

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**ORDER WQ 2015-0005-UST**

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**In the Matter of Underground Storage Tank Case Closure  
Pursuant to Health and Safety Code Section 25296.10 and the  
Low-Threat Underground Storage Tank Case Closure Policy**

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**BY THE EXECUTIVE DIRECTOR:<sup>1</sup>**

By this order, the Executive Director directs closure of the underground storage tank (UST) case at the site listed below, pursuant to section 25296.10 of the Health and Safety Code.<sup>2</sup> The name of the responsible party, 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:

**Project 101 Associates (Responsible Party)**

**Bressie & Company**

**600-790 Dubuque Avenue, South San Francisco, San Mateo County**

**San Mateo County Health Systems Case No. 550197**

**I. STATUTORY AND PROCEDURAL BACKGROUND**

Upon review of a UST case, the State Water Resources Control Board (State Water Board) may 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 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

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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.

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

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=T0608152226](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608152226)

### **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:

**Project 101 Associates (Responsible Party)**

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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.

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.

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.

## 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;

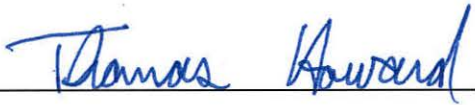
2. Properly remove from the site and manage all waste piles, drums, debris, and other investigation and remediation derived materials in accordance with local or state requirements; and

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.

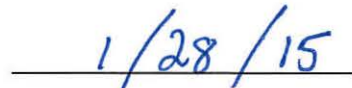
- B. The tasks in subparagraphs (1) and (2) of Paragraph (A) are ordered pursuant to Health and Safety Code section 25296.10 and failure to comply with these requirements may result in the imposition of civil penalties pursuant to Health and Safety Code section 25299, subdivision (d)(1). Penalties may 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 and UST Case Closure Summary 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 Information

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|---|---|
| Agency Name: San Mateo County Health Systems (County) | Address: 2000 Alameda del las Pulgas, Suite 100 San Mateo, CA 94403 |
| Agency Caseworker: Mr. Jacob Madden                   | Case No.: 550197  |

Case Information

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|---|---|
| USTCF Claim No.: N/A  | Global ID: T0608152226  |
| Site Name: Bressie & Co.                                      | Site Address: 600-790 Dubuque Avenue South San Francisco, CA 94080 (Site)   |
| Responsible Parties: Project 101 Associates c/o David Bressie | Address: 500 3 <sup>rd</sup> Street, Suite 505 San Francisco, CA 94107-1814 |
| USTCF Expenditures to Date: None                              | Number of Years Case Open: 7  |

URL: [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0608152226](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608152226)

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 has a long history of commercial and industrial uses. Between 1925 and 1961 a steel foundry was operated at the Site. Circa 1960 the industrial buildings and equipment associated with the steel foundries were removed and replaced with warehouse type buildings. The Site is currently a 47,480 square foot parcel developed with a Lowe's retail home improvement store (Lowe's store), a West Marine boat shop, and paved parking areas.

A release was discovered during May 2007, when two 10,000 gallon fuel oil underground storage tanks (USTs) (Tank-1 and Tank-2) were excavated and removed from the property during surface grading activities for the construction of the Lowe's store. During UST removal activities, approximately 10,000 gallons of water and fuel oil was removed from Tank-1. Additionally, approximately 520 tons of petroleum impacted soil and approximately 15,000 gallons of water and petroleum constituents were removed from areas near the excavation and disposed of off-site. During 2007, maximum concentrations of petroleum hydrocarbons as gasoline, diesel, and motor oil (TPHg, TPHd, and TPHmo) were detected in tank pit soil samples at respective concentrations of 570 milligrams per kilogram (mg/kg), 18,000 mg/kg and 15,000 mg/kg.

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Residual soil and groundwater contaminants consist primarily of semi-volatile petroleum constituents. Residual immobile petroleum constituents, including apparent free product beneath portions of both the building and parking lot, remain in the silty sand and clay soil between approximately 5 and 10 feet below ground surface.

Groundwater monitoring data collected between 1990 and 2013 demonstrates that the petroleum constituent plume, associated with Tank 1 and Tank 2, does not extend off-site. One groundwater monitoring well, MW-12, remains on-site. A secondary source of petroleum constituents exists in soil and groundwater, only monitored by the one remaining monitoring well, MW-12. Free product and concentrations of free product were detected in areas beneath both the building and parking lot, and free product thicknesses were reported in the lone remaining monitoring well, MW-12, up to 0.3 feet during 2010 and 2011. An absorbent sock was installed in MW-12 during March 2011 to skim residual free product sheen from groundwater which likely affected the immediate area of MW-12. No measurable thickness of free product has been encountered in well MW-12 since installation of the passive skimmer. The December 2013, groundwater sampling event indicated that TPHg, TPHd, and TPHmo were detected in groundwater at respective concentrations of 67 micrograms per liter ( $\mu\text{g/L}$ ), 3,200  $\mu\text{g/L}$  and 3,500  $\mu\text{g/L}$ . No other petroleum contaminants were detected in MW-12 during the sampling event.

