
State Water Resources Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), CASE CLOSURE
RECOMMENDATION, PURSUANT TO HEALTH AND SAFETY CODE
SECTION 25299.39.2: CLAIM NUMBER: 5168; SITE ADDRESS:
JIFFY GAS STATION; 890 PACIFIC COAST HIGHWAY, LAGUNA BEACH, CA 92651

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will accept comments on the proposed underground storage tank (UST) case closure for Orange County Environmental Health Care Agency case number 88UT178, 890 Pacific Coast Highway, Laguna Beach, Orange County.

BACKGROUND

Health & Safety Code section 25299.39.2 subdivision (a)(1) 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, Health & Safety Code section 25299.39.2 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 any UST case.

Having obtained the owner/operator’s approval, and pursuant to Health & Safety Code section 25299.39.2 subdivision (a)(1), the Fund Manager recommends closure of the UST. Enclosed is a copy of the UST Case Closure Summary for the UST case. The case closure summary contains information about the UST case and forms the basis for the UST Cleanup Fund Manager’s recommendation to the State Water Board for UST case closure. A copy of the Case Closure Summary has been provided to the owner/operator, environmental consultant of record, the local agency that has been overseeing corrective action, the local water purveyor, and the water district specified by Health & Safety Code section 25299.39.2 subdivision (a)(1).

New requirements specified in Health & Safety Code section 25299.39.2 subdivision (a)(2) require that the State Water Board limit reimbursement of any correction action costs incurred after the date of this letter to \$10,000 per year, excepting special circumstances.

MEETING NOTICE

The State Water Board is planning to consider closure of this UST case at its meeting on June 19, 2012, commencing at 9:00 a.m. in the Coastal Hearing Room, Second Floor of the Cal/EPA Building, 1001 I Street, Sacramento, California. The precise time the item will be heard is not known as the items may be heard out of the order listed on the agenda.

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 local agency 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.

SUBMISSION OF WRITTEN COMMENTS

Written comments on the case closure summary to the State Water Board **must be received by 12:00 p.m. on June 11, 2012**. After the deadline, staff will not accept additional written comments unless the State Water Board determines that such comments should be accepted. Please provide the following information in the subject line: **“Comment Letter – June 19, 2012 Board Meeting, Jiffy Gas Station Case Closure Summary.”**

Comments must be addressed to:

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

Hand and special deliveries should also be addressed to Ms. Townsend at the address above. Couriers delivering comments must check in with lobby security and have them contact Ms. Townsend at (916) 341-5600.

Please direct questions about this notice to Bob Trommer, UST Cleanup Fund, at (916) 341-5684 (btrommer@waterboards.ca.gov) or Nathan Jacobsen, Staff Counsel at (916) 341-5181 (njacobsen@waterboards.ca.gov).

Date May 22, 2012

Jeanine Townsend
Jeanine Townsend
Clerk to the Board

State Water Resources Control Board

UST CASE CLOSURE SUMMARY

Agency Information

Agency Name: Orange County Health Care Agency (County)	Address: 1241 East Dyer Road Suite 120 Santa Ana, CA 92705-5611
Agency Caseworker: Kevin Lambert	Case No. 88UT178

Case Information

USTCF Claim No.: 5168	Global ID: T0605902361
Site Name: Jiffy Gas Station (Former Desert Petroleum Station #14)	Site Address: 890 Pacific Coast Highway, Laguna Beach CA 92651
Responsible Party: Desert Petroleum, Inc.	Address: 3781 Telegraph Road, Ventura CA 93003
USTCF Expenditures to Date: \$416,180	Number of Years Case Open: 23

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0605902361

Summary

The Site is located on a ridge of bedrock, perpendicular to the coast which is overlain by a thin veneer of soil. The Site is approximately 200 feet uphill from the Pacific Ocean. Groundwater is only present beneath the Site in the days/weeks in the shallow soil following a rain event. A leak was identified in 1988 during Underground Storage Tank (UST) removal activities. Assessment and remediation work were conducted between 1988 and 1991. Remediation was discontinued due to the lack of consistently available groundwater beneath the site. The Site was placed into verification monitoring status. The monitoring wells were destroyed in 1993 due to lack of groundwater. Monitoring for the past 20 years has consisted of monitoring the revegetation progress along the cliff and observations of whether hydrocarbons were surfacing along the beach cliff. No petroleum hydrocarbons have been observed on the cliff face during that time. Water quality objectives are assumed to have been met, based on the fact that the County permitted the claimant to remove remediation equipment in 1991 and the monitoring wells removed in 2003. The County has been waiting for more than a year for a case closure request from the claimant.

