
THE RYAN LAW GROUP

September 1, 2022

VIA ELECTRONIC MAIL
citycouncil@manhattanbeach.gov

City Council of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Re: High Rose Project

Dear Members of City Council:

Upon review of the GSI Powerpoint presented by the Developer of the High Rose project, I have several questions concerning the data that I believe would be beneficial to consider prior to the September 6, 2022 Council meeting.

I. Developer's GSI Powerpoint Fails to Investigate Potential Petroleum/Methane Indoor Intrusion Risk And Fails to Align With Objective, Quantifiable and Specific Technical Review Contemplated By Federal, State and Local Standards And Omits Critical, Material Information

1. On August 15, 2022, the day before the City Council meeting, the Developer slipped in a previously undisclosed environmental PowerPoint prepared by its paid consultant GSI so that the opponents would not have any meaningful opportunity to review and comment.

<https://www.manhattanbeach.gov/home/showpublisheddocument/50709/637962614442470000>

2. Developer's paid consultant attempts to deceive the City Council by referencing the risk from the adjacent Chevron refinery and discussing non-issues such as whether the project site was an oil field in order to distract the City Council. Does the City determine that Developer's expert presents a thorough investigation of potential petroleum/methane indoor intrusion risk? What is the city's evaluation of Environmental Data Resources Inc.'s (EDR) GeoCheck Physical Setting Source Addendum which was provided in developer's Phase 1 ESA (Page A-1) "to assist the environmental professional in forming an opinion about the impact of potential contaminant migration." What was the investigative components of the City's assessment of the impact of contaminant migration? What consideration did the City give to (1) groundwater flow direction and (2) groundwater flow velocity, particularly how it might impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells.

Where does Developer's expert analyze the impact of dealing with **a refinery**, which presents a completely different suite of risk evaluation tools? Why were such tools not used? Where is the expert's alignment of its investigation with established standards including:

- A. USEPA's Vapor Intrusion Guide (October 2015)
 - B. USEPA's Office of Solid Waste and Emergency Response, Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air, Pub. No. 9200.2—154 (June 2105)
 - C. ASTM Method E2600 (Vapor Encroachment Condition)
 - D. Screening and Evaluating Vapor Intrusion, Cal-EPA - California Department of Toxic Substances Control and California Water Resources Control Boards (February 2020)
3. Where is Developer's paid consultant's analysis on the following?
- A. Where are the laboratory/chemical analyses for the 2020 borings or the two cone penetration test?
 - B. Where is the analysis of the Light Non-Aqueous Phase Liquids (LNAPL)-forming methane and vapor intrusion risk.

Where is the consultant's analysis aligned pursuant to guidelines and standards listed in paragraph 2 A-D above: an objective, quantifiable, and specific technical review.

Since the Developer and its experts failed to provide specific, quantifiable information about the risks described above, why isn't the City insisting on doing its own independent analysis measured against applicable standards, including those listed above in Section 2 A-D?

4. Please explain the inconsistencies and omissions contained in Developer's paid consultant PowerPoint:
- A. Referring to the GSI presentation. In the points below, we refer to the publicly posted presentation (<https://www.manhattanbeach.gov/home/showpublisheddocument/50709/637962614442470000>)
 - B. On slide 14, Developer's expert tries to conflate topography of the surface with the geological characteristic of bedrock below to create an incorrect inference that any liquid petroleum floating on top of any groundwater 100 feet below would follow the topography above. **EDR's GeoCheck**

Physical Setting Source Summary, provided in developer's Phase 1 ESA (Page A-3) states: "Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted."

Site-Specific Hydrogeological Data*:

Search Radius: 1.25 miles

Location Relative to TP: 1 - 2 Miles East

Site Name: Allied Chem Corp El Segundo Works

Site EPA ID Number: CAD008326589

Groundwater Flow Direction: *NOT AVAILABLE.*

Measured Depth to Water: *70 feet at an adjacent property*

And even if you accept Developer's flawed inference, information/data from **closest Refinery Observation Wells (and of course, most relevant) (ROWS 034, 094 and 052) to the High Rose site have been omitted in the accompanying table. Why were they omitted?**

- C. On Slide 15, Developer's expert tries to explain that there are no impacts observed in geotechnical exploration. Developer's expert does not mention who did the 90' boring in 2020 and **Why was the Report presenting analysis of this Boring Log apparently not submitted to the City with the development application or even included in the PowerPoint?**
- D. Developer's consultant states on slide 15 that exploration was done to 90' and that no groundwater was present and that there were no signs of hydrocarbon impacts. There is no supporting documentation (logs) presented; however, that verify this assertion. We are led to assume that SPC Engineering did the 90' exploration as is depicted on the location map on slide 15, but we do not see the boring log associated with the exploration for supporting evidence. **Why is there is no supporting documentation?**

Furthermore, in slide 15, the Developer's consultant includes a map of two bore holes that were performed in November 2020 by SPC Engineering; however, slide 16 only includes the boring log for the B-1 location. The B-2 boring log is omitted in the presentation and does not appear in any Reports submitted to the city with the application. **Why is the supporting evidence of Log B-2 is missing?**

Why shouldn't the City Council require complete and accurate answers to these questions and verify the answers with an independent, third-party expert due to the

important implications of the disclosures (or lack thereof) provided by the Developer to date?

Thank you for your consideration of these issues.

Very Truly Yours,

THE RYAN LAW GROUP

A handwritten signature in black ink, appearing to read "Andrew Ryan", with a long horizontal flourish extending to the right.

Andrew T. Ryan