STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2013-0104-UST

In the Matter of Underground Storage Tank Case Closure Pursuant to Health and Safety Code Section 25296.40 and the Low-Threat Underground Storage Tank Case Closure Policy

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BY THE EXECUTIVE DIRECTOR:[1]

By this order, the Executive Director directs closure of the underground storage tank (UST) case at the site listed below, pursuant to subdivision (a) of section 25296.40 of the Health and Safety Code.[2] The name of the petitioner, the site name, the site address, the Underground Storage Tank Cleanup Fund (Fund) claim number if applicable, the lead agency, and case number are as follows:

CR&R, Inc.
CR&R
11292 Western Avenue, Stanton, Orange County
Fund Claim No. 18785
Orange County Division of Environmental Health, Case No. 00UT005

I. STATUTORY AND PROCEDURAL BACKGROUND

Upon receipt of a petition from a UST owner, operator, or other responsible party, section 25296.40 authorizes the State Water Resources Control Board (State Water Board) to close or require closure of a UST case where an unauthorized release has occurred, if the State Water Board determines that corrective action at the site is in compliance with all of the requirements of subdivisions (a) and (b) of section 25296.10. The State Water Board, or in certain cases the State Water Board Executive Director, may close a case or require the closure

[1] State Water Board Resolution No. 2012-0061 delegates to the Executive Director the authority to close or require the closure of any UST case if the case meets the criteria found in the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy adopted by State Water Board Resolution No. 2012-0016.

[2] Unless otherwise noted, all references are to the California Health and Safety Code.

of a UST case. Closure of a UST case is appropriate where the corrective action ensures the protection of human health, safety, and the environment and where the corrective action is consistent with: 1) Chapter 6.7 of division 20 of the Health and Safety Code and implementing regulations; 2) Any applicable waste discharge requirements or other orders issued pursuant to division 7 of the Water Code; 3) All applicable state policies for water quality control; and 4) All applicable water quality control plans.

State Water Board staff has completed a review of the UST case identified above, and recommends that this case be closed. The recommendation is based upon the facts and circumstances of this particular UST case. A UST Case Closure Summary has been prepared for the case identified above and the basis for determining compliance with the Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closures (Low-Threat Closure Policy or Policy) are explained in the Case Closure Summary.

Low-Threat Closure Policy

In State Water Board Resolution No. 2012-0016, the State Water Board adopted the Low-Threat Closure Policy. The Policy became effective on August 17, 2012. The Policy establishes consistent statewide case closure criteria for certain low-threat petroleum UST sites. In the absence of unique attributes or site-specific conditions that demonstrably increase the risk associated with residual petroleum constituents, cases that meet the general and media-specific criteria in the Low-Threat Closure Policy pose a low-threat to human health, safety, and the environment and are appropriate for closure under Health and Safety Code section 25296.10. The Policy provides that if a regulatory agency determines that a case meets the general and media-specific criteria of the Policy, then the regulatory agency shall notify responsible parties and other specified interested persons that the case is eligible for case closure. Unless the regulatory agency revises its determination based on comments received on the proposed case closure, the Policy provides that the agency shall issue a uniform closure letter as specified in Health and Safety Code section 25296.10. The uniform closure letter may only be issued after the expiration of the 60-day comment period, proper destruction or maintenance of monitoring wells or borings, and removal of waste associated with investigation and remediation of the site.

Health and Safety Code section 25299.57, subdivision (l)(1) provides that claims for reimbursement of corrective action costs that are received by the Fund more than 365 days after the date of a uniform closure letter or a letter of commitment, whichever occurs later, shall not be reimbursed unless specified conditions are satisfied.

II. FINDINGS

Based upon the UST Case Closure Summary prepared for the case attached hereto, the State Water Board finds that corrective action taken to address the unauthorized release of petroleum at the UST release site identified as:

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ensures protection of human health, safety, and the environment and is consistent with Chapter 6.7 of division 20 of the Health and Safety Code, and implementing regulations, the Low-Threat Closure Policy and other water quality control policies and applicable water quality control plans.

Pursuant to the Low-Threat Closure Policy, notification has been provided to all entities that are required to receive notice of the proposed case closure, a 60-day comment period has been provided to notified parties, and any comments received have been considered by the State Water Board in determining that the case should be closed.

