



July 21, 2017

Mr. Bob Winet (Sent via e-mail to: bwinet3@verizon.net)
California Cotton Mill Lofts
East Bay Lofts LLC
36966 Pinto Palm St.
Rancho Mirage, CA 92270

Mr. Dana Dominguez (Sent via e-mail to: dana@dldlumber.com)
DLD Lumber Company
1755 Egbert Avenue
San Francisco, CA 94124

Subject: Technical Report Request for Fuel Leak Case No. RO0003162 and Geotracker Global ID
T1000006533, California Cotton Mill, 1091 Calcot Place, Oakland, CA 94606

Gentlemen:

Thank you for submitting the *Addendum to Work Plan for Limited Phase II Subsurface Investigation* (Addendum) to Alameda County Department of Environmental Health (ACDEH) prepared and submitted on your behalf by ERAS Environmental (ERAS). ACDEH has reviewed the Addendum and case file in reference to the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). ACDEH understands that the property has been sold, commercial property usage will continue, and redevelopment is not currently under consideration.

According to the November 6, 2014 Phase 1 Environmental Site Assessment prepared by ERAS, the site is currently in use as a specialized vehicle restoration and storage yard but the subject site has been occupied since at least 1883 with the California Cotton Mills Company. Subsequent to the cotton mill's closure in 1954, the site has been occupied by a welding supply, plastics manufacturer, truck rental, and personal item storage. The 1911 Sanborn Fire Insurance map indicates that two underground oil storage tanks (USTs) and three furnaces were located along the eastern side of the property but the 1950 Sanborn Fire Insurance map does not show the USTs, so the status of the USTs is unknown. In December 2014, results of a geophysical survey did not indicate the presence of the USTs; however, large amounts of buried metal (likely foundations from former manufacturing equipment) were detected in the vicinity of the area known to have formerly contained the USTs.

ACDEH has evaluated the data in conjunction with the case files, and LTCP. Based on ACDEH staff review, we have determined that the site does not meet the LTCP General Criteria b (not petroleum only release), d (Free Product), f (Secondary Source Removal), Media-Specific Criteria for Groundwater, Media-Specific Criteria for Vapor Intrusion to Indoor Air, and the Media-Specific Criteria for Direct Contact.

Provided that the technical comments below are incorporated during the proposed work, the Addendum is conditionally approved for implementation. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or the technical comment is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: karel.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

- 1. Incorporation of the LTCP into Technical Reports:** On May 1, 2012 the State Water Resources Control Board adopted Resolution 2012-0016, which established a state-wide policy, the Low Threat Closure Policy (LTCP), for the closure of leaking petroleum underground storage tank sites. The Policy applies to petroleum UST sites subject to Chapter 6.7 of the Health and Safety Code. The Policy establishes both general and media-specific criteria. If both the general and applicable media-specific criteria are satisfied, then the leaking UST case is generally considered to present a low threat to human health, safety, and the environment. Please refer to Attachment A, *Low Threat Closure Policy*.

Please note that due to the former presence of USTs at the property, this case is being assessed for eventual closure under the LTCP. The Addendum refers to the Regional Water Quality Control Board's (RWQCB's) *Interim Guidance on Required Cleanup at Low-Risk Sites*, circa 1999, an obsolete document that is not applicable to this case. Upon successful collection of adequate data to satisfy the data gaps through an iterative process, ACDEH will signal to you as the responsible parties (RPs) that the LTCP has been satisfied and will commence with the case closure process.

Evaluation criteria in the Report refers only to the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) screening levels (ESLs), but not to the LTCP's evaluation criteria. Because this case contains petroleum USTs, the SWRCB requires that case to be assessed under the LTCP; please use the LTCP's evaluation criteria. It should be noted that ESLs can only be used when it has been determined that site conditions exist that preclude the use of the LTCP at a leaking UST site, including, but not limited to, the lack of a bioattenuation zone or an ecological risk. Please ensure that all future Technical Reports associated with this and other leaking petroleum underground storage tank sites reference the LTCP evaluation criteria, otherwise the document(s) will be rejected.

- 2. Proposed Soil Boring Locations:** To satisfy the LTCP General Criteria f – Secondary Source Has Been Removed to the Extent Practicable, please place an additional soil boring between B-1 and B-2 through the location of the former USTs. The soil boring from EW-1 will provide soil data in the UST source area.
- 3. Proposed Soil Boring Depths:** To satisfy the LTCP Media Specific Criteria for Direct Contact and Outdoor Air, please collect and analyze all soil samples within the 0 to 5 feet and 5 to 10 feet bgs intervals from all soil borings (B-8 through B-16, the additional UST boring requested in Technical Comment 2, and EW-1). Additionally, please collect and analyze all soil samples from intervals with elevated photoionization detector (PID) readings, at the groundwater interface, lithologic and/or color changes, and in areas of obvious impact. The LTCP additionally requires vertical delineation of soil contamination in the primary source area(s).
- 4. Proposed Soil and Groundwater Analyses:** Please analyze soil and groundwater samples as proposed in the March 1, 2017 Work Plan:
 - a. Soil sample analyses: Total Petroleum Hydrocarbons as gasoline, diesel and motor oil (TPHg, TPHd, TPHmo), full scan volatile organic compounds (VOCs) including naphthalene by EPA Method 8260, semi-volatile organic compounds (SVOCs) by EPA

Method 8270 including polyaromatic hydrocarbons (PAHs) by 8270-Selected Ion Monitoring (SIM).

- b. Groundwater sample analyses: TPHg, TPHd, TPHmo, full scan VOCs including naphthalene by EPA Method 8260, SVOCs by EPA Method 8270 including PAHs by 8270-SIM.

5. Electronic Submittal of Information (ESI) Compliance - A review of the case file and the State's GeoTracker database indicates that the site is not in compliance with California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, stating that beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including the Site Cleanup Program (SCP) cases. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to:

- analytical data for soil, water and vapor samples collected for the purpose of subsurface investigation or remediation, including influent/effluent water samples from remediation systems (EDF files);
- complete copies of reports, in pdf format, including the signed transmittal letter and professional certification (GEO_REPORT files);
- depth-to-water information for permanent sampling points whenever the data is collected, even if the well is not sampled during the sampling event (GEO_WELL files);
- stand alone site maps displaying tank locations, streets bordering the facility, and sampling locations for all soil, water and vapor samples (GEO_MAP files);
- stand alone boring logs with depth to the screened interval and the length of screened interval for any permanent monitoring well installed (GEO_BORE files);

Please upload the missing documents and soil and groundwater analytical data to GeoTracker. See Attachment 1 and the State's GeoTracker website for further details. ACDEH requests e-mail notification of, and a list of, the documents uploaded to Geotracker. Please upload all submittals to GeoTracker and to ACDEH's ftp website by the date specified below. Please note that case closure is dependent on Geotracker compliance.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH ftp site (Attention: Karel Detterman), and to the Geotracker website, in accordance with the following specified file naming convention and schedule:

- **August 18, 2017** – Notification of Upload of Electronic Data Submittals to Geotracker
E-mail notification to: karel.detterman@acgov.org

Ladies and Gentleman
RO0003162
July 21, 2017
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- **September 22, 2017 – Soil and Groundwater Investigation Report**

File to be named: RO3162_SWI_R_yyyy-mm-dd

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please send me an e-mail message at karel.detterman@acgov.org or call me at (510) 567-6708.

Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

Enclosures: Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations
ACDEH Electronic Report Upload (ftp) Instructions

Attachment A, SWRCB's *Low Threat Closure Policy*

cc: Francis Rush, 1091 Calcot LLC, 2200 Adeline Street, Ste. 350, Oakland, CA 94607, (Sent via E-mail to: francis@rushproperty.com)

Dave Siegel, ERAS Environmental, Inc., 1533 B St., Hayward, CA 94541, (Sent via E-mail to: dave@eras.biz)

Andrew Savage, ERAS Environmental, Inc., 1533 B St., Hayward, CA 94541, (Sent via E-mail to: andrew@eras.biz)

Dilan Roe, ACDEH, (Sent via E-mail to: dilan.roe@acgov.org)

Karel Detterman, ACDEH, (Sent via E-mail to: karel.detterman@acgov.org)

Paresh Khatri, ACDEH, (Sent via E-mail to: paresh.khatri@acgov.org)

GeoTracker, eFile

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program File Transfer Protocol (FTP) site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and [other](#) data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to SCP sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately licensed or certified professional. For your submittal to be considered a valid technical report, you are to present site-specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org.
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses**, and the **Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

ATTACHMENT A

Low-Threat Underground Storage Tank Case Closure Policy

Preamble

The State Water Resources Control Board (State Water Board) administers the petroleum UST (Underground Storage Tank) Cleanup Program, which was enacted by the Legislature in 1984 to protect health, safety and the environment. The State Water Board also administers the petroleum UST Cleanup Fund (Fund), which was enacted by the Legislature in 1989 to assist UST owners and operators in meeting federal financial responsibility requirements and to provide reimbursement to those owners and operators for the high cost of cleaning up unauthorized releases caused by leaking USTs.

The State Water Board believes it is in the best interest of the people of the State that unauthorized releases be prevented and cleaned up to the extent practicable in a manner that protects human health, safety and the environment. The State Water Board also recognizes that the technical and economic resources available for environmental restoration are limited, and that the highest priority for these resources must be the protection of human health and environmental receptors. Program experience has demonstrated the ability of remedial technologies to mitigate a substantial fraction of a petroleum contaminant mass with the investment of a reasonable level of effort. Experience has also shown that residual contaminant mass usually remains after the investment of reasonable effort, and that this mass is difficult to completely remove regardless of the level of additional effort and resources invested.

It has been well-documented in the literature and through experience at individual UST release sites that petroleum fuels naturally attenuate in the environment through adsorption, dispersion, dilution, volatilization, and biological degradation. This natural attenuation slows and limits the migration of dissolved petroleum plumes in groundwater. The biodegradation of petroleum, in particular, distinguishes petroleum products from other hazardous substances commonly found at commercial and industrial sites.

The characteristics of UST releases and the California UST Program have been studied extensively, with individual works including:

- a. Lawrence Livermore National Laboratory report (1995)
- b. SB1764 Committee report (1996)
- c. UST Cleanup Program Task Force report (2010)
- d. Cleanup Fund Task Force report (2010)
- e. Cleanup Fund audit (2010)
- f. State Water Resources Control Board site closure orders
- g. State Water Resources Control Board Resolution 2009-0081

In general, these efforts have recognized that many petroleum release cases pose a low threat to human health and the environment. Some of these studies also recommended establishing "low-threat" closure criteria in order to maximize the benefits to the people of the State of California through judicious application of available resources.

The purpose of this policy is to establish consistent statewide case closure criteria for low-threat petroleum UST sites. The policy is consistent with existing statutes, regulations, State Water Board precedential decisions, policies and resolutions, and is intended to provide clear direction to responsible parties, their service providers, and regulatory agencies. The policy seeks to increase UST cleanup process efficiency. A benefit of improved efficiency is the preservation of limited resources for mitigation of releases posing a greater threat to human and environmental health.

This policy is based in part upon the knowledge and experience gained from the last 25 years of investigating and remediating unauthorized releases of petroleum from USTs. While this policy does not specifically address other petroleum release scenarios such as pipelines or above ground storage tanks, if a particular site with a different petroleum release scenario exhibits attributes similar to those which this policy addresses, the criteria for closure evaluation of these non-UST sites should be similar to those in this policy.

This policy is a state policy for water quality control and applies to all petroleum UST sites subject to Chapter 6.7 of Division 20 of the Health and Safety Code and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations. The term “regulatory agencies” in this policy means the State Water Board, Regional Water Quality Control Boards (Regional Water Boards) and local agencies authorized to implement Health and Safety Code section 25296.10. Unless expressly provided in this policy, the terms in this policy shall have the same definitions provided in Chapter 6.7 of Division 20 of the Health and Safety Code and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations.

Criteria for Low-Threat Case Closure

In the absence of unique attributes of a case or site-specific conditions that demonstrably increase the risk associated with residual petroleum constituents, cases that meet the general and media-specific criteria described in this policy pose a low threat to human health, safety or the environment and are appropriate for closure pursuant to Health and Safety Code section 25296.10. Cases that meet the criteria in this policy do not require further corrective action and shall be issued a uniform closure letter consistent with Health and Safety Code section 25296.10. Annually, or at the request of the responsible party or party conducting the corrective action, the regulatory agency shall conduct a review to determine whether the site meets the criteria contained in this policy.

It is important to emphasize that the criteria described in this policy do not attempt to describe the conditions at all low-threat petroleum UST sites in the State. The regulatory agency shall issue a closure letter for a case that does not meet these criteria if the regulatory agency determines the site to be low-threat based upon a site specific analysis.

This policy recognizes that some petroleum-release sites may possess unique attributes and that some site specific conditions may make case closure under this policy inappropriate, despite the satisfaction of the stated criteria in this policy. It is impossible to completely capture those sets of attributes that may render a site ineligible for closure based on this low-threat policy. This policy relies on the regulatory agency’s use of the conceptual site model to identify the special attributes that would require specific attention prior to the application of low-threat criteria. In these cases, it is the regulatory agency’s responsibility to identify the conditions that make closure under the policy inappropriate.

