



Ms. Jeanine Townsend:

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the proposed Resolution “Delegating Authority to the Executive Director for Certain Underground Storage Tank Site Closures.” We have reviewed the draft Resolution and would appreciate your consideration of the following comment:

7 - The Executive Director may close or require the closure of any underground storage tank case if the case meets the criteria found in the State Water Board’s Low-Threat Underground Storage Tank Closure Policy adopted by State Water Board Resolution No. 2012-0016.

Comment: The State Board’s Low-Threat Underground Storage Tank Closure Policy (Policy), which was adopted by the State Board on May 1, 2012, recently became effective on August 17, 2012, and the Low-Threat Closure Policy (LTCP) checklist was added to Geotracker in mid-September 2012. Given all the comments that the State Board received regarding adoption of the Policy, and the likely disagreement between regulatory agencies and the responsible parties regarding compliance with the Policy, we recommend that the proposed Resolution delegating authority to the Executive Director be delayed for several months until the State Board has had an opportunity to be directly involved in disputes regarding case closure decisions under the Policy. We understand the State Board’s potential concern with being directly involved with each and every UST case closure dispute; however, we believe it would be prudent on behalf of the State Board to be directly involved in these cases at least at the outset of implementation of the Policy.

Delaying this decision by several months will also afford the State Board an opportunity to assess the impacts of the State Board’s proposed Resolution “*Directing Additional Actions to Improve the Underground Storage Tank Cleanup Program*” and associated “*Plan for Implementation of Low-Threat Underground Storage Tank Case Closure Policy and Additional Program Improvements*” (Implementation Plan).

If you have any questions regarding the above comment, please contact Thomas Berkins, Groundwater Protection Program Coordinator, at (510) 668-4442, or by email at tom.berkins@acwd.com

Sincerely,

Thomas J. Berkins
Groundwater Protection Program Coordinator