

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2017-0016– 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 CHIEF DEPUTY DIRECTOR:¹

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.² 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:

**Huntington Center Car Wash
Fund Claim No. 2215
Huntington Center Car Wash
16061 Beach Boulevard, Huntington Beach**

**Orange County
Agency Case Number 88UT069**

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, or Chief Deputy 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

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 Health and Safety Code.

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 (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 (I)(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. 2215

Huntington Center Car Wash

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.



Chief Deputy Director

9/13/2017

Date

State Water Resources Control Board

UST CASE CLOSURE REVIEW SUMMARY REPORT

Agency Information

Agency Name: County of Orange Health Care Agency (County)	Address: 1241 East Dyer Road, Suite 120, Santa Ana CA 92705-5611
Agency Caseworker: Denamarie Baker	Case No.: 88UT069

Case Information

USTCF Claim No.: 2215	Global ID: T0605900669
Site Name: Huntington Center Car Wash	Site Address: 16061 Beach Boulevard Huntington Beach, CA, 92647
Responsible Party: Russell Fischer	Address: 16633 Ventura Boulevard Encino, CA 91436-1865
USTCF Expenditures to Date: \$1,446,571	Number of Years Case Open: 28
Fund Budget Category: VM – Verification Monitoring	

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=T0605900669

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:

The case is a former commercial petroleum fueling facility currently being used as a car wash business. An unauthorized release was identified in March 1988 following a failed leak test. Soil vapor extraction (SVE) was conducted between June 1993 and June 1995, which reportedly removed 924 gallons (approximately 6,200 pounds) of total petroleum hydrocarbons as gasoline (TPHg). Three gasoline USTs were removed in 2001 and replaced with one gasoline UST. During removal of the USTs in 2001, approximately 860 tons of contaminated soil and 8,150 gallons of free product and contaminated groundwater were removed. More than 3,000,000 gallons of contaminated groundwater were extracted during the periods from March 2005 to December 2006 and from May 2009 to December 2010. Dual-phase extraction (DPE) was performed from May 2009 to May 2010, removing approximately 66 pounds of vapor-phase TPHg. The remaining gasoline UST system was removed in January 2016. Since 1988, 27 monitoring wells have been installed and monitored regularly. According to groundwater data, water quality objectives have been achieved or nearly achieved for all constituents.

The petroleum release is limited to the soil and shallow groundwater. According to data available in GeoTracker, 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 in files reviewed. According to the Risk Information page in GeoTracker, there are no nearby or impacted wells. The unauthorized release 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, considering these factors in the context of the site setting. Remaining petroleum hydrocarbon constituents are limited and stable, and concentrations are decreasing. 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:** The case meets Policy Criterion 1 by Class 2. The contaminant plume that exceeds water quality objectives is less than 250 feet in length. There is no free product. The nearest water supply well or surface water body is greater than 1,000 feet from the defined plume boundary. The maximum dissolved concentration of benzene is less than 3,000 micrograms per liter ($\mu\text{g/L}$) and the maximum dissolved concentration of methyl tertiary butyl ether (MTBE) is less than 1,000 $\mu\text{g/L}$.
- **Vapor Intrusion to Indoor Air:** This case meets Policy Criterion 2b. Although no document titled "Risk Assessment" was found in the files reviewed, a professional evaluation of site-specific risk from potential exposure to petroleum constituents was performed by State Water Board staff. The assessment found that there is no significant risk of petroleum vapors adversely affecting human health. This opinion is supported by the following:
 - SVE was conducted between June 1993 and June 1995, removing approximately 6,200 pounds of TPHg.
 - Approximately 860 tons of contaminated soil and 8,150 gallons of free product and contaminated groundwater were removed during removal of three gasoline USTs in 2001.
 - More than 3,000,000 gallons of contaminated groundwater were extracted during the periods from March 2005 to December 2006 and from May 2009 to December 2010.
 - DPE was performed from May 2009 to May 2010, removing approximately 66 pounds of vapor-phase TPHg. At the end of DPE operation, concentrations of TPHg in soil vapor at the influent of the system were sufficiently low that, when compared to Scenario 4 (without a bioattenuation zone) of the Policy, they were below both Commercial and Residential soil gas criteria, indicating the case would meet Criterion 2a by Scenario 4 onsite.
 - The maximum benzene concentration in groundwater beneath the site is less than 100 micrograms per liter ($\mu\text{g/L}$), and the minimum depth to groundwater is greater than 5 feet below ground surface (bgs). As long as groundwater is overlain by soil containing less than 100 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons (TPH), the case would meet Policy Criterion 2a by Scenario 3a. A confirmation soil boring (CB-1) was advanced to 10 feet bgs in 2014 in an area where TPH had exceeded 100 mg/kg prior to remediation. The highest TPH concentration detected at CB-1 was 1.8 mg/kg of TPHg at 10 feet bgs, which would have been below the groundwater table. Also, when the remaining gasoline UST system was removed in January 2016, none of the confirmation soil samples collected at depths of 5 to 6.5 feet bgs beneath the USTs, piping, or dispenser islands contained any detectable petroleum hydrocarbons.

- The onsite building is an active car wash facility with adequate ventilation and air exchange to prevent the accumulation of soil vapors in the building, making the vapor intrusion to indoor air pathway incomplete.
- Offsite beneath the daycare facility, the case meets Policy Criterion 2a by Scenario 4 with no bioattenuation zone. The maximum benzene, ethylbenzene, and naphthalene concentrations in soil gas collected near the daycare facility are less than, respectively, 85 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), 1,100 $\mu\text{g}/\text{m}^3$, and 93 $\mu\text{g}/\text{m}^3$ at a depth of five feet. These levels meet the Commercial and Residential soil gas criteria.
- 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 and Residential use, and the concentration limits for a Utility Worker are not exceeded.

The recommended Fund budget category for this claim is: SC – Site Closure

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 staff is conducting public notification as required by the Policy. Orange County has the regulatory responsibility to supervise the abandonment of monitoring wells.



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



Date

Prepared by: William E. Brasher, P.E.