General Criteria

General criteria that must be satisfied by all candidate sites are listed as follows:

- a. The unauthorized release is located within the service area of a public water system;
- b. The unauthorized release consists only of petroleum;
- c. The unauthorized (“primary”) release from the UST system has been stopped;
- d. Free product has been removed to the maximum extent practicable;
- e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed;
- f. Secondary source has been removed to the extent practicable;
- g. Soil or groundwater has been tested for methyl tert-butyl ether (MTBE) and results reported in accordance with Health and Safety Code section 25296.15; and
- h. Nuisance as defined by Water Code section 13050 does not exist at the site.

a. The unauthorized release is located within the service area of a public water system

This policy is protective of existing water supply wells. New water supply wells are unlikely to be installed in the shallow groundwater near former UST release sites. However, it is difficult to predict, on a statewide basis, where new wells will be installed, particularly in rural areas that are undergoing new development. This policy is limited to areas with available public water systems to reduce the likelihood that new wells in developing areas will be inadvertently impacted by residual petroleum in groundwater. Case closure outside of areas with a public water system should be evaluated based upon the fundamental principles in this policy and a site specific evaluation of developing water supplies in the area. For purposes of this policy, a public water system is a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

b. The unauthorized release consists only of petroleum

For the purposes of this policy, petroleum is defined as crude oil, or any fraction thereof, which is liquid at standard conditions of temperature and pressure, which means 60 degrees Fahrenheit and 14.7 pounds per square inch absolute, including the following substances: motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils, including any additives and blending agents such as oxygenates contained in the formulation of the substances.

c. The unauthorized release has been stopped

The tank, pipe, or other appurtenant structure that released petroleum into the environment (i.e. the primary source) has been removed, repaired or replaced. It is not the intent of this policy to allow sites with ongoing leaks from the UST system to qualify for low-threat closure.

d. Free product has been removed to the maximum extent practicable

At petroleum unauthorized release sites where investigations indicate the presence of free product, free product shall be removed to the maximum extent practicable. In meeting the requirements of this section:

- (a) Free product shall be removed in a manner that minimizes the spread of the unauthorized release into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site, and that properly treats, discharges or disposes of recovery byproducts in compliance with applicable laws;

- (b) Abatement of free product migration shall be used as a minimum objective for the design of any free product removal system; and
- (c) Flammable products shall be stored for disposal in a safe and competent manner to prevent fires or explosions.

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed

The Conceptual Site Model (CSM) is a fundamental element of a comprehensive site investigation. The CSM establishes the source and attributes of the unauthorized release, describes all affected media (including soil, groundwater, and soil vapor as appropriate), describes local geology, hydrogeology and other physical site characteristics that affect contaminant environmental transport and fate, and identifies all confirmed and potential contaminant receptors (including water supply wells, surface water bodies, structures and their inhabitants). The CSM is relied upon by practitioners as a guide for investigative design and data collection. Petroleum release sites in California occur in a wide variety of hydrogeologic settings. As a result, contaminant fate and transport and mechanisms by which receptors may be impacted by contaminants vary greatly from location to location. Therefore, the CSM is unique to each individual release site. All relevant site characteristics identified by the CSM shall be assessed and supported by data so that the nature, extent and mobility of the release have been established to determine conformance with applicable criteria in this policy. The supporting data and analysis used to develop the CSM are not required to be contained in a single report and may be contained in multiple reports submitted to the regulatory agency over a period of time.

f. Secondary source has been removed to the extent practicable

“Secondary source” is defined as petroleum-impacted soil or groundwater located at or immediately beneath the point of release from the primary source. Unless site attributes prevent secondary source removal (e.g. physical or infrastructural constraints exist whose removal or relocation would be technically or economically infeasible), petroleum-release sites are required to undergo secondary source removal to the extent practicable as described herein. “To the extent practicable” means implementing a cost-effective corrective action which removes or destroys-in-place the most readily recoverable fraction of source-area mass. It is expected that most secondary mass removal efforts will be completed in one year or less. Following removal or destruction of the secondary source, additional removal or active remedial actions shall not be required by regulatory agencies unless (1) necessary to abate a demonstrated threat to human health or (2) the groundwater plume does not meet the definition of low threat as described in this policy.

g. Soil and groundwater have been tested for MTBE and results reported in accordance with Health and Safety Code section 25296.15

Health and Safety Code section 25296.15 prohibits closing a UST case unless the soil, groundwater, or both, as applicable have been tested for MTBE and the results of that testing are known to the Regional Water Board. The exception to this requirement is where a regulatory agency determines that the UST that leaked has only contained diesel or jet fuel. Before closing a UST case pursuant to this policy, the requirements of section 25296.15, if applicable, shall be satisfied.

h. Nuisance as defined by Water Code section 13050 does not exist at the site

Water Code section 13050 defines "nuisance" as anything which meets all of the following requirements:

- (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
- (3) Occurs during, or as a result of, the treatment or disposal of wastes.

For the purpose of this policy, waste means a petroleum release.

Media-Specific Criteria

Releases from USTs can impact human health and the environment through contact with any or all of the following contaminated media: groundwater, surface water, soil, and soil vapor. Although this contact can occur through ingestion, dermal contact, or inhalation of the various media, the most common drivers of health risk are ingestion of groundwater from drinking water wells, inhalation of vapors accumulated in buildings, contact with near surface contaminated soil, and inhalation of vapors in the outdoor environment. To simplify implementation, these media and pathways have been evaluated and the most common exposure scenarios have been combined into three media-specific criteria:

1. Groundwater
2. Vapor Intrusion to Indoor Air
3. Direct Contact and Outdoor Air Exposure

Candidate sites must satisfy all three of these media-specific criteria as described below.

1. Groundwater

This policy describes criteria on which to base a determination that threats to existing and anticipated beneficial uses of groundwater have been mitigated or are de minimis, including cases that have not affected groundwater.

[State Water Board Resolution 92-49](#), *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304* is a state policy for water quality control and applies to petroleum UST cases. Resolution 92-49 directs that water affected by an unauthorized release attain either background water quality or the best water quality that is reasonable if background water quality cannot be restored. Any alternative level of water quality less stringent than background must be consistent with the maximum benefit to the people of the state, not unreasonably affect current and anticipated beneficial use of affected water, and not result in water quality less than that prescribed in the water quality control plan for the basin within which the site is located. Resolution No. 92-49 does not require that the requisite level of water quality be met at the time of case closure; it specifies compliance with cleanup goals and objectives within a reasonable time frame.

