

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT – Chuck Headlee  
MEETING DATE: January 13, 2010

ITEM: **6C**

SUBJECT: **Cleanup Programs - Status Report including Case Closure**

CHRONOLOGY: The Board receives semi-annual progress reports on this subject.

DISCUSSION: *Case Closure Progress*

Our cleanup programs focus on overseeing the cleanup of sites that have caused soil and groundwater pollution. They comprise the underground storage tank (UST) cleanup program, the Site Cleanup Program (SCP), and the Military cleanup program (also known as the Department of Defense program). The table below shows case closure goals for the current fiscal year and case closures by program for the first six months of the fiscal year. The high number of UST case closures is due in large part to our efforts (started in mid-2008) to review all our UST cases.

Cleanup Program	Case Closure Goals (FY 09-10)	Case Closures July-December 2009
UST	30	47
SCP	20	14
Military	40	12
Total	90	73

*Underground Storage Tank Program*

The State Board in May 2009 adopted a resolution regarding the UST Cleanup Fund and the UST cleanup program. The resolution required the Water Boards to create a broad-based task force to recommend changes to the UST Cleanup Fund to deal with its funding shortfall and the suspensions of site-cleanup cost reimbursements. The task force was also charged with making recommendations to improve the UST cleanup program, including increased reliance on risk-based corrective action and low-threat closures. The State Board's resolution also required the oversight agencies to review all their cases for case closure using a low-risk approach (something we already do in our region). The oversight agencies were also required to change monitoring well sampling frequencies from quarterly to semi-annually at all sites. We have completed both these tasks.

The State Board in November 2009 adopted a second resolution in response to initial recommendations from the task force. This resolution directs UST oversight agencies, when considering whether a UST cleanup case should be

closed, to apply the decisional framework established in previous State Board UST closure orders. We supported the draft resolution with one suggested addition: a requirement to complete appropriate corrective action before considering a site “low risk.” The final resolution incorporated this addition.

We expect the task force to submit additional recommendations this month. These include suggested changes to the UST “Article 11” cleanup regulations. These changes would place the low-risk criteria into the regulations and have them defined by certain petroleum concentrations and distances to municipal drinking water wells. We expect to have substantial comments on the Article 11 recommendations as soon as the State Board decides what the next steps are in the process. Any changes to Article 11 will have to go through a multi-month rulemaking process, including public comment and CEQA review. We will keep the Board posted on new developments in the UST program as they arise.

#### *Federal Superfund Sites*

We oversee twelve federal Superfund sites under a delegation of authority from USEPA; these sites are regulated in our SCP program. Over the next five years, we plan to revise the final cleanup orders for all twelve sites. The Board adopted these orders in the late 1980s and early 1990s so the orders are fifteen to twenty years old. The cleanup plans at most of these sites have changed from groundwater extraction and treatment (“pump and treat”) to enhanced bioremediation, in recognition of the limits of “pump and treat” technology and with our administrative approval. However, the cleanup orders need to be revised to reflect the revised approach to cleanup. We will work closely with USEPA on this effort because USEPA will also issue amendments to its “records of decision” for the sites, which are USEPA’s corollary to our cleanup orders. We will prepare the revised cleanup orders over the next five years due to workload constraints.

#### *Performance measures in cleanup programs*

The State Board in 2008 made a commitment to develop performance measures for each of its major programs, to increase transparency and accountability. The cleanup programs set up two workgroups to develop performance measures - one for the UST cleanup program and one for the other cleanup programs (SCP and Military). The challenge for both workgroups has been to come up with performance measures that are meaningful, yet truly measurable. The workgroups ended up with a joint list of ten “cleanup” performance measures (see table below). The measures are sorted into several tiers, to distinguish *lower-level* measures within the control of the agency from *higher-level* measures that are more closely linked to program goals.

Tier 1: Agency Activities	Tier 2: Agency Actions	Tier 3: Discharger Compliance	Tier 4: Environmental Outcomes
Average time to complete a case	# cleanup sites within 1,000 feet of well; cleanup not started	# cleanup sites with site-wide remedy selected	# cleanup sites with human-health exposure controlled
	# cleanup sites within 1,000 feet of well; cleanup started but not done	# cleanup sites with site-wide remedy implemented	# cleanup sites with groundwater migration controlled
		# pounds of pollutants removed	# acres remediated for reuse
			# cleanup sites closed

Defining performance measures is only the first step in the process; we must also be able to measure performance and set performance targets for the future.

Measuring performance: The State Board expanded the scope of GeoTracker to allow us to track these new “cleanup” performance measures. All the regions made a concerted effort to populate these new GeoTracker fields in the first half of 2009. The State Board has since posted FY 08-09 performance results online for a subset of the performance measures (see the “data reported” section at [www.waterboards.ca.gov/about\\_us/performance\\_report/regulate/#more](http://www.waterboards.ca.gov/about_us/performance_report/regulate/#more)). The online report covers the two “cleanup” performance measures shaded in the table above.

Performance targets: We have also set interim FY 09-10 targets for the same subset of performance measures. In this region, we are making good progress toward both “cleanup” performance targets, particularly for site closures. We expect that results from this effort will be reported later in the fiscal year.

Next steps: As tracking capability improves, we anticipate that the State Board will expand the scope of performance-measures reporting and will set targets for additional performance measures in the cleanup programs. We will use this semi-annual progress report to update the Board on these performance measures.

**RECOMMEN-  
DATION:**

This is an information item only and no action is necessary.