

Low-Threat Underground Storage Tank (UST) Case Closure Policy (Policy)

Frequently Asked Questions (FAQs)

General Criteria

a. Unauthorized release is located within the service area of a public water system

Q. Public water is available, but there are domestic wells nearby. Does this meet the Policy criteria?

A. This meets the general criterion because new parcels being developed would have access to a public water supply. The groundwater contaminant plume would still need to meet the distance from the plume boundary to existing wells required by the appropriate class to meet the groundwater media-specific criteria.

Q. How do I find a public water system for a site?

A. Public water system information for most sites is provided on the Facility/Site Address page within the regulator portion of GeoTracker. However, public water system data may not be available for all cases. Public water system information may be obtained by asking responsible parties which entity sends them a water bill, contacting local water districts found in the Yellow Pages™ to determine service areas, and by performing appropriate Internet searches.

Q. What is the definition of a “public water system”?

A. The Policy defines a public water system as, “a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.”

b. Unauthorized release consists only of petroleum

Q. When chlorinated solvents are present in soil and/or groundwater, but the release of petroleum constituents meet the Policy, can this site be closed under the Policy?

A. The mere presence of chlorinated solvents does not automatically lead to the need for additional investigation or cleanup, and does not preclude closure under the Policy.

- If the regulatory agency determines that the concentrations of chlorinated solvents were not released from the UST system and were not released at the site, then the case could be closed under the Policy.
- If the regulatory agency determines that the concentrations of chlorinated solvents were not released from the UST system but released at the site, then a cleanup program (site cleanup) case should be opened.
- If the regulatory agency determines that the concentrations of chlorinated solvents released from the UST system are high enough to warrant additional investigation or cleanup, then the agency should not close the site and require additional investigation or cleanup.

c. Unauthorized (“primary”) release from the UST has been stopped

Q. How is primary source defined?

A. The UST, pipe, dispensers, or other appurtenant structure that released petroleum into the environment. The Policy does not apply to UST systems that have ongoing leaks. Ongoing leaks should be repaired in compliance with UST operating permits.

d. Free product has been removed to the maximum extent practicable

Q. How is the “removal of free product to the maximum extent practicable” defined?

A. At a minimum, free product should be removed so that the groundwater plume is stabilized and that the spread of the unauthorized release into previously uncontaminated zones is stopped. This should be accomplished by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site.

e. Conceptual site model that assesses the nature, extent, and mobility of the release has been developed

Q. What is an adequate conceptual site model (CSM)?

A. The goal of a CSM is to provide sufficient site-specific information to evaluate the threat to human health, safety, and the environment. If necessary, use the information to evaluate and select a feasible and cost effective remedial technology to mitigate that threat. Site characterization activities may include:

- Adequate definition to determine plume stability as defined by the Policy;
- Adequate definition of the nature and extent of any free product, soil, and groundwater contamination;
- Adequate characterization of the geology and hydrogeology that affects contaminant transport; and
- Collection of any additional information to complete a CSM that includes existing and potential sources, pathways, and receptors related to the petroleum release.

The amount of information that is adequate for a particular site will vary greatly depending on the site setting, the magnitude of the release, and other factors.

Q. The CSM is not located in one document and it is hard to capture all the information. Can I require a summary CSM?

A. No. The supporting data and analysis used to develop the CSM are not required to be contained in a single report. The information may be contained in multiple reports submitted to the regulatory agency over a period of time.

f. Secondary source has been removed to the extent practicable

Q. How is removal of the secondary source, “to the extent practicable” defined?

A. “To the extent practicable” means implementing a cost-effective corrective action that removes or destroys-in-place the most readily recoverable fraction of source-area mass immediately beneath the point of release from the primary source. Unless site attributes prevent secondary source removal (e.g. lithological, physical, or infrastructural constraints exist where removal or relocation would be technically or economically infeasible), petroleum-release sites are required to undergo secondary source removal

to the extent practicable. It is expected that most secondary mass removal efforts will be completed in one year or less. Following removal or destruction of the secondary source, additional removal or active remedial actions shall not be required by regulatory agencies unless: (1) necessary to abate a demonstrated threat to human health, or (2) the groundwater plume does not meet the definition of low-threat as described in the Policy.

Q. How does the Policy define “the most readily recoverable fraction of source-area mass” specific to the secondary source removal criteria?

A. The most readily recoverable fraction of source-area mass is determined by the regulating agency. In some cases, site attributes prevent the removal of groundwater contamination (e.g. lithological, physical or infrastructural constraints exist where removal or relocation would be technically or economically infeasible). This may result in residual petroleum constituents to remain in groundwater above the water quality objectives (WQOs.)

Q. Do passive source removal strategies count towards secondary source removal criteria? For example, monitored natural attenuation, sulfate injection, oxygen release compound socks.

A. The most cost-effective corrective action should be implemented to remove or destroy in-place the most readily recoverable fraction of source-area contaminant mass. This determination is made by the regulating agency. There are no restrictions on the specific type of removal strategies that may be used.

h. Nuisance as defined by Water Code section 13050 does not exist at the site

Q. How is “nuisance” defined?

A. Water Code section 13050 defines "nuisance" as anything that meets all of the following requirements:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

(3) Occurs during, or as a result of, the treatment or disposal of wastes.

Media-Specific Criteria

1. Groundwater

Q. What is considered a reasonable time-frame to reach WQOs under the Policy?

A. It is not necessary to determine a time-frame to reach WQOs when applying the Policy. Unless there are unique site-specific conditions, compliance with the general and media-specific criteria are sufficient to determine if a site is eligible for closure.

Q. How is plume length measured?

A. The plume length is the distance between the source of the release (i.e., location of former USTs, piping, or dispenser island) to the extrapolated line where concentrations in groundwater are at the concentrations of the WQOs.

