



**Linda S. Adams**  
Secretary for  
Environmental Protection

# State Water Resources Control Board

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## Division of Financial Assistance

1001 I Street • Sacramento, California 95814  
P.O. Box 944212 • Sacramento, California • 94244-2120  
(800) 813-FUND (3863) • FAX (916) 341-5806 • [www.waterboards.ca.gov/water\\_issues/programs/ustcf/](http://www.waterboards.ca.gov/water_issues/programs/ustcf/)



**Arnold Schwarzenegger**  
Governor

December 7, 2009

Mr. Randall L. Hicks  
650 High Street  
Auburn, CA 95603

### **NOTIFICATION OF PUBLIC HEARING**

UNDERGROUND STORAGE TANK (UST) CLEANUP FUND (FUND), MEETING  
NOTIFICATION FOR CASE CLOSURE RECOMMENDATION, PURSUANT TO HEALTH AND  
SAFETY CODE SECTION 25299.39.2: CLAIM NUMBER: 8695; SITE ADDRESS: 650 HIGH  
ST, AUBURN

By this letter, as Fund Manager, I am informing you of the Fund's intent to recommend closure of your UST site cleanup case to the State Water Resources Control Board (State Water Board) at its January 19, 2010, Board meeting.

In the interim, any reasonable, necessary, and eligible costs that you incur and submit in a properly documented reimbursement request will continue to be reimbursed by the Fund, as monies are available.

#### *Meeting Notice*

The State Water Board is planning to consider closing your UST case at its meeting that will be held on January 19, 2010 commencing at 9:00 AM in the Coastal Hearing Room, Second Floor of the Cal/EPA Building, 1001 I Street, Sacramento, California.

Under separate cover at a later date, you will receive an agenda for this meeting.

#### *Legal Authority*

Health & Safety Code Section 25299.39.2(a) requires that the Fund Manager notify UST owners or operators who have a Letter of Commitment (LOC) that has been in active status for five or more years and to review the case history of these sites on an annual basis unless otherwise notified by the UST owner or operator. In addition, the H&SC section further states that the Fund Manager, with approval of the UST owner or operator, may recommend regulatory case closure to the State Water Board. This process is called the "5-Year Review." The State Water Board may close or require the closure of a UST case that is under the jurisdiction of a regional water quality control board (regional water board) or a local agency participating in the State Water Board's local oversight program.

Discussion

Having obtained your approval and pursuant to Health and Safety Code Section 25299.39.2(a) to recommend closure of your UST case to the State Water Board, enclosed is a copy of the UST Case Closure Summary for your UST case. The case closure summary contains information about your UST case and forms the basis for UST Cleanup Fund manager's recommendation to the State Water Board for UST case closure. A copy of the Case Closure Summary is also being provided to your environmental consultant and the regional water board that has been overseeing corrective action at your site. Other interested persons may obtain a copy of the Case Closure Summary by contacting Ms. Dennise Walker, at (916) 341-5789.

Comments

At the meeting, interested persons will be allowed to comment orally on the case closure recommendation (including the case closure summary), subject to the following time limits. The UST Cleanup Fund claimant and the regional water board overseeing corrective action at the site will be allowed five minutes for oral comment, with additional time for questions by the State Water Board members. Other interested persons will be allotted a lesser amount of time to address the State Water Board. At the meeting, the State Water Board may grant UST case closure, deny case closure, or may continue consideration until a later meeting.

Written comments on the case closure summary must be received by the State Water Board by 12:00 p.m. on December 31, 2009. Please provide the following information in the subject line: January 19, 2010 Board Meeting, UST Case Closure, and applicable site address and UST Cleanup Fund claim number. Comments must be addressed to:

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100  
(tel) 916-341-5600  
(fax) 916-341-5620  
(email) [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

If you have any questions regarding this matter, please contact Mr. Robert Trommer at (916) 341-5684.