Pursuant to section 21080.5 of the Public Resources Code, environmental impacts associated with the adoption of this Order were analyzed in the substitute environmental document (SED) the State Water Board approved on May 1, 2012. The SED concludes that all environmental effects of adopting and implementing the Low Threat Closure Policy are less than significant, and environmental impacts as a result of complying with the Policy are no different from the impacts that are reasonably foreseen as a result of the Policy itself. A Notice of Decision was filed August 17, 2012. No new environmental impacts or any additional reasonably foreseeable impacts beyond those that were addressed in the SED will result from adopting this Order.

The UST case identified above may be the subject of orders issued by the Regional Water Quality Control Water Board (Regional Water Board) pursuant to division 7 of the Water Code. Any orders that have been issued by the Regional Water Board pursuant to division 7 of the Water Code, or directives issued by a Local Oversight Program (LOP) agency for this case should be rescinded to the extent they are inconsistent with this Order.

III. ORDER

IT IS THEREFORE ORDERED that:

A. The UST case identified in Section II of this Order, meeting the general and media-specific criteria established in the Low-Threat Closure Policy, be closed in accordance with the following conditions and after the following actions are complete. Prior to the issuance of a uniform closure letter, the Petitioner is ordered to:

1. Properly destroy monitoring wells and borings unless the owner of real property on which the well or boring is located certifies that the wells or borings will be maintained in accordance with local or state requirements;

2. Properly remove from the site and manage all waste piles, drums, debris, and other investigation and remediation derived materials in accordance with local or state requirements; and

3. Within six months of the date of this Order, submit documentation to the regulatory agency overseeing the UST case identified in Section II of this Order that the tasks in subparagraphs (1) and (2) have been completed.

B. The tasks in subparagraphs (1) and (2) of Paragraph (A) are ordered pursuant to Health and Safety Code section 25296.10 and failure to comply with these requirements may result in the imposition of civil penalties pursuant to Health and Safety Code section 25299, subdivision (d)(1). Penalties may be imposed administratively by the State Water Board or Regional Water Board.

C. Within 30-days of receipt of proper documentation from the Petitioner that requirements in subparagraphs (1) and (2) of Paragraph (A) are complete, the regulatory agency that is responsible for oversight of the UST case identified in Section II of this Order shall notify the State Water Board that the tasks have been satisfactorily completed.

D. Within 30-days of notification from the regulatory agency that the tasks are complete pursuant to Paragraph (C), the Deputy Director of the Division of Water Quality shall issue a uniform closure letter consistent with Health and Safety Code section 25296.10, subdivision (g) and upload the uniform closure letter and UST Case Closure Summary to GeoTracker.

E. Pursuant to section 25299.57, subdivision (l) (1), and except in specified circumstances, all claims for reimbursement of corrective action costs must be received by the Fund within 365-days of issuance of the uniform closure letter in order for the costs to be considered.

F. Any Regional Water Board or LOP agency directive or order that directs corrective action or other action inconsistent with case closure for the UST case identified in Section II is rescinded, but only to the extent the Regional Water Board order or LOP agency directive is inconsistent with this Order.

Thomas Howard
Executive Director

10/21/13
Date

State Water Resources Control Board

UST CASE CLOSURE SUMMARY

Agency Information

Agency Name: Orange County Division of Environmental Health (Agency)	Address: 1241 E. Dryer Road Suite 120 Santa Ana, CA 92705
Agency Caseworker: Ms. Shyamala Kalyanasundaram	Case No.: 00UT005

Case Information

USTCF Claim No.: 18785	Global ID: T0605999023
Site Name: CR&R, Inc.	Address: 11292 Western Avenue Stanton, CA 90680 Orange County (Site)
Petitioner: CR&R, Inc. Attention: Mr. Paul Relis	Address: 11292 Western Avenue Stanton, CA 90680
USTCF Expenditures to Date: $0	Number of Years Case Open: 15

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0605999023

Summary

The Low-Threat Underground Storage Tank Case Closure Policy (Policy) contains general and media-specific criteria, and cases that meet those criteria are appropriate for closure pursuant to the Policy. This Site meets all of the required criteria of the Policy. A summary evaluation of compliance with the Policy is shown in **Attachment 1: Compliance with State Water Board Policies and State Law**. The Conceptual Site Model upon which the evaluation of the case has been made is described in **Attachment 2: Summary of Basic Site Information.** Highlights of the Conceptual Site Model are summarized as follows.

