



Western States Petroleum Association

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Manager, Southern California Region and Infrastructure Issues

VIA ELECTRONIC MAIL

March 16, 2012

Mr. Charles Hoppin, Chair
Ms. Frances Spivy-Weber, Vice Chair
Ms. Tam Doduc, Board Member
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Comments in Support of the Proposed Low Threat UST Case Closure Policy

Dear Board Members,

The Western States Petroleum Association (WSPA) is a trade association comprised of twenty-eight companies that explore for, produce, refine, transport and market petroleum, petroleum products and natural gas in six western states including California, Arizona, Nevada, Oregon, Washington and Hawaii.

WSPA members own and operate various types of facilities (e.g., oil and gas production properties, refineries, marketing terminals, retail gasoline outlets) that play an important role in the local, state and national economy. WSPA submits the following comments in support of the proposed Low Threat UST Closure Policy.

WSPA members, as owners and operators of retail gasoline outlets (RGOs), must comply with the myriad of regulatory programs that regulate the operation of RGOs, including the requirements designed to minimize the potential for Underground Storage Tanks (USTs) at RGOs to leak product to the environment and to ensure that at sites where leaks have occurred, those sites are remediated to protect the environment, especially groundwater resources.

Since the California UST program was instituted twenty five years ago, WSPA members have worked with consultants and regulators to enhance the science and technology of not only leak prevention and detection, but also that of site investigation and remediation. Over those twenty

five years, the science and understanding of petroleum/gasoline constituents in the environment and remediation have significantly evolved.

WSPA members have participated with and contributed to the knowledge base at the Federal level, the state level with the State Board, and at the local level with Regional Boards and LOP's as the State's UST site remediation program has evolved. The twenty five years of experience and scientific studies has shown that natural attenuation (primarily through biodegradation of petroleum constituents) significantly reduces the potential long term risks from residual gasoline in groundwater and the unsaturated zone. Protection of the environment with consideration of the current state of the science relative to the behavior of petroleum constituents (including natural attenuation) provides the basis of the proposed Low Threat Policy. At the same time, the proposed Low Threat Policy will allow the state to allocate limited financial and technical resources to those sites posing the greatest threat to the environment.

Using the knowledge we have gained over the past twenty five years, the proposed Low Threat Policy uses very specific criteria to identify those sites that pose minimal threat to be considered Low Threat Sites under the policy. Potential Low Threat Sites must then meet all of the following:

Site must be in service area of public water system.

This is an urban policy where the chance of an individual drilling or utilizing a drinking water well near the site will be very remote.

Release must consist of “petroleum” only

This is a policy that acknowledges and takes advantage of the long studied and well understood “natural attenuation” of petroleum. It does not apply to sites with other pollutants that do not attenuate as effectively as petroleum or gasoline constituents. Recent studies of 10 year old or older California sites, using state Geotracker data, show that concentrations of petroleum related pollutants at RGO's including benzene, MTBE and TBA have significantly decreased (primarily through biodegradation as part of natural attenuation) over the last 5-10 years.

Release has been stopped.

The policy only applies to sites where active release has been stopped.

Free product has been removed to the extent practicable.

The policy only applies at sites where free product has been addressed to the extent practicable and where more active remediation will not lead to useful product removal or risk reduction.

The Conceptual Site Model has been prepared and validated.

The site has been assessed and all the above criteria, including the extent and condition of plume have been validated.

The pollutant levels at the site are below accepted levels in the soil, groundwater and air. The site has been shown to have a plume that is stable or decreasing in aerial extent.

When all of the above has been confirmed, only sites where the area of the plume has shown to be *stable or decreasing* in aerial extent can be considered low-threat sites.

In summary, the policy applies only to petroleum sites, that have been adequately studied, that show that natural attenuation is occurring and that the extent of the plume is stable or decreasing. Those sites then, are a low threat to the environment and should be closed.

The draft policy was developed by a nine member stakeholder group consisting of members of a broad range of stakeholders with hundreds of years of combined experience in site remediation. WSPA strongly supports the proposed policy and urges its adoption.

Thank you for considering our comments. Please contact me at (310) 808-2144 if you need additional information or have questions.

Sincerely,



WSPA Manager, Southern California Region and Infrastructure Issues

CC:

Tom Howard, Executive Officer

Vicky Whitney, Deputy Director

Kevin Graves, UST Program Section Supervisor

Jeanine Townsend, Clerk of the Board