

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2015-0002 – 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**

BY THE EXECUTIVE DIRECTOR¹:

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 Code². The name of the Underground Storage Tank Cleanup Fund (Fund) claimant, the site name, the site address, the Fund claim number, the lead agency, and case number are as follows:

**BP Products North America
ARCO #5200
8004 Lankershim Blvd., Los Angeles
Fund Claim No. 11214**

State Water Resources Control Board

I. STATUTORY AND PROCEDURAL BACKGROUND

Upon review of a UST case, the State Water Resources Control Board (State Water Board) may close or require closure of a UST case where unauthorized release has occurred, if the State Water Board determines that corrective action at the site is in compliance with all of the requirements of subdivisions (a) and (b) of section 25296.10

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.

The State Water Board, or in certain cases the State Water Board Executive 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. 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 (Low-Threat Closure Policy or Policy) are explained in the Case Closure Review Summary Report.

A. Low-Threat Closure Policy

In State Water Board Resolution No. 2012-0016, the State Water Board adopted the 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 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 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 (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 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. 11214
ARCO #5200

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 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 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 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 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.

Corrective action for the site did not require the installation of wells or borings, or the regulatory agency that is responsible for oversight of the UST case has notified the State Water Board that wells and borings at the site have been properly destroyed or the owner of the real property on which the well or boring is located has certified that the wells and borings will be maintained in accordance with local or state requirements.

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.

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.

III. ORDER

IT IS THEREFORE ORDERED that:

- A. The UST case for the site 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 Fund claimant is ordered to:
 - 1. 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
 - 2. Within six months of the date of this Order, submit documentation to the regulatory agency overseeing the UST case for the site identified in Section II of this Order that the tasks in subparagraph (1) have been completed.
- B. The tasks in subparagraph (1) 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 subparagraph (1) of paragraph (A) are complete, the regulatory agency that is responsible for oversight of the UST case for the site 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 for the site 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.

Tom Howard
Executive Director

1/21/15
Date

State Water Resources Control Board

UST CASE CLOSURE REVIEW SUMMARY REPORT

Current Agency Information

Agency Name: State Water Resource Control Board (State Water Board)	Address: 1001 I Street Sacramento, CA 95814
Agency Caseworker: Matthew Cohen	Case No.: None listed

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 listed

Case Information

USTCF Claim No.: 11214	GeoTracker Global ID: T0603702585
Site Name: ARCO #5200	Site Address: 8004 Lankershim Blvd. Los Angeles, CA 91605
Responsible Party: BP Products North America	Address: 6 Centerpointe Drive La Palma, CA 90623
USTCF Expenditures to Date: \$0	Number of Years Case Open: 23

To view all public documents for this case available on GeoTracker use the following URL:
URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0603702585

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 an active commercial petroleum fueling facility. An unauthorized release was reported in December 1990. Four gasoline USTs were removed in April 1992. Soil vapor extraction test conducted in March 2012 removed 117 pounds of total petroleum hydrocarbons as gasoline (TPHg). No groundwater monitoring wells have been installed. All vapor extraction wells were abandoned in May 2013. This is a soil only case based on the depth to groundwater and soil analytical data.

The petroleum release is limited to the soil. According to data available in GeoTracker, there are no public water supply wells 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. The unauthorized release is located within the service area of a public water system, as defined by 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 criteria. This is a 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.
- Vapor Intrusion to Indoor Air: The case, in regards to the on-Site property, meets the Policy Exclusion for an Active Commercial Petroleum Fueling Facility. 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 case, in regards to the off-Site properties, meets the Policy Criterion 2a by Scenario 1. The minimum distance between the groundwater and all existing or potential buildings is greater than 30 feet, and the intervening soil contains less than 100 mg/kg of TPH.
- Direct Contact and Outdoor Air Exposure: The case meets Policy Criterion 3a. Maximum concentrations in soil are less than those in Policy Table 1 for Commercial/Industrial use, and the concentration limits for a Utility Worker are not exceeded. There are no soil sample results in the case record for naphthalene. However, the relative concentration of naphthalene in soil can be conservatively estimated using the published relative concentrations of naphthalene and benzene in gasoline. Taken from Potter and Simmons (1998), gasoline mixtures contain approximately 2 percent benzene and 0.25 percent naphthalene. Therefore, benzene can be used as a surrogate for naphthalene concentrations with a safety factor of eight. Benzene concentrations from the Site are below the naphthalene thresholds in Policy Table 1. Therefore, the estimated naphthalene concentrations meet the thresholds in Table 1 and the Policy criteria for direct contact by a factor of eight. It is highly unlikely that naphthalene concentrations in the soil, if any, exceed the threshold

Determination

The Fund Manager has determined that corrective action performed at the Site is consistent with the requirements of Health and Safety code section 25296.10, subdivision (a), and 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.

Lisa Babcock

Lisa Babcock, P.G. 3939, C.E.G. 1235

9/21/14

Date

Prepared by: Kirk Larson, P.G.