

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**ORDER WQ 2017-0010-UST**

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

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**BY THE CHIEF DEPUTY DIRECTOR:<sup>1</sup>**

By this order, the Chief Deputy Director directs closure of the UST case at the site listed below, pursuant to section 25296.40 of the Health and Safety Code.<sup>2</sup> The name of the petitioner, 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:

**Union Oil Company of California (Petitioner)**

**Tosco – 76 Station #3472**

**3501 West 3<sup>rd</sup> Street, Los Angeles, Los Angeles County (Site)**

**Fund Claim No. 7195**

**Los Angeles Regional Water Quality Control Board, Case No. 900200098**

**I. STATUTORY AND PROCEDURAL BACKGROUND**

Health and Safety Code, section 25296.40 allows for an owner or operator, or responsible party, who has a UST case, who believes that the corrective action plan has been satisfactory implemented, and where closure has not been granted, to petition the State Water Resources Control Board (State Water Board) for review of their case. Upon review of the case, the State Water Board may close or require the closure of any UST case if it is determined that corrective action has been completed in compliance with all of the requirements

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<sup>1</sup> 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.

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

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 California 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. A UST Case Closure Summary has been prepared for the case identified above and the bases for determining compliance with the Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closures (Policy) are explained in the Case Closure Summary.

### **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 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 corrective action at 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:

**Union Oil Company of California (Petitioner)**

**Tosco – 76 Station #3472**

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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 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 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 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 California Water Code. Any orders that have been issued by the Regional Water Board pursuant to division 7 of the California 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 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 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 (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.

  
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Chief Deputy Director

6/5/2017  
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Date

## State Water Resources Control Board

### UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

#### Agency Information

Agency Name: Los Angeles Regional Water Quality Control Board (Los Angeles Water Board)	Address: 320 West 4 <sup>th</sup> Street, Suite 200 Los Angeles, CA 90013
Agency Caseworker: Mr. Daniel Piroton	Case No.: 900200098

#### Case Information

UST Cleanup Fund (Fund) Claim No.: 7195	Global ID: T0603700636
Site Name: Tosco – 76 Station #3472	Site Address: 3501 West 3 <sup>rd</sup> Street Los Angeles, CA 90020 (Site)
Petitioner: Chevron Environmental Management Company Attention: Ms. Nicole Arceneaux	Address: 6101 Bollinger Canyon Road San Ramon, CA 94583
Representatives of Petitioner: Rogers Joseph O'Donnell, PC Attention: Messrs. Robert C. Goodman and Nicholas T. Niiro	Address: 311 California Street, 10 <sup>th</sup> Floor San Francisco, CA 94104
Fund Expenditures to Date: \$0	Number of Years Case Open: 25

URL: [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0603700636](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0603700636)

#### 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 Site is an active fueling facility. The release at the Site was discovered during the Site assessment in 1991, when soil sampling activities were conducted in conjunction of a failed leak test. Free product recovery has been performed at the Site since 1992. A total of 1.19 gallons of free product was removed from the Site using a vacuum truck. Free product has not been reported since 2004. In March 1999, product dispenser and associated product piping upgrades were conducted at the Site. A total of 274 tons of impacted soils was excavated and transported off-site for disposal at that time. The two gasoline USTs were leak tested on multiple occasions, and both USTs passed each test. In 2002, a soil vapor extraction (SVE) pilot test was conducted and removed 29 pounds of petroleum constituents. In January and February 2004, a total of eight, eight-hour dual phase extraction (DPE) events occurred at the Site. The DPE system removed 341 pounds of vapor-phase petroleum

Tosco – 76 Station #3472  
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constituents and 1,550 gallons of impacted groundwater. In February 2007, one 280-gallon waste-oil UST and 4.3 tons of impacted soil were removed from the Site. From September 2008 to June 2012, the SVE system operated and removed 32,837 pounds of petroleum constituents from the Site. From August 2009 to June 2012, an air injection (AI) system was operated at the Site. The AI/SVE system was shut down in 2012 as a result of the confirmation soil and groundwater rebound evaluation results.

The most recent groundwater sampling results in April 2016 indicate that total petroleum hydrocarbons as gasoline, benzene, methyl tertiary-butyl ether (MTBE), and tertiary-butyl alcohol (TBA) were detected at the maximum concentration of 1,300 micrograms per liter ( $\mu\text{g/L}$ ), 38  $\mu\text{g/L}$ , 250  $\mu\text{g/L}$ , and 26,000  $\mu\text{g/L}$ , respectively.

The public water supply for the Site is provided by the Los Angeles Department of Water and Power. The petroleum release is limited to the soil and shallow groundwater. The contaminant plume that exceeds water quality objectives (WQOs) is estimated to be less than 400 feet in length. Risk drivers benzene and MTBE are less than the Policy criteria. Historical groundwater data indicate that the groundwater plume is decreasing over time.

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. There are no existing water supply wells or surface water bodies located within a half-mile radius of the Site. The Site is low threat and therefore, the case should be closed.

### 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 4**. The contaminant plume that exceeds WQOs is less than 1,000 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 1,000  $\mu\text{g/L}$ , and the dissolved concentration of MTBE is less than 1,000  $\mu\text{g/L}$ .
- Petroleum Vapor Intrusion to Indoor Air – Site meets the **EXCEPTION** for vapor intrusion to indoor air. Exposure to petroleum vapors associated with historical fuel system releases are comparatively insignificant relative to exposures from small surface spills and fugitive vapor releases that typically occur at active fueling facilities.
- Direct Contact and Outdoor Air Exposure – Site meets **Criteria 3 (a)**. Maximum concentrations of petroleum constituents in soil from confirmation soil samples are less than or equal to those listed in Table 1 of the Policy.

### Objections to Closure

Los Angeles Water Board staff objects to UST case closure because:

1. TBA is currently detected in multiple wells at significant concentrations above the Notification Level. The elevated TBA concentrations continue to be reported in wells GW-1, GW-2, and GW-4.

RESPONSE: Groundwater concentration trends have been either stable or decreasing for all petroleum constituents in all monitoring wells, except for an increasing trend for TBA in monitoring

wells GW-2 and GW-4. Natural attenuation appears to be established in all wells, including monitoring wells GW-2 and GW-4 as evidenced by a decrease in MTBE concentrations in these wells. TBA is a degradation by-product of MTBE; therefore, an increase in TBA concentrations is attributed to the MTBE biodegradation. Concentrations of TBA are expected to decrease as natural attenuation continues to degrade residual petroleum constituents.

Since TBA is commonly a product of MTBE biodegradation processes catalyzed by microorganisms in the environment, the concentration of TBA in groundwater is not always a good indicator of source reduction. Based on scientific studies of the natural attenuation of TBA, the median attenuation rate for TBA is similar to the rates for MTBE and benzene and that TBA is not likely to pose a significant threat to the groundwater. Microbial growth on TBA removes TBA from the environment by converting TBA to the innocuous products carbon dioxide and water.

2. A considerable mass of TBA still exists in the groundwater beneath and downgradient from the Site.

RESPONSE: TBA has not been detected in the farthest off-site downgradient monitoring well GW-10 since January 2012. Monitoring well GW-10 is located approximately 600 feet south from the Site boundary. Before the off-site downgradient monitoring well GW-13 was abandoned in 2010, groundwater monitoring results indicated that TBA was never detected in this well. Monitoring well GW-13 is located approximately 280 feet south from the Site boundary.

Groundwater concentration trends have been either stable or decreasing for TBA in all monitoring wells, except for wells GW-2 and GW-4. Natural attenuation appears to be established in wells GW-2 and GW-4 as evidenced by a decrease in MTBE, total petroleum hydrocarbons as gasoline (TPH-g), and benzene concentrations. Concentrations of TBA are expected to decrease as natural attenuation continues to degrade residual petroleum constituents. Petroleum constituents, including TBA, in groundwater will continue to degrade through processes of adsorption, dispersion, dilution, volatilization, and biological degradation.

3. The TBA trend is increasing in wells GW-2, GW-4, and GW-8. The plume is not stable or decreasing in areal extent.

RESPONSE: Based on historical analytical data, the groundwater plume is decreasing in areal extent over time. Groundwater concentration trends have been either stable or decreasing for MTBE and TBA in all wells, except for an increasing trend for TBA in wells GW-2 and GW-4. Natural attenuation appears to be established in all wells, including wells GW-2, GW-4, and GW-8 as evidenced by a decrease in MTBE, TPH-g, and benzene concentrations. Concentrations of TBA are expected to decrease as natural attenuation continues to degrade residual petroleum constituents.

4. Additional groundwater remediation is required to achieve WQOs in a reasonable time frame.

RESPONSE: Remediation activities, including soil excavation, DPE, and SVE/AI, were conducted at the Site from 1999 to 2012. The groundwater plume is decreasing in areal extent. Remaining petroleum constituents do not pose significant risk to human health, safety, or the environment. Site conditions meet closure requirements specified in the Policy. Additional groundwater remediation is not necessary.



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**Recommendation for Closure**

The corrective action performed at this Site ensures the protection of human health, safety, the environment. The corrective action performed at this Site is consistent with chapter 6.7 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.

Prepared By: Trinh Pham  
Trinh Pham  
Water Resource Control Engineer

12/20/2016  
Date

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

12/20/2016  
Date



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