

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 5 - 6, 2013

Prepared on November 7, 2013

ITEM NUMBER: 28

SUBJECT: Underground Storage Tank Program Update

SUMMARY

The purpose of this staff report is to provide the Central Coast Water Board a status update on the Underground Storage Tank (UST) program. The UST program has undergone significant changes in the last 16 months due to adoption of the Low-Threat Closure Policy (Policy) by the State Water Resources Control Board (State Board). This staff report summarizes the changes embodied in the Policy and describes the direction of the program for the next year.

DISCUSSION

Low-Threat Closure Policy for Leaking USTs

The State Board's Policy for leaking underground storage tanks took effect on August 16, 2012 following approval by the Office of Administrative Law (OAL). The Policy establishes low-risk closure criteria that include concentration maximums (specific to benzene and methyl *tertiary*-butyl ether [MTBE]) and dissolved plume length maximums, based on differing distance scenarios to groundwater supply wells or surface water bodies (receptors). The maximum concentration numbers and maximum lengths for dissolved phase plumes are significantly higher than criteria used in historic Central Coast Region UST closures, and are based on the state-wide history with thousands of UST cases. The Policy contains eight general criteria and three media-specific criteria.

General criteria

- The UST release is located within the service area of a public water system;
- The release consists only of petroleum;
- The "Primary" release from the UST is stopped;
- Free product has been removed to the maximum extent practicable;
- The Responsible Party has developed a Conceptual Site Model (of hydrogeology and pollutant discharge fate and transport);
- The Secondary source has been removed to the maximum extent practicable;
- The soil or groundwater has been tested for MTBE to determine if and at what concentrations it is present; and,
- Nuisance conditions do not exist at the site.

Media Specific Criteria

Groundwater

- Contaminant plume length is “stable or decreasing in aerial extent” and meets all of the additional characteristics of one of the five classes of sites identified (see Attachment A). Additional characteristics include:
 - No free product present;
 - Distance to the nearest existing water supply well or surface water body (varies);
 - Dissolved concentration levels (varies); and
 - Site-specific conditions, including sites without a release to groundwater.

Vapor Intrusion (see Attachment B)

- Evaluate the site against the four potential exposure scenarios;
- Develop a site-specific risk assessment for vapor intrusion which demonstrates human health is protected; or
- Implement mitigation measures or institutional (i.e. deed restriction)/engineering (i.e. physical vapor barrier or adequate venting) controls.

Direct Contact/ Outdoor Air Exposure (see Attachment C)

- Depends upon the concentrations of petroleum constituents in soil;
- Site-specific risk assessment shows no significant risk of adversely affecting human health; or
- Control exposure through the use of mitigation measures or institutional/engineering controls (i.e. deed restriction/vapor barrier)

The Regional Water Boards and local oversight agencies/programs (LOPs) were directed to review all open cases in the petroleum UST Cleanup Program prior to August 17, 2013 using the framework provided in the Policy. Central Coast Water Board staff (Staff) completed their reviews in July 2013.

These case reviews included the following for each UST case:

- Determination of whether or not each UST case met the criteria in the Policy or is otherwise appropriate for closure based on a site-specific analysis.
- If the case did not satisfy the criteria for closure in the Policy or did not present a low-risk based upon a site-specific analysis, staff identified impediments to closure.
- Each case review was made publicly available on the State Water Board’s GeoTracker web site.

For those cases which do not meet the policy, Central Coast Water Board staff’s next task is to develop a Path to Closure for each case using the impediments to closure identified in the case review. At the time of this report, staff had developed paths to closure for approximately 70% of our remaining cases. We anticipate completing this task by the end of 2013. For more information on the Policy visit:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf

Central Coast Water Board UST Case Load

When the Policy was approved on August 16, 2012, Central Coast Water Board staff managed 196 open UST cases. In the 15 months since the introduction of the policy, staff closed 53 cases and evaluated that 66 others are appropriate for closure under the Policy. In response to the actual and projected decreasing case load, UST program and Groundwater Section management (Chris Adair and John Robertson, respectively) reassigned one program staff position; based on the organization's highest priorities, Corey Walsh moved to work on groundwater-related issues in the Irrigated Lands Regulatory (Agricultural) program. Supervisory staff takes this opportunity to gratefully acknowledge Corey's huge contributions to the UST program over the last 14 years. Corey closed 78 cases during his tenure with the UST program.

Our current case load is 143 cases which includes 66 cases which are in the closure process. Three staff members are working full or part-time (2.05 PY) on underground storage tank cleanup. This equates to approximately 70 cases per PY.

Local Oversight Program (LOP) Certification

This year, the State Water Board also adopted the [LOP certification process](#). The process required the State Water Board to certify local agencies into the local oversight program that oversees the corrective action/cleanup for leaking USTs. Starting on July 1, 2013, only certified LOP agencies can implement the program, under contract with the State Water Board. Prior to July 1, 2013, the Central Coast Water Board had the assistance of six local agencies to implement the UST program. Three of the six agencies were not certified and consequently, Central Coast Water Board staff inherited these cases. At the same time, we also transferred a number of cases to the newly certified LOPs and our net gain of cases was less than 15. All of these are cases where groundwater was not impacted (soil-only cases), and all have been reviewed for closure under the Policy. Central Coast Water Board staff is in the process of developing Paths to Closure for those that did not meet the Policy's closure criteria.

UST Cleanup Fund (USTCF or Fund)

The USTCF is a fund paid into by gas station owners (based on a mil tax on gasoline sales) which was created to partially finance cleanups of leaking USTs. The USTCF also pays for a majority of the State's regulatory oversight of the UST program (including State Board, Regional Board, and LOP UST programs). The Fund is currently scheduled to sunset on January 1, 2016. This sunset date has been extended several times in the past. State Water Board management is currently working with the legislature to extend the fund sunset date but it appears unlikely that the sunset date will be extended past January 1, 2018, if at all.

Central Coast Water Board UST program management is planning for the wind down of the program associated with the decline in number of sites and the sunset of the USTCF. We anticipate that natural attrition of UST staff due to retirement and reassignment to other higher priority issues will coincide with our dwindling case load and that there will be comparatively few active cases when the Fund sunsets.

Future Direction of the UST Cleanup Program

Central Coast Water Board staff will complete the Paths to Closure for all remaining cases by the end of the calendar year. We will continue to review and close cases as they meet the Policy's criteria. As we close cases, we are able to focus our resources on those cases which are more problematic due to sensitive receptors or lack of a responsible party, etc. We will continue to periodically update the Board on our progress and on changes to the UST program.

Attachments

Attachment A. *Groundwater-Specific Criteria*

Attachment B. *Criteria for Petroleum Vapor Intrusion to Indoor Air*
w/ Appendices 1 through 4

Attachment C. *Criteria for Direct Contact and Outdoor Air Exposure*

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