

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2022-0003-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:

Philton Properties, LLC (Responsible Party)

Philton Properties/Baljians Station

7490 La Palma Avenue, Buena Park, Orange County

Fund Claim No. 13909

Santa Ana Regional Water Quality Control Board, Case No. 083000738T (Current)

Orange County Health Care Agency, Case No. 87UT258 (Former)

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.

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 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](http://geotracker.waterboards.ca.gov/?gid=T0605900583): <http://geotracker.waterboards.ca.gov/?gid=T0605900583>

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:

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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 (I)(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.



Chief Deputy Director

January 20, 2022

Date

State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: Santa Ana Regional Water Quality Control Board	Address: 3737 Main Street, Suite 500 Riverside, CA 92501-3348
Agency Caseworker: Miguel Oviedo	Case No.: 083000738T

Case Information

UST Cleanup Fund (Fund) Claim No.: 13909	Global ID: T0605900583
Site Name: Philton Properties/Baljians Station	Site Address: 7490 La Palma Avenue Buena Park, CA 90620 (Site)
Responsible Party: Philton Properties LLC Attention: Tony Hsu	Address: 1212 Paseo Los Gavilanes San Dimas, CA 91773
Fund Expenditures to Date: \$654,112	Number of Years Case Open: 34

GeoTracker Case Record: <http://geotracker.waterboards.ca.gov/?gid=T0605900583>

Summary

This case has been proposed for closure by the State Water Resources Control Board at the request of the Santa Ana Regional Water Quality Control Board, 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 a former gasoline service station currently developed with a commercial strip mall and parking lot. The release was discovered in 1987 when petroleum hydrocarbons were detected in site soil during the removal of one (1) 550-gallon waste oil UST and four (4) 10,000-gallon gasoline USTs. An unreported volume of petroleum hydrocarbon impacted soil was over-excavated and aerated onsite. There is no documentation if the aerated soil was used as backfill for the tank cavity or disposed offsite. From November

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

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2010 to March 2014, dual phase extraction was conducted irregularly, removing approximately 2,030 pounds of vapor-phase total petroleum hydrocarbons as gasoline and 2,970 gallons of contaminated groundwater. Since 1988, sixteen groundwater monitoring wells have been installed and regularly monitored. Concentrations of dissolved phase benzene and naphthalene remain elevated in groundwater in the source area.

Post remedial soil and soil vapor confirmation sampling indicated low concentrations of petroleum concentrations in shallow soil and soil vapor. While the concentrations of remaining benzene, ethylbenzene, and naphthalene in soils meet the Policy criteria in Table 1, samples were not analyzed for the presence of poly-cyclic aromatic hydrocarbons (PAHs). However, shallow soil has historically shown low concentrations of petroleum hydrocarbons throughout site history and PAHs are likely to pose low threat to human health and the environment via the Direct Contact and Outdoor Air Exposure pathway. The dissolved-phase benzene plume exceeding water quality objectives is less than 250 feet in length. The groundwater plume is well defined and has exhibited stable and decreasing trends meeting the criteria of a low threat groundwater plume.

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 ($\mu\text{g/L}$), and the dissolved concentration of MTBE is less than 1,000 $\mu\text{g/L}$.
- Petroleum Vapor Intrusion to Indoor Air – Site meets **Criteria 2 (a), Scenario 4**. Concentrations of benzene, ethylbenzene, and naphthalene in soil gas are less than the soil gas criteria for soil gas samples collected at least five feet from the bottom of the building foundation or ground surface for future construction.
- 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-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

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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:



10/4/21

Matthew Cohen, P.G. No. 9077
Senior Engineering Geologist

Date

