

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2024-0012-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:

Chevron U.S.A., Inc. (Responsible Party)

Chevron

5810 Nave Drive, Novato, Marin County

Fund Claim No. 21119

San Francisco Bay Regional Water Quality Control Board, Case No. 21-0030

Marin County, Case No. 21-0030

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=T0604100029): <http://geotracker.waterboards.ca.gov/?gid=T0604100029>

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:

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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:

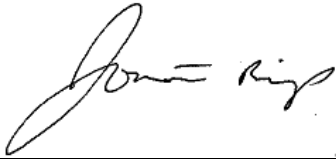
- A. The UST case identified in Section II of this order, meeting the general and media-specific criteria established in the Low-Threat Closure Policy, be closed in

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



Chief Deputy Director

January 22, 2024

Date

State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board)	Address: 1515 Clay Street, Suite 1400 Oakland, CA 94612
Agency Caseworker: Laurent Meillier	Case No.: 21-0030

Case Information

UST Cleanup Fund (Fund) Claim No.: 21119	Global ID: T0604100029
Site Name: Chevron	Site Address: 5810 Nave Drive Novato, CA 94947 (Site)
Responsible Party Chevron U.S.A., Inc. Attention: Bradley Rogers	Address: 6001 Bollinger Canyon Road San Ramon, CA 94583
Fund Expenditures to Date: \$0	Number of Years Case Open: 40

GeoTracker Case Record: <http://geotracker.waterboards.ca.gov/?gid=T0604100029>

Summary

This case has been proposed for closure by the State Water Resources Control Board at the request of the San Francisco Bay Water Board, 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 vacant lot and public street that formerly operated as a commercial petroleum fueling facility. An unauthorized release was discovered in 1983 during a tank tightness test and in 1984 the facility was demolished. Four USTs, two dispenser

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

islands, and associated piping were removed. The public right of way was expanded after station demolition and much of the former fueling facility was paved over as Nave Street. No active remediation has been conducted at this Site. Ten groundwater monitoring wells have been installed since 1998 and one has been destroyed. Monitoring wells were monitored regularly through 2022 and water quality objectives have been achieved for all constituents except benzene in MW-1, MW-2, MW-5, and MW-7. However, the remaining benzene plume is less than 250 feet in length and concentrations are below Policy criteria and are low risk to human health and the environment.

The residual petroleum constituents remaining in groundwater are limited in areal extent and the plume of impacted groundwater is stable. Soil vapor samples indicate non-detectable concentrations of benzene, ethylbenzene, and naphthalene. Remaining petroleum constituent concentrations in shallow soil are below Policy criteria.

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 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 ($\mu\text{g/L}$), and the dissolved concentration of MTBE is less than 1,000 $\mu\text{g/L}$.
- Petroleum Vapor Intrusion to Indoor Air – Site meets **Criteria 2 (a), Scenario 4**. The concentrations of benzene, ethylbenzene, and naphthalene in soil gas are less than the Policy limits as it applies to the bioattenuation zone, land use, and existing or planned future building structures at the Site.
- Direct Contact and Outdoor Air Exposure – Site meets **Criteria 3 (a)**. Maximum concentrations of petroleum constituents in soil from confirmation soil samples are less than or equal to those listed in Table 1 of the Policy.

Response to Public Comments

In a September 27, 2023, teleconference, North Marin Water District (NMWD) provided public comments to the State Water Board and the San Francisco Bay Water Board (collectively, the Water Boards) regarding a drinking water conveyance pipeline located immediately adjacent to the Site. NMWD additionally provided their comments in writing to the Water Boards in an October 2, 2023, letter. Following discussion with NMWD, the Water Boards finds that case closure is still warranted at this Site. NMWD's comments and the State Water Board's response are provided below:

1. The existing potable distribution system could be a possible sensitive receptor to residual contamination in the subsurface if the pipeline becomes depressurized. This scenario may create conditions that could draw the contaminated groundwater to NMWD's pipeline.

