



Alameda County

MAR 27 2013



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Environmental Health

2013 MAR 27 PM 3: 5

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**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT**

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND) CASE CLOSURE  
RECOMMENDATION PURSUANT TO HEALTH AND SAFETY CODE SECTION 25299.39.2  
AND THE STATE WATER RESOURCES CONTROL BOARD  
LOW-THREAT UNDERGROUND STORAGE TANK CASE CLOSURE POLICY:  
CLAIM NUMBER: 10630, SITE ADDRESS: 3810 BROADWAY, OAKLAND, CA 94611

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will accept comments on the proposed underground storage tank (UST) case closure for Alameda County Environmental Health Department (County), case number RO0000056, 3810 Broadway, Oakland, CA 94611. This matter will be presented to the Executive Director of the State Water Board for consideration. Written comments may be submitted as described below.

Health & Safety Code section 25299.39.2, subdivision (a)(1) requires the Fund Manager to notify UST owners or operators who have a Letter of Commitment (LOC) that has been in active status for five or more years and to review the case history of these sites on an annual basis unless otherwise notified by the UST owner or operator. This process is called the "5-Year Review." Effective January 1, 2013, Health & Safety Code section 25299.39.2, subdivision (a)(1)(A), provides that the Fund Manager's determination that closure of the tank case is appropriate shall be documented in a review summary report provided to the regulatory agency. In addition, Health & Safety Code section 25299.39.2 further states that the Fund Manager, with approval of the UST owner or operator, may recommend regulatory case closure to the State Water Board. The State Water Board may close or require the closure of any UST case. The above-referenced case may be closed by the Executive Director of the State Water Board. Pursuant to State Water Board Resolution No. 2012-0061, the Executive Director of the State Water Board may close or require closure of cases that meet the criteria specified in the State Water Board's Low Threat Underground Storage Tank Case Closure Policy (Low-Threat Closure Policy) adopted by State Water Board Resolution No. 2012-0016.

Having obtained the owner/operator's approval, and pursuant to Health & Safety Code section 25299.39.2, subdivision (a)(1), the Fund Manager recommends closure of the above-referenced UST Case. Enclosed is a copy of the UST Case Closure Review Summary Report for the UST case. The Case Closure Review Summary Report contains information about the UST case and forms the basis for the UST Cleanup Fund Manager's determination that case closure is appropriate and recommendation to the State Water Board for UST case closure. A copy of the Case Closure Review Summary Report has been provided to all parties. The interested parties includes but not limited to the owner/operator, environmental consultant of record, the local agency that has been overseeing corrective action, the local water purveyor, and the water district specified by the Low-Threat Closure policy and the Health & Safety Code section 25299.39.2, subdivision (a)(1).

The Fund Manager determination that case closure is appropriate triggers the provision in Health and Safety Code section 25299.39.2, subdivision (a)(4) which states that the regulatory agency shall not issue a corrective action directive or enforce an existing corrective action directive for the tank case until the board issues a decision on the closure of the tank case, with limited exceptions.

Finally, the Fund Manager recommendation for case closure triggers provisions in Health & Safety Code section 25299.39.2, subdivision (a)(2) requiring the State Water Board to limit reimbursement of any correction action costs incurred after the date of this letter to \$10,000 per year, excepting special circumstances.

**SUBMISSION OF WRITTEN COMMENTS**


Written comments on the Case Closure Review Summary Report to the State Water Board **must be received by 12:00 Noon on May 27, 2013**. Please provide the following information in the subject line: **"Comment Letter – Chevron #21-1283/Express Auto Case Closure Summary."**

Comments must be addressed to:

Mr. Pete Mizera  
State Water Resources Control Board  
1001 I Street, 16th Floor  
Sacramento, CA 95814

Comments by email must be addressed to: [USTClosuresComments@waterboards.ca.gov](mailto:USTClosuresComments@waterboards.ca.gov)

Please direct questions about this notice to Bob Trommer, UST Cleanup Fund, at (916) 341-5684 ([btrommer@waterboards.ca.gov](mailto:btrommer@waterboards.ca.gov)) or Nathan Jacobsen, Staff Counsel at (916) 341-5181 ([njacobsen@waterboards.ca.gov](mailto:njacobsen@waterboards.ca.gov)).

  
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Pete Mizera  
Executive Assistant  
Division of Financial Assistance

3-26-13  
\_\_\_\_\_  
Date

State Water Resources Control Board

UST CASE CLOSURE REVIEW SUMMARY REPORT

Agency Information

Agency Name: Alameda County Environmental Health Department (County)	Address: 1131 Harbor Bay Parkway Alameda, CA 94502
Agency Caseworker: Mark Detterman	Case No.: RO0000056

Case Information

USTCF Claim No.: 10630	Global ID: T0600101108
Site Name: Chevron #21-1283/Express Auto	Site Address: 3810 Broadway Oakland, CA 94611
Responsible Party #1: Gerald Friedkin	Address: 300 Grand Avenue Oakland, CA 94610
Responsible Party #2: Chevron EMC Attn: Ms. Kelly Esters	Address: 6101 Bollinger Canyon Rd., Room 5323, San Ramon, CA 94583
Responsible Party #3: Express Auto Clinic Attn: Mr. Joe Zadik	Address: 8255 San Leandro Street Oakland, CA 94621
USTCF Expenditures to Date: \$76,151	Number of Years Case Open: 21

