

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**RESOLUTION NO. R23-004**

**AUTHORIZING REFERRAL TO  
THE OFFICE OF THE ATTORNEY GENERAL  
FOR JUDICIAL CIVIL ENFORCEMENT AGAINST DAY TO DAY IMPORTS INC.,  
VIRGIN SCENT INC. DBA ARTNATURALS, AKIVA NOUROLLAH, YOSEF  
NOUROLLAH, YEHUDA NOUROLLAH, YAAKOV NOUROLLAH, LIBERTY  
PROPERTY LIMITED PARTNERSHIP, AND PROLOGIS, INC.**

- A. WHEREAS, referral of a matter to the Attorney General for judicial enforcement is not an adjudicative proceeding. An adjudicative proceeding is an evidentiary hearing for determination of facts pursuant to which an agency formulates and issues a decision. The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) is not determining facts or issuing a decision that determines a legal right, duty, privilege, immunity, or other legal interest of a particular person. The Los Angeles Water Board has made no determination as to the legitimacy of or liability for the alleged violations described herein. Rather, if referral of the matters described herein result in one or more judicial complaints being filed and they proceed to hearing, the superior court would be the trier-of-fact and issue a decision on the merits of the alleged violations.
- B. WHEREAS, the Los Angeles Water Board is a state agency whose primary authority under the Porter-Cologne Water Quality Control Act (California Water Code §§ 13000 et seq.) is regulating, enforcing, and ensuring the quality of the waters of the State.
- C. WHEREAS, during the relevant period, Day to Day Imports Inc. and Virgin Scent Inc. dba ArtNaturals were the tenants and operators of a warehouse facility located at 16325 South Avalon Boulevard in Carson, California (Site) whose business allegedly included the general warehousing of health and beauty supplies.
- D. WHEREAS, Akiva Nourollah, Yosef Nourollah, Yehuda Nourollah, and Yaakov Nourollah were and/or are the owners, operators, shareholders, and/or responsible corporate officers of Day to Day Imports Inc. and Virgin Scent Inc. dba ArtNaturals.
- E. WHEREAS, Liberty Property Limited Partnership was the owner of the Site during the relevant period and currently owns the Site.
- F. WHEREAS, Prologis, Inc. acquired Liberty Property Limited Partnership on February 4, 2020.
- G. WHEREAS, for ease of reference, Day to Day Imports Inc., Virgin Scent Inc. dba ArtNaturals, Akiva Nourollah, Yosef Nourollah, Yehuda Nourollah, Yaakov Nourollah, Liberty Property Limited Partnership, and Prologis, Inc. are collectively referred to as Dischargers in this resolution.

- H. WHEREAS, discharges from the Site flow into storm drains connected to the municipal separate storm sewer system that discharges into the Dominguez Channel Estuary, a water of state and the United States.
- I. WHEREAS, it is alleged that the Site discharges stormwater associated with industrial activities.
- J. WHEREAS, Day to Day Imports Inc. and Virgin Scent Inc. dba ArtNaturals' industrial operations at the Site were allegedly classified under Standard Industrial Classification (SIC) code 4225 – general warehousing and storage.
- K. WHEREAS, facilities with SIC code 4225 are required to obtain coverage under the State Water Resources Control Board's (State Water Board) National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ as amended in 2015 and 2018, NPDES Permit No. CAS000001 (General Permit) in accordance with General Permit, Attachment A, Section 2 or to file a Report of Waste Discharge (ROWD) and obtain individual waste discharge requirements.
- L. WHEREAS, the Site allegedly discharged stormwater associated with industrial activities to storm drains connected to the municipal separate storm sewer system that discharges into the Dominguez Channel Estuary since at least October 8, 2015, when Day to Day Imports Inc. acquired a business license and started operations at the Site.
- M. WHEREAS, on September 30, 2021, a fire at the Site burned improperly stored bottles of hand sanitizer, sanitizing wipes, and beauty and wellness products. Fire suppression activities took place between September 30, 2021 and October 2, 2021. Over the course of these dates, water utilized in fire suppression allegedly combined with on-site pollutants and resulted in the discharge of millions of gallons of polluted water to the Dominguez Channel Estuary. The discharged pollutants allegedly included, at a minimum, acetaldehyde, benzene, benzoic acid, naphthalene, acetal contaminants, acetone, ethanol, isopropyl alcohol, methanol, and sulfates.
- N. WHEREAS, pursuant to Clean Water Act section 311(b)(2)(A), the U.S. EPA designated a list of hazardous substances in Title 40, Code of Federal Regulations section 116.4, Tables 116.4A and 116.4B. Acetaldehyde, benzene, benzoic acid, and naphthalene are listed as hazardous substances in Tables 116.4A and 116.4B.
- O. WHEREAS, the alleged discharge of pollutants from the Site as a result of the fire allegedly caused anoxic conditions which contributed to the depression of dissolved oxygen in the Dominguez Channel Estuary. Once oxygen was depleted, the breakdown of these pollutants continued through an anaerobic process that produced hydrogen sulfide, a gas with a rotten egg odor.
- P. WHEREAS, in October 2021, in response to odor complaints, the South Coast Air Quality Control District (SCAQMD) began monitoring hydrogen sulfide levels along