To date, \$416,180 in corrective action costs have been reimbursed by the Underground Storage Tank Cleanup Fund (Fund). The nearest public supply wells regulated by the California Department of Public Health (CDPH) are more than 2,000 feet from the Site. Any impacted groundwater is not currently being used as a source of drinking water or other beneficial uses. Water is provided to water users near the Site by the City of Laguna Beach. It is highly unlikely that any impacted groundwater will be used as a source of drinking water or other beneficial use in the foreseeable future. Based on available information, residual petroleum hydrocarbon at the Site does not pose significant risks to human health, public safety, or the environment, and the Fund Manager recommends that the case be closed.

Objections to Closure

The County stated they have been waiting for almost one year for submittal of a case closure request from the responsible party. It is unclear why the responsible party has not submitted a case closure request.

Response to Objections to Closure

The Fund Manager does not believe that residual petroleum hydrocarbon at this Site represents a significant risk to human health and safety, or the environment. Any residual petroleum hydrocarbon in any groundwater that may be present would be at very low concentrations and would continue to attenuate. In addition, there are no domestic or public water supply wells within 2,000 feet of the Site. Water in the vicinity of the Site is provided to water users by City of Laguna Beach.

Compliance with State Water Board Policies and State Law

The Site complies with the State Water Resources Control Board policies and state law. See **Attachment 1: Compliance with State Water Board Policies And State Law** and **Attachment 2: Summary of Basic Site Information**.

Fund Manager Recommendation for Closure

Based on available information, any residual petroleum hydrocarbon at the Site does not pose significant risk to human health, safety, or the environment, and the Fund Manager recommends that the case be closed. The Fund is conducting public notification. The County has the regulatory responsibility to supervise the abandonment of monitoring wells.



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



Date

ATTACHMENT 1: COMPLIANCE WITH STATE WATER BOARD POLICIES AND STATE LAW

GENERAL CLOSURE CRITERIA (Compliance with Decisional Framework and State Water Board Resolution 92-49)

Will corrective action performed ensure the protection of human health, safety and the environment? Yes No

Are corrective action and UST case closure consistent with State Water Board Resolution 92-49? Yes No

Specifically:

Is achieving background water quality feasible? Yes No

To remove all traces of residual petroleum constituents at the Site would require significant effort and cost. Removal of all traces of residual petroleum hydrocarbon constituents (if present) that contribute to detectable concentrations in shallow groundwater can be accomplished, but would require excavation of additional soil as well as additional remediation of shallow groundwater. The soil excavation could also entail relocation of existing utilities, demolition of existing buildings, temporary closure of existing businesses and road closures. If complete removal of detectable traces of petroleum constituents becomes the standard for UST corrective actions, the statewide technical and economic implications will be enormous. Because of the high costs involved and minimal benefit of attaining further reductions in concentrations of TPHg at this Site, and the fact that beneficial uses are not threatened, attaining background water quality at this Site is not feasible.

If achieving background water quality is not feasible:

Is the alternative cleanup level consistent with the maximum benefit to the people of the State? Yes No

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. 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.

Will the alternative cleanup level unreasonably affect present and anticipated beneficial uses of water? Yes No

Impacted groundwater is not used as a source of drinking water or any other beneficial use currently. It is highly unlikely that the impacted groundwater will be used as a source of drinking water or any other beneficial use in the foreseeable future.

Will the alternative level of water quality exceed water quality prescribed in applicable Basin Plan? Yes 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 State Water Board Resolution 92-49, a Site may be closed if the basin plan requirements will be met within a reasonable time frame.

Have factors contained in Title 23 of the California Code of Regulations, Section 2550.4 been considered? Yes No

In approving an alternative level of water quality less stringent than background, the State Water Board considers 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.