The release at the Site was discovered when five underground storage tanks (USTs) and product lines were removed in September 1998. The former USTs and product lines were replaced with two USTs. Remediation by dual phase extraction (DPE) was conducted between February 2005 and September 2008. DPE removed approximately 170 pounds of gasoline in vapor and extracted approximately 15,100 gallons of groundwater. The Site is operated as an active fueling facility.

The petroleum release is limited to the shallow soil and groundwater within the Site boundary. The nearest surface water body is the Pacific Ocean located nearly 5 miles southwest of the Site. The nearest public supply wells regulated by the California Department of Public Health are located over 1,700 feet southeast of the Site. Public water is supplied by the Metropolitan Water District of Southern California. The affected groundwater is not currently being used as a source of drinking water or any other designated beneficial use, and it is highly unlikely that the affected groundwater will be used as a source of drinking water or any other beneficial use in the foreseeable future. Public supply wells are

usually constructed with competent sanitary seals. Production intervals are in deeper protected aquifers. Remaining petroleum constituents are limited, stable, and declining. Remedial actions have been implemented and additional corrective action would be ineffective and expensive. Additional assessment/monitoring will not likely change the conceptual model. Remaining petroleum constituents do not pose significant risk to human health, safety, or the environment.

Rationale for Closure under the Policy

- General Criteria – Site **MEETS ALL EIGHT GENERAL CRITERIA** under the Policy.
- Groundwater Media-Specific Criteria – Site meets the criterion in **CLASS 2**. The contaminant plume that exceeds water quality objectives is less than 250 feet in length. There is no free product. The nearest existing water supply well or surface water body is greater than 1,000 feet from the defined plume boundary. The dissolved concentration of benzene is less than 3,000 micrograms per liter (µg/L), and the dissolved concentration of MTBE is less than 1,000 µg/L.
- Petroleum Vapor Intrusion to Indoor Air – Site meets the **EXCEPTION.** The Site operates as an active commercial fueling facility and has no release characteristics that can be reasonably believed to pose an unacceptable health risk.
- Direct Contact and Outdoor Air Exposure – Site meets **CRITERIA (3) b**. A Site-specific risk assessment from exposure shows that maximum concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health.

Objections to Closure

Agency does not object to UST case closure.

Recommendation for Closure

The corrective action performed at this Site ensures the protection of human health, safety, the environment and is consistent with chapter 6.7 of the Health and Safety Code and implementing regulations, applicable state policies for water quality control and the applicable water quality control plan, and case closure is recommended.

Prepared By: _____ 7/12/13
Charlow Arzadon — Date
Water Resource Control Engineer

Reviewed By: _____ 7/12/13
Benjamin Heningburg, PG No. 8139 — Date
Senior Engineering Geologist

ATTACHMENT 1: COMPLIANCE WITH STATE WATER BOARD POLICIES AND STATE LAW

The Site complies with State Water Resources Control Board policies and state law. Section 25296.10 of the Health and Safety Code requires that Sites be cleaned up to protect human health, safety, and the environment. Based on available information, any residual petroleum constituents at the Site do not pose significant risk to human health, safety, or the environment.

The Site complies with the requirements of the Low-Threat Underground Storage Tank (UST) Case Closure Policy as described below.[1]

Is corrective action consistent with Chapter 6.7 of the Health and Safety Code and implementing regulations? The corrective action provisions contained in Chapter 6.7 of the Health and Safety Code and the implementing regulations govern the entire corrective action process at leaking UST sites. If it is determined, at any stage in the corrective action process, that UST case closure is appropriate, further compliance with corrective action requirements is not necessary. Corrective action at this Site has been consistent with Chapter 6.7 of the Health and Safety Code and implementing regulations and, since this case meets applicable case-closure requirements, further corrective action is not necessary, unless the activity is necessary for case closure.	☒ Yes ☐ No
Have waste discharge requirements or any other orders issued pursuant to Division 7 of the Water Code been issued at this Site?	☐ Yes ☒ No
If so, was the corrective action performed consistent with any order?	☐ Yes ☐ No ☒ NA
General Criteria General criteria that must be satisfied by all candidate sites:	
Is the unauthorized release located within the service area of a public water system?	☒ Yes ☐ No
Does the unauthorized release consist only of petroleum?	☒ Yes ☐ No
Has the unauthorized ("primary") release from the UST system been stopped?	☒ Yes ☐ No
Has free product been removed to the maximum extent practicable?	☒ Yes ☐ No ☐ NA
Has a conceptual site model that assesses the nature, extent, and mobility of the release been developed?	☒ Yes ☐ No
Has secondary source been removed to the extent practicable?	☒ Yes ☐ No

[1] Refer to the Low-Threat Underground Storage Tank Case Closure Policy for closure criteria for low-threat petroleum UST sites.

