

RECEIVED
SEP 29 2011
Division of Water Quality



September 29, 2011

Mr. Charles R. Hoppin, Chairman
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100
choppin@waterboards.ca.gov

Kevin Graves
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
kgraves@waterboards.ca.gov

Barry Marcus, P.G.
Sacramento County EMD
MarcusB@SacCounty.net

Ravi Arulanantham, PhD
Geosyntech Consultants
RArulanantham@Geosyntec.com

Subject: DRAFT LOW-THREAT UST CLOSURE POLICY

Dear Sirs,

As I am not adept with the formal procedure of responding on the subject Draft Policy, and as it is of importance for me that my voice be heard on the subject, I therefore submit this letter to each of you individually and all as a group with the understanding that in this way my voice shall be counted.

This letter comments on the final draft of the *Low Threat UST Closure Policy*, and it does so with recognition of the work invested by its creators and awareness that such policy has long been overdue. My intent is to reinforce the basic goal of having a uniform, consistent and cost efficient process for the closure of low risk UST sites in California.

As science is not my forte, I shall not delve into scientific aspects of the proposed policy.

However, with vast engineering experience and trained to think along practical implementation of scientific principles, I am compelled to submit the following points for your consideration:

1. The genesis of the contemporary call for unified *Low Threat UST Closure* is not from a scientific impetus. Rather, it originates with the financial challenges faced by UST Cleanup Fund starting late 2008. One can theorize that if it were possible to reach target cleanup levels at low cost and within reasonable time frames, the discussion of Low-Threat UST Closure would not have begun.
2. The cost of UST case closure has been climbing steadily. My estimate of the current cost of taking the average case to closure is at the \$700K mark.

3. With 4700 claims on the priority lists plus 3600 active claims; the Fund is looking at a total case closure cost in the range of \$4 billion. At the current rate of collection of UST storage fees (and counting inflation) it will take on the order of 30 years for the Fund to finance the cleanup of all claims! These numbers are untenable!
4. Therefore, SWRCB must implement measures to constrict the hemorrhage of funds, and SWRCB does it through the new policy. The policy is cost-driven.
5. It is correct and essential to consider cost vs. benefit in cleaning up the environment; but this very consideration is not expressly treated in the Policy.
6. I represent to you that if environmental consultants were capable of guaranteeing fixed cost and time in taking cases all the way to closure; it would cut the overall UST case-closure cost by more than 40 percent and thereby reduce or eliminate controversial aspects of the proposed Policy.
7. In making the above claim, I am aware of past failures of "Pay for Performance" contracts that USTCF engaged in. Yet a viable procedure can be worked out as evidenced by a successfully modified arrangement that USTCF piloted through my firm.
8. Within just the case load that my firm manages I identify 10 cases of substantial contamination that could be taken to closure with pre-guaranteed cost and time.

In closing let me enter a US EPA opinion that sprang to sight as I was ready to close this letter. US EPA compiled and analyzed data from 14 state programs. The results are published at www.epa.gov/oust/cat/backlog.html. In the case of California, US EPA recommends that "SWCRB should consider... employing cost-cutting measures. For example, open-market competitive bidding for cleanup work could increase the amount of funds available per cleanup." To this learned recommendation I add that open-market competitive bidding would be effective only, and only if bids are to include unconditional guarantees for cost and time to take cases to closure. I fervently believe that this is doable along a large portion of the current LUST case load!

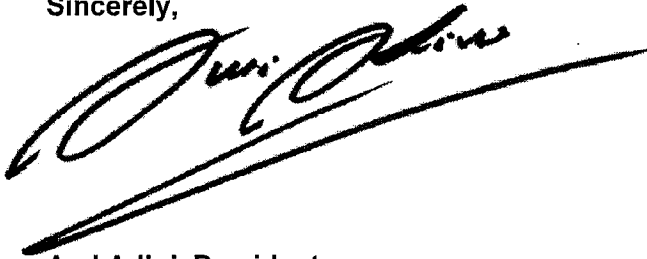
Should not these points become part of the proposed Policy?

Should they not be tested?

And, does not the lucrative reward justify the experiment?

Thank you in advance for your consideration. I can be contact by email amia@amiadini.com or phone 818-824-8102.

Sincerely,



Ami Adini, President
Ami Adini & Associates, Inc.

Cc.

John Russell, Manager
UST Cleanup Fund
jrussell@waterboards.ca.gov

David Charter, Manager
UST Cleanup Fund Technical Unit
dcharter@waterboards.ca.gov

Laura S. Fisher, Chief
Underground Storage Tank Technical Unit
State Water Resources Control Board
lfisher@waterboards.ca.gov

Lori Brock, Senior Staff Counsel
State Water Resources Control Board
Office of Chief Counsel
lbrock@waterboards.ca.gov

Dwayne Ziegler, President
CORE Environmental Foundation
dziegler@coreenvironmental.org

David Noren, Vice Chair
North Coast RWQCB
5550 Skylane Bl, Ste A, Santa Rosa, CA 95403