
State Water Resources Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

PROPOSED UNDERGROUND STORAGE TANK CASE CLOSURE, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND THE STATE WATER RESOURCES CONTROL BOARD LOW-THREAT UNDERGROUND STORAGE TANK CASE CLOSURE POLICY:

RAJ MULKH & KULWINDER BHATIA, ET. AL. (RESPONSIBLE PARTY)

VINTNERS DISTRIBUTORS, INC. (RESPONSIBLE PARTY)

ATLANTIC RICHFIELD COMPANY (RESPONSIBLE PARTY)

AHMED DOBASHI (RESPONSIBLE PARTY)

ABDULRAHIM ALAZANI (RESPONSIBLE PARTY)

ARCO STATION #04931

731 WEST MACARTHUR BOULEVARD, OAKLAND, ALAMEDA COUNTY

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, Case No. RO0000076.

Upon review of the case, the State Water Board may close or require the closure of any UST case if it is determined that corrective action has been completed in accordance with Health and Safety Code section 25296.10. 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 (Policy) adopted by State Water Board Resolution No. 2012-0016.

State Water Board UST Cleanup staff has completed a review of the case identified above, determined that the case meets the general and media-specific criteria of the Policy, and made a recommendation to the Executive Director for UST case closure. The recommendation is based upon the facts and circumstances of this particular UST case. The UST case record that is the basis for determining compliance with the Policy is available on the State Water Board's GeoTracker database.

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0600100110

A copy of this notice has been provided to the responsible party, owner/operator, environmental consultant on record, the applicable Regional Water Quality Control Board and local agency that has been overseeing corrective action, agencies with authority to issue building permits, owners and occupants of the impacted property, owners and occupants of all parcels adjacent to impacted properties, the water replenishment district, the local water purveyor, the municipal water district, county water district, and special act district with groundwater management authority.

DOCUMENT AVAILABILITY

The draft Order is available to view or download on the State Water Board's Web site at: http://www.waterboards.ca.gov/water_issues/programs/ustcf/prop_closure_cases.shtml.

Paper copies of the draft Order are available upon request by writing to George Lockwood, Division of Water Quality, State Water Resources Control Board, P.O. Box 2231, Sacramento, CA 95812; by calling Mr. Lockwood at (916) 341-5752; or by e-mail at: george.lockwood@waterboards.ca.gov.

SUBMISSION OF WRITTEN COMMENTS

Interested persons are encouraged to submit their comments, evidence, and other material electronically. Comment letters can be submitted by e-mail to: USTClosuresComments@waterboards.ca.gov (if less than 10 megabytes in total size) or by fax at (916) 341-5463 with the subject "**Comment Letter – Arco Station #04931 Proposed UST Case Closure.**" In order to be fully considered, written comments must be received by **12:00 noon on Friday, October 3, 2014**. Written comments may also be delivered via mail:

Vivian Gomez-Latino
State Water Resources Control Board
1001 I Street, P.O. Box 2231, Sacramento, CA 95812
or hand-delivered to the following address:
State Water Resources Control Board
1001 I Street, 15th Floor, Sacramento, CA 95814

Please direct questions about this notice to George Lockwood, UST Cleanup Unit II, at (916) 341-5752 (george.lockwood@waterboards.ca.gov) or Steven Westhoff, Staff Counsel, at (916) 327-7295 (steven.westhoff@waterboards.ca.gov).



Vivian Gomez-Latino
Office Technician
Division of Water Quality

7/24/2014

Date

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 20XX-XXXX-UST

**In the Matter of Underground Storage Tank Case Closure
Pursuant to Health and Safety Code Section 25296.10 and the
Low-Threat Underground Storage Tank Case Closure Policy**

BY THE EXECUTIVE DIRECTOR:¹

By this order, the Executive Director directs closure of the underground storage tank (UST) case at the site listed below, pursuant to section 25296.10 of the Health and Safety Code.² The name of the responsible parties, the site name, the site address, the Underground Storage Tank Cleanup Fund (Fund) claim number if applicable, the lead agency, and case number are as follows:

Raj Mulkh & Kulwinder Bhatia, et. al. (Responsible Party)

Vintners Distributors, Inc. (Responsible Party)

Atlantic Richfield Company (Responsible Party)

Ahmed Dobashi (Responsible Party)

Abdulrahim Alazani (Responsible Party)

Arco Station #04931

731 West MacArthur Boulevard, Oakland, Alameda County

Alameda County Environmental Health, Case No. RO0000076

I. STATUTORY AND PROCEDURAL BACKGROUND

Upon review of a UST case, the State Water Resources Control Board (State Water Board) may close or require closure of a UST case where an unauthorized release has occurred, if the State Water Board determines that corrective action at the site is in compliance

¹ State Water Board Resolution No. 2012-0061 delegates to the Executive Director the authority to close or require the closure of any UST case if the case meets the criteria found in the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy adopted by State Water Board Resolution No. 2012-0016.

² Unless otherwise noted, all references are to the California Health and Safety Code.