Q. How do we address those Constituents of Concern that are not listed in the Policy?

A. The regulatory agency determines which petroleum constituents should be analyzed at a particular site to determine the extent of the release. However, the constituents listed in the Policy are adequate to assess risk at petroleum UST sites. Unless there are unique site-specific conditions, a site is eligible for closure if the criteria in the Policy are met. For a thorough discussion of this, please see the Technical Documents for each of the media-specific criteria.

Q. What is the definition of a “Surface Water Body”?

A. There is no specific definition in the Policy for surface water body. Common surface water bodies can include, but are not limited to: rivers, streams, lakes, enclosed bays, recharge ponds, estuaries, and tributaries to these types of water bodies. These common surface water bodies are usually in contact with shallow groundwater and might become impacted by an adjacent UST release. Concrete or clay-lined structures such as canals, reservoirs, waste ponds, etc., should be more closely evaluated to determine if they are in contact with shallow groundwater. Lined surface impoundments might appear to be surface water bodies, but may not be receptors if the liners effectively exclude shallow groundwater.

2. Petroleum Vapor Intrusion to Indoor Air

Q. What is the definition of free product?

A. Free product is light non-aqueous phase liquid (LNAPL) that is sufficiently mobile to overcome capillary forces so that the LNAPL can move and be collected in a sampling device.

Q. Does the exception to the media-specific criteria for petroleum vapor intrusion to indoor air for an active commercial petroleum fueling facility apply if there is potential off-site migration that could result in indoor air exposure?

A. Exposures to petroleum vapors associated with historical fuel system releases are comparatively insignificant relative to exposures from small surface spills and fugitive vapor releases that typically occur at active fueling facilities. This exception is inappropriate in cases where release characteristics can be reasonably believed to pose an unacceptable health risk on-site or off-site.

3. Direct Contact and Outdoor Air Exposure

Q. Concentrations in soil do not meet Table 1 of the Policy and the case file does not include a report that assesses the direct contact and outdoor air exposure risk for the site. Can a regulator develop a site-specific risk assessment and satisfy the Policy criteria?

A. Yes, if there is sufficient site-specific information to evaluate existing and potential sources, pathways, and receptors related to the petroleum release and it can be determined that there is not a significant impact to human health, then the site-specific risk assessment developed by a regulator meets the direct contact and outdoor air exposure criterion.

Low-Threat Case Closure

Q. The Policy requires regulatory agencies to notify responsible parties that they are eligible for case closure. Who else is required to be notified of a proposed case closure and provided a 60-day period to comment?

- A. At a minimum, the regulatory agencies shall notify: municipal and county water districts; water replenishment districts; special act districts with groundwater management authority; and agencies with authority to issue building permits for land affected by the petroleum release. Regulatory agencies shall also notify owners and occupants of the property impacted by the petroleum release, and owners and occupants of all parcels adjacent to the impacted property.

Additional information related to Public Participation Tools for Water Board Cleanup Sites is located at: http://waternet/opp/docs/pp_tools.pdf

Q. How do I find the addresses for those required by the Policy to be notified of the proposed case closure?

- A. There are several methods to obtain the addresses for those required to be notified. Some examples may include:
- Ask the responsible party and or consultant.
 - Use parcel services companies such as ParcelQuest,™ LandVision,™ or Zillow.™
 - Contact the county assessor office.

Q. How do occupants get notified?

- A. Send the appropriate number of notification letters addressed to “Occupant” to the adjacent parcel addresses.

Q. For those cases that do not meet the required criteria of the Policy, but merit closure under [Resolution No. 92-49](#) can we use a different notification process than what is required in the Policy?

- A. For consistency, noticing requirements established in the Policy should be followed when noticing case closures using the Resolution No. 92-49.

Q. The Policy seems to say that the regulatory agency must close a case within 30 days from the end of the comment period. What does the Policy require?

- A. The Policy requires all of the following: the regulatory agency issue a uniform closure letter no more than 30 days after the end of the public comment period, the completion of well destruction, and the completion of waste removal.

General Questions

Q. When did the Policy take effect?

- A. The Policy was adopted by State Water Board [Resolution No. 2012-0016](#) on May 1, 2012 and became effective on August 17, 2012. Resolution No. 2012-0016 and [Resolution No. 2012-0062](#) direct certain actions including that Regional Water Boards and local agencies review all cases in the petroleum UST Cleanup Program using the framework provided in the Policy using existing regulatory agency resources no later than August 16, 2012.

Q. Where can I obtain additional information and documents related to Policy?

A. Information and documents related to and including the Policy, may be accessed using the following link:

http://www.waterboards.ca.gov/water_issues/programs/ust/lt_cls_plcy.shtml

Q. What process should be used to close a low-threat case that does not meet the Policy criteria?

A. Use [Resolution No. 92-49](#) and relevant State Water Board Orders.

Q. Does the Policy apply to military facilities?

A. Yes. The Policy applies to all petroleum UST sites subject to Chapter 6.7 of Division 20 of the Health and Safety Code and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations.

Q. What about other petroleum release scenarios?

A. While the Policy does not specifically address other petroleum release scenarios (i.e. pipelines or aboveground storage tanks), if a particular site with a different petroleum release scenario exhibits attributes similar to those that the Policy addresses, the criteria for closure evaluation of these non-UST petroleum release sites should be similar to those in the Policy.

Q. It seems that similar words are used interchangeably throughout the Policy. Do the terms “land,” “property” and “parcels” mean the same thing? Do the terms “impacted” and “affected” mean the same as well?

A. Yes, the terms described above have very similar meanings throughout the Policy.