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Division of Water Quality

November 8, 2011

Jennifer Scholte
Division of Water Quality
State Water Resources Control Board
PO Box 2231
Sacramento, CA 95812

Subject: Comment Letter – Low-Threat UST Closure Policy Scoping Document

Dear Ms. Scholte:

Thank you for the opportunity to comment on the California Environmental Quality Act (CEQA) scoping document for the Underground Storage Tank Low-Threat Site Closure Policy dated September 15, 2011. The Santa Clara Valley Water District (District) is the groundwater management agency for Santa Clara County and also provides flood protection, stream stewardship, and water supply for the nearly two million residents of the county. Nearly half of the water used in the county comes from groundwater, and in the southern portion of the county, it is the sole drinking water supply source.

The District served as the county's Local Oversight Program (LOP) agency until 2004, when it was transferred to the Santa Clara County Department of Environmental Health. The District supports closing sites that do not pose a significant threat to human health or the environment, but believes that significant changes to the policy are necessary to provide adequate groundwater protection.

The District is concerned with the statement that petroleum-impacted groundwater is part of the baseline condition (page 20, item 9a, Hydrology and Water Quality) and believes that the baseline condition should consider impacted groundwater under the current regulatory environment. While the proposed policy may close cases with higher residual contamination, under the current regulatory environment many of these cases would require additional investigation and remediation before relying on natural attenuation. The environmental impacts associated with the proposed policy change should be fully addressed and should include analysis of potential impacts associated with allowing groundwater to exceed water quality standards over a longer period of time. While we understand that fuel leak sites are often closed with residual contamination, the environmental document should present a clear discussion and



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rationale for determining that the proposed policy will result in no impact as stated in the scoping document.

In general, the District is concerned that the scoping document focuses on positive impacts resulting from the implementation of the proposed policy, while neglecting to fully address potential negative impacts. The document acknowledges that higher concentrations of contaminants may be left in the ground for a longer period of time, however the potential impacts associated with this delay in restoring groundwater quality are not discussed. These potential impacts could include extended impacts to the beneficial use of groundwater and potential land use limitations. The implementation of this policy could also affect the timing of development and redevelopment and the related potential environmental impacts should be addressed.

Thank you for considering our comments. If you have any questions, please contact me at (408) 265-2607, extension 2324.

Sincerely,



Behzad Ahmadi, P.E.
Unit Manager
Groundwater Monitoring and Analysis Unit

cc (via email): Michael Balliet, Santa Clara County Department of Environmental Health
J. Maher, V. De La Piedra, G. Cook