

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**ORDER WQ 2014-0082-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, current and former lead agencies, and case numbers are as follows:

**Bay Valley Foods (Responsible Party)**

**Rods Food Products**

**17380 E. Railroad Street, City of Industry, Los Angeles County**

**State Water Resources Control Board, Division of Water Quality, Case No. N/A (Current)**

**Los Angeles County Department of Public Works, Case No. 012220-012339 (Former)**

**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, may close a case or require the closure of a UST case. Closure of a UST case is appropriate 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 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=T10000000557](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000000557)

### **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:

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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.

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 State Water Board 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 notification that the tasks are complete pursuant to Paragraph (A), 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.
- D. 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.

E. 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.

Thomas Howard

Executive Director

6/4/14

Date

## State Water Resources Control Board

### UST CASE CLOSURE SUMMARY

#### Agency Information

Current Agency Name: State Water Resources Control Board (State Water Board)	Address: 1001 I Street, P.O. Box 2231 Sacramento, CA 95812-2231
Current Agency Caseworker: Mr. Matthew Cohen	Case No.: N/A

Former Agency Name: Los Angeles County Department of Public Works (Prior to 7/1/2013)	Address: 900 South Fremont Avenue Alhambra, CA 91803-1331
Former Agency Caseworker: Mr. John Awujo	Case No.: 012220-012339

#### Case Information

USTCF Claim No.: None	Global ID: T10000000557
Site Name: Rods Food Products	Site Address: 17380 E. Railroad Street City of Industry, CA 91748-1023 (Site)
Responsible Party: Bay Valley Foods Attention: Mr. Tim Wolf	Address: 857 School Place Green Bay, WI 54303-1640
USTCF Expenditures to Date: N/A	Number of Years Case Open: 13

URL: [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T10000000557](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000000557)

#### 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 release at the Site was discovered when two underground storage tanks (USTs) and the associated dispensers and product piping were removed in April 2001. A total of approximately 50 tons of visibly impacted soil beneath the dispensers was over-excavated.

In October 2008, additional site assessment was performed to further assess the vertical and lateral petroleum hydrocarbon impacts at the Site. Four soil borings were advanced to a total depth of 35 feet below ground surface (bgs). The confirmation sample data indicated that there was not a significant level of petroleum contamination present at the Site.

The Site is operated as a food production facility. Groundwater was not encountered in any of the borings to the total depth investigated (35 feet bgs); however, groundwater was previously encountered at the Site at 31 feet bgs in 1995. The vertical and horizontal extent of the soil contamination has been delineated. The soil does not contain sufficient mobile constituents to cause groundwater to exceed

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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water quality objectives (WQOs). The nearest public supply well and surface water body are greater than 1,000 feet from the Site.

Remedial actions have been implemented and further remediation is not necessary. Additional corrective action will not likely change the conceptual site model. Any remaining petroleum constituents 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 – **SITE RELEASES HAVE NOT AFFECTED GROUNDWATER.** There do not appear to be sufficient mobile constituents (leachate, vapors, or light non-aqueous-phase liquids [LNAPL]) to cause groundwater to exceed the groundwater criteria in this Policy.
- Petroleum Vapor Intrusion to Indoor Air Criteria – Site meets **CRITERION (2) a, Scenario 2.** There are low concentrations of petroleum hydrocarbons in soil. The minimum distance between the concentrations and all existing buildings is greater than 30 feet, and the intervening soil contains less than 100 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons (TPH).
- Direct Contact and Outdoor Air Exposure Criteria – Site meets **CRITERION (3) b.** A site-specific risk assessment for the potential exposure to residual soil contamination was conducted. The assessment found that maximum concentrations of petroleum constituents remaining in soil have no significant risk of adversely affecting human health. The Site is paved, and accidental exposure to Site soils is prevented. Therefore, the pathway is incomplete. The Site meets Table 1 criteria for utility worker exposure.

#### 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

2/24/14

Date

