

State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: Los Angeles Regional Water Quality Control Board	Address: 320 West 4 th Street, Suite 200 Los Angeles, CA 90013
Agency Caseworker: Arman Toumari	Case No.: R-12239

Case Information

UST Cleanup Fund (Fund) Claim No.: N/A	Global ID: T0603792883
Site Name: U-Haul/Lynwood Moving Center	Site Address: 11716 Long Beach Boulevard Lynwood, CA 90262 (Site)
Petitioner: AMERCO Real Estate Company Attention: Haley Ziesemer	Address: 2727 North Central Ave., Ste. 500 Phoenix, AZ 85004
Fund Expenditures to Date: N/A	Number of Years Case Open: 22

GeoTracker Case Record: <http://geotracker.waterboards.ca.gov/?gid=T0603792883>

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 because they pose a low threat to human health, safety, and the environment. The Site meets all the required criteria of the Policy and therefore, is subject to closure.

The Site is used for storage of vehicles and equipment available for rental. Prior to 1996, vehicle fueling and repair were also conducted on the property. Two USTs (one 10,000-gallon fuel storage tank and one 550-gallon waste oil storage tank) and their appurtenances were removed by the petitioner in October 1996. An unauthorized release of petroleum hydrocarbons was reported in October 2000 following referral of the case to the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board).

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The Site is located downgradient of another UST case (Garfield Express; GeoTracker ID T0603705377) for which a release was reported in 1995. A former dry cleaner facility (Rocket Cleaners) was also located in the southeast corner of the Garfield Express property. There is a Department of Toxic Substances Control case (Lynwood Springs; EnviroStor ID 60001990) for a release from Rocket Cleaners. Investigations related to those facilities indicate that very high-volume unauthorized releases of both petroleum hydrocarbons and chlorinated solvents (typically associated with drycleaning operations) occurred at the Garfield Express property. Both the Garfield Express and Rocket Cleaners releases, including a large free product plume, have migrated downgradient onto the subject Site.

Both free product recovery and soil vapor extraction systems have been utilized since approximately 2000 by the parties responsible for the Garfield Express release(s), including on areas of the subject Site. Nearly 4,500 gallons of free product and approximately 12,000 additional pounds of vapor-phase petroleum contaminants are estimated to have been removed by these remediation systems. However, measurable thicknesses of free product remain in wells located on both the Garfield Express property and the subject Site. Elevated dissolved concentrations of petroleum constituents, including benzene and methyl tertiary butyl ether (MTBE), and chlorinated solvents (primarily tetrachloroethene, or "PCE") from the Garfield Express property have commingled with impacts from the Site releases and extend far downgradient from the subject Site. Elevated concentrations of these same contaminants have also been detected above relevant risk screening levels in soil gas samples collected on the Garfield Express property and on the subject Site.

The most recent data collected indicate threats to receptors are ongoing due to the commingled plume of contaminants. However, data collected to date indicates the majority of the impacts comprising the contaminant plume resulted from the petroleum hydrocarbon and chlorinated solvent releases at the Garfield Express property. Data collected on the subject Site indicate petroleum hydrocarbon releases occurred from the onsite USTs, but the release volumes were nominal compared to those that occurred upgradient. It is not possible for State Water Resources Control Board (State Water Board) staff to differentiate the impacts from the Site releases from those from the Garfield Express property which are currently present beneath the Site. However, it is State Water Board staff's opinion that the residual contamination from the Site's releases, on its own, would have degraded by now to levels at which the case would have been closed.

Remaining petroleum constituents from the Site are limited, stable, and decreasing. Additional assessment would be unnecessary and will not likely change the conceptual model. Any remaining petroleum constituents related to the subject Site release(s) do not pose significant risk to human health, safety, or the environment under current conditions.

Rationale for Closure Under the Policy

- General Criteria – Site **MEETS ALL EIGHT GENERAL CRITERIA** under the Policy.
- Groundwater Media-Specific Criteria – Site **meets the criteria in Class 5**. The regulatory agency determines, based on an analysis of Site-specific conditions that under current and reasonably anticipated near-term future scenarios, the contaminant plume poses a low threat to human health, safety, and to the environment and water quality objectives will be achieved within a reasonable time frame.
- Petroleum Vapor Intrusion to Indoor Air – Site **meets Criteria 2 (b)**. A Site-specific risk assessment for the vapor intrusion pathway was conducted under the Policy and demonstrates that human health is protected to the satisfaction of the regulatory agency.
- Direct Contact and Outdoor Air Exposure – Site **meets Criteria 3 (b)**. Maximum concentrations of petroleum constituents in soil are less than levels that a site-specific risk assessment demonstrates will have no significant risk of adversely affecting human health.

