R0161

State Water Resources Control Board

Division of Water Quality

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Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

2010 AUG -2 AM 10:

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

ON UNDERGROUND STORAGE TANK CASE CLOSURE FOR AMERICAN AUTO WRECKERS MR. FREEBERG AND MR. FEROZ (PETITIONER) 3744 DEPOT ROAD, HAYWARD

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 American Auto Wreckers at 3744 Depot Road, Hayward.

Enclosed is a draft UST case closure summary that was prepared by State Water Board staff for the above-entitled matter. Pursuant to Health and Safety Code section 25296.40, the State Water Board will be considering, at a future board meeting, whether this UST case should be closed. You will separately receive an agenda for this meeting.

All comments shall be based solely upon evidence contained in the record or upon legal argument. Supplemental evidence will not be permitted except under the limited circumstances described in California Code of Regulations, title 23, section 2814.8.

Comment letters to the State Water Board **must be received by 12:00 noon on August 20, 2010.** Please send comments on the above subject matter to: Jeanine Townsend, Clerk to the Board, by email at commentletters@waterboards.ca.gov (If less than 15 megabytes in size), by fax to (916) 341-5620, or addressed to State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814. Please provide the following information in the subject line: **UST Case Closure, Petition of American Auto Wreckers, 3744 Depot Road, Hayward.**

Please direct questions about this notice to Laura Fisher, Division of Water Quality at (916) 341-5870 (lfisher@waterboards.ca.gov).

July 22, 2010
Date

Jeanine Townsend
Clerk to the Board

well as adjacent property owners and other interested parties have been notified of the recommendation for closure and were given the opportunity to provide comments.

Petitioner's site is an automobile salvage operation and is located at 3744 Depot Road, Hayward, in western Alameda County. Land use is industrial with similar 'scrap yards' at contiguous properties to the east and west. Businesses in the area are provided water and sewer service from the local utility district; however, this parcel has no water or sewer service. Drinking water at the site is provided through bottled water and a small amount of irrigation water is obtained from an onsite well.

Alameda County denied Petitioner's request for UST case closure asserting that additional remedial excavation of the near source soils will be to the maximum benefit to the people of the state. Petitioner contends that site conditions do not threaten public health and safety and that the burden of additional corrective actions outweighs the corresponding benefit to public health, safety or the environment.

Petitioner information

Site Name: American Auto Wreckers	Address: 3744 Depot Road, Hayward, CA 94545
Global ID: T0600101922	Petition Date: March 30, 2009
USTCUF Claim No: None	USTCUF Expenditures: No Record of Expenditures

Agency Information

Agency Name: Alameda County Environmental Health Department	Address: 1131 Harbor Bay Parkway, Suite 250, Alameda, CA 94502-6577
Agency Case No: RO0000161	Number of Years Case Has Been Open: 18 years

Release Information:

- USTs: Two locations, southern (500-gallon waste oil) and northern (1,000-gallon gasoline), removed in 1992
- Discovery Date: May 11, 1992
- Affected Media: Soil and shallow groundwater
- Free Product: Reported in grab groundwater sample near former 500-gallon waste oil UST
- Corrective Actions:
  - January 1992 – USTs removed
  - September 1995 – Soil and groundwater assessment
  - February 1997 – Soil and groundwater assessment
  - August 2000 – Phase I environmental site assessment
  - December 2008 – Soil and groundwater assessment

Site Description/Conditions:

- Groundwater Basin: Santa Clara Valley
- Beneficial Uses: MUN, AGR, IND, PRO
- Land Use: Industrial

MW-3	11/26/96	ND	<50	ND	<0.5	<0.5	<0.5	NA
MW-3	2/4/04	NA	<50	<0.5	<0.5	<0.5	<0.5	8.5
MW-3	11/21/08	<50	<50	<0.5	<0.5	<0.5	<0.5	2.1
MW-4	11/21/08	<50	<50	1.8	<0.5	<0.5	<0.5	33
MW-5	11/21/08	<50	<50	<0.5	<0.5	<0.5	<0.5	20
WQOs	--	56	5	1	42	29	17	5

ND = not detected
NA = not analyzed

Sensitive Receptor/ Risk Evaluation/Conceptual Site Model:

Source Removal: The primary source of the release was removed during UST system removal activities that occurred in 1992. Residual petroleum hydrocarbons in soil were further reduced by leaving the tank excavations open for approximately two years before being backfilled with the aerated soils from the excavations. The data show that petroleum constituents remain in the soil that was backfilled into the two UST excavations and in the undisturbed soil immediately surrounding the two former excavations.