Water quality control plans (Basin Plans) generally establish "background" water quality as a restorative endpoint. This policy recognizes the regulatory authority of the Basin Plans but underscores the flexibility contained in Resolution 92-49.

It is a fundamental tenet of this low-threat closure policy that if the closure criteria described in this policy are satisfied at a petroleum unauthorized release site, attaining background water quality is not feasible, establishing an alternate level of water quality not to exceed that prescribed in the applicable Basin Plan is appropriate, and that water quality objectives will be attained through natural attenuation within a reasonable time, prior to the expected need for use of any affected groundwater.

If groundwater with a designated beneficial use is affected by an unauthorized release, 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 listed below. A plume that is “stable or decreasing” is a contaminant mass that has expanded to its maximum extent: the distance from the release where attenuation exceeds migration.

Groundwater-Specific Criteria

- (1) a. The contaminant plume that exceeds water quality objectives is less than 100 feet in length.
 - b. There is no free product.
 - c. The nearest existing water supply well or surface water body is greater than 250 feet from the defined plume boundary.
- (2) a. The contaminant plume that exceeds water quality objectives is less than 250 feet in length.
 - b. There is no free product.
 - c. The nearest existing water supply well or surface water body is greater than 1,000 feet from the defined plume boundary.
 - d. The dissolved concentration of benzene is less than 3,000 micrograms per liter ($\mu\text{g/l}$), and the dissolved concentration of MTBE is less than 1,000 $\mu\text{g/l}$.
- (3) a. The contaminant plume that exceeds water quality objectives is less than 250 feet in length.
 - b. Free product has been removed to the maximum extent practicable, may still be present below the site where the release originated, but does not extend off-site.
 - c. The plume has been stable or decreasing for a minimum of five years.
 - d. The nearest existing water supply well or surface water body is greater than 1,000 feet from the defined plume boundary.
 - e. The property owner is willing to accept a land use restriction if the regulatory agency requires a land use restriction as a condition of closure.
- (4) a. The contaminant plume that exceeds water quality objectives is less than 1,000 feet in length.
 - b. There is no free product.
 - c. The nearest existing water supply well or surface water body is greater than 1,000 feet from the defined plume boundary.
 - d. The dissolved concentration of benzene is less than 1,000 $\mu\text{g/l}$, and the dissolved concentration of MTBE is less than 1,000 $\mu\text{g/l}$.
- (5) a. 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 and safety and to the environment and water quality objectives will be achieved within a reasonable time frame.

Sites with Releases That Have Not Affected Groundwater

Sites with soil that does not contain sufficient mobile constituents [leachate, vapors, or light non-aqueous-phase liquids (LNAPL)] to cause groundwater to exceed the groundwater criteria in this policy shall be considered low-threat sites for the groundwater medium. Provided the general criteria and criteria for other media are also met, those sites are eligible for case closure.

For older releases, the absence of current groundwater impact is often a good indication that residual concentrations present in the soil are not a source for groundwater pollution.

2. Petroleum Vapor Intrusion to Indoor Air

Exposure to petroleum vapors migrating from soil or groundwater to indoor air may pose unacceptable human health risks. This policy describes conditions, including bioattenuation zones, which if met will assure that exposure to petroleum vapors in indoor air will not pose unacceptable health risks. In many petroleum release cases, potential human exposures to vapors are mitigated by bioattenuation processes as vapors migrate toward the ground surface. For the purposes of this section, the term “bioattenuation zone” means an area of soil with conditions that support biodegradation of petroleum hydrocarbon vapors.

The low-threat vapor-intrusion criteria described below apply to sites where the release originated and impacted or potentially impacted adjacent parcels when: (1) existing buildings are occupied or may be reasonably expected to be occupied in the future, or (2) buildings for human occupancy are reasonably expected to be constructed in the future. Appendices 1 through 4 (attached) illustrate four potential exposure scenarios and describe characteristics and criteria associated with each scenario. Petroleum release sites shall satisfy the media-specific criteria for petroleum vapor intrusion to indoor air and be considered low-threat for the vapor-intrusion-to-indoor-air pathway if:

- a. Site-specific conditions at the release site satisfy all of the characteristics and criteria of scenarios 1 through 3 as applicable, or all of the characteristics and criteria of scenario 4 as applicable; or
- b. A site-specific risk assessment for the vapor intrusion pathway is conducted and demonstrates that human health is protected to the satisfaction of the regulatory agency; or
- c. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, the regulatory agency determines that petroleum vapors migrating from soil or groundwater will have no significant risk of adversely affecting human health.

Exception: Exposures to petroleum vapors associated with historical fuel system releases are comparatively insignificant relative to exposures from small surface spills and fugitive vapor releases that typically occur at active fueling facilities. Therefore, 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.

3. Direct Contact and Outdoor Air Exposure

This policy describes conditions where direct contact with contaminated soil or inhalation of contaminants volatilized to outdoor air poses a low threat to human health. Release sites where human exposure may occur satisfy the media-specific criteria for direct contact and outdoor air exposure and shall be considered low-threat if they meet any of the following:

- a. Maximum concentrations of petroleum constituents in soil are less than or equal to those listed in Table 1 for the specified depth below ground surface (bgs). The concentration limits for 0 to 5 feet bgs protect from ingestion of soil, dermal contact with soil, and inhalation of volatile soil emissions and inhalation of particulate emissions. The 5 to 10 feet bgs concentration limits protect from inhalation of volatile soil emissions. Both the 0 to 5 feet bgs concentration limits and the 5 to 10 feet bgs concentration limits for the appropriate site classification (Residential or Commercial/Industrial) shall be satisfied. In addition, if exposure to construction workers or utility trench workers are reasonably anticipated, the concentration limits for Utility Worker shall also be satisfied; or
- b. Maximum concentrations of petroleum constituents in soil are less than levels that a site specific risk assessment demonstrates will have no significant risk of adversely affecting human health; or
- c. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, the regulatory agency determines that the concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health.