Objections to Closure

The following list of objections was derived from the Los Angeles Water Board's February 14, 2022 and December 2, 2022 Petition response letters. State Water Board staff believe they have captured the essence of all Los Angeles Water Board staff objections with this list. In the letters, Los Angeles Water Board staff objected to UST case closure because:

1. The case does not meet Policy General Criterion (b), which states that "the unauthorized release consists only of petroleum."
Response: State Water Board staff find that Site releases consist only of petroleum and Policy General Criterion (b) is met. Soil samples collected beneath the waste oil tank did not indicate a release of chlorinated solvents. There is no evidence of a release of chlorinated solvents from the Site property. There are non-petroleum contaminants (i.e., chlorinated solvents, as described above) present beneath the subject Site; however, site history and data indicate that the source of the non-petroleum contaminants is likely from unauthorized release(s) from the Rocket Cleaners located on the Garfield Express property. There is a comprehensive dataset for the area encompassing the Garfield Express property and the subject Site that supports that conclusion. It is State Water Board staff's opinion that not only has Policy General Criterion (b) been met for the subject Site, but that the data would not support opening a Site Cleanup case (for non-petroleum contaminants) naming the petitioner as the responsible party.
2. The State Water Board had previously concurred with two closure denials and no subsequent work had been done to warrant case closure.

Response: Subsequent to the State Water Board closure denials, the petitioner's consultants prepared a comprehensive evaluation of high-resolution site characterization (HRSC) data. The summary provided a more complete visualization and understanding of the site conceptual model needed to move forward with a recommendation for closure.

3. None of the requirements documented in the Los Angeles Water Board's directive of June 1, 2021 have been met. The first of those requirements was that the petitioner perform additional soil assessment to rule out potential contributions from the Site's operations to the free product and dissolved-phase contaminant plumes beneath the Site.

Response: State Water Board staff found sufficient data in the case record to conceptualize the extent of contamination related to the subject Site, including in soil beneath the former USTs and appurtenances. Several site characterization work scopes were executed historically by the petitioner and the responsible parties for the Garfield Express property pursuant to direction or approval of the Los Angeles Water Board since the case was opened in 2000, from which a significant amount of site characterization data has been collected.

4. The second requirement of the June 1, 2021 directive letter not met was for the petitioner to re-install unfunctional groundwater monitoring wells at the Site.

Response: The six groundwater monitoring wells associated with the subject Site are a small portion of the overall well network used to monitor the plume originating from the Garfield Express property. Sufficient data has been collected over approximately 20 years of monitoring to understand the extent and magnitude of the plume.

5. The third and final requirement of the June 1, 2021 directive letter not met was for the petitioner to submit a Chemical Use Questionnaire (CUQ) and provide information on past and present chemical storage and use practices at the Site.

Response: A CUQ was previously submitted by the petitioner to the Los Angeles Water Board in May 2019 indicating that products containing PCE had been used at the Site. However, in August 2020, petitioner notified the Los Angeles Water Board that information in the CUQ was incorrect. Sworn affidavits from parties with knowledge of Site activities were provided validating that no PCE-containing materials were used on the Site. The Los Angeles Water Board agreed to revoke the May 2019 CUQ. Regardless of any requirement for an updated CUQ, it is State Water Board staff's opinion, based on actual subsurface data collected, that chlorinated solvents were either not released from the former waste-oil UST or had been released in such a small volume as to be de minimis. At the time of the waste-oil UST removal in 1996, a soil sample was collected from beneath the UST. There were also samples collected from stockpiles of the soil removed from around and beneath the waste oil UST. Those samples all contained petroleum hydrocarbons, supporting that a petroleum hydrocarbon release had likely occurred from the waste oil UST. Those samples were also analyzed for

chlorinated solvents, of which none were detected. State Water Board staff find it unnecessary to provide an updated CUQ.

6. Closure pursuant to the *Matter of the Petition of James Salvatore* (Order WQ 2013-0109) (Salvatore) and *Matter of Winton G. Kemmis Trust* (Order WQ 2020-0001 UST) (Kemmis) orders is inappropriate.

