



David Yelton, Assistant Director/Building Official
Development Services Division
Community Development Department

July 20, 2021

Mr. Hugh Marley
Assistant Executive Director
California Regional Water Quality Control Board – Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

[Copy Via Email: hugh.marley@waterboards.ca.gov]

[Copy Via Email: haissam.salloum@dtsc.ca.gov]

[Copy Via Email: jose.diaz@dtsc.ca.gov]

[Copy Via Email: grant.cope@dtsc.ca.gov]

[Copy Via Email: Shu-Fang.Orr@waterboards.ca.gov]

Subject: Former Union Pacific Railroad Property, known as Lots 12, 13, and 13A, 9315 Civic Center Drive, Beverly Hills, DTSC Site Code: 301247

Dear Mr. Marley,

The City is writing this letter and enclosing a report dated July 6, 2021 by our consultant Lindmark Engineering (LE) regarding the above-referenced site since your agency is tasked with the primary responsibility for the protection of groundwater quality for all beneficial uses within Los Angeles County.

The City is operating four drinking water wells in the vicinity of the site identified as Lots 12, 13, and 13A located south of North Santa Monica Boulevard between Alpine Drive and Dohney Drive in the City of Beverly Hills (site). The site is owned by the Beverly Hills Land Company. Union Pacific Railroad (UPRR) is the responsible party for the soil removal action. UPRR entered the site into a Voluntary Cleanup Agreement with the Department of Toxic Substances Control (DTSC) in December 2004. Arsenic is the only identified chemical of concern.

The City water wells provide the drinking water supply to the entire city and a portion of West Hollywood. The City's groundwater supply is obtained from the Hollywood Subbasin of which the

City possesses water rights and is the sole water purveyor. By far the predominant land use and water consumption in the City are residential.

The City water wells are located within one-third of a mile from the site, and the closest well only approximately 100 feet from the site. This well has recorded the highest arsenic concentration to date, 76.6 micrograms per liter ($\mu\text{g/L}$). The highest concentration in groundwater beneath the site, 270 $\mu\text{g/L}$, was detected in 2008 after a human health risk assessment (HHRA) performed in 2007 by UPRR's consultant concluded that the arsenic contamination detected did not pose a risk to the drinking water supply but assumed there were no drinking water wells within a one-mile radius of the site. The soil was the only pathway evaluated and the associated risk from dust inhalation to nearby residents and site workers. The groundwater was not considered in the evaluation of risk although the nearby drinking water wells used by the residential community in normal circumstances would be evaluated as obvious potential receptors.

In 2009 UPRR installed two groundwater monitoring wells on the site but only sampled the wells twice before abandonment. In DTSC's 2010 approval of the well abandonment it stated the site has elevated levels of arsenic in soils down to groundwater that is likely due to previous weed abatement using liquid herbicide containing arsenic. However, DTSC did not believe the arsenic contamination in soil was a threat to groundwater quality. Subsequent soil removal action work plans (RAW), including the approved final RAW, dated February 2021, state there is no complete pathway for groundwater, but assume no drinking water well exists within one mile of the site. We believe there is evidence of a complete pathway in the groundwater supply based on the elevated arsenic concentrations in soil, ranging to 996 mg/kg, elevated levels in soils down to groundwater, elevated concentrations detected in first groundwater beneath the site, and concentrations of arsenic ranging to 76.6 $\mu\text{g/L}$ in the drinking water well closest to the site. Please refer to LE's attached report which also provides references to pertinent documents.

The City has a reverse-osmosis treatment plant that is currently non-operable. During operation, in addition to treating the raw groundwater, the City has been relying on blending the well water with water from the Metropolitan Water District to reduce the arsenic concentration in distributed drinking water to acceptable levels. The City's use of groundwater is projected to increase and the degradation of the water quality by the arsenic releases from the railroad operations affect the sustainable management of groundwater.

We understand that the estimated cost for implementation of the RAW must be below \$2,000,000; however, considering the threats to the water supply by the residual arsenic contamination in the soil that will not be excavated and the contamination of the water supply that has already occurred, we do not think ignoring this problem is a viable option. Instead, we believe there is urgency for prompt action to prevent further degradation of the water supply.

Since your agency has primary responsibility for the protection of groundwater quality for all beneficial uses within Los Angeles County, the City requests your active involvement in this matter.

We appreciate your consideration of our concerns and look forward to your response.

Sincerely,



David Yelton
Assistant Director of Community Development

Attachment: Lindmark Engineering report dated July 6, 2021, Project No. 2020-260 titled
Evaluation of Groundwater Conditions in the Vicinity of Lots 12, 13 and 13A

cc: Ulf Lindmark, PE, BCEE, Senior Principal, Lindmark Engineering
2625 Townsgate Road, Suite 330
Westlake Village, CA 91361

Haissam Salloum, Branch Chief of the Cleanup Program at the Chatsworth Office
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, CA 91311

Grant Cope, Deputy Director Site Mitigation and Restoration Program
Department of Toxic Substances Control
1001 "I" Street
Sacramento, CA 95814

Jose Diaz, Unit Chief of the Cleanup Program at the Chatsworth Office
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, CA 91311

Ms. Shu-Fang Orr, District Engineer
State Water Resources Control Board - Division of Drinking Water
500 North Central Avenue, Suite 500
Glendale, CA 91203