Table 1
Concentrations of Petroleum Constituents in Soil That Will Have No Significant Risk of Adversely Affecting Human Health

Chemical	Residential		Commercial/ Industrial		Utility Worker
	0 to 5 feet bgs mg/kg	Volatilization to outdoor air (5 to 10 feet bgs) mg/kg	0 to 5 feet bgs mg/kg	Volatilization to outdoor air (5 to 10 feet bgs) mg/kg	0 to 10 feet bgs mg/kg
Benzene	1.9	2.8	8.2	12	14
Ethylbenzene	21	32	89	134	314
Naphthalene	9.7	9.7	45	45	219
PAH¹	0.063	NA	0.68	NA	4.5

Notes:

1. Based on the seven carcinogenic poly-aromatic hydrocarbons (PAHs) as benzo(a)pyrene toxicity equivalent [BaPe]. Sampling and analysis for PAH is only necessary where soil is affected by either waste oil or Bunker C fuel.
2. The area of impacted soil where a particular exposure occurs is 25 by 25 meters (approximately 82 by 82 feet) or less.
3. NA = not applicable
4. mg/kg = milligrams per kilogram

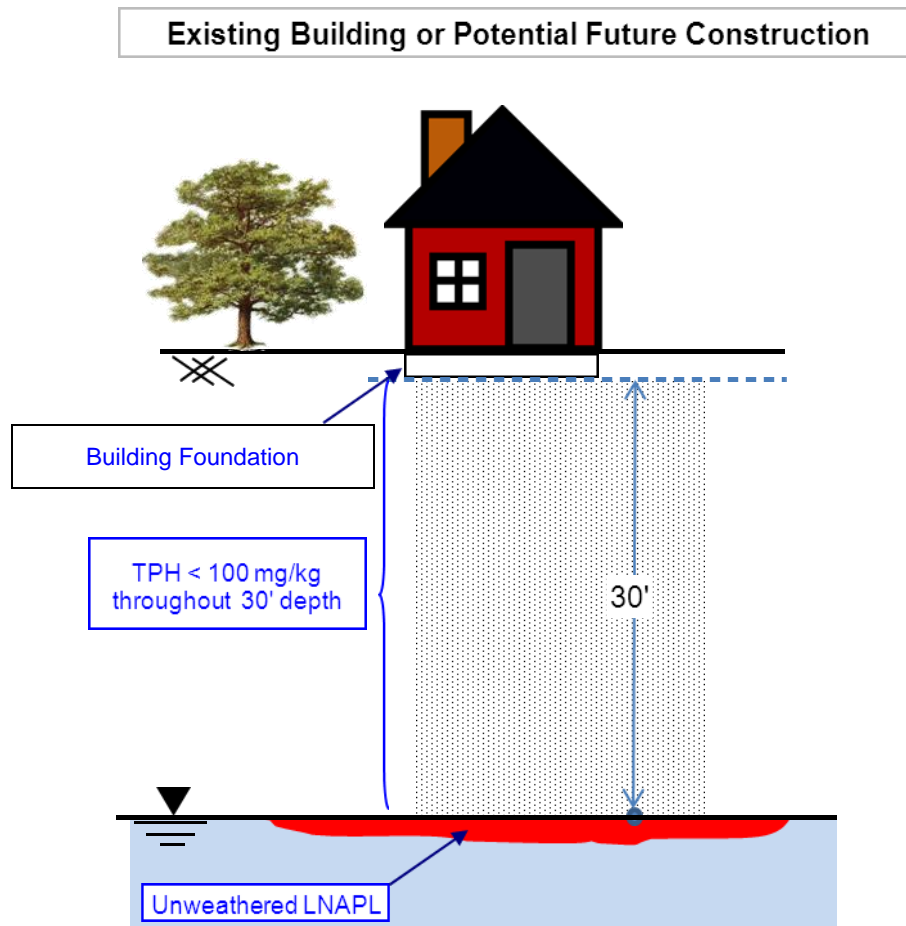
Low-Threat Case Closure

Cases that meet the general and media-specific criteria established in this policy pose a low threat to human health, safety and the environment and satisfy the case-closure requirements of Health and Safety Code section 25296.10, and case closure is consistent with State Water Board Resolution 92-49 that requires that cleanup goals and objectives be met within a reasonable time frame. If the case has been determined by the regulatory agency to meet the criteria in this policy, the regulatory agency shall notify responsible parties that they are eligible for case closure and that the following items, if applicable, shall be completed prior to the issuance of a uniform closure letter specified in Health and Safety Code section 25296.10. After completion of these items, and unless the regulatory agency revises its determination based on comments received on the proposed case closure, the regulatory agency shall issue a uniform closure letter within 30 days from the end of the comment period.

- a. Notification Requirements – Municipal and county water districts, water replenishment districts, special act districts with groundwater management authority, agencies with authority to issue building permits for land affected by the petroleum release, owners and occupants of the property impacted by the petroleum release, and the owners and occupants of all parcels adjacent to the impacted property shall be notified of the proposed case closure and provided a 60 day period to comment. The regulatory agency shall consider any comments received when determining if the case should be closed or if site specific conditions warrant otherwise.
- b. Monitoring Well Destruction – All wells and borings installed for the purpose of investigating, remediating, or monitoring the unauthorized release shall be properly destroyed prior to case closure unless a property owner certifies that they will keep and maintain the wells or borings in accordance with applicable local or state requirements.
- c. Waste Removal – All waste piles, drums, debris and other investigation or remediation derived materials shall be removed from the site and properly managed in accordance with regulatory agency requirements.

Appendix 1 Scenario 1: Unweathered* LNAPL in Groundwater

Required Characteristics of the Bioattenuation Zone



Required Characteristics of the Bioattenuation Zone:

1. The bioattenuation zone shall be a continuous zone that provides a separation of at least 30 feet vertically between the LNAPL in groundwater and the foundation of existing or potential buildings; and
2. Total TPH (TPH-g and TPH-d combined) are less than 100 mg/kg throughout the entire depth of the bioattenuation zone.

