NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), CASE CLOSURE RECOMMENDATION, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25299.39.2: CLAIM NUMBER: 13078; SITE ADDRESS: BOB'S STOP & SHOP; 14963 ROAD 192, PORTERVILLE, CA 93257

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will accept comments on the proposed underground storage tank (UST) case closure for Tulare County Environmental Health Care Agency case number 727, 14963 Road 192, Porterville, Tulare County. The State Water Board will be considering this UST case closure summary at a future board meeting. The meeting will be noticed separately.

Health & Safety Code section 25299.39.2 subdivision (a)(1) requires that the Fund Manager notify UST owners or operators who have a Letter of Commitment (LOC) that has been in active status for five or more years and to review the case history of these sites on an annual basis unless otherwise notified by the UST owner or operator. In addition, Health & Safety Code section 25299.39.2 further states that the Fund Manager, with approval of the UST owner or operator, may recommend regulatory case closure to the State Water Board. This process is called the "5-Year Review." The State Water Board may close or require the closure of any UST case.

Having obtained the owner/operator's approval, and pursuant to Health & Safety Code section 25299.39.2 subdivision (a)(1), the Fund Manager recommends closure of the UST. Enclosed is a copy of the UST Case Closure Summary for the UST case. The case closure summary contains information about the UST case and forms the basis for the UST Cleanup Fund Manager's recommendation to the State Water Board for UST case closure. A copy of the Case Closure Summary has been provided to the owner/operator, environmental consultant of record, the local agency that has been overseeing corrective action, the local water purveyor, and the water district specified by Health & Safety Code section 25299.39.2 subdivision (a)(1).

New requirements specified in Health & Safety Code section 25299.39.2 subdivision (a)(2) require that the State Water Board limit reimbursement of any correction action costs incurred after the date of this letter to $10,000 per year, excepting special circumstances.

SUBMISSION OF WRITTEN COMMENTS
Written comments on the case closure summary to the State Water Board **must be received by 12:00 Noon on November 5, 2012**. After the deadline, staff will not accept additional written comments unless the State Water Board determines that such comments should be accepted. Please provide the following information in the subject line: "**Comment Letter – Bob's Stop & Shop Case Closure Summary.**" Comments must be addressed to:

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
(tel) 916-341-5600
(fax) 916-341-5620
(email) commentletters@waterboards.ca.gov

Hand and special deliveries should also be addressed to Ms. Townsend at the address above. Couriers delivering comments must check in with lobby security and have them contact Ms. Townsend at (916) 341-5600.

Please direct questions about this notice to Bob Trommer, UST Cleanup Fund, at (916) 341-5684 (btrommer@waterboards.ca.gov) or Nathan Jacobsen, Staff Counsel at (916) 341-5181 (njacobsen@waterboards.ca.gov).

September 4, 2012
Date

Jeanine Townsend
Clerk to the Board

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

UST CASE CLOSURE SUMMARY

Agency Information

Agency Name: Tulare County Department of Environmental Health (County)	Address: 5957 South Mooney Boulevard, Visalia, CA 93277
Agency Caseworker: Harmeet Singh	Case No.: 727

Case Information

USTCF Claim No.: 13078	Global ID: T0610700368
Site Name: Bob's Stop & Shop	Site Address: 14963 Road 192, Poplar, CA 93257
Responsible Party (RP): Robert Stevens	Address: 14963 Road 192, Poplar, CA 93257
USTCF Expenditures to Date: $521,176	Number of Years Case Open: 15

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0610700368

Summary

The Low-Threat Underground Storage Tank Case Closure Policy (Low-Threat Policy) contains general and media-specific criteria, and cases that meet those criteria are appropriate for closure pursuant to the Low-Threat Policy. This case meets all of the required criteria of the Low-Threat Policy. A summary evaluation of compliance with the Low-Threat Policy is shown in **Attachment 1: Compliance With State Water Board Policies and State Law**. The Conceptual Site Model upon which the evaluation of the case has been made is described in **Attachment 2: Summary of Basic Site Information.** Highlights of the Conceptual Site Model of the case follow:

