

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2025-0061-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:

Moller Investment Group, Inc. (Responsible Party)

Tesoro Refining & Marketing Company LLC (Responsible Party)

USA Gasoline Station #291

104 West Main Street, Brawley, Imperial County

Fund Claim No. 17623

Colorado River Basin Regional Water Quality Control Board, Case No. 7T2227033

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.

I. STATUTORY AND PROCEDURAL BACKGROUND

Upon review of a UST case, the State Water Resources Control Board (State Water Board), or in certain cases the State Water Board Executive Director or Chief Deputy Director, 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. Closure of a UST case is appropriate where the corrective action ensures that any residual petroleum constituents associated with the case pose a low threat to 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 have reviewed the UST case identified above and recommend case closure under the Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closures (Low-Threat Closure Policy or Policy). This recommendation is based upon the facts and circumstances of this particular UST case. State Water Board staff prepared the attached UST Case Closure Summary, which is incorporated herein by reference. The State Water Board's recommendation is based on information in the UST case record available on GeoTracker.

GeoTracker Case Record: <http://geotracker.waterboards.ca.gov/?gid=T0602553770>

Low-Threat Closure Policy

The Policy became effective on August 17, 2012 and establishes consistent statewide case closure criteria for low-threat petroleum UST sites. The Policy applies to unauthorized petroleum releases from USTs, as defined in section 25281. 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 Policy pose a low threat to human health, safety, and the environment and are appropriate for closure under section 25296.10. If a regulatory agency determines that a case meets the general and media-specific criteria of the Policy, then the regulatory agency shall notify the responsible party(ies) and other specified interested persons that the case is eligible for closure. Unless the regulatory agency revises its determination based on comments received on the proposed case closure, the agency shall issue a uniform closure letter as specified in section 25296.10. Prior to issuance of a uniform closure letter, the following items must be completed: a 60-day public comment period; proper destruction or certification of continued maintenance of monitoring wells or borings; and removal of waste associated with investigation and remediation of the site. All activities must be conducted in accordance with applicable local and state requirements.

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 information available in the UST case record on GeoTracker, as summarized in the attached UST Case Closure Summary, the State Water Board finds that the corrective action taken to address the unauthorized release of petroleum at the UST site identified below ensures any residual petroleum constituents associated with the case pose a low threat to 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 Policy, and other applicable water quality control policies and plans:

Moller Investment Group, Inc. (Responsible Party)

Tesoro Refining & Marketing Company LLC (Responsible Party)

USA Gasoline Station #291

104 West Main Street, Brawley, Imperial County

Fund Claim No. 17623

Colorado River Basin Regional Water Quality Control Board, Case No. 7T2227033

This order directs closure for the petroleum UST case at the site. This order does not address non-petroleum contamination.

Pursuant to the Policy, notification of proposed case closure and a 60-day comment period were provided to all entities required to receive notice of the proposed case closure. Any comments received have been considered by the State Water Board prior to determining that the case should be closed.

Pursuant to section 21080.5 of the Public Resources Code, environmental impacts associated with the adoption of the Policy 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 Policy are less than significant. 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 a Regional Water Quality Control Board (Regional Water Board) pursuant to division 7 of the Water Code. Any orders that have been issued by a 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 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

November 14, 2025

Date



State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Lead Agency Information

Lead Agency Name: Colorado River Basin Regional Water Quality Control Board	Address: 73-720 Fred Waring Drive, Suite 100 Palm Desert, CA 92260
Case Manager: Theresa Illare	Case No.: 7T2227033

Case Information

UST Cleanup Fund (Fund) Claim No.: 17623	Global ID: T0602553770
Site Name: USA Gasoline Station #291 (Site)	Site Address: 104 West Main Street Brawley, CA 92227
Responsible Parties: Moller Investment Group, Inc. Attention: Kevin Pittman	Address: 6591 Collins Drive, Suite #E-11 Moorpark, CA 93021
Tesoro Refining & Marketing Company LLC Attention : Paula Sime	P.O. Box 1026 Temecula, California 92593
Fund Expenditures to Date: \$1,495,000	Number of Years Case Open: 22

GeoTracker Case Record: <http://geotracker.waterboards.ca.gov/?gid=T0602553770>

Summary

This case has been proposed for closure by the State Water Resources Control Board (State Water Board) at the request of the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board), which concurs with closure.

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

USA Gasoline Station #291, T0602553770
104 West Main Street, Brawley

The [Low-Threat Underground Storage Tank Case Closure Policy \(Policy\)](#)¹ contains general and media-specific criteria. Sites that meet Policy 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 Policy criteria and therefore, case closure is appropriate.