TPH = total petroleum hydrocarbons

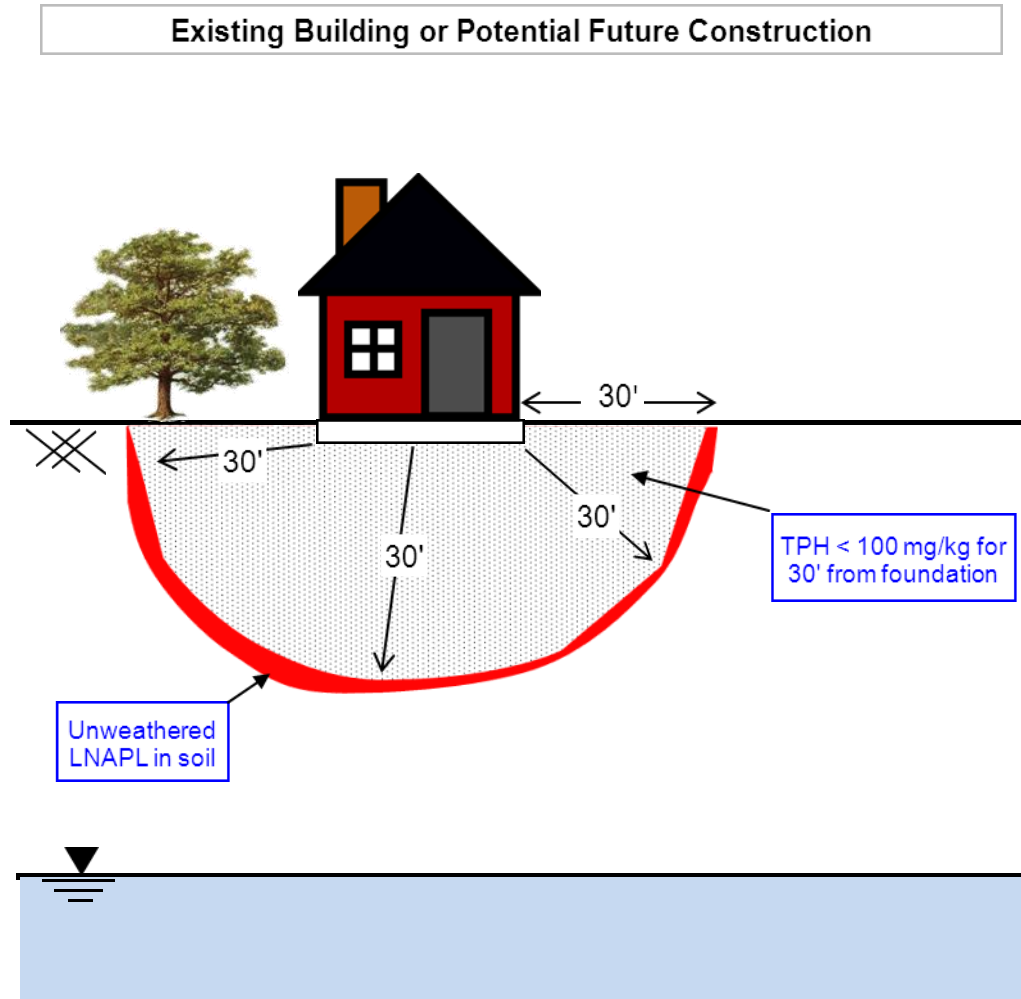
TPH-g = total petroleum hydrocarbons as gasoline

TPH-d = total petroleum hydrocarbons as diesel

*As used in this context, unweathered LNAPL is generally understood to mean petroleum product that has not been subjected to significant volatilization or solubilization, and therefore has not lost a significant portion of its volatile or soluble constituents (e.g., comparable to recently dispensed fuel).

Appendix 2 Scenario 2: Unweathered* LNAPL in Soil

Required Characteristics of the Bioattenuation Zone



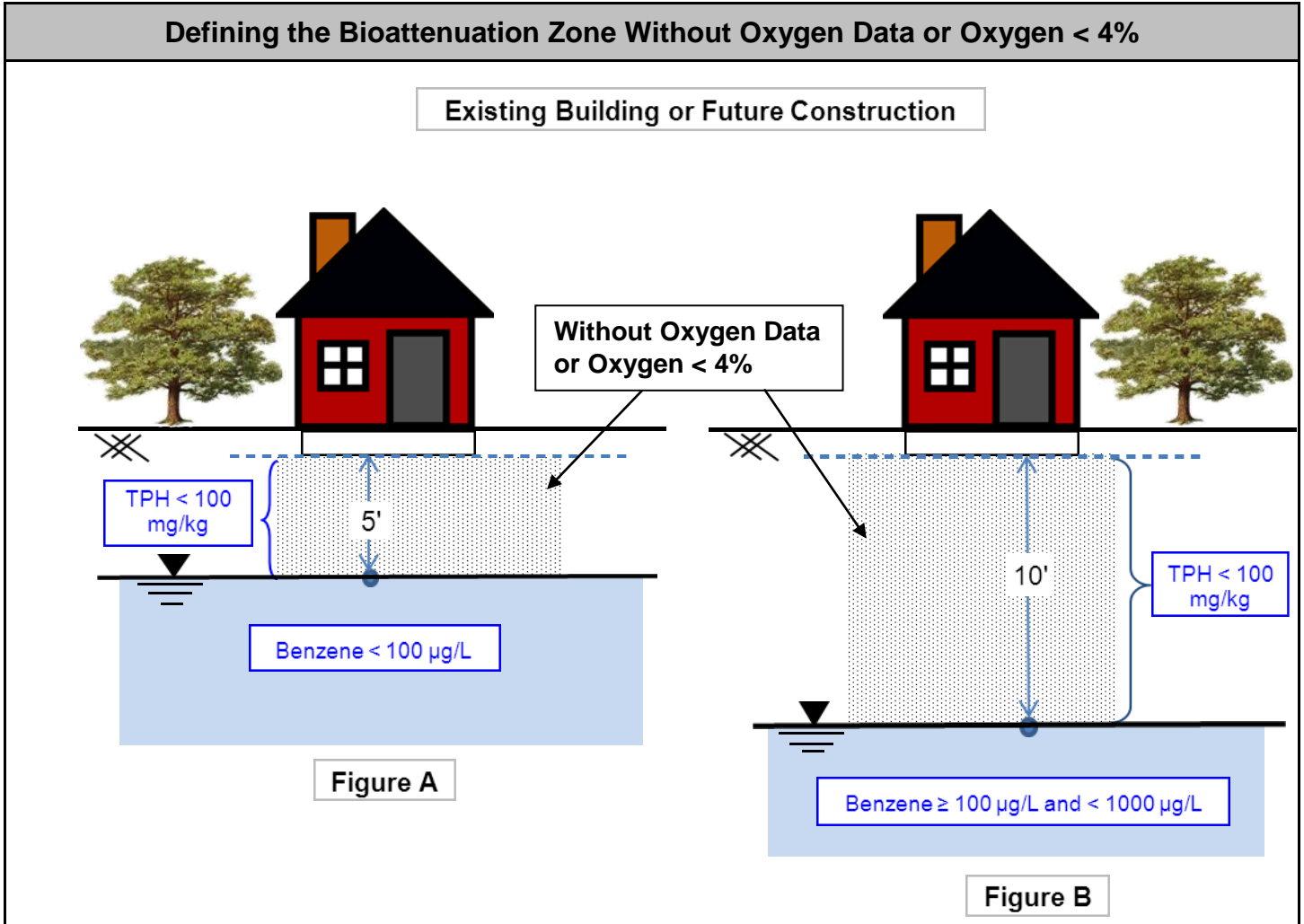
Required Characteristics of the Bioattenuation Zone:

1. The bioattenuation zone shall be a continuous zone that provides a separation of at least 30 feet both laterally and vertically between the LNAPL in soil and the foundation of existing or potential buildings, and
2. Total TPH (TPH-g and TPH-d combined) are less than 100 mg/kg throughout the entire lateral and vertical extent of the bioattenuation zone.

