

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

STAFF SUMMARY REPORT – John Wolfenden
 MEETING DATE: August 14, 2013

ITEM: 5C

SUBJECT: **Cleanup Programs** – Status Report Including Case Closures

DISCUSSION: This is a semi-annual status report on the Board’s three cleanup programs: the Underground Storage Tank (UST) Cleanup Program, the Site Cleanup Program (SCP), and the Military Cleanup Program (also known as the Department of Defense or “DoD” program). These programs oversee the investigation and cleanup of soil and groundwater pollution. This report summarizes our fiscal year (FY 12-13) accomplishments for performance measures and provides updates on the UST Low-Threat Closure Policy, environmental screening levels, and dry cleaner spill sites.

Performance Measures

The Regional Water Boards have been using performance measures for several years to show the public what our programs accomplish and whether the environment is improving. For the cleanup programs, we have two existing measures and three pending measures. FY 12-13 results for the performance measure *Number of Cases Closed* are shown below. This measure indicates the elimination of threats to human health and water quality. We exceeded the targets for all three programs.

Cleanup Program	FY 12-13 Case Closure		
	Target	Actual	% of Target
UST	30	35	117%
SCP	30	30	100%
DoD	40*	42	105%
Total	100	107	107%

* internal target (no statewide target)

FY 12-13 results for the performance measure *Number of Cases Starting Active Remediation* are shown below. This measure indicates the transition from site investigation to actual cleanup, which leads to beneficial uses being restored or protected. We exceeded the targets for all three programs.

Cleanup Program	FY 12-13 Cases Starting Active Remediation		
	Target	Actual	% of Target
UST	10	13	130%
SCP	10	13	130%
DoD	5	11	220%
Total	25	37	148%

The State Water Board is in the process of adding three more performance measures to the cleanup programs. Two of them – *Human Health Exposure Controlled* and *Groundwater Contamination Migration Controlled* – will indicate how well we’re doing at addressing acute problems associated with site contamination and help us set priorities. A third – *Contaminant Mass Removed* – will indicate “on the ground” results of our cleanup directives.

UST Low-Threat Closure Policy

In 2012, the State Water Board adopted the UST Low-Threat Closure Policy and a plan for its implementation. This year, as part of implementation of the policy, our staff completed reviews of case closure eligibility for all open fuel-UST cases ahead of the August 17, 2013, deadline. We were able to complete the reviews ahead of schedule based on our experience in approving low-threat closures of fuel-UST cases for more than 15 years and because our past approach has been very similar to the Policy’s approach. For our remaining open fuel-UST cases, we have identified impediments to closure (such as incomplete investigation or cleanup) and will issue directives to move these cases forward.

As part of policy implementation, the State Water Board developed criteria to determine which local agencies would be eligible to continue to oversee fuel-UST cases as certified local oversight programs. In our region, Alameda, San Mateo, Santa Clara, Solano, San Francisco, and Napa counties applied for and received certification. The cities of Hayward and Berkeley did not apply, and their cases will be transferred to us. We expect to inherit about 38 cases from Berkeley and about 36 cases from Hayward.

Environmental Screening Levels

Environmental screening levels (ESLs) were developed by this region as a tool to rapidly assess potential concerns at contaminated sites and were last updated in 2008. In February, we published a major update on our website to reflect current information about migration of volatile chemicals from groundwater or soil into occupied buildings (known as vapor intrusion). In May, we published a supplemental update to make minor improvements and corrections in response to comments on the

February update. The main “engine” for the ESLs is an Excel file (ESL Workbook), which includes an Interactive Tool (formerly ESL Surfer) and Lookup Tables. We are now updating the supporting User’s Guide to replace the 2008 version. The website address for the ESLs is http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.shtml.

Dry Cleaner Spill Sites

Our staff is developing a regulatory strategy to manage the special challenges posed by the numerous dry cleaner spill sites in our region. We updated the Board on the special challenges in a February 2011 status report, and we included additional information about dry cleaner spill sites in our March and May 2013 status reports. In sum, most past dry cleaner operations had spills, the spilled solvents frequently threaten human health (via vapor intrusion or supply-well impacts), the solvents are difficult to clean up, and most of the dischargers are “mom and pop” operators with insufficient resources for cleanup. We conclude that current regulatory programs and funding mechanisms are inadequate to fully address this threat. In the longer-term, staff expects that some new funding mechanism will be needed, perhaps comparable to the State Water Board’s cleanup fund for leaking fuel USTs. In the interim, we are developing a regulatory strategy that will focus our limited staff resources on the highest-threat sites. Likely elements of this strategy include:

- Continued efforts to identify the locations of past dry cleaning operations and the relative threat of any solvent spills from these operations;
- More emphasis on obtaining detailed site history information at dry cleaner spill sites, to aid in identifying suspected dischargers and any insurance coverage;
- New technical reports that describe spill mechanisms and frequency in older dry cleaning operations, to support cleanup orders; and
- Guidance on appropriate regulatory responses, depending on the site’s relative threat and ability to pay for cleanup.

RECOMMEN-
DATION:

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

File No. 1210.47 (JDW)