

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**ORDER WQ 2022-0026-UST**

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**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**

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**BY THE CHIEF DEPUTY DIRECTOR:<sup>1</sup>**

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.<sup>2</sup> 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:

**Fountain Valley Regional Hospital (Responsible Party)**

**Fountain Valley Regional Hospital**

**17100 Euclid Street, Fountain Valley, Orange County**

**Orange County Health Care Agency, Case No. 96UT021**

**Santa Ana Regional Water Quality Control Board, Case No. 083000118T**

**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

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<sup>1</sup> 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.

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

unauthorized release has occurred, if the State Water Board determines that corrective action at the site is in compliance with all 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 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.

**GeoTracker Case Record**: <http://geotracker.waterboards.ca.gov/?gid=T0605900090>

### **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 (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 facts in the UST record and the hydrogeologic conditions at the site, as summarized in the attached UST Case Closure Summary, the State Water Board finds that corrective action taken to address the unauthorized release of petroleum at the UST release site identified as:

**Fountain Valley Regional Hospital (Responsible Party)**

**Fountain Valley Regional Hospital**

**17100 Euclid Street, Fountain Valley, Orange County**

**Orange County Health Care Agency, Case No. 96UT021**

**Santa Ana Regional Water Quality Control Board, Case No. 083000118T**

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**

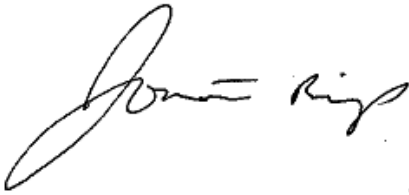
**IT IS THEREFORE ORDERED** that:

- 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.



May 25, 2022

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Chief Deputy Director

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Date

## State Water Resources Control Board

### UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

#### Agency Information

Agency Name: Orange County Health Care Agency (OCHCA)	Address: 1241 E. Dyer Road, Suite 120 Santa Ana, CA 92705
Agency Caseworker: Karl Bewley	Case No.: 96UT021

#### Case Information

UST Cleanup Fund (Fund) Claim No.: N/A	Global ID: T0605900090
Site Name: Fountain Valley Regional Hospital	Site Address: 17100 Euclid Street Fountain Valley, CA 92708 (Site)
Responsible Party: Fountain Valley Regional Hospital Attention: Clay Farell	Address: 17100 Euclid Street Fountain Valley, CA 92708
Fund Expenditures to Date: N/A	Number of Years Case Open: 26

**GeoTracker Case Record**: <http://geotracker.waterboards.ca.gov/?gid=T0605900090>

#### Summary

**This case has been proposed for closure by the State Water Resources Control Board at the request of OCHCA, which concurs with closure.**

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 because they pose a low threat to human health, safety, and the environment. The Site meets all of the required criteria of the Policy and therefore, is subject to closure.

The site is located within a paved parking area in the central portion of the Fountain Valley Regional Hospital. The site formerly maintained a 10,000-gallon diesel underground storage tank (UST), two fuel pumps, and associated underground piping to support hospital engineering services. A petroleum release was discovered during removal of the UST and associated facilities in 1996 and petroleum-impacted soil was over-excavated and disposed of off-site. Additionally, petroleum-impacted groundwater was recovered from the excavation and disposed of at an off-site treatment facility. The

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Fountain Valley Regional Hospital, T0605900090  
17100 Euclid Street, Fountain Valley

soil and groundwater quantities removed during UST removal and excavation activities are unknown. Free product removal occurred between 1997 and 2013. Approximately 9,250 gallons of petroleum-impacted groundwater were extracted in monitoring wells MW-2, MW-5, MW-6, and MW-10 during these removal efforts.

Treated water was detected in groundwater samples collected by OCHCA in September 2019. The treated water was determined to be from a pipeline leak of the hospital's fire water system and was reportedly stopped in June 2019. Based on current groundwater concentrations collected in 2021, it does not appear that concentrations in groundwater were significantly influenced by treated water infiltration from the pipeline leak.

Soil, groundwater, and soil vapor samples collected between 2002 and 2012 were analyzed by CalTech Environmental Laboratories (CTEL). A State Water Board investigation revealed "evidence of altered data, failed quality control tests, gaps in the chain of custody (sample handling), improper reuse of sample containers, and poor housekeeping of laboratory equipment"<sup>1</sup> by CTCL. As such, any data provided by CTCL is not considered reliable and was not utilized to evaluate the site for closure against the Policy.

Total petroleum hydrocarbons as diesel (TPHd) remain in soil, groundwater, and soil vapor; however, concentrations are limited in extent and are isolated to the paved parking lot of the hospital facility. Secondary source material has been removed and the area of TPHd-impacted soil is about 100 square feet. Groundwater concentrations have been stable to decreasing, with the current plume measuring approximately 120 feet in length. Free product has been consistently attenuating over time with no measurable free product observed during the last groundwater monitoring and sampling event in June 2021. TPHd in soil vapor does not appear to be a potential risk to human health because the site is capped by asphalt and soil vapor appears limited to the parking area (i.e., not below the hospital buildings).

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 meets the criteria in **Class 2**. The contaminant plume that exceeds water quality objectives is less than 250 feet in length. There is no free product. The nearest existing water supply well or

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<sup>1</sup> State Water Resources Control Board, Office of Enforcement, 2017, *State Water Board Investigation Leads to Arrest of Los Angeles County Environmental Lab Owner Fraud*, Press Release, [https://www.waterboards.ca.gov/press\\_room/press\\_releases/2017/pr122117\\_caltech.pdf](https://www.waterboards.ca.gov/press_room/press_releases/2017/pr122117_caltech.pdf)



surface water body is greater than 1,000 feet from the defined plume boundary. The dissolved concentration of benzene is less than 3,000 micrograms per liter ( $\mu\text{g/L}$ ), and the dissolved concentration of MTBE is less than 1,000  $\mu\text{g/L}$ .

- 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, and the environment. The corrective action performed at this Site is consistent with chapter 6.7 of division 20 of the Health and Safety Code, implementing regulations, applicable state policies for water quality control and applicable water quality control plans. Case closure is recommended.

Prepared by:



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Dayna Cordano, P.G. No. 9694  
Engineering Geologist

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1/14/2022

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Date

Reviewed By:



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Matthew Cohen, P.G. No. 9077  
Senior Engineering Geologist

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1/14/2022

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Date

