



R-19

Date: October 6, 2009

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske, Fifth District *GS*

Subject: **AGENDA ITEM: Briefing by EPA On Site Coordinator, Robert Wise, Concerning the Status of Contamination of Property to be Acquired by the City of Long Beach in Transaction with LCW, LLC.**

DISCUSSION

In 2008, EPA was contacted by the Orange Co. District Attorney's Office with information about the discharge of PCB mineral oil from transformers into the Los Cerritos Wetlands in Long Beach, Los Angeles County, California. The discharge occurred at the Bixby Ranch "A" Lease, 6433 E. Second Street, in Long Beach, starting as early as the 1960s. The discharges occurred throughout the 1960s, 1970s and possibly into the 1980s. The discharges were the result of transformer maintenance in the oil fields.

EPA contacted the current owner, LCW Oil Operations and advised it of the issue on or about 2/25/09 and again on 5/19/09; see document online:
<http://www.epaosc.org/sites/5004/files/LCW%20cercla%20general%20notice%20letter%202.pdf>

LCW voluntarily collected samples from three locations beneath the transformer platforms in the sediment. The data documented levels up to 21 ppm PCB in the sediment. Based on this data, EPA issued a CERCLA General Notice to LCW to conduct additional assessment. EPA consulted with the natural resources trustee, California Department of Fish and Game and U.S. Fish and Wildlife Service and came up with an assessment action level of 10 ppb total PCB due to the Ste presence in an active wetlands with numerous endangered species.

EPA is currently reviewing the work plans provided by LCW's contractor on how additional assessment of the transformer platforms may be conducted. These reports are available online at: http://www.epaosc.org/site/site_profile.aspx?site_id=5004

The EPA has assigned an On-Scene Coordinator ("OSC"), who is charged with coordinating, directing, and reviewing the work of responders to insure compliance with the NCP. The OSC for this Site is: Robert Wise, 2250 Obispo Ave., Ste. 101, Signal Hill, CA 90755; Office: (562) 986-6180; Cell: (562) 889-2572; E-Mail: wise.robert@epa.gov. On or about September 17, 2009, EPA Region IX sent a letter (<http://www.epaosc.org/sites/5004/files/LCW%20Reas%20Steps%20letter.pdf>) to Richard Anthony of the City Attorney's office outlining some of the steps needed to be taken **"Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide**

HONORABLE MAYOR AND CITY COUNCIL

Briefing by EPA On Site Coordinator, Robert Wise, Concerning the Status of Contamination of Property to be Acquired by the City of Long Beach in Transaction with LCW, LLC.

Councilwoman Gerrie Schipske, Fifth District

October 6, 2009

Page 2

Prospective Purchaser, Contiguous Property Owner, or Innocent Landowner Limitations on CERCLA Liability."

The letter also indicates: ***"the D.S. Environmental Protection Agency, Region IX ("EPA"), is assessing the property as the LCW Oil Operations, LLC Bixby 'A' Site (the 'Site'). EPA understands that your interest in the Site is a 33-acre parcel of generally undeveloped land that is adjacent to potential wetlands. The assessment to determine the nature and extent of contamination at the Site may support a determination that additional response work may be required."***

On September 25, a meeting with the PRPs (potential responsible parties) will occur at the EPA Los Angeles Field Office. The purpose of this meeting is to discuss assessment and cleanup operations.

Recommendation

Request the City Manager to arrange for a public presentation by the EPA On-Scene Coordinator, Robert Wise, before the City Council to discuss status of the contamination on the subject property being considered for acquisition from LCW, LLC by the City of Long Beach and the steps the City must take to protect itself from liability for any contamination should it acquire the subject property.