

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**ORDER WQ 2016-0086-UST**

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**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 CHIEF DEPUTY DIRECTOR:<sup>1</sup>**

By this order, the Chief Deputy 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.<sup>2</sup> 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:

**Chevron Environmental Management Company (Responsible Party)**

**Royal Paper Company (Responsible Party)**

**Chevron #21-1314 / American Savings Bank**

**2252 Harbor Boulevard, Costa Mesa**

**Fund Claim No. N/A**

**Orange County Health Care Agency, Case No. 94UT026**

**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 of the requirements of subdivisions (a) and (b) of section 25296.10. The

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<sup>1</sup> 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.

<sup>2</sup> Unless otherwise noted, all references are to the California Health and Safety Code.

State Water Board, or in certain cases the State Water Board 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.

**URL:** [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0605901793](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0605901793)

### **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 (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 facts in the UST record and the hydrogeologic conditions at the site, the State Water Board finds that corrective action taken to address the unauthorized release of petroleum at the UST release site identified as:

**Chevron Environmental Management Company (Responsible Party)**

**Royal Paper Company (Responsible Party)**

**Chevron #21-1314 / American Savings Bank**

**2252 Harbor Boulevard, Costa Mesa**

**Fund Claim No. N/A**

**Orange County Health Care Agency, Case No. 94UT026**

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 State Water Board 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 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.
- D. 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.

- E. 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.

  
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Chief Deputy Director

10/21/2016  
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Date

## State Water Resources Control Board UST CASE CLOSURE SUMMARY

### Agency Information

Agency Name: Orange County Health Care Agency	Address: 405 West 5 <sup>th</sup> Street Santa Ana, CA 92701
Agency Caseworker: Denamarie Baker	Case No.: 94UT026

### Case Information

USTCF Claim No.: NA	Global ID: T0605901793
Site Name: Chevron #21-1314 / American Savings Bank	Site Address: 2252 Harbor Boulevard Costa Mesa, CA 92626 (Site)
Responsible Party 1: Chevron Environmental Management Company Attention: Daryl Pessler	Address: 145 South State College Boulevard Brea, CA 92821
Responsible Party 2: Royal Paper Corporation Attention: Michael Rashtchi	Address: 8940 Sorensen Avenue Santa Fe Springs, CA 90607
USTCF Expenditures to Date: NA	Number of Years Case Open: 22

URL: [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0605901793](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0605901793)

### Summary

**This case has been proposed for closure by the State Water Resources Control Board on behalf of the Orange County Healthcare Agency, which concurs with closure.**

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. This case meets all of the required criteria of the Policy.

The Site is a former retail fueling facility currently redeveloped with retail and restaurant uses. The release was discovered during site investigation activities in 1991. In 1999, 1,007 tons of petroleum impacted soil were reportedly overexcavated to a total depth of 10 to 17 feet below ground surface and disposed off-site. A soil vapor extraction system operated from 2000 to 2002, which reportedly removed 4,576 pounds of petroleum hydrocarbons. Oxygen was injected into groundwater using four wells in 2008. An unreported quantity of petroleum impacted groundwater was overpurged from well MW-8A four times in 2008. Since 1993, a total of 11 monitoring wells have been installed and irregularly monitored. Water quality objectives have been achieved for all constituents except for benzene in MW-2 and benzene and ethylbenzene in MW-2 and MW-8A in November 2015.

The petroleum release is limited to the soil and shallow groundwater. There are no public water supply wells or surface water bodies within 1,000 feet of the defined plume boundary. No other water supply wells have been identified within 1,000 feet of the defined plume boundary. There are no nearby or impacted wells. Site is located within the service area of a public water system, as defined in the Policy. The affected shallow groundwater is not currently being used as a source of drinking water, and it is highly unlikely that the affected shallow 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. 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 3**. The contaminant plume that exceeds water quality objectives is less than 250 feet in length. Free product has been removed to the maximum extent practicable, may still be present below the Site where the release originated, but does not extend off-site. The plume has been stable or decreasing for a minimum of five years. The nearest existing water supply well or surface water body is greater than 1,000 feet from the defined plume boundary. The property owner is willing to accept a land use restriction if the regulatory agency requires a land use restriction as a condition of closure.
- Petroleum Vapor Intrusion to Indoor Air – Site meets **Criteria 2 (a), Scenario 1**. There is a bioattenuation zone that provides a separation of at least 30 feet vertically between the Light Non-Aqueous Phase Liquid in groundwater and the foundation of existing or potential buildings. Concentrations of total petroleum hydrocarbons as gasoline and diesel combined in soil are less than 100 milligrams per kilogram throughout the entire depth of the bioattenuation zone.
- 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.

### Recommendation for Closure

The corrective action performed at this Site ensures the protection of human health, safety, the environment and is consistent with Chapter 6.7 of the Health and Safety Code and implementing regulations, applicable state policies for water quality control and the applicable water quality control plan, and case closure is recommended.

George Lockwood, PE No. 59556  
Senior Water Resource Control Engineer



6/8/2016  
Date