

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2023-0076-UST

**In the Matter of Underground Storage Tank (UST) Case Closure
Pursuant to Health and Safety Code Section 25296.40 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 Petitioner, 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:

**AMERCO Real Estate Company (Petitioner)
U-Haul/Lynwood Moving Center
11716 Long Beach Boulevard, Lynwood, Los Angeles County
Los Angeles Regional Water Quality Control Board, Case No. R-12239
State Water Resources Control Board (State Water Board) Petition
No. DWQP-0264**

I. STATUTORY AND PROCEDURAL BACKGROUND

Health and Safety Code Section 25296.40 allows for an owner or operator, or responsible party, who has a UST case, who believes that the corrective plan has been satisfactorily implemented, and where closure has not been granted, to petition the

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.

State Water Board for review of their case. Upon review of the case, the State Water Board may close or require the closure of any UST case if it is determined that corrective action has been completed in compliance with all of 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 attached UST Case Closure Summary has been prepared for the case identified above and is incorporated by reference. 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=T0603792883): <http://geotracker.waterboards.ca.gov/?gid=T0603792883>

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 letter of commitment, whichever occurs later, shall not be reimbursed unless specified conditions are satisfied.

Relief from Responsibility at Commingled Release Sites

In 2013, the State Water Board adopted State Water Board Order WQ 2013-0109 (*In the Matter of the Petition of James Salvatore*, hereafter *Salvatore*), which provides a test for relieving a party from responsibility where the party's unauthorized release has commingled with a release from another party. The *Salvatore* test acknowledges the relative contributions of the responsible parties and provides relief to the party whose release is not significant enough on its own to require corrective action. (*Salvatore*, p. 13.) Under this test, a party may be relieved from responsibility for a release if the party demonstrates that its release, considered separately from other commingled releases, meets case closure criteria and the site should be closed. (*Ibid.*) The party seeking removal of the responsible party status must demonstrate that the separate release for which the party is responsible has been adequately investigated and characterized, and that there are sufficient data to determine that the case based on the individual release meets case closure criteria. (*Id.*, pp. 13-14.) In addition, as a condition of closure, the party seeking relief must provide reasonable access to the responsible party performing corrective action at the relieved party's site. (*Id.*, p. 14.) Finally, the State Water Board stated that this test is not applicable in circumstances

where a financially responsible party has not been identified and removal of a party may result in the creation of an orphan site. (*Id.*, p. 19.)

II. FINDINGS

Pursuant to the test established by State Water Board Order WQ 2013-0109, a party may be removed as a responsible party for a UST cleanup case where the responsible party's unauthorized release has commingled with a release from another party if the responsible party's unauthorized release has been adequately investigated and characterized and there are sufficient data to determine that the responsible party's release, when considered separately from other releases that have commingled with the responsible party's release, meets State Water Board closure policies and the case should be closed. There are sufficient data for the State Water Board to determine that this case should be closed, as summarized in the attached UST Case Closure Summary. As a condition of closure, the responsible party(ies) in this case must provide reasonable access, as needed, to the responsible party(ies) performing corrective action associated with the case with which this one is or was commingled. Based on the State Water Board's review, closure of the case will not create an orphan site.

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. The Petitioner is ordered to provide reasonable access, as needed, to the responsible party(ies) performing corrective action associated with the case with which this one is or was commingled. Prior to the issuance of a uniform closure letter, the Petitioner is ordered to:
1. Properly destroy any and all 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 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(ies) 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.



Chief Deputy Director

September 5, 2023

Date

State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: Los Angeles Regional Water Quality Control Board	Address: 320 West 4 th Street, Suite 200 Los Angeles, CA 90013
Agency Caseworker: Arman Toumari	Case No.: R-12239

Case Information

UST Cleanup Fund (Fund) Claim No.: N/A	Global ID: T0603792883
Site Name: U-Haul/Lynwood Moving Center	Site Address: 11716 Long Beach Boulevard Lynwood, CA 90262 (Site)
Petitioner: AMERCO Real Estate Company Attention: Haley Ziesemer	Address: 2727 North Central Ave., Ste. 500 Phoenix, AZ 85004
Fund Expenditures to Date: N/A	Number of Years Case Open: 22

GeoTracker Case Record: <http://geotracker.waterboards.ca.gov/?gid=T0603792883>

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 the required criteria of the Policy and therefore, is subject to closure.