This property is currently used by residents living in mobile homes and as a storage facility. A leak was identified in January 1997. Since 1999, seven monitoring wells have been installed and monitored regularly. Soil vapor extraction, conducted from February 2007 through February 2012 for a total of 13,994 hours, removed approximately 6,213 pounds of TPHg. According to data available in GeoTracker, there are nine California Department of Public Health (CDPH) regulated public supply wells within ½ mile of the site. The nearest CDPH well (inactive) is 1,273 feet north (cross gradient) from the Site. No domestic public supply wells were identified within ½ mile of the Site. No other supply wells were identified in the files reviewed. Water users in the vicinity of the site rely on the City of Porterville Public Works. To date, $521,176 in corrective action costs have been reimbursed by the Fund.

The petroleum release is limited to the shallow soil and groundwater. The affected groundwater is not currently being used as a source of drinking water or for any other beneficial use, and it is highly unlikely that the affected groundwater will be used as a source of drinking water or for any other beneficial use in the foreseeable future. Public supply wells are usually constructed with competent sanitary seals and intake screens that are in deeper more protected aquifers.

Other designated beneficial uses of impacted groundwater are not threatened and it is highly unlikely that they will be considering these factors in the context of the Site setting. Remaining petroleum hydrocarbon constituents are limited, stable and concentrations declining. Remedial actions have been implemented and further remediation would be ineffective and expensive. Additional assessment/monitoring will not likely change the conceptual model. Any remaining petroleum hydrocarbon constituents do not pose significant risk to human health, safety or the environment. The corrective action performed is protective of human health, safety, and the environment.

Rationale for Closure under the Low-Threat Policy

- General Criteria – Meets all eight general criteria.
- Groundwater – Site-specific analysis, using Groundwater-Specific Criterion (5)a, shows that under current and reasonably anticipated near-term future scenarios, the contaminant plume poses a low threat to human health and safety and to the environment, and water quality objectives will be achieved within a reasonable timeframe.
- Vapor Intrusion to Indoor Air – The case meets Policy Criterion 2.a. Site-specific conditions satisfy Scenario 3.
- Direct Contact and Outdoor Air Exposure – This case meets Policy Criterion 3.B. A professional assessment of site-specific risk from exposure shows that maximum concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health.

Objections to Closure

The County objects to UST case closure for this case because confirmation soil boring should be taken to assess residual mass. In addition, the County believes that borings should be advanced into groundwater and converted to monitoring wells to further assess the water quality beneath the Site.

Response to Objections to Closure

Confirmation soil borings or additional monitoring wells are not necessary. Minimal groundwater contamination has been identified at this site and water quality objectives were achieved in all site wells in February 2012. Historically, minor concentrations (6.4 micrograms per liter [ug/L]) of benzene have been detected in source area monitoring well MW-7 in 2011 and in down gradient well MW-6 (4.1 ug/L) in 2008. However, after 12 years of monitoring, the groundwater plume is decreasing in size and concentration. Analytical data indicate that water quality objectives (WQOs) have been achieved in all wells. The affected shallow groundwater is not used as a source of water supply nor is it likely to be used as a source of water supply in the foreseeable future. Water users in the vicinity of the site rely on the City of Porterville Public Works.

Fund Manager Recommendation for Closure
Based on available information, residual petroleum hydrocarbons at the Site do not pose significant risks to human health, safety, or the environment, and the case meets the requirements of the Low-Threat Policy. Accordingly, the Fund Manager recommends that the case be closed. The State Water Board is conducting public notification. The County has the regulatory responsibility to supervise the abandonment of monitoring wells.

Lisa Babcock

Lisa Babcock, P.G. 3939, C.E.G 1235

8/31/12

Date

PASS

ATTACHMENT 1: COMPLIANCE WITH STATE WATER BOARD POLICIES AND STATE LAW

The site complies with the State Water Resources Control Board policies and state law. Section 25296.10 of the Health and Safety Code requires that sites be cleaned up to protect human health, safety, and the environment. Based on available information, any residual petroleum constituents at the site do not pose significant risk to human health, safety, or the environment.

