



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551-9486 • PHONE (925) 454-5000

March 19, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Sent via email to commentletters@waterboards.ca.gov

Subject: ***Comment re: Low-Threat UST Closure Policy***

Dear Ms. Townsend:

Zone 7 Water Agency (Zone 7) is the local groundwater management agency for the Livermore-Amador Valley Groundwater Basin and has been for over 40 years. Groundwater typically makes up 15-25% of the water supplied by Zone 7 to its retail water supply agencies. In addition, some of these retail water supply agencies operate their own community supply wells within the Basin, as do some independent domestic and agricultural well owners. These additional wells increase the total groundwater usage in the region to approximately 20-40% of total regional water use.

Furthermore, the Basin is used by Zone 7 in an integrated water supply program wherein surface water is imported from the State Project during wet years, artificially recharged into the Basin and then the water stored in the Basin is available as drinking water during dry years. In 2005, Zone 7 adopted a Well Master Plan in which the need for additional municipal supply wells (to be installed within the next 15 years) is a critical component of the long-term local water supply and underground storage management.

Zone 7's active basin management is outlined in its Groundwater Management Plan. This includes a Toxic Site Surveillance program which includes monitoring and tracking all Leaking Underground Fuel Tank (LUFT) sites within the Basin. Premature closure of LUFT sites could limit the number and location of sites available for future wells, hamper artificial recharge operations and, by extension, negatively impact the beneficial uses of the Basin.

Therefore, we strongly urge the State Board to amend its first General Criteria to read:

- a. The unauthorized release is located within the service area of a public water system that does not use the local groundwater basin as a supply;

Within the text explaining the first criteria, the policy needs to be amended appropriately to explain this concept. While the existing draft policy might be protective of existing wells, it severely limits future groundwater development in areas where basins are actively managed and

serving the general public as drinking water. It also ignores artificial recharge operations. It is imperative that this issue is better addressed so as not to degrade existing beneficial uses of a groundwater basin being used for a community's drinking water supply.

With respect to Zone 7's mission to provide drinking water, non-potable water for agriculture/irrigated turf, flood protection, and groundwater and stream management within the Livermore-Amador Valley, we have the following additional, more specific comments to offer on the Draft Low-Threat UST Case Closure Policy and SED for your consideration.

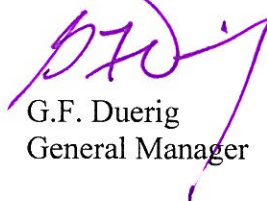
1. **Groundwater Future Use:** The draft policy takes into consideration existing groundwater supply wells and surface water bodies when determining if a case qualifies for low-threat closure. However, the policy does not appear to take into account that the case or site being considered for closure may be within 1,000 feet of a future supply well or artificial recharge facility in an active basin serving as a community water supply. In the Livermore Valley Groundwater Basin, for example, much of the groundwater is designated for municipal and domestic beneficial use. As a result, many supply wells are located within 1,000 of current and former UST sites. In addition to protecting groundwater in these current wells, Zone 7 would like to ensure that future well locations are also protected. There is a potential that Zone 7 or its retailers could develop plans to install a future production well within 1,000 feet of an existing plume. If that happens, a case or site that had qualified for low-threat closure may no longer be "low-threat." Again, Zone 7 strongly urges the Board to amend its first General Criteria so that active groundwater basins serving as community water supplies are not considered for closure under these low-threat criteria.
2. **On Page 5 of the Case Closure Policy, under Media-Specific Criteria, 1. Groundwater, Paragraph 5,** it is stated that "If groundwater with a designated beneficial use is affected by an unauthorized release, to satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites listed below. A plume that is 'stable or decreasing' is a contaminant mass that has expanded to its maximum extent: the distance from the release where attenuation exceeds migration." Zone 7 agrees that a plume must be stable or decreasing but does not feel that the method or criteria for determining if a plume is "stable and decreasing" has been adequately defined. If this policy document is not intended to provide that level of guidance for determining if characterization has been completed or if the contamination plume is stable, then Zone 7 recommends referencing a guidance document, such as the LUFT Manual. Zone 7 further recommends that whatever supporting guidance document is used is finalized prior to the Low-Threat UST Case Closure Policy being implemented.
3. **On Page 5 of the Case Closure Policy, under Media-Specific Criteria, Section 1, Groundwater, Paragraph 4 reads:** "It is a fundamental tenet of this low-threat closure policy that if the closure criteria described in this policy are satisfied at a petroleum unauthorized release site, attaining background water quality is not feasible, establishing an alternate level of water quality not to exceed that prescribed in the applicable Basin Plan is appropriate, and that the water quality objectives will be attained through natural attenuation

within a reasonable time, prior to the expected need for use of any affected groundwater.” Zone 7 recommends rewording the paragraph. The sentence appears to be incomplete and the meaning of the paragraph is unclear.

4. **Page 4 of the SED, Section 2, Project Description, Media-Specific Criteria, a. Groundwater:** The third sentence reads: “These include five different scenarios with differing characteristics such as plume length, contaminant concentrations, and distance to wells.” In the Low-Threat UST Case Closure Policy, distance from a water supply well or surface water body is referenced. Zone 7 recommends this remain consistent between the two documents and the SED should be changed to “distance to water supply wells or surface water bodies.”
5. **Neither the draft policy nor the SED adequately assess either the cumulative impacts of such case closures or the cost to local water suppliers of this state mandate.** The burden and expense associated with tracking, containing and/or groundwater pollution plumes should remain with the polluter; it is inappropriate to close these cases prematurely, thus shifting costs and impacts to local water suppliers that use groundwater basins as community water supplies. This issue could be addressed by amending the language of the first General Criteria as suggested above.

Zone 7 appreciates the opportunity to comment on this document. Again, while Zone 7 strongly supports the closure of low-threat LUFT cases, we urge the State Board to amend the document before adopting it to better address the higher level of threat posed in groundwater basins that serve as community drinking water supplies. If you have any questions or comments, please feel free to contact either me at the number above (e-mail jduerig@zone7water.com) or Colleen Winey at 925 454-5063 (e-mail cwiney@zone7water.com).

Sincerely,



G.F. Duerig
General Manager

cc (via email): Jerry Wickham, ACEH
Cleet Carlton, RWQCB
Kevin Graves, SWRCB - WQ
Jarnail Chahal
Matt Katen
Colleen Winey