The Site is used for storage of vehicles and equipment available for rental. Prior to 1996, vehicle fueling and repair were also conducted on the property. Two USTs (one 10,000-gallon fuel storage tank and one 550-gallon waste oil storage tank) and their appurtenances were removed by the petitioner in October 1996. An unauthorized release of petroleum hydrocarbons was reported in October 2000 following referral of the case to the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board).

U-Haul/Lynwood Moving Center, T0603792883
11716 Long Beach Boulevard, Lynwood

The Site is located downgradient of another UST case (Garfield Express; GeoTracker ID T0603705377) for which a release was reported in 1995. A former dry cleaner facility (Rocket Cleaners) was also located in the southeast corner of the Garfield Express property. There is a Department of Toxic Substances Control case (Lynwood Springs; EnviroStor ID 60001990) for a release from Rocket Cleaners. Investigations related to those facilities indicate that very high-volume unauthorized releases of both petroleum hydrocarbons and chlorinated solvents (typically associated with drycleaning operations) occurred at the Garfield Express property. Both the Garfield Express and Rocket Cleaners releases, including a large free product plume, have migrated downgradient onto the subject Site.

Both free product recovery and soil vapor extraction systems have been utilized since approximately 2000 by the parties responsible for the Garfield Express release(s), including on areas of the subject Site. Nearly 4,500 gallons of free product and approximately 12,000 additional pounds of vapor-phase petroleum contaminants are estimated to have been removed by these remediation systems. However, measurable thicknesses of free product remain in wells located on both the Garfield Express property and the subject Site. Elevated dissolved concentrations of petroleum constituents, including benzene and methyl tertiary butyl ether (MTBE), and chlorinated solvents (primarily tetrachloroethene, or "PCE") from the Garfield Express property have commingled with impacts from the Site releases and extend far downgradient from the subject Site. Elevated concentrations of these same contaminants have also been detected above relevant risk screening levels in soil gas samples collected on the Garfield Express property and on the subject Site.

The most recent data collected indicate threats to receptors are ongoing due to the commingled plume of contaminants. However, data collected to date indicates the majority of the impacts comprising the contaminant plume resulted from the petroleum hydrocarbon and chlorinated solvent releases at the Garfield Express property. Data collected on the subject Site indicate petroleum hydrocarbon releases occurred from the onsite USTs, but the release volumes were nominal compared to those that occurred upgradient. It is not possible for State Water Resources Control Board (State Water Board) staff to differentiate the impacts from the Site releases from those from the Garfield Express property which are currently present beneath the Site. However, it is State Water Board staff's opinion that the residual contamination from the Site's releases, on its own, would have degraded by now to levels at which the case would have been closed.

Remaining petroleum constituents from the Site are limited, stable, and decreasing. Additional assessment would be unnecessary and will not likely change the conceptual model. Any remaining petroleum constituents related to the subject Site release(s) 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 5**. The regulatory agency determines, based on an analysis of Site-specific conditions that under current and reasonably anticipated near-term future scenarios, the contaminant plume poses a low threat to human health, safety, and to the environment and water quality objectives will be achieved within a reasonable time frame.
- Petroleum Vapor Intrusion to Indoor Air – Site **meets Criteria 2 (b)**. A Site-specific risk assessment for the vapor intrusion pathway was conducted under the Policy and demonstrates that human health is protected to the satisfaction of the regulatory agency.
- Direct Contact and Outdoor Air Exposure – Site **meets Criteria 3 (b)**. Maximum concentrations of petroleum constituents in soil are less than levels that a site-specific risk assessment demonstrates will have no significant risk of adversely affecting human health.

