

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2021-0031-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:

**Equilon Enterprises LLC dba Shell Oil Products US (Responsible Party)
Shell Oil
6022 Chapman Avenue, Garden Grove, Orange County
Fund Claim No. 4589
Orange County Health Care Agency, Case No. 88UT188
Santa Ana Regional Water Quality Control Board Case No. 083001071T**

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

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.

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: <https://geotracker.waterboards.ca.gov/?gid=T0605900845>

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:

Equilon Enterprises LLC dba Shell Oil Products US (Responsible Party)

Shell Oil

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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 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.



July 23, 2021

Chief Deputy Director

Date



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: Orange County Health Care Agency Division of Environmental Health	Address: 1241 E. Dyer Rd. Suite 120 Santa Ana, CA 92705
Agency Caseworker: Dan Weerasekera	Case No.: 88UT188

Case Information

UST Cleanup Fund (Fund) Claim No.: 4589	Global ID: T0605900845
Site Name: Shell Oil	Site Address: 6022 Chapman Garden Grove, CA 92845
Responsible Party Equilon Enterprises LLC dba Shell Oil Products US Attention: Andrea Wing	Address: 20945 South Wilmington Avenue Carson, CA 90810
Fund Expenditures to Date: \$700,964	Number of Years Case Open: 31

GeoTracker Case Record: <https://geotracker.waterboards.ca.gov/?gid=T0605900845>

Summary

This case has been proposed for closure by the State Water Resources Control Board at the request of the Orange County Healthcare Agency, 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 currently occupied by a fast food restaurant. An unauthorized release was reported in August 1989 following the removal of three gasoline underground storage tanks (USTs) and one waste oil UST. Approximately 12,000 cubic yards of petroleum impacted soil were over-excavated to a total depth of 13 feet below ground surface (bgs) and transported offsite for disposal.

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

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Approximately 2,000,000 gallons of groundwater was extracted, treated, and discharged under permit into the storm drain on site between 1992 and June 1996, when it was shut down due to extraction system damage caused by construction activities. Soil vapor extraction (SVE) was conducted between October and December 1993, running for approximately 550 hours and reportedly removing just 30 pounds of vapor-phase petroleum hydrocarbons. Approximately 10 feet of oxygen compound release socks were positioned in the saturated zones of five wells with high petroleum constituent concentrations from 1997 until 2000. Benzene concentrations decreased from July 1996 to January 2000 and have remained stable since. A bio-sparge pilot test was performed in September 2010. Results from this pilot project indicated that conditions supported bios-sparging. However, an extended test in 2011 found that bio-sparging was not an effective remedial alternative for the site. In February 2016 an air-sparge dual phase extraction pilot test was performed using a mobile extraction unit.

Elevated diisopropyl ether (DIPE) concentrations were fund in groundwater. However, the DIPE plume appears to be stable and not a threat to drinking water. The nearest drinking water well is located greater than 3,000 ft from the plume boundary. While the residual impacts in shallow ground water indicate a potential vapor intrusion threat direct measurement of soil vapor concentrations and subsequent risk evaluations demonstrated that there is a low risk of vapor intrusion for the existing site use. Maximum concentrations of petroleum constituents in soil from soil samples are less than or equal to those listed in Table 1 of the Policy. There are no results for PAHs but soil impact in the vicinity of the waste oil tank appear limited and PAH concentrations are not expected to be elevated.

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 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 ($\mu\text{g}/\text{L}$), and the dissolved concentration of MTBE is less than 1,000 $\mu\text{g}/\text{L}$.
- 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

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specific risk assessment demonstrates 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.

Reviewed By: 
Matthew Cohen, PG No. 9077
Senior Engineering Geologist

April 5, 2021

Date

