

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2016-0015-UST

**In the Matter of Underground Storage Tank (UST) Case Closure
Pursuant to Health and Safety Code Section 25296.10 and the
Low-Threat Underground Storage Tank Case Closure Policy**

BY THE CHIEF DEPUTY DIRECTOR:¹

By this order, the Chief Deputy Director directs closure of the UST case at the site listed below, pursuant to section 25296.10 of the Health and Safety Code.² 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)
76 Products Station #1650
7161 Sepulveda Boulevard, Van Nuys, Los Angeles County
Los Angeles Regional Water Quality Control Board, Case No. 914050825**

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 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

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. Pursuant to Resolution No. 2012-0061, the Executive Director has delegated this authority to the Chief Deputy Director.

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

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=T0603702437

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:

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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 regulatory agency overseeing the UST case identified in Section II 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 responsible party 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 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.

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 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.



Chief Deputy Director

2/17/2016

Date

State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: Los Angeles Regional Water Quality Control Board	Address: 320 West 4 th Street, Suite 200 Los Angeles, CA 90013
Agency Caseworker: Maryam Taidy	Case No.: 914050825

Case Information

UST Cleanup Fund Claim No.: NA	Global ID: T0603702437
Site Name: 76 Products Station #1650	Site Address: 7161 Sepulveda Boulevard Van Nuys, CA 91405 (Site)
Responsible Party: Chevron Environmental Management Company Attention: Theodore Moise	Address: 6101 Bollinger Canyon Road San Ramon, CA 94583
USTCF Expenditures to Date: NA	Number of Years Case Open: 21

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0603702437

Summary

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 76 service station that operated from 1968 until 2004, and is now occupied by a McDonald's restaurant and a car-wash facility. The Site is covered with asphalt and concrete. Originally, there were two gasoline tanks and a used oil tank at the Site. In August 1992, a leak detection investigation was conducted and petroleum hydrocarbons were detected in the area of the USTs and dispenser islands. All of the original tanks were removed in 1994, followed by a soil investigation, excavation of 620 tons of contaminated soil, and installation of three gasoline tanks. The second-generation tanks were removed in 2004, followed by another soil investigation and excavation of 113 tons of contaminated soil.

Groundwater was not encountered during the subsurface investigations and was estimated to be greater than 200 feet in depth. Petroleum compounds were found in the subsurface to a maximum depth of 131 feet below ground surface (bgs). The highest concentrations of benzene and ethylbenzene occurred at 61 feet bgs and 41 feet bgs, respectively. The highest concentrations of benzene and ethylbenzene in the upper ten feet of the subsurface were found

in soil sample DI6 at 8.7 milligrams per kilogram (mg/kg) and 170 mg/kg, respectively, in the area of the eastern dispenser island. These concentrations exceeded the thresholds for commercial/industrial land use in Table 1 of the Policy. Methyl tertiary butyl ether (MTBE) was generally not detected in any of the soil samples or was present at very low concentrations. Analysis for polyaromatic hydrocarbons was not performed on any of the soil samples.

Five soil gas sample probes were installed at a depth of five feet bgs within the proposed footprint of the existing building prior to construction. Benzene and MTBE were not detected in any of the samples. Ethylbenzene was found at concentrations that were less than the threshold for commercial land use in Appendix 4, Scenario 4 of the Policy.

A soil vapor extraction (SVE) system was installed in 2005 and operated until 2014. During this period, 466,526 pounds of petroleum constituents were removed using five vapor extraction wells that were installed to a maximum depth of 110 feet bgs in the area of the former USTs and dispenser islands. Recovery rates reduced from 81 pounds per day (lbs/day) to less than 5 lbs/day during the last year of operation. Two confirmation soil borings were drilled in the area of the former USTs and eastern dispenser island to evaluate the effectiveness of the SVE system. The confirmation soil samples from the upper ten feet of the subsurface had less than 100 mg/kg of total petroleum hydrocarbons as gasoline and diesel. Concentrations of benzene, ethylbenzene and naphthalene in this horizon were below the thresholds for commercial/industrial land use in Table 1 of the Policy.

The investigation of this Site is a soil-only case. The results of the soil and soil gas sampling indicate this Site is a low-threat case and does not pose unacceptable health risks. 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 releases **Have Not Likely Affected Groundwater**. Soil does not contain sufficient mobile constituents (leachate, vapors, or light non-aqueous-phase liquids) to cause groundwater to exceed the groundwater criteria in this Policy.
- Petroleum Vapor Intrusion to Indoor Air – Site meets **Criteria 2 (a), Scenario 4**. The concentrations of benzene, ethylbenzene, and naphthalene in soil gas are less than the Policy limits as it applies to the bioattenuation zone, land use, and existing or planned future building structures at the Site.
- 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

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regulations, applicable state policies for water quality control and the applicable water quality control plan, and case closure is recommended.

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

September 28, 2015

Date