URL: [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0600101108](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0600101108)

Summary

The Low-Threat Underground Storage Tank (UST) 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. A summary evaluation of compliance with the Policy is shown in **Attachment 1: Compliance with State Water Board Policies and State Law**. The Conceptual Site Model upon which the evaluation of the case has been made is described in **Attachment 2: Summary of Basic Case Information (Conceptual Site Model)**. Highlights of the case follow:

The Site is an active commercial petroleum fueling and automobile repair facility. A 550-gallon waste oil UST was removed and an unauthorized leak was reported in May 1991. An unknown volume of impacted soil was excavated during the removal of the UST. Additional excavation of approximately 1,400 cubic yards of impacted soil was performed in February to March 2000. The excavation in the source area extended to a depth of 22 feet below ground surface (bgs) and was backfilled with clean fill (approximately 800 pounds of oxygen release compound mixed with soil was placed in the bottom of the excavation). According to groundwater data, water quality objectives have been achieved or nearly achieved for all constituents except for benzene and methyl tert-butyl ether (MTBE).

The petroleum release is limited to the shallow soil and groundwater. According to data available in GeoTracker, there are no supply wells regulated by the California Department of Public Health or surface water bodies within 1,000 feet of the defined plume boundary. No other water supply

wells have been identified within 1,000 feet of the defined plume boundary in files reviewed. Water is provided to water users near the Site by East Bay Municipal Utilities District.

The affected groundwater is not currently being used as a source of drinking water, and it is highly unlikely that the affected groundwater will be used as a source of drinking water in the foreseeable future. Other designated beneficial uses of impacted groundwater are not threatened, and it is highly unlikely that they will be, considering these factors in the context of the site setting. Remaining petroleum hydrocarbon constituents are limited, stable and concentrations declining. Corrective actions have been implemented and additional corrective actions are not necessary. Any remaining petroleum hydrocarbon constituents do not pose a significant risk to human health, safety or the environment.

#### **Rationale for Closure under the Policy**

- General Criteria: The case meets all eight Policy general criteria.
- Groundwater Specific Criteria: The case meets Policy Criterion 1 by Class 2. The contaminant plume that exceeds water quality objectives is less than 250 feet in length. There is no free product. The nearest 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 3,000 µg/L, and the dissolved concentration of MTBE is less than 1,000 µg/L.
- Vapor Intrusion to Indoor Air: Policy Exclusion for Active Station. Soil vapor evaluation is not required because the Site is an active commercial petroleum fueling facility.
- Direct Contact and Outdoor Air Exposure: The case meets Policy Criterion 3a. Maximum concentrations in soil are less than those in Policy Table 1 for Commercial/Industrial use, and the concentration limits for a Utility Worker are not exceeded. 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 percent benzene and 0.25 percent naphthalene. Therefore, benzene can be directly substituted for naphthalene concentrations with a safety factor of eight. Benzene concentrations from the Site are below the naphthalene thresholds in Policy Table 1. Therefore, the estimated naphthalene concentrations meet the thresholds in Table 1 and the Policy criteria for direct contact by a factor of eight. It is highly unlikely that naphthalene concentrations in the soil, if any, exceed the threshold.

#### **Objections to Closure and Responses**

The County, as documented in the Closure Review located on the 09-42 Case Review page in GeoTracker (dated 4/15/2010) objects to UST case closure for this case because:

- Site characterization is not complete and contamination is not defined.  
RESPONSE: Concentrations in soil and groundwater are defined to low to non-detect levels.
- Source control is feasible and needed to reduce offsite migration and reduce source mass.  
RESPONSE: No free product has been documented in site wells since 2000. The secondary source has been removed to the extent practicable. The petroleum hydrocarbon plume is stable or decreasing.
- Soil vapor risks are not identified.  
RESPONSE: The Site is an active commercial petroleum fueling facility. Remaining maximum concentrations in soil are less than those in Policy Table 1 for both Commercial/Industrial and Residential land uses. Remaining petroleum hydrocarbon constituents do not pose a significant risk to human health.

- Designated beneficial uses of groundwater at the Site (municipal and domestic supply) need to be protected.

RESPONSE: Water is provided to water users near the Site by East Bay Municipal Utilities District. The affected groundwater is not currently being used as a source of drinking water, and it is highly unlikely that the affected groundwater will be used as a source of drinking water in the foreseeable future.

**Determination**

Based on the review performed in accordance with Health & Safety Code Section 25299.39.2 subdivision (a), the Fund Manager has determined that closure of the case is appropriate.

**Recommendation for Closure**

Based on available information, residual petroleum hydrocarbons at the Site do not pose a significant risk to human health, safety, or the environment, and the case meets the requirements of the Policy. Accordingly, the Fund Manager recommends that the case be closed. The State Water Board is conducting public notification as required by the Policy. Alameda County has the regulatory responsibility to supervise the abandonment of monitoring wells.

