

D. Late Commenter Index and Late Comments

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(916) 322-0202

November 9, 1984

Mr. George W. Adrian
California Water Service Company
1720 North First Street
P. O. Box 1150
San Jose, CA 95106

Dear Mr. Adrian:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

ILC HC

CALIFORNIA WATER SERVICE COMPANY

1720 NORTH FIRST STREET • P. O. BOX 1150 • SAN JOSE, CA 95108 • (408) 298-1414

October 22, 1984

Mr. Harold Singer
Division of Technical Services
State Department of Water Resources
Control Board
Post Office Box 100
Sacramento, California 95801

Re: Proposed Regulations Concerning
Underground Storage of Hazardous Materials

Dear Mr. Singer:

The following comments are presented on the above subject:

1. The Table of Contents and the Statement of Reasons which accompanied the Underground Tank Storage Proposed Regulations are very helpful. However, the complexity of the problem and the lack of exposure and experience with prior regulations dealing with this subject make it very difficult to have a clear understanding of the intent of each of the items in the proposed regulations. I realize that a very tight time schedule has been placed on the promulgation of regulations. Nevertheless I submit that it is extremely important to have comprehensible and effective regulations relating to underground tank storage, and to this end I suggest it would be worth the time to have several "seminars" conducted within the State at which you or another person thoroughly familiar with the intent of the regulations and soundly based in engineering principles would explain the intent and application of the proposed regulations.
2. It appears that a large number of exemptions are offered in the proposed regulations and that a combination of such exemptions could completely excuse a given operator from complying with the objectives of the proposed regulations.
3. Section 2643 deals with inventory control largely related to a percent of the volume of periodic throughput of hazardous materials to the tank. On this basis the large volume of throughput which would be fairly common at major gasoline stations would allow a very significant and adverse loss of material to the soil without violating the inventory control parameters. Conversely, very small tanks with small throughput would be over-regulated by proposed inventory control values.

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OCT 26 1984

CALIFORNIA WATER SERVICE COMPANY

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4. As domestic water purveyors we want to be assured that hazardous materials are not released to the soil environment. However, we do not wish to see money wasted in providing this assurance. Those water utilities which rely on groundwater production commonly provide a portion of their wells with internal combustion engines (gasoline or diesel) to drive the pumps in the event of electrical power outage. The fuel for these engines is rather typically contained in fuel tanks of less than 500-gallon capacity and such tanks are located in immediate proximity to the well which they serve. Considering the very small throughput of fuel to these tanks, it is our experience that inventory control by "sticking" the tank is quite adequate to provide early detection of any unauthorized release from the tank. We suggest that proposed regulations be expanded to permit this type monitoring for tanks of this type. Please note in this regard that at the typical well any release of fuel from such a tank would be detected at a very early stage by taste and odor of the fuel in the water produced at the well even if inventory controls were not practiced.
5. Section 2640 (f) provides that alternatives may be approved to procedures which are specified in the proposed regulations. However, such approvals would be given as variances requested under Article 8. The procedures for the issuance of such variances appear to be so demanding that the effect is to preclude the request for alternatives. The purpose of this comment is not to enable casual or unwarranted alternatives, but rather to suggest that truly sound engineering alternatives applied under engineering surveillance should be approvable under more simplified procedures.
6. It appears that Section 2647 (c)(1) should be modified by adding the underlined words: "at those underground tank facilities at which the highest AND LOWEST anticipated groundwater" (If the above comment is correct, the same type addition should be made in Section 2647 (f)(2)).

The above comments present a few of the concerns held after review of the proposed regulations. They are not presented to be all inclusive, but rather to point out the difficulty many persons will have interpreting the regulations, and also to be illustrative of some of the improvements which I believe can be made if more dialogue is held on the subject.

The above comments are presented on behalf of the California Water Service Company and also carry the endorsement of the California Water Association.

Sincerely,



George W. Adrian
Vice President
Water Quality

GWA: jmt

F FUGITT FARMING CO
RTE 7 BOX 468
BAKERSFIELD CA 93311 29AM

Western
Union Mailgram



4-005648S303 10/29/84 ICS IPMMTZZ CSP SACB
0058312722 MGMB TDMT BAKERSFIELD CA 46 10-29 0948A EST

LATE
COMMENTS

HAROLD SINGER
DIV OF TECHNICAL SERVICES
PO BOX 100
SACRAMENTO CA 95801

REGULATIONS ON UNDERGROUND STORAGE OF FUEL FOR TRACTORS IS RIDICULOUS
WE COMPLIED WITH RULES TO INSTALL TANKS-ARE YOU NOW SAYING PEOPLE
WERE IDIOTS

FRANK FUGITT FARMING CO
RTE 7 BOX 468
BAKERSFIELD CA 93311

09:50 EST

HGMCOMP

7877 01 1475

(916) 322-0202

November 9, 1984

Mr. John H. Bausch
Coarsegold Self Serv. Inc.
35481 Highway 41
Coarsegold, CA 93614

Dear Mr. Bausch:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

COARSEGOLD SELF SERV INC.

GAS

MINI-MART

DIESEL

PROPANE



10/22/84

Water Resources Control Board
 PO Box 100
 Sacramento Calif 95801

Received
 OCT 25 1984

subject - Regulation Underground tank storage
 Hazardous Material Title 23 Chap 3
 Subchapter 16 CAC

If the above bill is passed and goes into effect, we, as a small family owned and operated gas station would be put out of business due to the cost of said bill. There is no way we could afford the assessments you are proposing.

The effect on the total state economy and cost to us and the final consumer would be disastrous to everyone - PLEASE don't pass this bill

Thankin, you madams
 J. H. Bausch

COARSEGOLD SELF SERV INC.

35481 Highway 41
Coarsegold, California 93614



Water Resources Control Board
Attn Harold Arger
PO Box 100
Sacramento Ca 95801

(916) 322-0202

November 9, 1984

Mr. Daniel Bergman
1111 Ward Street
Martinez, CA 94553

Dear Mr. Bergman:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Contra
Costa
County



Health Services Department

ENVIRONMENTAL HEALTH DIVISION

October 22, 1984

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95801

Attn: Harold Singer
Division of Technical Services

Dear Mr. Singer:

The following comments on the Draft Under Ground Tank Regulations were prepared by the Contra Costa County Occupational Health/Hazardous Materials Section staff. They reflect some of our staffs' criticisms and concerns regarding a block of regulations which will provide the basis for a major on-going program in our Division. They will also have a significant impact on the residents of our county.

I hope you will give these comments the consideration they deserve.

Sincerely,

Daniel Bergman
Assistant Health Services Director

DB:BB:11

Enclosure

Received DTS

OCT 24 1984

Please Reply or Call:
 East/Central Office
1111 Ward Street
Martinez, California 94553
(415) 372-2521

Occupational Health
1111 Ward Street
Martinez, California 94553
(415) 372-2286

West Office
39th St & Bissell Ave.
Richmond, California 94805
(415) 231-3141

CONTRA COSTA COUNTY HEALTH SERVICES DEPARTMENT
COMMENTS ON PROPOSED UNDERGROUND TANK REGULATIONS

October 18, 1984

Article 3, Section 2631 (c)

Who determines if secondary containment will contain the substance for the required period? Request addition of language similar to the following at end of paragraph (c) ... "as determined by the local agency on the basis of information provided by the manufacturer.

Article 3, Section 2632 (e)

Continuous monitoring may not always be appropriate for every installation. The option of requiring continuous monitoring should be left to the local agency.

This paragraph states that a sensor must be removable for calibration and maintenance if needed. Who decides when it is needed - suggest adding ... "or required by local agency" to end of sentence.

Article 3, Section 2632 (e)(1)

The sentence beginning "All standing liquid ... to best detection limits to determine..." should be reworded ... "to detection limits acceptable to the local agency". The term "best detection limits" is ambiguous, and if it is meant to imply analysis to the lowest currently achievable detection limits, it is excessive and unnecessary for most substances.

Article 3, Section 2632 (f)

Note that double-walled tanks not using pressure sensors should, in some cases, also be exempt from Section 2632 (c) ff.

Article 3, Section 2633 (e)

The second sentence of this paragraph, "Proof...." should be left unchanged. This statement is essential for the effective implementation of this program by local agencies.

Article 3, Section 2633 (e) (3)

The need to take local soil conditions into account when writing/issuing permits is essential for effective implementation of this program. The paragraph should remain unchanged.

Article 3, Section 2633 (f) and Section 2634 (a) (4)

Considerable evidence exists that typical pressure loss leak detectors often fail to operate properly, especially if untested. The local agency should have the option of requiring pressure loss type leak detectors to be tested annually and/or requiring the installation of a bypass line with valve and pressure gauge at one of any number of pumps served by a pressure loss detector. This inexpensive addition to the system will allow the leak detector to be tested at any time by the owner or the local agency.

Article 3, Section 2634 (a) (2)

Does this mean the operator will "stick" the tank daily? Note that Section 2632(e) requires the use of a "continuous" sensor rather than visually monitoring or sticking (probably with paste) the secondary containment. The local agency should have the option of allowing the use of automatic or continuous inventory control equipment in place of daily gauging, if this produces a hard copy record of inventory for periods when the operator is not physically present.

10/18/84

This would allow facilities which are not open 7 days a week to meet the monitoring standards of Section 2634, if they wish to install the necessary equipment and demonstrate that it will be properly operated and maintained.

Article 3, Section 2634 (a) (3)

The frequency of hydrostatic testing should be left up to the local agency, with a minimum requirement of once in five years and a maximum frequency of one per year. Requiring all installations to test every two years, especially new facilities, is excessive.

Article 3, Section 2634 (c)

The requirement of continuous monitoring should be an option available to the local agency.

Article 3, Section 2634 (d) (1)

50 gallons is too small a loss to be determined accurately by continuous gauging methods (i.e. sticking). A daily loss of at least 100 gallons would be more appropriate and would eliminate many erroneous leak reports.

Article 3, Section 2634 (e)

We believe the the time periods set forth in this section for the required steps an operator must take in case of a possible leak are appropriate and generally achievable.

Article 3, Section 2635 (b) (7)

This requirement is essential to the effective operation of any secondary containment system.

Article 3, Section 2635 (f)

The local agency should be able to require simple overflow devices such as product-tight fill boxes and float check valves, regardless of Section 2635 (g).

Article 3, Section 2635 (g) (2)

The requirement of available capacity of at least 110% of volume to enter tank provides a reasonable safety factor.

Article 3, Section 2635 (h)

Does this mean the local agency has the option of requiring a report from a registered corrosion engineer, or that every tank installation should be accompanied by such a report? This needs clarification.

Article 4, Section 2640 (a)

Sentence 3 should be stated as ... "and in most cases be capable of measuring the ground water quality directly."

It is not always possible or reasonable to measure ground water quality directly, i.e., when an unpotable aquifer exists at a great depth.

Article 4, Section 2640 (b)

Sentence 3 should be stated as ... "where technically and practicably feasible, as determined by the local agency, to existing tanks..."

Article 4, Section 2642 (d)

Note that Section 2634 (a) (3) requires testing of newly secondary contained tanks every two years (which we believe is excessive). This section allows tanks with a much higher

10/18/84

probability to remain untested for many years. Both Category A and Category B should include the statement, "or as required by the local agency" in the description of their respective testing requirements.

Also, double wrapped asphalt coated tanks should not be considered corrosion resistant.

Article 4, Section 2642 (e)

Thirty days is too long to wait for the results of a tank test. This information is available to the owner upon completion of tank test or shortly after.

Article 4, Section 2643 (c)

Most major oil company fuel delivery trucks have no meters. It is not reasonable to require non-retail operations to have meters approved by the County Department of Weights and Measures. Low throughput facilities should not require meters.

Article 4, Section 2643 (d)(3)

"Appropriate training" as determined by whom? Should add ..."acceptable to local agency".

Article 4, Section 2643 (e)(1)

This is not possible with non-metered delivery trucks.

Article 4, Section 2643 (e)(4)

Again, 50 gallons is too small an amount to indicate a leak accurately at a high throughput facility.

Article 4, Section 2644 (d)

This does not make sense. A verticle boring will never be

directly below the tank invert. Also, delete the 50 foot requirement. Depth of drilling will depend on depth to water table or appropriate depth for monitoring system used.

Article 4, Section 2644 (e)(3)(C)

Since several borings may be made in relatively small areas, the requirement for logging and classifying soils in every boring is excessive and an unreasonable financial burden on the owner.

Logging and soil classification should be performed at the discretion of the local agency.

Article 4, Section 2646 (f)

In most cases (petroleum products) this can easily be done with simple techniques and direct reading instruments, i.e.

Miran 1A or similar instruments.

Article 4, Section 2647

Local agencies should be given more discretion in requiring or approving various aspects of an assurance ground water monitoring program.

Whether or not ground water is potable should be considered in the requirements for implementation of a groundwater monitoring program.

Article 4, Section 2647 (c)

Sampling should be done at water surface for substances which accumulate there.

Article 5, Section 2661 (b)

The local agency should have the option of denying repair if inspection or data submitted by the operator indicates that the tank is in poor condition.

General Comments:

1. The drilling of large numbers of wells for monitoring purposes also increases the risk of groundwater pollution introduced via these wells.
2. In most cases, monitoring wells should not be drilled through a competent aquatard even if groundwater has not been encountered.
3. Many sections of these regulations place major demands on the staff, time and other resources of agencies charged with their implementation, and also place heavy financial burdens on those who must comply with them. Therefore, the actual value, in terms of public protection afforded, of each section should be considered.

(916) 322-0202

November 9, 1984

Mr. Glen R. Blue
Red Triangle Oil Co.
2809 SO. Chestnut
P. O. Box 2625
Fresno, CA 93745

Dear Mr. Blue:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

HS

RED TRIANGLE OIL CO.

2809 SO. CHESTNUT • P.O. BOX 2625 • FRESNO, CA. 93745 • (209) 485-4320



October 22, 1984

Harold Singer
Division of Technical Services
P.O. Box 100
Sacramento, Ca. 95801

Re: Sher Bill

Dear Mr. Singer:

One direct comment, passing the Sher Bill is going to put the small dealer out of business. There is not any margin of profit to conform to the proposed regulations. Only the major oil companies will be able to stay in business. The small companies and independent dealers will be a business of the past.

Glen R. Blue

GRB/kb

Received Dis

OCT 29 1984

OCT 23 1984



WICKLAND OIL TERMINALS

URGENT \$\$\$\$ URGENT \$\$\$\$ URGENT \$\$\$\$ URGENT \$\$\$\$ URGENT

Dear Customer:

We are alerting you to the recently passed Sher Bill and the far reaching effects of the proposed regulations by the California Water Resources Control Board.

Anyone who owns or operates a storage tank used for storing fuel, solvents, oil, etc., will be effected. We all want a clean underground water supply and we feel this was the intent of the Sher Bill. However, compliance with the proposed regulations will be very expensive and in our opinion, go far beyond what was intended by the Sher Bill. Some of these regulations require large expenditures which will threaten our survival, and at best, create financial hardships.

Due to the sizeable length of the proposed regulations, we will only comment on two of the many proposals.

1. Cleaning up historical releases can easily cost \$100,000.00 or more.
2. Site-Monitoring systems are estimated to cost \$4,000.00 to \$12,000.00. If a 200 foot test well is also required, as proposed in the regulations, the cost will be much higher.

On October 23, 1984, there will be a public hearing relating to these proposed regulations. We urge anyone who owns or operates fuel storage tanks to attend. Without alot of opposition, the proposed regulations will not be changed. The hearing will be held at 10:00 A.M., at the Resources Building, First Floor Auditorium, 1416 Ninth Street, Sacramento, California.

We also encourage you to send your comments to Harold Singer, Division of Technical Services, P.O. Box 100, Sacramento, California 95801. The comments must be received by October 23, 1984, at 5:00 P.M.

Your letters and comments are very important. Protect your businessess from potential hardships and heavy financial burdens.

Let your voice be heard.

If you have any questions, please call our office at (916) 921-1103.

Red Triangle Oil Company

P.O. Box 2625, 2809 S. Chestnut

Fresno, California 93745



Harold Singer
Division of Technical Services
P.O. Box 100
Sacramento, Ca. 95801

(916) 322-0202

November 9, 1984

Mr. Larry L. Carper
Alliance Oil Co.
545 Main Street
P. O. Box 802
Red Bluff, CA 96080

Dear Mr. Carper:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

HS

ALLEE OIL CO.

546 MAIN STREET P. O. BOX 802 RED BLUFF, CALIFORNIA 96080
TELEPHONE: 415/627-1944

10-22-84

Dear Mrs. Singer

We at Allee Oil Company very strongly object to the Sher Bill in its' present state. This bill threatens our business and our survival and at best will create financial hardships. Cleaning up historical releases and site-monitoring systems would create hardships beyond this business' financial capabilities and I'm sure many others as well.

received DTS

OCT 24 1984

Larry L Carper
LARRY L CARPER
ALLEE OIL Co., INC.

6 LC

(916) 322-0202

November 9, 1984

Mrs. Lesley J. Chace
Modoc County
Board of Supervisors Alturas, CA 96101

Dear Mrs. Chace:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

Received 10-25-84

JOHN B. LAXAGUE
Cedarville
MELVIN "Andy" ANDERSON
Alturas
LESLEY CHACE
Alturas
M.W. "Mickey" JONES
Alturas
JOHN L. COULSON
Tulelake

MAXINE MADISON
County Clerk
and
Clerk of the
BOARD OF SUPERVISORS
Box 131
ALTURAS, CALIFORNIA 96101
(916) 233-2215



Received DTS
OCT 25 1984

October 22, 1984

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95801

RE: Public Comments Regarding Adoption of Proposed Regulations
Governing Underground Storage of Hazardous Substances

The Modoc County Board of Supervisors want to go on record as supporting legislation to protect the groundwater of the State of California. However, we strongly oppose recent legislation implementing regulations to control Underground Storage of Hazardous Substances because of its impact on Modoc County and other rural counties in the State of California.

Modoc County has discussed, in depth, the issue of underground spills of hazardous substances. There is no evidence that any underground spills have occurred in recent years. Also, we feel strongly that with the limited number of underground tanks in Modoc County other methods, rather than costly and frequent monitoring, can be established to safeguard our water originating in these Rural Counties. The estimated number of underground tanks in Modoc County was 170 as of May, 1984 and included home heating oil tanks (now excluded from monitoring regulations).

The proposed regulations would require Modoc County to charge excessively high permit fees to cover costs for administering the program. We propose charging approximately \$150 per tank annually. This will significantly increase problems in a high unemployment County of California. Gasoline tank owners in local gas stations and bulk plants will be forced to lay-off employees, limit hours of service and limit pay rates for employees.

A large percentage of tanks in Modoc County are owned by government agencies including: County of Modoc, City of Alturas, Modoc County Schools, USFS, BLM and CDF. Private industry will have to bear the cost of monitoring and administration of these government tanks if Modoc County is going to operate a cost-effective State mandated program.

