

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2024-0054-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 cases at the sites listed below, pursuant to section 25296.10 of the Health and Safety Code.² The name of the responsible parties, the site names, the site addresses, the Underground Storage Tank Cleanup Fund (Fund) claim numbers if applicable, current and former lead agencies, and case numbers are as follows:

Solano County Department of General Services (Responsible Party)
Former Solano County Records Building
701 Texas Street, Fairfield, Solano County
San Francisco Bay Regional Water Quality Control Board, Case No. 48S0055
Solano County LOP, Case No. 301326

and

¹ State Water Board Resolution No. 2023-0036 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. 2023-0036, 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.

Stonefield Properties, LLC (Responsible Party)

721-729 Texas Street

721-729 Texas Street, Fairfield, Solano County

San Francisco Bay Regional Water Quality Control Board, Case No. 48S0056

Solano County LOP, Case No. 301395

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 cases identified above, and recommends that these cases be closed. The recommendation is based upon the facts and circumstances of these particular UST cases. The attached UST Case Closure Summary has been prepared for the cases identified above and is incorporated by reference. The UST case records that are 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 available on the State Water Board's GeoTracker database.

[Former Solano County Records Building GeoTracker Case Record:](http://geotracker.waterboards.ca.gov/?gid=T0609566325)

<http://geotracker.waterboards.ca.gov/?gid=T0609566325>

[721-729 Texas Street GeoTracker Case Record:](http://geotracker.waterboards.ca.gov/?gid=SL0609503209)

<http://geotracker.waterboards.ca.gov/?gid=SL0609503209>

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 records and the hydrogeologic conditions at the sites, 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 sites 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 cases at the sites. This order does not address non-petroleum contamination at the sites, 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 cases 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 these cases should be rescinded to the extent they are inconsistent with this order.

III. ORDER

IT IS THEREFORE ORDERED that:

- A. The UST cases 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 parties 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 sites 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 cases 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 parties that requirements in subparagraphs (1) and (2) of Paragraph (A) are complete, the regulatory agency that is responsible for oversight of the UST cases 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 cases 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

June 5, 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: Jared Wilson	Case Nos.: 48S0055 & 48S0056

Case Information

UST Cleanup Fund (Fund) Claim No.: N/A	Global IDs: T0609566325 & SL0609503209
Site Names: Former Solano County Records Building 721-729 Texas Street	Site Addresses: 701 Texas Street Fairfield, CA 94533 (Site) 721-729 Texas Street Fairfield, CA 95434
Responsible Parties: Solano County Department of General Services Attention: Mark. A Hummel Stonefield Properties, LLC Attention: John Constanzo	Addresses: 675 Texas Street Suite 2500 Fairfield, CA 94533 4243 Stonefield Lane Fairfield, CA 94534
Fund Expenditures to Date: N/A	Number of Years Cases Open: 18

[Former Solano County Records Building GeoTracker Case Record :](http://geotracker.waterboards.ca.gov/?gid=T0609566325)

<http://geotracker.waterboards.ca.gov/?gid=T0609566325>

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701 & 721-729 Texas Street, Fairfield

Summary

These cases have been proposed for closure by the State Water Resources Control Board at the request of the San Francisco Bay Regional Water Quality Control 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 Former Solano County Records Building and 721-729 Texas Street (Sites) properties meet all of the required criteria of the Policy and therefore, are subject to closure.

The Former Solano County Records Building operated as a vulcanizing shop and fuel service station between the 1920s and 1950s. The site supported one 1,000-gallon and one 550-gallon UST. It is assumed that the USTs were removed during construction of the existing on-site office building in 1955. Petroleum-impacted soil was encountered during building remodeling in 1988, prompting additional site investigation.

The 721-729 Texas Street site operated as an automobile dealership, service center, and automobile painting facility between 1920 and 1966. In 2005, an unauthorized release was reported at 721-729 Texas Street following identification of petroleum constituents in soil and groundwater during a Phase II Environmental Site Assessment. Additional investigation found that there was no known source for the petroleum constituents found at 721-729 Texas Street and that the identified contamination was associated with the UST release at the Former Solano County Records Building site.

Based on the above, both Sites are being proposed for closure simultaneously because the detected contamination is from one single UST source located at the Former Solano County Records Building site.

Between 2006 and 2012, 12 monitoring wells and two observation wells were installed at the Sites and monitored regularly from 2006 through 2016 and 2019 through 2022. Groundwater data indicates that the petroleum hydrocarbon plume associated with the release is stable and decreasing in areal extent.

In February of 2008, eight temporary soil gas probes (SV1 through SV8) were advanced and sampled across the Sites. Results indicated there is a low risk from vapor intrusion.

On November 20, 2008 one 1,000-gallon capacity gasoline UST was removed from the Former Solano County Records Building site and 34 cubic yards of petroleum-impacted soil were excavated and disposed offsite. Between December 30, 2013 and January 27, 2014, an additional 590 cubic yards of hydrocarbon-impacted soil was excavated to depths up to nine feet below ground surface. Following the excavation, a sub-slab vapor venting system and vapor barrier were installed and samples were collected in November 2014, July 2015, and April 2023.

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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 – Sites **MEET ALL EIGHT GENERAL CRITERIA** under the Policy.
- Groundwater Media-Specific Criteria – Sites meet 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 – Sites meet **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 – Sites meet **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.

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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.

Reviewed By:



Dayna Cordano, PG No. 9694
Senior Engineering Geologist

01/26/2024

Date

