

Proposed Low-Threat UST Policy Scoping Document

State Water Resources Control Board

Riverside – September 28, 2011

Oakland – September 29, 2011

CEQA Compliance

- Water Board is approved by the Resources Agency to administrate CEQA review process for Water Board programs
- Regulations governing review process in Title 23 of the California Code of Regulations, section 3775
- When the Water Board adopts a policy, the process outlined in these regulations is used

General Process

1) * Scoping Document

- 45 day public comment period (ends Nov 8)
- Hold public meeting to gather input on scoping document

2) - Substitute Environmental Document (SED)

- 45 day public comment
- Hold public meeting to gather input on SED
- Respond to comments concerning significant environmental issues
- Board considers SED along with proposed Policy

Scientific Peer Review

- In addition to environmental analysis required by CEQA
- Statutory requirement
- The portions of a policy that are based upon science must have a scientific peer review
- Usually runs concurrent with CEQA review ✓

— ? Peer reviewers provided w/ a specific list of questions to answer (not a critique of the whole policy & justification papers.)

Scoping Document - a) Environmental Analysis

- Describe the project
- Describe the environmental setting
 - Baseline environmental condition
- Determine what physical changes to the environment may occur as a result of the project utilizing the environmental checklist in the regulations
- Determine if any physical changes are significant

Project Description

- Adoption of a low-threat UST closure policy (Policy)
- Adoption of the Policy does not implement action at any particular site
- Lead agencies implement the Policy and cause actions to be taken based upon site-specific conditions
- All of the general and media-specific criteria must be met
- No new releases to the environment are allowed by the Policy

Environmental Setting

- Statistics
 - 35,000 cases have been cleaned up and closed
 - 8,500 cases are still open
 - Average age of open cases is over 15 years
- The release of petroleum to the environment has already occurred
- Site has already been disturbed by source removal, investigation, and remediation

No Impact

- The scoping document identifies the following environmental factors as having no impacts:
 - Land Use/Planning
 - Population/Housing
 - Agriculture and Forestry Resources
 - Cultural Resources
 - Mineral Resources
 - Public services
 - Utilities/Service Systems
 - Air Quality
 - Geology/Soils
 - Hydrology/Water Quality
 - Recreation
 - Mandatory Findings of Significance

Less than Significant Impacts

- The scoping document identifies the following environmental factors as having less than significant impacts:
 - Aesthetics
 - Biological Resources
 - Greenhouse Gas Emissions
 - Transportation/Traffic
 - Hazards/Hazardous Materials
 - Noise

Significant Impacts

- The scoping document identifies no environmental factors that have significant impacts
- If there are no significant impacts, then no mitigation is required

Schedule

- 45-day public comment period for the scoping document ends November 8, 2011
- Comments will be evaluated and responses will be prepared for issues with significant impacts
- Public comment period for the SED will likely run December to early January
- Board consideration of the Low-Threat UST Closure Policy is projected to be in February or March of 2012

Website

- More information can be found at our website:

http://www.waterboards.ca.gov/water_issues/programs/ust/lt_cls_plcy.shtml

no requirement for a "response to comments"

Just need to incorporate "significant" comments into the SED.

Scoping Meeting (Sept 29, 2011)
 @ SF Bay RWQCB offices, Oakland
 Proposed Low-Threat
 Petroleum UST Closure Policy

Meeting held by

- Kevin Graves (mgr., UST Program)
- Shahla Farahnak (mgr. Statewide Projects Section)
- Ravi, GeoSyntec Principal
- Barry Marcus - Sacramento LOP

Low-Threat UST Closure Policy
 Stakeholder Working Group Members

Stakeholder Group Members and Affiliation*

- David Arrieta, Western States Petroleum Association
- Ravi Arulanandham, Geosyntec, Environmental Consultant
- Kurt Berchtold, Executive Officer, Santa Ana Region RWQCB
- Roy Herndon, Orange County Water District
- Barry Marcus, Sacramento County Env. Mgt. Dept. (LOP)
- Jay McKeeman, CIOMA (CA Independent Oil Marketers)
- Markus Niebanck, Amicus, Consultant, Sierra Club Volunteer
- David Noren, Board Member, North Coast Region RWQCB
- Stephanie Shakofsky, CCLR (Center for Creative Land Recycling)

*While members provided the perspectives and priorities of their respective stakeholder groups during this work, the opinions stated by group members and the recommendations of this draft policy are those of the participants and not necessarily their affiliated entities.