*Lisa Babcock*

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Lisa Babcock, P.G. 3939, C.E.G. 1235

*3/22/13*

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Date

Prepared by: Roger Hoffmore, P.G. 7660

**ATTACHMENT 1: COMPLIANCE WITH STATE WATER BOARD POLICIES AND STATE LAW**

The case complies with the State Water Resources Control Board policies and state law. Section 25296.10 of the Health and Safety Code requires that sites be cleaned up to protect human health, safety, and the environment. Based on available information, any residual petroleum constituents at the site do not pose significant risk to human health, safety, or the environment.

**The case complies with the requirements of the Low-Threat Underground Storage Tank (UST) Case Closure Policy as described below.<sup>1</sup>**

<p><b>Is corrective action consistent with Chapter 6.7 of the Health and Safety Code and implementing regulations?</b>                  The corrective action provisions contained in Chapter 6.7 of the Health and Safety Code and the implementing regulations govern the entire corrective action process at leaking UST sites. If it is determined, at any stage in the corrective action process, that UST site closure is appropriate, further compliance with corrective action requirements is not necessary. Corrective action at this site has been consistent with Chapter 6.7 of the Health and Safety Code and implementing regulations and, since this case meets applicable case-closure requirements, further corrective action is not necessary, unless the activity is necessary for case closure.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>Have waste discharge requirements or any other orders issued pursuant to Division 7 of the Water Code been issued at this case?</b></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p><b>If so, was the corrective action performed consistent with any order?</b></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>
<p><b><u>General Criteria</u></b>                  General criteria that must be satisfied by all candidate sites:</p>	
<p><b>Is the unauthorized release located within the service area of a public water system?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>Does the unauthorized release consist only of petroleum?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>Has the unauthorized (“primary”) release from the UST system been stopped?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>Has free product been removed to the maximum extent practicable?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>
<p><b>Has a conceptual site model that assesses the nature, extent, and mobility of the release been developed?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

<sup>1</sup> Refer to the Low-Threat Underground Storage Tank Case Closure Policy for closure criteria for low-threat petroleum UST sites.  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2012/rs2012\\_0016atta.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf)

<p><b>Has secondary source been removed to the extent practicable?</b></p> <p><b>Has soil or groundwater been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15?</b></p> <p><b>Nuisance as defined by Water Code section 13050 does not exist at the site?</b></p> <p><b>Are there unique site attributes or site-specific conditions that demonstrably increase the risk associated with residual petroleum constituents?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p><b><u>Media-Specific Criteria</u></b>        Candidate sites must satisfy all three of these media-specific criteria:</p> <p><b>1. Groundwater:</b>        To satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites:</p> <p><b>Is the contaminant plume that exceeds water quality objectives stable or decreasing in areal extent?</b></p> <p><b>Does the contaminant plume that exceeds water quality objectives meet all of the additional characteristics of one of the five classes of sites?</b></p> <p>If YES, check applicable class: <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5</p> <p><b>For sites with releases that have not affected groundwater, do mobile constituents (leachate, vapors, or light non-aqueous phase liquids) contain sufficient mobile constituents to cause groundwater to exceed the groundwater criteria?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>
<p><b>2. Petroleum Vapor Intrusion to Indoor Air:</b>        The site is considered low-threat for vapor intrusion to indoor air if site-specific conditions satisfy all of the characteristics of one of the three classes of sites (a through c) or if the exception for active commercial fueling facilities applies.</p> <p><b>Is the site an active commercial petroleum fueling facility?</b>        Exception: Satisfaction of the media-specific criteria for petroleum vapor intrusion to indoor air is not required at active commercial petroleum fueling facilities, except in cases where release characteristics can be reasonably believed to pose an unacceptable health risk.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

<p>a. <b>Do site-specific conditions at the release site satisfy all of the applicable characteristics and criteria of scenarios 1 through 3 or all of the applicable characteristics and criteria of scenario 4?</b>                  If YES, check applicable scenarios: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4</p> <p>b. <b>Has a site-specific risk assessment for the vapor intrusion pathway been conducted and demonstrates that human health is protected to the satisfaction of the regulatory agency?</b></p> <p>c. <b>As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, has the regulatory agency determined that petroleum vapors migrating from soil or groundwater will have no significant risk of adversely affecting human health?</b></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>
<p><b>3. Direct Contact and Outdoor Air Exposure:</b>                  The site is considered low-threat for direct contact and outdoor air exposure if site-specific conditions satisfy one of the three classes of sites (a through c).</p> <p>a. <b>Are maximum concentrations of petroleum constituents in soil less than or equal to those listed in Table 1 for the specified depth below ground surface (bgs)?</b></p> <p>b. <b>Are maximum concentrations of petroleum constituents in soil less than levels that a site specific risk assessment demonstrates will have no significant risk of adversely affecting human health?</b></p> <p>c. <b>As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, has the regulatory agency determined that the concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>



## ATTACHMENT 2: SUMMARY OF BASIC CASE INFORMATION (Conceptual Site Model)

### Site Location/History

- The Site is located at the northeast corner of the intersection of Broadway and 38th Street in Oakland and is an active commercial petroleum fueling and automobile repair facility.
- Current site features include a station building, automobile repair building, fuel dispenser islands, and a UST complex.
- The Site is bounded on the northwest by Broadway, to the southwest by 38<sup>th</sup> Street, to the southeast by residential apartments, and to the northeast by commercial and residential buildings. On the far side of Broadway and 38<sup>th</sup> Streets is the Kaiser Hospital complex.
- Site maps showing the location of the USTs, monitoring wells, groundwater level contours, and contaminant concentrations are provided at the end of this closure review summary (ARCADIS, 2013).
- Nature of Contaminants of Concern: Petroleum hydrocarbons only.
- Source: UST system.
- Date reported: May 1991.
- Status of Release: USTs removed.
- Free Product: Free product was last reported in monitoring well MW-2, MW-3 and MW-8 in 2000.