Sincerely,



Ronald M. Duff, P.E., Fund Manager  
Underground Storage Tank Cleanup Fund

Enclosure

cc: see next page

cc: Mr. Clayton Mokri, Engineering-Environmental Management  
Ms. Pamela Creedon, Executive Officer, RWQCB, Rancho Cordova  
Mr. Brian Newman, UST Program Manager, RWQCB, Rancho Cordova  
Mr. Paul Sanders, UST Case Manager, RWQCB, Rancho Cordova  
Mr. & Mrs. Mahesh & Ramila Patel, Auburn, CA  
Mr. Michael Burke & Tina Williams, Auburn, CA  
Ms. June Francis, Auburn, CA  
Mr. William Prior, Auburn, CA  
Mr. & Mrs. Alfred & Peggy Lee, Auburn, CA  
Mr. & Mrs. Carl & Donna Kuper, Auburn, CA



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## Draft UST Case Closure Summary

This underground storage tank (UST) Case Closure Summary has been prepared in support of a recommendation by the Petroleum Underground Storage Tank Cleanup Fund (Fund) to the State Water Resources Control Board (State Water Board) for closure of the UST case at 650 High Street in Auburn, California (Site). All record owners of fee title for this site as well as adjacent property owners and other interested parties, as appropriate, have been notified of the recommendation for closure and were given an opportunity to provide comments.

### Agency Information

Agency Name: Central Valley Regional Water Quality Control Board, Sacramento Office (Regional Board)	Address: 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670-6114
Responsible staff person: Paul Sanders	Title: Engineering Geologist

### Case Information

RWQCB Case No: 310138	Global ID: T0606100114
Site Name: Rowdy Randy's Country Gas	Site Address: 650 High Street, Auburn, CA
Responsible Party: Randy Hicks	Address: 650 High Street, Auburn, CA, 95603
USTCF Claim No.: 8695	USTCF Expenditures to Date: \$ 286,775
	Number of Years Open: 18

### Tank Information

Tank No.	Size in Gallons	Contents	Closed in Place/Removed?	Date
T-1	500	Waste Oil	Removed	Apr 93
T-2	6,000	Gasoline	Active	-
T-3	10,000	Gasoline	Active	-
T-4	10,000	Gasoline	Active	-

### Release Information

- Source of Release: UST system.
- Date of Release: The reported date of the release is 9/18/1991.
- Affected Media: Soil and groundwater.

### Site Information

- GW Basin: Sacramento Valley
- Beneficial Uses: Municipal and Domestic (MUN), Agricultural (AGR), Industrial Service (IND), and Industrial Process (PRO).
- Land Use Designation: Commercial.

- Distance to Nearest Supply Well: According to GeoTracker, no supply wells lie within ½ mile of the site.
- Minimum depth to groundwater (DTW): To date the minimum depth to groundwater is 5.21 feet below ground surface (bgs) at monitoring well MW-1.
- Maximum DTW: To date the maximum depth to groundwater is 10.88 feet bgs at monitoring well MW-4.
- Flow Direction: west to southwest.
- Soil Types: interbedded and intermixed sediments underlain by weathered metamorphosed crystalline rocks, encountered at between 5 and 20 feet below grade.

### Monitoring Well Information

Well Designation	Date Installed	Screen Interval (feet bgs)	Most Recent DTW (feet bgs) (Sep 08)
MW-1	Oct 94	5-12	5.64
MW-2	Oct 94	5-20	6.35
MW-3	Oct 94	5-20	7.34
MW-4	Oct 94	5-13	9.85
MW-5	Jan 08	15-25	10.94
MW-6	Jan 08	15-25	7.53

### Contaminant Concentration

Contaminant	Soil (mg/kg)		Water (ug/L)*		WQOs/ (ug/L)
	Maximum (Jul 95)	Most Recent (Dec 07)	Maximum	Latest (Sep 08)	
TPH-g	570	21	252	<50	50
TPH-d	43,000 (OG)	<0.5, 130 (OG)	NA	NA	56
Benzene	1.1	<0.025	60	ND	0.15
Toluene	14	<0.025	104	ND	40
Ethylbenzene	7.8	0.21	0.7	ND	29
Xylenes	48	0.28	3.5	ND	17
MTBE	NA	<0.005	2,200	94.2	5
TBA	NA	<0.25	4,400	<50	12
1,2-DCA	NA	NA	NA	NA	0.4
lead	65	NA	NA	NA	15
PCE	4.7	NA	NA	NA	0.06
TCE	NA	NA	NA	NA	0.8