Policy Objectives

- Implement a recommendation of the UST Cleanup Program Task Force (2010)
- Provide authoritative guidance for the numerous independent regulatory agencies
- Deliver a tool to enhance consistency, predictability and efficiency of the UST regulatory decision-making process
- Encourage responsible and expedient site cleanup to better protect state's water resources
- Direct scarce resources (USTCF and RP resources) to releases that pose a real threat to human health and the environment

Policy Highlights

- Based on existing statutes, regulations and resolutions
- Draws on current scientific understanding
- Provides technical justifications for policy recommendations
- Requires the removal of source-area contamination
- Leverages natural attenuation without sacrificing safety
- Utilizes risk assessment methodology for post source-area residual contamination management
- Addresses each media-based scenario by which exposure to releases from USTs may occur:
 - Physical contact
 - Consumption of groundwater
 - Vapor intrusion

Policy Structure

- Preamble
- Criteria for Low-Threat Case Closure
 - General Criteria (applicable to all sites)
 - Media-Specific Criteria
 - Groundwater
 - Vapor intrusion to Indoor Air
 - Direct Contact
 - Soil Only

Preamble

Discusses the background of California tank cleanup program and UST Cleanup Fund.

Discusses program experiences: a substantial fraction of a release can be mitigated with a "reasonable level of effort"

Acknowledges that residual mass is difficult to completely remove regardless of additional efforts.

Recognizes that natural attenuation is a viable remedial alternative for residual contamination

Discusses applicability of criteria to non-UST petroleum releases

Incorporates definitions by reference

Pragmatic Flexibility

States that cases *meeting* the general and media-specific criteria do not require further corrective action and *shall* be issued an NFA letter.

Caveat 1 (the inclusion clause):

Regulatory agencies should issue an NFA letter for sites that *don't* meet the criteria if they believe that site-specific conditions justify a low threat closure.

Caveat 2 (the exclusion clause):

"Unique site attributes" may make application of policy criteria inappropriate. The policy puts the onus on the regulatory agency to identify and justify "unique attributes" (by reference to conceptual site model) that make a site ineligible for low-threat closure.

General Criteria For Low-Threat Closure

Site must be in service area of public water system. Note that the surrounding areas may be on private wells. Public water need only be available i.e. "within the service area."

Release must consist of "petroleum". As defined includes any fraction of crude oil, "petroleum solvents" (mineral spirits, Stoddard solvent), fuel oxygenates, additives, and "blending agents."

Release has been stopped. Tanks, piping, dispensers are identified as "primary source".

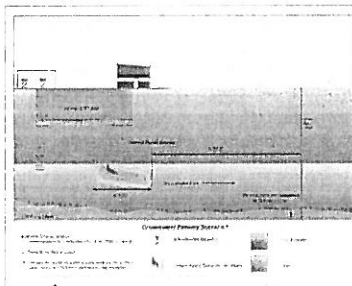
Free product removed to the extent practicable. This parallels, and is intended to comply with, language in the Federal UST regulations.

Site Conceptual Model prepared and validated. Not a new requirement. The SCM is the culmination of the site characterization process. Unique to each site.

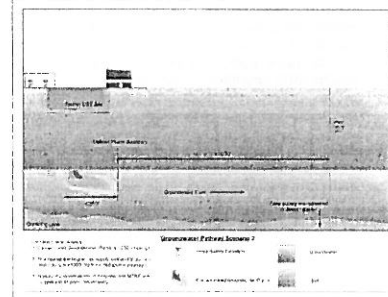
"Secondary Source" removal has been addressed. Remove or destroy in-place the most readily recoverable fraction of source-area mass.

MTBE testing requirement. Per H&S Code 25296.15. Diesel-only exclusion.

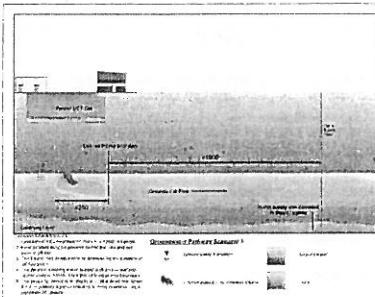
Media-Specific Criteria Groundwater Class 1



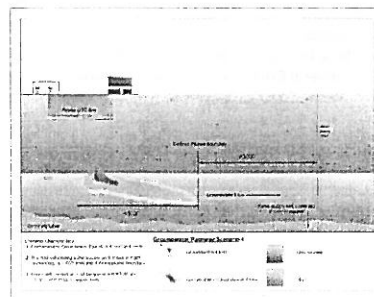
Media-Specific Criteria Groundwater Class 2



