

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2023-0089-UST

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

BY THE CHIEF DEPUTY DIRECTOR:¹

By this order, the Chief Deputy Director directs closure of the 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(ies), 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:

ExxonMobil Oil Corporation (Responsible Party)

Mobil #18-HDR

3195 Harbor Boulevard, Costa Mesa, Orange County

Fund Claim No. 5462

Orange County Health Care Agency, Case No. 87UT226

Santa Ana Regional Water Quality Control Board, Case No. 083000703T

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. Pursuant to Resolution No. 2012-0061, the Executive Director has delegated this authority to the Chief Deputy Director.

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

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 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 or Chief Deputy Director, may close a case or require the closure 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. The attached UST Case Closure Summary has been prepared for the case identified above and is incorporated by reference. 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.

[GeoTracker Case Record](http://geotracker.waterboards.ca.gov/?gid=T0605900556): <http://geotracker.waterboards.ca.gov/?gid=T0605900556>

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 (I)(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, as summarized in the attached UST Case Closure Summary, the State Water Board finds that corrective action taken to address the unauthorized release of petroleum at the UST release site identified as:

ExxonMobil Oil Corporation (Responsible Party)

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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 with other applicable water quality control policies and plans.

The unauthorized release from the UST consisted only of petroleum. This order directs closure for the petroleum UST case at the site. This order does not address non-petroleum contamination at the site, if non-petroleum contamination is present.

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(ies) is/are ordered to:

1. Properly destroy any and all 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 any and 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 responsible party(ies) 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 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.



October 6, 2023

Chief Deputy Director

Date

State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: Orange County Health Care Agency Division of Environmental Health	Address: 1241 East Dyer Road, Suite 120 Santa Ana, CA 92705
Agency Caseworker: Tamara Escobedo	Case No.: 87UT226

Case Information

UST Cleanup Fund (Fund) Claim No.: 5462	Global ID: T0605900556
Site Name: Mobil #18-HDR	Site Address: 3195 Harbor Boulevard Costa Mesa, CA 92626 (Site)
Responsible Party: ExxonMobil Oil Corporation Attention: Kenneth Drake	Address: 22777 Springwoods Village Parkway Spring, Texas 77389
Fund Expenditures to Date: \$1,490,000	Number of Years Case Open: 35

GeoTracker Case Record: <http://geotracker.waterboards.ca.gov/?gid=T0605900556>

Summary

This case has been proposed for closure by the State Water Resources Control Board at the request of the Orange County Health Care Agency (County), which concurs with closure.

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 of the required criteria of the Policy and therefore, is subject to closure.

The Site is a former commercial petroleum fueling facility currently developed as a commercial property. An unauthorized release was reported in November 1987 following the removal and replacement of three gasoline USTs and one waste-oil UST. During UST removal and replacement, 752 tons of petroleum-impacted soil were excavated and removed from the Site. In October 1994, 206 tons of petroleum-

impacted soil were excavated from beneath the dispenser island areas. Groundwater extraction was conducted between 1995 and 1996, removing 404,537 gallons of petroleum-impacted groundwater. Soil vapor extraction was conducted intermittently between 1996 and 1999, removing 4,152 pounds of vapor-phase hydrocarbons. Dual-phase extraction was conducted in both 2000 and 2003, removing cumulatively 339 pounds of vapor-phase hydrocarbons and 1,350 gallons of petroleum-impacted groundwater. Soil vapor extraction was conducted again between 2006 and 2008, removing approximately 4,307 pounds of vapor-phase gasoline hydrocarbons. In October 2008, the newer USTs were removed, and the excavated soil was used as backfill. In 2011, during Site redevelopment activities, an additional 1,695 tons of petroleum-impacted soil were excavated and removed from the Site.

Currently, the only contaminant of significance remaining in the subsurface is methyl tert-butyl ether (MTBE) dissolved in groundwater. The MTBE is not present in groundwater samples collected from monitoring wells located on the Site, but rather in monitoring wells located downgradient of the Site at concentrations just slightly above the water quality objective for MTBE. The dissolved MTBE emanating from the subject Site no longer poses a threat to human health or the environment. Maximum concentrations of benzene, ethylbenzene, and naphthalene in soil are less than or equal to those listed in Table 1 of the Policy for the specified depths below ground surface (bgs). There are no soil sample results in the case record for polycyclic aromatic hydrocarbons (PAHs); however, based on the extent of soil excavation and other remediation efforts, it is unlikely concentrations of PAHs would exceed the Table 1 values in shallow soil. Therefore, it has been determined maximum concentrations of petroleum constituents in soil are less than levels that a site-specific risk evaluation would demonstrate will have a significant risk of adversely affecting human health.

Remaining petroleum constituents are limited, stable, and decreasing. Additional assessment would be unnecessary and will not likely change the conceptual model. Any remaining petroleum constituents 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 (a), Scenario 3**. As applicable, the extent of the bioattenuation zone, oxygen concentrations in soil gas, concentrations of total petroleum hydrocarbons as gasoline and diesel

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combined in soil, and dissolved concentrations of benzene in groundwater meet the Policy.

- 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.

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:



William E. Brasher
Water Resource Control Engineer

06/22/2023

Date

Reviewed By:



Dayna Cordano, P.G. No. 9694
Acting Senior Engineering Geologist

06/22/2023

Date