*As used in this context, unweathered LNAPL is generally understood to mean petroleum product that has not been subjected to significant volatilization or solubilization, and therefore has not lost a significant portion of its volatile or soluble constituents (e.g., comparable to recently dispensed fuel).

Appendix 3

Scenario 3 - Dissolved Phase Benzene Concentrations in Groundwater (Low concentration groundwater scenarios with or without oxygen data) (1 of 2)



Required Characteristics of Bioattenuation Zone for Sites Without Oxygen Data or Where Oxygen is < 4%

Figure A: 1) Where benzene concentrations are less than 100 µg/L, the bioattenuation zone:

- a) Shall be a continuous zone that provides a separation of at least 5 feet vertically between the dissolved phase Benzene and the foundation of existing or potential buildings; and
- b) Contain Total TPH (TPH-g and TPH-d combined) less than 100 mg/kg throughout the entire depth of the bioattenuation zone.

Figure B: 1) Where benzene concentrations are equal to or greater than 100 µg/L but less than 1000 µg/L, the bioattenuation zone:

- a) Shall be a continuous zone that provides a separation of at least 10 feet vertically between the dissolved phase Benzene and the foundation of existing or potential buildings; and
- b) Contain Total TPH (TPH-g and TPH-d combined) less than 100 mg/kg throughout the entire depth of the bioattenuation zone.

Appendix 3

Scenario 3 - Dissolved Phase Benzene Concentrations in Groundwater (Low concentration groundwater scenarios with or without oxygen data)

(2 of 2)

Defining the Bioattenuation Zone With Oxygen $\geq 4\%$

Existing Building or Future Construction

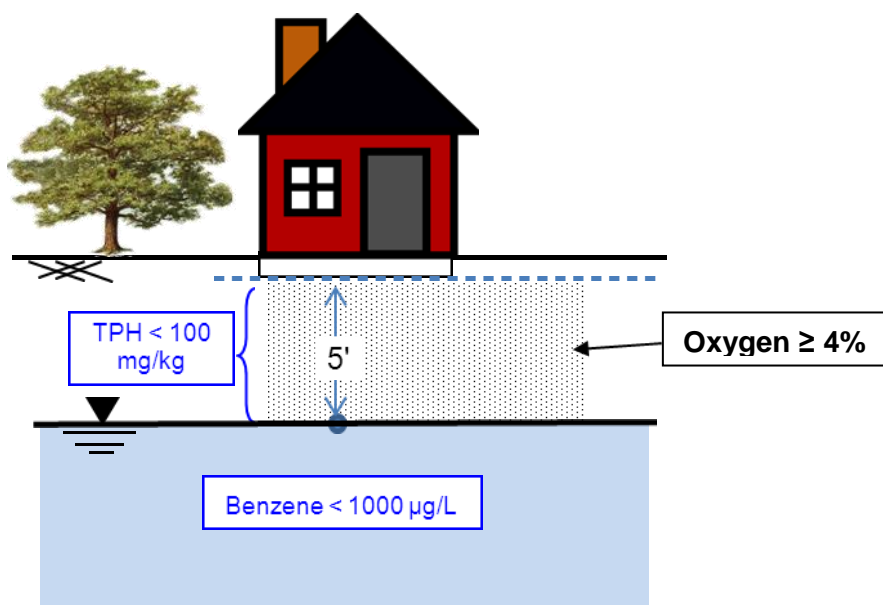


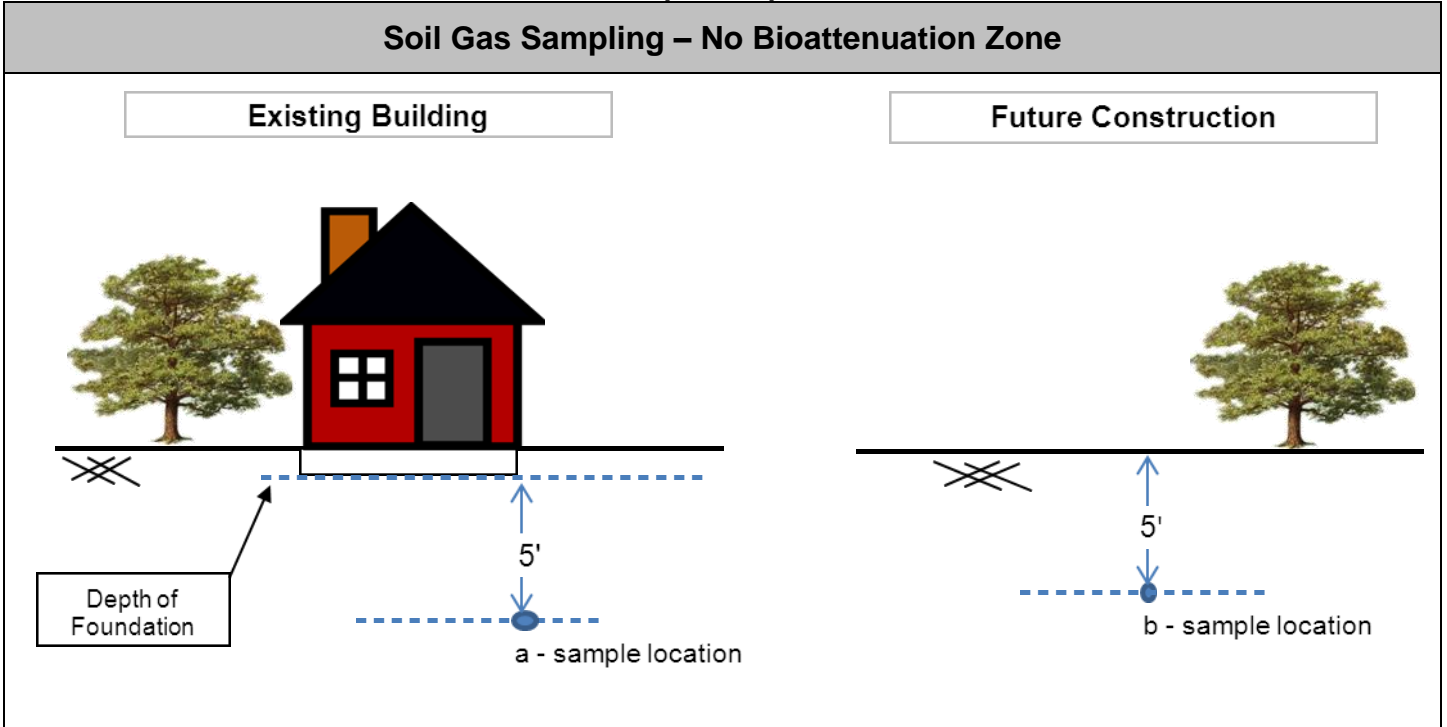
Figure C

Required Characteristics of Bioattenuation Zone for Sites With Oxygen $\geq 4\%$

Where benzene concentrations are less than 1000 $\mu\text{g/L}$, the bioattenuation zone:

1. Shall be a continuous zone that provides a separation of at least 5 feet vertically between the dissolved phase Benzene and the foundation of existing or potential buildings; and
2. Contain Total TPH (TPH-g and TPH-d combined) less than 100 mg/kg throughout the entire depth of the bioattenuation zone.

