



## State Water Resources Control Board

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

#### Lead Agency Information

Lead Agency Name: Colorado River Basin Regional Water Quality Control Board	Address: 73-720 Fred Waring Drive, Suite 100 Palm Desert, CA 92260
Case Manager: Theresa Illare	Case No.: 7T2227033

#### Case Information

UST Cleanup Fund (Fund) Claim No.: 17623	Global ID: T0602553770
Site Name: USA Gasoline Station #291 (Site)	Site Address: 104 West Main Street Brawley, CA 92227
Responsible Parties: Moller Investment Group, Inc. Attention: Kevin Pittman	Address: 6591 Collins Drive, Suite #E-11 Moorpark, CA 93021
Tesoro Refining & Marketing Company LLC Attention : Paula Sime	P.O. Box 1026 Temecula, California 92593
Fund Expenditures to Date: \$1,495,000	Number of Years Case Open: 22

**GeoTracker Case Record:** <http://geotracker.waterboards.ca.gov/?gid=T0602553770>

#### Summary

**This case has been proposed for closure by the State Water Resources Control Board (State Water Board) at the request of the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board), which concurs with closure.**

USA Gasoline Station #291, T0602553770  
104 West Main Street, Brawley

The [Low-Threat Underground Storage Tank Case Closure Policy \(Policy\)](#)<sup>1</sup> contains general and media-specific criteria. Sites that meet Policy 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 Policy criteria and therefore, case closure is appropriate.

The Site operated as a fueling station between January 1990 and October 2020 and is currently the location of a grocery store. An unauthorized release was reported in January 2003 following a baseline site investigation. On July 19, 2012, one diesel and three gasoline 12,000-gallon USTs and their associated piping were removed from the Site and replaced with two 20,000-gallon USTs. During UST replacement, impacted soil was excavated to approximately 20 feet below ground surface and 1,139.4 tons of impacted soil was disposed of offsite. Analytical results of soil samples collected during the excavation indicated diesel and gasoline in the vicinity of the tank pit, former fueling dispensers, and piping. The two remaining 20,000-gallon USTs and associated dispenser and piping were removed from the Site in December 2020.

Soil vapor extraction (SVE) and air sparging (AS) were conducted beginning in April and December 2019, respectively. The SVE/AS system was shut down in September 2023 and active remediation has not been conducted at the Site since then. A total of sixteen groundwater monitoring wells have been installed and regularly monitored at the Site. Historically, free product has been observed in eleven groundwater monitoring wells, including five offsite wells. No free product has been measured since February 2020.

Water quality objectives have been achieved or nearly achieved for all constituents in the majority of Site wells, except benzene, ethylbenzene, and methyl tertiary butyl ether (MTBE) in the immediate vicinity of the former USTs. The 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 **Criteria 1, 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 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 (µg/L), and the dissolved concentration of MTBE is less than 1,000 µg/L.
- Petroleum Vapor Intrusion to Indoor Air – Site meets **Criteria 2 (a), Scenario 4 With a Bioattenuation Zone**. Soil gas samples were collected beneath or

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<sup>1</sup>[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2012/rs2012\\_0016atta.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf)

adjacent to the existing or planned building at a depth of at least five feet below the bottom of the building foundation or at least five feet below ground surface for future construction. Concentrations of total petroleum hydrocarbons as gasoline and diesel combined in soil are less than 100 milligrams per kilogram (measured in at least two depths within the five-foot zone). Oxygen in soil gas is  $\geq 4\%$  measured at the bottom of the five-foot zone. Soil gas concentrations are less than those specified in Appendix 4, Scenario 4 (2 of 2) in the Policy, as applicable.

- 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.

## Objections to Closure

On October 17, 2023, the Colorado River Basin Water Board issued a pre-closure notification for the subject case. On December 18, 2023, Atlas Technical Consultants, LLC (Atlas), on behalf of McDonald's USA, LLC (McDonald's), submitted a comment letter to the Colorado River Basin Water Board objecting to UST case closure. After reviewing the comment letter and the available data in GeoTracker, the State Water Board finds that case closure is still warranted at the Site. Atlas' concerns, as stated on Page 3 of the comment letter, and the State Water Board's responses, are provided below:

1. *As the only remaining Responsible Party (RP) in the area of impact, McDonald's would presumably bear the burden of defining the downgradient extent of remaining dissolved-phase contamination and/or LPH originating from former USA Station No. 291 and implementation of appropriate remediation activities regardless of the actual release source.*

Response: Data suggests that the leading edge of the MTBE plume emanating from the Site has migrated onto the McDonald's property; however, the MTBE impacts detected in McDonald's wells are not sufficient to warrant additional corrective action for MTBE. The primary driver for corrective action on the McDonald's property is light non-aqueous phase liquids (LNAPL) observed in monitoring wells downgradient of the former USTs at the McDonald's property. Though there is evidence of limited MTBE plume migration to the McDonald's property from the Site, there is no current evidence to support that LNAPL has migrated from USA Gasoline Station #291. MTBE is much more mobile in groundwater and travels significantly farther than heavier petroleum constituents. As such, it is unlikely that the LNAPL observed in McDonald's groundwater monitoring wells originated from the Site. Based on current evidence, additional corrective action at the McDonald's property will be driven by the remaining impacts related to the former UST system located on the McDonald's property.

2. *McDonald's was not the owner or operator of USTs that were formerly located on the McDonald's property but is the LUST case RP as the current property owner.*

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*Since it did not own or operate the USTs, McDonald's is not eligible to pursue a claim under the UST Cleanup Fund or the Commingled Plume Account. Closure of former USA Gasoline Station would result in termination of the existing UST Cleanup Fund Claim (# 17623) and presumably void eligibility for participation in the Commingled Plume Fund.*

Response: McDonald's eligibility to pursue a claim with the Fund is not a basis for objection to closure under the Policy. It is recommended that McDonald's contact the Fund at [ustcleanupfund@waterboards.ca.gov](mailto:ustcleanupfund@waterboards.ca.gov) to explore possible options for funding additional corrective action at its property.

### Recommendation for Closure

The corrective action conducted for this case ensures that any residual petroleum constituents associated with the case pose a low threat to human health, safety, and the environment. The corrective action was 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. As such, case closure is recommended.

Prepared by:

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06/20/2025

Date

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07/16/2025

Date

