

EXECUTIVE OFFICER'S SUMMARY REPORT
8:30 a.m., January 21, 2010
Regional Water Board Office
David C. Joseph Meeting Room
5550 Skylane Blvd., Suite A
Santa Rosa California

ITEM: 8

SUBJECT: **Groundwater Cleanup Programs** in the North Coast Region

Overview

Since the adoption of the state underground tank law in 1983, the Regional Water Board has been involved in approximately 2,500 cases where a release of petroleum hydrocarbons or other organic compounds has been documented. Statewide, the number of cases is about 40,000. The Board addresses the oversight of these cases through two programs, discharges associated with underground storage tanks (USTs) and all other sources of contamination. The *State Cleanup Fund* only provides funding for discharges associated with petroleum and USTs.

In the ensuing decades, thousands of reports have been produced, scores of meetings and forums have been held, a number of task forces have been convened, additional legislation has been passed, and a considerable amount of personal and State Fund treasure has been expended addressing instances of soil and groundwater contamination.

Throughout this time and in all cases, the primary task for the Board and its staff is to:

- identify responsible parties and compel dischargers to accept responsibility for their releases; and
- work in a cooperative fashion with dischargers, their consultants and representatives to develop a strategy for addressing the problem in a manner that meets the objectives to protect water quality and is manageable for the responsible party.

The widespread impact of discharges and its effect on individuals throughout the North Coast Region compelled the Board to direct staff to propose an amendment to the Basin Plan to institute a policy with regards to the regulation of discharges from underground storage tank systems. In 1993, The Board adopted the amendment, and it continues to serve as a blueprint behind the two main tenets articulated above.

Entitled the *Interim Policy on the Regulation of Waste Discharges from Underground Petroleum Tank Systems* it states:

At present, the Regional Water Board is using the following laws, policies, regulations and guidelines as the basis for investigations and cleanup of discharges from underground petroleum tank systems:

- The Porter-Cologne Water Quality Control Act
- The Water Quality Control Plan for the North Coast Region
- Chapters 15 and 16, Division 3, Title 23, California Code of Regulations
- State Water Resources Control Board Resolution No. 68-16
- The Health and Safety Code

It shall be the policy of the Regional Water Board to implement a program to investigate and cleanup groundwater pollution caused by unauthorized releases of petroleum from underground tanks that protects water quality while at the same time minimizes the cost to responsible parties and the public in general. The following principles shall constitute the Regional Water Board's interim policy:

1. With respect to all underground petroleum tank cases in this Region, the Regional Water Board's highest priority will be to eliminate pollutant sources through tank removal, free product removal, and removal of contaminated soil to the extent practicable. If required, the need for further remedial action will be based on impacts on the beneficial uses of affected waters as determined by reasonable monitoring or other investigation.
2. The Regional Water Board will then assign the highest priority to the resolution of underground petroleum tank cases where drinking water sources are being adversely impacted or are imminently threatened to be adversely impacted.
3. Where practicable, the Regional Water Board will schedule the investigation and cleanup of petroleum pollution by responsible parties to coincide with the availability of funds.
4. Where practicable, the Regional Water Board will recognize the use of alternative cleanup techniques such as in-situ bioremediation and passive remediation.
5. The Regional Water Board will assist the State Water Resources Control Board and claimants to the State Underground Storage Tank Cleanup Fund to further reduce investigative and cleanup costs while continuing to protect water quality:
 - a. through technology transfer;

- b. through appropriate regulatory policy and legislative recommendations;
and
- c. through continuing coordination to implement regulatory policy and law.

Recent State Board actions

In 2009, the State Water Board adopted two resolutions directing numerous actions designed to improve the administration of the UST Cleanup Fund and the UST cleanup programs. The actions were in response to a reduction in revenues and increased payment demand experienced by the Cleanup Fund. The first resolution included a finding that UST cleanups are taking too long to complete.

The actions are directed at the State Board's Cleanup Fund, the State Board's Division of Water Quality, all the Regional Boards, and all agencies in California administering UST cleanup programs.

The resolution (2009-0042) adopted in May 2009 directed the creation of task forces to:

1. Make recommendations for improvements to Cleanup Fund administrative procedures and response to the current Cleanup Fund cash shortage.
2. Make recommendations to improve the UST Cleanup Program, including additional approaches to *risk-based cleanup*.
3. Identify, by September 1, 2009, issues to be addressed in an independent audit of the Cleanup Fund.
4. Bring items requiring immediate board action to a regularly scheduled meeting of the State Water Board.

The resolution also required two main work products to be completed by Regional Board staff. By August 1, 2009 it directed that staff reduce groundwater monitoring from quarterly to semiannual, or less frequent, if appropriate. The second was an assessment of what circumstances were preventing the individual sites from being closed, to be completed by June 30, 2010.

North Coast Board staff is 100% complete with the monitoring reductions and 97% complete with the closure summaries. The closure summaries are ahead of schedule.

In November 2009, and in response to the recommendations from the two task forces, the State Board considered and adopted a second resolution (2009-0081). It directs cleanup oversight agencies to:

- apply the decisional framework established in previous State Water Board UST closure orders;

- and further directs State Board staff to institute a case review procedure similar to the *Five Year Review* process for all petroleum UST cases that have been open for five years or more and that do not have an active *Letter of Commitment* from the Cleanup Fund, and bring cases to the State Water Board with a recommendation for closure as appropriate.

It also directs the Cleanup Fund (the State Board's Division of Administrative Services) to examine the full Cleanup Fund business process and necessary modifications to procedures and personnel assignments, and to disburse Cleanup Fund funds as quickly as possible following quarterly deposits of fees by the Board of Equalization, with a goal of disbursing all available funds to claimants within 45 days of deposit.

Summary

Today's presentation is an overview of the Board's groundwater cleanup programs and recent regulatory actions that affect the administration of the petroleum UST program.

Staff is now overseeing 466 UST cases and 589 other cleanup sites.

Since the inception of these programs the Board has closed 1,218 groundwater cases (petroleum USTs and all others).

Much work remains to be done, and Staff will regularly update the Board on further statewide developments, progress on specific tasks, number of UST cases closed, as well as our own initiatives for improvement of the administration of groundwater cleanup programs.

PRELIMINARY STAFF
RECOMMENDATION:

Informational Item Only

Attachments

1. Groundwater Investigations and Cleanups - General Overview of Process, Regulations, and Guidelines
2. North Coast RWQCB Fact Sheet – Site Closure Process
3. State Water Board Resolution 2009-0081