Page 2.

Additionally, there are no monitoring companies located in Modoc County. We are aware that such companies are operating in the Sacramento area. However this is 300 miles from Alturas and Modoc County. No feasibility study has been conducted to determine costs in contracting with a monitoring company, however, with the distance involved we would speculate that this would place an additional and very costly burden on all tank owners.

There has been discussion regarding allowing smaller rural counties to enter Joint Powers agreements for administration of implementation of permit programs for underground storage tanks storing hazardous substances. This would not be a cost effective method for counties to initiate because of many of the reasons stated above.

Thank you for allowing Modoc County to submit this testimony for your public hearing on Tuesday, October 23rd. Modoc County Board of Supervisors will assist, in any way possible, in implementation of regulations to safeguard California's water however we cannot support regulations that unduly burden private industry or the taxpayers of Modoc County.

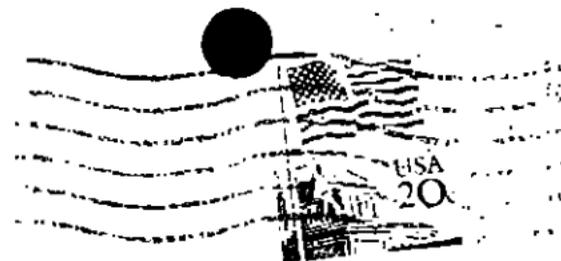
Sincerely,

MODOC COUNTY BOARD OF SUPERVISORS



(Mrs.) Lesley J. Chace
Supervisor Third District

MODOC COUNTY
Board of Supervisors
SALTURAS, CALIFORNIA
96101



State Water Resources Control Board
P.O. Box 100
Sacramento, CA ~~95801~~

95821

STATE WATER RESOURCES CONTROL BOARD

PAUL R BONDERSON BUILDING
901 P STREET
P O BOX 100
SACRAMENTO, CALIFORNIA 95801

(916) 322-0202



November 16, 1984

L.W. Chadbourne
15640 Newhampton
Hacienda Heights, CA 91745

Dear Mr. Chadbourne:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

MR. EDWARD C. ANTON, CHIEF
DIVISION OF TECHNICAL SERVICES
STATE WATER RESOURCES CONTROL BOARD

OCTOBER 16, 1984

HS

P.O. BOX 100
SACRAMENTO, CA, 95801

ATTENTION: MR. HAROLD SINGER

Received D.

OCT 24 1984

SUBJECT: AB 1362 SHER BILL
UNDERGROUND TANK REGULATIONS

Dear Mr. Anton:

It is my understanding that the final hearing will be held in Sacramento on October 23, 1984 to implement the regulations for the subject legislation. I have had the opportunity to review portions of the present draft of these regulations and consider that they require major modifications. Furthermore, there should be open discussions with the public and owner-operators of storage tanks as to what should be included in the regulations. As far as I know there have been no publicized hearings in So. Calif.

As presently proposed the regulations would cost millions of dollars to implement which would be a disservice to the public. These costs would be passed on to the consumer.

I am interested in maintaining our State's water quality and agree that legislation is necessary with respect to the operation and maintenance of underground storage tanks containing hazardous material. Some governmental agencies within the State already have requirements with respect to corrosion control and the prevention of leakage on underground fuel tanks. Furthermore, the Uniform Fire Code includes requirements for corrosion control on underground tanks. These are reasonable requirements that present an economical solution to the problem. The State's proposed regulations would be difficult to comply with and would be expensive. Also, I am very concerned about requirements in the proposed regulations for drilling observation/monitoring wells around storage tanks. These would create a direct route for flow of any leakage of stored

materials to underground water or aquifers.

I consider that the public and owner-operators of underground storage tanks have not been given an adequate opportunity to review the legislation and provide input in the formulation of the regulations. Therefore, I respectfully request that the hearing process be extended a reasonable length of time to allow for additional public discussion on the proposed regulations. These should be publicized and include hearings in So. Calif.

Your support in this matter would be appreciated.

Very truly yours
 L.W. Chadbourne
 L.W. CHADBOURNE, P.E.

CC: MR. FRANK HILL
 STATE ASSEMBLY
 52ND DISTRICT

REPLY TO:
 L.W. CHADBOURNE
 15640 NEW HAMPTON
 HACIENDA HEIGHTS, CA.
 91745

8. L²

(010) 322-3942

November 9, 1981

Mr. H. F. Cox
Petroleum Transportation
P. O. Box 6249
Coltersfield, CA 95717

Dear Mr. Cox:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period ending of 5:00 p.m. October 31, 1981. Therefore your comments will not be part of the public record and will not be responded to in the Statement of Reasons which accompany the final Regulations. However, your comments will be added to the tracking file. In addition, a copy of the proposed regulations that will be considered by the Government Resource Control Board will be forwarded to you.

Thank you for your comments. If you have any other questions, please call our office at the attention of (010) 322-3942.

Sincerely,

Edward C. Anton, M.S.
Division of Technical Services

Enclosure

H5

H. F. COX, INC.
Petroleum Transportation
P. O. Box 6248
Bakersfield, California 93386

(805) 366-3236

October 19, 1984

Mr. Harold Singer
Division of Technical Services
P.O. Box 100
Sacramento, CA 95801

RE: Adoption of Proposed Regulations Governing
Underground Storage of Hazardous Substances

Dear Mr. Singer,

It is with regret that I will be unable to attend the public hearing relating to the proposed regulations governing underground storage of hazardous substances. However, I would appreciate your consideration on the following concerns.

While none of us want to contaminate the underground water supply, the proposed regulations are not simple and appear to go far beyond the jurisdiction granted to the Board by the Act.

The proposed regulations, as they stand now, will likely cause enormous expenditures and threaten the survival of any company owning and operating underground tanks. The compliance date of July 1, 1985 is totally unrealistic as it does not allow for alternatives to be considered, let alone implemented.

The State Water Resources Control Board must consider the analysis and alternatives presented by others in implementing this act. We must work together in order to control the potentially immense costs that all will incur.

Sincerely,

H.F. COX, INC.



H.F. Cox
President

Received DTS

OCT 24 1984

(716) 322-1000

November 1, 1979

Mr. Larry H. Durkin
P. O. Box 307
Roseton, CO. 81773

Dear Mr. Durkin:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received before the comment period deadline of 4:00 p.m. October 27, 1979. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the proposed regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your comments. If you have any questions, please call our Underground Tank Section at (716) 322-1000.

Sincerely,

Edward G. Aron, Chief
Division of Technical Services

Enclosure



HS

THE DURHAM COMPANIES

SUBSIDIARIES

- Russell Transportation, Inc.
- Russell Transportation of Washington, Inc.
- Roadrunner Bus Sales & Services, Inc
- The Durham Leasing Company
- Durham Transportation Systems, Inc.
- Durham Stage Lines, Inc

October 24, 1984

State of California
Water Resources Control Board
P.O. Box 100
Sacramento, CA 95801

Dear Sirs:

This letter is in response to the proposed underground storage tank leak monitoring regulations.

After reviewing the proposed procedures and requirements for testing and monitoring existing tanks, we believe these measures go beyond those needed to accomplish a safe and clean environment.

If adopted as proposed, the costs to taxpayers, as well as to individuals and businesses directly affected, will be substantial.

These measures will not only increase the costs for those of us that store fuel underground, but for all who purchase fuel products as fuel prices rise to cover the cost of the monitoring requirements.

We are concerned that a safe and clean environment be maintained, but not with redundant requirements.

Sincerely,

THE DURHAM COMPANIES

Larry S. Durham
Larry S. Durham
President

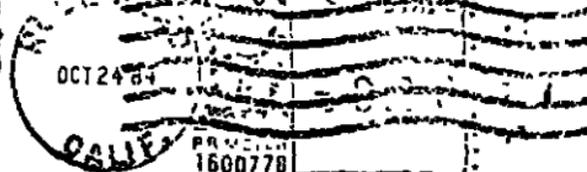
Received DTS

OCT 29 1984

/gp



THE DURHAM COMPANIES
P.O. BOX 457
ROSEMEAD, CA 91770



State Of California
Water Resources Control Board
P.O. Box 100
Sacramento, Ca. 95801



STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P O BOX 100
SACRAMENTO, CALIFORNIA 95801
(916) 322-0202



November 16, 1984

Mr. Thomas A. Dwelle
Nella Oil Co.
P.O. Box 3125
Auburn, CA 95604

Dear Mr. Dwelle:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

NELLA
OIL COMPANY

OCTOBER 19, 1984

MR. HAROLD SINGER
DIVISION OF TECHNICAL SERVICES
1416 NINTH ST.
SACRAMENTO, CA 95801

RE: COMMENTS ON IMPENDING REGS ON UNDERGROUND FUEL STORAGE TANKS.

DEAR MR. SINGER:

PLEASE ACCEPT MY PROFOUND CONCERN ON THE PROPOSED LEGISLATION GOVERNING UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES BY THE STATE WATER BOARD.

LET ME SAY AT THE OUTSET THAT I AM "FOR" THE SPIRIT AND INTENT OF THE CLEAN WATER MOVEMENT... HOWEVER, I HAVE TWO MAJOR PROBLEMS WITH THE PROBABLE COURSE OF REGULATION:

FIRSTLY, MANY MUNICIPALITIES WILL GO WELL BEYOND THE SPIRIT AND INTENT OF BILL #1362. WITNESS THAT CHICO, CA ORDINANCE NO. 1532, DEALING WITH THIS SUBJECT, IS 32 PAGES LONG. PLEASE INVESTIGATE THIS. I THINK THAT THIS THING IS OUT OF CONTROL, AND I ATTACH A LETTER THAT WAS SENT TO EACH COUNTY THAT WE MARKET IN.

THE OTHER POINT IS THE FINANCIAL IMPACT OF A CLEAN UP OF A "HISTORICAL RELEASE".

PLEASE UNDERSTAND THAT THERE IS A CERTAIN AMOUNT OF HYDROCARBON UNDERNEATH EACH AND EVERY TANK THAT HAS EVER BEEN INSTALLED. THERE HAS BEEN NO WAY TO PREVENT IT UP UNTIL NOW. WHAT I DON'T NEED IS HUGE CLEANUP EXPENSE ON TOP OF THE NEW TANK EXPENSE EVERY TIME I REPLACE AN OLD TANK WITH A STATE OF THE ARE REPLACEMENT. I INTEND TO DO THEM ALL...EVENTUALLY, AND I HOPE TO DO IT LOGICALLY, AND WITHIN THE LEGISLATION. THIS WILL BE EASY FOR ALL OF US IF THE LEGISLATION IS "REASONABLE". IF UNREASONABLE LEGISLATION IS ALLOWED TO PASS, FOR WHATEVER REASON, THE CHANCE OF SURVIVAL IS NOT GOOD FOR US...AND WE ARE IN FAR BETTER SHAPE THAN MOST. THE LITTLE PEOPLE WILL GO UNDER.

WE NEED YOUR HELP.

YOURS SINCERELY,


THOMAS A. DWELLE

ATCH

251 Auburn Ravine Rd # 208
P.O. Box 3125
Auburn, CA 95604
(916) 885-0401

Received DTS
NOV 8 1984

NELLA
OIL COMPANY

COPY

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
P.O. BOX 100
SACRAMENTO, CA 95801

JUNE 28, 1984

DEAR SIR/MADAM:

ATTACHED, PLEASE FIND A COPY OF THE UNDERGROUND TANK REGISTRATION FORMS FOR OUR 17 GASOLINE STATIONS. NOTE THAT THE INSTALLATION DATE IS MARKED "UNKNOWN" ON SOME TANKS. AN INVESTIGATION IS UNDERWAY, AND YOU WILL BE ADVISED OF ANY CORRECTIONS. INCLUDED IN THIS LETTER IS A SUMMARY OF CURRENT ACTION TO SATISFY THE RAMIFICACATIONS OF THE SHER BILL, AB 1362:

WE HAVE PURCHASED A KENT-MOORE "PETRO TITE" TANK TIGHTNESS TESTING UNIT, AND ARE IN THE PROCESS OF TESTING ALL TANKS. THIS WILL BE COMPLETE BY 1 JAN 1985.

WE PROPOSE TO CONDUCT A TIGHTNESS TEST EVERY THREE YEARS, UNLESS A PROBLEM IS INDICATED THROUGH THE COMPUTERIZED DAILY INVENTORY TANK RECAP PROGRAM, OR SOME OTHER MEANS. THIS PROGRAM HAS BEEN IN FORCE SINCE MAY 1982, AND WORKS WELL.

ALL GROUPS OF TANKS WILL BE FITTED WITH GROUND WATER MONITORING WELLS, AND ALL SUBMERGED TURBINE PUMPS (STP) SHOULD BE EQUIPPED WITH FUNCTIONING LEAK DETECTORS NLT 1 JANUARY 1985.

PROCEDURES ARE NOW IN EFFECT TO REPORT AND ACT ON ANY UNAUTHORIZED RELEASE OF HAZARDOUS MATERIAL.

A DETAILED PLAN OF ACTION IS BEING DRAFTED NOW, AND WILL BE PUBLISHED WHEN MORE IS KNOWN ABOUT THE VARIANCE BETWEEN COUNTIES/CITIES WITH REGARD TO THE SHER BILL.

LET ME STATE FORMALLY AT THIS TIME THAT, IN MY JUDGEMENT, THE SHER BILL IS BASICALLY A GOOD CONCEPT, BUT IT IS NOW "OUT OF CONTROL". ACCORDING TO MY INFORMATION, THERE HAS NEVER BEEN A RECORDED INSTANCE OF A CATHODICALLY PROTECTED STEEL TANK LEAK. THIS SEEMS TO BE A REASONABLE APPROACH TO ME. THE "DOUBLE WALL" TANK IS PROHIBITIVELY EXPENSIVE: \$13,700.00 VERSES \$4197.00 FOR A 12,000 GALLON DOUBLE WRAPPED STEEL TANK WITH CATHODIC PROTECTION. A SIMILAR DOUBLE WALL FIBERGLAS TANK IS \$12,583.00. PRICES ARE FOB CHICO, JUNE 1984.

I WILL BE GLAD TO PARTICIPATE IN ANY STATE, COUNTY OR CITY DISCUSSION GROUP ON THIS SUBJECT. THE MAJOR TANK MANUFACTURERS HAVE EXPRESSED A WILLINGNESS TO PARTICIPATE ALSO. PLEASE CALL IF I MAY BE OF ASSISTANCE.

YOURS SINCERELY,

/s/

THOMAS A. DWELLE

AG DEPT.

COPY TO COUNTY HEALTH DEPT: BUTTE; SUTTER; SACRAMENTO; PLACER; YUBA; COLUSA;
SUTTER; BUTTE; YUBA; COLUSA; BUTTE; YUBA; COLUSA; BUTTE; YUBA; COLUSA;
251 Auburn Ave. #208
P.O. Box 3125
Auburn, CA 95604
(916) 885-0401

NELLA

OIL COMPANY
P.O. Box 3125
Auburn, CA 95604



MR HAROLD SINGER
DIVISION OF TECHNICAL SERVICES
~~1416 NINTH ST.~~
SACRAMENTO, CA 95801

901 P Street

Water Resources,
Control Board

2. 11-20

11 LC

(916) 322-0202

November 9, 1984

Carroll School

Alan Fortenberry
19431 South Santa Fe Avenue
P. O. Box 4489
Compton, CA 90224-4489

Dear Mr. Fortenberry:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

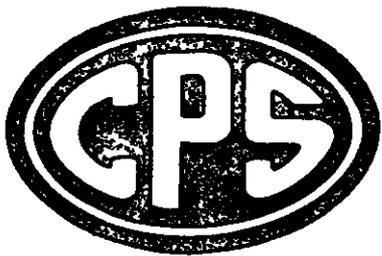
Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

HS



CALIFORNIA PRODUCTION SERVICE, INC.

October 29, 1984

Mr. Harold Singer
P.O. Box 100
Sacramento, CA 95801

Dear Mr. Singer:

Representing California Production Service, Inc., I would like to voice our concern over the recent passage of the Underground Storage of Hazardous Substances Act. Of greater concern are the proposed regulations that were prepared by the State Water Resources Control Board.

While our company is concerned with the protection of our environment, we feel that the proposed regulations governing the act would be too costly and burdensome for our organization.

In order to develop a set of viable regulations that will both protect the environment and be achievable by industry, California Production Service would like to urge you to look carefully at all of the proposed regulations as well as the alternatives proposed by the Western Oil and Gas Association and the California Independent Oil Marketers Association.

Sincerely,

Alan Fortenberry
Alan Fortenberry

AF/lc

Received DTS
OCT 31 1984

12 LC

(916) 322-0202

November 9, 1984

Mr. Ryan L. Gifford
Gifford Electric
400 - 30th Street
Bakersfield, CA 93301

Dear Mr. Gifford:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

Gifford Electric



FRANK GIFFORD

400 - 30th Street

Bakersfield, California 93301

Phone 325-2428

Harold Singer
Division of Technical Services
P.O.Box 100
Sacramento, California 95801

October 29, 1984

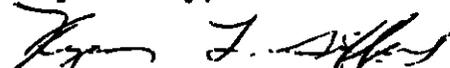
To Whom It May Concern;

We do have a storage tank for underground storage of gasoline and would definitely be affected by the proposed regulations of the Water Resource Control Board.

We feel that the regulations set forth by the Board should not go beyond the jurisdiction granted them by Bill 1362 or its intent. The cost incurred by a small business, such as ours, could be disastrous.

Please consider the analysis and alternatives presented by the CIOMA, WOGA, California Manufacturers Association and others.

Respectfully,


Ryan L. Gifford, President

cc

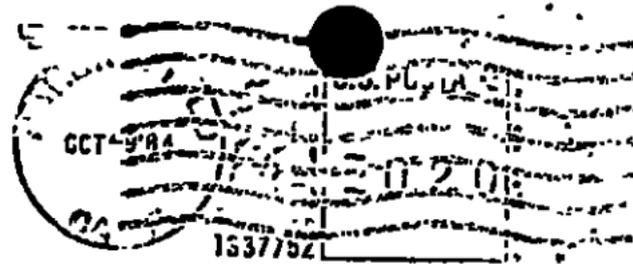
Received DTS

NOV 1 1984

GIFFORD ELECTRIC

400 30th Street

Bakersfield, California 93301



13 LC

(916) 322-0202

November 9, 1984

Mr. Dan Gudgel
1400 Boughton Drive
Bakersfield, CA 93308

Dear Mr. Gudgel:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 13, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

HS

Dan Gudgel
1400 Boughton Drive
Bakersfield, CA 93308

Harold Singer
Division of Technical Services
P.O. Box 100
Sacramento, CA 95801

Mr. Singer,

Although my views are strictly personal and do not reflect my employer's, my office does nonetheless have an underground storage tank for diesel fuel necessary for generator operation.

