

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2022-0072-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:

500 Kirkham, LLC (Responsible Party)

J&A Truck Repair

500 Kirkham Street, Oakland, Alameda County

State Water Resources Control Board, Division of Water Quality, Case No. N/A

San Francisco Bay Regional Water Quality Control Board, Case No. 01-2433

Alameda County Health Service Agency, Case No. RO0000421

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.

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 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=T0600102242): <http://geotracker.waterboards.ca.gov/?gid=T0600102242>

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:

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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 any and all monitoring wells and borings unless either 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, or the monitoring wells and borings will be managed and closed as part of the ongoing Department of Toxic Substances Control Smilo Chemical Company Case (Envirostor ID 01510022) at the property;
2. Properly remove from the site and manage any and 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.



September 29, 2022

Chief Deputy Director

Date

State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: State Water Resources Control Board (State Water Board)	Address: 1001 I Street, 15 th Floor Sacramento, CA 95814
Agency Caseworker: Dayna Cordano	Case No.: N/A

Case Information

UST Cleanup Fund (Fund) Claim No.: N/A	Global ID: T0600102242
Site Name: J&A Truck Repair	Site Address: 500 Kirkham Street Oakland, CA 94607 (Site)
Responsible Party: 500 Kirkham, LLC Attention: Michael Thomas	Address: 1321 Mission Street, Suite 101 San Francisco, California 94103
California Department of Transportation Division of Environmental Analysis	P.O. Box 942874, MS27 Sacramento, CA 94274
Fund Expenditures to Date: N/A	Number of Years Case Open: 28

GeoTracker Case Record: <http://geotracker.waterboards.ca.gov/?gid=T0600102242>

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 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 was occupied by mixed-use residential housing and commercial/industrial operations from the 1930s through 1954. From 1954 to 1984, the site was part of a larger property operated by Smilo Chemical Company, a wholesale distribution center for chemicals and chemical-related products. The site then operated as J&A Truck Repair, a semi-truck repair and maintenance facility, from 1984 to 1994 when it was purchased by Caltrans. The site has since been used as a construction staging area, storage area, and temporary office space for the Bay Area Rapid Transit. The site is

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

J&A Truck Repair, T0600102242
500 Kirkham Street, Oakland

currently scheduled for redevelopment as mixed-use residential housing and commercial facilities.

The release was identified in 1994 following the discovery of an UST on the western portion of the site, which was reportedly used to store gasoline prior to 1973. The UST was removed in 1995 and the UST pit was over-excavated to approximately 6 feet below ground surface (ft bgs). Approximately 4,700 cubic yards of petroleum-impacted soil was removed and disposed offsite during UST removal activities.

Primary constituents of concern related to UST operations include total petroleum hydrocarbons, benzene, and naphthalene. Non-petroleum constituents associated with historical onsite chemical operations are also present on- and offsite. Investigation and remediation for non-petroleum constituents are managed under the Department of Toxic Substances Control's (DTSC) Smilo Chemical Company case (Envirostor ID 01510022). Closure of the UST Cleanup Case (J&A Truck Repair, Global ID T0600102242) will not impact the DTSC's Smilo Chemical Company case for non-petroleum constituents; the Smilo Chemical Company case will remain open until the DTSC has determined that appropriate cleanup has been conducted for the non-petroleum constituents.

No free product has been observed at the site. Groundwater sampling data collected between 1995 and 2016 demonstrate that hydrocarbon concentrations have degraded significantly since removal of the UST in 1995. The remaining hydrocarbon plume exceeding water quality objectives is less than 100 feet in length and appears stable. No water supply wells are located within one mile of the groundwater plume boundary and the nearest surface water body is located over one half-mile south of the site.

Residual hydrocarbons in soil and soil vapor are limited in extent and located in the vicinity of the former UST. Soil and soil vapor sampling conducted between 1995 and 2016 indicate that residual hydrocarbons are primarily located at depths greater than 5 ft bgs and have been degrading over time. Remaining hydrocarbon concentrations in soil and soil vapor are not considered a risk to human health or groundwater quality. Site redevelopment activities will also include development of a Soil Management Plan (SMP) and installation of a passive vapor barrier. The vapor barrier is proposed to mitigate the non-petroleum constituents as part of the DTSC case, but will also provide further protection from any potential human exposure to residual petroleum contaminants. Additionally, the DTSC is in the process of instituting a Land Use Covenant (LUC) for the remaining non-petroleum constituents related to the Smilo Chemical Company case. The LUC will restrict the use of groundwater for drinking water purposes, require development of a comprehensive SMP, and institute regular maintenance and inspection of the proposed engineering controls (i.e. vapor barrier).

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 1**. The contaminant plume that exceeds water quality objectives is less than 100 feet in length. There is no free product. The nearest existing water supply well or surface water body is greater than 250 feet from the defined plume boundary.
- Petroleum Vapor Intrusion to Indoor Air – Site meets **Criteria 2 (c)**. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, the regulatory agency determines that petroleum vapors migrating from soil or groundwater will have no significant risk of adversely affecting human health.
- Direct Contact and Outdoor Air Exposure – Site meets **Criteria 3 (c)**. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, the regulatory agency determines that the concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health.

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:



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

9/28/2022

Date

Reviewed By:



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

9/28/2022

Date

