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November 3, 2011

Jennifer Scholte (Sent via email to jscholte@waterboards.ca.gov)
Division of Water Quality
State Water Resources Control Board
P.O. Box 2231
Sacramento, CA 95812

Subject: Comment Letter - Low-Threat UST Closure Scoping Document

Dear Ms. Scholte:

We thank the State Water Resources Control Board staff for the opportunity to comment on the California Environmental Quality Act (CEQA) scoping document for the Underground Storage Tank Low-Threat Site Closure Policy dated September 15, 2011. The staff and management of the Alameda County Environmental Health Local Oversight Program (LOP) support the effort to provide guidance for underground storage tank case closure. However, we believe that the CEQA scoping document is so limited in scope that it does not evaluate the likely and meaningful actual impacts from adoption of the Underground Storage Tank Low-Threat Site Closure Policy (Low-Threat Closure Policy). Therefore, the CEQA scoping document does not fulfill its intended purpose and should be revised to accurately assess the likely impacts from adoption of the Low-Threat Closure Policy. Specific comments are provided below.

COMMENTS

1. **Baseline for Assessing CEQA Impacts** – Based on discussions during the September 29, 2011 CEQA Scoping Meeting at the Regional Water Quality Control Board in Oakland, the baseline for assessing impacts from the Low-Threat Closure Policy was identified as the current conditions of petroleum-impacted fuel leak sites. Under the rationale provided during the Scoping Meeting, the Low-Threat Closure Policy will not result in new releases and therefore will not change the current conditions. Therefore, the CEQA evaluation is limited to secondary impacts related to the timing of closure activities at a site. By limiting the evaluation narrowly in this way, actual impacts from the Low-Threat Closure Policy are not considered. We believe that the actual impacts of the project must be evaluated by comparing the expected cumulative future conditions under the current regulatory criteria to the cumulative future conditions under the proposed Low-Threat Closure Policy. As discussed in specific comments below, the impacts of adopting the Low-Threat Closure Policy are much greater than simply the timing of closure activities and should be included in the CEQA evaluation.
2. **Section IV Project Description** – The Project Description section of the Scoping Document limits the discussion of possible impacts to the timing of three secondary actions following closure: 1) destruction of monitoring wells; 2) removal of drum waste and debris; and 3) potential redevelopment of the site. We believe this section must be expanded to include more significant actual impacts such as land use planning and water quality and not be limited to these minor secondary impacts.

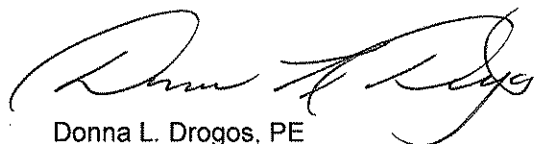
3. **Section VI Land Use Planning** – Adoption of the Low-Threat Closure Policy will result in the closure of sites with higher concentrations and greater residual mass of petroleum hydrocarbons than under current regulatory conditions. At some sites, both site assessments and cleanups that would take place under current regulatory oversight would not occur under the Low-Threat Closure Policy. In addition, the Closure Policy provides for case closure without land use restrictions. Future projects that attempt to redevelop these properties will be impacted by the higher concentrations and greater mass of contamination left at the site under the proposed Low-Threat Closure Policy. Land use planning will be affected by these changes, which should be considered in the CEQA evaluation.
4. **Section VI Hydrology/Water Quality** – Since both site assessments and cleanups that would take place at some sites under the current regulatory oversight would not occur under the Low-Threat Closure Policy, future water quality will be affected. The effect of the Low-Threat Closure Policy will be that groundwater will not be protected to the same degree as under current regulatory criteria and that future use of groundwater will be impacted. The Policy relies upon natural attenuation processes to restore groundwater quality over decades to hundreds of years. We believe the cumulative impact of the Low-Threat Closure Policy on water quality should be considered in the CEQA evaluation.
5. **Section VI Mandatory Findings of Significance** – We believe that the Low-Threat Closure Policy will have cumulative impacts that should be considered in the CEQA evaluation. The current finding of "No Impact" in this section of the CEQA Scoping Document is not a valid assessment.

We thank you for the opportunity to comment upon the CEQA scoping document for the Low-Threat Closure Policy. If you have any questions regarding these comments, please call Jerry Wickham at (510) 567-6791 or Donna Drogos at (510) 567-6721.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist



Donna L. Drogos, PE
Division Chief

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