Has soil or groundwater been tested for MTBE and results reported in accordance with Health and Safety Code, Section 25296.15?	☒ Yes ☐ No
Does nuisance as defined by Water Code, section 13050 exist at the Site?	☐ Yes ☒ No
Are there unique Site attributes or Site-specific conditions that demonstrably increase the risk associated with residual petroleum constituents?	☐ Yes ☒ No
Media-Specific Criteria Candidate sites must satisfy all three of these media-specific criteria: **1. Groundwater:** To satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites:	
Is the contaminant plume that exceeds water quality objectives stable or decreasing in areal extent?	☒ Yes ☐ No ☐ NA
Does the contaminant plume that exceeds water quality objectives meet all of the additional characteristics of one of the five classes of sites? If YES, check applicable class: ☐ **1** ☒ **2** ☐ **3** ☐ **4** ☐ **5**	☒ Yes ☐ No ☐ NA
For sites with releases that have not affected groundwater, do mobile constituents (leachate, vapors, or light non-aqueous phase liquids) contain sufficient mobile constituents to cause groundwater to exceed the groundwater criteria?	☐ Yes ☐ No ☒ NA
2. Petroleum Vapor Intrusion to Indoor Air: The Site is considered low-threat for vapor intrusion to indoor air if Site-specific conditions satisfy all of the characteristics of one of the three classes of sites (a through c) or if the exception for active commercial fueling facilities applies.	
Is the Site an active commercial petroleum fueling facility? Exception: Satisfaction of the media-specific criteria for petroleum vapor intrusion to indoor air is not required at active commercial petroleum fueling facilities, except in cases where release characteristics can be reasonably believed to pose an unacceptable health risk.	☒ Yes ☐ No
a. Do Site-specific conditions at the release Site satisfy all of the applicable characteristics and criteria of scenarios 1 through 3 or all of the applicable characteristics and criteria of scenario 4? If YES, check applicable scenarios: ☐ **1** ☐ **2** ☐ **3** ☐ **4**	☐Yes ☐ No ☒ NA
b. Has a Site-specific risk assessment for the vapor intrusion pathway been conducted and demonstrates that human health is protected to the satisfaction of the regulatory agency?	☐ Yes ☐ No ☒ NA

c. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, has the regulatory agency determined that petroleum vapors migrating from soil or groundwater will have no significant risk of adversely affecting human health?	☐ Yes ☐ No ☒ NA
3. Direct Contact and Outdoor Air Exposure: The Site is considered low-threat for direct contact and outdoor air exposure if Site-specific conditions satisfy one of the three classes of sites (a through c).	
a. Are maximum concentrations of petroleum constituents in soil less than or equal to those listed in Table 1 for the specified depth below ground surface (bgs)?	☐ Yes ☐ No ☒ NA
b. Are maximum concentrations of petroleum constituents in soil less than levels that a Site-specific risk assessment demonstrates will have no significant risk of adversely affecting human health?	☒ Yes ☐ No ☐ NA
c. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, has the regulatory agency determined that the concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health?	☐ Yes ☐ No ☒ NA

ATTACHMENT 2: SUMMARY OF BASIC INFORMATION (Conceptual Site Model)

Site Location/History

- Location: The Site is located at the intersection of Western Avenue and Lincoln Way in Stanton. The Site is operating as an active fueling facility.
- Surrounding Land Usage: The Site is bounded by commercial properties.
- Nature of Contaminants of Concern: Petroleum hydrocarbons only.
- Primary Source of Release: UST system.
- Discovery Date: 1998.
- Release Type: Petroleum[2].
- Investigation: Seven monitoring wells have been installed.
- Free Product: Measurable free product has not been observed since 2005.

