

State Water Resources Control Board

MAR 12 2015

Mr. Tom Fromdahl
American Honda Motor Company, Inc.
1919 Torrance Boulevard
Torrance, CA 90501
(Via email: Tom.Fromdahl@ahm.honda.com)

Dear Mr. Fromdahl:

PETITION OF AMERICAN HONDA, FOR REVIEW OF DENIAL OF PETROLEUM UNDERGROUND STORAGE TANK CASE CLOSURE, 1919 TORRANCE BOULEVARD, TORRANCE, LOS ANGELES COUNTY: DISMISSAL

American Honda Motor Company (Petitioner) seeks review by the State Water Resources Control Board (State Water Board) of the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) decision to reject closure of Petitioner's underground storage tank (UST) case at 1919 Torrance Boulevard, Torrance, Los Angeles County (Site).

The case has the following identification numbers:

- State Water Board Division of Water Quality, Petition No. 0100
- GeoTracker No. T0603715594
- Los Angeles Water Board, Case No. 905010198

After careful consideration, I conclude that the petition in this matter fails to raise substantial issues that are appropriate for review by the State Water Board. Accordingly, the State Water Board refuses to review your request for UST case closure. (See Cal. Code Regs., tit. 23, § 2814.7, subdivision (d)(4); see also, *Johnson v. State Water Resources Control Board* (2004) 123 Cal.App.4th 1107; *People v. Barry* (1987) 194 Cal.App.3d 158.)

APPLICABLE LAW

Owners and operators of USTs and other responsible parties may petition the State Water Board for a review of their case if they believe the corrective action plan for their Site has been satisfactorily implemented, but closure has not been granted. (Health & Saf. Code, § 25296.40, subdivision (a)(1). See also Cal. Code Regs., tit. 23, § 2814.6.)

Several statutory and regulatory provisions provide the State Water Board, Regional Water Quality Control Boards, and local agencies with broad authority to require responsible parties to clean up a release from a petroleum UST. (Health & Saf. Code, § 25296.10; Wat. Code, § 13304, subdivision (a).) The State Water Board has promulgated regulations specifying corrective action requirements that are applicable to petroleum UST cases. (Cal. Code Regs., tit. 23, §§ 2720-2728.)

The regulations define corrective action as “any activity necessary to investigate and analyze the effects of an unauthorized release; propose a cost-effective plan to adequately protect human health, safety, and the environment and to restore or protect current and potential beneficial uses of water; and implement and evaluate the effectiveness of the activity(ies).” (Cal. Code Regs., tit. 23, § 2720.)

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 (commencing with section 25280) of Division 20 of the Health and Safety Code and implementing regulations, (2) any applicable waste discharge requirements or other order issued pursuant to Division 7 (commencing with section 13000) of the California Water Code, (3) all applicable state policies for water quality control, and (4) all applicable water quality control plans.

State Water Board Resolution No. 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304 is a state policy for water quality control and applies to UST cases. State Water Board Resolution No. 92-49 directs that water affected by an unauthorized release attain either background water quality or the best water quality that is reasonable if background water quality cannot be restored. (State Water Board Resolution No. 92-49, section III.G.) Any alternative level of water quality less stringent than background must be consistent with the maximum benefit to the people of the state, not unreasonably affect current and anticipated beneficial use of affected water, and not result in water quality less than that prescribed in the water quality control plan for the basin within which the site is located. (*Ibid.*) Resolution No. 92-49 does not require, however, that the requisite level of water quality be met at the time of site closure. Resolution No. 92-49 specifies compliance with cleanup goals and objectives within a reasonable time frame (*Id.* at section III.A.). Therefore, even if the requisite level of water quality has not yet been attained, a site may be closed if the level will be attained within a reasonable period.

State Water Board Resolution 2012-0016, Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closure (Policy) is a state policy for water quality control and applies to petroleum UST cases that are low-threat. In State Water Board Resolution No. 2012-0016, the State Water Board adopted the 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 Policy pose a low-threat to human health, safety, and 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 Water Quality Control Plan for the Los Angeles Region (Basin Plan) designates existing and potential beneficial uses of groundwater in the Coastal Plain of Los Angeles – West Coast (4-11.03) groundwater basin as municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply (Basin Plan, June 13, 1992, Chapter II).

