



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 5, 2014

Terry Avchen
Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP
10250 Constellation Boulevard, 19th Floor
Los Angeles, California 90067

Dear Mr. Avchen:

I write in regard to the former USA Petroleum oil refinery and tank farm located at 4777 Crooked Palm Road, Ventura, California ("Facility"). As stated in my letter dated January 6, 2014, the Completion Report submitted to EPA on November 15, 2013 was not sufficient to establish fulfillment of Respondents'¹ obligations under the January 2013 Administrative Order on Consent ("AOC"). Since your receipt of that letter, EPA and Respondents have taken several steps to confirm the removal of all oil and oil-contaminated materials at the Facility.

- On January 21, 2014, EPA staff visited the Facility to observe the status of the cleanup.
- During a meeting at EPA's San Francisco office on February 20, Respondents' consultant, Destrier, Inc., provided EPA with more information about how underground pipes were identified and how their contents were evaluated. Based on this information and the January 21 site visit, EPA determined that it was necessary to confirm the absence of remaining subsurface oil contamination posing a continued threat to the Ventura River.
- On March 20, EPA supervised a subsurface investigation at the Facility. The investigation was limited to certain areas because of standing water at the Facility.
- On April 24, EPA supervised additional trenching in areas not investigated on March 20.

EPA has now determined that there is no evidence of an ongoing threat to the Ventura River from the Facility and that all removal actions have been performed in accordance with the AOC. Should evidence of such a threat arise in the future, EPA reserves the right to take, direct, or order all actions as necessary as authorized by law, consistent with AOC Section VIII, Paragraph 4.

Regards,

A handwritten signature in blue ink, appearing to read "Rachel Tennis".

Rachel Tennis
Assistant Regional Counsel
U.S. EPA Region IX

cc: Margaret Waldon, EPA

¹ Respondents are John Moller, Petrochem Development I, LLC, and Dansk Investment Group.