### Tank Information

Tank No.	Size in Gallons	Contents	Closed in Place/ Removed/Active	Date
1	6,000	Unknown	Removed	February 1980
2	6,000	Unknown	Removed	February 1980
3	6,000	Unknown	Removed	February 1980
4	6,000	Unknown	Removed	February 1980
5	550	Waste Oil	Removed	May 1991

### Receptors

- GW Basin: Santa Clara Valley – East Bay Plain.
- Beneficial Uses: The San Francisco Regional Water Quality Control Board (Regional Water Board) Basin Plan lists Municipal and Domestic Supply.
- Land Use Designation: Commercial.
- Public Water System: East Bay Municipal Water District.
- Distance to Nearest Supply Well: According to data available in GeoTracker, there are no public supply wells regulated by California Department of Public Health within 1,000 feet of the defined plume. No other water supply wells were identified within 1,000 feet of the defined plume boundary in the files reviewed.
- Distance to Nearest Surface Water: There is no identified surface water within 1,000 feet of the defined plume boundary.

### Geology/Hydrogeology

- Stratigraphy: The Site is underlain primarily by unconsolidated fill material overlying sandy silts and clays, interbedded with well sorted sands and silty sands (ARCADIS, 2012).
- Maximum Sample Depth: 35 feet below ground surface (bgs).
- Minimum Groundwater Depth: 14.00 feet bgs at monitoring well MW-9.

- Maximum Groundwater Depth: 34.24 feet bgs at monitoring well MW-11.
- Current Average Depth to Groundwater: Approximately 20 feet bgs.
- Saturated Zones(s) Studied: Approximately 14 - 40 feet bgs.
- Appropriate Screen Interval: Yes.
- Groundwater Flow Direction: Groundwater flow direction varies considerably, ranging among north, west and south. Groundwater mounding and groundwater depressions related to offsite dewatering (on the Kaiser property during construction) have also been observed (ARCADIS, 2012). Predominant groundwater flow direction is currently to the west (ARCADIS, 2013).

**Monitoring Well Information**

Well Designation	Date Installed	Screen Interval (feet bgs)	Depth to Water (feet bgs) (12/28/2012)
MW-1	October 1991	24-34	NM
MW-4	October 1995	26-36	19.30
MW-5B	May 2002	10-30	20.52
MW-6	September 1996	10-35	21.39
MW-7	September 1996	10-35	19.18
MW-9	September 1996	10-35	17.37
MW-10	September 1996	10-35	19.19
MW-11	August 2000	15-40	25.55
MW-12	May 2002	10-30	19.60

NM: Not measured

**Remediation Summary**

- Free Product: Free product was last reported in monitoring well MW-2, MW-3, and MW-8 in 2000.
- Soil Excavation: An unknown volume of impacted soil was excavated during the removal of the waste oil UST in 1991. Additional excavation of approximately 1,400 cubic yards of petroleum hydrocarbon impacted soil was performed at the Site in February to March 2000 and extended in the source area to a depth of 22 feet bgs and was backfilled with clean fill. Approximately 800 pounds of oxygen release compound mixed with soil was placed in the bottom of the excavation.
- In-Situ Soil/Groundwater Remediation: None reported.

**Most Recent Concentrations of Petroleum Constituents in Soil**

Constituent	Maximum 0-5 feet bgs [mg/kg and (date)]	Maximum 5-10 feet bgs [mg/kg and (date)]
Benzene	<0.002 (06/29/12)	<2 (07/02/12)
Ethylbenzene	<0.002 (06/29/12)	0.57 (07/02/12)
Naphthalene	NA	NA
PAHs	NA	NA

NA: Not Analyzed, Not Applicable or Data Not Available  
 mg/kg: Milligrams per kilogram, parts per million  
 <: Not detected at or above stated reporting limit  
 PAHs: Polycyclic aromatic hydrocarbons