Response: Historic depth to groundwater data were generally 6 feet below ground surface (bgs) or deeper and the bottom of the NMWD's pipeline is located at approximately 5 feet bgs. Therefore, it is expected that any interaction between the pipeline and the water table are minimal. Additionally, the groundwater contaminant plume is stable and within the property boundary. The highest total petroleum gasoline and benzene concentrations in groundwater were reported in 2022 at MW-7 at 11,000 micrograms per liter ($\mu\text{g/L}$) and 2,200 $\mu\text{g/L}$, respectively. The groundwater gradient is to the northeast and MW-7 is located approximately 100 feet down- to crossgradient of NMWD's pipeline. Since groundwater flows away from the potable water distribution pipeline, it is unlikely that contaminants will impact NMWD's pipeline. In addition, groundwater data collected at MW-1 and MW-2 indicate a precipitous decline in concentrations in the direct downgradient vicinity of the pipeline. Any residual contamination in soil and groundwater will continue to attenuate over time due to natural biodegradation processes.

2. Additional soil and groundwater characterization is needed within NMWD's pipeline alignment to gauge if additional protective provisions are necessary in the Soil and Groundwater Management Plan (SGMP) ahead of an excavation.

Response: Shallow soil samples taken near the NMWD pipeline (MW-1, MW-5, B-3, C-2, and C-3) indicate that concentrations of petroleum-related constituents are below the criteria outlined in Table 1 of the Policy. The concentration criteria in Table 1 protect from ingestion, direct contact, and inhalation of volatile soil emissions. Since existing soil conditions do not currently pose a threat to workers, additional characterization of subsurface conditions is not warranted. However, to ensure the safety of site workers, it is a condition of closure that a designated authorized representative (including a consultant) of Chevron Environmental Management Company (CEMC) be onsite for any excavation activities to monitor for potential exposure and to ensure safe handling of excavated soil, as outlined in the September 2022 *Soil and Groundwater Management Plan*. NMWD should contact both the San Francisco Bay Water Board and CEMC prior to any planned or unplanned excavation activities on or near the Site to ensure a CEMC representative can be present.

Chevron, T0604100029
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3. Future excavation of the NMWD's facilities near the Site may encounter contamination. Please clarify that CEMC is responsible for profiling the contaminated soil or groundwater within the trench excavation.

Response: CEMC is responsible for addressing any additional work if contaminated soil or groundwater is encountered during future excavation on or near the Site. NMWD should contact CEMC, the City of Novato, and the San Francisco Bay Water Board if any petroleum-impacted soil and groundwater is found.

4. Please clarify that CEMC or another entity will be responsible for handling and disposal of any contaminated soil or groundwater encountered during NMWD's excavation activities near the Site.

Response: CEMC will be responsible for handling and disposing of petroleum-impacted soil and groundwater if encountered during excavation activities on or near the Site. NMWD is not responsible for cleanup work associated with San Francisco Bay Water Boards case #21-0030 (Global ID T0604100029). CEMC must be notified as early as possible to provide consultation on the profiling and eventual disposal or reuse of any Covered Soil and discharge or disposal of any Covered Groundwater. CEMC may be reached at (925) 842-1000.

5. In addition to notifying the City of Novato, please notify NMWD if CEMC is replaced by another entity.

Response: CEMC will notify the City of Novato, or the current property owner(s), if it is replaced by a successor in interest or some other entity. The San Francisco Bay Water Board will also notify NMWD if the responsible party contact information changes from that provided in the SGMP.

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.

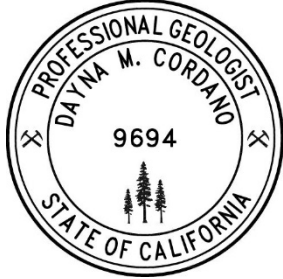
Reviewed By:



Dayna Cordano, PG No. 9694
Senior Engineering Geologist

Revised: 11/22/2023

Date



E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR