

CORRECTED AUGUST 3, 2016*

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2016-0059-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:

~~Lincoln Property Company (Responsible Party)~~

~~c/o LCCP Blackwelder Fee Owner LLC (Responsible Party)~~

~~c/o La Cienega Creative Properties, LLC (Responsible Party)~~

La Cienega Creative Properties

3077-3243 La Cienega Boulevard South, Los Angeles, Los Angeles County

Los Angeles Regional Water Quality Control Board Case No. 900160370

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 of the requirements of subdivisions (a) and (b) of section 25296.10. The

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.

* Clarifying, non-substantive corrections have been made to the case's identifying information on pages 1 and 3. New text is shown in red; deletions are shown in red and strike-out.

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.

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000000575

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 (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:

~~Lincoln Property Company (Responsible Party)~~

~~c/o LCCP Blackwelder Fee Owner LLC (Responsible Party)~~

~~c/o La Cienega Creative Properties, LLC (Responsible Party)~~

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3077-3243 La Cienega Boulevard South, Los Angeles, Los Angeles County

Los Angeles Regional Water Quality Control Board Case No. 900160370

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 (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.



Chief Deputy Director

4/28/2016

Date

State Water Resources Control Board

CORRECTED AUGUST 3, 2016*
UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: Los Angeles Regional Water Quality Control Board (Los Angeles Water Board)	Address: 1001 I Street, P.O. Box 2231 Sacramento, CA 95812
Agency Caseworker: David M. Bjostad	Case No.: 900160370

Case Information

UST Cleanup Fund (Fund) Claim: None	Global ID: T10000000575
Site Name: La Cienega Creative Properties	Site Address: 3077 – 3243 La Cienega Boulevard South Los Angeles, CA 90016 (Site)
Responsible Party: Lincoln Property Company Attn: Mr. Troy Meldrum LCCP Blackwelder Fee Owner LLC La Cienega Creative Properties LLC	Address: 3129-B South La Cienega Boulevard Los Angeles, CA 90016
Fund Expenditures to Date: None	Number of Years Case Open: 8

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000000575

Summary

This case has been proposed for closure by the State Water Resources Control Board at the request of the Los Angeles Regional Water 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. This case meets all of the required criteria of the Policy.

The Site has a long history of commercial and industrial uses related to the motion picture industry. Past uses include vehicle washing, wood working shop, metal cutting operations, and a nursery. The Site is approximately 6-acres composed of three adjacent parcels developed as a campus environment with 150,000 square feet of creative office space, courtyards, and paved parking areas.

The investigation of contaminant releases from petroleum and non-petroleum underground storage tanks (USTs) began during 2007. Petroleum hydrocarbon releases from USTs have been investigated under Regional Water Board, UST case No. 900160370 and are addressed in this closure summary. Non-UST petroleum releases and non-petroleum releases are being investigated under the Regional Water Board, Site Cleanup Program case No. 1297 and are not addressed in this closure summary.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

La Cienega Creative Properties
3077 – 3243 La Cienega Boulevard, Los Angeles

The closure of the UST case, as proposed, would not relieve the responsible party of its continued obligation to comply with all Regional Water Board directives under Site Cleanup Program case No. 1297, which may include continued analysis of petroleum hydrocarbons, aromatic compounds, and fuel oxygenates.

During 2008, approximately 650 tons of soil was excavated as part of UST removal activities within Area of Concern (AOC) #3. Approximately 3,695 tons of soil was removed in 2014, along with a 550 gallon UST, as part of the redevelopment plans for AOC #5.

Maximum concentrations of total petroleum hydrocarbons (TPH) as gasoline, TPH as diesel, TPH as motor oil, and TPH as oil were detected in soil at concentrations of 500 milligrams per kilogram (mg/kg) in AOC#6, 960 mg/kg in AOC#1, 780 mg/kg in AOC#6, and 4,300 mg/kg in AOC#1, respectively. Low concentrations of benzene, toluene, ethylbenzene, xylenes and naphthalene remain in soil between 5 and 20 feet below grade surface (bgs). Soil vapor samples near USTs indicate that elevated concentrations of petroleum hydrocarbons and naphthalene were present in soil vapor between 5 and 15 feet bgs. A Human Health Risk Assessment dated October 1, 2014 indicates that residual petroleum in soil and soil vapor near former UST locations meet the target Cancer Risk of 1E-05 or less and the Hazard Index of 1.0 or less for current and future commercial/industrial land use.

Depth to groundwater at the Site has ranged between 7 and 28 feet bgs. Groundwater flow direction is predominantly south-south west. Groundwater monitoring data collected in AOC#6 during February 2014, indicated elevated concentrations of TPH as diesel and TPH as oil at 1,700 micrograms per liter ($\mu\text{g}/\text{l}$), and 2,100 $\mu\text{g}/\text{l}$, respectively. A concrete flood control channel, which empties into Ballona Creek, is located along the north and northwest Site boundaries. The nearest public supply well is approximately 700 feet northwest of the plume boundary.

Public water is provided by the City of Los Angeles, Department of Water and Power located in Los Angeles, CA. Public supply wells are usually constructed with competent sanitary seals. Remaining petroleum constituents are limited. Corrective actions associated with petroleum UST releases have been implemented and additional corrective action would be unnecessary and costly. Additional assessment and monitoring will not likely change the conceptual site model. Remaining petroleum constituents are limited, stable and declining and 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

- Groundwater Media-Specific Criteria – Site meets the criteria in **Class 1**. The contaminant plume that exceeds water quality objectives is less than 100 feet in length. There is no free product. The nearest existing water supply well or surface water body is greater than 250 feet from the defined plume boundary.

Petroleum Vapor Intrusion to Indoor Air

- Petroleum Vapor Intrusion to Indoor Air – Site meets **Criteria 2 (b)**. A Site-specific risk assessment for the vapor intrusion pathway was conducted and demonstrates that human health is protected to the satisfaction of the regulatory agency.

Direct Contact and Outdoor Air Exposure

- 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.

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: _____

Matthew Cohen, PG No. 9077
Senior Engineering Geologist

4/11/16

Date

*Clarifying, non-substantive corrections have been made to the case's identifying information on page 1. New text is shown in red; deletions are shown in strike-out.