

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD
ORDER R5-2023-0803

MONITORING AND REPORTING PROGRAM
FOR

CONDUIT INFRASTRUCTURE HOLDING IA LLC, BUCKEYE TERMINALS LLC,
ARCO, AND TESORO ENVIRONMENTAL RESOURCES COMPANY

TESORO ARCO REMEDIATION PROGRAM (SL0611357876)
1701 SOUTH RIVER ROAD
WEST SACRAMENTO, YOLO COUNTY

A. Findings

The Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) finds as follows with respect to the above-named entities:

Site Background

1. Order R5-2023-0803 (Order) establishes a revised monitoring and reporting program (MRP) for releases associated with the bulk fuel terminal (Site) at 1701 South River Road in West Sacramento, California.
2. The Site consists of 14 aboveground storage tanks (ASTs), associated above and below ground piping, loading racks, and several buildings. The Site encompasses Tesoro's former east tank farm and Conduit Infrastructure Holding IA LLC's (Conduit) north and south tank farms on either side of it.
3. Tesoro owned and operated the Site until 1996 when it sold the facility to ARCO, who sold the property to Buckeye in 2011. Tesoro purchased ARCO in August 2012. In December 2018, Buckeye sold the property to Conduit.
4. Measured depth to groundwater ranges from 27 feet below ground surface (bgs) to about 36 feet bgs and groundwater flow direction is generally to the west.

Prior Remedial Investigations

5. In 1994, Tesoro installed a light non-aqueous phase liquid (LNAPL) passive recovery system at the Site. In 2000, Tesoro decommissioned the system and stated that significant LNAPL was no longer present.
6. In January 2003, Tesoro began operating a dual phase extraction (DPE) system. The DPE system was connected to 17 wells. In February 2013, Tesoro shut down the DPE system for a rebound study. The DPE system was permanently shut down in November 2015. The DPE system removed about 68,000 pounds of petroleum hydrocarbons from the Site.
7. Investigations have shown that elevated levels of total petroleum hydrocarbons as gasoline (TPHg) and TPH as diesel (TPHd), benzene, toluene, ethylbenzene, and xylenes (collectively BTEX), methyl tert-butyl ether (MTBE), and tertiary butyl alcohol (TBA) are present beneath the Site resulting from Tesoro's and Buckeye's past

operations. The petroleum hydrocarbon impact has impaired the beneficial use of groundwater resources at the Site.

8. The previous MRP, Order R5-2020-0823, was issued on 26 July 2020. This revised MRP is necessary to delineate the extent of petroleum hydrocarbons in groundwater and assess petroleum hydrocarbon concentration trends.
9. The MRP established under this Order applies to each of the Site's existing monitoring wells listed in Table 1, as well as any subsequently installed wells.

Legal Authority

10. This Order is issued pursuant to Water Code section 13267, subdivision (b)(1), which provides in pertinent part as follows:

[T]he regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging ... waste, ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

11. The term "discharge" refers to any movement of waste from soils to groundwater and from contaminated to uncontaminated groundwater and continues to occur if the waste continues to move through the soils and groundwater and poses a threat of further degradation to groundwater. [citation] An actionable discharge, therefore, encompasses not simply the initial episode of contamination, but rather includes the time during which the waste uncontrollably flows or migrates from its source, through the soil, and into and within the groundwater." (*Tesoro Refining & Marketing Co. LLC v. Los Angeles Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 453, 472.)
12. As current and former owners of the Site, Tesoro, Buckeye, ARCO, and Conduit (collectively, Dischargers) have discharged or are suspected of having discharged waste that could affect, or has affected, the quality of the waters of the state. They are therefore subject to an Order under Water Code section 13267.
13. Under the Porter-Cologne Water Quality Control Act (Wat. Code, div. 7), "waste" is broadly defined as including "sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal." (Wat. Code, § 13050, subd. (d.)

14. The technical reports and corresponding actions required by this Order are necessary to ensure the protection of human health and demonstrate reasonable progress toward closure of this case. Discharges of waste have resulted in elevated levels of dissolved-phase petroleum hydrocarbons in the subsurface. Consequently, additional remediation of soil and groundwater at and near the Site may be necessary. Groundwater monitoring may also be necessary to delineate groundwater pollutant plumes, gauge the effectiveness of any remediation measures implemented, and monitor the stability of the petroleum hydrocarbon plume.
15. The burden, including costs of conducting monitoring and providing the reports required under this Order, is justified in view of the preceding facts. The technical reports required by this Order are necessary to: (a) ascertain the nature and extent of unauthorized releases at the Site, and the threat that existing contamination poses to public health and the environment; (b) evaluate progress of efforts to abate conditions of pollution or nuisance; and (c) ensure compliance with all applicable laws, regulations, and policies (e.g., California State Water Resources Control Board [State Water Board] Resolution 92-49).

B. REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to Water Code section 13267, that Monitoring and Reporting Order R5-2020-0823 is rescinded (except for enforcement purposes), and that the Dischargers shall, as of the effective date of this Order, conduct monitoring and reporting in compliance with the following provisions.

Monitoring Specifications

1. The Dischargers shall implement monitoring according to the schedule in Table 1, with all wells monitored annually for water levels and the presence and thickness of LNAPL.

Table 1—Sampling Frequency

Annual Sampling (Fourth Quarter)
MW-06A, MW-07A, MW-08A, MW-09A, MW-10A, MW-12A, MW-13A, MW-14A, MW-17A, MW-20T, MW-25A, MW-26A, MW-26T, MW-27T, MW-07B, MW-08B, New Wells

2. Monitoring wells with LNAPL or a visible sheen shall be monitored at a minimum for LNAPL thickness and depth to water.

3. The Dischargers shall analyze samples according to standard EPA protocol using the methods shown in Table 2.
4. The Dischargers shall continue to maintain and gauge well MW-20A on an annual basis so that it can be accessed for sampling as part of the per-and polyfluoroalkyl substances (PFAS) site investigation.

Table 2—Analytical Methods

Constituents	EPA Analytical Method	Max. Practical Quantitation Limit (µg/L)
Depth to Groundwater	---	---
Dissolved Oxygen		Field Measurement
TPHg	8015M	50
TPHd	8015M	50
Benzene	8260B	0.5
Toluene	8260B	0.5
Ethylbenzene	8260B	0.5
Xylene	8260B	0.5
MTBE	8260B	0.5
TBA	8260B	5

5. If the maximum practical quantitation limit (PQL) specified in Table 2 is exceeded for a non-detectable result, the Dischargers shall provide an explanation in the report text. All concentrations between the Method Detection Limit (MDL) and the PQL shall be reported as “trace.”

Reporting Specifications

6. Except as expressly provided otherwise, all materials, information and correspondence submitted to the Central Valley Water Board under this Order shall be submitted electronically to the State Water Resources Control Board’s (State Water Board) [GeoTracker Database](https://geotracker.waterboards.ca.gov) (GeoTracker) at (<https://geotracker.waterboards.ca.gov>). (See Cal. Code Regs., tit. 23, §§ 3890-95.)
7. All technical documents (i.e., involving planning, investigation, evaluation or design, or other work requiring interpretation and proper application of engineering or geologic sciences) submitted under this Order shall be:
 - a. Prepared by, or under the supervision of, a California-licensed engineer, geologist, or specialty geologist and signed and stamped by a California-licensed engineer, professional geologist, or licensed, certified specialty geologist. (Bus. & Prof. Code, §§ 6735, 7835, 7835.1); and

- b. Presented in a manner that clearly and unequivocally attributes work to the registered professional responsible for its preparation.
8. Each report shall be accompanied by a signed statement from the Dischargers' representative indicating:
 - a. Whether the Dischargers agree with the report's recommendations and proposals;
 - b. Whether the Dischargers approve implementation of the report's proposals; and
 - c. **Shall make the following certification;**

<p>I certify under penalty of law that I have personally examined, and am familiar with, all of the information set forth in this document and the attachments thereto; and based on my personal knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete.</p>
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9. Annual electronic reports, which conform to the requirements of the California Code of Regulations, title 23 (Title 23), division 3, chapter 30, shall be submitted electronically over the internet to GeoTracker by 1 June, until such time as the Executive Officer determines that the reports are no longer necessary.
10. When reporting data, the Dischargers shall arrange the information in tabular form so that the date, the constituents, and the concentrations are readily discernible. In addition, the Dischargers shall summarize the data in such a manner as to illustrate clearly the compliance with this Order. Each report shall include the following minimum information:
 - a) A description and discussion of the groundwater sampling event and results, including trends in the concentrations of pollutants and groundwater elevations in the wells, how and when samples were collected, and whether the pollutant plume(s) is delineated.
 - b) Field logs that contain, at a minimum, water quality parameters measured before, during, and after purging, method of purging, depth of water, volume of water purged, etc.
 - c) Groundwater contour maps for all groundwater zones, if applicable.
 - d) Isocontour pollutant concentration maps for all groundwater zones and all major constituents of concern, if applicable.