The adoption of proposed regulations governing underground storage of hazardous substances by the State of California Water Resources Control Board would have not just an adverse impact on this office's tank but I fear jeopardize many small businesses utilizing underground storage facilities. I urge that common sense be used in the formation of rules for compliance of the 'Hazardous Substances Act' as the financial well-being of many small businesses be endangered.

Sincerely,

Dan Gudgel
Meteorologist-in-Charge

Received DTS
NOV 1 1984



Harold Singer
Division of Technical Services
P.O. Box 100
Sacramento, CA 95801



STATE WATER RESOURCES CONTROL BOARD

PAUL R BONDERSON BUILDING
901 P STREET
P O BOX 100
SACRAMENTO, CALIFORNIA 95801



(916) 322-0202

November 16, 1984

Mr. John Giumarra, Jr.
Giumarra Vineyards
P.O. Bin 1969
Bakersfield, CA 93308

Dear Mr. Giumarra:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure



Giumarra

VINEYARDS

October 30, 1984

Mr. Harold Singer
Division of Technical Services
P.O. Box 100
Sacramento, CA 95801

Dear Mr. Singer:

Giumarra Vineyards is the largest grower, packer and shipper of table grapes in the United States and is the largest employer in Kern County with an employment exceeding 3,000.

As part of our operation we own and operate numerous underground storage tanks containing fuels and other substances.

It has come to our attention that the proposed regulations to the recently enacted Underground Storage of Hazardous Substances Act could impose such onerous restrictions and enormous expenditures on our company as to prevent it from continuing its operations.

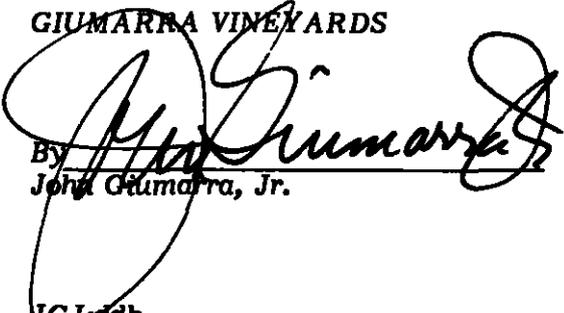
Being agriculturists we are particularly concerned about the environment in which we live and in which our crops are grown. But when the regulations being proposed clearly transcend the jurisdiction of the State Water Resources Control Board and when said regulations go beyond what is needed to maintain a clean environment and in so doing potentially jeopardize the financial resources of the companies involved, then it is our duty to protest against the adoption of the proposed regulations and to propose alternatives.

The alternatives we propose are those presented to the Board by the CIOMA, WOGA and CMA.

We trust that you will consider the unreasonable impact of the proposed regulations on California's agriculturists, which could in turn detrimentally affect the entire economy of the state, and adopt the alternatives we set forth above.

Sincerely yours,

GIUMARRA VINEYARDS

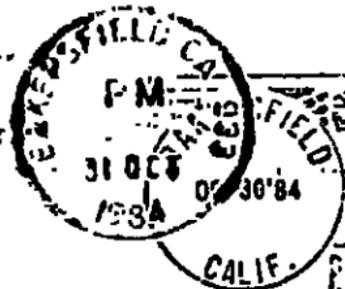
By 
John Giumarra, Jr.

JGJ:ddb
cc: Mr. Roy Koenig

Received DTS
NOV 5 1984



Gumarra
VINEYARDS



Mr. Harold Singer
Division of Technical Services
P.O. Box 100
Sacramento, CA 95801

*P.O. Box 1969
Bakersfield California 93308*

15 LC

(916) 322-0202

November 9, 1984

Mr. James E. Hatcher
62174 Cody Jr. Road
Bend, Oregon 97701

Dear Mr. Hatcher:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

H5

OIL RECOVERY EQUIPMENT

Specializing In Petroleum
And Chemical Spill Recovery Equipment
Sales and Service

62174 CODY JR. ROAD

BEND, OREGON 97701

TELEPHONE (503) 382-7070

October 26, 1984

State Water Resources
Control Board
P.O. Box 100
Sacramento, Ca 95801
Attn: Harold Singer
Division of Technical Services

Dear Mr. Singer,

In reference to your proposed Storage of Hazardous Substances for Underground Tank regulations, may I suggest the following modifications:

Page 3.7 Paragraph (f) should read - -
Pressurized piping systems that include an automatic, continuously operating pressure loss detection device are exempt from secondary containment requirements of this article. This detector shall be connected to a visual and audible alarm system unless it provides at least a 50 percent reduction from normal flow rates.

Page 3.8 Paragraph (4) should read - -
All pressurized piping systems shall be monitored utilizing an on-line pressure loss detection device. The detector shall be connected to a visual and audible alarm system unless it provides for at least a 50 percent reduction from normal flow rates.

Page 4.11 Paragraph (h) should read - -
All pressurized portions of an underground storage tank system shall be monitored utilizing an on-line detection device. The detector shall be connected to a visual and audible alarm system unless it provides at least 50 percent reduction from normal flow rates.

Explanations: Your wording makes flow restriction devices mandatory, a visual alarm alone is not sufficient to attract attention and I added the word (systems) to storage tank.

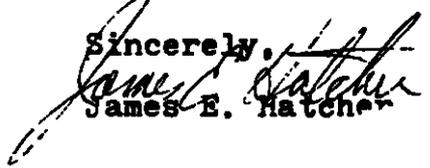
Page 3.18 Paragraph (f-1&2) should read - -
A level sensing device that continuously monitors the tank level in the tank and either (2) or (3) or both,
An audible and visual alarm triggered by a liquid level sensor to alert the operator of an impending overflow condition, or ---

Explanation: Your wording "indicates the liquid level" indicates a gauge is required which is far more expensive than a simple high level detector, and again a visual alarm alone is not sufficient to attract attention.

Call or write for any clarification on this subject.

Received DTS

OCT 29 1984

Sincerely,

James E. Hatcher

OIL RECOVERY EQUIPMENT.

62174 Cody Jr. Road
Bend, Oregon 97701



State Water Resources Control Board
P.O. Box 100
Sacramento, Ca 95801

Attn:
Harold Singer
Division of Technical Services



16 ll

(916) 322-0202

November 9, 1984

Mr. William C. Hazeleur
Shasta Mosquito Abatement District
P. O. Box 331
Redding, CA 96099

Dear Mr. Hazeleur:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

SHASTA MOSQUITO ABATEMENT DISTRICT

P.O. BOX 331
REDDING, CALIFORNIA 96099
TELEPHONE (916) 365-3768

2330 LATONA ROAD
ANDERSON, CALIFORNIA

October 19, 1984

Mr. Harold Singer
Division of Technical Services
State Water Resources Control Board
Post Office Box 100
Sacramento, CA 95801

SUBJECT: Regulations for Underground Storage of
Petroleum Products

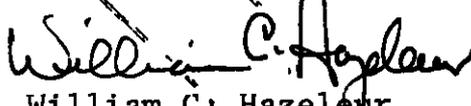
Dear Mr. Singer:

Our Agency (a governmental agency and special district of the County of Shasta) has heard of the proposed regulations regarding underground storage of petroleum products, and we are very concerned regarding the financial impact on our agency.

We further believe that the compliance date of July 1, 1985 for tank testing and possible installation of monitoring wells near our tanks is completely unrealistic.

We only recently heard of these proposed draft rules. Please keep us informed of further proposed regulations.

Yours truly,



William C. Hazeleur
Manager

WCH:11g

OCT 24 1984

BOARD OF TRUSTEES

LORENA GILL, President • JERRY SCHROEDER, Secretary • JOHN HENCRATT • HARVEY WALKER • WINIFRED WOODS
WILLIAM HAZELEUR, Manager

172C

(916) 322-0202

November 9, 1984

J. I. M. Trucking Corp
3811 Arden Dr.
El Monte, CA 91731

Dear Sir:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

J. I. M. TRUCKING CORP DH
3811 ARDEN DR
ELMONTE CA 91731 23AM

Western
Union **Mailgram**



4-0240738297003 10/23/84 ICS IPMBNGZ CSP SACB
2 8184431793 MGM TDBN ELMONTE CA 10-23 0115P EST

OCT 29 1984

*rec'd by
oug - J Richard*

MICHAEL CAMPAS, EXECUTIVE DIRECTOR
CALIFORNIA STATE WATER RESOURCES BOARD
901 P ST
SACRAMENTO CA 95814

THIS IS A CONFIRMATION COPY OF A TELEGRAM ADDRESSED TO YOU:

IN REGARDS TO TODAYS HEARING OF THE SHER BILL WE PROTEST. THIS BILL
WOULD PUT OUR SMALL COMPANY OUT OF BUSINESS

J. I. M. TRUCKING CORP
3811 ARDEN DR
ELMONTE CA 91731

13118 EST

MGMCOMP

STATE WATER RESOURCES CONTROL BOARD

PAUL R BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801



(916) 322-0202

November 16, 1984

Mr. J.C. Kuraisa
Bi-State Petroleum
Chevron U.S.A., Inc. Products
P.O. Box 554493277
Sparks, NV 95801

Dear Mr. Kuraisa:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure



BI-STATE PETROLEUM
Chevron U.S.A., Inc. Products
P.O. Box 5544 Sparks, Nevada 89432-5544
Phone (702) 359-5544

October 22, 1984

STATE WATER RESOURCES CONTROL BOARD
P.O. Box 100
Sacramento, CA. 95801

ATTENTION: Mr. Harold Singer - Division
of Technical Services

Gentlemen:

This letter is in regard to "the adoption of proposed regulations governing underground storage of hazardous substances."

While we, operating a small business in the state, want to do what is necessary to have a satisfactory environment, it appears the proposed regulation exact a tremendous cost to our customers. We are a distributor of motor vehicle fuels in the counties of El Dorado, Placer, and Nevada. We purchase products from Chevron U.S.A., Inc., and distribute them to a myriad of customers who own their own underground storage tanks - such as bakeries, dairies, food distributors, fire and police stations, school districts, garbage companies, utilities, marinas, ambulance companies and hospitals, federal and state agencies, taxi and car rental companies, etc. These customers do not look to a retail service station for their supplies because during a petroleum shortage such as we experienced twice in the last ten years, they simply can't rely on anything other than their own motor vehicle fuel dispensing facilities. If the cost of maintaining such storage prohibits them from so doing, then consider the chaos surrounding the few service stations open during a product shortage when you add the commercial vehicle fleet to the vehicles of the general public - all trying to get fuel. Our state's day-to-day activities will simply grind to a halt! Rural distributors such as us will no longer survive.

In reviewing your regulations and the assumptions used in the development thereof, we note you have assumed the average motor vehicle fuel tank has a capacity of 10,000 gallons and that 3 tanks are installed at each

Received DTB
OCT 26 1984

STATE WATER RESOURCES CONTROL BOARD

October 22, 1984

Page Two

facility. You are describing a service station. Very few of our customers fit your assumption, almost all of them have much smaller capacity tanks. They were buried underground because of the potential fire hazard and now these people will be required to spend thousands of dollars on monitoring wells, etc. Yet these types of small and medium sized businesses have not been found to be even a minor source of the state's groundwater contamination.

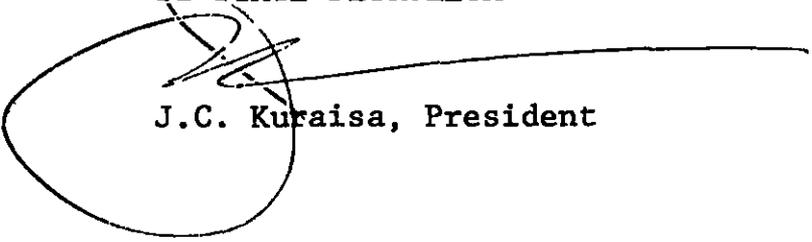
Our experience has been that these people fully understand the economic value of their supplies - which cost in excess of \$1.00 per gallon - and they investigate fully any suspected loss. This has been done historically by comparing their inventory plus their fuel deliveries with their consumption.

May we suggest the amendment of your proposed regulations as follows:

"Existing underground storage tank monitoring as applicable to motor vehicle fuel tanks of less than 10,000 gallons capacity used by activities other than at a retail service station open to the motoring public be satisfied with daily inventory controls and a reasonable tank testing period."

Sincerely,

BI-STATE PETROLEUM



J.C. Kuraisa, President

JCK:slh

(916) 322-0202

November 9, 1984

Madera Glass Co.
24441 Avenue 12
Madera, CA 93637

Dear Sir:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

19 LC

MGMCOMP
MADERA GLASS CO EB
24441 AVENUE 12
MADERA CA 93637 19AM

Western
Union **Mailgram**



4-8427538293 10/19/84 ICS IPMRNCZ CSP SACB
2096748861 MGMB TORN MADERA CA 54 10-19 0348P EST

Received DTS

OCT 25 1984

WATER RESOURCES CONTROL BOARD
981 P ST
PO BOX 100
SACRAMENTO CA 95801

WE HAVE REVIEWED THE PROPOSED TITLE 23 CHAPTER 3 SUBCHAPTER 16 (CAC) REGULATIONS. THE SHEER MAGNITUDE OF THIS PROGRAM WITH THE REQUIRED EXTRAORDINARY NUMBER OF BORINGS AND DRILLINGS WOULD SEEM TO PRESENT A SERIOUS HAZARD. THIS APPEARS TO BE A CASE OF REGULATIONS PROPOSED TO PROTECT AN ENVIRONMENTAL QUALITY, ACTUALLY CREATING ENVIRONMENTAL UNSOUND CONDITIONS.
MADERA GLASS CO

15150 EST

MGMCOMP

MAILGRAM
Postal Charges
PAID
Western Union

Western
Union **Mailgram**



THIS MAILGRAM MESSAGE WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

20 LC

(916) 322-0202

November 9, 1984

Mr. Pete McMillan
7001 Fruitvale Ext.
P. O. Box 5218
Bakersfield, CA 93308

Dear Mr. McMillan:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

GARY DRILLING COMPANY

7001 FRUITVALE EXT.
P.O. BOX 5218
BAKERSFIELD, CALIFORNIA
CONTRACTORS LICENSE 222619

October 29, 1984

Harold Singer
Division of Technical Services
P. O. Box 100
Sacramento, California 95801

Re: Proposed underground storage regulations

Dear Mr. Singer:

We are becoming increasingly concerned with the feasibility of compliance with the proposed regulations governing underground storage of hazardous substances.

The cost of testing and monitoring existing tanks is potentially burdensome to many in our industry, and the proposed time frame for compliance set forth in the suggested regulations could be fatal to some.

This is not to say that maintenance of a clean and safe environment is to be disregarded. Consideration must be given, however, to the effect of unjust impositions upon those to whom many look for their livelihoods. It must be understood, also, that any misconception or mismanagement of our natural resources in the past was due largely to lack of knowledge, and should not be construed as malicious intent.

It seems that the parameters of jurisdiction granted the Water Resource Control Board by the passage of Bill 1362 are clearly exceeded in these proposals and bear re-examination, in the interest of all concerned. There may be other, more plausible avenues of approach.

Respectfully,

GARY DRILLING COMPANY



Pete McMillan
Administrations Manager

Received DTS
OCT 31 1984

GARY DRILLING COMPANY

7001 FRUITVALE EXT.
BAKERSFIELD, CALIFORNIA 93308



Harold Singer
Division of Technical Services
P. O. Box 100
Sacramento, CA 95801



3. 21-30

22 CC

(916) 322-0202

November 9, 1984

Mr. J. F. Murphy
Pacific Bell
85 Second Street, Room 229
San Francisco, CA 94105

Dear Mr. Murphy:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

J. F. MURPHY
STAFF MANAGER

13
PACIFIC BELL

85 Second Street, Room 229
San Francisco CA 94105
Phone (415) 542-4788

October 23, 1984

Received DTS

OCT 25 1984

Harold Singer
Division of Technical Services
State Water Resources Control Board
P. O. Box 100
Sacramento, California 95801

Dear Mr. Singer,

The following comments have been prepared regarding the draft regulations dated 8/23/84 proposed to be adopted in Title 23 of the California Administrative Code for the control of underground storage of hazardous substances.

Thank you for providing us with the opportunity to comment on the proposed regulations. We have attached suggested amendments to the language as appropriate.

Some additional areas in which we have concern are of a general nature. The first involves the repeated reference in Articles 1 through 7 of the purpose of the regulations as protection of groundwater only. The current law was based on a concern for "contamination of the ground and underlying aquifers". This is reflected in Articles 8 & 9 which address "protect(ion) of the soil and...water." Our experience with prior laws involved confusion regarding jurisdictions when doubt existed that groundwater had been affected. Clearly, denoting that these regulations deal with any unauthorized release would eliminate this confusion.

Article 4 requires tank owners, who are unable to implement visual monitoring, to "implement each alternative monitoring method as specified..." This indicates a mandatory requirement to establish all of the monitoring methods outlined in all cases with stated exceptions. Conversely, the statute (Health and Safety Code Section 25284.1 (b)) states "Alternative methods of monitoring...may be required by the local agency..." The language of the regulations imposes requirements beyond the authority of the statute and denies the local agencies the flexibility to specify the extent of the monitoring.

Article 4 also requires perforated wells from the tank bottom to an unlimited depth 20 feet below the lowest known groundwater level. We have concern that such an arrangement provides a conduit across various potential sources of contamination. This could result in the unintentional transport of ground pollutants to the water and/or to the various strata transversed.

The monitoring criteria in Article 4 makes reference to a capability of measuring groundwater quality directly. This infers a substantial ability for quality analysis beyond that needed to determine if the facility had in any way affected or contaminated the water. The monitoring requirement should be limited to the detection of any unauthorized discharge. The detection of any other quality effects should not be burdened upon the facility owner.

We commend your fine efforts in this complex task and again thank you for this opportunity to participate. We share your concerns for the public health and welfare and look forward to a proper, reasonable, and effective program to address the underground storage problems.

If you wish to discuss any of these items, please feel free to call me.

Sincerely,



for J. F. Murphy
Staff Manager

Attachments

AMENDMENT #1

- o Section 2620, page 2.2, line 13, after "vehicles" insert:

"This definition includes tanks used to fuel stationary internal combustion engines for the purpose of providing standby power to service facilities including but not limited to hospitals, utilities and safety organizations."

REASON FOR THE AMENDMENT

The proposed definition of "Motor Vehicle Fuel Tank" specifies that the tank contain product primarily intended for a specific use, i.e., motor vehicle fuel. The references in the H&S Code were intended to specify what was contained in the tank, not necessarily associated with a specific use. A threatened hazard is associated with the type of material stored regardless of use. A motor vehicle fuel used for a stationary engine imposes no added threat to the environment than the same fuel (from the same original sources) used for the propulsion of a motor vehicle. Storage tanks for either purpose should enjoy the same flexibility in the application of the proposed regulations.

SUPPLEMENTAL NOTE ON SUPPORTING STATUTORY AUTHORITY

Authority section 25291(a)(7) and 25292(b)(3) of the Health and Safety Code, Chapter 1038 of the Statutes of 1984, "The design and construction of underground storage tanks for motor vehicle fuels need not meet the requirements of paragraphs (1) to (6) inclusive if all the following conditions exist."

AMENDMENT #2

- o Section 2634, page 3.10, line 6, after "gain of" strike out "50" and insert "100."

REASON FOR AMENDMENT

The benchmark of 50 gallons established for inventory control is unrealistic, especially when applied to the larger storage tanks. Climactic and atmospheric variances, e.g., temperature, tend to distort volume measurements and can easily imply a 50 gallon shortage. A benchmark of 100 gallons would allow for these variations and provide a more realistic indicator and trigger for further testing.

AMENDMENT #3

- o Section 2641, page 4.7, line 5, after "recordation" strike out "and reporting."

REASON FOR THE AMENDMENT

The regulation requires "recordation and reporting" of liquid levels. There is no statutory requirement for reporting levels at the time of inspection. There is some implied redundancy associated with recordation and reporting, since unless otherwise specified, recording is a form of reporting.

AMENDMENT #4

- o Section 2648, page 4.31, after line 10, insert "maintained on file and the well identification numbers shall be permanently affixed to the exterior of the surface security structure" and strike out all of lines 11, 12, and 13.

REASON FOR THE AMENDMENT

The requirement to "Permanently affix" detailed well information imposes an unrealistic demand to maintain an excessive amount of information at the well location, especially in the case of small wells. The appropriate place for this information shall be the same as required for all other documentation on a facility, i.e., permits, inspection reports, etc. The requirement should be for this information to be retained in file.

AMENDMENT #5

- o Section 2652(2)(b), page 5.6, line 4, after "agency" insert "and State" and after "Services" strike out "and the Regional Water Quality Control Board."

REASON FOR THE AMENDMENT

Statutory law requires that a spill be reported to the local agency. This is mandatory, not permissive. The law also requires the Office of Emergency Services (OES) prepare a report of releases. This necessitates some method of passing the information from the local agency to the state agency. Discussions with the OES indicate past problems in achieving universal reporting from local agencies, and they concur with a need for specific direction. Therefore, reference is needed for a state report of a spill. This is best accomplished by the responsible party who has first hand information. There is an established procedure whereby the OES will notify the Regional Water Quality Control Board when appropriate.

AMENDMENT #6

- o Section 2652(c)(3), page 5.6, line 13, after "to-date" strike out "and cost." Line 14, after "actions", insert "cost data may be included."

REASON FOR AMENDMENT

The requirement to report costs is not supported by statutory authority. Development of costs associated with a major project can involve extensive activity and can materially add to the costs of the project. Accumulation of this type of cost data has a beneficial aspect for an overall look at the cleanup program and a basis for future plans. However, it should not arbitrarily be imposed on a person, but rather should be permissive, allowing a person to report when the information is available or easily attainable.

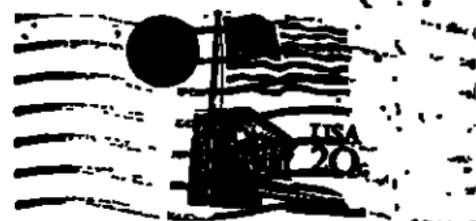
AMENDMENT #7

- o Section 2670(b), page 7, line 11, after "material" insert "within a reasonable time not to exceed two years."

REASON FOR AMENDMENT

The provisions in the regulation for a tank which is empty and in a nonoperable condition due to a delay in delivery of the refill product, establishes a potential loophole. Nothing is specified as to length of time between an empty and refilled tank. The two year "temporary closures" are precluded in the language. This could effectively result in the discharge of a tank and holding it, in an empty condition, for extensive periods.

PACIFIC  **BELL** J.F. MURPHY
#242, 85 Second Street
San Francisco, CA 94105



MR. HAROLD SINGER
DIVISION OF TECHNICAL SERVICES
STATE WATER RESOURCES CONTROL BOARD
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P O BOX 100
SACRAMENTO, CALIFORNIA 95801
(916) 322-0202

232C



November 16, 1984

Ms. Kathryn A. Nolan
San Diego Gas & Electric
P.O. Box 1831
San Diego, CA 92112

Dear Ms. Nolan:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure



San Diego Gas & Electric

Received

10/24

HSS

FILE NO SFH 300

October 23, 1984

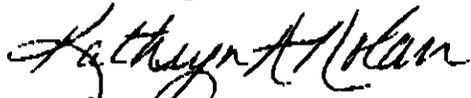
Mr. Harold Singer
Division of Technical Services
State Water Resources Control Board
P. O. Box 100, 901 "P" Street
Sacramento, CA 95801

Dear Mr. Singer:

The attached comments have been prepared regarding the draft Underground Tank Regulations, dated August 23, 1984, to be adopted under Subchapter 16, Title 23 of the California Administrative Code.

Thank you for providing us with the opportunity to comment on the proposed regulations.

Sincerely,


Kathryn A. Nolan
Engineer

KAN:mae

AMENDMENT #1

- o Section 2620, Page 2.2, line 13, after "vehicles" insert:

"This definition includes tanks used to fuel stationary engines and generators."

REASON FOR AMENDMENT

The material being stored (gasoline, diesel, etc.) should be considered in terms of its threat to the environment, and not pertain to its end use. A motor vehicle fuel used for a stationary engine imposes no added threat to the environment than the same fuel used for propulsion of motor vehicles. Storage tanks for either purpose should have the same flexibility in applications of proposed regulations.

AMENDMENT #2

- o Section 2620, Page 2.3, line 4, after "pipelines" insert:

"Which under normal operating conditions contains liquid and".

REASON FOR AMENDMENT

Pipelines used for venting, vapor recovery or other activities, which carrying of hazardous substances is not involved should not be included in the definitions.

AMENDMENT #3

- o Section 2634, Page 3.8, line 7, after "Article 4" insert:

"For the purposes of this section, daily shall mean any operating day."

REASON FOR AMENDMENT

This requirement should apply only on days which facilities are open for operation

AMENDMENT #4

- o Section 2634, Page 3.10, line 6, after "gain of" strike out "50" and insert "100."

REASON FOR AMENDMENT

A limit of 50 gallons used for inventory control is unrealistic, especially when applied to larger storage tanks. A limit of 100 gallons would be a more appropriate amount to indicate further testing.

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P O BOX 100
SACRAMENTO, CALIFORNIA 95801

(916) 322-0202



November 16, 1984

Mr. C. K. O'Neill
Gardiol, Inc.
236 West Forest Street
Coalinga, CA 93210

Dear Mr. O'Neill:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

HS

GARDIOL, INC. CONTRACTORS

LICENSE NO. 149865
236 WEST FOREST STREET AREA CODE 209 938-2072
COALINGA, CALIFORNIA 93210

October 29, 1984

Division of Technical Services
P.O. BOX 100
Sacramento, CA 95801

Attn: Harold Singer

Re: Adoption of proposed regulations governing
underground storage of hazardous substances
by the State Water Resource Control Board.

Dear Sir:

Each of us share a common concern that we shall provide for the protection of our ground water from contamination. There is no question that this must be done. That it will be done without destroying our economy does concern me since I have started to hear rumors of the proposed regulations.

It would seem to me that the filling of all abandoned tanks - as has been done - was a vital step in stemming this source of contamination. I would think that the loss of fuel from an active tank would be too costly for it to be a major source of problems.

I'm concerned for the effectiveness of the proposed Vadose Monitoring Wells. I wonder if - where a tank has been buried in heavy soil - the fumes from the product will migrate far enough to signal a leak. Even in sandy soil it appears the product would travel down ward much more rapidly than horizontally.

Historical spills have taken place in this community for years. The county and city - for years - mixed crude oil with the native soil in order to make roadways, parking lots, etc. If one ever started to dig up all the oils spills and contamination in this area it would look like an open mine. The cost would rapidly exceed the land value and the net worth of all business.

This is a serious problem. All regulations will necessarily have to be drafted and administered with a great deal of wisdom.

Sincerely,

C. K. O'Neill

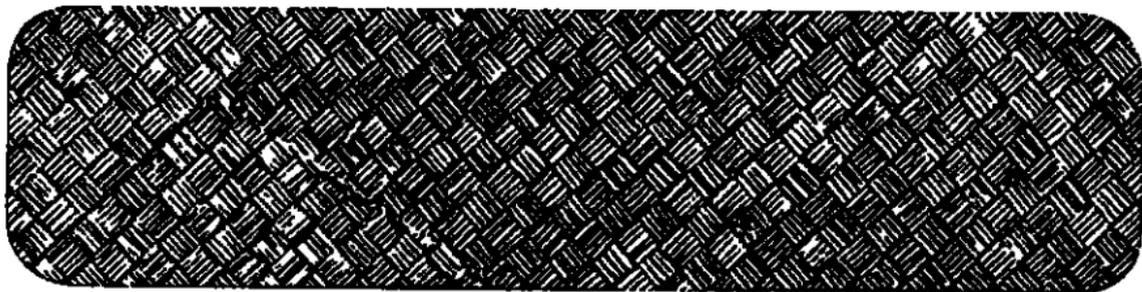
C.K. O'Neill
President

Received DTJ

OCT 31 1984

GARDIOL INC

236 West Forest
COALINGA, CALIFORNIA, 93210



25LC

(916) 322-0202

November 9, 1984

A. M. Park
P. O. Box 234
Coarsegold, CA 93614

Dear Sir:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

A M PARK
PO BOX 234
COARSEGOLD CA 93614 22AM

Western
Union **Mailgram**



4-0463178296 10/22/84 ICS IPMRNCZ CSP SACB
2096834162 MGMB TORN COARSEGOLD CA 78 10-22 0450P EST

Received DIS

OCT 25 1984

WATER RESOURCES CONTROL BOARD
PO BOX 100
SACRAMENTO CA 95801

RE REGULATIONS FOR UNDERGROUND TANK STORAGE OF HAZARDOUS MATERIALS

GENTLEMEN

REVIEW OF THE PROPOSED TITLE 23 CHAPTER 3 SUBCHAPTER 16 (CAC)
REGULATIONS HAS GENERATED SERIOUS CONCERN AMONG THE SERVICE STATION
OPERATORS IN OUR SMALL COMMUNITY AND PROPOSE THESE REGULATIONS WOULD
JUST PLAIN PUT US OUT OF BUSINESS. WE ARE DEFINITELY OPPOSED TO TITLE
23 CHAPTER 3 SUBCHAPTER 16 (CAC).

A M PARK
PO BOX 234
COARSEGOLD CA 93614

16152 EST

MGMCOMP

MAILGRAM
Postal Charges
PAID
Western Union

**Western
Union Mailgram**



THIS MAILGRAM MESSAGE WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

26 LC

(916) 322-0202

November 9, 1984

Mr. E. G. Perchtold,
Berchtold Equipment Company
P. O. Box 3098
Bakersfield, CA 93385

Dear Mr. Berchtold:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure



Berchtold Equipment Company

Mailing address: P. O. Box 3098, Bakersfield, CA 93385
Street address: 330 East 19th Street, Bakersfield, CA 93305
Phone (805) 323-7817

October 24, 1984

Mr. Harold Singer
Division of Technical Services
P. O. Box 100
Sacramento, CA 95801

SUBJECT: ADOPTION OF PROPOSED REGULATIONS GOVERNING UNDERGROUND
STORAGE OF HAZARDOUS SUBSTANCES BY THE STATE OF CALIFORNIA
WATER RESOURCE CONTROL BOARD.

Dear Mr. Singer:

These regulations should not go beyond the jurisdiction granted by Bill 1362. The tremendous financial impact on a company our size would be devastating. Most small business will be confronted with the same problem.

Sincerely,

BERCHTOLD EQUIPMENT COMPANY



E. W. Berchtold,
President

EGB/lz

Received DTS
OCT 29 1984

Berchtold Equipment Company
P. O. Box 3098
Bakersfield, CA 93385-3098



Mr. Harold Singer
Division of Technical Services
P O. Box 100
Sacramento, CA 95801



20 LC

(916) 322-0202

November 9, 1984

Mr. Robert L. Reese
Reese Sales Co.
P. O. Box 645
Bakersfield, CA 93302

Dear Mr. Reese:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

Reese Sales Co.

A CORPORATION

OIL WELL SPECIALTIESP. O. Box 645
Bakersfield, California 93302

October 31, 1984

Division of Technical Services
Box 100
Sacramento, Ca. 95801
Attn: Harold Singer

Gentlemen:

I have received some information regarding proposed regulations governing underground storage of hazardous substances. Your name was given as one to send comments regarding this.

As the President of a small oil field service company, I feel great concern about the possibility that if the regulations should go beyond the jurisdiction or intent of Bill 1362 there could be a great financial burden placed on our company and all others who have underground storage tanks. Even though we have only an underground gasoline tank for our vehicles to use it appears that costs could be exorbitant. It appears that the act specifies only a monitoring system to detect unauthorized releases and nothing regarding past or historical releases.

I certainly believe that controls of hazardous waste are necessary, however this appears to be both overly controlled with a high financial burden being imposed and not necessary.

Yours truly,

REESE SALES CO.

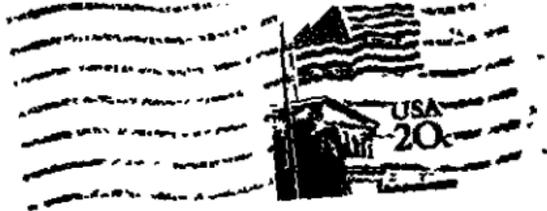
Robert L. Reese
President

RLR/sam

Received DTS

NOV 2 1984

*Reese Sales Co.
Well Stimulation Co.
Reese Vacuum Service*
P.O. BOX 645
BAKERSFIELD, CALIFORNIA 93302



Division of Technical Services
Box 100
Sacramento, Ca. 95801
Attn: Harold Singer

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801
(916) 322-0202



November 16, 1984

Mr. Don Reining, CAE
P.O. Box 40
South Pasadena, CA 91030

Dear Mr. Don Reining:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

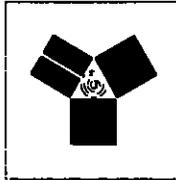
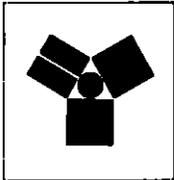
Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

Southern
California
Rock
Products
Association

Southern
California
Ready Mixed
Concrete
Association



OCT 29 1984

orig - J. Richards
Copies - Board
mac
WGP
ECA

October 23, 1984

Mr. Michael A. Campos
Executive Director
State Water Resources Control Board
Paul R. Bonderson Building
901 P Street
Sacramento, CA 95801

Dear Mr. Campos:

Attached on Blue Diamond Stationery is a review of Chapter 3, Subchapter 16 "Regulations for Storage of Hazardous Materials" written by R. R. Munro, Manager of Special Services for this firm.

Mr. Munro is Chairman of the Governmental Affairs Committee for the Southern California Rock Products and Ready Mixed Concrete Associations. We wish to go on record supporting his letter of September 26, 1984 with the comments expressed in his letter. If there are any questions, please advise.

Most sincerely,

Don Reining, CAE
President
S.C.R.P.A. - S.C.R.M.C.A.

DR:pls

Attachment



September 26, 1984

State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95801

RE: Draft Subchapter 16 Regulations

Gentlemen:

Enclosed are comments on the draft Subchapter 16 regulations. As you obviously recognize, the largest number of tanks affected hold gasoline and diesel fuel. Many of these tanks are controlled by relatively unsophisticated people. The complexity of these regulations will make it difficult for the local agency, which probably has limited personnel, to effectively administer them. It would seem helpful if they could be greatly simplified - particularly the monitoring regulations.

The fiscal impact statement estimates a very large cost, which must ultimately be paid by the public through higher prices or reduced services. There must be an evaluation that all of this cost really produces an identifiable improvement in safety of the water supply. I think some of the costs are really to answer an emotional concern for "pure water" and do not provide increased safety.

Very truly yours,

R. R. Munro
Manager of Special Services

RRM/gm

Enc.

CHAPTER 3
SUBCHAPTER 16
REGULATIONS FOR STORAGE OF HAZARDOUS MATERIALS

Article 3

The alternate construction and monitoring regulations for new motor fuel tanks (Sec 2633 and Sec 2634) seem much more complex than the general tank construction and monitoring regulations (Sec 2631 and Sec 2632). This complexity will make enforcement very difficult by the local agencies, and will make the owners uncertain about what to do and what has been accomplished.

Article 4 - Existing tank monitoring

In general, these monitoring regulations are very redundant. The operator must establish that there is no leakage from the tank - then that there has been no release into the vadose zone (even though the tank doesn't leak) - then that there has been no contamination of groundwater (even though the tank doesn't leak and there has been no release to the vadose zone). The rationale is that the tests are not perfect.

Taking the position that 3% of each type of test will give erroneous results, the redundancy then brings the erroneous results to $.03 \times .03 \times .03$ or .00027 or 0.0027% of the total. On the other hand, since it is the test itself that is uncertain, the combination of the three tests may not give any greater assurance than a single test.

The estimated cost, based upon the Fiscal Impact Statement, is as much as \$12,900 per tank and the annual cost as much as \$2,900 per tank for this redundancy. Does this expense really buy any greater assurance of ground water protection? I think the answer is clear that any additional assurance is minimal, at best.

The fact that even with the very substantial number of underground tanks in use, there have been relatively few examples of groundwater contamination shows that the vast majority of these installations have operated with reasonable security. The "overkill" of the redundant testing seems to be somewhat of an emotional response to a perceived massive threat to public health.

Testing to assure against leaking - Yes! Redundancy to satisfy emotion reactions - NO!

Section 2641(b)(4). Since this section exempts tanks from the visual monitoring requirement - apparently for a portion of the time - it would apparently require the institution of other, more expensive, monitoring for the balance of the time. Many facilities are manned only on a normal, 5 day per week, cycle. Since there will be no activity during the period when the facility is not manned, this requirement should be clarified to show that when a facility is manned on a normal work-week cycle, visual monitoring during that normal work-week cycle will be an adequate monitoring program and the other monitoring methods will not be required in this case.

Article 5

Section 2651(b)(2). Why is it necessary to report the clean up cost? All Water Resources should be concerned with is that the job is properly done.

Section 2652(b). " . . . within 24 hours after the release has been detected or should have been detected". The underlined phrase is not needed. It is simply an effort to substitute an office judgement by someone with no responsibility or authority for the operators judgement. This phrase should be removed.

Section 2652(c)(3). Why is it necessary to report the clean up cost? This really is not necessary for Water Resources protection.

Article 7

Section 2670(f). 45 days notice of intent to close a facility seems excessive. This could well be handled like a building permit where each phase must be "kept open" until it has been inspected and approved.

Article 8

Section 2672(b)(3). This section implies that underground piping removed from a tank system must be handled as hazardous waste. This seems to be "straining at gnats" in the case of motor fuel. The concentration of fuel that remains in the pipe would seem to be the same order of magnitude as the zinc which will enter the water system from galvanized pipe, or the chlorine residual in the water supply needed to establish that the bacteria have been killed.