Table A: USTs Removed in 1998

Tank No.	Size	Contents	Status	Date
1	10,000-gallon	Diesel	Removed	1998
2	10,000-gallon	Diesel	Removed	1998
3	10,000-gallon	Diesel	Removed	1998
4	5,000-gallon	Gasoline	Removed	1998
5	500-gallon	Waste Oil	Removed	1998

Receptors

- Groundwater Basin: Santa Ana River – Lower Santa Ana River – East Coastal Plain (80111)
- Groundwater Beneficial Uses: Municipal and domestic water supply (MUN), agricultural supply (AGR), industrial service supply (IND), and industrial process supply (PROC).
- Designated Land Use: General Commercial.
- Public Water System: Metropolitan Water District of Southern California.
- Distance to Nearest Supply Wells: Supply well is greater than 1,000 feet southwest.
- Distance to Nearest Surface Waters: Pacific Ocean is located greater than 1,000 feet southeast.

Geology/Hydrogeology

- Average Groundwater Depth: ~14 feet bgs.
- Minimum Groundwater Depth: ~13 feet bgs.
- Groundwater Flow Direction: Southwesterly to northwesterly.
- Geology: The Site is generally underlain by fine-to-medium sand and sandy silt to the depth of 16 feet bgs, silty clay from approximately 16 to 21 feet bgs, silty sands from approximately 21 to 26 feet bgs.
- Hydrology: The Site consists of two water-bearing zones. The nearest surface water body is the Pacific Ocean located nearly 5 miles southwest of the Site.

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[2] "Petroleum" means crude oil, or any fraction thereof, which is liquid at standard conditions of temperature and pressure, which means at 60 degrees Fahrenheit and 14.7 pounds per square inch absolute.
(Health & Safety Code, § 25299.2)

Corrective Actions

- Five USTs were removed and replaced with two 15,000-gallon USTs in 1998.
- Weekly manual bailing of free product between 2003 and 2005.
- Dual Phase Extraction was active between February 2005 and September 2008.

Table B: Concentrations of Petroleum Constituents in Soil

Constituent	Maximum 0-5 ft. bgs (mg/kg)	Maximum 5-10 ft. bgs (mg/kg)
Benzene	10.802	4.361
Ethylbenzene	26.818	11.242
Naphthalene	Not Analyzed	Not Analyzed
PAHs*	Not Analyzed	Not Analyzed

*Poly-aromatic hydrocarbons as benzo(a)pyrene toxicity equivalent

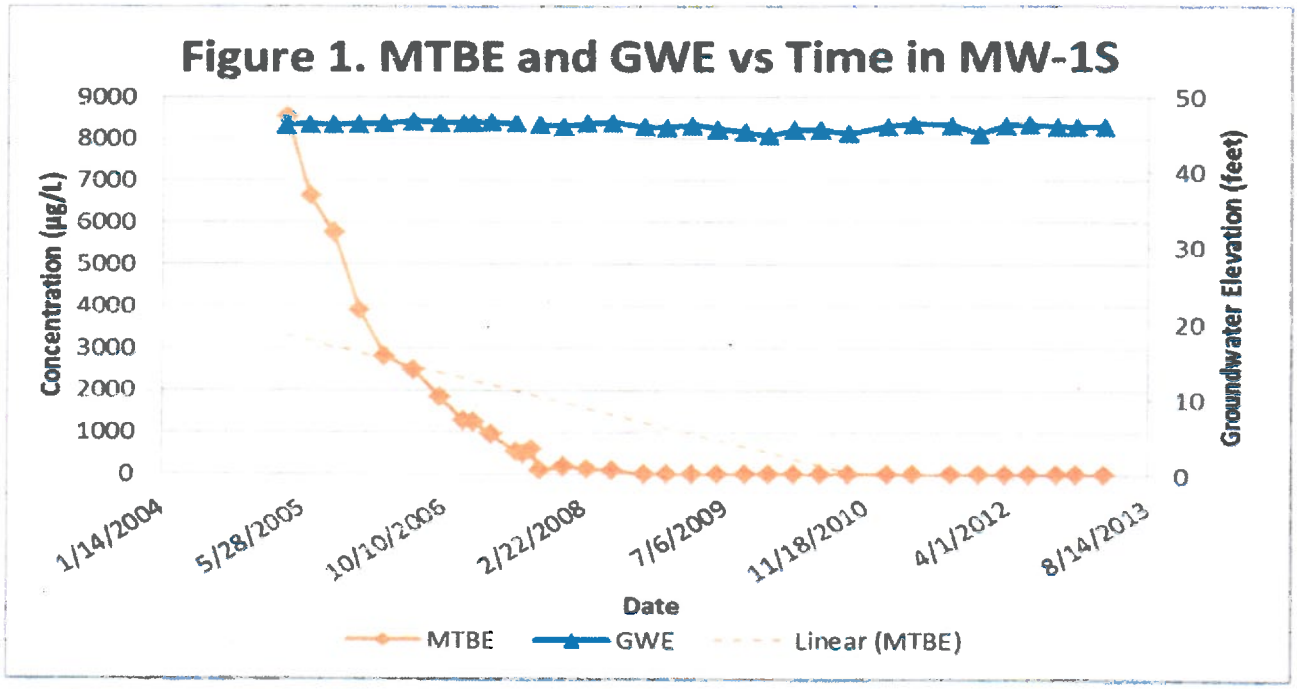
Table C: Concentrations of Petroleum Constituents of Concern in Groundwater

