

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

STAFF SUMMARY REPORT – Mary Rose Cassa
MEETING DATE: January 9, 2013

ITEM: **6C**

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 provides some background information about our cleanup programs and summarizes our mid-fiscal year (FY 12-13) accomplishments in three areas: performance measures, UST cleanup program, and environmental screening levels.

Cleanup Programs

Board staff oversee more than 11,000 contaminated sites within our region that impact soil, groundwater, or sediment. They range from small to large in terms of their size and significance and fall into three main categories:

- Leaking underground fuel tank sites are generally small but numerous. In partnership with local agencies, we require these dischargers to remove the sources of leaks or spills and clean up contaminated soil and groundwater.
- Solvent-release sites range from small dry cleaners to large industrial facilities. Besides having contaminated soil and groundwater beneath them, these sites may pose risks to occupants of buildings that overlie groundwater plumes when solvent vapors migrate through soil and into buildings. We require these dischargers to work with building owners to install vapor mitigation systems as needed. We may also require these dischargers to work with well owners to close or replace private or municipal wells.
- Other sites involve historical metals, PCBs, or pesticide releases to soil or sediment. Some of these sites are located at the Bay margin, and our role is to ensure protection of aquatic receptors and protect beneficial uses for habitat and recreation.

Performance Measures

The 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. Mid-FY 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 are on track to exceed our target for the UST program and will make adjustments during the second half of the year to meet our targets for the SCP and DoD programs.

Cleanup Program	FY 12-13 Case Closure		
	Target	Actual	% of Target
UST	30	23	77%
SCP	30	13	43%
DoD	40*	15	37%
Total	100	51	51%

* internal target (no statewide target)

Mid-FY 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 are on track to meet or exceed our targets for the SCP and DoD programs. We will make adjustments during the second half of the year to meet our targets for the UST program.

Cleanup Program	FY 12-13 Cases Starting Active Remediation		
	Target	Actual	% of Target
UST	10	3	30%
SCP	10	6	60%
DoD	5	9	180%
Total	25	18	72%

The Water Boards are in the process of adding three more performance measures in 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

The State Water Board, in May 2012, adopted a policy directing all Regional Water Boards and local oversight agencies to close low-threat petroleum UST cases. The new policy is intended to bring greater consistency to the statewide UST program by establishing low-threat closure criteria and directing oversight agencies to close UST cases that meet the criteria, or provide justification for continued oversight.

The State Board's policy resolution requires UST oversight agencies to review all of their cases to see if they meet the low-threat case closure criteria. Cases that meet the criteria are expected to be closed promptly. If a case does not meet the low-threat closure criteria, then the oversight agency must identify the issues and conditions that impede closure. Our region has been approving low-threat closures of UST cases for more than 15 years, and our approach is very similar to that specified in the State Board's policy. Therefore, we do not expect that the policy will have a significant effect on the rate of UST case closures by our office.

In November 2012, the State Board approved a Plan for Implementation of Low-Threat Underground Storage Tank Case Closure Policy. The Plan specifies the roles and responsibilities of the agencies in implementing the Policy. The Plan has two main themes: (1) focus on high-priority cases (such as impacted drinking water wells, other human health impacts, and sources of free product still remaining in place), and (2) development of a Path to Case Closure Plan for each open case, including specific milestones and timelines.

Our staff took a lead role in developing an on-line checklist in the GeoTracker database as a tool to assist all parties in determining if a site meets the criteria in the Policy. This tool allows for periodic reports to management about a regulatory agency's progress in complying with the implementation plan. It also allows the public, including responsible parties, to see exactly what the impediments to case closure exist for their site, and what directives the regulatory agency intends to provide to move the case forward.

Concurrent with the new low-threat policy, State Board staff is developing criteria to certify local agencies to continue to oversee cleanups of leaking underground fuel tank cases. These certifications will bring more regulatory consistency throughout the State to move cases through investigation, cleanup, and case closure much more rapidly.

Environmental Screening Levels

Environmental Screening Levels (ESLs) were developed by our region as a tool to rapidly assess potential concerns at contaminated sites. Our ESLs are being updated to reflect new information about migration of volatile chemicals from groundwater or soil into occupied buildings (known as vapor intrusion). The "engine" for the ESLs is a robust Excel spreadsheet. With assistance from our Cal/EPA sister agencies and a select group of outside reviewers, we have made necessary changes to the ESLs, and we will publish an updated version on our website in January.

RECOMMEN- DATION:

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

File No. 1210.47 (MRC)