STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2016-0038 – UST

In the Matter of Underground Storage Tank Case Closure

Pursuant to Health and Safety Code Section 25299.39.2 and the Low Threat Underground Storage Tank Case Closure Policy

BY THE CHIEF DEPUTY DIRECTOR:[1]

Pursuant to Health and Safety Code section 25299.39.2, the Manager of the Underground Storage Tank Cleanup Fund (Fund) recommends closure of the underground storage tank (UST) case at the site listed below.[2] By this order, the Chief Deputy Director directs closure of the UST case. The name of the Fund claimant, the Fund claim number, the site name and the applicable site address, and the lead agency are as follows:

Tien Thanh Purser
Claim No. 1313
Fill-N-Save
300 El Camino Ave., Sacramento

Sacramento County Environmental Management Department
Agency Case Number A575

I. STATUTORY AND PROCEDURAL BACKGROUND

Section 25299.39.2 directs the Fund Manager to review the case history of claims that have been active for five years or more (five-year review), unless there is an objection from the UST owner or operator. This section further authorizes the Fund Manager to make recommendations to the State Water Resources Control Board (State Water Board) for closure of a five-year-review case if the UST owner or operator approves. In response to a recommendation by the Fund Manager, the State Water Board, or in certain cases the State Water Board Executive Director, or Chief Deputy Director, may close or require the closure of a

[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 Health and Safety Code.

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.

The Fund Manager has completed a five-year 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. A UST Case Closure Review Summary Report has been prepared for the case identified above and the bases for determining compliance with the Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closures (Policy) are explained in the Case Closure Review Summary Report.

In State Water Board Resolution No. 2012-0016, the State Water Board adopted the 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 Policy pose a low threat to human health, safety and 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 closure letter as specified in Health and Safety Code section 25296.10. The closure letter may be issued only 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 (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 closure letter or a Letter of Commitment, whichever occurs later, shall not be reimbursed unless specified conditions are satisfied. A Letter of Commitment has already been issued for the claim subject to this order and the respective Fund claimant, so the 365-day timeframe for the submittal of claims for corrective action costs will start upon the issuance of the closure letter.

II. FINDINGS

Based upon the UST Case Closure Review Summary Report prepared for the case and attached hereto, 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 Policy, and 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.[3]

Pursuant to the 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 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 Policy are less than significant, and environmental impacts as a result of complying 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 not 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 agency for this case should be rescinded to the extent they are inconsistent with this Order.

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[3] This order addresses only the petroleum UST case for the site. This order does not affect any order or directive requiring corrective action for non-petroleum contamination, if non-petroleum contamination is present.

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 closure letter, the Fund claimant 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 on page 1 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 Fund claimant 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 Financial Assistance shall issue a closure letter consistent with Health and Safety Code section 25296.10, subdivision (g) and upload the closure letter and UST Case Closure Review Summary Report to GeoTracker.

E. As specified in Health and Safety Code section 25299.39.2, subdivision (a) (2), corrective action costs incurred after a recommendation of closure shall be limited to $10,000 per year unless the Board or its delegated representative agrees that corrective action in excess of that amount is necessary to meet closure requirements, or additional corrective actions are necessary pursuant to section 25296.10, subdivisions (a) and (b). 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 closure letter in order for the costs to be considered.

F. Any Regional Water Board or Local Oversight Program 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 Local Oversight Program Agency directive is inconsistent with this Order.

Chief Deputy Director

2/26/2016
Date

CALIFORNIA Water Boards

EDMUND G. BROWN JR GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

State Water Resources Control Board

UST CASE CLOSURE REVIEW SUMMARY REPORT

Agency Information

Agency Name: Sacramento County Environmental Management Department (County)	Address: 10590 Armstrong Avenue, Suite A Mather, CA 95655
Agency Caseworker: Charley Langer	Case No.: A575

Case Information

USTCF Claim No.: 1313	GeoTracker Global ID: T0606700439
Site Name: Fill-N-Save	Site Address: 300 El Camino Avenue Sacramento, CA 95815
Responsible Party: Tien Thanh Purser	Address: 3300 Cameron Park Drive Suite 550 Cameron Park, CA 95682
USTCF Expenditures to Date: $835,523	Number of Years Case Open: 24

To view all public documents for this case available on GeoTracker use the following URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0606700439

Summary

The Low-Threat Underground Storage Tank (UST) Case Closure Policy (Policy) contains general and media-specific criteria, and cases that meet those criteria are appropriate for closure pursuant to the Policy. This case meets all of the required criteria of the Policy. Highlights of the case follow:

This case is an active commercial petroleum fueling facility. An unauthorized release was reported in March 1991. One gasoline UST was removed from the Site in March 1995, and four gasoline USTs and one waste oil UST were removed from the Site in January 1997. An unknown quantity of contaminated soil was excavated and disposed during UST removal activities in 1995 and 1997. Soil vapor extraction was performed between June 2000 and May 2004, and removed 33,721 pounds of petroleum hydrocarbons. The extraction rate was less than 5 pounds per day at shutdown. Active remediation has not been performed at the Site for 10 years. Between 2000 and 2012, one public supply well located approximately 600 feet downgradient of the Site has been sampled as part of Site activities and consistently indicated no detectable petroleum hydrocarbons or oxygenates. Thirteen groundwater monitoring wells have been installed at the Site and eight previously existing offsite groundwater monitoring wells were added to the Site monitoring program. Three of the 21 groundwater monitoring wells have been properly abandoned. Since 1993, the 13 onsite wells have been regularly monitored. The eight offsite wells have been regularly monitored through 2006 and irregularly monitored since 2006. According to groundwater data, water quality objectives have been achieved or nearly achieved for all constituents except total petroleum hydrocarbons as gasoline (TPHg) and methyl tertiary butyl ether (MTBE).

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The petroleum release is limited to the soil and shallow groundwater. According to data available in GeoTracker, there is one public water supply well approximately 500 feet downgradient of the projected plume boundary. No other water supply wells or surface water bodies have been identified within 1,000 feet of the projected plume boundary in files reviewed. The unauthorized release is located within the service area of a public water system, as defined in the Policy.

Rationale for Closure under the Policy

- General Criteria: The case meets all eight Policy general criteria.
- Groundwater Specific Criteria: The case meets Policy Criterion 1 by Class 5. A public supply well is located approximately 500 feet downgradient of the projected plume boundary. If not for this public water supply well this case would satisfy Policy Criterion 1 by Class 4. The contaminant plume that exceeds water quality objectives is less than 1,000 feet in length. There is no free product. The dissolved concentrations of benzene and methyl tertiary butyl ether (MTBE) are each less than 1,000 micrograms per liter (µg/L). The downgradient public supply well was sampled regularly between 2000 and 2006, and most recently in 2012, and consistently indicated no detectable concentrations of petroleum hydrocarbons or oxygenates. Furthermore, the downgradient public supply well is one of three public supply wells in the vicinity of the Site that were removed from service in 2012 due to trichloroethene (TCE) and tetrachloroethene (PCE) detections from a regional groundwater contaminant plume. Therefore the Site does not pose a risk to the downgradient public supply well.
- Vapor Intrusion to Indoor Air: Onsite, the case meets the Policy Exclusion for Active Station. Soil vapor evaluation is not required because the Site is an active commercial petroleum fueling facility and the release characteristics do not pose an unacceptable health risk. The offsite land use downgradient (northeast) of the Site is residential. The offsite properties to the northeast meet Policy Criterion 2a by Scenario 3b. The maximum benzene concentration in groundwater is less than 1,000 µg/L. The minimum depth to groundwater is greater than 10 feet, overlain by soil containing less than 100 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons (TPH).
- Direct Contact and Outdoor Air Exposure: The case meets Policy Criterion 3b. Although no document titled "Risk Assessment" was found in the files reviewed, a professional assessment of site-specific risk from potential exposure to residual soil contamination was completed by Fund staff. The results of the assessment found that maximum concentrations of petroleum constituents remaining in soil will have no significant risk of adversely affecting human health. An unknown quantity of contaminated soil was excavated and disposed during UST removal activities in 1995 and 1997. Soil vapor extraction was performed between June 2000 and May 2004, and removed 33,721 pounds of petroleum hydrocarbons. The Site is paved and accidental exposure to site soils is prevented. Therefore, the pathway is incomplete. Any construction crew performing subsurface work will be prepared to deal appropriately with environmental hazards anticipated or encountered in their normal daily work.

Determination

Based on the review performed in accordance with Health & Safety Code Section 25299.39.2 subdivision (a), the Fund Manager has determined that closure of the case is appropriate.

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Recommendation for Closure
Based on available information, residual petroleum hydrocarbons at the Site do not pose a significant risk to human health, safety, or the environment, and the case meets the requirements of the Policy. Accordingly, the Fund Manager recommends that the case be closed. The State Water Board staff is conducting public notification as required by the Policy. Sacramento County has the regulatory responsibility to supervise the abandonment of monitoring wells.

Lisa Babcock — 1/3/15

Lisa Babcock, P.G. 3939, C.E.G. 1235 — **Date**

Prepared by: Caryl Sheehan, P.G. 6620