Plume Definition and Stability: Because the residual contamination is sorbed to the fine grained soil beneath the site, contaminates are limited to the soil and groundwater near the former two UST tank excavation locations. Historically, soil and grab groundwater samples obtained immediately surrounding the two excavations were reported with moderate to high concentrations of TPHg, TPHd, TPHmo, BTEX, and MTBE; whereas, in November 2008 site monitor wells were reported with only minor benzene concentrations (1.8 ppb) in well MW-4 and low MTBE concentrations (2 ppb to 60 ppb).[1] The lack of contaminates reported in site monitor wells located no more than 50 feet from the former tank excavations demonstrate that the sorbed contamination will remain stable and contained. The petroleum releases are limited to the soil and groundwater in and immediately surrounding the former two UST tank excavation locations.

Current and Anticipated Beneficial Uses: Land use in the immediate vicinity of the site is industrial and comprised of 'scrap yards' and similar usage. The City of Hayward water treatment plant is contiguous with the southern boundary of the site and the Hayward salt water evaporators are located less than one-quarter mile to the west.

The groundwater encountered at approximately 12 feet below ground surface has been shown to be protected from the UST system petroleum release. Groundwater at the site is present in semi-confined conditions and groundwater samples from all monitor wells have had shown little to no petroleum constituents[1] for over 10 years. Additionally, the site is mostly covered with concrete and asphalt which controls the

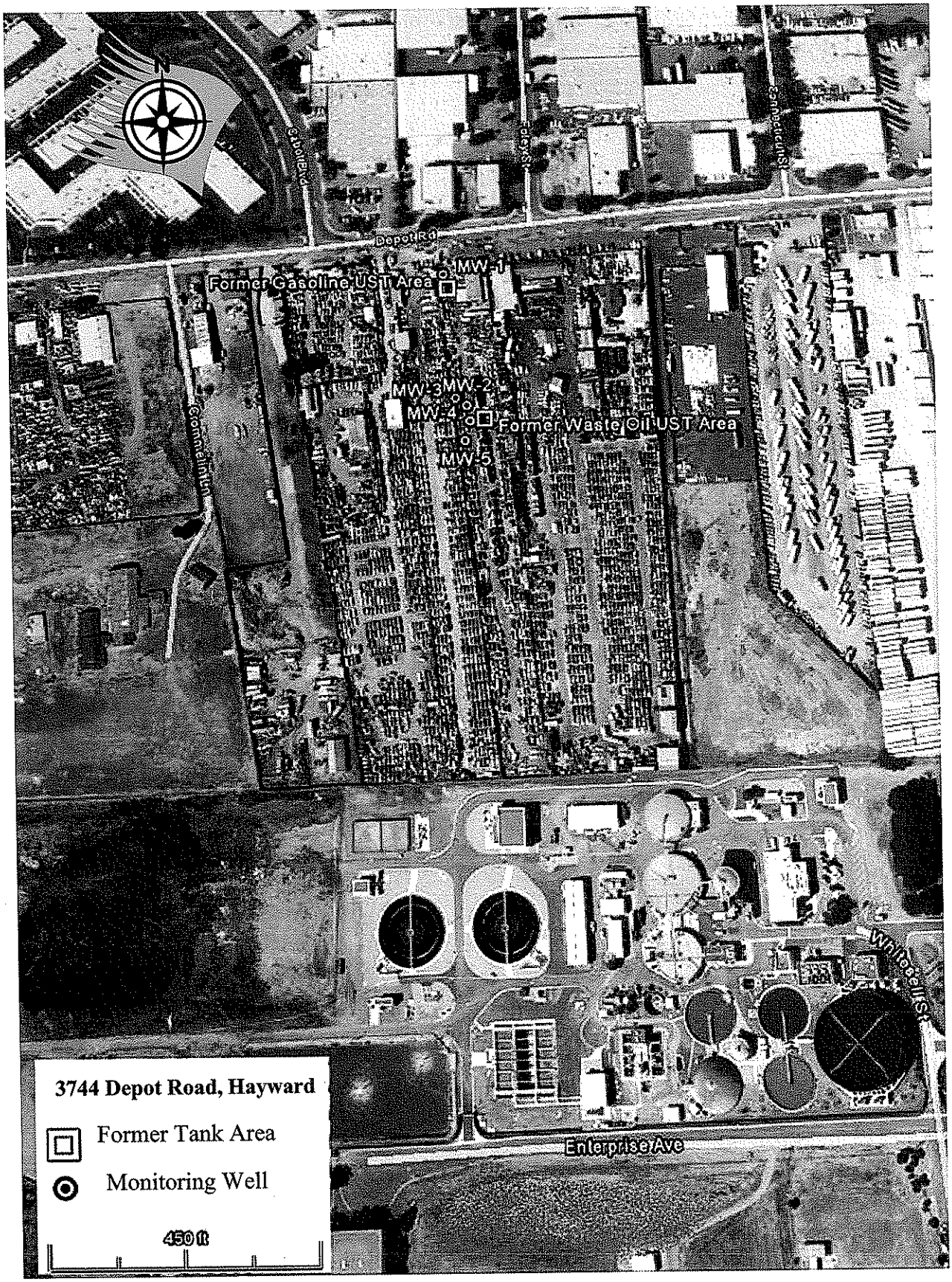
[1] The MTBE concentrations are likely from multiple point sources, i.e. the hundreds of automobiles stored on Petitioner's and adjacent properties, because MTBE has not been detected in any of the soil samples.