General

There seems to be no way of recognizing some of the practical "facts of life" in these regulations. In the case of industrial motor fuel tanks, many - if not most - have been operated for significant periods of time with no paving around either the filler cap or the dispensing pump. There have undoubtedly been spills around these tanks which will be detected in soil samples, while the tank will be tested as secure. There must be some way of recognizing that such soil contamination, when the tank tests as secure, is historic, represents no immediate threat to the water system, and can remain in place until the tank is removed.

Although it is unpopular to say so, there is no such situation as "Zero Risk". Bulk storage, even underground, involves orders of magnitude less risk (in the overall sense) than storage in large numbers of small, easily spilled or punctured containers such as 55 gallon drums. It is clearly in the best interest of society to verify that the underground tanks are not leaking, and if one is found leaking, to remove it and cleanup what has leaked.

To sieze on the emotional issue of massive danger to our water supply and insist upon multiple tests because each test is not perfect does not seem to

be in the best overall interest of society. So long as the public is convinced that "someone else" is going to pay the price, there will be demands for absolute safety. The public water supply is not now, and never has been "pure". Whether the substance measured in the water supply is a "constituent" or a "contaminant" depends to a significant degree upon who is measuring, and whether the substance is natural or artificially added.

Florine is a case in point. In some parts of the county, it occurs naturally in the water at greater than recommended concentration. It is accepted, however. There is often a very negative reaction to artificially adding florine to the water supply.

The other issue that concerns me is concentration. Many industries are victims of improved laboratory techniques. When a substance is found in parts per billion concentration, when it could not be measured in parts per million, it must be "bad" and cleaned up. Do we repeat the process when parts per trillion or parts per quadrillion can be measured? There seems to be no provision in these draft regulations for realistically assessing at what concentration a substance poses a hazard to the water system. There must be a system of risk assessment built into the regulations.

Southern
California
Rock
Products
Association

Southern
California
Ready Mixed
Concrete
Association



OCT 29 1984

Aug - J Richards
Copies Board
mae
WV
ECA HS

See
More late
comments
Harold

October 23, 1984

Mr. Michael A. Campos
Executive Director
State Water Resources Control Board
Paul R. Bonderson Building
901 P Street
Sacramento, CA 95801

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Most sincerely,

Don Reining, CAE
President
S.C.R.P.A. - S.C.R.M.C.A.

DR:pls

Attachment

Received DTS
OCT 31 1984

A DIVISION OF SULLY-MILLER CONTRACTING CO.
A SUBSIDIARY OF KOPPERS CO., INC.

September 26, 1984

State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95801

RE: Draft Subchapter 16 Regulations

Gentlemen:

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R. R. Munro
Manager of Special Services

RRM/gm

Enc.

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SUBCHAPTER 16
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STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801
(916) 322-0202



November 16, 1984

Mr. Percy E. Roberts, Jr.
Pro-Ag, Inc.
2924 West Main Street
Visalia, CA 93277

Dear Mr. Roberts:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

PRO-AG, INC

AGRICULTURAL MANAGEMENT

2924 WEST MAIN STREET, VISALIA, CA 93277 / (209) 733-8111

October 23, 1984

State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95801
Attn: Harold Singer

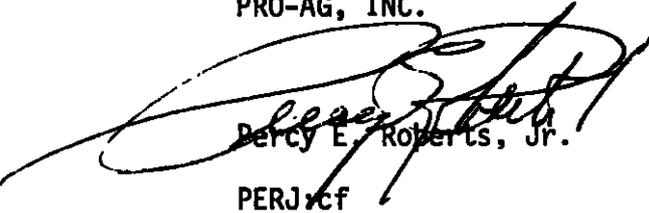
RE: Proposed Regulations
regarding underground
tank monitoring
regulations

Gentlemen:

Your proposed regulations for testing and/or monitoring existing underground tanks are oppressive and we object to them. The costs to tank owners of such regulations are an unjustified burden.

Sincerely,

PRO-AG, INC.



Percy E. Roberts, Jr.

PERJ:cf

Received DTS
OCT 25 1984

30 LC

(916) 322-0202

November 9, 1984

Stockton Transportation
2969 Loomis RD.
Stockton, CA 95205

Dear Sir:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

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Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

STOCKTON TRANSPORTATION MM
2969 LOOMIS RD
STOCKTON CA 95205 23AM

Western
Union **Mailgram**



4-0252718297003 10/23/84 ICS IPMBNGZ CSP SACB
2 2099481494 MGM TDBN STOCKTON CA 10-23 0129P EST

OCT 29 1984

*rec'd by
aug - J Richards*

MR. MICHAEL CAMPAS, EXECUTIVE DIRECTOR
CALIFORNIA STATE WATER RESOURCES BOARD
901 "P" ST
SACRAMENTO CA 95814

THIS IS A CONFIRMATION COPY OF A TELEGRAM ADDRESSED TO YOU:

IN REGARDS TO TODAY'S HEARING OF THE SHER BILL, WE PROTEST, THIS BILL
WOULD PUT OUR SMALL COMPANY OUT OF BUSINESS.

STOCKTON TRANSPORTATION
2969 LOOMIS ROAD STOCKTON CALIFORNIA 95205
2969 LOOMIS RD
STOCKTON CA 95205

13130 EST

MGMCOMP

2120

(916) 322-0202

November 9, 1984

Mr. Dan M. Morgan
P. O. Box 275
Springfield, Oregon 97477

Dear Mr. Morgan:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

HS



Weyerhaeuser Company

P.O. Box 275
Springfield, Oregon 97477
A/C 503 • 746-2511

October 26, 1984

State Water Resources Control Board
P. O. Box 100
Sacramento, California 95801

Attn: Harold Singer
Div. of Technical Services

Gentlemen:

Thank you for the opportunity to comment on the proposed Subchapter 16 regulations concerning design, construction and operation of underground storage tanks storing hazardous materials.

We have reviewed the comments submitted to the Board by the CMA. We agree entirely with these comments and sincerely hope that you will modify the rules accordingly.

In addition, we are concerned that the proposed rules treat all underground tanks the same, regardless of size, age, location or relative toxicity of the contents. It seems absurd to us to require extensive groundwater and vadose zone monitoring for a small gasoline tank, for example. We do agree that these measures may be justified in cases of an acutely toxic waste. In many cases, however, level monitoring with recordkeeping and notification requirements should be sufficient to protect groundwater damage.

Weyerhaeuser Company operates 11 facilities in California with a combined total of 35 underground fuel storage tanks. We are greatly concerned about the cost to operate these tanks under the proposed regulations. We estimate the per tank cost for the first year as follows:

- 3 wells and monitoring equipment - \$30,000/tank
(\$100/ft @ 100' in S. Calif.)
- 1 test bore & analysis - \$22,000
- Vadose zone monitoring - \$20,000
- Level Monitoring - \$5,000 per year
- TOTAL - \$73,000 or more first year per tank

received DIS
NOV 5 1984

Tank Inventory: (1) 300 gal; (2) 500 gal; (9) 1,000 gal;
(6) 3,000 gal; (4) 5,000 gal; (11) 10,000
gal; (1) 15,000 gal; (1) 30,000 gal.

This is a total cost of \$2,555,000 or more to be born by our California facilities to monitor all tanks regardless of size. Clearly this is an exorbitant expense when compared to the small increment in protection gained over a level monitoring program.

The expense is similarly excessive to replace these tanks with above-ground units:

Abandon each tank:

Cleaning-----\$3,300
Slant Bore & Test---\$6,000
Filling-----\$1,000

Sub Total \$10,300

New Above-Ground Tank
(average cost)-----\$20,000

TOTAL COST PER TANK: \$30,300

TOTAL COST FOR 35 TANKS: \$1,060,500

We hope that you will give these matters careful consideration and urge you to modify the proposed rules as suggested by the CMA.

Sincerely,


DAN M. MORGAN
ENVIRONMENTALIST

DMM/pa

cc: Jerry Bollen (11)
Floyd Smith (Alameda, Cal.)
Mike Zarate, John Catlin, Rich Memmer (Anaheim, Cal.)
Dar Rosito (Colton, California)
Douglas Amsden, Peter Kwoon (Dublin, California)
Dave Wardel (La Puente, California)
Rudy Espinoza (Modesto, California)
Bob Reese (Ontario, California)
Russell Asp (Salinas, California)
George Gutman (Santa Ana, California)

(cont'd)

State Water Resources Control Board
October 26, 1984

Page 3

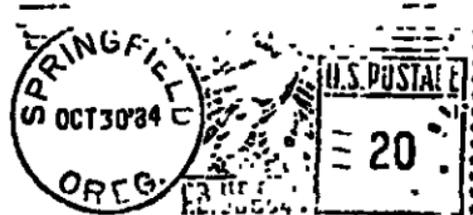
cc: (continued)

Paul J. Sauro (Santa Paula, California)
Margie Friday (Vacaville, California)
Dave Nicholson (CH 3D 23)
Walter G. Paulson (CH 3 K 26)
Ray G. Westenhause (WTC 1 B 34)



Weyerhaeuser Company

Springfield, Oregon 97477



State Water Resources Control Board
P. O. Box 100
Sacramento, California 95801

Attn: Harold Singer
Div. of Technical Services

4. 31-43

30. LC

(916) 322-0202

November 9, 1984

Mr. R. O. Sutherland, Jr.
Auburn Keylock
P. O. Box 1542
Auburn, CA 95603

Dear Mr. Sutherland, JR.:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

AUBURN KEYLOCK

P. O. BOX 1542
AUBURN, CALIFORNIA 95603
PHONE: (916) 885-7773

HLS

10/22/84

Mr. Harold Singer
Division of Technical Services
P.O. Box 100
Sacramento, CA 95801

Re; Proposed Regulation by
Calif. H2) Resource Board
Re: Under ground storage
tanks.

Mr. Harold Singer:

Dear Sir,

We all want a clean underground water supply.

But we feel these proposed regulations are so restrictive that only the major companies will be able financially to pay these costs. Especially the site-monitoring system and the possibility of a 200 foot test well, would force many independent service station operators out of business.

I feel this needs more study, to come up with some alternative methods of monitoring. A system or device that wouldn't force any more small businesses, out of business.

Sincerely,



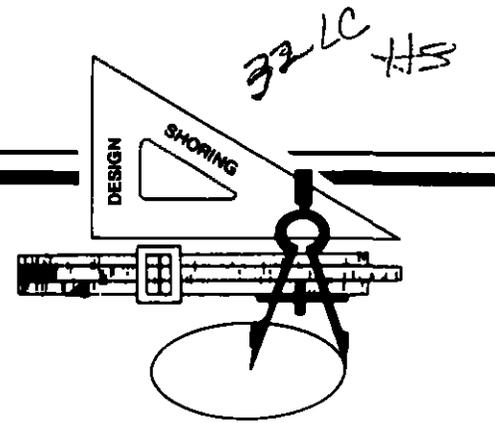
Auburn Card Lock
R.D. Sutherland, Jr.

Received 10/23

OCT 24 1984

CAL/EX ENGINEERING CO.

JOINT VENTURE
A GENERAL ENGINEERING CONTRACTOR
Licence # 420054A



State Water Resource Board
P.O. Box 100
Sacramento, California 95801
Mr. Harold Singer

October 22, 1984

Dear Mr. Singer

I am writing you this letter to say that Calnex Engineering Company is not supporting the Sher Bill. This bill would prove to be very costly to all small and large construction companies. For economic reasons we have our own underground diesel fuel tanks. Since we are primarily engaged in earth work, it is imperative that we have our own fuel supply. After a piece of equipment is worked all day the operator must service and fuel it so that it is ready to work the next day. Since the fuel is only used for off highway use it is not beneficial for us to buy fuel at the retail level.

We now have two ten thousand gallon fuel tanks in the ground. They have been there for approximately five years. With this bill you would expect us to test the ground, remove any contaminated material that might be found, and install a monitoring device. Who or what is going to help offset these costs?

At present we measure our tanks twice weekly to check for leaks and to regulate our fuel consumption. There seems to be no evidence of leakage at this time.

Once again, Calnex Engineering Company does not support the Sher Bill.

Sincerely,


Julie A. Thomas
Partner

JAT/jb

Received 10/25

OCT 25 1984

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BOND-ERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801



(916) 322-0202

November 15, 1984

Mr. Thomas Y. To
County of Yolo
10 Cottonwood St.
Woodland, CA 95695

Dear Mr. To

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

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Edward C. Anton, Chief
Division of Technical Services

Enclosure

DEPARTMENT OF PUBLIC HEALTH

Environmental Health Services

COUNTY OF YOLO

HEALTH SERVICES AGENCY

TOM URAM - HEALTH AGENCY ADMINISTRATOR

ALCOHOL AND DRUG • MENTAL HEALTH • PUBLIC HEALTH

ROBERT O BATES, Jr. M D - DIRECTOR OF PUBLIC HEALTH
THOMAS Y TO. - CHIEF, ENVIRONMENTAL HEALTH



YOLO GENERAL HOSPITAL

- 10 COTTONWOOD ST • WOODLAND, CA 95695
(916) 866-8646
- 1520 MCKLEY • W. SACRAMENTO, CA 95891
(916) 372-3700
- 204 F ST. • DAVIS, CA 95616
(916) 758-6310

October 23, 1984

Harold Singer
Division of Technical Services
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95801

Dear Mr. Singer:

The following are our comments on the proposed regulation governing underground storage of hazardous substances.

Article 3, Section 2632e: Requiring electronic equipment is excessive, expensive, and unnecessary, especially for gasoline stations. A weekly visual check of monitoring wells or the interstitial space would reveal contamination as soon as these devices will. Electronic devices are subject to mechanical as well as power failures, so they are not a "fool proof" method. The statute requires a monitoring system capable of detecting leaks. It seems unreasonable to preclude personnel as a method of monitoring.

Article 3, Section 2633f: Pressurized piping is the greatest source of leaks for gasoline facilities. The proposed regulations base no allowance for testing and calibration of these flow restriction devices. Personal experience has shown operators to have "gutted" these devices so that they no longer work. Since these are important devices, a requirement for routine testing is essential.

Article 3, Section 2634(3): Requires new tanks to be tested every two years whereas Article 4, Section 2642(d) permits a less rigorous schedule for existing tanks. This is illogical since the new tanks have some form of secondary containment and the more potentially hazardous old tanks do not.

Article 4, Section 2645: A vadose monitoring system will be rendered useless on an existing system unless overfill protection is required. With a highly volatile substance such as gasoline, even a few gallons spilled could affect vapor monitors. Even residual from past spills may affect them.

Article 4, Section 2647: Assurance ground water monitoring is excessive, expensive and dangerous. Improperly constructed wells may provide a conduit for contamination to affect drinking water aquifers. The multiple system of tank testing inventory and vadose monitoring is more than adequate to detect leakage.

Received DTS
OCT 25 1984

Article 7, Section 2670c and 2671c: Continued monitoring of an inactive, empty tank is a waste of energy for the regulatory agency and the tank owner. For a person to inactivate the tank, all residual hazardous materials must be removed first. If they are removed, why should leak monitoring continue? Also these sections would require tanks currently inactive and currently at the time these regulations go into effect would have to go to the expense of installing the monitoring wells. That negates the reasoning for the two year inactive status if people have to install the monitoring system were to have an inactive tank, they will not be able to even consider keeping the tank.

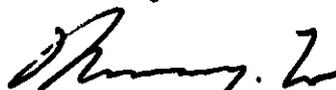
Article 7, Section 2672c(2): Requiring all piping to be disposed of as hazardous waste is an overburden to hazardous waste disposal sites, is expensive, and is an illogical conclusion. The piping exists to transfer the product, not absorb it. Cleaning ought to at least be allowed as it is for the tanks (Section 2672b(3)).

Article 10, Section 2711b(1-6): This is repetitive information already provided for the Water Board through the registration program. An exemption ought to be provided for these sections to people who have already registered.

Article 10, Section 2712h(2): This section requires that the tank permit cannot be issued unless the monitoring requirements are satisfactory. Section 2642(d) allows the initial tank test to be done within one year of the permit issuance. These statements conflict.

In summary, we view these regulations as excessive and unreasonable interpretations of existing statute. Provision for performance standards would be much wiser to allow for new technology. Obviously, true cost has not been considered in preparing these regulations. The small business owner will be severely impacted. Variance should be allowed for small tank owners since they can not affect the environment as severely as a gas station could. Excessive cost imposed upon the owner will cause serious repercussion on local fee ordinances necessary to fund local agency operation. We hope you will view our comments with reason and modify the proposed regulations accordingly.

Sincerely,



Thomas Y. To, Chief
Environmental Health

TYT:jp
cc: Mark Cameron

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801
(916) 322-0202



November 16, 1984

Vargas Oakhurst CA
P.O. Box 41441 HWY 41
Oakhurst, CA 93644

Dear Sir:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

VANGAS OAKHURST CALIFORNIA
PB 41441 HWY 41
OAKHURST CA 93644 22AM

Western
Union **Mailgram**



4-8404069296002 10/22/84 ICS IPMRNCZ CSP SACB
2 2096835634 MGM TDRN OAKHURST CA 10-22 0343P EST

Received DTG:

OCT 25 1984

WATER RESOURCES CONTROL BOARD
901 P ST
SACRAMENTO CA 95801

THIS IS A CONFIRMATION COPY OF A TELEGRAM ADDRESSED TO YOU:

WE ARE OPPOSED TO THE PROPOSED TITLE 23 CHAPTER 3 SUBCHAPTER 16
REGULATIONS ON UNDERGROUND TANK STORAGE,
VANGAS OAKHURST CALIFORNIA

15145 EST

MGMCOMP

Handwritten mark resembling a stylized '1' or 'L' with a horizontal line below it.

5241 (R 7/82)

TO REPLY BY MAIL GRAM MESSAGE, PHONE WESTERN UNION ANY DAY

FOR YOUR LOCAL NUMBER, SEE THE

OF YOUR LOCAL TELEPHONE DIRECTORY

OR

DIAL (TOLL FREE) 800-257-2211

OR DIAL WESTERN UNION'S COMPUTER DIRECTLY

FROM TELEX 1..... 5151 FROM TELEX 1..... 210

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**Western
Union Mailgram**



THIS MAILGRAM MESSAGE WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

35 LC

(916) 322-0202

November 9, 1984

Mr. Richard Venturino
Multi-Media Advertising
2603 "G" Street, Suite 201
P. O. Box 6609
Bakersfield, CA 93386

Dear Mr. Venturino:

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure



MULTI-MEDIA ADVERTISING
2603 "G" Street, Suite 201
P.O. Box 6609
Bakersfield, CA 93386
(805) 323-7589

7/22

October 28, 1984

Harold Singer
Division of Technical Services
P.O. Box 100
Sacramento, CA 95801

Dear Mr. Singer:

I have been asked by a client to study the proposed regulations prepared by the State Water Resources Control Board to implement the recently passed Underground Storage of Hazardous Substances Act.