Media-Specific Criteria Groundwater Class 3



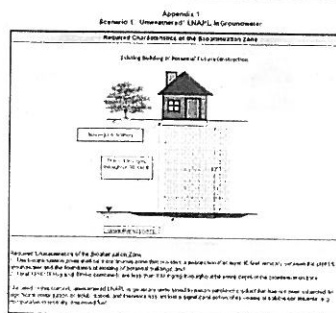
Media-Specific Criteria Groundwater Class 4



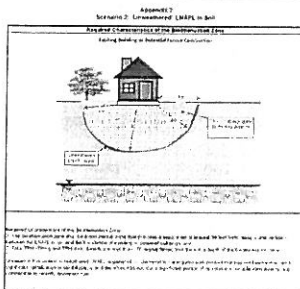
Media-Specific Criteria Groundwater Class 5

- An analysis of site specific conditions determines that the site under current and reasonably anticipated near-term future scenarios 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.

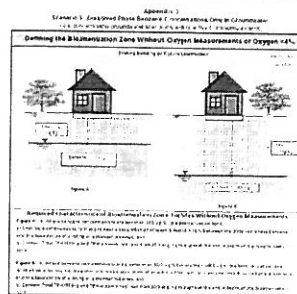
Vapor Intrusion Scenario 1



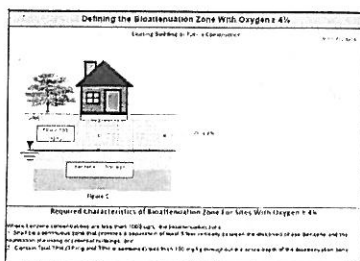
Vapor Intrusion Scenario 2



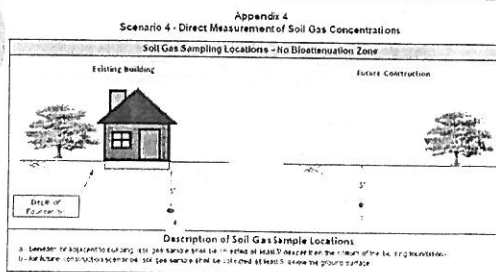
Vapor Intrusion Scenario 3



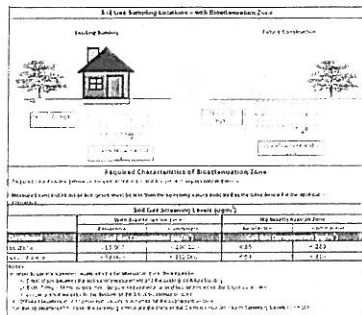
Vapor Intrusion Scenario 3 (continued)



Vapor Intrusion Scenario 4



Vapor Intrusion Scenario 4 (continued)



Soil-Only Cases

- "Sites with soil that does not contain sufficient mobile constituents to cause groundwater to exceed the groundwater criteria in this policy shall be considered low-threat sites for the groundwater medium."

Soil - Direct Contact

Exposure pathways include inhalation of contaminants volatilized to outdoor air and direct contact with contaminated soil. Three choices:

- Concentrations must be less than shown on Policy Table 1.
- A site-specific risk assessment demonstrates no significant risk.
- Control exposure through institutional or engineering controls.

Direct Contact

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

Constituents	Concentrations (mg/kg)	Concentrations (mg/kg)	Concentrations (mg/kg)
0-5	2.3	13	0.038
5 to 10	100	1500	7.5

*Notes: Based on the seven carcinogenic PAHs as benzo(a)pyrene toxicity equivalent [BaPe]. The PAH screening level is only applicable where soil was affected by either waste oil and/or Bunker C fuel.

