2 above. In addition, Respondent must establish a data security system to safeguard chain-of-custody forms and other project records to prevent loss, damage, or alteration of project documentation.

4. Respondent shall: (a) provide notification to EPA as described below; (b) prepare a Field Sampling Plan ("FSP"); (c) prepare a Quality Assurance Project Plan ("QAPP");

(d) prepare a Health & Safety Plan ("HSP"); and (e) prepare a final Remedial Investigation Report ("RI report"). These documents and actions are necessary to ensure that sample collection and analytical activities are conducted in accordance with technically acceptable protocols, that data quality objectives are established and met, and to otherwise meet the requirements of this Order. The FSP, QAPP, and HSP may be submitted separately or as a single document. These tasks are described below.

5. Respondent shall notify EPA in writing of the name, title, and qualifications of the individual(s) who will be responsible for carrying out the terms of this Order, and the name(s) of all contractors or subcontractors. Notification will be provided within fourteen (14) days after the Effective Date of this Order.

6. If EPA disapproves any person's or contractor's technical or experience qualifications, EPA will notify Respondent in writing, and Respondent shall subsequently notify EPA, within fourteen (14) days of Respondent's receipt of EPA's written notice, of the identity and qualifications of the replacement(s). A subsequent EPA disapproval of the replacement(s) shall be deemed a failure to comply with the Order.

7. Subsequent to approval by EPA of the individuals, contractors, or subcontractors who will be responsible for the investigation, Respondent may propose that different individuals, contractors, or subcontractors direct and supervise the work required by this Order. If Respondent wishes to propose such a change, Respondent shall notify EPA in writing of the name,

title, and qualifications of the proposed individuals and the names of proposed contractors or subcontractors. Any such individual, contractors, or subcontractors shall be subject to approval by EPA. EPA shall give Respondent its approval or disapproval within fourteen (14) days of receiving from Respondent the information required by this paragraph. The naming of any replacement(s) by Respondent shall not relieve Respondent of any of its obligations to perform the work required by this Order. A subsequent EPA disapproval of the replacement(s) shall be deemed a failure to comply with the Order.

8. Respondent shall prepare the FSP in accordance with EPA guidelines (EPA, April 1990). The FSP must include:

a. A summary of the Pacific Airmotive Corporation Site's geographic location and Site geology, hydrogeology, and hydrology.

b. A summary of the Pacific Airmotive Corporation's operational history, including the past and present location of underground and above-ground tanks, baths, vapor degreasers, clarifiers, or other structures where solvents are or were used, stored, or discharged.

c. A compilation and review of all existing Site data describing the types, locations, and quantities of hazardous substances used or released at the Pacific Airmotive Corporation Site, including a review of the results from previous sampling and clean-up activities.

d. A detailed list of tasks to be performed to fulfill the requirements of this Order.

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e. A description of sampling objectives; sample location and frequency, including quality control samples, sampling equipment, and methodologies; sample handling and analysis; and other aspects of the work to be performed.

9. Where appropriate, Respondent shall use the protocols and analytical methods addressed in documents included in the Attachment. Respondent may cite relevant portions of these documents in the FSP and QAPP. Respondent shall evaluate and incorporate into the FSP or QAPP any necessary protocols and analytical methods that are not addressed in documents included in the Attachment.

10. The Draft FSP is due thirty (30) days after the Effective Date of this Order. The Final FSP is due fifteen (15) days after Respondent has received EPA comments on the Draft FSP. EPA must review and approve the FSP and the QAPP before any field activity is initiated.

11. Respondent shall prepare the QAPP in accordance with EPA guidelines (EPA, September 1989). The QAPP must include (to the extent not included in the FSP):

a. A description of data quality objectives.

b. A description of method(s) used in the investigation to document and record compliance with field and laboratory procedures (e.g., field logs, laboratory reports).

c. Information sufficient to demonstrate, to EPA's satisfaction, that each laboratory used by Respondent is qualified to conduct the proposed work (e.g., ability to meet required detection and quantification limits for chemicals of concern in the media of interest).

d. If the selected laboratory does not participate in EPA's Contract Laboratory Program ("CLP"), Respondent must submit documentation to demonstrate that the laboratory uses methods consistent with CLP methods and quality assurance requirements (e.g., detailed information to demonstrate the adequacy of the laboratory's quality assurance program; information on personnel qualifications, equipment, and material specifications).

e. Assurances that EPA has access to laboratory personnel, equipment, and records.

f. Other aspects of quality assurance not addressed in the FSP.