If achieving background water quality is not feasible, is the alternative cleanup level consistent with the maximum benefit to the people of the state? Yes
It is impossible to determine the precise level of water quality that will be attained given the limited residual petroleum hydrocarbons that remain at the site, but in light of all the factors discussed above, and the fact that the residual petroleum constituents will not unreasonably affect present and anticipated beneficial uses of groundwater, a level of water quality will be attained that is consistent with the maximum benefit to the people of the state.

Will the alternative cleanup level unreasonably affect present and anticipated beneficial uses of water? No
Impacted groundwater is not used as a source of drinking water and highly unlikely to be used in the timeframe required to meet WQOs. An irrigation water supply well (MW-3) is located within Petitioner's property approximately 25 feet northwest of the former waste oil UST. The well is about 30 feet deep. The irrigation well is used for watering outdoor plants. If the Petitioner's irrigation well is destroyed, shallow groundwater is not likely to be beneficially used in the foreseeable future. If any future water supply well were installed, DWR well construction standards would require a 50-foot minimum sanitary seal and thereby prevent the flow of shallow groundwater from impacting the beneficial uses of the underlying groundwater.

Will the alternative level of water quality exceed water quality prescribed in applicable Basin Plans? No
The final step in determining whether cleanup to a level of water quality less stringent than background is appropriate for this site requires a determination that the alternative level of water quality will not result in water quality less than that prescribed in the relevant basin plan. Pursuant to SWRCB Resolution 92-49, a site may be closed if the basin plan requirements will be met within a reasonable time frame.

Have factors contained in Title 23 of the California Code of Regulations, Section 2550.4 been considered? Yes
In approving an alternative level of water quality less stringent than background, the State Water Board has also considered the factors contained in California Code of Regulations, title 23, section 2550.4, subdivision (d). As discussed earlier, the adverse effect on shallow groundwater will be minimal and localized, and there will be no adverse effect on the groundwater contained in deeper aquifers, given the physical and chemical characteristics of petroleum constituents, the hydrogeological characteristics of the site and surrounding land, and the quantity of the groundwater and direction of the groundwater flow. In addition, the potential for adverse effects on beneficial uses of groundwater is low, in light of the proximity of the groundwater supply wells, the current and potential future uses of groundwater in the area, the existing quality of groundwater, the potential for health risks caused by human exposure, the potential damage to wildlife, crops, vegetation, and physical structures, and the persistence and permanence of potential effects.


N
Depot Rd
MW-1
Former Gasoline UST Area
MW-3
MW-2
MW-4
Former Waste Oil UST Area
MW-5
Enterprise Ave
3744 Depot Road, Hayward
Former Tank Area
Monitoring Well
450 ft