NA Not Analyzed, Not Applicable, or Data Not Available  
WQO Water Quality Objectives  
OG TPH as oil and grease  
\* ug/l equals parts per billion

### Site Description

The site is relatively flat, approximately ½-acre in size, and lies in the downtown business district of Auburn, California and is surrounded by retail, service, and light industrial businesses. The site is entirely paved and includes a convenience store and two fueling islands. The property is located on the northwest corner of Center Street and High Street in Auburn. The retail gasoline station is active.

### Site History

A retail gasoline and service station has been operating at this site since before 1945. In 1993, site USTs failed a tank tightness test, a leaking fuel system turbine was repaired, one 500 gallon waste oil tank was removed, and contaminated soil was excavated from the site. Between October 1994 and January 2008, six monitoring wells were installed and have been sampled regularly. On November 20, 1999, the Responsible Party submitted a No Further Action Report (NFAR), which was denied by the Regional Board due to the presence of low concentrations of fuel oxygenates in groundwater. A second NFAR was submitted on November 29, 2006, at the Regional Board's request. Again the NFAR request was denied due to the persistence of dissolved hydrocarbons in groundwater above Water Quality Objectives. A Health Hazard Risk Assessment (HHRA) was submitted in February 2008 and was refused by the Regional Board which directed RP to prepare a second HHRA to further assess risk under a residential exposure scenario. The second HHRA was completed and the consultant, E<sup>2</sup>M concluded, *"that there is no risk to onsite and offsite residential receptors to exposure to anthropogenic chemicals in groundwater, soil, and soil vapor"* (E<sup>2</sup>M, Feb. 2009, p. 25).

### Remediation Summary

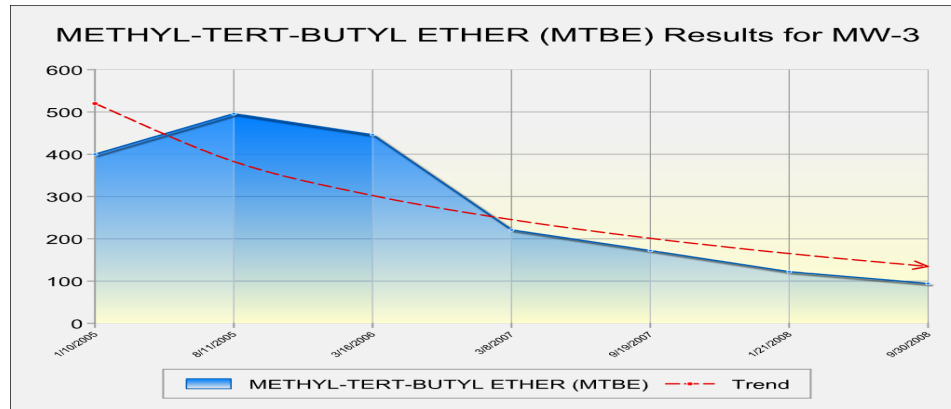
- Free Product: none identified.
- Soil Excavation: From April through December 1995, 5 to 7 cubic yards of contaminated soil were removed from around the waste oil tank and 4 cubic yards were removed from around the formerly leaky turbine. In July 1995, 80 cubic yards of contaminated soil were removed from around the dispenser islands and an additional 24 cubic yards were removed from the vicinity of the former waste oil tank. Collectively, approximately 113 cubic yards of contaminated soil were removed during multiple excavations between 1993 through 1995.
- In-Situ Soil Remediation: none conducted.
- Groundwater Remediation: none conducted.