12. Respondent may reference, rather than repeat, information contained in the FSP or in documents listed in the Attachment if the necessary techniques, protocols, and quality assurance procedures are already described in those documents.

13. The Draft QAPP is due thirty (30) days after the Effective Date of this Order. The Final QAPP is due fifteen (15) days after Respondent has received EPA comments on the Draft QAPP. EPA must review and approve the FSP and the QAPP before any field activity is initiated.

14. Respondent shall prepare the HSP in conformance with Respondent's health and safety program, and in compliance with Occupational Safety & Health Act regulations and protocols. The HSP must include the eleven (11) elements described in EPA Guidance (EPA, October 1988), such as a health and safety risk analysis, a description of monitoring and personal protective equipment, and medical monitoring.

15. The HSP is due thirty (30) days after the Effective Date of this Order.

16. The first phase of soil gas investigation field work shall begin no later than thirty (30) days, and be completed no later than ninety (90) days, after EPA has approved the FSP and the QAPP.

17. Respondent must notify EPA of planned dates for field activities at least one week before initiating sampling so that EPA may adequately schedule oversight tasks.

18. Respondent will notify EPA in writing upon completion of field activities.

19. After completing the first phase of soil gas investigation field sampling and analysis, Respondent shall prepare a draft RI report describing the results of the remedial investigation. EPA guidance (EPA, October 1988) provides an outline of the RI report format and contents. The RI report should:

a. Include a review of all investigative activities that have taken place.

b. Include an analysis and evaluation of the data to describe physical characteristics of the Pacific Airmotive Corporation Site, contaminant source characteristics, the nature and extent of contamination in the unsaturated zone, and contaminant fate and transport.

c. Describe and display data that document the location, types, physical state, and concentration of contaminants at the Pacific Airmotive Corporation Site.

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d. Include an analysis and evaluation of all available groundwater monitoring data to describe the nature and extent of contamination in the groundwater beneath the surface of the Site.

e. Demonstrate that quality assurance requirements approved by EPA and specified in the FSP and QAPP are met.

f. Include as appendices a summary of all validated data, field logs, chain of custody forms, and any other information used to document the findings of the remedial investigation.

20. The Draft RI report is due to EPA forty-five (45) days after the first phase of soil gas investigation field work is completed. Respondent shall prepare a final RI report that satisfactorily addresses EPA's comments within twenty-one (21) days after Respondent receives EPA's comments on the Draft RI report.

21. With the exception of the HSP, EPA shall review, comment, and approve or disapprove each plan, report, or other deliverable submitted by Respondent. All EPA comments on draft deliverables shall be incorporated by Respondent. EPA intends to review all plans (with the exception of the HSP), reports, or other deliverables within thirty (30) days of receipt of each document. EPA shall notify Respondent in writing of EPA's approval or disapproval of a final deliverable or if EPA requires additional review time. In the event of any disapproval, EPA shall specify the reasons for such disapproval, EPA's required modifications, and a time-frame for submission of the revised report, document, or deliverable. If the modified report,

document, or deliverable is again disapproved by EPA, EPA shall first notify Respondent and then may draft its own report, document, or deliverable and incorporate it as part of this Order, or seek penalties from Respondent for failing to comply with this Order, or conduct the remaining work required by this Order.

22. All documents, including technical reports and other correspondence to be submitted by Respondent pursuant to this Order, shall be sent by U.S. mail to the following addressees, and to such other addressees as EPA hereafter may designate in writing, and shall be deemed submitted on the date received by EPA:

a. Respondent shall submit two (2) copies of each document that it is required to submit to EPA pursuant to this Order to:

Dave Seter
Remedial Project Manager (H-6-4)
Hazardous Waste Management Division
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, California 94105
Phone: (415) 744-2260

b. Respondent shall submit one (1) copy of each document that it is required to submit pursuant to this Order to:

Dr. Robert Ghirelli
California Regional Water Quality Control Board
101 Centre Plaza Drive
Monterey Park, California 91754

IX. SAMPLING, ACCESS, AND DATA/DOCUMENT AVAILABILITY

A. At the request of EPA, Respondent shall provide to EPA or its authorized representatives split samples or duplicates of samples collected by Respondent as part of the investigation.