the Dominguez Channel Estuary. Monitoring data showed elevated levels of hydrogen sulfide, with the highest concentrations along the Dominguez Channel Estuary. Results also showed some elevated levels in Carson communities adjacent to the Dominguez Channel Estuary.

- Q. WHEREAS, in October and November 2021, the County of Los Angeles Department of Public Works (LACDPW) conducted sampling which allegedly demonstrated that pollutants from the Site had been discharged to the Dominguez Channel Estuary. Sampling also indicated that the total dissolved oxygen in the Dominguez Channel Estuary was extremely low. These extremely low dissolved oxygen concentrations indicate the persistence of the impacts from the discharge to the Dominguez Channel Estuary.
- R. WHEREAS, on December 9, 2021, the Los Angeles Water Board issued Investigative Order No. R4-2021-0140 and Cleanup and Abatement Order No. R4-2021-0141 (CAO) to Day to Day Imports Inc. and Liberty Property Limited Partnership.
- S. WHEREAS, the CAO required Day to Day Imports Inc. and Liberty Property Limited Partnership to clean up and abate any and all discharges of wastes on Site, and any waste that had discharged to surrounding areas, in storm drains at or near the Site and any impacted receiving waters, including the Dominguez Channel Estuary, by December 31, 2021.
- T. WHEREAS, on December 16, 2021, a multi-agency meeting was conducted at Liberty Property Limited Partnership and Prologis, Inc.'s request. Representatives from Liberty Property Limited Partnership and Prologis, Inc. requested an extension to the December 31, 2021 cleanup deadline in the CAO. Liberty Property Limited Partnership was told that extension requests to CAO deadlines must be submitted in writing.
- U. WHEREAS, on December 23, 2021, Liberty Property Limited Partnership submitted a written request to extend the deadline to complete the cleanup and abatement of all wastes at the Site to June 1, 2022. The Los Angeles Water Board denied this request on December 24, 2021.
- V. WHEREAS, on January 10, 2022, Liberty Property Limited Partnership filed a Petition for Review of the CAO (CAO Petition) with the State Water Board and requested the Petition be held in abeyance.
- W. WHEREAS, on February 7, 2022, Assistant Executive Officer Hugh Marley issued a Notice of Violation (NOV) notifying Day to Day Imports Inc., Virgin Scent Inc. dba ArtNaturals, Liberty Property Limited Partnership, and Prologis, Inc. of:
  - a. The alleged unauthorized discharge to waters of the state and United States in violation of Water Code sections 13376 and 13350, subdivision (b), and Clean Water Act section 301;

