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Division of Water Quality

City of Santa Fe Springs

Department of Fire-Rescue

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November 1, 2011

Jennifer Scholte
State Water Resources Control Board
P.O. Box 2231,
Sacramento, CA 95812

Dear Ms. Scholte:

**SUBJECT: COMMENT LETTER – LOW THREAT UST CLOSURE
SCOPING DOCUMENT**

The Santa Fe Springs Department of Fire Rescue (SFSFR) has reviewed the draft Low-Threat UST Closure Policy (Policy) and wishes to comment on the proposed Notification Requirements. First, we would like to thank the stake-holder group for their efforts in developing this draft Policy and appreciate the movement towards establishing consistent statewide closure criteria for low-threat leaking UST sites.

While the SFSFR supports keeping the public informed of environmental issues in the community, the Notification Requirements on page 8 of the Policy (enclosed) are difficult to achieve, broad in scope, and differ from existing regulations and law. We ask that you consider modifying the Notification Requirements section of the Policy. This is further explained in the comments below.

1. The SFSFR asks the State to consider Section 2728 of Title 23 of the California Code of Regulations (23 CCR) in lieu of the Notification Requirements in the Policy. This section of regulation addresses Public Participation and already contains provisions which require a regulatory agency to inform the public of proposed activities in an underground storage tank Corrective Action Plan. These include, but are not limited to, public notices, block advertisements, letters to individual households, or personal contacts with the affected parties by the regulatory agency. We believe the existing Public Participation regulations in 23 CCR 2728 and fee title holder notifications in California Health and Safety Code Section 25296.20 and 25297.15 are sufficient notifications for closing a leaking UST case under the Low-Threat UST Closure Policy. The Notification Requirements in the proposed Policy should simply reference these legal sections. If the Public Participation regulations and fee title holder laws are adequate notifications in closing all current leaking UST sites, why should more stringent standards be applied to low-threat leaking UST sites under the proposed Policy?

Furthermore, many of the local agencies affected by the Policy are Certified Unified Program Agencies (CUPAs). The spirit of the CUPA is to increase consistency. In that spirit, we support maintaining a policy consistent with existing regulations and laws.

2. Another concern regarding the Notification Requirements section of the draft Policy states "...the owners and occupants of all adjacent parcels and all parcels that are impacted by the unauthorized release shall be notified of the proposed case closure...". As written, this Policy would require agencies to notify each and every occupant, even an infant incapable of reading. Requiring an agency to notify every occupant at a property seems excessive, inappropriate for minors, and difficult to achieve.
3. Should all occupants require notification of a proposed low-threat UST closure by a local agency, the local agencies will be reliant on landowners to obtain a complete and current list of occupants. Therefore, the SFSFR request the notification requirements of occupants be placed on the responsible party or landowner. Existing law in California Health and Safety Code Section 25296.20 and 25297.15 requires notification to all current record owners of fee title to the site be notified prior to an agency considering an UST closure proposal. Local agencies can inform the fee title holders of their obligation to notify occupants under the Low-Threat UST Closure Policy. Otherwise, the definition of occupant should be defined and specific in its description and resources should be made available to local agencies that allow them to access information that can provide them with a current list of all occupants.
4. The Policy requires notification of the proposed case closure to permitting agencies with authority over the land affected by the petroleum release. The SFSFR requests these referenced permitting agencies be specifically listed (i.e. Building Department, Air District, etc.) or that provisions are included in the Policy that require the responsible party or landowner to provide a list of all permitting agencies to the local agency. Permitting agencies with authority over the land affected by the petroleum release could be extensive and leaves the local agency vulnerable to omission, particularly if there are permitted activities on the property of which the local agency is unaware.

Thank you for considering our comments to the Policy. We also thank you and the contributors of this document for their efforts in developing this draft Policy. Should you have questions regarding these comments, please contact Environmental Protection Specialist Brenda ten Bruggencate at (562) 906-3812 or by e-mail at brendanelson@santafesprings.org.

Sincerely,



Alex Rodriguez
Fire Chief

Attachment

ACR/btb

- c. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, the regulatory agency determines that the concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health.

Table 1
Concentrations of Petroleum Constituents In Soil That Will Have No Significant Risk Of Adversely Affecting Human Health

Depth (feet)	Benzene (mg/kg)	Naphthalene (mg/kg)	PAH* (mg/kg)
0 to 5	2.3	13	0.038
5 to 10	100	1500	7.5

*Notes: Based on the seven carcinogenic PAHs as benzo(a)pyrene toxicity equivalent [BaPe]. The PAH screening level is only applicable where soil was affected by either waste oil and/or Bunker C fuel.

Low-Threat Case Closure

Cases that meet the general and media-specific criteria established in this policy satisfy the case-closure requirements of Health and Safety Code section 25296.10, including the requirement in State Water Board Resolution 92-49 that requires that cleanup goals and objectives be met within a reasonable time frame. If the site has been determined by the regulatory agency to meet the criteria in this policy, the regulatory agency shall notify responsible parties that they are eligible for case closure and that the following items, if applicable, shall be completed prior to the issuance of a uniform closure letter specified in Health and Safety Code section 25296.10. After completion of these items, the regulatory agency shall issue a uniform closure letter within 30 days.

- a. **Notification Requirements** – Public water supply agencies with jurisdiction over the water impacted by the petroleum release, permitting agencies with authority over the land affected by the petroleum release, owners of the property, and the owners and occupants of all adjacent parcels and all parcels that are impacted by the unauthorized release shall be notified of the proposed case closure and provided a 30 day period to comment. The regulatory agency shall consider any comments received when determining if the case should be closed or if site specific conditions warrant otherwise.
- b. **Monitoring Well Destruction** – All wells and borings installed for the purpose of investigating, remediating, or monitoring the unauthorized release shall be properly destroyed prior to case closure unless a property owner certifies that they will keep and maintain the wells or borings in accordance with applicable local or state requirements.