Objections to Closure

The following list of objections was derived from the Los Angeles Water Board's February 14, 2022 and December 2, 2022 Petition response letters. State Water Board staff believe they have captured the essence of all Los Angeles Water Board staff objections with this list. In the letters, Los Angeles Water Board staff objected to UST case closure because:

1. The case does not meet Policy General Criterion (b), which states that “the unauthorized release consists only of petroleum.”
Response: State Water Board staff find that Site releases consist only of petroleum and Policy General Criterion (b) is met. Soil samples collected beneath the waste oil tank did not indicate a release of chlorinated solvents. There is no evidence of a release of chlorinated solvents from the Site property. There are non-petroleum contaminants (i.e., chlorinated solvents, as described above) present beneath the subject Site; however, site history and data indicate that the source of the non-petroleum contaminants is likely from unauthorized release(s) from the Rocket Cleaners located on the Garfield Express property. There is a comprehensive dataset for the area encompassing the Garfield Express property and the subject Site that supports that conclusion. It is State Water Board staff's opinion that not only has Policy General Criterion (b) been met for the subject Site, but that the data would not support opening a Site Cleanup case (for non-petroleum contaminants) naming the petitioner as the responsible party.
2. The State Water Board had previously concurred with two closure denials and no subsequent work had been done to warrant case closure.

Response: Subsequent to the State Water Board closure denials, the petitioner's consultants prepared a comprehensive evaluation of high-resolution site characterization (HRSC) data. The summary provided a more complete visualization and understanding of the site conceptual model needed to move forward with a recommendation for closure.

3. None of the requirements documented in the Los Angeles Water Board's directive of June 1, 2021 have been met. The first of those requirements was that the petitioner perform additional soil assessment to rule out potential contributions from the Site's operations to the free product and dissolved-phase contaminant plumes beneath the Site.

Response: State Water Board staff found sufficient data in the case record to conceptualize the extent of contamination related to the subject Site, including in soil beneath the former USTs and appurtenances. Several site characterization work scopes were executed historically by the petitioner and the responsible parties for the Garfield Express property pursuant to direction or approval of the Los Angeles Water Board since the case was opened in 2000, from which a significant amount of site characterization data has been collected.

4. The second requirement of the June 1, 2021 directive letter not met was for the petitioner to re-install unfunctional groundwater monitoring wells at the Site.

Response: The six groundwater monitoring wells associated with the subject Site are a small portion of the overall well network used to monitor the plume originating from the Garfield Express property. Sufficient data has been collected over approximately 20 years of monitoring to understand the extent and magnitude of the plume.

5. The third and final requirement of the June 1, 2021 directive letter not met was for the petitioner to submit a Chemical Use Questionnaire (CUQ) and provide information on past and present chemical storage and use practices at the Site.

Response: A CUQ was previously submitted by the petitioner to the Los Angeles Water Board in May 2019 indicating that products containing PCE had been used at the Site. However, in August 2020, petitioner notified the Los Angeles Water Board that information in the CUQ was incorrect. Sworn affidavits from parties with knowledge of Site activities were provided validating that no PCE-containing materials were used on the Site. The Los Angeles Water Board agreed to revoke the May 2019 CUQ. Regardless of any requirement for an updated CUQ, it is State Water Board staff's opinion, based on actual subsurface data collected, that chlorinated solvents were either not released from the former waste-oil UST or had been released in such a small volume as to be de minimis. At the time of the waste-oil UST removal in 1996, a soil sample was collected from beneath the UST. There were also samples collected from stockpiles of the soil removed from around and beneath the waste oil UST. Those samples all contained petroleum hydrocarbons, supporting that a petroleum hydrocarbon release had likely occurred from the waste oil UST. Those samples were also analyzed for

chlorinated solvents, of which none were detected. State Water Board staff find it unnecessary to provide an updated CUQ.

6. Closure pursuant to the *Matter of the Petition of James Salvatore* (Order WQ 2013-0109) (Salvatore) and *Matter of Winton G. Kemmis Trust* (Order WQ 2020-0001 UST) (Kemmis) orders is inappropriate.