BACKGROUND

- The Site is located in a heavily industrialized portion of Los Angeles County. The Site is an active fueling facility and operates two USTs. It is surrounded by manufacturing facilities, warehouses, and oil refineries. Residential properties are located to the south and west.
- The Site is located in the Coastal Plain of Los Angeles – West Coast groundwater basin. The public water supply is provided by the City of Torrance.
- The nearest public supply well is located approximately 6,400 feet south of the Site. The nearest surface water body is a drainage canal located approximately 250 feet northeast of the Site.
- The near-surface geology consists of fill material to approximately 5 to 12 feet below ground surface (bgs), silty sand and silty clay to approximately 12 to 15 feet bgs, fine grained soils consisting of clay, silty sand, and sandy silt to approximately 15 to 31 feet bgs, poorly graded sands with silty sand and well graded sand to approximately 31 to 90 feet bgs.
- Depth to first encountered groundwater is approximately 75 feet bgs. Groundwater is semi-confined. The groundwater flow direction is generally easterly and is influenced by extraction wells operated at the ExxonMobil Refinery property located at 3700 West 190th Street.
- The release at the Site was discovered in January 2004 during the removal and replacement of one 5,000 gallon UST and one 10,000 gallon UST.
- Remediation activities include the excavation of approximately 50 cubic yards of petroleum impacted soil during tank removal activities in 2004.
- On January 22, 2004, the Petitioner submitted a report to the City of Torrance Fire Department (TFD) requesting no further action. The TFD requested further investigation to investigate if methyl tert-Butyl ether (MTBE) originated from an offsite source.
- On March 18, 2004, the Petitioner submitted a report to the TFD including an evaluation of MTBE in groundwater from the ExxonMobil Refinery and requested no further action at the Site. On March 25, 2004, TFD referred the case to the Los Angeles Water Board due to the groundwater contamination at the Site.
- On May 18, 2004, the Petitioner submitted a report to the Los Angeles Water Board requesting no further action. Los Angeles Water Board staff requested additional information to facilitate their review.
- On June 18, 2004, the Petitioner submitted the additional information requested by Los Angeles Water Board staff and requested no further action. Case closure was denied and additional site assessment was requested.
- On September 20, 2007, American Honda Motor Company Inc., petitioned the State Water Board for site closure.
- In November 2007, additional site assessment was completed by drilling three borings and converting one of the borings into monitoring well LFMW-1. Soil results indicated that MTBE concentrations beneath the UST area attenuated with depth. Elevated MTBE concentrations were reported in groundwater.
- On December 12, 2007, a groundwater sample was collected from monitoring well LFMW-1 located east and immediately downgradient of the former tank pit. The groundwater sample results indicated concentrations of total petroleum hydrocarbons (TPH) as gasoline, benzene, toluene, ethylbenzene, and xylenes (BTEX), and MTBE all exceeded water quality objectives (WQOs). The Petitioner concluded that Site data showing decreasing concentrations of petroleum contaminants in soil with increasing depth and high concentrations of petroleum contaminants in groundwater indicated the source of the groundwater contamination was likely from the offsite ExxonMobil property.

- On December 13, 2007 and April 16, 2008, Los Angeles Water Board staff provided comments on the petition explaining why closure of the Site is not warranted.
- On October 16, 2008, Los Angeles Water Board staff submitted comments explaining why MTBE in groundwater at the Site was unlikely to be from the ExxonMobil property.
- On September 11, 2014, the State Water Board completed review of the petition and recommended that the case be closed. The public and interested parties were notified of the proposed case closure and given a 60-day period to provide comments.
- On November 14, 2014, comment letters disagreeing with case closure were submitted by Los Angeles Water Board staff and by ExxonMobil.

DISCUSSION

The Petitioner contended Site data showing decreasing concentrations of petroleum contaminants in soil with increasing depth and high concentrations of petroleum contaminants in groundwater indicated the source of the groundwater contamination was likely from the offsite ExxonMobil property.

After consideration of the comments provided during the 60-day comment period, I agree with the Los Angeles Water Board staff determination that all of the General and Media-Specific Criteria in the Policy have not been met. The Petitioner has not adequately characterized petroleum contamination in soil and groundwater beneath the Site. In addition to the petroleum USTs that were replaced during 2004, additional information has been added to the Site record which indicates that several petroleum USTs associated with commercial and industrial businesses were also operated at multiple locations throughout the Site. There is insufficient soil and groundwater data to characterize potential residual petroleum constituents in soil and groundwater related to the previous commercial and industrial businesses that operated at the Site.

Only one groundwater monitoring well exists onsite and that well has only been sampled once. The areal extent of the petroleum contaminant plume that exceeds WQOs has not been delineated. There is insufficient data to determine that the Petitioner's unauthorized release, considered separately, meet all of the General Criteria and Media-Specific Criteria of the Policy.

As such, the Petitioner has not provided sufficient information for either the Regional or State Water Boards to evaluate the Site for a low-threat UST case closure. The potential secondary source areas require additional investigation and, if necessary, remediation. Plume stability must be demonstrated prior to case closure.

When directing closure of a UST case, the State Water Board must find that the corrective action performed ensures the protection of human health, safety, and the environment and that it is consistent with Chapter 6.7 of Division 20 of the Health and Safety Code and implementing regulations, any waste discharge requirements, other orders issued pursuant to the Porter-Cologne Water Quality Control Act, and all applicable state policies for water quality control. The requirements for case closure have not been met at this time and, therefore, closure of the UST case is not appropriate. Current Site conditions support a potential threat to human health, safety, and the environment. At this point in time, insufficient data are available to determine that corrective action ensures the protection of human health, safety, and the environment. Case closure is inappropriate at this time.

CONCLUSION

Because the petition fails to raise substantial issues that are appropriate for review by the State Water Board, I decline to have the State Water Board review the Petitioner's request for UST case closure.

If you have any questions about this matter, please contact Kevin Graves, UST Program Manager at (916) 341-5782 or by email at: Kevin.Graves@waterboards.ca.gov.

Sincerely,



Thomas Howard
Executive Director

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