Sample	Sample Date	TPHg (µg/L)	TPHd (µg/L)	Benzene (µg/L)	Toluene (µg/L)	Ethylbenzene (µg/L)	Total Xylenes (µg/L)	MTBE (µg/L)	TBA (µg/L)
MW-1S	3/12/13	125	<500	1.5	<0.5	<0.5	<1	7.7	**1170**
MW-1D	12/5/12	<50	<500	<0.5	<0.5	<0.5	<1	<1	<10
MW-2	12/5/12	<50	<500	<0.5	<0.5	<0.5	<1	5.8	<10
MW-3	12/5/12	<50	<500	<0.5	<0.5	<0.5	<1	<1	<10
MW-4	3/12/13	<50	<500	0.7[J]	<0.5	1.5	<1	2.5	84.3
MW-5	3/12/13	<50	<500	<0.5	<0.5	<0.5	<1	29.2	<10
MW-6	12/5/12	<50	<500	<0.5	<0.5	<0.5	<1	2.5	<10
DP-1	3/12/13	50[J]	<500	<0.5	<0.5	<0.5	<1	1.7	**719**
WQOs	-	-		**250**[1]	-	-	-	**500**[1]	**500**[1]

WQOs - Water Quality Objectives
Bold = above WQOs
ppb = parts per billion
TPHg = Total Petroleum Hydrocarbons quantified as gasoline
TPHd = Total Petroleum Hydrocarbons quantified as diesel
MTBE = methyl tert-Butyl ether
< = less than the indicated reporting limit
[J] = estimated value; denotes a value between the method detection limit and reporting limit
[1] = Santa Ana Regional Water Quality Control Board Low-Risk Level

Groundwater Trends:

Reported concentrations of benzene at the Site have demonstrated stable or decreasing trends over time since 2005.



Evaluation of Risk Criteria

- Maximum Petroleum Constituent Plume Length above WQOs: Benzene in groundwater plume is ~120 feet in length.
- Petroleum Constituent Plume Determined Stable or Decreasing: Yes.
- Soil/Groundwater Sampled for MTBE: Yes, see Table C above.
- Residual Petroleum Constituents Pose Significant Risk to the Environment: No. Residual Petroleum Constituents Pose Significant Vapor Intrusion Risk to Human Health: No – Site meets the exception. The Site operates as an active commercial fueling facility and has no release characteristics that can be reasonably believed to pose an unacceptable health risk.
- Residual Petroleum Constituents Pose a Nuisance[3] at the Site: No.
- Residual Petroleum Constituents in Soil Pose Significant Risk of Adversely Affecting Human Health: No.
- Residual Petroleum Constituents Pose Significant Direct Contact and Outdoor Air Exposure to Human Health: No – Site meets criteria (3) b. A Site-specific risk assessment from exposure shows that maximum concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health. There are no soil samples results in the case record for naphthalene. However, the relative concentration of naphthalene in soil can be conservatively estimated using the published relative concentrations of naphthalene and benzene in gasoline. Taken from Potter and Simmons (1998), gasoline mixtures contain approximately 2% benzene and 0.25% naphthalene. Therefore, benzene concentrations can be directly substituted for naphthalene

[3] Nuisance as defined in California Water Code, section 13050, subdivision (m).

concentrations with a safety factor of eight. Benzene concentrations from the Site are below the naphthalene thresholds in Table 1 of the Policy. Therefore, estimated naphthalene concentrations meet the thresholds in Table 1 and the Policy criteria for direct contact by a factor of eight. It is highly unlikely that naphthalene concentrations in the soil, if any, exceed the threshold.