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with all of the requirements of subdivisions (a) and (b) of section 25296.10. The State Water Board, or in certain cases the State Water Board Executive Director, may close a case or require the closure of a UST case. Closure of a UST case is appropriate where the corrective action ensures the protection of human health, safety, and the environment and where the corrective action is consistent with: 1) Chapter 6.7 of division 20 of the Health and Safety Code and implementing regulations; 2) Any applicable waste discharge requirements or other orders issued pursuant to division 7 of the Water Code; 3) All applicable state policies for water quality control; and 4) All applicable water quality control plans.

State Water Board staff has completed a review of the UST case identified above, and recommends that this case be closed. The recommendation is based upon the facts and circumstances of this particular UST case. The UST case record that is the basis for determining compliance with the Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closures (Low-Threat Closure Policy or Policy) is available on the State Water Board's GeoTracker database.

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0600100110

Low-Threat Closure Policy

In State Water Board Resolution No. 2012-0016, the State Water Board adopted the Low-Threat Closure Policy. The Policy became effective on August 17, 2012. The Policy establishes consistent statewide case closure criteria for certain low-threat petroleum UST sites. In the absence of unique attributes or site-specific conditions that demonstrably increase the risk associated with residual petroleum constituents, cases that meet the general and media-specific criteria in the Low-Threat Closure Policy pose a low threat to human health, safety, and the environment, and are appropriate for closure under Health and Safety Code section 25296.10. The Policy provides that if a regulatory agency determines that a case meets the general and media-specific criteria of the Policy, then the regulatory agency shall notify responsible parties and other specified interested persons that the case is eligible for case closure. Unless the regulatory agency revises its determination based on comments received on the proposed case closure, the Policy provides that the agency shall issue a uniform closure letter as specified in Health and Safety Code section 25296.10. The uniform closure letter may only be issued after the expiration of the 60-day comment period, proper destruction or maintenance of monitoring wells or borings, and removal of waste associated with investigation and remediation of the site.

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Health and Safety Code section 25299.57, subdivision (l)(1) provides that claims for reimbursement of corrective action costs that are received by the Fund more than 365 days after the date of a uniform closure letter or a letter of commitment, whichever occurs later, shall not be reimbursed unless specified conditions are satisfied.

II. FINDINGS

Based upon the facts in the UST record and the hydrogeologic conditions at the site, the State Water Board finds that corrective action taken to address the unauthorized release of petroleum at the UST release site identified as:

Raj Mulkh & Kulwinder Bhatia, et. al. (Responsible Party)

Vintners Distributors, Inc. (Responsible Party)

Atlantic Richfield Company (Responsible Party)

Ahmed Dobashi (Responsible Party)

Abdulrahim Alazani (Responsible Party)

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ensures protection of human health, safety, and the environment and is consistent with Chapter 6.7 of division 20 of the Health and Safety Code and implementing regulations, the Low-Threat Closure Policy and other water quality control policies and applicable water quality control plans.

Pursuant to the Low-Threat Closure Policy, notification has been provided to all entities that are required to receive notice of the proposed case closure, a 60-day comment period has been provided to notified parties, and any comments received have been considered by the State Water Board in determining that the case should be closed.

Pursuant to section 21080.5 of the Public Resources Code, environmental impacts associated with the adoption of this Order were analyzed in the substitute environmental document (SED) the State Water Board approved on May 1, 2012. The SED concludes that all environmental effects of adopting and implementing the Low Threat Closure Policy are less than significant, and environmental impacts as a result of adopting this Order in compliance with the Policy are no different from the impacts that are reasonably foreseen as a result of the Policy itself. A Notice of Decision was filed August 17, 2012. No new environmental impacts or any

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additional reasonably foreseeable impacts beyond those that were addressed in the SED will result from adopting this Order.

The UST case identified above may be the subject of orders issued by the Regional Water Quality Control Board (Regional Water Board) pursuant to division 7 of the Water Code. Any orders that have been issued by the Regional Water Board pursuant to division 7 of the Water Code, or directives issued by a Local Oversight Program (LOP) agency for this case should be rescinded to the extent they are inconsistent with this Order.

III. ORDER

IT IS THEREFORE ORDERED that:

- A. The UST case identified in Section II of this Order, meeting the general and media-specific criteria established in the Low-Threat Closure Policy, be closed in accordance with the following conditions and after the following actions are complete. Prior to the issuance of a uniform closure letter, the responsible parties are 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.

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- C. Within 30-days of receipt of proper documentation from the responsible parties that requirements in subparagraphs (1) and (2) of Paragraph (A) are complete, the regulatory agency that is responsible for oversight of the UST case identified in Section II of this Order shall notify the State Water Board that the tasks have been satisfactorily completed.

- D. Within 30-days of notification from the regulatory agency that the tasks are complete pursuant to Paragraph (C), the Deputy Director of the Division of Water Quality shall issue a uniform closure letter consistent with Health and Safety Code section 25296.10, subdivision (g) and upload the uniform closure letter and UST Case Closure Summary to GeoTracker.

