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1610.01

December 26, 2013

Via E-Mail

Vivian Gomez-Latino
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

***Re: Comment Letter – Shell Oil, Stanton Proposed Case Closure
LOP Case No. 89UT155; Global ID No. T0605900387***

Dear Ms. Gomez-Latino:

I am writing on behalf of Plaza on the Blvd., LLC to oppose the closure proposed by the State Water Resources Control Board (“SWRCB”) for the above-referenced case.

PROPERTY LOCATION AND OWNERSHIP

The subject property is located in the County of Orange on the northeast corner of Beach Blvd. and Garden Grove Blvd. at 12950 Beach Blvd., Stanton, CA 90680 (“Property”). Commercial shopping centers are located on adjacent properties to the north and east. Fee title to the Property is held by Gilbert Raymer Shuman, as Trustee of the Testamentary Trust of Gladys R. Shuman, deceased, and as Trustee of the Testamentary Trust of Gilbert E. Shuman, deceased. Plaza on the Blvd., LLC has a long-term leasehold interest in the Property.

HISTORY OF PROPERTY AND DISCOVERY OF RELEASE

The date on which the Property was developed for underground storage and retail sale of motor fuel is unknown. Existing single-walled steel underground storage tanks (“USTs”) were replaced in 1981.

In June 1989, Hunter/Greg, Inc. (“HG”) conducted a pre-renovation subsurface investigation. At that time, the Property was equipped with a service station building and a 500-gallon waste oil UST on the eastern portion of the Property, three gasoline USTs on the southwest corner of the Property, two dispensers on the central western portion of the Property and one dispenser on the southern portion of the Property.

In two separate phases during 1989, HG drilled borings, collected soil samples and installed six (6) groundwater monitoring wells. The total depths of the borings were 32-36 feet below ground surface (“bgs”) and 10-20 foot lengths of perforated pipe were installed in the six (6) wells. Liquid phase hydrocarbons were detected in monitoring well B-2 on the southern portion of the Property in 1989 and in monitoring well B-6 on the central portion of the Property in 1990. Depth to groundwater ranged from 11.74 (excluding B-2) to 12.51 bgs and the direction of groundwater flow was toward the south in October 1989. It appears monitoring wells B-2 and B-6 were replaced in November 1990, but boring logs and well construction details are not available.

In 1990, the waste oil UST, two dispenser islands, product lines and the service station building were removed from the Property and the dispenser island was relocated to the central portion of the Property.

In November 2005, three (3) 10,000-gallon single-walled fiberglass USTs, four dispensers and associated piping were removed from the Property. Oxygenates MTBE and TBA were detected in soil samples collected from the tank hole at concentrations up to 940 ug/kg and 32,000 ug/kg, respectively.

In February 2006, a clarifier associated with the car wash was removed from the northeast side of the Property. All improvements have now been removed from the Property. The Property is currently vacant pending redevelopment.

CHEVRON STATION

A Chevron-branded motor fuel facility is located on the southeast corner of the intersection at 8042 Garden Grove Blvd., Garden Grove, CA 92844 (“Chevron Station”). The Chevron Station, known as G & M Oil # 140, is reportedly owned and operated by G & M Oil Company. An ARCO-branded retail motor fuel facility was formerly located on the property.

SENSITIVE RECEPTORS

Sixteen (16) water wells have been identified within one (1) mile and six (6) DHS supply wells have been identified within one-half mile of the Property. The distance of the six (6) wells ranges from 1,589 feet to 2,164 feet. The status of the six wells as of 2010 was reportedly: destroyed (3); active untreated (1); active raw (1); and inactive untreated (1). The current status of the water production wells is unknown. City of Westminster Well 089A, located 1,589 feet southwest of the Property, was apparently destroyed in March 2003 due to vulnerability to contamination from gas stations. The location and stats of Southern California Water Well Sycamore (Fern), reportedly located .25 mile east of the Property, is unknown.