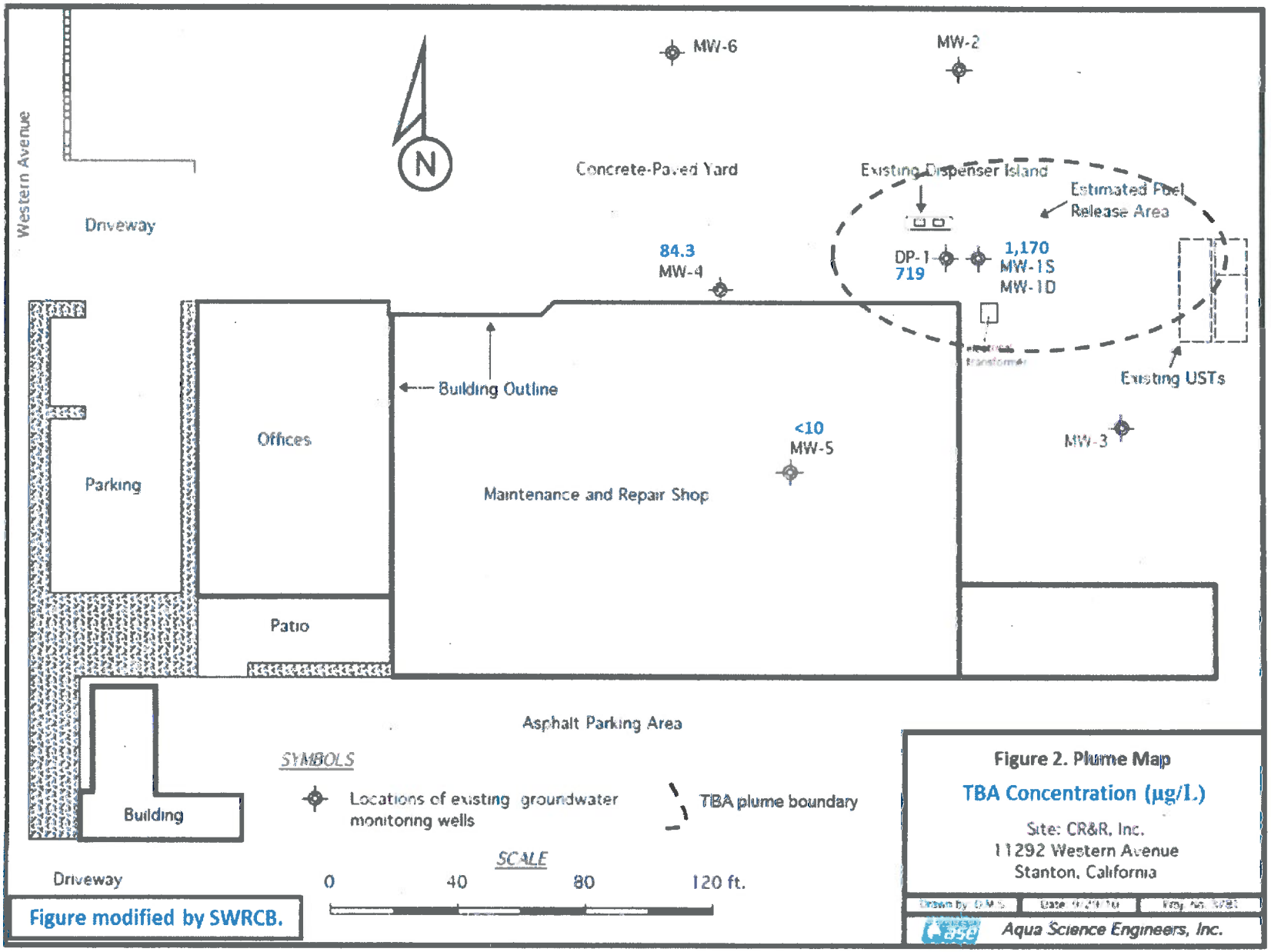


Figure modified by SWRCB.