**Most Recent Concentrations of Petroleum Constituents in Groundwater**

Sample	Sample Date	TPHg (µg/L)	TPHd (µg/L)	Benzene (µg/L)	Ethyl-Benzene (µg/L)	Xylenes (µg/L)	MTBE (µg/L)	TBA (µg/L)
MW-4	12/28/12	<50	90	<0.5	<0.5	<1.0	0.55	<10
MW-5B	12/28/12	72	61	<0.5	<0.5	<1.0	<b>14</b>	<10
MW-6	12/28/12	2,100	100	<b>460</b>	13	9.9	<2.5	58
MW-7	12/28/12	<50	<48	<0.5	<0.5	<1.0	<0.5	<10
MW-9	12/28/12	<50	<48	<0.5	<0.5	<1.0	<b>43</b>	16
MW-10	12/28/12	340	100	<0.5	<0.5	<1.0	<0.5	<10
MW-11	12/28/12	<50	<48	<0.5	<0.5	<1.0	<0.5	<10
MW-12	12/28/12	3,900	120	<b>850</b>	34	29	<5.0	<100
<b>WQOs</b>	-	--	--	<b>1</b>	<b>700</b>	<b>1,750</b>	<b>5<sup>a</sup></b>	<b>1,200<sup>b</sup></b>

NA: Not Analyzed, Not Applicable or Data Not Available

µg/L: Micrograms per liter, parts per billion

<: Not detected at or above stated reporting limit

TPHg: Total petroleum hydrocarbons as gasoline

TPHd: Total petroleum hydrocarbons as diesel w/ silica gel clean-up

MTBE: Methyl tert-butyl ether

TBA: Tert-butyl alcohol

WQOs: Water Quality Objectives, Regional Water Board except where indicated

--: Regional Water Board Basin Plan has no numeric WQO for TPHg and TPHd

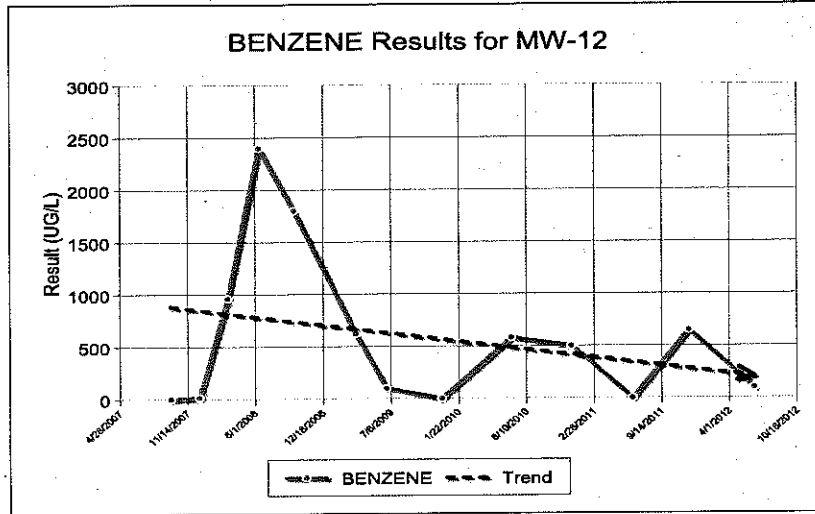
<sup>a</sup>: Secondary maximum contaminant level (MCL)

<sup>b</sup>: California Department of Public Health, Response Level

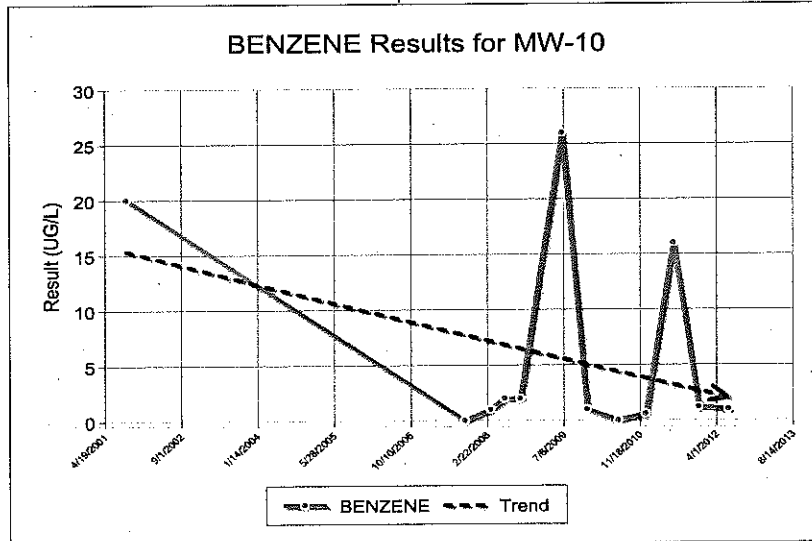
### Groundwater Trends

- There are 21 years of groundwater monitoring data for this case. Benzene trends remain high and decreasing in the source area (MW-5B and MW-12). MTBE exceeds water quality objectives and are decreasing north of the plume (MW-5B and MW-7). Site shows effects of groundwater mounding northeast of Site. Benzene trends are shown below:

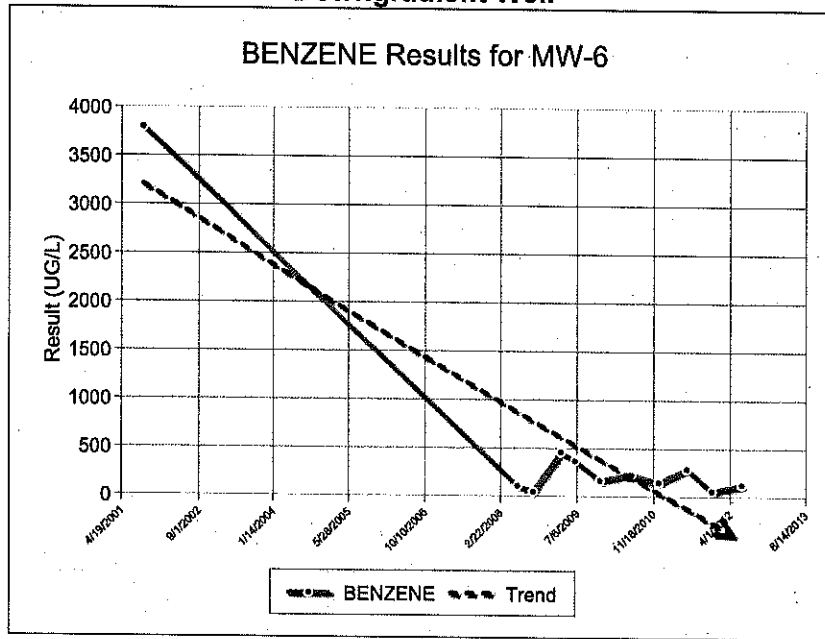
#### Source Area Well



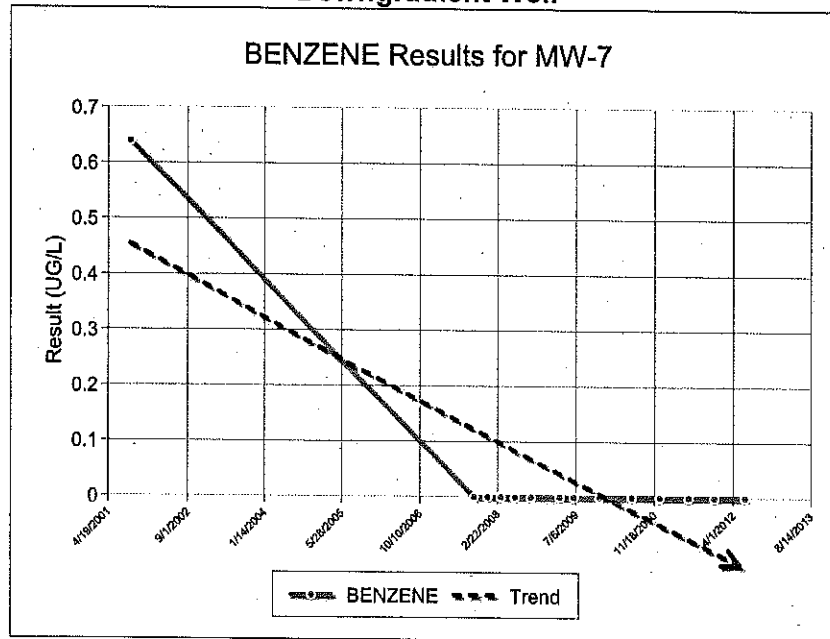
#### Downgradient Well



### Downgradient Well



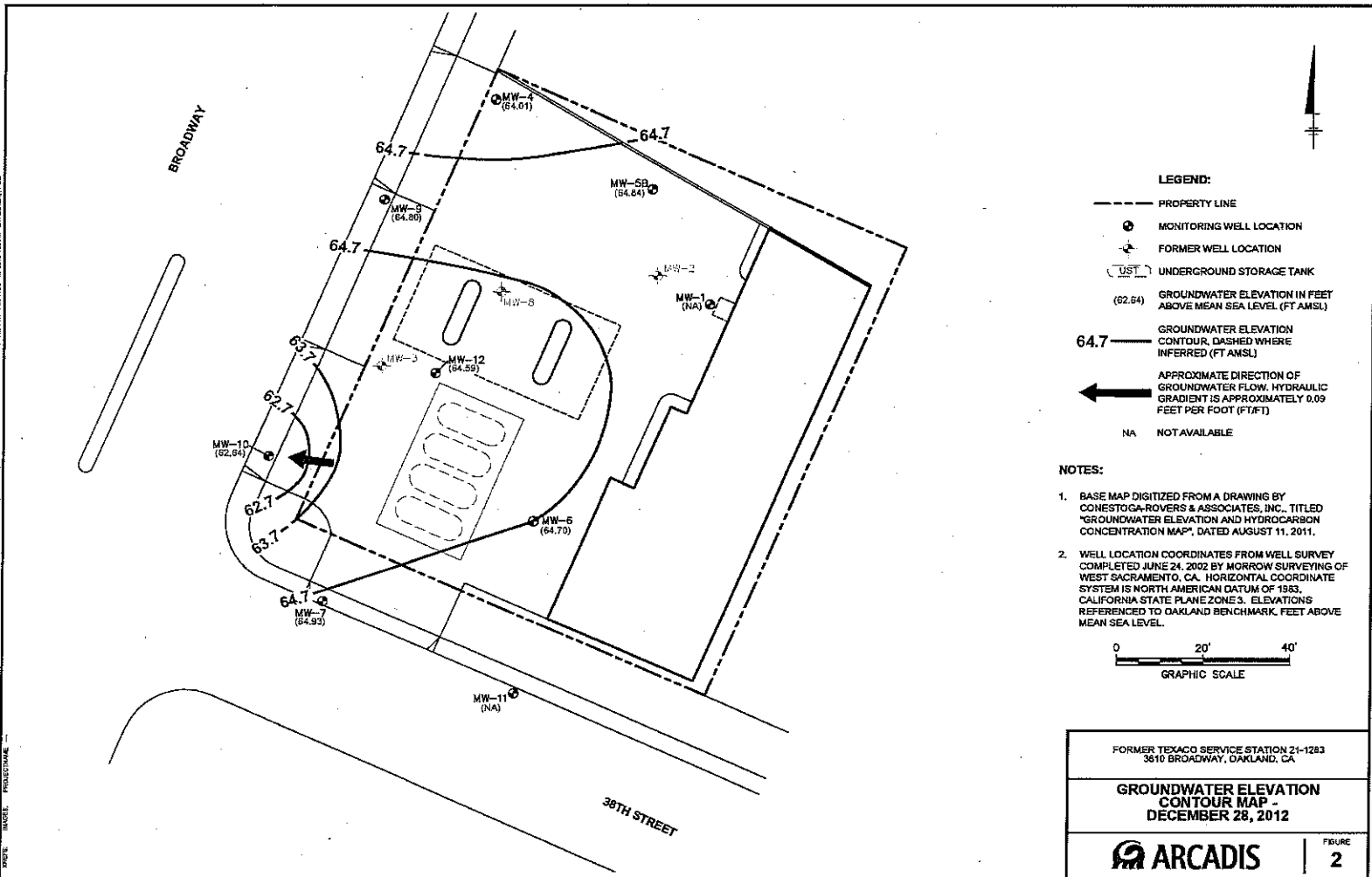
### Downgradient Well



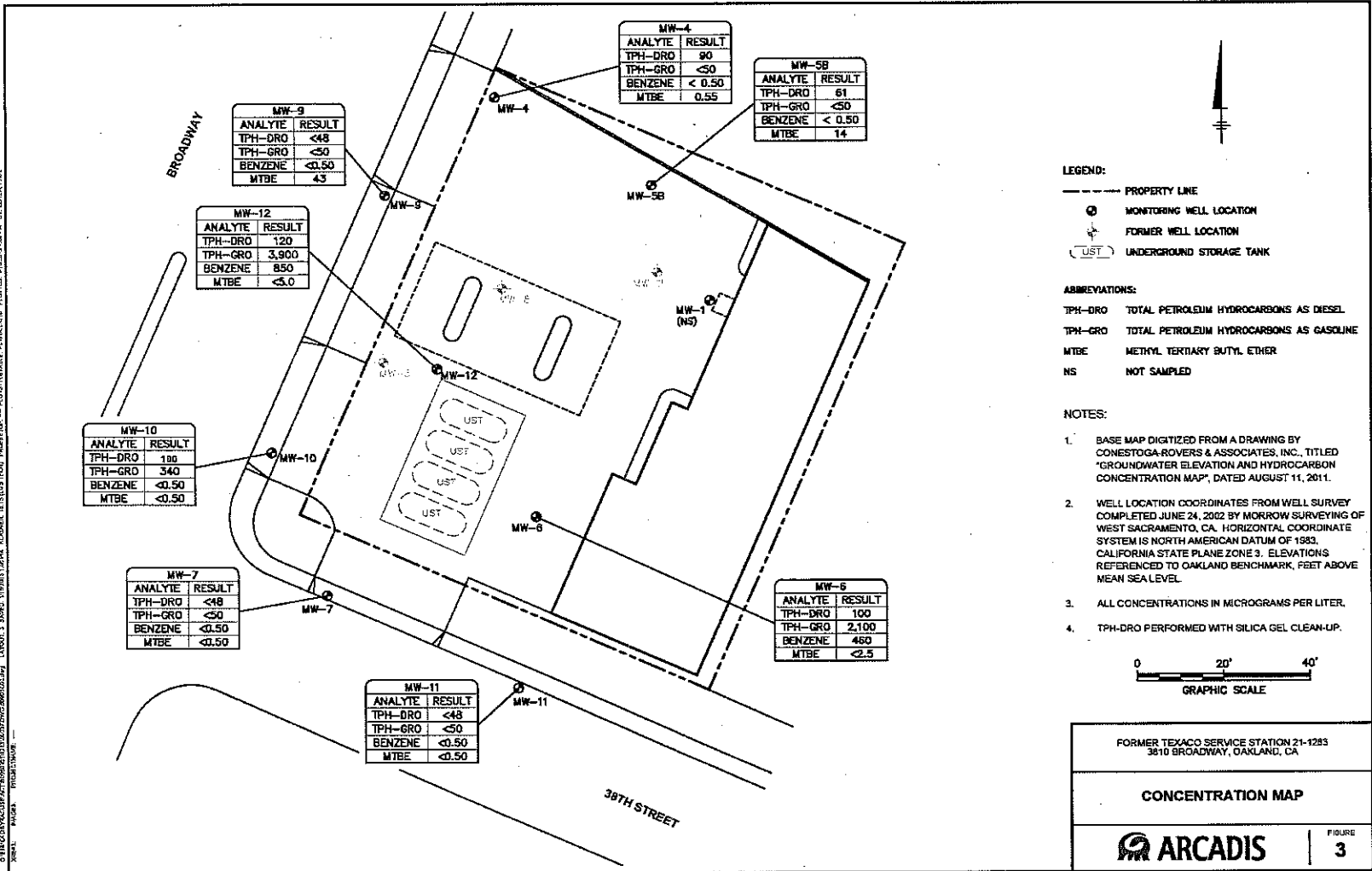
### Evaluation of Current Risk

- Estimate of Hydrocarbon Mass in Soil: None reported.
- Soil/ Groundwater tested for MTBE: Yes, see table above.
- Oxygen Concentrations in Soil Vapor: None reported.
- Plume Length: <250 feet long.
- Plume Stable or Degrading: Yes.

- Contaminated Zone(s) Used for Drinking Water: No.
- Groundwater Risk from Residual Petroleum Hydrocarbons: The case meets Policy Criterion 1 by Class 2. The contaminant plume that exceeds water quality objectives is less than 250 feet in length. There is no free product. The nearest 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 3,000 µg/L, and the dissolved concentration of MTBE is less than 1,000 µg/L.
- Indoor Vapor Risk from Residual Petroleum Hydrocarbons: Policy Exclusion for Active Station. Soil vapor evaluation is not required because the Site is an active commercial petroleum fueling facility.
- Direct Contact Risk from Residual Petroleum Hydrocarbons: The case meets Policy Criterion 3a. Maximum concentrations in soil are less than those in Policy Table 1 for Commercial/Industrial use, and the concentration limits for a Utility Worker are not exceeded. 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 percent benzene and 0.25 percent naphthalene. Therefore, benzene can be directly substituted for naphthalene concentrations with a safety factor of eight. Benzene concentrations from the Site are below the naphthalene thresholds in Policy Table 1. Therefore, the estimated naphthalene concentrations meet the thresholds in Table 1 and the Policy criteria for direct contact by a factor of eight. It is highly unlikely that naphthalene concentrations in the soil, if any, exceed the threshold.



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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2013-00XX-UST

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**In the Matter of Underground Storage Tank Case Closure**

