

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**ORDER WQ 2018-0006-UST**

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**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**

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**BY THE CHIEF DEPUTY DIRECTOR:<sup>1</sup>**

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.<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:

**Demas Enterprises (Responsible Party)**

**Mary Ann's Baking Company**

**324 Alhambra Boulevard**

**Fund Claim No. 14302**

**Sacramento County Environmental Management Department**

**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

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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.

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=T0606701064](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0606701064)

### **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:

**Demas Enterprises (Responsible Party)**

**Mary Ann's Baking Company**

**324 Alhambra Boulevard**

**Fund Claim No. 14302**

**Sacramento County Environmental Management Department**

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.

  
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Chief Deputy Director

3/5/18  
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Date



**State Water Resources Control Board**

**UNDERGROUND STORAGE TANK (UST) CASE CLOSURE SUMMARY**

**Agency Information**

Agency Name: Sacramento County Local Oversight Program (Sacramento County)	Address: 10590 Armstrong Avenue, Suite A Mather, CA 95655
Agency Caseworker: Charley Langer	Case No.: D551

**Case Information**

UST Cleanup Fund (Fund) Claim No.: 14302	Global ID: T0606701064
Site Name: Mary Ann's Baking Company	Site Address: 324 Alhambra Boulevard Sacramento, CA 95816 (Site)
Responsible Party: Demas Enterprises Attention: Mr. John Demas	Address: 8371 Carbide Court Sacramento, CA 95825
Fund Expenditures to Date: \$1,495,000	Number of Years Case Open: 18

**URL:** [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id= T0606701064](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id= T0606701064)

**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.

Mary Ann's Baking Company operated a commercial bakery beginning in the 1960's until 2006 when the bakery was moved to another location. Delivery trucks were fueled from an 8000-gallon (gal) diesel tank and a 1500-gal gasoline tank in the shipping yard at the Site. In February 1999, the fueling facility was removed and the USTs, dispensers and associated piping were taken off Site for recycling as scrap metal. Soil samples collected from beneath the USTs indicated a release had occurred. A 550-gal UST in the eastern portion of the Site was abandoned in-place at that time. About 25 cubic yards (cy) of excavated soil was reused on Site and about 75 cy was taken off Site for disposal. Secondary source removal in the area of the diesel and gasoline USTs was conducted in January 2006 when 450 cy of contaminated soil with about 2100 pounds of petroleum hydrocarbons and 64 pounds of methyl tert-butyl ether (MTBE) were taken off Site for disposal. The excavation was backfilled with imported and compacted aggregate base.

A ten well, ozone air-sparging curtain was installed on Site in September 2004 to remediate the MTBE plume emanating from the shipping yard. This system was operated until April 2010 when it was shut down for construction of an upgraded system. About 3650 pounds of petroleum hydrocarbons were removed. Two pilot studies using vapor-extraction and air sparging technologies were conducted in the area of the 550-gal UST in October 2007 and

December 2007, respectively. An upgraded in-situ remediation system began operating in October 2010, and consisted of six ozone sparging wells in the area of the former shipping yard USTs and four vapor extraction wells along the eastern boundary of the Site. The upgraded sparging system was shut down in May 2013 to assess the rebound in groundwater concentrations. The vapor extraction system operated until February 2013 when it was shut-down due to low influent concentrations. Approximately 4330 pounds of petroleum hydrocarbons were removed. In January 2015, confirmation soil and soil gas samples were collected in the area of the eastern UST, and were found to meet the Policy thresholds for direct contact and vapor intrusion to indoor air.

The most recent groundwater data were collected from key monitoring wells in July 2017 and were augmented by grab groundwater samples collected in June 2017 from borings installed off Site along "E" Street about 400 feet southwest of MW-20. The maximum on-Site MTBE concentration was 960 micrograms per liter ( $\mu\text{g}/\text{l}$ ) in MW-11. The MTBE concentration in the off-Site grab groundwater samples ranged from non-detect to 32  $\mu\text{g}/\text{l}$ . Off-Site groundwater monitoring data from other sites further to the southwest indicate the MTBE plume is greater than 800 feet, but less than 1000 feet in length. An inactive supply well owned by the California Department of Transportation is about 150 feet downgradient of the "E" Street borings is slated for abandonment/destruction. No other potential receptors are within 1000 feet of the plume boundary.

Remaining petroleum constituents are limited, stable, and decreasing. 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 – Groundwater Media-Specific Criteria – Site meets the criteria in **Class 4**. The contaminant plume that exceeds water quality objectives is less than 1,000 feet in length. There is no free product. The nearest existing water supply well or surface water body is greater than 1,000 feet from the defined plume boundary. The dissolved concentration of benzene is less than 1,000 micrograms per liter ( $\mu\text{g}/\text{L}$ ), and the dissolved concentration of methyl-tert butyl ether is less than 1,000  $\mu\text{g}/\text{L}$ .
- 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 – 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.

Mary Ann's Baking Company  
324 Alhambra Boulevard, Sacramento

**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.

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



11/28/2017  
Date