B. Nothing in this Order shall be interpreted as limiting EPA's inspection or information-gathering authority under federal law.

C. EPA personnel or EPA authorized representatives shall be allowed access to the laboratory and personnel used by Respondent for laboratory analyses.

D. For purposes of this Order, EPA's authorized representatives shall include, but not be limited to, staff of the Regional Board and consultants and contractors hired by EPA to oversee activities required by this Order.

X. OTHER APPLICABLE LAWS

A. Respondent shall undertake all actions required by this Order in accordance with the requirements of all applicable local, state, and federal laws and regulations unless an exemption from such requirements is specifically provided under CERCLA or unless Respondent obtains a variance or exemption from the appropriate governmental authority.

B. Any materials removed from the Pacific Airmotive Corporation Site shall be disposed of or treated at a facility in accordance with Section 121(d)(3) of CERCLA, 42 U.S.C. §9621(d)(3).

XI. RECORD PRESERVATION

Respondent shall maintain, during the pendency of this Order and for a minimum of ten (10) years after EPA provides notice to Respondent that the work has been completed, a central depository of the records and documents required to be prepared under this Order. In addition, Respondent shall retain copies of the most recent version of all documents that relate to hazardous

substances at the Pacific Airmotive Corporation Site and that are in its possession or in the possession of its employees, agents, contractors, or attorneys. After this ten year period, Respondent shall notify EPA at least thirty (30) days before the documents are scheduled to be destroyed. If EPA so requests, Respondent shall provide these documents to EPA.

XII. DESIGNATED PROJECT MANAGERS

A. EPA designates David Seter, an employee of Region 9 of EPA, as its Remedial Project Manager ("RPM") who shall have the authorities, duties, and responsibilities vested in the RPM by the NCP. Within fifteen (15) days of the Effective Date of this Order, Respondent shall designate a Project Coordinator who shall be responsible for overseeing Respondent's implementation of this Order. The EPA RPM will be EPA's designated representative at the facility. To the maximum extent possible, all oral communications between Respondent and EPA concerning the activities performed pursuant to this Order shall be directed through EPA's RPM and Respondent's Project Coordinator. All documents, including progress and technical reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be delivered in accordance with Paragraph VIII.B.22.

B. EPA and Respondent may change their respective RPM and Project Coordinator. Such a change shall be accomplished by notifying the other party in writing at least seven (7) days prior to the change except in the case of an emergency, in which case notification shall be made orally followed by written notification as soon as possible.

C. Consistent with the provisions of this Order, the EPA RPM shall also have the authority vested in the On-Scene Coordinator ("OSC") by the NCP, unless EPA designates a separate individual as OSC, who shall then have such authority. This authority includes, but is not limited to, the authority to halt, modify, conduct, or direct any tasks required by this Order or undertake any response actions (or portions of the response action) when conditions present or may present a threat to public health or welfare or the environment as set forth in the NCP.

D. The absence of the EPA RPM or the OSC from the Pacific Airmotive Corporation Site shall not be cause for the stoppage of work. Nothing in this Order shall limit the authority of the EPA RPM or OSC under federal law.

XIII. MODIFICATION OF WORK REQUIRED

A. In the event of unanticipated or changed circumstances at the Site, Respondent shall notify the EPA RPM by telephone within twenty-four (24) hours of discovery of the new or changed circumstances. This verbal notification shall be followed by written notification postmarked within three (3) days of discovery of the new or changed circumstances.

B. The Director may determine that in addition to tasks addressed herein, additional work may be required. Where consistent with Section 106(a) of CERCLA, the Director may direct as an amendment to this Order that Respondent perform response actions in addition to those required herein. Respondent shall implement the additional work that the Director identifies. The additional work shall be completed according to the standards, specifications, and schedules set forth by the Director.

