



Central Contra Costa Sanitary District

Protecting public health and the environment

5019 Imhoff Place, Martinez, CA 94553-4392

PHONE: (925) 228-9500

FAX: (925) 372-0192

www.centalsan.org

August 4, 2014

ROGER S. BAILEY
General Manager

KENTON L. ALM
Counsel for the District
(510) 808-2000

ELAINE R. BOEHME
Secretary of the District

Via E-mail & U.S. Mail

Mr. Bruce Wolfe
SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD
1515 Clay Street, Suite 1400
Oakland, CA 94612

**SUBJECT: STAFF REPORT AND TENTATIVE ORDERS - SITE CLEANUP
REQUIREMENTS FOR 1643 CONTRA COSTA BOULEVARD AND
1705 CONTRA COSTA BOULEVARD, PLEASANT HILL
CONTRA COSTA COUNTY**

Dear Mr. Wolfe:

Central Contra Costa Sanitary District (CCCSD) appreciates the opportunity to comment on above-referenced Tentative Site Cleanup Requirements for 1643 and 1705 Contra Costa Boulevard (Tentative Orders) and associated Staff Report.

CCCSD supports the findings and requirements in the Tentative Orders in their entirety and recommends that the Regional Board adopt the Tentative Orders as drafted. In addition, CCCSD recognizes the Regional Board staff's thoughtful and reasoned consideration of the issues in Section VI of the Staff Report. CCCSD appreciates and agrees with staff's determination that CCCSD should not be named as a discharger on either Tentative Order.

CCCSD has a few suggestions to augment the conclusions in Section VI of the Staff Report. In addition to the technical evidence supporting why CCCSD's sewers did not contribute to the groundwater plume, we recommend that the Board expound upon the policy reasons why CCCSD should not be named as a discharger.

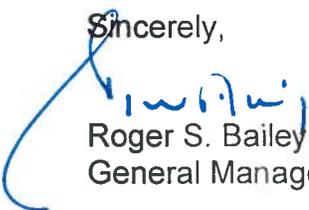
- It is not in the public interest to require a sewer agency charged with providing an essential public health service to investigate and clean up environmental contamination that it did not cause, merely because it provides sewer service to the businesses known to have caused the contamination.

Mr. Bruce Wolfe
SAN FRANCISCO BAY REGIONAL
WATER QUALITY BOARD
August 4, 2014
Page 2

- Naming CCCSD as a discharger on the Tentative Orders would have serious implications for CCCSD and other sewer agencies in the state, as well as for their ratepayers. It is now well-known that the historic discharge of volatile organic compounds from dry cleaners has contaminated soil and groundwater across the state. It is also well understood that where there are drycleaners, there are typically public sewers serving them and these sewers use traditional non-plastic sewers that invariably develop some cracking and other imperfections over time. If the mere presence of these anticipated imperfections results in Regional Boards' naming the sewer agencies in clean up orders, this approach would inculcate nearly every urban public sewer agency, even those that diligently repair and maintain their sewers at or above industry standards for high performing agencies.
- Public sewer agencies statewide would face enormous liability for such contamination events without regard to traditional legal theories concerning fault. Ultimately the burden of paying for many cleanups would fall on the purported "deep pocket" of these agencies' largely anonymous ratepayers. Surely it is not sound public policy to place the financial responsibility for responding to contamination from commercial business operations on the public ratepayers merely because sanitary sewer service was provided. Public sewer agencies should not bear the burden of remediating contamination from private parties unless there is a substantial showing that an agency failed in its basic obligation to properly operate and maintain its sewer collection and treatment facilities.

CCCSD respectfully requests that the Regional Board consider these issues and incorporate public policy considerations in its Staff Report to support the important decision in these Tentative Orders. If you have any questions or would like to discuss any of these comments, please feel free to contact Environmental Compliance Superintendent Tim Potter at 925-229-7380 or tpotter@centralsan.org.

Sincerely,



Roger S. Bailey
General Manager

cc: Kent Alm
Jean-Marc Petit
Danea Gemmell
Tim Potter