

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2015-0113-UST

**In the Matter of Underground Storage Tank 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 underground storage tank (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:

Kaiser Permanente (Responsible Party)

Kaiser Permanente

393 Walnut Street, Pasadena, Los Angeles County

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

City of Pasadena Fire Department, Case No. N/A (Former)

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 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

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.

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.

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0603702020

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 (l)(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, the State Water Board finds that corrective action taken to address the unauthorized release of petroleum at the UST release site identified as:

Kaiser Permanente (Responsible Party)

Kaiser Permanente

393 Walnut Street, Pasadena, Los Angeles County

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

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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 State Water Board 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 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.

- D. 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.
- E. 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

8-13-15

Date

State Water Resources Control Board

UST CASE CLOSURE SUMMARY

Agency Information

Current Agency Name: State Water Resources Control Board	Address: 1001 I Street, P.O. Box 2231 Sacramento, CA 95812
Current Agency Caseworker: Mr. Matthew Cohen	Case No.: N/A

Former Agency Name: City of Pasadena Fire Department (Prior to 7/1/2013)	Address: 199 South Los Robles Avenue, Suite 550 Pasadena, CA 91101
Former Agency Caseworker: Mr. James Weckerle	Case No.: N/A

Case Information

USTCF Claim No.: None	Global ID: T0603702020
Site Name: Kaiser Permanente	Site Address: 393 Walnut Street (Site) Pasadena, CA 91101
Responsible Party: Kaiser Permanente Attention: Mr. Timothy Eng	Address: 393 Walnut Street Pasadena, CA 91101
USTCF Expenditures to Date: N/A	Number of Years Case Open: 23

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0603702020

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. This case meets all of the required criteria of the Policy.

The release at the Site was discovered when a leak test was performed in December 1985 in response to an unexpected loss of product from the existing underground storage tank (UST). Leak test results identified a leak in the product line. Soil sampling performed in January, March, and April of 1986 indicated petroleum constituents were present in soil near the east end of the UST.

A soil vapor extraction (SVE) system was installed with five wells and operated from September 1988 through July 1990. The SVE system removed an estimated 11,650 gallons of gasoline from the subsurface. The UST piping was replaced in 1995. In preparation for the UST removal, additional assessment was performed in 2003 and identified low concentrations of petroleum constituents in soil at 20 feet below ground surface (bgs). In November 2003, one 20,000-gallon gasoline UST was abandoned in place and one 500-gallon diesel UST was removed. No operating USTs remain on-site. Petroleum constituents were not detected in soil samples obtained during removal activities except for trace concentrations of total xylenes in one sample. The Site is operated as an office and parking lot for Kaiser Permanente.

Groundwater was not encountered during soil sampling. Depth to groundwater is estimated to be 200 feet bgs. The nearest existing public supply well and surface water body are greater than 1,000 feet from the Site. Remedial actions have been implemented and further remediation is not necessary. Additional corrective action will not likely change the conceptual site model. Remaining petroleum constituents pose a low risk to human health, safety, and the environment.

Rationale for Closure under the Policy

- General Criteria – Site **MEETS ALL EIGHT GENERAL CRITERIA** under the Policy.
- Groundwater Media-Specific Criteria – Site releases **HAVE NOT LIKELY AFFECTED GROUNDWATER**. There are not sufficient mobile constituents (leachate, vapors, or light non-aqueous phase liquids) to cause groundwater to exceed the groundwater criteria in this Policy.
- Petroleum Vapor Intrusion to Indoor Air Criteria – Site meets **CRITERION 2 (a) - Scenario 2**. Total petroleum hydrocarbons in soil are less than 100 mg/kg to a depth of at least 30 feet bgs.
- Direct Contact and Outdoor Air Exposure Criteria – Site meets **CRITERION 3 (a)**. Maximum concentrations of residual petroleum constituents in soil are less than or equal to those listed in Table 1 of the Policy. The estimated naphthalene concentrations are less than the thresholds in Table 1 of the Policy for direct contact. There are no soil sample results in the case record for naphthalene. However, the relative concentration of naphthalene in soil can be conservatively estimated using the published relative concentrations of naphthalene and benzene in gasoline. Taken from Potter and Simmons (1998), gasoline mixtures contain approximately 2% benzene and 0.25% naphthalene. Therefore, benzene concentrations can be used as a surrogate for naphthalene concentrations with a safety factor of eight. Benzene concentrations from the Site are below the naphthalene thresholds in Table 1 of the Policy. Therefore, estimated naphthalene concentrations meet the thresholds in Table 1 and the Policy criteria for direct contact with a safety factor of eight. It is highly unlikely that naphthalene concentrations in the soil, if any, exceed the threshold. Although poly-aromatic hydrocarbons were not analyzed, there does not appear to be a significant release that would result in concentrations in the soil exceeding concentrations listed in Table 1 of the Policy.

Recommendation for Closure

The corrective action performed at this Site ensures the protection of human health, safety, and the environment, and is consistent with chapter 6.7 of the Health and Safety Code and implementing regulations, applicable state policies for water quality control, and the applicable water quality control plan, and case closure is recommended.



George Lockwood, PE No. 59556
Senior Water Resource Control Engineer

3/23/2015

Date