Technical Justification

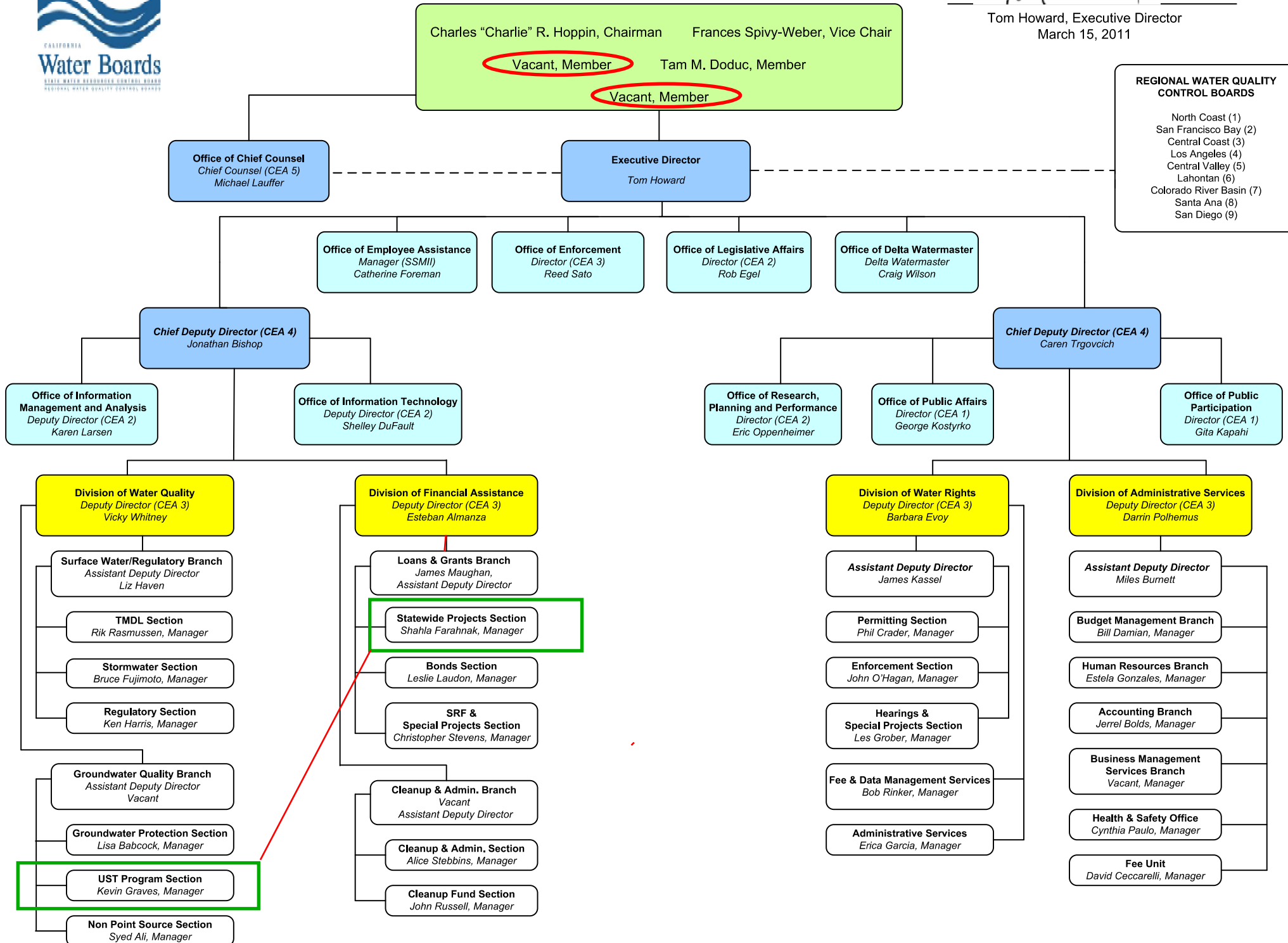
- Technical justification attachments are not part of the policy itself but are included to assist with a technical understanding of how portions of the policy were derived.
- Three sections:
 - Groundwater plume lengths
 - Vapor-Intrusion risk thresholds
 - Direct contact risk thresholds

Proposed Low-Threat Petroleum UST Closure Policy



STATE WATER RESOURCES CONTROL BOARD

Tom Howard, Executive Director
March 15, 2011



State Water Resources Control Board

PROPOSED WATER QUALITY CONTROL POLICY FOR LOW-THREAT UST CLOSURE

NOTICE OF PUBLIC SCOPING MEETINGS AND AVAILABILITY OF SCOPING DOCUMENT FOR CALIFORNIA ENVIRONMENTAL QUALITY ACT SUBSTITUTE ENVIRONMENTAL DOCUMENTATION

A Draft Low-Threat Underground Storage Tank (UST) Closure Policy (Policy) has been developed by a stakeholder group for consideration by the State Water Resources Control Board (State Water Board). The purpose of the proposed Policy is to establish consistent statewide closure criteria for low-threat leaking UST sites. The proposed Policy is intended to provide direction to responsible parties, their service providers, and regulatory agencies. The proposed 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.

The adoption of policies for water quality control has been certified as an exempt regulatory program under the California Environmental Quality Act.