Will the requisite level of water quality be met within a reasonable time? Yes No

Although WQO's for petroleum hydrocarbons constituents may not have been met, the approximate time period in which the requisite level of water quality will be met is one decade to possibly several decades. This is a reasonable period in which to meet the requisite level of water quality because impacted groundwater is not currently being used as a source of drinking water and it is highly unlikely that impacted groundwater will be used as a source of drinking water in the future. Residential and commercial water users are currently connected to the municipal drinking water supply. 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, Site conditions do not represent a substantial threat to human health and safety and the environment and case closure is appropriate.

ATTACHMENT 2: SUMMARY OF BASIC SITE INFORMATION (Conceptual Site Model)

Site Description

The Site is located on the northern-most corner of Pacific Coast Highway and Thalia Street approximately 150 feet from the Pacific Ocean. Surrounding land use includes retail and other commercial establishments.

Pollutant Source

- Nature of Contaminants of Concern: Petroleum hydrocarbons
- Source, Date reported, and Status of Release: UST system, 11/1/1988, USTs removed
- Free Phase Hydrocarbons: None reported

Geology/Hydrogeology

- Stratigraphy: The Site is underlain by decomposed silty sandstone overlaying lithified silty sandstone bedrock. No groundwater is present except immediately following a rainfall event.
- **Maximum Sample Depth:** No data available in files reviewed because minimal groundwater.
- Minimum Groundwater Depth: No data available in files reviewed because minimal groundwater.
- Maximum Groundwater Depth: No data available in files reviewed because minimal groundwater.
- Current average depth to groundwater: No wells remain at Site because minimal groundwater.
- Appropriate Screen Interval: No wells remain at Site because minimal groundwater.
- Saturated Zone(s): No wells remain at Site because minimal groundwater.
- Groundwater Flow Direction: N/A

Groundwater Trends:

No monitoring wells have been on Site since the early 1990's.

Receptors

- GW Basin: None
- Watershed: San Juan – Laguna – Laguna Beach
- Land Use Designation: Commercial
- Public Water System: City of Laguna Beach
- Distance to Nearest Supply Well: According to data available in GeoTracker, there are no CDPH regulated water supply wells within ½ mile of the Site. Additionally, no other supply wells were identified within the area.

Risk Criteria

- Estimate of Hydrocarbon Mass in Soil: None reported
- Soil/ Groundwater tested for MTBE: Unknown
- Plume Mobility: No plume. Groundwater sampling ceased in the early 1990's.
- Contaminated Zone(s) Used for Drinking Water: No
- Risk from Residual Petroleum Hydrocarbon: No

Remediation Summary (Secondary Source Removal)

- Free Product: None reported
- Soil Excavation: Petroleum hydrocarbon impacted soil was removed and disposed.
- In-Situ Soil Remediation: None reported
- Groundwater Remediation: Groundwater extraction and treatment was implemented at the site prior to 1991.

Supporting Site Data

Tank Information

Tank No.	Size in Gallons	Contents	Closed in Place/ Removed/Active	Date
1	10,000	Gasoline	Removed	August 1989
2	3,000	Gasoline	Removed	August 1989
3	4,000	Gasoline	Removed	August 1989
4	?	Waste Oil	Removed	February 1988

Monitoring Well Information

No wells remain at the Site; the County approved their abandonment in the early 1990's.

Petroleum Hydrocarbon Constituent Concentration

No groundwater data are available in the Fund files or GeoTracker because the groundwater monitoring occurred prior to 1993.

REGULATORS HOME | LINK TO THIS MAP

GEOTRACKER

LAYERS

SIGNIFIES A CLOSED SITE

Leaking Underground Tank (LUST) Cleanup Sites

Other Cleanup Sites

Land Disposal Sites

Military Sites

WDR Sites

Permitted Underground Storage Tank (UST) Facilities

CDPH Wells

Monitoring Wells*

DTSC Cleanup Sites

DTSC Haz Waste Permit

CLEANUP STATUS FILTER

All Cleanup Statuses

MAP SIZE

640x480

OPTIONS

Site List - EXPORT TO EXCEL

6 Sites

Map data ©2012 Google

SITE LIST