- e) Both tabular and graphical summaries of all data obtained during the year.
- f) A description of all remedial activities conducted during the year, an analysis of their effectiveness in removing the pollutants, and plans to improve remediation system effectiveness.
- g) An identification of any data gaps and potential deficiencies/redundancies in the monitoring system or reporting program.
- h) If applicable, a proposal and rationale for any revisions to the groundwater sampling plan frequency and/or list of analytes.
- i) The results of any monitoring done more frequently than required at the locations specified in this MRP also shall be reported to the Central Valley Water Board.
- j) A table showing well construction details such as well number, groundwater zone being monitored, coordinates (longitude and latitude), ground surface elevation, reference elevation, elevation of screen, elevation of bentonite, elevation of filter pack, and elevation of well bottom.
- k) A table showing historical lateral and vertical (if applicable) flow directions and gradients.
- l) Cumulative data tables for all major constituents of concern containing the water quality analytical results and depth to groundwater for all monitoring wells for the past five years, if applicable. The Central Valley Water Board may request additional data as necessary.
- m) A copy of the laboratory analytical data report.
- n) If applicable, the status of any ongoing remediation, including cumulative information on the mass of pollutant removed from the subsurface, system operating time, the effectiveness of the remediation system, and any field notes pertaining to the operation and maintenance of the system.
- o) If applicable, the reasons for and duration of all interruptions in the operation of any remediation system, and actions planned or taken to correct and prevent interruptions.

Other Provisions

Reasonable Access to Site

11. The Dischargers shall work with the property owner to allow Central Valley Water Board staff and representatives reasonable Site access to conduct inspections (during business hours), ensure compliance with this Order and any other

applicable orders of the Central Valley Water Board, and take other actions as necessary to implement Division 7 of the Water Code.

Plan Review and Approval

12. Prior to construction of any new groundwater monitoring or extraction wells, and prior to destruction of any groundwater monitoring or extraction wells; the Dischargers shall submit plans and specifications to the Central Valley Water Board for review and approval. Once installed, all new wells shall be added to the monitoring program and shall be sampled and analyzed according to the attached schedule.

Requests for Extension

13. If, for any reason, the Dischargers are unable to perform an activity or submit a report under this Order (and materials incorporated herein), the Dischargers may request an extension from the Executive Officer.¹
14. An extension is not valid unless granted by means of a revision to this Order or a letter from the Executive Officer.
15. Central Valley Water Board staff lack authority to approve any extensions under this Order.
16. To be considered by the Executive Officer, an extension request must be made in writing, set forth a definite period of extension (no indefinite extensions), and include justification for the delay.
17. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. Untimely requests may be disregarded.
18. All requests not approved by the Executive Officer in writing with reference to this Order are denied.
19. The Central Valley Water Board acknowledges that obtaining local, state, and federal permits may result in delays that are beyond Dischargers' control. Accordingly, the Executive Officer will take all the available relevant facts into consideration when considering whether to grant an extension request.

1

Extensions will not be granted for reporting and third-party disclosure of petroleum constituents detected above MCL concentrations in domestic well water.

Site Closure Procedures

20. Dischargers shall continue remediation or monitoring activities until the Executive Officer determines that cleanup objectives have been accomplished, or this Order is rescinded in writing or otherwise amended.
21. When Site conditions appear to meet applicable Low-Threat Closure Policy general and media-specific criteria, and if Central Valley Water Board staff concurs that the Site may warrant closure, the Dischargers shall submit, for Executive Officer review, a comprehensive Site Closure Request Report that evaluates Site conditions against Low-Threat Closure Policy general and media-specific criteria.
22. Following approval for Site regulatory closure by Central Valley Water Board staff, the Dischargers shall prepare a Site Closure Fact Sheet for Central Valley Water Board staff approval. If the Site Closure Fact Sheet is approved, the Central Valley Water Board will open a 60-day public comment period.

Enforcement

23. If, in the opinion of the Executive Officer, Dischargers fail to comply with the provisions of this Order, the Executive Officer may refer the matter to the Attorney General for judicial enforcement, issue a complaint for administrative civil liability, or take other appropriate enforcement actions. Noncompliance with this Order may result in the assessment of administrative civil liability up to \$10,000 per violation per day, depending on the violation. (Wat. Code, §§ 13268, 13308, 13350–51, 13385.) The Central Valley Water Board reserves its right to take enforcement actions authorized by law.

Administrative Review

24. Any person aggrieved by this Central Valley Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and Title 23, sections 2050–68. Petitions must be received by the State Water Board by 5pm on the 30th day after the date of this Order, except if the 30th day falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5pm on the next business day. [Instructions and applicable laws and regulations are available online](#) (at the address below) and will be provided upon request. Judicial review is contingent on exhaustion of administrative remedies. (See Wat. Code, § 13330, subd. (a).)

(www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml)

This Order is issued under authority delegated to the Executive Officer by the Central Valley Water Board pursuant to Resolution R5-2018-0057.

MONITORING AND REPORTING ORDER
1701 SOUTH RIVER ROAD,
WEST SACRAMENTO, YOLO COUNTY

9

MONITORING AND REPORTING PROGRAM
FOR Any deviation from, or modification to, this Order, except by prior written approval
from the Executive Officer, shall be considered invalid.

This Order is effective as of the date set forth below.

Ordered by:

for PATRICK PULUPA, Executive Officer