**Pursuant to Health and Safety Code Section 25299.39.2 and the Low Threat  
Underground Storage Tank Case Closure Policy**

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

Pursuant to Health and Safety Code section 25299.39.2, the Manager of the Underground Storage Tank Cleanup Fund (Fund) recommends closure of the underground storage tank (UST) case at the site listed below.<sup>2</sup> The name of the Fund claimant, the Fund claim number, the site name and the applicable site address are as follows:

**Gerald Friedkin**

**Chevron EMC**

**Express Auto Clinic**

**Claim No. 10630**

**Chevron #21-1283/Express Auto**

**3810 Broadway, Oakland**

**Alameda County Environmental Health Department**

**I. STATUTORY AND PROCEDURAL BACKGROUND**

Section 25299.39.2 directs the Fund manager to review the case history of claims that have been active for five years or more (five-year review), unless there is an objection from the UST owner or operator. This section further authorizes the Fund Manager to make recommendations to the State Water Resources Control Board (State Water Board) for closure of a five-year-review case if the UST owner or operator approves. In response to a recommendation by the Fund Manager, the State Water Board, or in certain cases the State

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<sup>1</sup> State Water Board Resolution No. ( ) 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 Health and Safety Code.

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 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.

The Fund Manager has completed a five-year 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 Review Summary Report 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 Review Summary Report.

#### **A. 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 closure letter as specified in Health and Safety Code section 25296.10. The 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 closure letter or a Letter of Commitment, whichever occurs later, shall not be reimbursed unless specified conditions are satisfied. A Letter of Commitment has already been issued on the claim subject to this order and the respective Fund claimant, so the 365-day

timeframe for the submittal of claims for corrective action costs will start upon the issuance of the closure letter.

## II. FINDINGS

Based upon the UST Case Closure Review Summary Report prepared for the case attached hereto, the State Water Board finds that corrective action taken to address the unauthorized release of petroleum at the UST release site identified as:

### **Claim No. 10630**

#### **Chevron #21-1283/Express Auto**

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 Board in determining that the case should be closed.

The UST case identified above may be the subject of orders issued by the Regional Water Quality Control Water 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 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 closure letter, the Fund claimant 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 Fund claimant 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 Financial Assistance shall issue a closure letter consistent with Health and Safety Code, section 25296.10, subdivision (g) and upload the closure letter and UST Case Closure Review Summary Report to GeoTracker.
- E. As specified in Health and Safety Code section 25299.39.2 subdivision (a) (2), corrective action costs incurred after a recommendation of closure shall be limited to \$10,000 per year unless the Board or its delegated representative agrees that corrective action in excess of that amount is necessary to meet closure requirements, or additional corrective actions are necessary pursuant to section 25296.10 subdivision (a) and (b). 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 closure letter in order for the costs to be considered.

- F. Any Regional Water Board or Local Oversight Program 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 Local Oversight Program Agency directive is inconsistent with this Order.

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Executive Director

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Date