STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2015-0065 – UST

In the Matter of Underground Storage Tank Case Closure

Pursuant to Health and Safety Code Section 25296.10 and the Low Threat Underground Storage Tank Case Closure Policy

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BY THE EXECUTIVE DIRECTOR[1]:

By this order, the Executive Director directs closure of the underground storage tank (UST) case at the site listed below, pursuant to section 25296.10 of the Health and Safety Code[2]. The name of the UST Cleanup Fund (Fund) claimant, the Fund claim number, the site name, the applicable site address, and the lead agency are as follows:

Danny Iwama, Inc.
J&S Auto
2028-2030 South San Padro Street, Los Angeles
Fund Claim No. 19922

State Water Resources Control Board
Agency Case Number: None

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, may close or require closure of a UST case if the State Water Board determines that corrective action at the site is in compliance with the requirements of subdivisions (a) and (b) of section 25296.10. 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

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[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.

[2] Unless otherwise noted, all references are to the Health and Safety Code.

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. 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 uniform 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 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 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:

Claim No. 19922

J&S Auto

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 uniform 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. 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 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.

Thomas Howard
Executive Director

4/30/15
Date

UST CASE CLOSURE REVIEW SUMMARY REPORT

Current Agency Information

Agency Name: State Water Resources Control Board (State Board)	Address: 1101 I Street Sacramento, CA 95814
Agency Caseworker: Matthew Cohen	Case No.: None

Former Agency Information

Agency Name: City of Los Angeles (City)	Address: 200 North Main Street, Suite 1780, Los Angeles, CA 90012
Agency Caseworker: Eloy Luna	Case No.: None

Case Information

USTCF Claim No.: 19922	GeoTracker Global ID: T10000003466
Site Name: J&S Auto	Site Address: 2028-2030 South San Padro Street, Los Angeles CA 90011
Responsible Party: Danny Iwama, Inc. Attn: Mike Morgan	Address: Private Address
USTCF Expenditures to Date: $0	Number of Years Case Open: 2

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000003466

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 Site is a former commercial petroleum fueling facility and currently an auto service facility. Five USTs (four gasoline, one waste oil) were removed in March 1997. An unauthorized release was reported in December 2011. No active remediation has been conducted and no groundwater monitoring wells have been installed. This is a soil only case based on analytical data.

The petroleum release is limited to the soil. According to data available in GeoTracker, there are no supply wells regulated by the California Department of Public Health or surface water bodies within 1,000 feet of the Site. No other water supply wells have been identified within 1,000 feet of the Site in files reviewed. Water is provided to water users near the Site by the Los Angeles Department of Water and Power and the Metropolitan Water District of Southern California. Designated beneficial uses of impacted groundwater are not threatened, and it is highly unlikely that they will be, considering these factors in the context of the site setting. Remaining petroleum hydrocarbon constituents are limited and stable, and concentrations are decreasing. Corrective actions have been implemented and additional corrective actions are

not necessary. Any remaining petroleum hydrocarbon constituents do not pose a significant risk to human health, safety or the environment.

Rationale for Closure under the Policy

- General Criteria: The case meets all eight Policy general criteria.
- Groundwater Specific Criteria: The case meets Policy Exemption, Soil Only Case. There are not sufficient mobile constituents (leachate, vapors, or light non-aqueous liquids [LNAPL]) to cause groundwater to exceed the groundwater criteria in this Policy. Maximum reported concentrations in soil beneath former facilities at the Site include: 2.0 milligrams per kilogram (mg/kg) total petroleum hydrocarbons (TPH), 0.017 mg/kg benzene, and 0.011 ethylbenzene. A concentration of 1,440 mg/kg total recoverable petroleum hydrocarbons was reported beneath the former waste oil tank. Excavated soil approved for reuse at the Site as backfill reported concentrations of TPH up to 2.7 mg/kg and total recoverable petroleum hydrocarbons up to 4,800 mg/kg. Groundwater was not encountered at the Site and is reported to be approximately 200 feet below ground surface (bgs) at nearby site, 2620 Figueroa Street.
- Vapor Intrusion to Indoor Air: The case meets Policy Criterion 2a by Scenario 2. The minimum distance between the concentrations in soil greater than 100 mg/kg of TPH and all existing or potential buildings is greater than 30 feet, and the intervening soil contains less than 100 mg/kg of TPH. Additionally, the onsite building is an active automotive repair facility with multiple rollup doors that would prevent the accumulation of soil vapors in the building. Therefore, the pathway is incomplete. In addition, as an active automotive repair facility, there would adequate air exchange provided by the building's ventilation system required to control vehicle exhaust generated during automotive repair.
- Direct Contact and Outdoor Air Exposure: This 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 exposure through the direct exposure pathway was performed by Fund staff. The assessment of site-specific risk from potential exposure to residual soil contamination found that maximum concentrations of petroleum constituents remaining in soil will have no significant risk of adversely affecting human health. The Site is paved and accidental exposure to site soils is prevented.

Objections to Closure and Responses

According to the Path to Closure page in GeoTracker, the City of Los Angeles Environmental Affairs Department opposes closure because:

- Conceptual site model is inadequate.
  RESPONSE: Adequate data is available in GeoTracker to prepare a conceptual site model consistent with the Policy.
- Secondary source remains.
  RESPONSE: According to the Policy, secondary source was removed by excavation in 2007. Soil returned to the UST basin after it was characterized.
- Soil or groundwater not tested for the presence of MTBE.
  RESPONSE: Soil samples analyzed for MTBE.

- The case does not meet Policy indoor vapor criteria.
  RESPONSE: The case meets Policy Criterion 2a by Scenario 2.
- The case does not meet Policy direct contact criteria.
  RESPONSE: The case meets Policy Criterion 3b.

Determination
Based on the review performed in accordance with Health & Safety Code Section 25296.10 subdivision (a), the Fund Manager has determined that closure of the case is appropriate.

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 is conducting public notification as required by the Policy. The County has the regulatory responsibility to supervise the abandonment of monitoring wells.

Lisa Babcock — 11/5/14

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

Prepared by: Kirk Larson, P.G.