### General Site Conditions

- Geology and Hydrogeology: The site is underlain by interbedded and intermixed sediments, which are underlain by weathered metamorphosed crystalline rocks, encountered from 5 to 20 feet below grade. The depth to groundwater has ranged from 5 to 11 feet below grade. The average groundwater gradient is 0.06 and the apparent groundwater flow direction is south 80 degrees west.
- Groundwater Trends: The principal contaminant of concern is MTBE; groundwater trends are shown below, shown in parts per billion. Monitoring well MW-3 is located in the source area.



Note: Concentrations are in units of ug/l or parts per billion [ppb].



### Sensitive Receptor Survey

Engineering-Environmental Management, Inc. (E<sup>2</sup>M) conducted a sensitive receptor survey and found no municipal, domestic, agricultural, or industrial wells within ½ mile of the site. The nearest well identified was 3,120 feet up gradient of the site. According to E<sup>2</sup>M, the Placer County Water District provides municipal water to the city of Auburn, which it receives from surface water reservoirs owned by Pacific Gas and Electric (E<sup>2</sup>M, Feb. 2009, p. 9).

### Risk Evaluation

A health hazard risk assessment was conducted in 2008. The consultant, E<sup>2</sup>M concluded that *“that there is no risk to onsite and offsite residential receptors to exposure to anthropogenic chemicals in groundwater, soil, and soil vapor”* (E<sup>2</sup>M, Feb. 2009, p. 25). The Fund manager concurs that there is no risk from the residual petroleum contamination.

### Closure

**Has corrective action performed ensured the protection of human health, safety and the environment?** Yes.

**Is corrective action and UST case closure consistent with State Water Board Resolution 92-49?** Yes.

**Is achieving background water quality feasible?** No.

To remove all traces of residual petroleum constituents at this site, would require the additional excavation of soil. The excavation would have to be very large, would seriously impact the operating business, and would likely impact local traffic and public utilities. If complete removal of detectable traces of petroleum constituents becomes the standard for UST corrective actions, however, the statewide technical and economic implications will be enormous. For example, disposal of soils from comparable areas of excavation throughout the state would greatly impact already limited landfill space. In light of the precedent that would be set by requiring additional excavation at this site and the fact that beneficial uses are not threatened, attaining background water quality at petitioner's site is not feasible.

**If achieving background water quality is not feasible,**

- (i) **Is the alternative cleanup level consistent with the maximum benefit to the people of the state?** Yes.

It is impossible to determine the precise level of water quality that will be attained given the limited residual petroleum hydrocarbons that remain at the site, but in light of all the factors discussed above, and the fact that the residual petroleum constituents will not unreasonably affect present and anticipated beneficial uses of groundwater, a level of water quality will be attained that is consistent with the maximum benefit to the people of the state.

- (ii) **Will the alternative cleanup level unreasonably affect present and anticipated beneficial uses of water?** No.

Impacted groundwater is not used as a source of drinking water currently and it is highly unlikely that the impacted groundwater will be used as a source of drinking water in the future. Other beneficial uses are not affected and are not likely to be affected by the remaining contamination at this site.

- (iii) **Will the alternative level of water quality exceed water quality prescribed in applicable Basin Plans?** No.

The final step in determining whether cleanup to a level of water quality less stringent than background is appropriate for this site requires a determination that the alternative level of water quality will not result in water quality less than that prescribed in the relevant basin plan. Pursuant to SWRCB Resolution 92-49, a site may be closed if the basin plan requirements will be met within a reasonable time frame.

- (iv) **Have factors contained in Title 23 of the California Code of Regulations, Section 2550.4 been considered?** Yes.

In approving an alternative level of water quality less stringent than background, the SWRCB has also considered the factors contained in California Code of Regulations, title 23, section 2550.4, subdivision (d). As discussed earlier, the adverse effect on shallow groundwater will be minimal and localized, and there will be no adverse effect on the groundwater contained in deeper aquifers, given the physical and chemical characteristics of petroleum constituents, the hydrogeological characteristics of the site and surrounding land, and the quantity of the groundwater and direction of the groundwater flow. In addition, the potential for adverse effects on beneficial uses of groundwater is low, in light of the proximity of the groundwater supply wells, the current and potential future uses of groundwater in the area, the existing quality of groundwater, the potential for health risks caused by human exposure, the potential damage to wildlife, crops, vegetation, and physical structures, and the persistence and permanence of potential effects.

