

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2021-0014-UST

**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**

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 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:

Mendota Unified School District (Petitioner)

Washington Elementary School

1599 5th Street, Mendota, Fresno County

Fund Claim No. 686

**Central Valley Regional Water Quality Control Board (Central Valley Water Board),
Case No. 5T10000115**

**Fresno County, Public Health Department, Environmental Health Division, Case
No. FA0266672 (Former)**

**State Water Resources Control Board (State Water Board) Petition
No. DWQP-0260**

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.

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 plan has been satisfactorily implemented, and where closure has not been granted, to petition the 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 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 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 (Low-Threat Closure Policy or 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 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 (I)(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 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, as summarized in the attached UST Case Closure Summary, 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 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 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.

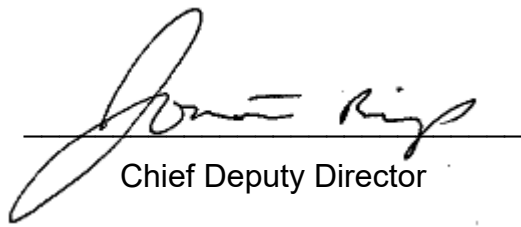
- B. The tasks in subparagraphs (1) and (2) of Paragraph (A) are ordered pursuant to Health and Safety Code section 25296.10, and failure to comply with these requirements may result in the imposition of civil penalties pursuant to Health and Safety Code section 25299, subdivision (d)(1). Penalties may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



Chief Deputy Director

April 22, 2021

Date

State Water Resources Control Board

UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY

Agency Information

Agency Name: Central Valley Regional Water Quality Control Board (Central Valley Water Board),	Address: 1685 E Street Fresno, CA 93706-2007
Agency Caseworker: Khalid Durrani	Case No.: 5T10000115

Case Information

UST Cleanup Fund (Fund) Claim No.: 686	Global ID: T0601900113
Site Name: Washington Elementary School	Site Physical Address: 1599 5 th Street Mendota, CA 93640 (Site) Fresno County
Petitioner: Mendota Unified School District Attention: Jose Alcaide and Paul Lopez jalcaide@mendotaschools.org plopez@mendotaschools.org	Address: 115 McCabe Avenue Mendota, CA 93640
Fund Expenditures to Date: \$1,047,252	Number of Years Case Open: 32

GeoTracker Case Record: <http://geotracker.waterboards.ca.gov/?gid=T0601900113>

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 because they pose a low threat to human health, safety, and the environment. The Site meets all of the required criteria of the Policy and therefore, is subject to closure.

The Site is an elementary school in the Mendota Unified School District (USD) that formerly contained a school bus yard and maintenance facility in the southeastern portion of the property. The release was discovered in July 1988 when three fuel tanks, consisting of two 1000-gallon (gal) tanks (gasoline and diesel), and a 5000-gal diesel tank were excavated and removed from the Site. Free product was found in one

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

monitoring well adjacent to the 5000-gal diesel tank during two events in 2000 and 2005. In July 2006, about 750 cubic yards of contaminated soil was removed from two excavations that extended to groundwater. The record contains conflicting reports about the volume sent for disposal at a hazardous waste landfill. Ozone injection and soil vapor extraction pilot testing were conducted between 2012 and 2013. Full-scale remediation using these technologies was conducted in 2018 where 240 pounds (lbs) of ozone were injected and 328 lbs of total petroleum hydrocarbons (TPH) were removed from the subsurface. Remediation was discontinued due to diminishing returns.

The remedial activities caused the petroleum plume to segregate from the on-Site source areas. During the most recent monitoring event (Second Quarter 2019), the segregated portion of the plume had a benzene concentration in one monitoring well, MW-17, that was greater than the 1000 microgram per liter ($\mu\text{g/L}$) threshold for Class 4 of the Groundwater Media-Specific Criteria in the Policy. Methyl tert-butyl ether has generally not been present in groundwater samples.

The benzene and TPH concentrations in MW-17 decreased since well installation in 2014. Natural attenuation will continue to occur downgradient from MW-17 causing the extent of the plume to diminish. There are no public supply wells, surface water bodies, or other known groundwater receptors within 1000 feet of the Site that would be a potential exposure pathway for impacted groundwater. Remaining petroleum constituents are limited, stable, and decreasing.

Site conditions meet Policy vapor intrusion Criteria 2 (a), Scenario 4. Additional evaluation of the vapor intrusion pathway was conducted, including direct measurements of indoor and crawl space air quality to demonstrate that students and staff at the school were protected. A risk assessment demonstrated the remaining impacts would not present a public health risk. Department of Toxics Substance Control staff concurred with the conclusions presented in the risk assessment.

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.

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 5**. The regulatory agency determines, based on an analysis of Site-specific conditions that under current and reasonably anticipated near-term future scenarios, the contaminant plume poses a low threat to human health, safety, and to the environment and water quality objectives will be achieved within a reasonable time frame.
- Petroleum Vapor Intrusion to Indoor Air – Site meets **Criteria 2 (a), Scenario 4**. The concentrations of benzene, ethylbenzene, and naphthalene in soil gas are

less than the Policy limits as it applies to the bioattenuation zone, land use, and existing or planned future building structures at the Site.

- 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.

There are no soil sample results in the case record for naphthalene. However, the relative concentration of naphthalene in soil can be conservatively estimated using the published relative concentrations of naphthalene and benzene in gasoline. Taken from Potter and Simmons (1998), gasoline mixtures contain approximately 2% benzene and 0.25% naphthalene. Therefore, benzene concentrations can be used as a surrogate for naphthalene concentrations with a safety factor of eight. Benzene concentrations from the Site are below the naphthalene thresholds in Table 1 of the Policy. Therefore, estimated naphthalene concentrations meet the thresholds in Table 1 and the Policy criteria for direct contact with a safety factor of eight. It is highly unlikely that naphthalene concentrations in the soil, if any, exceed the threshold.

Objections to Closure

Central Valley Water Board, staff objects to UST case closure because:

1. The downgradient benzene concentration in MW-17 does not meet the Groundwater Media-Specific threshold in the Policy.

Response: The most recent monitoring data (Second Quarter 2019) indicate the benzene concentration in MW-17 is above the Policy threshold for plumes that are longer than 250 feet but less than 1000 feet in length. The pilot testing and full-scale remediation, beginning in 2012, contributed to the reduction of the benzene concentrations in downgradient monitoring wells, except in MW-17. The benzene concentration in five other wells were below 100 µg/L during Second Quarter 2019. The elevated benzene concentration in MW-17 is believed to be an artifact in the segregated portion of the plume that migrated off-Site prior to implementation of the full-scale remedial activities.

Benzene concentrations in MW-17 decreased more than 50 percent in five years. There are no completed exposure pathways for contaminated groundwater. The maximum concentration of benzene in MW-17 is expected to naturally attenuate to water quality objectives within a reasonable period of time, consistent with State Water Board, Resolution No. 92-49. Installation of more monitoring wells downgradient of MW-17 will not significantly change the conceptual site model.

Recommendation for Closure

The corrective action performed at this Site ensures the protection of human health, safety, and the environment. The corrective action performed at this Site is consistent with chapter 6.7 of division 20 of the Health and Safety Code, implementing regulations,

Washington Elementary School
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applicable state policies for water quality control and applicable water quality control plans. Case closure is recommended.



Reviewed By: _____
Matthew Cohen, PG No. 9077
Senior Engineering Geologist

11/10/2020
Date