

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**ORDER WQ 2015-0080-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 CHIEF DEPUTY DIRECTOR:<sup>1</sup>**

By this order, the Chief Deputy 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, current and former lead agencies, and case numbers are as follows:

**Chevron Environmental Management Company (Responsible Party)**

**Tosco – 76 #5792**

**4002 Ball Road, Cypress, Orange County**

**Orange County Health Care Agency, Case No. 97UT028**

**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 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

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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.

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=T0605902083](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0605902083)

### **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:

**Chevron Environmental Management Company (Responsible Party)**

**Tosco – 76 #5792**

**4002 Ball Road, Cypress, Orange County**

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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 are 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.

  
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Chief Deputy Director

6/18/2015  
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Date



**State Water Resources Control Board**

**UST CASE CLOSURE SUMMARY**

**Agency Information**

Current Agency Name: Orange County Health Care Agency	Address: 1241 East Dyer Road, Suite 120 Santa Ana, CA 92705-5611
Current Agency Caseworker: Ms. Julie Wozencraft	Case No.: 97UT028

**Case Information**

USTCF Claim No.: 16249	Global ID: T0605902083
Site Name: Tosco – 76 #5792	Site Address: 4002 Ball Road Cypress, CA 90630 (Site)
Responsible Party: Chevron Environmental Management Company Attention: Mr. Brett Hunter	Address: 6101 Bollinger Canyon Road, Fifth Floor San Ramon, CA 94583
USTCF Expenditures to Date: \$0	Number of Years Case Open: 17

**URL:** [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0605902083](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0605902083)

**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 operated as an active petroleum fueling facility. Petroleum constituents were discovered at the Site in August 1997, when the underground storage tanks (USTs) were removed and replaced. Approximately 995 tons of petroleum impacted soil were removed and transported off-site for disposal during the USTs replacement. Six 8-hour overpurge events were conducted at the Site between December 2000 and June 2001. Approximately 14,276 gallons of impacted groundwater were removed from the Site during the overpurge events. Dual phase extraction (DPE) tests were conducted in January and February 2002. Approximately 1.1 gallons of petroleum constituents and 2,800 gallons of petroleum impacted groundwater were extracted from the Site during the DPE tests. An ozone injection system was operated at the Site from December 2005 through November 2011.

The average depth to groundwater at the Site is approximately nine feet. The groundwater flow direction is toward the southwest. The nearest active public supply well is located approximately 650 feet south and cross-gradient of the Site. Petroleum constituents have not been detected in this well. The nearest surface water body, an unnamed concrete-lined channel, is located approximately 700 feet south of the Site.

Tosco – 76 #5792  
4002 Ball Road, Cypress, Orange County

Remaining petroleum constituents are limited, stable, and declining. Additional corrective action will not likely change the conceptual model. Remaining petroleum constituents pose a low risk to human health, safety, and the environment.

### Rationale for Closure under the Policy

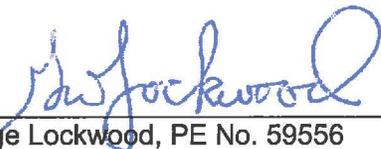
- General Criteria – Site **MEETS ALL EIGHT GENERAL CRITERIA** under the Policy.
- Groundwater Media-Specific Criteria – Site meets the criterion in **CLASS 5**. Based on an analysis of site specific conditions, which under current and reasonably anticipated near-term future scenarios, the contaminant 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 contaminant plume that exceeds WQOs is less than 250 feet in length. The plume is stable or decreasing. During the recent sampling, benzene was not detected in any monitoring wells. Dissolved concentrations of methyl tert-butyl ether were at or near WQOs. Impacts to the nearby surface water body are not likely because the channel is concrete lined.

The nearest active water supply well is located approximately 650 feet south and cross-gradient of the Site. Petroleum constituents have not been detected the water supply well. Future impacts to the supply well are not likely because petroleum constituents were not detected during the recent sampling of the off-site wells or the four grab groundwater samples located between the Site and public supply well.

- Petroleum Vapor Intrusion to Indoor Air Criteria – Site meets **EXEMPTION**. Exposure to petroleum vapors associated with historical fuel system releases is 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 Criteria – Site meets **CRITERION 3 (a)**. Maximum concentrations of residual petroleum constituents in soil 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, and 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.



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

1/15/2015

Date