The Site operated as a fueling station between January 1990 and October 2020 and is currently the location of a grocery store. An unauthorized release was reported in January 2003 following a baseline site investigation. On July 19, 2012, one diesel and three gasoline 12,000-gallon USTs and their associated piping were removed from the Site and replaced with two 20,000-gallon USTs. During UST replacement, impacted soil was excavated to approximately 20 feet below ground surface and 1,139.4 tons of impacted soil was disposed of offsite. Analytical results of soil samples collected during the excavation indicated diesel and gasoline in the vicinity of the tank pit, former fueling dispensers, and piping. The two remaining 20,000-gallon USTs and associated dispenser and piping were removed from the Site in December 2020.

Soil vapor extraction (SVE) and air sparging (AS) were conducted beginning in April and December 2019, respectively. The SVE/AS system was shut down in September 2023 and active remediation has not been conducted at the Site since then. A total of sixteen groundwater monitoring wells have been installed and regularly monitored at the Site. Historically, free product has been observed in eleven groundwater monitoring wells, including five offsite wells. No free product has been measured since February 2020.

Water quality objectives have been achieved or nearly achieved for all constituents in the majority of Site wells, except benzene, ethylbenzene, and methyl tertiary butyl ether (MTBE) in the immediate vicinity of the former USTs. The 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 **Criteria 1, 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 (µg/L), and the dissolved concentration of MTBE is less than 1,000 µg/L.
- Petroleum Vapor Intrusion to Indoor Air – Site meets **Criteria 2 (a), Scenario 4 With a Bioattenuation Zone**. Soil gas samples were collected beneath or

¹https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf

adjacent to the existing or planned building at a depth of at least five feet below the bottom of the building foundation or at least five feet below ground surface for future construction. Concentrations of total petroleum hydrocarbons as gasoline and diesel combined in soil are less than 100 milligrams per kilogram (measured in at least two depths within the five-foot zone). Oxygen in soil gas is $\geq 4\%$ measured at the bottom of the five-foot zone. Soil gas concentrations are less than those specified in Appendix 4, Scenario 4 (2 of 2) in the Policy, as applicable.

- 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.

Objections to Closure

On October 17, 2023, the Colorado River Basin Water Board issued a pre-closure notification for the subject case. On December 18, 2023, Atlas Technical Consultants, LLC (Atlas), on behalf of McDonald's USA, LLC (McDonald's), submitted a comment letter to the Colorado River Basin Water Board objecting to UST case closure. After reviewing the comment letter and the available data in GeoTracker, the State Water Board finds that case closure is still warranted at the Site. Atlas' concerns, as stated on Page 3 of the comment letter, and the State Water Board's responses, are provided below:

1. *As the only remaining Responsible Party (RP) in the area of impact, McDonald's would presumably bear the burden of defining the downgradient extent of remaining dissolved-phase contamination and/or LPH originating from former USA Station No. 291 and implementation of appropriate remediation activities regardless of the actual release source.*

Response: Data suggests that the leading edge of the MTBE plume emanating from the Site has migrated onto the McDonald's property; however, the MTBE impacts detected in McDonald's wells are not sufficient to warrant additional corrective action for MTBE. The primary driver for corrective action on the McDonald's property is light non-aqueous phase liquids (LNAPL) observed in monitoring wells downgradient of the former USTs at the McDonald's property. Though there is evidence of limited MTBE plume migration to the McDonald's property from the Site, there is no current evidence to support that LNAPL has migrated from USA Gasoline Station #291. MTBE is much more mobile in groundwater and travels significantly farther than heavier petroleum constituents. As such, it is unlikely that the LNAPL observed in McDonald's groundwater monitoring wells originated from the Site. Based on current evidence, additional corrective action at the McDonald's property will be driven by the remaining impacts related to the former UST system located on the McDonald's property.

2. *McDonald's was not the owner or operator of USTs that were formerly located on the McDonald's property but is the LUST case RP as the current property owner.*

USA Gasoline Station #291, T0602553770
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Since it did not own or operate the USTs, McDonald's is not eligible to pursue a claim under the UST Cleanup Fund or the Commingled Plume Account. Closure of former USA Gasoline Station would result in termination of the existing UST Cleanup Fund Claim (# 17623) and presumably void eligibility for participation in the Commingled Plume Fund.

Response: McDonald's eligibility to pursue a claim with the Fund is not a basis for objection to closure under the Policy. It is recommended that McDonald's contact the Fund at ustcleanupfund@waterboards.ca.gov to explore possible options for funding additional corrective action at its property.

Recommendation for Closure

The corrective action conducted for this case ensures that any residual petroleum constituents associated with the case pose a low threat to human health, safety, and the environment. The corrective action was 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. As such, case closure is recommended.

Prepared by:

Steven Mullery

Steven Mullery, P.G. No. 10304
Engineering Geologist

06/20/2025

Date

Reviewed By:

Dayna Cordano

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

07/16/2025

Date