After some discussion with people directly involved in businesses affected by the Act and proposed regs, I feel the regs should not be adopted.

In addition to the apparent redundancy created by the regs, the financial impact, as I understand it, would be felt far beyond the direct business that comes under the Act. As a taxpayer, I cannot condone more government created expense in the name of achieving clean air and a more healthy environment.

Please consider these comments as my opposition to the adoption of the proposed Regulations proposed by the State Water Resources Control Board.

Sincerely,

A handwritten signature in cursive script that reads "Richard Venturino".

Richard Venturino

mma/84

Received D15

NOV 1 1984



MULTI-MEDIA ADVERTISING

2603 "G" Street, Suite 201

P.O. Box 6609

Bakersfield, CA 93386

(805) 323-7589



Harold Singer
Division of Technical Services
P.O. Box 100
Sacramento, CA 95801



STATE WATER RESOURCES CONTROL BOARD

PAUL R BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801
(916) 322-0202

36 LC



November 16, 1984

F. Fugitt Farming Co
RTE 7 Box 468
Bakersfield, CA 93311

Dear Sirs: .

Your comments on the proposed regulations for storage of hazardous substances in underground containers were received after the comment period deadline of 5:00 p.m. October 23, 1984. Therefore your comments will not be part of the public record and will not be responded to in the final Statement of Reasons that will accompany the adopted regulations. However, your comments will be added to the rulemaking file. In addition, a copy of the revised regulations that will be considered by the State Water Resources Control Board is being sent to you.

Thank you for your concern. If you have any questions, please call our Underground Tank Section at (916) 324-1262.

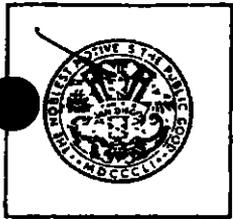
Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

HJS

37LC



COUNTY OF SAN DIEGO

DEPARTMENT OF HEALTH SERVICES

1700 Pacific Highway, San Diego, CA 92101

JAMES A. FORDE, Director

CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
Oct 17 1984

DIVISION OF ENVIRONMENTAL HEALTH PROTECTION
(619) 236-2243

September 27, 1984

Harold Singer
Division of Technical Services
State Water Resources Control Board
P.O.Box 100
Sacramento, CA. 95801

Dear Mr. Singer:

We have recently received the proposed regulations governing underground storage of hazardous substances developed by your agency. We understand that the public comment period for these draft regulations extends to October 23, 1984. Although we will be submitting detailed comments on specific technical points of the draft regulations in a subsequent letter, we offer the following general preliminary comments.

This Department enthusiastically endorses the primary purpose of the Sher Bill and the draft regulations which is to protect groundwater resources. We have experienced a number of problems from leaky underground tanks in San Diego County and firmly support the need for routine tank testing and monitoring. We further support the concept of encouraging owners of existing tanks to carefully evaluate their underground storage needs in view of their new responsibilities under the law and regulations. Many tank owners, we feel, will choose to either replace their existing single walled tanks with new secondary containment systems or abandon underground storage altogether.

Our major area of concern in the draft regulations is Article 4, "Existing Underground Storage Tank Monitoring Criteria". This article requires a very comprehensive, multi-faceted monitoring program for every existing underground tank, regardless of the existing or potential future uses of the groundwater or the specific hazardous material stored. The monitoring required is designed to give a very high level of confidence in detecting past, present and future leaks. Such an ambitious, duplicative, monitoring program is being imposed on tank owners that, for the most part, have never before been asked to monitor their tanks in any way. Tank ownership under these regulations is very expensive even when there may be no useable groundwater to protect. The Fiscal Impact Statement that accompanies the draft regulations provides estimates of the dollar costs to implement the regulation. For existing underground storage tanks, the initial cost to the owner to comply with the proposed monitoring requirements is estimated to range from \$3,600 to \$14,700 per tank. Estimated annual operating costs range from \$3,200 to \$6,160 per tank.

September 27, 1984

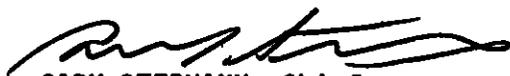
We anticipate a debate in San Diego County of the costs versus the benefits of implementing the monitoring program proposed in the draft regulation. The debate must consider that the cost of monitoring may be very slight compared to the cost of cleaning up a leak from an underground tank or contaminating a water supply. A further point to consider is that when the tank owner is not financially able to bear the cost of a clean up, the cost may be borne by the public. Whenever a clean up is required, however, the extent of the clean up is at least in part related to the existing and potential future uses of the groundwater, whereas the monitoring systems required in the draft regulation are independent of groundwater quality and uses.

In San Diego County, there are some areas where no existing nor potential future uses of the groundwater have been identified in the Basin Plan, and other areas with only limited uses identified. We strongly agree that every existing tank must be monitored and that a reasonable level of confidence in the monitoring program must exist. We submit, however, that the cost to obtain the very high level of confidence in leak detection afforded by the monitoring program outlined in the draft regulations may not be justifiable in all areas of the County or for all materials defined as hazardous substances. The variance procedures outlined in the regulations offer the only mechanisms for approval of a less comprehensive monitoring program. With a proposed process fee of \$26,000 for a categorical variance and \$7,750 for a site specific variance, however, the variance procedure offers slight relief for most small businesses.

We sincerely appreciate the time and expertise you and your staff have devoted to the regulations and look forward to your response to our comments.

Please contact Mr. Larry Aker, Manager, Hazardous Materials Management Unit, at (619) 236-2222 if you have any questions regarding the above.

Sincerely,



GARY STEPHANY, Chief
Division of Environmental Health Protection

GS:VG:mb

cc: James A. Forde
Donald G. Ramras, M.D.
RWQCB

THRIFTY OIL CO.

386C

Aug. John Richards

OCT 26 1984 rec'd by

Copies - Board

Mac

WBP

~~Anton~~

Singer

October 24, 1984

Harder

~~RS~~

HS

*Harold - I presume
we can accept
the correction,
but not the other
comments -*

RS

John E. Elgin, Senior Vice President-Finance

Michael A. Campos
Executive Director
State Water Resources Control Board
Paul R. Bonderson Building
901 P Street
Sacramento, California 95801

Re: Regulation of Underground
Storage of Hazardous
Substances

Dear Mr. Campos:

I had the opportunity to testify late in the day at yesterday's public hearing regarding the proposed regulations for underground storage of hazardous substances. In the course of reviewing a copy of my written comments while I was delivering oral testimony, one of the Board members noted that some language was missing from the bottom of the third page. I agreed, noting that the line had inadvertently been dropped off by our Word Processing system. Accordingly, I enclose herewith corrected copies of my comments for distribution to members of the Board and your staff. I appreciate your cooperation in this matter and apologize for any confusion which may have occurred.

I would also like to take this opportunity to offer some comments with respect to what would constitute a practical set of guidelines for the daily reconciliation of storage tank inventories with deliveries and sales. As I noted at the hearing, because Thrifty company-operates its stations, it already

Received DTS

OCT 30 1984



Michael A. Campos
State Water Resources Control Board
Regulation of Underground Storage
of Hazardous Substances
October 24, 1984
Page 2

has such controls in place. Stringent inventory controls simply represent prudent business judgement. While such controls provide an excellent early warning system, they cannot be as fine-tuned as suggested in Section 2643 of the proposed regulations. Standards this strict will trigger 99% false alarms and thus not be truly effective.

In this regard, permit me to offer a few practical suggestions:

- The 1/8" measurement standard is too precise. A 1/4" standard is more reasonable for the following reasons:

- Tank sticks are only calibrated to the nearest 1/4"
- Manufacturers' tank charts are only calibrated to the nearest 1" (See attached charts). However, more precisely calibrated charts no doubt can be obtained.
- The requirement for double sticking is excellent.

- The allowable daily variance of ± 50 gallons is too exact. A ± 250 variance is more realistic for the following reasons:

- In a 20,000 gallon tank a 1/2" sticking error would produce an error of 125 gallons (note that the larger the tank, the larger the error from an imprecise stick reading).

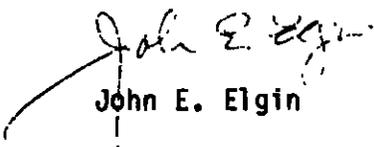
Michael A. Campos
State Water Resources Control Board
Regulation of Underground Storage
of Hazardous Substances
October 24, 1984
Page 3

° Temperature variations between the delivery terminal and underground tank can account for a volume differential of up to 100 gallons. Note that while gasoline is metered at the terminal at one temperature, it is not metered upon delivery to the station at a changed temperature.

- The weekly and monthly allowable variances appear reasonable.
- Costly investigation should only be mandated if the allowable weekly variance is exceeded.

I thank you in advance for your consideration of these comments and would be happy to respond to any questions which you may have on these or any other matters.

Best Regards,


John E. Elgin

JEE/klg
Enclosure

cc: Tom Flesh
Pete D'Amico



1189 INDUSTRIAL AVENUE
 ESCONDIDO, CALIFORNIA 92025
 PHONE (714) 745-0971

CALIBRATION CHART
 for 9'-6" Dia. x 38' shell length
 20,000 Gal. Horizontal Tank

<u>Depth in Inches</u>	<u>Gallons</u>	<u>Depth in Inches</u>	<u>Gallons</u>	<u>Depth in Inches</u>	<u>Gallons</u>
114	20,148	74	13,842	34	5,043
113	20,120	73	13,627	33	4,838
112	20,110	72	13,410	32	4,634
111	20,003	71	13,193	31	4,433
110	19,926	70	12,974	30	4,225
109	19,838	69	12,755	29	4,036
108	19,742	68	12,534	28	3,842
107	19,638	67	12,313	27	3,649
106	19,526	66	12,091	26	3,459
105	19,408	65	11,869	25	3,272
104	19,283	64	11,645	24	3,087
103	19,153	63	11,422	23	2,905
102	19,082	62	11,198	22	2,725
101	18,887	61	10,974	21	2,549
100	18,732	60	10,749	20	2,380
99	18,582	59	10,524	19	2,207
98	18,428	58	10,299	18	2,042
97	18,269	57	10,074	17	1,878
96	18,107	56	9,850	16	1,721
95	17,941	55	9,624	15	1,566
94	17,768	54	9,400	14	1,416
93	17,600	53	9,175	13	1,271
92	17,425	52	8,950	12	1,130
91	17,244	51	8,727	11	995
90	17,062	50	8,503	10	865
89	16,877	49	8,280	9	740
88	16,690	48	8,058	8	622
87	16,500	47	7,833	7	510
86	16,307	46	7,615	6	404
85	16,112	45	7,394	5	310
84	15,915	44	7,175	4	222
83	15,715	43	6,955	3	145
82	15,514	42	6,738	2	79
81	15,311	41	6,522	1	28
80	15,106	40	6,306		
79	14,899	39	6,092		
78	14,691	38	5,879		
77	14,480	37	5,668		
76	14,270	36	5,458		
75	14,057	35	5,249		

**RHEEM MANUFACTURING COMPANY
RICHMOND PLANT**

**CALIBRATION CHART IN GALLONS FOR
10,000-gallon Horizontal U.G.S.T.
96" O.D. x 326" Overall**

Liquid Depth Inches	Capacity Gallons	Liquid Depth Inches	Capacity Gallons	Liquid Depth Inches	Capacity Gallons
95½	10029	64	7146	32	2948
95	10023	63	7020	31	2822
94	9998	62	6893	30	2698
93	9959	61	6765	29	2574
92	9913	60	6636	28	2451
91	9859	59	6506	27	2330
90	9798	58	6376	26	2211
89	9735	57	6245	25	2092
88	9665	56	6114	24	1976
87	9591	55	5982	23	1860
86	9513	54	5849	22	1747
85	9432	53	5716	21	1635
84	9346	52	5583	20	1525
83	9257	51	5450	19	1418
82	9165	50	5317	18	1312
81	9071	49	5183	17	1208
80	8974	48	5049	16	1107
79	8874	47	4915	15	1009
78	8771	46	4781	14	913
77	8667	45	4648	13	819
76	8560	44	4515	12	729
75	8451	43	4382	11	642
74	8341	42	4249	10	558
73	8228	41	4116	9	478
72	8114	40	3984	8	402
71	7998	39	3852	7	330
70	7880	38	3721	6	263
69	7761	37	3590	5	201
68	7640	36	3460	4	144
67	7519	35	3331	3	94
66	7396	34	3202	2	51
65	7271	33	3075	1	18

CALIBRATION CHART IN GALLONS FOR HORIZONTAL U.G.S.T.
10,000-gallon tank - 96" O.D. x 326" Overall.

NO. RE-UGC-15

Rheem

BURCHER TANK & WELDING WORKS

8000 GALLON TANK GAUGE CHART

95" I.D. x 262" Shell with Flat Heads

Dept in Inches	Capacity in Gallons	Dept in Inches	Capacity in Gallons	Dept in Inches	Capacity in Gallons	Dept in Inches	Capacity in Gallons
1	15	26	1807	51	4451	76	6980
2	42	27	1905	52	4560	77	7067
3	77	28	2004	53	4668	78	7151
4	118	29	2104	54	4776	79	7234
5	164	30	2204	55	4884	80	7314
6	215	31	2307	56	4992	81	7393
7	270	32	2409	57	5099	82	7469
8	329	33	2513	58	5206	83	7543
9	391	34	2617	59	5312	84	7614
10	457	35	2722	60	5417	85	7682
11	525	36	2827	61	5522	86	7748
12	596	37	2934	62	5626	87	7810
13	670	38	3040	63	5730	88	7869
14	746	39	3147	64	5833	89	7924
15	825	40	3254	65	5934	90	7975
16	905	41	3363	66	6035	91	8021
17	988	42	3471	67	6135	92	8062
18	1072	43	3579	68	6234	93	8097
19	1159	44	3688	69	6332	94	8124
20	1247	45	3797	70	6429	95	8139
21	1337	46	3906	71	6524		
22	1428	47	4015	72	6618		
23	1521	48	4124	73	6711		
24	1615	49	4233	74	6802		
25	1710	50	4342	75	6892		

138



**CENTRAL VALLEY ROCK, SAND
& GRAVEL ASSOCIATION, INC.**
SAND-GRAVEL • CONCRETE • ASPHALT

10/31 - orig WGP Ed ✓ Anton
ce. - Bd
WRA
Anton
39LC

October 26, 1984

W/S - 1/2

Carole A. Onorato, Chairwoman
Water Resources Control Board
901 "P" Street
P.O. Box 100
Sacramento CA 95801

Dear Ms. Onorato:

Enclosed for your review is a recap of our position on the underground storage tank proposed regulations.

While our industry recognizes the need to protect our groundwater, the proposed regulations could conservatively cost \$10,000 per tank to implement and approximately \$5,000 annually to monitor. These costs could cause many of us to close our doors.

Additionally, many of the proposed monitoring devices are untried and very expensive. Should they fail, private industry is responsible even to the possible extent of criminal penalties.

The regulations are being developed by the State for local agencies to implement that do not have the staff or the expertise to do so.

We sincerely hope that you would carefully review the enclosed and assist us in our efforts to modify the regulations to a reasonable conclusion. Many of our operations are located in rural areas where fuel storage underground is not a convenience but an economic necessity.

Respectfully submitted

LINDA A. FALASCO, President

LAF/gc
encs. (as stated)

Received DTS
NOV 1 1984

UNDERGROUND STORAGE TANK WORKSHOP

Central Stanislaus County Library
McHenry Conference Room
1500 "I" Street
Modesto, CA
3:00 p.m. - 6:00 p.m.
Tuesday, October 9, 1984

PRESENT:

Mr. Oliva, Brown Sand & Gravel
Linda Falasco, Los Banos Gravel
Russ Nelson, Nelson Ready Mix
Tony Bettencourt, George Reed, Inc.
Carol Vierra, George Reed, Inc.
Bob Van Overbeek, 7/11 Materials
Bruce Beattie, Teichert & Son
George Read, Stewart & Nuss
Gene Ross, Sequoia Rock Company
Barbara Bennett,
Margaret Allender, Pragma
Richard Zipp,
Richard Wary, Kleinfelder & Associates.

INTRODUCTION:

Conservatively, there are an estimated 200,000 underground storage tanks in California which will be affected by this Bill. The tanks service motor vehicle needs and the average size is 10,000 gallons.

Regulations for these tanks are based on the worst possible incidence of contamination as the norm and no degree of soil or groundwater contamination is allowable. The regulations do not consider the variation of soil types throughout the State. For instance, those areas with high clay content will provide a natural barrier to groundwater contamination as opposed to the areas with more permeable soils.

The view of the Water Resource Board at the public hearings has been that those industries with onsite underground fuel tanks are a convenience rather than an economic necessity.

The Cortese Bill, which provided for registration of underground tanks and the Sher Bill, which provided for development of regulations to monitor tanks for leak detection, were the result of toxic and hazardous substance leaks which contaminated the soil and groundwater in the Santa Clara Valley.

The scope of this Bill will include the methods of using solvents for cleaning shop floors where the solvents are placed in a sump and the

methods by which asphalt concrete carriers diesel their boxes. Furthermore, the Federal government is in the process of developing their own set of regulations known as L.U.S.T. (Leakage of Underground Storage Tanks).

It must be noted that the agricultural gasoline and diesel storage tanks were specifically exempted in the Sher Bill except where the tanks are used for pesticide storage. They were required to register their tanks; however, the fees were waived if tanks are registered prior to January 1, 1985. The other group specifically exempted is oil refineries, for which regulations will be developed at a later date.

Those cities and counties which do not have monitoring regulations in effect will be charged with implementing the regulations developed at the State level without technical or staff assistance from the State. This creates problems for the local lead agencies who may be leaning toward the Regional Water Quality Boards to take over implementation. Generally speaking, there are no local programs in existence in the San Joaquin Valley; therefore, we will be subject to the State regulations.

SHER/CORTESE IMPLEMENTATION DATES:

- July 1984 - All underground tanks required to be registered
- January 1985 - Grace period allowed for registration. Penalties will be assessed for any existing tanks registered after this date from \$500 to \$5,000 per day
- January 1985 - All tanks under the ground prior to this date will be termed "existing tanks" and will need to be monitored. All tanks installed after this date are "new tanks" and will have to conform to State regulations.***

***It appears there will be an extension granted to July 1985; and, realistically, look at July 1986 before the regulations will be finalized and ready for implementation.

SHER PROVISIONS:

The regulations will apply to any tank which is buried underground, or where 50% of the tank is below the ground surface, or which sit

on a gravel pad above ground, or which rest on a concrete slab surrounded by gravel, or any sump in which a hazardous waste is stored.

A hazardous waste is defined as any toxic, flammable, corrosive, or explosive substances, including waste oil, solvent and asphaltic oil.

Sher requires a permit for the tanks that fall within the above descriptions, fees for the permit, local implementation of regulations for new and existing tanks, tank inspection, insurance and/or bonding, leak reporting and tank repairs. It also provides for closure of a tank.