- E. Pursuant to section 25299.57, subdivision (l) (1), and except in specified circumstances, all claims for reimbursement of corrective action costs must be received by the Fund within 365-days of issuance of the uniform closure letter in order for the costs to be considered.

- F. Any Regional Water Board or LOP agency directive or order that directs corrective action or other action inconsistent with case closure for the UST case identified in Section II is rescinded, but only to the extent the Regional Water Board order or LOP agency directive is inconsistent with this Order.

Executive Director

Date

State Water Resources Control Board

UST CASE CLOSURE SUMMARY

Agency Information

Agency Name: Alameda County Environmental Health (ACEH)	Address: 1131 Harbor Bay Parkway Alameda, CA 94502
Agency Caseworker: Mr. Mark Detterman	Case No.: RO0000076

Case Information

USTCF Claim No.: None	Global ID: T0600100110
Site Name: Arco Station #04931	Site Address: 731 West MacArthur Boulevard Oakland, CA 94609 (Site)
Responsible Parties: Raj Mulkh & Kulwinder Bhatia, et. al. Attention: Raj Mulkh	Address: 4445 Pinewood Drive Union City, CA 94587-4824
Vintners Distributors, Inc.	28456 Century Street Hayward, CA 94545-4800
Atlantic Richfield Company Attention: Mr. Jim Smith	201 Helios Way, Sixth Floor Houston, TX 77079
Ahmed Dobashi	3480 Ridgewood Way Richmond, CA 94806
Abdulrahim Alazani	2410 San Carlos Avenue Castro Valley, CA 94546
USTCF Expenditures to Date: Not applicable	Number of Years Case Open: 23

URL: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0600100110

Summary

The Low-Threat Underground Storage Tank Case Closure Policy (Policy) contains general and media-specific criteria, and cases that meet those criteria are appropriate for closure pursuant to the Policy. This case meets all of the required criteria of the Policy. Highlights of the Conceptual Site Model upon which the evaluation of the case has been made are as follows:

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The Site is an active commercial petroleum fueling facility. Residual petroleum constituents in soil were discovered when the underground storage tanks (USTs) and associated piping were removed and replaced between November 1991 and April 1992. Approximately 1,900 cubic yards of petroleum impacted soil were excavated and transported off-Site during UST replacements. In October 2002, the UST piping was upgraded. The volume of petroleum impacted soil excavated during this event was not reported.

Remediation activities included operation of a groundwater extraction treatment system (GWETS) which extracted light non-aqueous phase liquids (LNAPL) and petroleum-impacted groundwater from the secondary source area between November 1992 and July 1995. The GWETS extracted approximately 4.6 million gallons of groundwater and 3.2 pounds of petroleum constituents during system operations. As of December 1995, approximately 23 pounds of LNAPL had been removed from the Site by the GWETS or hand bailing. LNAPL was last observed at the Site during 1994.

In January 1992, a four-hour soil vapor extraction test was performed at the Site. The test concluded that vapor extraction was not likely to be a feasible remedial option for petroleum impacted soil beneath the Site. In-situ bioremediation enhancement using oxygen releasing compound (ORC) socks was initiated in November 1995. The ORC socks were used in wells A-8 and A-9. The ORC socks were removed from these two wells in 1997 since data indicated that intrinsic bioremediation was occurring at the Site.

There are no public water supply wells or surface water bodies within 1,000 feet of the Site. Historical groundwater data indicate that the groundwater flow direction is predominantly toward the west. The average depth to groundwater is approximately seven feet below ground surface. Historical groundwater data indicate that petroleum constituents are either non-detect or have established a stable or decreasing concentration trend in all wells.

Public water is provided by East Bay Municipal Utility District. Public water supply wells are constructed with competent sanitary seals. Residual petroleum constituents are limited to shallow soil and groundwater and vertical and horizontal limits of the plume are adequately defined. Remaining petroleum constituents pose a low risk to human health, safety, or the environment.

Objections to Closure

The ACEH does not object to case closure.

Rationale for Closure under the Policy

- General Criteria – Site **MEETS ALL EIGHT GENERAL CRITERIA** under the Policy.
- Groundwater Media-Specific Criteria – Site meets the criterion in **CLASS 1**. The contaminant plume that exceeds water quality objectives is less than 100 feet in length.
- Petroleum Vapor Intrusion to Indoor Air Criteria – Site meets the **EXCEPTION** for vapor intrusion to indoor air. 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.
- Direct Contact and Outdoor Air Exposure Criteria – Site meets **CRITERIA (3) a**. Maximum concentrations of petroleum constituents in soil from confirmation soil samples are less than or

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

Recommendation for Closure

The corrective action performed at this Site ensures the protection of human health, safety, the environment and is consistent with chapter 6.7 of the Health and Safety Code and implementing regulations, applicable state policies for water quality control and the applicable water quality control plan, and case closure is recommended.

Prepared By: Trinh Pham
Trinh Pham
Water Resource Control Engineer

7/16/14

Date

Reviewed By: George Lockwood
George Lockwood, PE#59556
Senior Water Resource Control Engineer

7/16/14

Date