XIV. SITE ACCESS

A. Respondent shall permit EPA and its authorized representatives to have access at all times to the Pacific Airmotive Corporation Site, to monitor any activity conducted pursuant to this Order, and to conduct such tests or investigations as EPA deems necessary. Nothing in this Order shall be deemed a limit upon EPA's authority under federal law to gain access to the Pacific Airmotive Corporation Site.

B. To the extent that Respondent requires access to land other than land it owns in carrying out the terms of this Order, Respondent shall, within forty-five (45) days of the Effective Date of this Order, obtain access for EPA, its contractors, and oversight officials; Regional Board oversight officials and contractors; and Respondent or its authorized representatives. If Respondent fails to gain access within forty-five (45) days, it shall continue to use best efforts to obtain access until access is granted. For purposes of this paragraph, "best efforts" includes, but is not limited to, seeking judicial assistance and the payment of money as consideration for access. If access is not provided within the time-frame referenced above, EPA may obtain access under Sections 104(e) or 106(a) of CERCLA.

XV. DELAY IN PERFORMANCE

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

B. Respondent shall notify EPA of any delay or anticipated delay in performing any requirement of this Order. Such notification shall be made by telephone to EPA's RPM within forty-eight (48) hours after Respondent first knew or should have known that a delay might occur. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Within three (3) days after notifying EPA by telephone, Respondent shall provide written notification fully describing the nature of the delay, any justification for delay, any reason why Respondent should not be held strictly accountable for failing to comply with any relevant requirements of this Order, the measures planned and taken to minimize the delay, and a schedule for implementing the measures that will be taken to mitigate the effect of the delay. Increased costs or expenses associated with implementation of the activities called for in this Order are not justifications for any delay in performance.

C. If Respondent is unable to perform any activity or submit any document within the time required under this Order, Respondent may, prior to the expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay. Submission of an extension request shall not affect Respondent's obligation to comply with the requirements of this Order.

D. If EPA determines that good cause exists for an extension of time, it may grant a request made pursuant to Subparagraph C above, and specify in writing a new schedule for completion of the activity or submission of the document.

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XVI. ENDANGERMENT AND EMERGENCY RESPONSE

A. In the event of any action or occurrence during the performance of the work that causes or threatens to cause a release of a hazardous substance or that may present an immediate threat to public health or welfare or the environment, Respondent shall immediately take all appropriate action to prevent, abate, or minimize the threat, and shall immediately notify EPA's RPM, or, if the RPM is unavailable, EPA's OSC. If neither of these persons is available, Respondent shall notify the EPA Emergency Response Unit, Region 9, phone number (415) 744-2000. Respondent shall take such action in consultation with EPA's RPM and in accordance with all applicable provisions of this Order, including but not limited to the HSP.

B. Nothing in the preceding paragraph shall be deemed to limit any authority of the United States to take, direct, or order all appropriate action to protect human health and the environment, or to prevent, abate, or minimize an actual or threatened release of hazardous substances on, at, or from the Pacific Airmotive Corporation Site.

XVII. ASSURANCE OF ABILITY TO COMPLETE WORK

A. Respondent shall demonstrate its ability to complete the work required by this Order and to pay all claims that arise from the performance of the work by obtaining and presenting to EPA within thirty (30) days after approval of the FSP and QAPP, one of the following: (1) a performance bond, (2) a letter of credit, (3) a guarantee by a third party, or (4) internal financial information to allow EPA to determine that Respondent has sufficient assets available to perform the work. Respondent

shall demonstrate financial assurance in an amount no less than the estimate of cost for the remedial investigation. If Respondent seeks to demonstrate ability to complete the remedial investigation by means of internal financial information or by guarantee of a third party, it shall re-submit such information monthly from the Effective Date of this Order. If EPA determines that such financial information is inadequate, Respondent shall, within fifteen (15) days after receipt of EPA's notice of determination, obtain and present to EPA for approval one of the other forms of financial assurance listed above.

B. At least seven (7) days prior to commencing any work at the Pacific Airmotive Corporation Site pursuant to this Order, Respondent shall submit to EPA a certification that Respondent or its contractors and subcontractors have adequate insurance coverage or have indemnification for liabilities for injuries or damages to persons or property that may result from the activities to be conducted by or on behalf of Respondent pursuant to this Order. Respondent shall ensure that such insurance or indemnification is maintained for the duration of performance of the work required by this Order.