The site complies with the requirements of the Low-Threat Underground Storage Tank (UST) Case Closure Policy as described below.[1]

Is corrective action consistent with Chapter 6.7 of the Health and Safety Code and implementing regulations? The corrective action provisions contained in Chapter 6.7 of the Health and Safety Code and the implementing regulations govern the entire corrective action process at leaking UST sites. If it is determined, at any stage in the corrective action process, that UST case closure is appropriate, further compliance with corrective action requirements is not necessary. Corrective action at this site has been consistent with Chapter 6.7 of the Health and Safety Code and implementing regulations and, since this case meets applicable case-closure requirements, further corrective action is not necessary, unless the activity is necessary for case closure.	☒ Yes ☐ No
Have waste discharge requirements or any other orders issued pursuant to Division 7 of the Water Code been issued at this site?	☐ Yes ☒ No
If so, was the corrective action performed consistent with any order? There was an order issued for this site. The corrective action performed in the past is consistent with that order. Since this case meets applicable case-closure requirements, further corrective action under the order that is not necessary, unless the activity is necessary for case closure.	☐ Yes ☐ No ☒ NA
General Criteria General criteria that must be satisfied by all candidate sites:	
Is the unauthorized release located within the service area of a public water system?	☒ Yes ☐ No
Does the unauthorized release consist only of petroleum?	☒ Yes ☐ No
Has the unauthorized ("primary") release from the UST system been stopped?	☒ Yes ☐ No
Has free product been removed to the maximum extent practicable?	☐ Yes ☐ No ☒ NA

[1] Refer to the Low-Threat Underground Storage Tank Case Closure Policy for closure criteria for low-threat petroleum UST sites.

Has a conceptual site model that assesses the nature, extent, and mobility of the release been developed?	☒ Yes ☐ No
Has secondary source been removed to the extent practicable?	☒ Yes ☐ No
Has soil or groundwater been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15?	☒ Yes ☐ No
Nuisance as defined by Water Code section 13050 does not exist at the site?	☒ Yes ☐ No
Are there unique site attributes or site-specific conditions that demonstrably increase the risk associated with residual petroleum constituents?	☐ Yes ☒ No
<u>Media-Specific Criteria</u> Candidate sites must satisfy all three of these media-specific criteria: **1. Groundwater:** To satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites: **Is the contaminant plume that exceeds water quality objectives stable or decreasing in areal extent?**	☒ Yes ☐ No ☐ NA
Does the contaminant plume that exceeds water quality objectives meet all of the additional characteristics of one of the five classes of sites? If YES, check applicable class: ☐ **1** ☐ **2** ☐ **3** ☐ **4** ☒ **5** **Do site soils contain insufficient mobile constituents (leachate, vapors, or light non-aqueous phase liquids) to threaten groundwater?**	☒ Yes ☐ No ☐ NA ☒ Yes ☐ No ☐ NA
2. Petroleum Vapor Intrusion to Indoor Air: The site is considered low-threat for vapor intrusion to indoor air if site-specific conditions satisfy all of the characteristics of one of the three classes of sites (a through c) or if the exception for active commercial fueling facilities applies. **Is the site an active commercial petroleum fueling facility?** Exception: Satisfaction of the media-specific criteria for petroleum vapor intrusion to indoor air is not required at active commercial petroleum fueling facilities, except in cases where release characteristics can be reasonably believed to pose an unacceptable health risk.	☐ Yes ☒ No
a. Do site-specific conditions at the release site satisfy all of the applicable characteristics and criteria of scenarios 1 through 3 or all of the applicable characteristics and criteria of scenario 4? If YES, check applicable scenarios: ☐ **1** ☐ **2** ☒ **3** ☐ **4**	☒Yes ☐ No ☐ NA