I. EXISTING TANKS: All owners of existing tanks will have to prove their tanks are not leaking. This is done by soil testing which requires slant borings around each tank and must be done by a registered individual, estimated cost \$3,000 per tank. The results of the testing must be logged with the local agency. Additionally, wells will have to be dug around the tank to determine if there has been past leakage. Soil contamination, or lack thereof, is proved by the use of vapor probes or a lysimeter. The costs of implementing these tests range from \$3,000 to \$10,000 per tank, depending upon the depth of the groundwater in the tank vicinity. Existing tanks will have to be pressure tested and emptied and refilled for accurate inventory monitoring. Inventory will have to be taken daily (at this time daily means 7 days per week) and reconciled. Soil and ground water will have to be monitored continuously. Low estimates for start up implementation are \$10,000, with an annual cost of \$5,000 per year thereafter for each tank.

II. NEW TANKS: New tanks installed will have to provide for secondary containment of the full contents of the tank. This can be done with a double wall tank. All the plumbing must also

be double walled. The daily inventory procedures will apply, and a 50 gallon loss or gain in inventory will be allowed per month. There is an estimated cost increase of \$7,500 conservatively, for the installation of a new tank.

III. LEAK DISCOVERY: If a leak is discovered, the cleanup provisions are activated. The tank will have to be immediately drained and removed. The leak is to be reported to the local agency and cleanup of the contaminated area will be implemented per the local agency. The tank is to be inspected to determine if it can be repaired. There are many restrictions placed on what is considered a repairable tank. A tank can only be repaired once in its lifetime. If there is a 3" linear gap, the tank will not be allowed to be repaired and will have to be replaced with a tank meeting the new tank specifications. The old tank will have to be taken to the toxic waste disposal site in Kettleman City. Tanks over ten years old are most suspect of leakage.

IV. TANK CLOSURES: Sher provides for temporary and permanent tank closures. A temporary closure can be done by emptying the tank, and placing a lock on the entry and disbursing area. This will start a two year grace period for permanent closure. A tank that is closed temporarily must be monitored quarterly to determine that no unauthorized materials have been placed in the tank. Again, this must be reported to the local agency. Permanent closure after January 1985 requires removal of the tank, all related piping (even if it is located under a building) and disposal of the tank and piping at Kettleman City Hazardous Waste Disposal Site. Closure of the tank prior to January 1985 can be done by filling the tank with

sand or slurry; but, if it has been registered, the testing for contamination will still have to be done to prove the tank had not previously leaked hazardous substances. (You are guilty until you prove you are innocent!!!)

V. ALTERNATIVES:

1. Where at all possible, get the tank out of the ground and place above the ground. These tanks will not be under the regulations proposed by the WRCB.
2. Consider vaulting the tank where possible. Fire regulations may not allow this if storing gasoline or diesel.
3. If the tank must be located underground, replace the tank with a double containment tank, double containment plumbing, and consider a sensor type.
4. Rolling stock may be considered where an operator fills the tanks at a depot and then park the rolling tanks on the premises. Equipment is then fueled from the rolling tankers.

CURRENT ACTIONS:

Pragma will represent us at the last public hearing on October 23rd and will submit a written statement on behalf of our industry which will include emphasis on the financial burden of the regulations, urge a "phase in" period which will not put industry on the spot in deciphering the regulations if the need arises to install an underground tank before the final regs are available, and request that local agencies be given more discretion in the implementation of the regulations. Each member with underground tanks has agreed in a telephone poll to be assessed \$50 to pay for this additional representation.

CONCLUSION:

No matter how you look at the underground storage tank regulations, they are not going to be easy to live with and will not disappear. Wherever possible, strong consideration should be given to above ground storage

to remove ourselves from the regulations. If the tanks must remain underground due to fire regulations, strong consideration should be given to replacing the tanks and piping with a double walled tank. The initial cost of \$20,000± may offset the monitoring costs of \$10,000 annually with no guarantee that leakage will not occur and replacement required at a future date. Those companies with many tanks may want to temporarily close all but the most vital to the operation. Although this doesn't escape the initial contamination testing, it does reduce monitoring costs and begins a two year grace period in which the regulations may be revised to a liveable result. Another alternative is consideration of tankers in which material can be transported to fueling depots, loaded, and our equipment can be fueled from the tankers. (rolling stock) Although this solves the problems of permanent above and below ground tanks, it does not relieve an operation of initial contamination testing and permanent underground tank closure.

SUMMARY:

1. Each underground tank will be subject to initial soil and water contamination testing at an estimated cost of \$3,500.
2. Each existing tank in use will have to implement a monitoring program with an estimated start up cost of \$7,500 and an estimated annual cost of \$5,000 to maintain.
3. Each existing tank not in use will have to be temporarily closed or permanently closed.
4. Any tank which is leaking will have to be removed, repaired or replaced, and clean-up measures of the contaminated area instituted.
5. All new tanks and plumbing, those installed after January 1, 1984, will have to be double-walled for secondary containment. The monitoring for leakage is minimal.

**CENTRAL VALLEY ROCK, SAND
& GRAVEL ASSOCIATION, INC.**
SAND-GRAVEL • CONCRETE • ASPHALT

October 19, 1984

Statement to:

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95801
Attn: Harold Singer
Division of Technical Services

Subject:

Proposed Regulations Governing Underground Storage of Hazardous Substances

Members of the Central Valley Rock, Sand and Gravel Association welcome the opportunity to comment on the regulations proposed by the staff of the State Water Resources Control Board to implement legislation adopted in 1983 and 1984 governing the use of underground storage tanks.

The Central Valley Rock, Sand and Gravel Association represents numerous ready-mix/concrete suppliers, rock, sand and gravel excavation operations in the Central Valley region situated between Modesto and Bakersfield. Many of the excavation sites are located in remote sections of the region; a wide variety of non-highway equipped heavy machinery is used at all operations. The average operation turns over an inventory of about 7,500 gallons of motor vehicle fuel within 30 days. Due to the volume of fuel and its corresponding impact on the firms' financial well-being, tank owners validate every service, maintain a high level of inventory control and monitor for leaks. Corresponding to the financial liability, operators must preclude contamination of the fuel supply from groundwater or other sources to maintain the fleet of vehicles necessary for site operations.

Most Central Valley Rock, Sand and Gravel Association members have operated for decades at their current sites. As such, they share concerns about their environment and have a vested interest in maintaining the integrity of excavation and operation locations where they expect to continue working for many more years. Over the course of years, prompt and efficient clean up of leaking tanks has been supported by a combination of environmental, financial and operational concerns. These realizations lead members of the Central Valley Rock, Sand and Gravel Association to support the philosophy Assemblyman Sher has expressed in his legislation and to join their fellow Californians in a concern about hazards to groundwater.

State Water Resources Control Board staff must be commended for an exhaustive technological approach in preparing regulations to implement underground tank legislation. That technique however, is predicated on a "worst-case" analysis coupled with an assumption of inherent business error and mismanagement, which disregards actual and realistic hazard potential from vehicle fuel storage tanks.

Given the necessity for on-site fuel supply for their operations the State Water Resources Control Board regulations issued August 23, 1984 present serious financial and operational hurdles to Association members.

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Statement on Proposed Regulations Governing Underground Storage of Hazardous Substances

While supporting the need for environmental scrutiny as proposed by Assemblyman Sher, the Central Valley Rock Association can find no indication that law contemplated the extensive, duplicative and exhaustive measures contained in the draft rules. Nor can the Central Valley Rock Association determine the intent of this lawmaker to threaten the welfare of California businesses. And finally, none of the subject legislation includes any direction for shouldering business and industry with the determination and supply of data base information regarding groundwater or soils profiles.

The regulations' predisposition to assume the fault of any tank owner, unfortunately is coupled with overly-conservative cost estimates, little accounting for private enterprise time and staff worth, and a disregard for the inconsistencies and failures of mandated technologies. With these weaknesses, the regulations fail to provide a reasonable program which will lead all tank owners on a course toward environmentally-safe operation.

Examples of the overly-zealous nature of the regulations illustrate that these rules fail to fulfill or overextend the intent of the legislation, "to establish orderly procedures" (Section I, 25280 (5)(6)) of substances which "are potential source" (Section I, 25280 (2)) of contamination creating "a potential threat" (Section I, 25280 (3)) to health. Had the author envisioned as extensive a program as outlined in the August 23, 1984 regulations, such terms would not have been included in the bill.

Some of many specific examples include:

2631 (c) calls for "at least twice the maximum anticipated time" while Chapter 1038, 25291 (a) (2) explicitly states "for the maximum anticipated period." In its Statement Of Reasons, (3.6) staff attributes this discrepancy to difficulty in estimation and uncertainties in exposure. Tank owners, however, should not be expected to shoulder additional construction cost to underpin staff's lack of knowledge.

2631 (c) should be changed to the 25-year storm to reflect Chapter 1038.

2632 exemplifies the technological emphasis of these regulations. While Chapter 1038, 25291 (b) calls for "a monitoring system capable of detecting entry" and "a means of monitoring for water intrusion and for safely removing the water," the regulations mandate an extensive sump and sensor system with thresholds never intimated by the legislation.

In the Statement Of Reasons (3.18), it is acknowledged that "an intermittent automatic measuring system would satisfy the same measuring requirements" but the more expensive and specialized system was mandated because it "eliminates the dependency of the system on the operator for periodic activation." Human error and lack of ability is a consistent theme in the draft regulations but the legislation does not stipulate the use of costly technological tools to minimize such a risk.

2633 illustrates the critical philosophic difference between the enacting legislation and the proposed regulations. Chapter 1038, 25291 7(C) simply calls for a system "designed to provide early leak detection and response and to protect the ground water." However 2633 (e) dictates the plan "shall preclude the contact of any leaked hazardous substance" and requires proof to be demonstrated by the tank owner that a container and

Statement on Proposed Regulations Governing Underground Storage of Hazardous Substances

response plan will protect groundwater. There is no mention in the legislation of the soils testing required by 2633 (e) (3).

2634 has mandated all monitoring options outlined in the legislation, though the bill lists several alternative methods. Hydrostatic testing, for example, is an alternative to pressure testing. Pressure testing is called for "at time intervals" in the bill, not continuous as in the regulations. The bill does not stipulate "daily" as seven-days-per-week nor does it contain the volumetric judgements of 2634 (d) (1-3). Addition of the response plan requirements is an obvious attempt by regulators to hinder owners opting to use 2634 and proceed with a single-walled motor vehicle full tank. The bill's reporting and response requirements are sufficient, additional response mandates are superfluous.

2635 and its Statement Of Reasons support the perspective that staff has been arbitrary and exorbitant in its regulations. Chapter 1038, 25291 outlines clearly the construction requirements for new tanks yet staff, in its analysis explains it added construction standards it "feels are necessary" (Statement Of Reasons, 3.42) to carry out the intent of the law. For example, 2635 (c) 1,2 and 4 are totally outside the scope of Chapter 1038. 2635 (f) and (g) add weighty and expensive procedures to the bill's direction for overfill protection. Paradoxically, the Statement Of Reasons (4.17) for inventory control procedures on existing tanks (2643) explains that routine inventory reconciliation with wholesalers is standard accounting practice "since the tank operator wants to be certain that the volume delivered is equal to the volume he is being charged for. This procedure should prevent overfilling of tanks since the volume of the tank contents is determined prior to the delivery and the remaining volume can easily be compared to the volume to be delivered." Such acknowledgement casts substantial question on the necessity for the stringent provisions of 2635 (f) and (g). While the Statement Of Reasons (3.57) acknowledges that standards for corrosion protection already exist, an apparently arbitrary action was taken when "it was decided to require corrosion protection for all steel tank installations" (2635 (h)) to compensate for a possible but unlikely alteration in soil resistivity.

2640 illustrates the subjective judgements and reasoning behind the requirements for historic data, area and groundwater testing which are completely outside the letter or stated intent of the law. While directing these overlapping, expensive measures, staff justifies this burden on business by such reasoning as, "there is little in the way of a track record upon which to judge the purported capabilities of a given system to monitor underground storage tanks" and that they must be used "to compensate for inherent weaknesses in the monitoring system." (Statement Of Reasons, 4.4 and 4.5) Simultaneously, however, the regulations push business into the use of unproven technological equipment.

2642 contains provisions in excess of the legislation such as the threshold for volume loss, continuous pressure testing and alarm systems.

2644 to 2647 places a most costly and unfair burden on business. There is no provision in the legislation nor any indication in the intent, that the author proposed that business

Statement on Proposed Regulations Governing Underground Storage of Hazardous Substances

be required to drill wells for soils samples; establish groundwater levels or establish historic property use. Indeed, such provisions add substantially to the cost of implementing the regulations and this single factor could preclude tank use by many businesses, in turn forcing operations beyond a level of potential or anticipated return. Chapter 1038 calls for alternative methods of testing, including groundwater monitoring, as required by the local agency and on intermittent time schedules. Requirements for such provisions as registered personnel, specific thresholds for sampling and testing and mandated slant borings -- all out of the spectrum of the legislation -- allow business little local discretion in identifying less costly alternatives.

2647 and 2648 may be the best examples of the overly-duplicative nature of the regulations and illustrates how far afield they are from both the letter and spirit of the law. In the Statement Of Reasons (4.29) it is argued that assurance groundwater monitoring provides "confirmation" on the effectiveness of the multiple layers of testing required. It may be argued that if staff does not have confidence in its monitoring program, it should not be imposed at the expense of business viability. Similarly, by precluding the use of available local data concerning groundwater levels, business is saddled with a responsibility to create a data bank which clearly is not the intent of the legislation. This viewpoint is confirmed by the Statement Of Reasons commentary (4.30) that specific protocol is dictated for well drilling and sampling as it "permits data obtained from the underground tank program to be compared with data obtained from other state and federal monitoring programs that use the same protocols."

2651 and 2652 reiterate the law for the most part but fail to acknowledge policy currently under consideration by the Board specifically directing criminal or civil procedures in addressing unauthorized releases. 2652 (g) uses a broad brush to add requirements not outlined in the regulations. Such a provision gives business no avenue for determining ultimate cost and responsibility in the case of a release and allows government to operate without accountability.

Certainly these examples are not intended to be a comprehensive critique, but serve to illustrate some of the basic weaknesses which will impair a reasoned implementation of an environmentally-sensitive underground tanks program through these regulations.

As the above noted examples have illustrated, these regulations have various shortcomings:

--They are overly-zealous in the interpretation of the law and have used the law as a springboard for mandating programs and practices of questionable technological merit.

--A review of the Statement Of Reasons issued to support the regulations reveals contradictory reasoning to justify regulations that are unnecessarily duplicative.

--The entire regulatory framework rests on an assumption that all business would be unwilling to properly repair or install a tank and that owners would negligently or purposely fail to implement conscientious monitoring. Such an assumption is totally inconsistent with the profile of business operating in California under the nation's strictist environmental protection rules.

Statement on Proposed Regulations Governing Underground Storage of Hazardous Substances

While staff has conducted an exhaustive technological review of underground tanks construction and monitoring, it has failed to fulfill its obligation to address adequately the impact of these regulations on business. The Fiscal Impact Report outlines costs which are universally believed to be too low to reflect the financial burden for business. A case in point, for example, is recent media coverage of monitoring well drilling at tanks in the San Francisco Bay area. Water quality officials there are quoted as estimating installation of each well at \$2,000. The combination costs of initial well drilling, vadose zone monitoring and testing procedures estimated at \$3,000 to \$4,000 per tank in the Fiscal Impact Statement, therefore seems extremely unlikely in the face of these actual operating costs from the field.

Even more importantly, perhaps, is the lack of assessment of the actual impact of costs on business. The Fiscal Impact Statement lists costs but does not address impact. Even if regulatory costs were as low as the \$9,500 listed by staff as the expenditure for initial installation, such an expense poses a threat to the very existence of small firms already operating under marginal return conditions.

Without such an assessment, the Board lacks the necessary information upon which to judge the ultimate effectiveness of the regulations.

Staff has failed to afford to business the worth of time and effort it extends to government. 2712 (f) allows for a three-month provisional permit with the rationale that "three months is a reasonable amount of time to finance and install equipment to meet the law." Yet, tank operators must make application for permit renewal six months in advance (2712 (d)) "to give the local agency time to review and approve the permit." Similarly, variance costs are calculated on the basis of technical staff time but consultants' fees, time for maintaining records and controls, plus additional overhead expenses related to the regulatory procedures are either not addressed or afforded little worth.

Completely unaddressed is the burden placed on business by the local implementation of regulations by counties or cities lacking the experience or sophistication to interpret them. The regulations are contradictory to the legislation in specifying detailed technological formats where Chapter 1038 calls for local discretion. While staff argues that the Board is not required to provide training, oversight or assistance to local governments to implement the regulations, it adopts an opposite point of view in exceeding its legislative direction found in Chapter 1038. While explaining its actions in several instances as standards which "lessen the need for local government, not necessarily familiar with tank design requirements, to review each individual tank design, ..." (Statement Of Reasons, 3.44) or "many, if not most, of the staff of the local governments charged with administering these regulations will have little experience in groundwater monitoring..." (Statement Of Reasons, 4.27) they ignore legislative direction for local, site specific judgements. Conversely, however, never addressed is the role of small business forced to adopt unproven technological tools whose validity and operation are beyond the scope of the agencies with the accountability for regulation

Statement on Proposed Regulations Governing Underground Storage of Hazardous Substances

enforcement. No risk factor or cost estimates are acknowledged for this precarious, expensive position of business.

Recommendations:

Recognizing the needs to protect California's groundwaters from substances which may leak from underground storage tanks, the Central Valley Rock Association suggests that several steps be taken to assure that regulations conform with the "orderly procedure" directed in the enabling legislation and needed to assure conformity with its intent:

--Establish as part of the regulations a reasonable time frame and methodology of testing with the goal of determining actual hazard potential. Using such rationale, sites with multiple tanks of long-term storage of hazardous materials would be afforded more scrutiny than smaller tanks of rotating motor vehicle fuel stock.

--Establish expanding levels of testing only for those sites which exhibit failure at a lower level. For example, simple pressure testing and inventory control could be an initial step with further testing required only when, or if, tanks failed to meet initial criteria.

-- Eliminate duplicative monitoring and multiple technological systems not directed in the legislation but based on the "worst case" analysis and, rather, adopt procedures which can provide reliable results in a cost-effective manner.

--Eliminate that soils and groundwater testing designed primarily or exclusively to establish data base information. As directed in the legislation, all such testing should be aimed at actual hazard response.

--Devise a phase-in period for all major construction requirements to allow a reasonable time to recoup revenues against capital investment.

--Prepare a complete, factual fiscal impact report using actual field operating costs, including assigned wage rates for overhead and time factors and addressing the impact of such costs on current operations. The Board should not act to implement any part of these regulations until afforded the opportunity for review of such a report.