XVIII. DISCLAIMER

The United States, by issuance of this Order, assumes no liability for any injuries or damages to persons or property resulting from acts or omissions by Respondent, or its employees, agents, successors, assigns, contractors, or consultants in carrying out any action or activity pursuant to this Order. Neither EPA nor the United States shall be held as a party to any contract entered into by Respondent or its employees, agents,

successors, assigns, contractors, or consultants in carrying out any action or activity pursuant to this Order.

XIX. ENFORCEMENT AND RESERVATIONS

A. EPA reserves the right to bring an action against Respondent under Section 107 of CERCLA, 42 U.S.C. §9607, for recovery of any response costs incurred by the United States related to this Order and not reimbursed by Respondent. This reservation shall include, but not be limited to, past costs, direct costs, indirect costs, the costs of oversight, the costs of compiling the cost documentation to support oversight cost demand, as well as accrued interest as provided in Section 107 of CERCLA, 42 U.S.C. §9607.

B. Notwithstanding any other provision of this Order, at any time during the response action EPA may perform its own studies, complete the response action (or any portion of this response action) and seek reimbursement from Respondent for its costs, or seek any other appropriate relief.

C. Nothing in this Order shall preclude EPA from taking any additional enforcement action, including modification of this Order, issuance of additional Orders or taking additional remedial or removal actions as EPA may deem necessary, or from requiring Respondent in the future to perform additional activities pursuant to CERCLA or any other applicable law. Respondent shall be liable under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), for the costs of any such additional actions.

D. Notwithstanding any provision of this Order, the United States hereby retains all of its information gathering, inspection, and enforcement authorities and rights under CERCLA,

the Resource Conservation and Recovery Act, or any other applicable statutes or regulations.

E. Notwithstanding compliance with the terms of this Order, including the completion of an EPA-approved remedial investigation, Respondent is not released from liability, if any, for any enforcement actions beyond the terms of this Order taken by EPA respecting the Pacific Airmotive Corporation Site or the San Fernando Valley Superfund Sites, Areas 1-4.

F. EPA reserves the right to take any enforcement action pursuant to CERCLA or any other legal authority, including the right to seek injunctive relief, monetary penalties, reimbursement of response costs, and punitive damages for any violation of law or this Order.

G. EPA expressly reserves all rights and defenses that it may have, including EPA's right both to disapprove work performed by Respondent and to request that Respondent perform tasks in addition to those detailed in this Order. EPA reserves the right to undertake removal actions or remedial actions at any time. EPA reserves the right to seek reimbursement from Respondent for the costs incurred by the United States in removal and remedial actions.

H. This Order does not release Respondent from any claim, cause of action, or demand in law or equity, including, but not limited to, any claim, cause of action, or demand that lawfully may be asserted by representatives of the United States or the State of California.

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I. No informal advice, guidance, suggestions, or comments by EPA regarding reports, plans, specifications, schedules, or any other writing submitted by Respondent will be construed as relieving Respondent of its obligation to obtain such formal approval as may be required by this Order.

XX. NOTICE OF INTENT TO COMPLY

Respondent shall, within two (2) days of the Effective Date of this Order, provide written notice to EPA stating whether Respondent will comply with the terms of this Order. Failure to respond, or failure to agree to comply with this Order, shall be deemed a refusal to comply with this Order.

XXI. OPPORTUNITY TO CONFER

A. Respondent may, within three (3) days of receipt of this Order, request a conference with EPA's Director of the Hazardous Waste Management Division, or whomever the Director may designate. If requested, the conference shall occur within seven (7) days of the request, unless extended by mutual agreement of the Parties, at EPA's Regional Office, 75 Hawthorne Street, San Francisco, California.

B. At any conference held pursuant to Respondent's request, Respondent may appear in person, or be represented by an attorney or other representative. If Respondent desires such a conference, Respondent shall contact Thomas Mintz, Assistant Regional Counsel, at (415) 744-1333.