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- b. Day to Day Imports Inc. and Liberty Property Limited Partnership's alleged failure to comply with Investigative Order No. R4-2021-0140 by failing to provide adequate information concerning the information on the activities conducted at the Site that may have caused the fire; how long materials, chemicals, or final products were stored at the locations at the Site; and calculations of total volume of discharge from the Site due to firefighting activities;
  - c. Day to Day Imports Inc. and Liberty Property Limited Partnership's alleged failure to cleanup and abate all wastes by the December 31, 2021 deadline in the CAO; and
  - d. Day to Day Imports Inc. and Virgin Scent Inc. dba ArtNaturals' failure to file a ROWD prior to discharging to waters of the United States in violation of Water Code section 13376.
- X. WHEREAS, Day to Day Imports Inc. and Virgin Scent Inc. dba ArtNaturals allegedly did not respond to the NOV. Liberty Property Limited Partnership and Prologis, Inc. responded to the NOV on March 7, 2022 stating it completed a substantial portion of the waste debris cleanup but allegedly did not specifically address the alleged discharge violation.
- Y. WHEREAS, Day to Day Imports Inc. and Virgin Scent Inc. dba ArtNaturals allegedly vacated the Site on or around May 12, 2022. Neither Day to Day Imports Inc. nor Virgin Scent Inc. dba ArtNaturals allegedly filed a Notice of Intent to comply with the requirements of the General Permit or file a ROWD to obtain individual waste discharge requirements prior to vacating the Site.
- Z. WHEREAS, on July 14, 2022, Assistant Executive Officer Hugh Marley issued three administrative civil liability complaints (collectively, ACL Complaints):
  - a. ACL Complaint No. R4-2022-0217 was issued against Day to Day Imports Inc. and Virgin Scent Inc. dba ArtNaturals for alleged failure to file a ROWD prior to discharging to waters of the United States in violation of Water Code section 13376.
  - b. ACL Complaint No. R4-2022-0218 was issued to Day to Day Imports Inc., Virgin Scent Inc. dba ArtNaturals, Liberty Property Limited Partnership, and Prologis, Inc. for the alleged unauthorized discharge of pollutants to waters of the United States, or in the alternative, causing or permitting hazardous substances to be discharged to a water of the state and United States.
  - c. ACL Complaint No. R4-2022-0219 was issued to Day to Day Imports Inc. and Liberty Property Limited Partnership for alleged failure to comply with Cleanup and Abatement Order No. R4-2022-0219.

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The ACL Complaints were amended on November 9, 2022. ACL Complaint No. R4-2022-0218 was further amended on March 17, 2023.

- AA. WHEREAS, on September 16, 2022, a Satisfaction of Cleanup and Abatement Order No. R4-2021-0141 was issued to Day to Day Imports Inc. and Liberty Property Limited Partnership confirming fulfillment of the requirements in the CAO.
- BB. WHEREAS, on March 29, 2023, the CAO Petition was removed from abeyance. It was dismissed by operation of law on June 28, 2023. Liberty Property Limited Partnership filed a petition for writ of mandate in Los Angeles County Superior Court on July 26, 2023 challenging the CAO.
- CC. WHEREAS, on June 20, 2023, Assistant Executive Officer Hugh Marley rescinded the ACL Complaints without prejudice. On July 7, 2023, the Los Angeles Water Board Chair and Presiding Officer for the ACL Complaint proceedings confirmed that the administrative proceedings for the ACL Complaints were dismissed upon rescission of the ACL Complaints on June 20, 2023. As such, there are currently no pending adjudicative proceedings before the Los Angeles Water Board related to the alleged violations in the ACL Complaints.
- DD. WHEREAS, Day to Day Imports Inc., Virgin Scent Inc. dba ArtNaturals, Akiva Nourollah, Yosef Nourollah, Yehuda Nourollah, and Yaakov Nourollah are alleged to have violated Water Code section 13376 for failure to file a ROWD prior to discharging to waters of the United States. Water Code section 13385, subdivision (b), allows the Los Angeles Water Board to seek civil liability for violations of Water Code section 13376. Under Water Code section 13385, subdivision (b), civil liability shall not exceed twenty-five thousand dollars (\$25,000) for each day this type of violation occurs.
- EE. WHEREAS, the Dischargers are alleged to have violated Water Code section 13376 and Clean Water Act section 301 (33 U.S.C. § 1311) for the September 30 – October 2, 2021 discharges of pollutants to waters of the United States without an NPDES permit. Water Code section 13385, subdivision (b), allows the Los Angeles Water Board to seek civil liability for violations of Water Code section 13376 and Clean Water Act section 301 (33 U.S.C. § 1311). Under Water Code section 13385, subdivision (b), civil liability shall not exceed the sum of twenty-five thousand dollars (\$25,000) for each day in which the violation occurs and twenty-five dollars (\$25) per gallon for the number of gallons of the volume discharged but not cleaned up exceeds 1,000 gallons.
- FF. WHEREAS, the Dischargers are alleged to have violated Water Code section 13350 by causing or permitting the September 30 – October 2, 2021 discharge of hazardous substances to a water of the state. Water Code section 13350, subdivision (d), allows the Los Angeles Water Board to seek civil liability for causing or permitting discharges of hazardous substances to waters of the state. Under Water Code section 13350, subdivision (d), civil liability shall not exceed fifteen thousand dollars (\$15,000) for

