



LCW PCB Superfund Removal Site Long Beach City Council Briefing

**U.S. Environmental Protection Agency
Region 9**

November 17, 2009



DRAFT DOCUMENT

FOUO

Site Location & Description

- Site address
 - 6433 E. 2nd Street, Long Beach, CA
- Bixby Ranch "A" lease oilfield
- 175 acres total
 - 142 acres north of E. 2nd Street
 - 33 acres south of E. 2nd Street



Transformers

- 16 transformer locations at the Site, mounted on platforms.
- Three transformers labeled as "non-PCB"
- Various vintages, based on appearance and markings



Site Specific Ecological Issues

- Wetlands: fresh and saltwater.
- Inter-conductivity with the Pacific Ocean
- Federal and State Endangered and Threatened Species, Species of Concern and Migratory Bird Treat Act Protected Species forage and breed in the wetlands.
- OSC consulted with the natural resources trustees and EPA Regional Ecologist on ecological issues
 - California Department of Fish and Game (DFG),
 - California Coastal Commission (CCC)
 - National Oceanic and Atmospheric Administration (NOAA)
 - U.S. Fish and Wildlife Service (FWS)
- Based on Trustee recommendations, an assessment action level of 10 ppb was set, as authorized by 40 CFR Part 761.61(a)(4)(vi).
 - Based on sediment-to-invertebrate-to-small sea birds intake accumulation



Referral / Initial Sampling

- Orange Co. DA's Office contacted EPA with information regarding historic releases of transformer oil containing PCBs to the ground in the Los Cerritos Wetlands oil fields.
- LCW Oil Operations, LLC contacted by OSC Wise in February 2009.
- LCW voluntarily collected sediment samples from three locations beneath three transformer platforms on April 24, 2009.
- Analytical data documented levels up to 21 ppm PCB in the sediment.



Enforcement Timeline To Date

- May 13, 2009: EPA issues General Notice Letter to current owners and operators; GNL includes additional assessment tasks and assessment action level of 10 ppm for PCB.
- August 18, 2009: EPA issues General Notice Letter to historic owners and operators.
- September 2, 2009: EPA approves work plan for additional assessment prepared by Rincon Consultants on behalf of LCW.



October 2009 Sampling Event

- Pre-sampling biological survey conducted
- 13 transformer platform locations sampled
- The three locations not sampled marked as Non-PCB
- 9 samples per transformer location at 6" bgs and 18" bgs
- Oil from 37 transformers collected
- Samples collected under EPA and CUPA supervision



October 2009 Sampling Results

- Preliminary draft un-validated data provided to EPA, CUPA, FWS, and DFG
- EPA reviewing and validating data
- Preliminary result indicate additional site characterization needed
- EPA working with natural resource trustees, CUPA, State agencies and PRP to develop site characterization strategy



Statutory Authority

- Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")
 - 42 U.S.C. Section 9601, et seq.
- Administrative Orders
 - Unilateral Administrative Order
 - Administrative Order On Consent
- ARARs
 - Toxic Substance Control Act (TSCA)
 - Endangered Species Act (ESA)
 - Migratory Bird Treaty Act (MBTA)



Liability Scheme

- Joint and Several
- Retroactive
- Strict



Liabile Parties



- CERCLA § 107(a), 42 U.S.C. Section 9607(a)
 1. Owners / Operators.
 2. Owners / Operators during the time of disposal.
 3. Arrangers for the disposal of hazardous substances ("Generators") that were sent to the Site.
 4. Transporters that selected the disposal Site.





PRPs

Currently Identified

Current Owners/Operators

-  Owner: LCW Partners
-  Operator: LCW Oil Operations

Owners/Operators at time of disposal

-  Owners: Bixby Ranch, Bixby Oil & Gas
-  Operators: Conoco, Chevron, Breitburn



**Owners and Operators
LCW PCB Site
Long Beach, CA**

Owners	? – 8/14/2006	8/14/2006 – 10/30/2007	10/30/2007 – Present
	Bixby Ranch Company →	Bixby Oil & Gas, LLC [8/14/06 quitclaim deed from Bixby Ranch Company] →	LCW Partners LLC [10/30/2007 deed from Bixby Oil & Gas, LLC] →

Operators	ca. 1926 – 9/1/1929	9/1/1929 – 7/1/1979	7/1/1979 – 2/14/1986	2/14/1986 – 6/3/1999	6/3/1999 – 6/4/1999	6/4/1999 – 11/7/2005	11/7/2005 – 1/1/2009	1/1/2009 – Present
	Marland Oil Company of California →	Continental Oil Company →	Conoco Inc. →	McFarland Energy, Inc. →	Texaco California Inc. →	Breitburn Energy Company, LLC →	Breitburn Energy Co. LP →	LCW Oil Operations LLC →

Bona Fide Prospective Purchaser

Exemption from CERCLA Liability

- BFPP is not a liable owner. CERCLA 107(r)(1).
- BFPP requirements defined at CERCLA 101(40), and include: disposal prior to acquisition; “all appropriate inquiry;” reasonable steps to mitigate exposure; cooperation. See EPA guidance at: <http://www.epa.gov/compliance/resources/policies/cleanup/superfund/common-element-guide.pdf>



BFPP *in rem* liability

- Property, not BFPP, may be subject to a “windfall lien” securing federal response costs up to the value added by any federal response action.
- Frequently asked questions about windfall liens:
<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/interim-windfall-lien-faq.pdf>



Settlement

- EPA can settle PRP liabilities at the Site under CERCLA 122(h).
- Scope of settlement – release from all past costs.
- Contribution protection.
- Covenant not to sue.



Ability to Pay Settlement

- Person(s) who demonstrate an “Inability or Limited Ability”.
- An amount able to pay while maintaining “Basic Business Operations”.
- CERCLA § 122(g)(7).



Information Repositories

- Superfund Records Center
75 Hawthorne Street
San Francisco, CA 94105
(415) 536-2000
- Long Beach Public Library – Bay Shore Neighborhood Branch
195 Bay Shore Avenue
Long Beach, CA 90803
(562) 570-1039



EPA Contact Information

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Discussion / Questions