C. The purpose and scope of any such conference held pursuant to this Order shall be limited to issues involving the implementation of the response actions required by this Order and the extent to which Respondent intends to comply with this Order.

If such a conference is held, Respondent may present any evidence, arguments, or comment regarding this Order, its applicability, any factual determinations upon which the Order is based, the appropriateness of any action that Respondent is ordered to take, or any other relevant and material issue. Any such evidence, arguments, or comments should be reduced to writing and submitted to EPA within three (3) calendar days following the conference. This conference is not an evidentiary hearing, and does not constitute a proceeding to challenge this Order. It does not give Respondent a right to seek review of this Order, or to seek resolution of potential liability, and no official stenographic record of the conference will be made. If no conference is requested, any such evidence, arguments, or comments must be submitted in writing within three (3) calendar days following the Effective Date of this Order. Any such writing should be directed to Thomas Mintz, Assistant Regional Counsel, at the address cited above.

D. Respondent is hereby placed on notice that EPA will take any action that may be necessary in the opinion of EPA for the protection of public health or welfare or the environment, and Respondent may be liable under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), for the costs of those government actions.

XXII. SEVERABILITY

If any provision or authority of this Order, or the application of this Order to any circumstance, is held by a court to be invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby, and the remainder of this Order shall remain in force.

XXIII. PENALTIES FOR NONCOMPLIANCE

Respondent is advised that, pursuant to Section 106(b) of CERCLA, 42 U.S.C. §9606(b), willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject Respondent to a civil penalty of up to $25,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject Respondent to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of the failure of Respondent to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. §9607(c)(3).

XXIV. EFFECTIVE DATE

This Order is effective three (3) calendar days following receipt by Respondent unless a conference is requested as provided herein. If such a conference is requested, this Order shall be effective the second (2nd) calendar day following the day of such conference unless modified in writing by EPA.

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XXV. TERMINATION AND SATISFACTION

The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, that all of the terms of this Order, including any additional tasks that EPA has determined to be necessary, have been completed.

IT IS SO ORDERED:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: _____ Date: 2/18/99

Jeffrey Zelikson
for Director
Hazardous Waste Management Division
U.S. EPA, Region 9

EPA Region 9 Contacts:

Dave Seter, Remedial Project Manager (H-6-4)
Hazardous Waste Management Division
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2260

Thomas P. Mintz, Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1333

ATTACHMENT

The following list, although not comprehensive, comprises many of the regulations and guidance documents that apply to the Investigation process:

The (revised) National Contingency Plan

"Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA," U.S. EPA, Office of Emergency and Remedial Response, October 1988, OSWER Directive No. 9355.3-01.

"Interim Guidance on Potentially Responsible Party Participation in Remedial Investigation and Feasibility Studies," U.S. EPA, Office of Waste Programs Enforcement, Appendix A to OSWER Directive No. 9355.3-01.

"A Compendium of Superfund Field Operations Methods," Two Volumes, U.S. EPA, Office of Emergency and Remedial Response, EPA/540/P-87/001a, August 1987, OSWER Directive No. 9355.0-14.

"EPA NEIC Policies and Procedures Manual," May 1978, revised November 1984, EPA-330/9-78-001-R.

"Data Quality Objectives for Remedial Response Activities," U.S.EPA, Office of Emergency and Remedial Response and Office of Waste Programs Enforcement, EPA/540/G-87/003, March 1987, OSWER Directive No. 9335.0-7B.

"U.S. EPA Region 9 Guidance for Preparing Quality Assurance Project Plans for Superfund Remedial Projects," 9QA-03-00, U.S. EPA Region 9 QAMs, September 1989.

"Users Guide to the EPA Contract Laboratory Program," U.S. EPA, Sample Management Office, August 1982.

"Health and Safety Requirements of Employees Employed in Field Activities," U.S. EPA, Office of Emergency and Remedial Response, July 12, 1981, EPA Order No. 1440.2.

OSHA Regulations in 29 CFR 1910.120 (Federal Register 45654, December 19, 1986).

Preparation of a U.S. EPA Region 9 Field Sampling Plan for Private and State-Lead Superfund Projects, Document Control Number 9QA-06-89, April 1990, U.S. EPA Region 9, Quality Assurance Management Section.