NOTICE OF PUBLIC SCOPING MEETINGS

Notice is hereby given that the State Water Board has scheduled public scoping meetings at the locations and times listed below to gather input from public agencies and interested persons on the scope and content of the environmental documentation to be prepared for this project. Recipients of this notice are encouraged to inform others who are interested in UST cleanup issues about this notice.

Wednesday, September 28, 2011 – 1 p.m. to 4 p.m.

Riverside County Supervisor Chambers
County Administration Center
4080 Lemon Street
Riverside, CA 92501

Thursday, September 29, 2011 – 9 a.m. to 12:00 noon

Auditorium
San Francisco Bay Water Board
1515 Clay Street
Oakland, CA 94612

AVAILABILITY OF SCOPING DOCUMENT

The scoping document contains a general summary of the proposed Policy, as well as the environmental setting and preliminary discussion of potential environmental impacts. The scoping document will be available on September 21, 2011, for viewing and download from the State Water Board's website at:

http://www.waterboards.ca.gov/water_issues/programs/ust/lt_cls_plcy.shtml

The purpose of the scoping document and scoping meetings is to seek input from public agencies and members of the public on the range of project actions, alternatives, and reasonably foreseeable methods of compliance, potential environmental impacts, if any, and cumulative impacts, if any. Scoping may also assist in resolving concerns of affected federal, state, and local agencies and other interested persons. Although a quorum of the State Water Board may be present, the State Water Board will not take an action during the meeting.

Paper copies of the scoping document will be available on September 21, 2011, upon request by writing to:

Jennifer Scholte
Division of Water Quality
State Water Resources Control Board
P.O. Box 2231, Sacramento, CA 95812

You may also contact Ms. Scholte at (916) 341-5775 (jscholte@waterboards.ca.gov).

The scoping document is being made available for a 45 day public review and comment period. Comment letters should be limited to environmental issues concerning the scoping document for the proposed Policy and **must be received by 12:00 noon on November 8, 2011**. After the deadline, State Water Board staff will not accept additional scoping comments.

Please send comments on the scoping document to:

Jennifer Scholte (jscholte@waterboards.ca.gov) (if 15 megabytes in size or less). Electronic submission of comments by email is preferred. Please indicate in the subject line, "**Comment Letter – Low-Threat UST Closure Scoping Document.**" Please identify a contact person who would be available to answer any questions regarding your comments. Comments may also be submitted by mail or hand delivery addressed to:

Jennifer Scholte
State Water Resources Control Board
P.O. Box 2231, Sacramento, CA 95812 (by mail)
1001 I Street, 15th Floor, Sacramento, CA 95814 (by hand delivery)

Hand and special deliveries should also be addressed to Ms. Scholte at the address above. Couriers delivering comments must check in with lobby security and have them contact Ms. Scholte at (916) 341-5775 or Mr. Kevin Graves at (916) 341- 5782.

Interested persons are encouraged to subscribe to an email list serve for future notices about the Low-Threat UST Closure Policy at:

http://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.shtml,
under "General Interest Topics" choose "**UST Low-Threat Closure Policy**".

The email list serve will be the primary method for providing future notices related to the proposed Low-Threat UST Closure Policy. Persons without access to email may request paper copies of future notices by contacting Ms. Scholte.

ADDITIONAL INFORMATION

For the Riverside meeting a parking garage is located adjacent to the County Administration Center with an entrance on Lemon and another on Lime Streets. Metered parking spaces are also available in the vicinity of the building.

The County Administration Center is accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Tanya Cole at (916) 341-5880 (tcole@waterboards.ca.gov) at least five working days prior to the meeting. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device.

HEARING IMPAIRED RELAY SERVICE: TDD to voice 1 800-735-2929; voice to TDD 1-800-735-2922.

For the Oakland meeting a parking garage is located across from the San Francisco Bay Regional Water Quality Control Board Building. Metered parking spaces are also available in the vicinity of the building.

Please note that all visitors to the San Francisco Bay Regional Water Quality Control Board Building are required to sign in at the Visitor Services Center located inside the main entrance. Valid picture identification may be required due to the security level. Please allow up to 15 minutes for receiving clearance before proceeding to the Auditorium on the 1st floor.

The San Francisco Bay Regional Water Quality Control Board Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Tanya Cole at (916) 341-5880 (tcole@waterboards.ca.gov), at least five working days prior to the meeting. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device.

HEARING IMPAIRED RELAY SERVICE: TDD to voice 1 800-735-2929; voice to TDD 1-800-735-2922.

Please direct any questions about this notice to Kevin Graves, UST Program Manager, at (916) 341-5782 (kgraves@waterboards.ca.gov).