each day the violation occurs or twenty dollars (\$20) for each gallon of waste discharged.

GG.WHEREAS, Day to Day Imports Inc. and Liberty Property Limited Partnership are alleged to have violated the CAO. Water Code section 13350, subdivision (d), allows the Los Angeles Water Board to seek civil liability for violations of a cleanup and abatement order. Under Water Code section 13350, subdivision (d), civil liability shall not exceed fifteen thousand dollars (\$15,000) for each day the violation occurs.

HH.WHEREAS, Day to Day Imports Inc. and Liberty Property Limited Partnership are alleged to have violated Investigative Order No. R4-2021-0140. Water Code section 13268 allows the Los Angeles Water Board to seek civil liability for violations of an investigative order issued under Water Code section 13267. Under Water Code section 13268, subdivision (b)(2), civil liability shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs. Higher civil liability may be available for knowingly committing such violations.

II. WHEREAS, Water Code section 13350 allows the Los Angeles Water Board to request that the Attorney General petition the superior court to impose, assess, and recover civil liability for violations pursued under Water Code section 13350. Water Code section 13350, subdivision (g), requires the Los Angeles Water Board to hold a hearing, with due notice of the hearing given to all affected persons, prior to requesting the Attorney General to petition a court to impose civil liability under Water Code section 13350. A hearing is not required prior to a referral to the Attorney General for violations pursued under Water Code sections 13268 and 13385. On June 22, 2023, and then again on July 24, 2023, notices were given in accordance with the requirements of applicable statutes regarding this hearing. The Dischargers and interested persons were provided an opportunity to comment on a draft of this Resolution in writing in advance of the hearing. On August 16, 2023, the Los Angeles Water Board held a hearing in compliance with Water Code section 13350, subdivision (g), and considered the both the written comments submitted and oral comments offered at the hearing.

JJ. WHEREAS, Referral to the Attorney General for judicial civil enforcement would allow the Los Angeles Water Board to leverage the full force of resources available at the Office of the Attorney General to address these matters in the most efficient and expeditious manner.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Los Angeles Water Board hereby authorizes the Executive Officer to refer to the Office of the Attorney General for judicial civil enforcement the matters described above against the Dischargers and further authorizes the Executive Officer to request that the Office of the Attorney General seek all appropriate relief, which may include civil liabilities or injunctive relief against any or all of the Dischargers, pursuant to Water Code sections 13268, 13350, and 13385.

2. The Los Angeles Water Board hereby authorizes the Executive Officer to participate in any settlement discussions regarding the resolution of the alleged violations at issue. The Los Angeles Water Board retains its authority to approve any proposed settlement of the alleged violations.
3. The Los Angeles Water Board hereby requests that the Office of the Attorney General's Bureau of Environmental Justice be consulted on this matter.

I, Susana Arredondo, Executive Officer, hereby certify that the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, at its meeting on August 16, 2023.

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for Susana Arredondo  
Executive Officer