

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2014-0076-UST

**In the Matter of Underground Storage Tank Case Closure
Pursuant to Health and Safety Code Section 25296.10 and the
Low-Threat Underground Storage Tank Case Closure Policy**

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 section 25296.10 of the Health and Safety Code.² The name of the responsible party, the site name, the site address, the Underground Storage Tank Cleanup Fund (Fund) claim number if applicable, current and former lead agencies, and case numbers are as follows:

Preferred Realty Advisors (Responsible Party)

C N Hutchenson / Preferred Realty Advisors

1056 West 1st Street, Pomona, Los Angeles County

State Water Resources Control Board, Division of Water Quality, Case No. N/A (Current)

Los Angeles County Department of Public Works, Case No. 013274-013596 (Former)

I. STATUTORY AND PROCEDURAL BACKGROUND

Upon review of a UST case, the State Water Resources Control Board (State Water Board) is authorized 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 of a UST case. Closure of a UST case is appropriate where the

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.

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. The UST case record that is 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) is available on the State Water Board's GeoTracker database.

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004773

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, 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 facts in the UST record and the hydrogeologic conditions at the site, 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 adopting this Order in compliance 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 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 responsible party 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 State Water Board 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 notification that the tasks are complete pursuant to Paragraph (A), 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 to GeoTracker.
- D. 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.

E. 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

5/9/14

Date



State Water Resources Control Board

UST CASE CLOSURE SUMMARY

Agency Information

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| Current Agency Name: State Water Resources Control Board (State Water Board) | Address: 1001 I Street, P.O. Box 2231 Sacramento, CA 95812 |
| Agency Caseworker: Matthew Cohen | Case No.: N/A |

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|---|---|
| Former Agency Name: Los Angeles County Department of Public Works (Prior to 7/1/2013) | Address: 900 South Fremont Avenue, P.O. Box 1460 Alhambra, CA 91803 |
| Former Agency Caseworker: Mr. Luke Mitchell | Case No.: 013274-013596 |

Case Information

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| USTCF Claim No.: NA | Global ID: T10000004773 |
| Site Name: C N Hutchenson / Preferred Realty Advisors | Site Address: 1056 West 1 st Street Pomona, CA 91766 (Site) |
| Responsible Party: Preferred Realty Advisors | Address: P.O. Box 313 Tustin, CA 92781-0313 |
| USTCF Expenditures to Date: NA | Number of Years Case Open: 16 |

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004773

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 Case meets all of the required criteria of the Policy.

The Site release was discovered in 1987, during the removal of two underground storage tanks (USTs). Low concentrations of total petroleum hydrocarbons as diesel (TPHd) were identified in soil beneath one of the USTs. A second site investigation conducted in 2012 indicated that soil and soil vapor samples collected did not contain detectable concentrations of petroleum constituents. Groundwater was not encountered to the total depth explored of 25 feet below grade surface (bgs). Groundwater is estimated to be approximately 90 feet bgs. No USTs exist on-Site. No additional corrective actions have been performed at the Site. The Site is developed for commercial use with a paved parking lot. Adjacent parcels are developed for commercial and industrial uses.

Tetrachloroethylene (PCE) and Trichloroethylene (TCE) were detected in on-Site soil vapor samples collected during 2012. However, the PCE and TCE impacts have been attributed to a neighboring

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upgradient Cleanup Program site (Calsole, Inc), which is actively being investigated under the direction of the Department of Toxics Substances Control staff.


The petroleum release is limited to the shallow soil. The closest supply well is approximately 3,500 feet southwest of the Site. The closest surface water is greater than 1-mile northwest of the Site. Public supply wells are usually constructed with competent sanitary seals and intake screens that are in deeper more protected aquifers. Corrective actions have been implemented and additional corrective actions would are not necessary to meet criteria in the Policy. Additional assessment will not likely change the conceptual site model.

Rationale for Closure under the Policy

- General Criteria – Site **MEETS ALL EIGHT GENERAL CRITERIA** under the Policy.
- Groundwater Media-Specific Criteria – Site meets the **EXCEPTION**. Soil does not contain sufficient mobile constituents [leachate, vapors, or light non-aqueous phase liquids (LNAPL)] to cause groundwater to exceed the groundwater criteria in the Policy.
- Petroleum Vapor Intrusion to Indoor Air – Site meets **CRITERIA (2) b**. A site-specific risk assessment for the vapor intrusion pathway demonstrates that human health is protected to the satisfaction of the regulator agency. Direct soil gas measurements indicate that petroleum constituent concentrations were less than or equal to residential levels listed in the table under Criteria (2), scenario 4 (1 of 2). The estimated naphthalene concentrations in soil vapor meet the thresholds in the table and the Policy criteria for petroleum vapor intrusion to indoor air with a safety factor of eight. It is highly unlikely that naphthalene concentrations in the soil vapor, if any, exceed the threshold.
- Direct Contact and Outdoor Air Exposure – Site meets **CRITERIA (3) a**. Maximum concentrations of benzene and ethylbenzene in soil are less than or equal to those listed in Table 1. The estimated naphthalene concentrations in soil meet the thresholds in Table 1 and the Policy criteria for direct contact with a safety factor of eight. It is highly unlikely that naphthalene concentrations in the soil, if any, exceed the threshold.

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:  1/28/14
Matthew Cohen, PG No. 9077 Date
Engineering Geologist

Reviewed By:  1/28/14
Benjamin Heningburg, PG No. 8130 Date
Senior Engineering Geologist