A child-care facility is reportedly located within one-half mile of the Property. The location of the child-care facility is unknown.

PRELIMINARY USTCF 5-YEAR REVIEW SUMMARY

On March 25, 2010, the SWRCB issued a Preliminary USTCF 5-Year Review Summary. The SWRCB recommended that the Property be considered for low risk regulatory closure.

On June 21, 2010, the County of Orange Health Care Agency (“OCHCA”) issued a letter disagreeing with the recommendation for low risk closure on the following grounds: (1) the extent of off-site groundwater contamination had not been adequately assessed; (2) high concentrations of TBA were present in down gradient groundwater; (3) there are many active, large-scale water production wells installed more than forty (40) years ago that do not have documented sanitary seals; and (4) there are several UST sites within the groundwater basin with confirmed oxygenate plumes that have migrated 1,000 feet or more from the source area and have dived below the water table as they are drawn down towards large system production wells.

SHELL SITE CLOSURE PETITION

On November 3, 2010, Wayne Perry, Inc. (“WPI”) on behalf of Equilon Enterprises dba Shell Oil Products US (“Shell”) issued a Site Closure Petition. WPI argued that: the source of the hydrocarbons have been removed; historical benzene and MTBE concentrations in groundwater have declined; and the Chevron Station is the source of high concentrations of TBA in off-site groundwater.

NOTICE OF RESPONSIBILITY TO G & M (CASE # 11UT001)

On January 20, 2011, the OCHCA issued a Notice of Responsibility to G & M for the Chevron Station.

On May 15, 2013, an LTCP Checklist was posted on GeoTracker indicating that the Chevron Station does not satisfy the low threat closure policy and the case should not be closed because: the areal extent of groundwater contamination is not defined; the depth of groundwater contamination is not defined; potential receptors have not been identified; remediation has not been attempted; and the contaminant plume has not been shown to be stable.

On November 25, 2013, a path to closure plan was posted on GeoTracker indicating the necessity for: development of a conceptual site model that assesses the nature, extent and mobility of the releases; removal of secondary sources to the extent practicable; assessment of groundwater to determine the length of the contaminant plume; and determining the extent of petroleum hydrocarbons in soil.

OCHCA REPOSE TO SHELL SITE CLOSURE PETITION

On January 7, 2011, the Fund issued a letter to the Regional Water Quality Control Board - Santa Ana Region ("RWQCB") requesting a response to Shell's Petition.

On March 2, 2011, the OCHCA issued a letter to the SWRCB disagreeing that G & M is solely responsible for off-site contamination of groundwater. The OCHCA indicated that Shell is responsible for TBA contamination under Garden Grove Blvd. and Beach Blvd. down gradient of the Property. The OCHCA indicated it is likely that releases from the Property and Chevron Station caused the TBA contamination beneath the city streets. The OCHCA requested that the SWRCB consider petitions for both the Shell case and G & M case together.

On May 16, 2011, the OCHCA issued a letter to Shell requesting a workplan to address directive letters.

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

On October 27, 2013, the SWQCB issued Notices of Opportunity for Public Comment for the Property and for the Chevron Station. The conclusions made by the SWRCB conflict with the conclusions made by the OCHCA.

Eligibility for closure should be further considered with regard to whether the reported concentrations of gasoline constituents in groundwater beneath the southern portion of the Property are representative due to uncertainties as to well screen intervals and whether the off-site oxygenates have been fully defined and/or pose a threat to drinking water.

The SWRCB contends there is no risk of petroleum vapor intrusion to indoor air at the Property because the benzene concentrations in shallow groundwater are below 100 ug/L. In light of the anticipated redevelopment of the Property, soil vapor samples should be collected to confirm the absence of any vapor intrusion risk.

Very truly yours,

/s/

Mark B. Gilmartin

MBG:kk

cc: Shyamala K. Sundaram, OCHCA
Anthony F. Martinez, CEG, OCHCA
Marvin Katz, Shell