

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2014-0024-UST

**In the Matter of Underground Storage Tank Case Closure
Pursuant to Health and Safety Code Section 25296.40 and the
Low-Threat Underground Storage Tank Case Closure Policy**

BY THE EXECUTIVE DIRECTOR:¹

By this order, the Executive Director directs closure of the underground storage tank (UST) case at the site listed below, pursuant to subdivision (a) of section 25296.40 of the Health and Safety Code.² The name of the petitioner, the site name, the site address, the Underground Storage Tank Cleanup Fund (Fund) claim number if applicable, the lead agency, and case number are as follows:

Amir Gholami (Petitioner)

Southland Corporation

1410 Santa Rosa Avenue, Santa Rosa, Sonoma County

Fund Claim Nos. 7003, 8593

North Coast Regional Water Quality Control Board, Case No. 1TSR008

I. STATUTORY AND PROCEDURAL BACKGROUND

Upon receipt of a petition from a UST owner, operator, or other responsible party, section 25296.40 authorizes the State Water Resources Control Board (State Water Board) 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, may close a case or require the closure

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.

² Unless otherwise noted, all references are to the California Health and Safety Code.

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=T0609700532

Low-Threat Closure Policy

In State Water Board Resolution No. 2012-0016, the State Water Board adopted the 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, 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 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:

Amir Gholami (Petitioner)

Southland Corporation

1410 Santa Rosa Avenue, Santa Rosa, Sonoma County

Fund Claim Nos. 7003, 8593

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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 other water quality control policies and applicable water quality control plans.

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

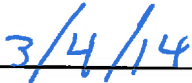
IT IS THEREFORE ORDERED that:

- 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 Petitioner 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 Petitioner 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.



Executive Director



Date

State Water Resources Control Board

UST CASE CLOSURE SUMMARY

Agency Name: North Coast Regional Water Quality Control Board	Address: 5550 Skylane Boulevard, Suite A Santa Rosa, CA 95403
Agency Caseworker: Kasey Ashley	Case No.: 1TSR008

Case Information

USTCF Claim Nos.: 7003, 8593	Global ID: T0609700532
Site Name: Southland Corporation	Site Address: 1410 Santa Rosa Avenue Santa Rosa, CA 95404 (Site)
Petitioner: Amir Gholami Responsible Parties: Naderah Gholami, Mahmoud Gholami, Parviz Gholami, and Ehteram Sadat Gholami c/o Amir Gholami	Address: 1228 Starview Drive Santa Rosa, CA 95403
Reza Baghery	164 Calistoga Road Santa Rosa, CA 95404
USTCF Expenditures to Date: \$1,472,170	Number of Years Case Open: 27

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0609700532

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 during a soil investigation and failed tank test in 1986. A second release was identified in 1989 based on free product reported in monitoring well MW-3 and increasing concentrations in groundwater from surrounding monitoring wells. In 1992, contamination from the Site was identified as having commingled with contamination on the downgradient Transco Transmission property at 1470 Santa Rosa Avenue which adjoins the Site to the south.

In November 1995, the five underground storage tanks (USTs) associated with the 1986 and 1989 releases were removed, over-excavated and disposed off-Site. From 1986 to 2009, a groundwater extraction system operated at the Site. The system was decommissioned due to decreasing recovery rates and concerns that recovery well RW-1 was a vertical conduit between the first and second water bearing units. Between 1996 and 2002, soil vapor extraction (SVE) operated at the Site and was shut down due to asymptotic decreases in recovery rates over time. The cumulative amount of petroleum hydrocarbon removed by groundwater extraction and SVE was not provided. In 2002, approximately 8,000-tons of petroleum impacted soil was excavated to depths between 7 and 20 feet below ground surface (bgs) and disposed off-Site. Since 2003, periodic post-remedial groundwater monitoring has been performed at the Site. In 2010 the Transco Transmission property received a No Further Action letter and responsibility for the remaining petroleum contamination at the Transco Transmission property was assigned to the Site.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

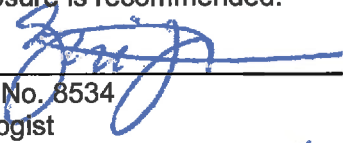
The petroleum release is limited to the shallow soil and groundwater. The affected groundwater is not currently being used as a source of drinking water or for any other designated beneficial use, and it is highly unlikely that the affected groundwater will be used as a source of drinking water or for 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. Remaining petroleum constituents are limited, stable and declining. Remedial actions have been implemented and further remediation would be ineffective and expensive. Any remaining petroleum constituents do not pose significant risk to human health, safety or the environment.

Rationale for Closure under the Policy

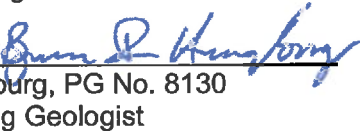
- General Criteria – Site **MEETS ALL EIGHT GENERAL CRITERIA** under the Policy.
- Groundwater Media-Specific Criteria – Site meets the criterion in **CLASS 5**. The nearest water supply well is approximately 800 feet south of the plume boundary. Based on the plume stability and an analysis of Site-specific conditions 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 environmental and Water Quality Objectives will be achieved within a reasonable time frame.
- Petroleum Vapor Intrusion to Indoor Air Criteria – Site meets the **EXCEPTION**. The Site is an active petroleum fueling facility and has no release characteristics that can be reasonably believed to pose an unacceptable health risk.
- Direct Contact and Outdoor Air Exposure Criteria – Site meets **CRITERIA (3) a**. Maximum concentrations of petroleum constituents in soil are less than or equal to those listed in Table 1 of the Policy. There are no soil samples 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 directly substituted for naphthalene concentrations with a safety factor of eight. Benzene concentrations from the Site are below the naphthalene thresholds in Table 1. Therefore, estimated naphthalene concentrations meet the thresholds in Table 1 and the Policy criteria for direct contact by a factor of eight. It is highly unlikely that naphthalene concentrations in the soil, if any, exceed the threshold.

Recommendation for Closure

The corrective action performed at this Site ensures the protection of human health, safety, 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.

Prepared By: 
Eric T Morita, PG No. 8534
Engineering Geologist

10/31/13
Date

Reviewed By: 
Benjamin Heningburg, PG No. 8130
Senior Engineering Geologist

10/31/13
Date