Appendix 4
Scenario 4 - Direct Measurement of Soil Gas Concentrations
(1 of 2)



The criteria in the table below apply unless the requirements for a bioattenuation zone, established below, are satisfied.

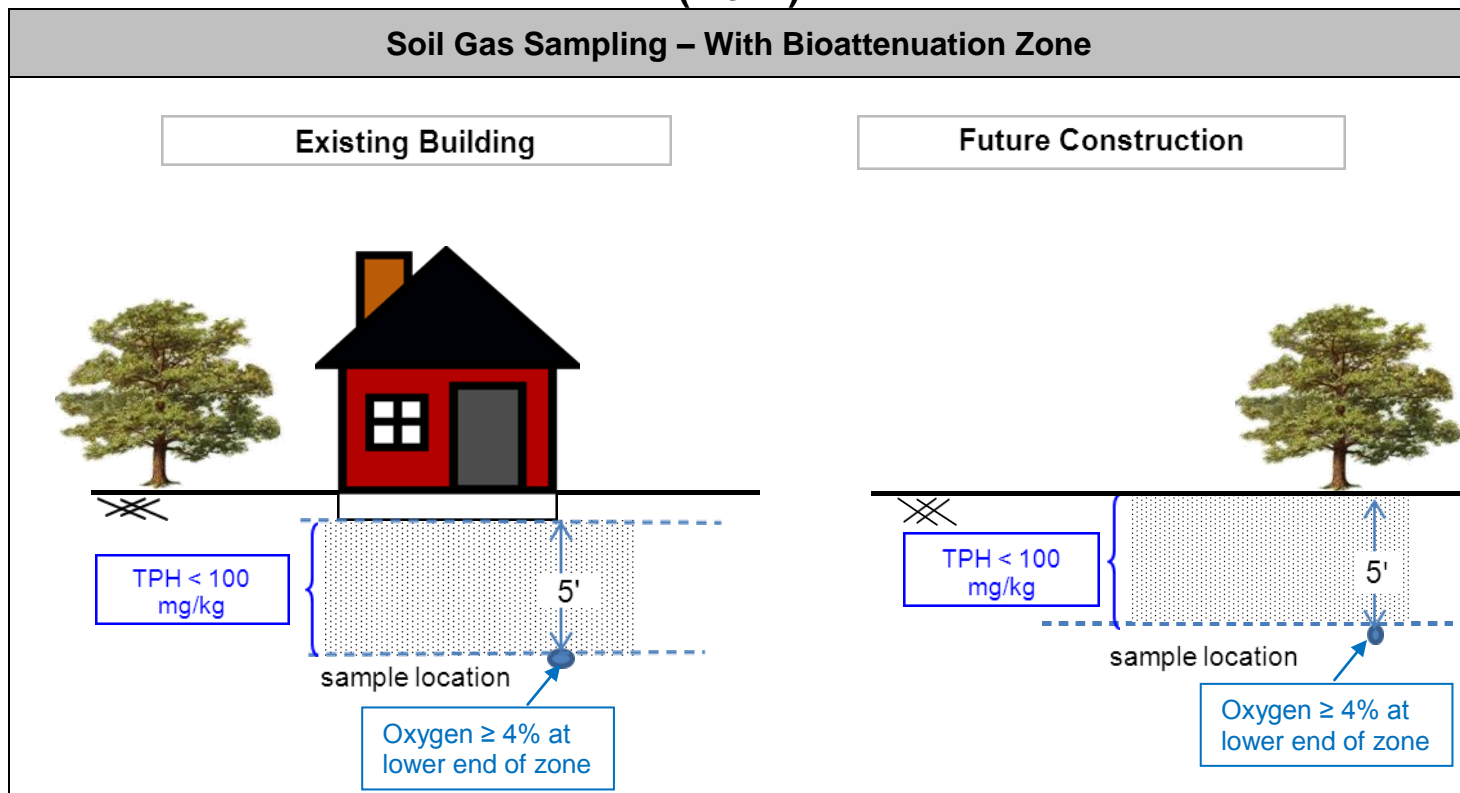
When applying the criteria below, the soil gas sample must be obtained from the following locations:

- a. Beneath or adjacent to an existing building: The soil gas sample shall be collected at least five feet below the bottom of the building foundation.
- b. Future construction: The soil gas sample shall be collected from at least five feet below ground surface.

Soil Gas Criteria ($\mu\text{g}/\text{m}^3$)		
	No Bioattenuation Zone*	
	Residential	Commercial
Constituent	Soil Gas Concentration ($\mu\text{g}/\text{m}^3$)	
Benzene	< 85	< 280
Ethylbenzene	<1,100	<3,600
Naphthalene	< 93	< 310

*For the no bioattenuation zone, the screening criteria are same as the California Human Health Screening Levels (CHHSLs) with engineered fill below sub-slab.

Appendix 4 Scenario 4 - Direct Measurement of Soil Gas Concentrations (2 of 2)



The criteria in the table below apply if the following requirements for a biattenuation zone are satisfied:

1. There is a minimum of five vertical feet of soil between the soil vapor measurement and the foundation of an existing building or ground surface of future construction.
2. TPH (TPHg + TPHd) is less than 100 mg/kg (measured in at least two depths within the five-foot zone.)
3. Oxygen is greater than or equal to four percent measured at the bottom of the five-foot zone.

Soil Gas Criteria ($\mu\text{g}/\text{m}^3$)

	With Bioattenuation Zone**	
	Residential	Commercial
Constituent	Soil Gas Concentration ($\mu\text{g}/\text{m}^3$)	
Benzene	< 85,000	< 280,000
Ethylbenzene	<1,100,000	<3,600,000
Naphthalene	< 93,000	< 310,000

**A 1000-fold bioattenuation of petroleum vapors is assumed for the bioattenuation zone.