b. Has a site-specific risk assessment for the vapor intrusion pathway been conducted and demonstrates that human health is protected to the satisfaction of the regulatory agency?	☐ Yes ☐ No ☒ NA
c. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, has the regulatory agency determined that petroleum vapors migrating from soil or groundwater will have no significant risk of adversely affecting human health?	☐ Yes ☐ No ☒ NA
3. Direct Contact and Outdoor Air Exposure: The site is considered low-threat for direct contact and outdoor air exposure if site-specific conditions satisfy one of the three classes of sites (a through c).	
a. Are maximum concentrations of petroleum constituents in soil less than or equal to those listed in Table 1 for the specified depth below ground surface (bgs)?	☐ Yes ☐ No ☒ NA
b. Are maximum concentrations of petroleum constituents in soil less than levels that a site specific risk assessment demonstrates will have no significant risk of adversely affecting human health?	☒ Yes ☐ No ☐ NA
c. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, has the regulatory agency determined that the concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health?	☐ Yes ☐ No ☒ NA

ATTACHMENT 2: SUMMARY OF BASIC SITE INFORMATION (Conceptual Site Model)

Site Location/ History

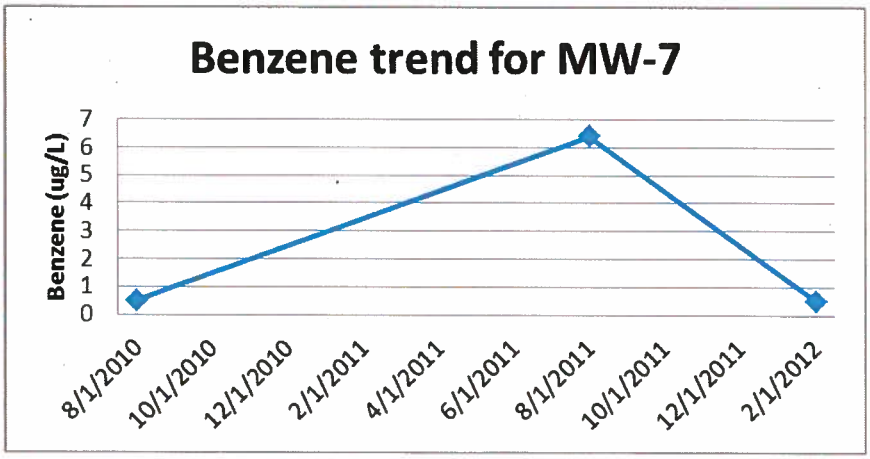
- The Site is located at 14963 Road 192 in Poplar, California.
- The Site is bounded by a residence to the west, agricultural fields to the north and south and County Road 192 to the east. The surrounding land use is mixed residential, commercial and agricultural.
- In October 1996, soil contamination was identified during the removal of USTs.
- Seven monitoring wells have been installed and monitored regularly.
- A Site map showing the location of the former USTs, monitoring wells and groundwater level contours is provided at the end of this closure summary.

Pollutant Source

- Nature of Contaminants of Concern: Petroleum hydrocarbons only.
- Source, Date reported, and Status of Release: UST system, January 2, 1997, USTs removed.
- Free Phase Hydrocarbons: None reported.

Geology/ Hydrogeology

- Stratigraphy: The Site is underlain by interbedded and intermixed gravel, sand, silt and clay.
- Maximum soil depth: 116 feet below ground surface (bgs).
- Minimum Groundwater Depth: 89.71 feet bgs at monitoring well MW-6.
- Maximum Groundwater Depth: 114.42 feet bgs at monitoring well MW-6.
- Current Average Depth to Groundwater: 98 feet bgs.
- Saturated Zones(s) Studied: 108 to 123 bgs.
- Groundwater Flow Direction: Variable, westerly at approximately 0.008 feet per foot.

Groundwater Trends:

- There are more than 12 years of groundwater monitoring data for this Site. Benzene trends are shown below, source area (MW-7) and down gradient (MW-5).