Response: The petitioner requested closure of the subject case pursuant to the findings in the Kemmis and Salvatore orders. The Kemmis case was closed in accordance with the “test” established under the Salvatore case. A party seeking relief under Salvatore has the burden to demonstrate that it meets each and every criterion of Salvatore’s four-part test:

- 1) The party must demonstrate that its release, considered separately from other commingled releases, meets case closure criteria.
- 2) The party must demonstrate that its own separate release has been adequately investigated and characterized, and that there are sufficient data to determine that the case based on the individual release meets case closure criteria.
- 3) As a condition of closure, the party seeking relief must provide reasonable access to allow corrective action at the site.
- 4) The test is not applicable in circumstances where a financially responsible party has not been identified and removal of a party may result in the creation of an orphan site.

State Water Board staff have determined that the petitioner has satisfied all four criteria of the Salvatore test. Petitioner has adequately investigated and characterized its release(s) and that data is sufficient to demonstrate its release(s) would meet Policy criteria if considered separately. Petitioner has allowed reasonable access. As for the final criterion, State Water Board staff find that the contributions of the release(s) on the subject Site are nominal compared to the impacts that have migrated on-Site from the Garfield Express property. The parties responsible for the releases on the Garfield Express property are known and have already been deemed responsible parties for their releases. Any residual impacts remaining on the subject Site would not be “orphaned” as they should be mitigated by the Garfield Express parties. By all measures, the petitioner’s case is precisely the kind of case for which the Salvatore test was created.

7. General Criterion (d) (free product has been removed to the maximum extent practicable) has not been met.

Response: Free product is present in at least one well located on the petitioner’s Site. However, based on the complete case files provided by the Los Angeles Water Board for the subject Site and for the Garfield Express case, State Water Board staff conclude that the free product is the result of the release(s) which occurred from the USTs at Garfield Express and Policy General Criterion (d) has been met for the Site.

8. General Criterion (e) (a conceptual site model that assesses the nature, extent, and mobility of the release has been developed) has not been met.

Response: There is ample data in the case files to conceptualize entirely the nature, extent, and mobility of the various releases that have occurred over the entire investigation area, including the subject Site and the upgradient Garfield Express property. This includes the HRSC data collected and presented from across both properties. State Water Board staff conclude that Policy General Criterion (e) has been met for the Site.

9. General Criterion (f) (secondary source has been removed to the extent practicable) has not been demonstrated as a result of the failure to complete required investigations.

Response: There is significant contamination present beneath the subject Site; however, data provided in the case files indicate the primary source of the contamination is the release(s) that occurred on the upgradient Garfield Express property. Data collected during and subsequent to the removal of the USTs on the subject Site indicate that secondary source related to releases that may have occurred for those USTs and their appurtenances was adequately removed during the removal of those facilities. State Water Board staff conclude that Policy General Criterion (f) has been met for the Site.

10. The Groundwater Media-Specific Criteria have not been met.

Response: State Water Board staff conclude that the petitioner's case meets the Groundwater Specific Criteria by Class 5 of the Policy. Due to the large magnitude of the release(s) that occurred on the upgradient Garfield Express property, it is not possible for State Water Board staff to discern the impacts to groundwater specific to the releases that may have occurred at the subject Site. However, as stated above, the data supports the conclusion that the magnitude of the remaining impacts due solely to the petitioner's release is insignificant compared to the impacts that have migrated onto the subject Site. Therefore, the State Water concludes there is no quantifiable groundwater threat due to the petitioner's release.

11. The Vapor Intrusion to Indoor Air Media-Specific Criteria have not been met.

Response: State Water Board staff conclude that the petitioner's case meets Criteria 2 (b) of the Policy for Vapor Intrusion. Due to the large magnitude of the release(s) that occurred on the upgradient Garfield Express property, it is not possible for State Water Board staff to discern the vapor intrusion impacts specific to the releases that may have occurred at the subject Site. However, as stated above, the data supports the conclusion that the magnitude of the remaining impacts due solely to the petitioner's release is insignificant compared to the impacts that have migrated onto the subject Site. Therefore, the State Water concludes there is no quantifiable vapor intrusion threat due to the petitioner's release.

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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:



William E. Brasher, P.E.
Water Resource Control Engineer

2/6/2023
Date

Reviewed By:



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

3/2/2023
Date