Response: The petitioner requested closure of the subject case pursuant to the findings in the Kemmis and Salvatore orders. The Kemmis case was closed in accordance with the “test” established under the Salvatore case. A party seeking relief under Salvatore has the burden to demonstrate that it meets each and every criterion of Salvatore’s four-part test:

- 1) The party must demonstrate that its release, considered separately from other commingled releases, meets case closure criteria.
- 2) The party must demonstrate that its own separate release has been adequately investigated and characterized, and that there are sufficient data to determine that the case based on the individual release meets case closure criteria.
- 3) As a condition of closure, the party seeking relief must provide reasonable access to allow corrective action at the site.
- 4) The test is not applicable in circumstances where a financially responsible party has not been identified and removal of a party may result in the creation of an orphan site.

State Water Board staff have determined that the petitioner has satisfied all four criteria of the Salvatore test. Petitioner has adequately investigated and characterized its release(s) and that data is sufficient to demonstrate its release(s) would meet Policy criteria if considered separately. Petitioner has allowed reasonable access. As for the final criterion, State Water Board staff find that the contributions of the release(s) on the subject Site are nominal compared to the impacts that have migrated on-Site from the Garfield Express property. The parties responsible for the releases on the Garfield Express property are known and have already been deemed responsible parties for their releases. Any residual impacts remaining on the subject Site would not be “orphaned” as they should be mitigated by the Garfield Express parties. By all measures, the petitioner’s case is precisely the kind of case for which the Salvatore test was created.

7. General Criterion (d) (free product has been removed to the maximum extent practicable) has not been met.

Response: Free product is present in at least one well located on the petitioner’s Site. However, based on the complete case files provided by the Los Angeles Water Board for the subject Site and for the Garfield Express case, State Water Board staff conclude that the free product is the result of the release(s) which occurred from the USTs at Garfield Express and Policy General Criterion (d) has been met for the Site.

8. General Criterion (e) (a conceptual site model that assesses the nature, extent, and mobility of the release has been developed) has not been met.

Response: There is ample data in the case files to conceptualize entirely the nature, extent, and mobility of the various releases that have occurred over the entire investigation area, including the subject Site and the upgradient Garfield Express property. This includes the HRSC data collected and presented from across both properties. State Water Board staff conclude that Policy General Criterion (e) has been met for the Site.

9. General Criterion (f) (secondary source has been removed to the extent practicable) has not been demonstrated as a result of the failure to complete required investigations.

Response: There is significant contamination present beneath the subject Site; however, data provided in the case files indicate the primary source of the contamination is the release(s) that occurred on the upgradient Garfield Express property. Data collected during and subsequent to the removal of the USTs on the subject Site indicate that secondary source related to releases that may have occurred for those USTs and their appurtenances was adequately removed during the removal of those facilities. State Water Board staff conclude that Policy General Criterion (f) has been met for the Site.

10. The Groundwater Media-Specific Criteria have not been met.

Response: State Water Board staff conclude that the petitioner's case meets the Groundwater Specific Criteria by Class 5 of the Policy. Due to the large magnitude of the release(s) that occurred on the upgradient Garfield Express property, it is not possible for State Water Board staff to discern the impacts to groundwater specific to the releases that may have occurred at the subject Site. However, as stated above, the data supports the conclusion that the magnitude of the remaining impacts due solely to the petitioner's release is insignificant compared to the impacts that have migrated onto the subject Site. Therefore, the State Water concludes there is no quantifiable groundwater threat due to the petitioner's release.

11. The Vapor Intrusion to Indoor Air Media-Specific Criteria have not been met.

Response: State Water Board staff conclude that the petitioner's case meets Criteria 2 (b) of the Policy for Vapor Intrusion. Due to the large magnitude of the release(s) that occurred on the upgradient Garfield Express property, it is not possible for State Water Board staff to discern the vapor intrusion impacts specific to the releases that may have occurred at the subject Site. However, as stated above, the data supports the conclusion that the magnitude of the remaining impacts due solely to the petitioner's release is insignificant compared to the impacts that have migrated onto the subject Site. Therefore, the State Water concludes there is no quantifiable vapor intrusion threat due to the petitioner's release.

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Recommendation for Closure

The corrective action performed at this Site ensures the protection of human health, safety, and the environment. The corrective action performed at this Site is consistent with chapter 6.7 of division 20 of the Health and Safety Code, implementing regulations, applicable state policies for water quality control and applicable water quality control plans. Case closure is recommended.


Prepared by:



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2/6/2023
Date

Reviewed By:



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3/2/2023
Date

