

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2021-0008-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, 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:

Phillips 66 Company (Responsible Party)

Tosco #4178

615 East Third Avenue, San Mateo, San Mateo County

San Mateo County, Environmental Health Services, Case No. 110123

San Francisco Regional Water Quality Control Board, Case No. 41-1221

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

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.

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 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=T0608101115>

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 is ordered to:

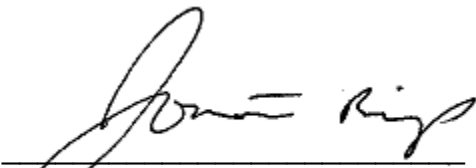
1. Properly destroy monitoring wells and borings unless the owner of real property on which the well or boring is located certifies that the wells or borings will be maintained in accordance with local or state requirements;

2. Properly remove from the site and manage 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 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

April 1, 2021

Date

State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: San Mateo County, Environmental Health Services	Address: 2000 Alameda del las Pulgas San Mateo, CA 94403
Agency Caseworker: Deno Milano	Case No.: 110123

Case Information

UST Cleanup Fund (Fund) Claim No.: NA	Global ID: T0608101115
Site Name: Tosco #4178	Site Address: 615 East Third Avenue San Mateo, San Mateo County (Site)
Responsible Party: Phillips 66 Company Attention: Atir Chak Atir.Chak@contractor.p66.com	Address: 3900 Kilroy Airport Way, Suite 210 Long Beach, CA 90806
Fund Expenditures to Date: NA	Number of Years Case Open: 22

GeoTracker Case Record: <http://geotracker.waterboards.ca.gov/?gid=T0608101115>

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

The Site is a former 76 service station that operated as early as 1978 until October 1998, when it was demolished. There were two generations of dispensers and USTs consisting of two gasoline tanks ranging in size from 5000 gallons (gal) to 10,000 gal. There was a waste oil tank that was not replaced with the second-generation USTs. The release was discovered when the second-generation USTs were removed prior to redevelopment. The Site is now occupied by a commercial/retail structure.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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The second-generation USTs, dispensers and fuel lines were excavated and removed from the Site between October and November 1998. Confirmation soil sampling showed low to no benzene and ethylbenzene in soil. About 200 cubic yards (cy) of pea gravel and soil were used to backfill the excavations. About 225 cy of contaminated soil was taken off Site for disposal. A 5-day dual-phase (DPE) pilot test was performed using the monitoring well (MW-3) that had the highest historical concentrations of benzene, methyl tert-butyl ether (MTBE) and total petroleum hydrocarbons (TPH) as gasoline. A total of 689 pounds of petroleum hydrocarbons were recovered and 34,000 gal of groundwater were extracted during the DPE pilot test.

An assessment of the Groundwater Media-Specific Criteria was conducted. Site groundwater conditions typically meet the criterion in Policy, Class 4. The only exception was one event in one well (MW-10) in the last 13 years. Petroleum concentrations in MW-10 have decreased significantly since monitoring began in 2001 due to natural attenuation, and excursions above Policy thresholds are due to fluctuating groundwater levels. The closest public supply well is approximately 4,700 feet from the plume. Two private supply wells were identified within 1,000 feet of the plume. One of the private wells is no longer used. The second private supply well was sampled several times and petroleum constituents were not detected. The groundwater plume is stable, significantly shorter than the length in Class 4 and is not likely to affect surface water or drinking water supplies.

Groundwater flow is easterly-southeasterly toward an apartment complex with a subterranean garage containing dewatering sumps, causing the petroleum plumes from the Site to migrate under the footprint of the apartment complex. When the groundwater level rises and is shallow enough to be intercepted by the garage sumps, the contaminated groundwater is diluted with infiltration from the surface. The garage sumps were sampled during the 2016 and 2017 wet seasons. The sump water sampling revealed that TPH was not detected or was present at levels below water quality objectives. Volatile petroleum constituents were not detected in the sump water samples. It is unlikely the sump water will be impacted above water quality objectives in the future.

A risk assessment was conducted for the vapor intrusion pathway using data from 23 direct measurement, soil vapor samples collected in November 2000. Eleven of those samples exceeded the one-in-a-million cancer risk for a residential scenario. The results indicated the site should not be developed for residential use, but that commercial construction should not be precluded. The site was subsequently developed for commercial use. Two soil vapor probes were installed inside the commercial building in 2018 and 2019. The results of separate soil vapor sampling events were complicated by quality assurance/quality control issues.

An analysis of the vapor intrusion risk for the current commercial use was conducted using soil and groundwater data because of the quality assurance/quality control issues with the direct soil vapor measurements. Site conditions typically meet Policy, Criteria 2 (a), Scenario 3. As noted above, the benzene concentrations in one well,

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MW-10, occasionally exceed Policy criteria when groundwater elevations drop. However, as previously noted there has only been one excursion above Policy thresholds since 2007. Additionally, the bioattenuation zone at the Site is thicker than ten feet as identified in Policy, Scenario 3, which provides additional distance for attenuation of petroleum vapors. One sample, P14, had a TPH concentration of 140 milligrams per kilogram (mg/kg), which is slightly higher than the Policy level of 100 mg/kg. The TPH concentration was non-detect in three out of the four sidewall soil samples and was at an acceptable level in the sample collected at the base of the excavation of the former source. The TPH concentration in soil near P14 is expected to have attenuated since confirmation sampling in the excavations was conducted in 1998. Historic data from a grab groundwater sample collected at location B4 exceeded the criteria in Policy, Scenario 3, but data collected from the monitoring well network is more representative of current Site conditions.

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 (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 (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.



A handwritten signature in blue ink that reads "Matthew Cohen".

Reviewed By: _____
Matthew Cohen, PG No. 9077
Senior Engineering Geologist

12/9/2020

Date