

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2015-0035 – 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 UST Cleanup Fund (Fund) claimant, the Fund claim number, the site name, the applicable site address, and the lead agency are as follows:

**Sharda, Inc.
Fund Claim No. 18013
Sharda AM/PM
18972 Beach Blvd., Huntington Beach**

**Orange County Environmental Health Department
Agency Case Number 03UT034**

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 waste discharge requirements or other orders issued pursuant to Division 7 of the Water Code;

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.

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. 18013

Sharda AM/PM

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.

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

2/26/15
Date

State Water Resources Control Board

UST CASE CLOSURE REVIEW SUMMARY REPORT

Agency Information

Agency Name: Orange County Environmental Health Department (County)	Address: 1241 East Dyer Road, Suite 120 Santa Ana, CA 92705
Agency Caseworker: Geniece Higgins	Case No.: 03UT034

Case Information

USTCF Claim No.: 18013	GeoTracker Global ID: T0605911931
Site Name: Sharda AM/PM	Site Address: 18972 Beach Blvd., Huntington Beach, CA 92648
Responsible Party: Sharda, Inc., Attn: Suresh Sharda	Address: 18972 Beach Blvd., Huntington Beach, CA 92648
USTCF Expenditures to Date: \$240,544	Number of Years Case Open: 10

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0605911931

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. A summary evaluation of compliance with the Policy is shown in **Attachment 1: Compliance with State Water Board Policies and State Law**. The Conceptual Site Model upon which the evaluation of the case has been made is described in **Attachment 2: Summary of Basic Case Information (Conceptual Site Model)**. Highlights of the case follow:

An unauthorized release was reported in February 2003 at the Site. Since 2003, numerous soil borings were installed at the Site, and nine of them were converted to groundwater monitoring wells. Several soil vapor extraction (SVE) wells were also installed. An SVE test was conducted at the Site in early 2011. The five-day test removed approximately 1,051 pounds of total petroleum hydrocarbons as gasoline (TPH-g) and 50 pounds of methyl tert-butyl ether (MTBE). Additional SVE wells were installed, and SVE tests were conducted from September to November 2011. During the weeklong tests, 1,494 pounds of TPH-g and 91 pounds of MTBE were removed. The nine monitoring wells have been monitored through the first quarter 2012. According to groundwater data, water quality objectives have been achieved for all constituents except MTBE.

The petroleum release is limited to the shallow soil and groundwater. According to data available in GeoTracker, there are no California Department of Public Health regulated 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. Water is provided to water users near the Site by the City of Huntington Beach Public Works. The affected groundwater is not currently being used as a source of drinking water, and it is highly unlikely that the affected groundwater will be used as a source of drinking water in the foreseeable future. Other 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. 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 Criterion 1 by Class 5. The MTBE contaminant plume is degrading rapidly in the plume flow direction, and the plume is projected to be less than 250 feet in length. The MTBE contaminant plume that exceeds the water quality objective is projected a short distance past the most downgradient well MW-5, because the MTBE concentration in MW-5 was only one third of that in the source well MW-6, approximately 60 feet upgradient from MW-5 (A.C.C.E.S., March 2012). There are no water supply wells from the projected plume boundary in any direction, the nearest surface water is more than 1,000 feet northwest (downgradient) of the projected plume boundary, and groundwater at the Site is approximately 50 feet below surface. 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 and safety and to the environment. Water quality objectives have been achieved or will be achieved within a reasonable time frame.
- Vapor Intrusion to Indoor Air – 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 release characteristics cannot be reasonably believed to pose an unacceptable health risk.
- 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 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. Concentrations of benzene and ethylbenzene were detected in the dispenser trench during the March 20, 2003 UST closure and retrofit activities. The excavated soil was used for backfill and capped with asphalt or concrete, therefore, accidental access to Site soils is prevented. As an active petroleum fueling facility, any construction worker working at the Site will be prepared for exposure in their normal daily work.

Objections to Closure and Responses

The County objects to UST case closure for this case (August 16, 2012 letter) because:

- The secondary source has not been fully removed, SVE should continue and residual impacts in soil are readily recoverable.
RESPONSE: The secondary source has been removed to the extent practicable. Influent concentrations for all constituents except MTBE have reached water quality objectives. SVE alone is not a practical technology to remove dissolved MTBE from groundwater. Groundwater concentrations have achieved or nearly achieved water quality objectives for petroleum hydrocarbon constituents. The case meets the Policy criteria.
- Additional soil vapor survey is needed to ensure soil vapor intrusion is not a threat to the adjacent property 25 feet from well MW-7.
RESPONSE: The only constituent of concern above water quality objective is MTBE in well MW-7. MTBE does not present a vapor intrusion threat due to the compound's affinity to

stay in solution. The plume is stable and concentrations are decreasing. The Site meets the Policy criteria.

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. Orange County has the regulatory responsibility to supervise the abandonment of monitoring wells.

Lisa Babcock

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

1/21/14

Date

Prepared by: James Young