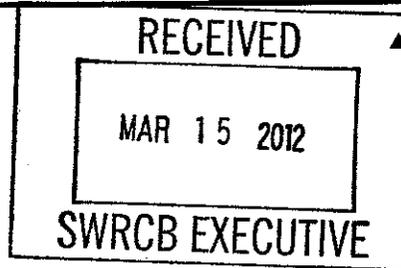


State Water Resources Control Board  
PO Box 100  
Sacramento, California 98512-0100



Re: Concerns Regarding the Low-Threat UST Fund Case Closure Policy

Attn: Mr. Charles R. Hoppin, Chairman

Dear Mr. Hoppin,

I am writing to express concerns about the Low-Threat UST Fund Case Closure Policy (Policy) currently in peer review stage. While I commend the State Water Resource Control Department (SWRCD) for its efforts to propose this long awaited Policy, there are serious concerns regarding the extent by which it is flawed.

This Policy appears to serve the primary function of saving money within the UST Fund Program while omitting the application of sound hydro geologic science. Aside from its non scientific approach, the Policy further ignores how vapor intrusion created by a migrating plume will be dealt with and it circumvents the serious issues surrounding the outcome of how property transactions will occur once a site is closed and petroleum product is left in place. Furthermore, this policy undermines the health and safety of Californian's by leaving in place a series of migrating petroleum groundwater plumes scattered all over the State. Finally, the California Environmental Quality Act (CEQA) serves to protect State water quality and Californian's by defining allowable threshold limits for contamination. This Policy proposes to leave in place residual petroleum at levels exceeding CEQA allowances; therefore, I am concerned this policy violates CEQA.

The leading authority in California for understanding the hydro geologic science in groundwater is the Groundwater Resources Association (GRA). In November of 2011 the GRA technical branch committee evaluated the Policy and set forth a 15-page commentary to the Water Board outlining serious scientific flaws inherent in the Policy. Of all the comments received thus far the GRA presents the most scientific and comprehensive evaluation of this proposed Policy. I and others, express deep concern that the Water Board is ignoring all the GRA commentary even after having a four month period to evaluate them. I wish to know what right does the Water Board have to make a case closure Policy by ignoring the hydro geologic scientific research provided by such a qualified organization as the GRA during a law abiding peer review process.

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By that action of ignoring all GRA commentary, it becomes clear to me the Water Board intends to pass this Policy regardless of all peer review commentary, both written and by way of public hearing. This is the same conduct and attitude that prevailed when the Water Board passed Resolution 2009-042 despite hundreds of professionally qualified peer review and public hearing comments were submitted in contradiction to that Resolution.

In addition, a reliable source informs me the State Regional Water Control Board employees have been told to stand down on making peer review comments pertaining to this Policy. This would explain why to date only two Regional Board comments (Oakland and North Coast) have been submitted. I only hope the legislative members copied on this letter can move to correct these grave oversights.

In summary, it appears that we live in an age where the State Water Resources Control Board feels justified in sidestepping its defined Mission to protect the States surface and groundwater resource and is now apparently more focused on saving the UST Program money while ignoring more critical elements such as CEQA regulations, sound science and how a series of migrating contamination plumes will impact property and the people's health and safety.

Sincerely,



Fred Ousey / Owner  
EnviroTech Services Company  
[www.envirotechonline.com](http://www.envirotechonline.com)

cc:

Governor Jerry Brown  
The Honorable Bob Wieckowski, Chair, Environmental Safety & toxic Materials  
Committee  
The Honorable Cameron Smyth, State Assembly  
The Honorable Joe Simitian, Senate Environmental Quality Committee