Finally, a level of water quality less stringent than background is unlikely to have any impact on surface water quality, in light of the volume and physical and chemical characteristics of petroleum constituents; the hydrogeologic characteristics of the site and surrounding land; the quantity and quality of groundwater and direction of groundwater flow, the patterns of precipitation in the region, and the proximity of residual petroleum to surface waters.

**Has the requisite level of water quality been met?** No.

According to E<sup>2</sup>M, approximately 20 kg of TPH-G remain in site soils around the former gasoline USTs. Based on September 2008 groundwater data, 0.4 grams of MTBE remain dissolved in the groundwater onsite (E<sup>2</sup>M, Feb. 2009, p. 18). The Fund manager concurs with that estimate.



The current groundwater plume is stable and shrinking in size and concentration. The site consultant estimates that Water Quality Objectives with respect to MTBE onsite will be achieved in 20 years (E<sup>2</sup>M, Feb. 2009, Pg. 18). The Fund Manager agrees with this conclusion.

This is a reasonable period in which to meet the requisite level of water quality because it is expected that Water Quality Objectives will be achieved before the impacted shallow groundwater in this area will be likely to be utilized for any beneficial use. Residential and commercial water users in Auburn are currently provided with drinking water by the Placer County Water District. Other beneficial uses of groundwater are not affected and are not likely to be affected by the remaining contamination at this site.

### **Objections to Closure and Response**

The Regional Board objects to underground storage tank (UST) case closure at this time because the Responsible Party has not conducted appropriate Public Notification or abandoned the monitoring wells.

The Underground Storage Tank (UST) Cleanup Fund manager disagrees that the case cannot be closed at this time. The Fund has conducted Public Notification and will notify the Placer County Environmental Health Services Department, which has the regulatory responsibility to supervise the abandonment of monitoring wells. The Fund manager believes that the contaminant source has been removed to the extent practical, the extent of contamination has been defined, no free phase product has ever been identified, the plume is stable and declining, no current or anticipated beneficial uses of water are impaired, and residual hydrocarbons that remain on this site do not threaten human health or safety or the environment.

### **Summary and Conclusion**

This site is currently an active service station and mini market and has been a retail gasoline station since before 1945. The release was discovered in 1991 during a tank tightness test. Approximately 113 cubic yards of contaminated soil was removed between 1993 and 1995. Groundwater conditions have been monitored since 1994 and there are currently six groundwater monitoring wells associated with the site. In September 2008, TPH-G, Benzene, Toluene, Ethyl-benzene, Xylenes and TBA were not detected in site wells, though MTBE was detected at a maximum concentration of 94.2 ug/l (MW-3) adjacent to the tank basin. No water wells have been identified within ½ mile of the site. The consultant (E<sup>2</sup>M) estimated that approximately 20 kilograms of TPH-G remain in site soils and 0.4 grams of MTBE is dissolved in the onsite groundwater. Two HHRA's have been conducted on this site and no risk to human health or the environment has been identified. The consultant estimates that Water Quality Objectives will be achieved for MTBE within 20 years. The Fund manager concurs with this estimate. The corrective action ensures the protection of human health, safety and the environment and present and anticipated beneficial uses of water. The Fund manager recommends case closure.

### References

Engineering-Environmental Management, Inc., 14 February 2008, Site Investigation and Human Health Risk Assessment, Rowdy Randy's Country Gas, 650 High Street, Auburn CA.

Engineering-Environmental Management, Inc., 20 February 2009, Third Quarter 2008 Groundwater Monitoring and Site Closure Request, 650 High Street, Auburn CA.

Central Valley Regional Water Quality Control Board, 26 May 2009, memo to State Board UST Cleanup Fund.