Non-petroleum contaminants acetone and 2-butanone (MEK), have also been reported in soil and groundwater in the vicinity of the former UST excavation for Tank-1 and Tank-2. During UST removal activities, only low concentrations of acetone and MEK were reported in two out of five soil samples collected and the groundwater sample collected within the UST excavation reported non-detectable concentrations of both acetone and MEK. Concentrations of acetone and MEK have been reported in soil and groundwater at several locations throughout the parcel. Contaminant concentrations for acetone and MEK were all below San Francisco Bay Regional Water Quality Control 2013 Tier 1 Environmental Screening Levels. The source of the non-petroleum contaminants in soil and groundwater does not appear to have originated from Tank -1 and Tank-2, therefore potential corrective actions related to the cleanup of non-petroleum contaminants are not addressed in this UST Case Closure Summary.

The affected groundwater is not currently being used as a source of drinking water or for any other designated beneficial use. There are no surface water bodies or supply wells within 1,000 feet of the plume boundary. 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. While some corrective actions have been implemented, an unknown amount of free product appears to remain beneath the building and parking lot. However, it is the opinion of State Water Resources Control Board (State Water Board) staff that additional corrective action at this time would be unnecessary and costly. Additional assessment/monitoring will not likely change the conceptual site model. Any remaining petroleum constituents do not pose significant risk to human health, safety or the environment, other than potential construction workers, given the current land use.

#### **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 3**. The contaminant plume that exceeds water quality objectives is less than 250 feet in length. Semi-volatile

petroleum constituents are present below the site where the release originated, but do not extend off-site and have been removed to the maximum extent practicable. The plume has been stable or decreasing for a minimum of five years. The nearest existing water supply well and surface water body are greater than 1,000 feet from the defined plume boundary. Based on an analysis of Site specific conditions, under current and reasonably anticipated near-term future scenarios, the contaminant plume poses a low threat to human health and safety and to the environment and water quality objectives (WQOs) will be achieved within a reasonable time frame. The property owner is willing to accept a land use restriction if the regulatory agency requires a land use restriction as a condition of closure.

- Petroleum Vapor Intrusion to Indoor Air – Site meets **CRITERIA (2) a, Scenario 4**. Direct soil gas sampling was conducted at various locations beneath the current building. Concentrations of benzene, ethylbenzene, and naphthalene in soil gas samples collected at five feet are below commercial soil gas screening levels for a site with no bioattenuation zone.
- 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

The County staff objects to UST case closure because:

1. Free product has not been removed to the maximum extent practicable.  
RESPONSE: While an unknown amount of free product appears to remain beneath the building and parking lot, it is the opinion of State Water Board staff that additional corrective action at this time would be unnecessary and costly. Semi-volatile petroleum constituents have been present in monitoring well MW-12 since 2010. An adsorbent sock has been used to skim free product sheen present in the well since 2011. Approximately, one gallon of product has been recovered by the socks between 2011 and 2014. Remaining contamination exists as immobile non-aqueous phase-liquid in soil and groundwater. The soil vapor assessment completed during 2012 indicated that petroleum constituents beneath the site do not poses a vapor intrusion risk.
2. Secondary source is not removed to the extent practical.  
RESPONSE: Concentrations of TPHg, TPHd, and TPHmo have been decreasing over time in the source area, indicating that any residual petroleum constituents pose a low threat to human health, safety, and the environment. Soil samples collected during 2010 and 2012 were non-detect for benzene, ethylbenzene and naphthalene, meeting table 1 criteria for Direct Contact and Outdoor Air Exposure. Sub-slab soil vapor samples collected throughout the building in November 2012 were non-detect for benzene, ethylbenzene and naphthalene, demonstrating that there is not a soil vapor intrusion risk from the residual contamination left in place. The secondary source is located beneath the concrete foundation of the Lowe's store constructed during 2007 and under the parking lot. While this unknown amount of secondary source appears to remain beneath the building and parking lot, it is the opinion of State Water Board staff that additional corrective action at this time would be unnecessary and costly. The petroleum constituent plume, associated with Tank 1 and Tank 2, does not extend off-site. The secondary source does not pose a threat to human health.




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**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.

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9/15/14  
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Date

Reviewed By:   
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Senior Engineering Geologist

9/15/14  
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Date