--Revise the entire regulatory framework to eliminate the inherent assumption of blame and unwillingness of business to work toward uncontaminated groundwater. Such a negative perspective toward the object of the regulations is out of place and precludes a business-government cooperation which is critical to carrying out the intent of the legislation.

--Either delay, address or prepare for corresponding rules which have been announced from other state or federal regulatory bodies to streamline implementation of a comprehensive program.

Statement on Proposed Regulations Governing Underground Storage of Hazardous Substances

--Prepare or support legislative or regulatory measures affording economic incentives, in the form of tax credits, appreciation adjustments or other vehicles, to assist business and industry in meeting the tremendous financial obligation mandated in this program.

Conclusion:

While staff has undertaken an exhaustive review of optimum systems to cope with "worst-case" scenarios, that academic-model perspective of the draft regulations actually threatens the implementation of sound, reasonable programs which would fulfill the intent of Assemblyman Sher, the majority of the Legislature and Governor Deukmejian. These regulations were drafted without the information and insight about their subject. As such they pose tremendous financial burdens for implementation of systems not necessarily proven to be effective and for securing data not needed or required. These regulations place business and industry in a position of accountability to local agencies unprepared to guide them toward reasonable methods of compliance. Refinement, redirection and simplification of the regulatory procedures will not only bring this program within the parameters of business but will make it an enforceable mandate from local government.

Most unfortunate, however, is the negative attitude toward business which underscores the entire regulatory framework. Not only is this philosophy misplaced by those charged with implementing this program, it is unwarranted. If business and industry did not support the need for environmentally-safe groundwater, thousands of operators would not have responded as conscientiously to the mandate for filing registrations for their tanks.

The Central Valley Rock, Sand and Gravel Association does not dispute the need for securing this state's groundwater. To comply with this need, however, they need reasonable direction from a government able to understand their limitations.

Submitted by: Ray B. Hunter
Legislative Advocate



**Central Valley Rock,
Sand & Gravel Association, Inc.**

P. O. Box 1165

928 12th Street, Suite 402

Modesto, California 95353 - 1165

**Carol A. Onorato, Chairwoman
Water Resources Control Board
901 "P" Street
P. O. Box 100
Sacramento CA 95801**





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OFFICE OF THE
CHIEF COUNSEL

402C

November 5, 1984

State Water Resources Control Board
Post Office Box 1000
Sacramento, California 95801

Attention: John Richards, Staff Attorney

Subject: Proposed Underground Storage Tank Regulations

Dear John:

This is a brief follow up to the workshop held on November 2, 1984. I would like to emphasize two points to the Staff in revising the proposed underground storage tank regulations:

(1) Regarding alternative 3 on page 24 of the Staff Report, requirement (c) appears to mandate pressurized pipelines. The Board asked you to check into the legislative intent of the following language in Health & Safety Code Section 25284.1: ". . . and whenever any pressurized system has a leak detection device to monitor for leaks in the piping." The question is whether such language requires pressurized piping in order for motor vehicle fuel tanks to be eligible for inventory reconciliation as a monitoring method. I submit that there is no such requirement implicit in the language in question. If that were the legislative intent, it would have been very easy for the legislature simply to state: ". . . and if the pipelines are pressurized and have leak detectors,"

Further evidence of legislative intent, moreover, is found in AB3781 in which Section 25284.1 is amended and renumbered as Section 25292. Specifically, sub-section (b)(4)(C) states: "If a pressurized pump system is connected to the tank system, the system has a leak detection device to monitor for leaks in the piping." (emphasis added) Obviously, use of a pressurized pump system is not mandated.

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P.O. Box 13648
Sacramento, California 95853
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owners and
operators of

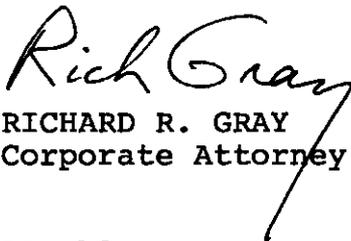


State Water Resources Control Board
November 5, 1984
Page Two

(2) The Staff stated several times during the workshop that alternatives 3 and 4 are intended to be for motor vehicle fuel tanks. I submit that the regulations should make it clear that a local agency could not impose alternatives 1, 2, 5 or 6 on existing motor vehicle fuel tanks. Again, I think this comports with the legislative intent as set forth in my letter to Harold Singer dated October 23, 1984.

Again, I would like to compliment the Staff on its efforts to respond to the public comments made during the October 23, 1984 hearing. From Wickland Oil Company's point of view, the suggestions in the Staff Report represent a significant improvement over the initial proposed regulations.

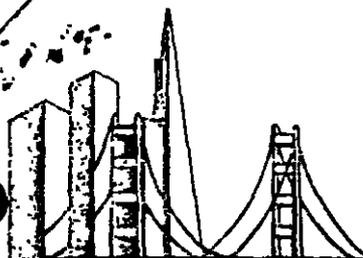
Sincerely yours,


RICHARD R. GRAY
Corporate Attorney

RRG:klg

NOV 01 1984

ALLC
msg. J. Richards
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EJA



BUILDING OWNERS & MANAGERS ASSOCIATION OF SAN FRANCISCO • 690 MARKET ST., SAN FRANCISCO, CA 94101 • 362-8567

BOMA

October 30, 1984

J. Richards

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EDUARD STILL

Mr. Michael A. Campos
Executive Director
State Water Resources Control Board
901 P Street
P.O. Box 100
Sacramento, California 95801

Dear Mr. Campos:

Re: Proposed Regulations Governing Underground Storage of Hazardous Substances

Pursuant to our October 22nd letter to Mr. Harold Singer (copy attached), Building Owners and Managers Association of San Francisco respectfully requests that we be granted at least 60 days to study and evaluate the proposed hazardous substance storage regulations. In view of the fact that we never received notice of the proposed regulations and public hearing, we trust that you will grant us our request.

Hundreds of office buildings throughout the State could be affected by the State Water Resources Control Board's proposed regulations, and it is vital that we be given the opportunity to determine the potential impact to the members of our Association.

We want to be sure that we have the opportunity to participate fully in the drafting of these regulations.

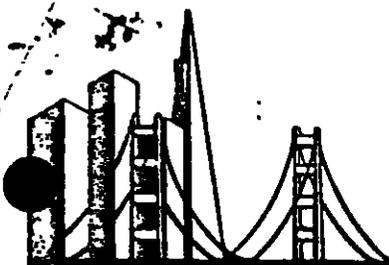
Thank you for your consideration.

Sincerely,

ELMER G. JOHNSON
Executive Vice President

EGJ:lt

- cc: Linda Stockdale Brewer, Director
Office of Administrative Law
- BOMA - Los Angeles
- BOMA - South Bay
- BOMA - Oakland
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EDUARD STILL

October 22, 1984

Mr. Harold Singer
Division of Technical Services
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95801

Dear Mr. Singer:

Re: Proposed Regulations Governing Underground
Storage of Hazardous Substances

Building Owners & Managers Association (BOMA) of San Francisco is a non-profit trade association representing the ownership and management of over 200 office buildings in the City and County of San Francisco. There are five other local BOMA associations in the State of California.

On October 17, 1984, we received a notice of the public hearing scheduled for October 23 in Sacramento regarding the above named subject. This notice did not come from the State Water Resources Control Board, but rather, was forwarded to us by one of our members. Because we have only just received this information, we have not had adequate time to evaluate the potential effect of this proposed rulemaking upon our members.

We are an interested and affected party, and we certainly desire to take the time to review and fully understand the proposed regulations governing underground storage of hazardous substances. What makes us an affected party by these proposed regulations is the fact that many office buildings have underground diesel fuel tanks which are required to operate emergency standby power equipment.

One question that comes to mind is this. Has there been any evaluation of such diesel tanks which demonstrates a history of leakage?

The monitoring and testing methods called for by the proposed regulations are quite extensive. We would like the opportunity to verify whether they are necessary to that extent, and whether the techniques proposed are valid for our specific situation.

Mr. Harold Singer
Division of Technical Services
State Water Resources Control Board

Page two

We would certainly like the opportunity to review the regulations in their revised form as soon as they are available, and would appreciate it if you would see that we are on the distribution list.

Sincerely,

Marc Intermaggio

Marc Intermaggio

MLI:lc

Other BOMA letters filed under #118.

42-LC
ECLA
JAN 22 1985
orig - DWQ



BUILDING OWNERS & MANAGERS ASSOCIATION OF SAN FRANCISCO • 690 MARKET ST, SAN FRANCISCO, CA 94104 • 362-8567

BOMA

January 17, 1985

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EDUARD STILL

Mr. Michael A. Campos
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95801-0100

Re: Proposed Regulations Governing Underground Storage of Hazardous Substances

Dear Mr. Campos:

We have received the revised proposed regulations governing underground storage of hazardous substances, dated December 28, 1984. Upon review of this revised draft, we find that the document addresses our major concerns.

We particularly support Alternative #7, Table 4.1, of Section 2641(c), Tank Gauging and Tank Testing. We feel that providing a number of different methodologies for meeting the leak detection criteria is not only a reasonable approach, but will also greatly facilitate achieving the goal of protecting our groundwater.

Again, we are in support of the proposed regulation as it now stands in the December 28, 1984 draft. Should there be any substantive changes to that draft, and particularly to Sections 2640 and 2641, we would appreciate the opportunity to review and comment upon such changes.

* Please make our letter a part of the hearing record on January 18, 1985.

* Further, please be sure to send us a copy of the final regulation. Thank you.

Sincerely,

Edward G. Zelinsky

Edward G. Zelinsky
President
BOMA San Francisco

EGZ:lt

Received DTS
Rec

JAN 24 1985
JAN 24 1985

BUILDING OWNERS and MANAGERS ASSOCIATION
of San Francisco

690 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94104



Mr. Michael A. Campos
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95801-0100



Other Thrifty Letters filed as #155 Aug. John Richards

THRIFTY OIL CO.

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WBP
Anton
Singer

October 24, 1984

Harder

John E. Elgin, Senior Vice President-Finance

Michael A. Campos
Executive Director
State Water Resources Control Board
Paul R. Bonderson Building
901 P Street
Sacramento, California 95801

Re: Regulation of Underground
Storage of Hazardous
Substances

Dear Mr. Campos:

I had the opportunity to testify late in the day at yesterday's public hearing regarding the proposed regulations for underground storage of hazardous substances. In the course of reviewing a copy of my written comments while I was delivering oral testimony, one of the Board members noted that some language was missing from the bottom of the third page. I agreed, noting that the line had inadvertently been dropped off by our Word Processing system. Accordingly, I enclose herewith corrected copies of my comments for distribution to members of the Board and your staff. I appreciate your cooperation in this matter and apologize for any confusion which may have occurred.

I would also like to take this opportunity to offer some comments with respect to what would constitute a practical set of guidelines for the daily reconciliation of storage tank inventories with deliveries and sales. As I noted at the hearing, because Thrifty company-operates its stations, it already



Michael A. Campos
State Water Resources Control Board
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Page 2

has such controls in place. Stringent inventory controls simply represent prudent business judgement. While such controls provide an excellent early warning system, they cannot be as fine-tuned as suggested in Section 2643 of the proposed regulations. Standards this strict will trigger 99% false alarms and thus not be truly effective.

In this regard, permit me to offer a few practical suggestions:

- The 1/8" measurement standard is too precise. A 1/4" standard is more reasonable for the following reasons:

- Tank sticks are only calibrated to the nearest 1/4"
- Manufacturers' tank charts are only calibrated to the nearest 1" (See attached charts). However, more precisely calibrated charts no doubt can be obtained.
- The requirement for double sticking is excellent.

- The allowable daily variance of ± 50 gallons is too exact. A ± 250 variance is more realistic for the following reasons:

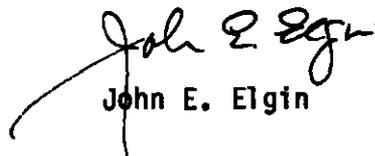
- In a 20,000 gallon tank a 1/2" sticking error would produce an error of 125 gallons (note that the larger the tank, the larger the error from an imprecise stick reading).

Michael A. Campos
State Water Resources Control Board
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Page 3

- Temperature variations between the delivery terminal and underground tank can account for a volume differential of up to 100 gallons. Note that while gasoline is metered at the terminal at one temperature, it is not metered upon delivery to the station at a changed temperature.
- The weekly and monthly allowable variances appear reasonable.
- Costly investigation should only be mandated if the allowable weekly variance is exceeded.

I thank you in advance for your consideration of these comments and would be happy to respond to any questions which you may have on these or any other matters.

Best Regards,


John E. Elgin

JEE/klg
Enclosure

cc: Tom Flesh
Pete D'Amico



1189 INDUSTRIAL AVENUE
ESCONDIDO, CALIFORNIA 92025
PHONE (714) 745-0971

CALIBRATION CHART
for 9'-6" Dia. x 38' shell length
20,000 Gal. Horizontal Tank

<u>Depth in Inches</u>	<u>Gallons</u>	<u>Depth in Inches</u>	<u>Gallons</u>	<u>Depth in Inches</u>	<u>Gallons</u>
114	20,148	74	13,842	34	5,043
113	20,120	73	13,627	33	4,838
112	20,110	72	13,410	32	4,634
111	20,003	71	13,193	31	4,433
110	19,926	70	12,974	30	4,225
109	19,838	69	12,755	29	4,036
108	19,742	68	12,534	28	3,842
107	19,638	67	12,313	27	3,649
106	19,526	66	12,091	26	3,459
105	19,408	65	11,869	25	3,272
104	19,283	64	11,645	24	3,087
103	19,153	63	11,422	23	2,905
102	19,082	62	11,198	22	2,725
101	18,887	61	10,974	21	2,549
100	18,732	60	10,749	20	2,380
99	18,582	59	10,524	19	2,207
98	18,428	58	10,299	18	2,042
97	18,269	57	10,074	17	1,878
96	18,107	56	9,850	16	1,721
95	17,941	55	9,624	15	1,566
94	17,768	54	9,400	14	1,416
93	17,600	53	9,175	13	1,271
92	17,425	52	8,950	12	1,130
91	17,244	51	8,727	11	995
90	17,062	50	8,503	10	865
89	16,877	49	8,280	9	740
88	16,690	48	8,058	8	622
87	16,500	47	7,833	7	510
86	16,307	46	7,615	6	404
85	16,112	45	7,394	5	310
84	15,915	44	7,175	4	222
83	15,715	43	6,955	3	145
82	15,514	42	6,738	2	79
81	15,311	41	6,522	1	28
80	15,106	40	6,306		
79	14,899	39	6,092		
78	14,691	38	5,879		
77	14,480	37	5,668		
76	14,270	36	5,458		
75	14,057	35	5,249		

**RHEEM MANUFACTURING COMPANY
RICHMOND PLANT**

**CALIBRATION CHART IN GALLONS FOR
10,000-gallon Horizontal U.G.S.T.
96" O.D. x 326" Overall**

Liquid Depth Inches	Capacity Gallons	Liquid Depth Inches	Capacity Gallons	Liquid Depth Inches	Capacity Gallons
95½	10029	64	7146	32	2948
95	10023	63	7020	31	2822
94	9998	62	6893	30	2698
93	9959	61	6765	29	2574
92	9913	60	6636	28	2451
91	9859	59	6506	27	2330
90	9798	58	6376	26	2211
89	9735	57	6245	25	2092
88	9665	56	6114	24	1976
87	9591	55	5982	23	1860
86	9513	54	5849	22	1747
85	9432	53	5716	21	1635
84	9346	52	5583	20	1525
83	9257	51	5450	19	1418
82	9165	50	5317	18	1312
81	9071	49	5183	17	1208
80	8974	48	5049	16	1107
79	8874	47	4915	15	1009
78	8771	46	4781	14	913
77	8667	45	4648	13	819
76	8560	44	4515	12	729
75	8451	43	4382	11	642
74	8341	42	4249	10	558
73	8228	41	4116	9	478
72	8114	40	3984	8	402
71	7998	39	3852	7	330
70	7880	38	3721	6	263
69	7761	37	3590	5	201
68	7640	36	3460	4	144
67	7519	35	3331	3	94
66	7396	34	3202	2	51
65	7271	33	3075	1	18

**CALIBRATION CHART IN GALLONS FOR HORIZONTAL U.G.S.T.
10,000-gallon tank - 96" O.D. x 326" Overall.**

NO.RE-UGC-15

Rheem 10

BURNER TANK & WELDING WORKS

8000 GALLON TANK GAUGE CHART

95" I.D. x 262" Shell with Flat Heads

Dept in Inches	Capacity in Gallons	Dept in Inches	Capacity in Gallons	Dept in Inches	Capacity in Gallons	Dept in Inches	Capacity in Gallons
1	15	26	1807	51	4451	76	6980
2	42	27	1905	52	4560	77	7067
3	77	28	2004	53	4668	78	7151
4	118	29	2104	54	4776	79	7234
5	164	30	2204	55	4884	80	7314
6	215	31	2307	56	4992	81	7393
7	270	32	2409	57	5099	82	7469
8	329	33	2513	58	5206	83	7543
9	391	34	2617	59	5312	84	7614
10	457	35	2722	60	5417	85	7682
11	525	36	2827	61	5522	86	7748
12	596	37	2934	62	5626	87	7810
13	670	38	3040	63	5730	88	7869
14	746	39	3147	64	5833	89	7924
15	825	40	3254	65	5934	90	7975
16	905	41	3363	66	6035	91	8021
17	988	42	3471	67	6135	92	8062
18	1072	43	3579	68	6234	93	8097
19	1159	44	3688	69	6332	94	8124
20	1247	45	3797	70	6429	95	8139
21	1337	46	3906	71	6524		
22	1428	47	4015	72	6618		
23	1521	48	4124	73	6711		
24	1615	49	4233	74	6802		
25	1710	50	4342	75	6892		

108

NACE

NATIONAL ASSOCIATION
OF CORROSION ENGINEERS

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Houston, Texas 77218
(713) 492-0535
Telex 792310

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T. HELMS
Taft College
29 Emmons Park Place,
Taft, California 93268
(805) 763-5161

January 21, 1985

Mr. Edward C. Anton, Chief
Division of Technical Services
State Water Resources Control Board

Re: My letter to you dated 1-14-85 and attachments
and previous correspondence

Dear Mr. Anton

Because of the fog on January 18, 1985 the airlines into Sacramento were running late and we arrived there for the Special Board Meeting just in time to see the Board adopt the new Regulations For Underground storage of Hazardous Substances.

After the board meeting adjourned we reviewed the "Errata: December 28, 1984 Draft Underground Tank Regulations". We were very disappointed to read that four key words ("with or without coatings") had been deleted from subsection (4) on page 3.40. It was too late to comment on the errata, but we did talk to your staff afterwards.

Considerable evidence has already been submitted to justify that systems with cathodic protection do not leak. Since fiberglass coated steel tanks will no longer need cathodic protection, it is even more important that the system (the tank and associated piping) be tested after it is placed in-service and working to be certain there are no holidays or potential corrosion problems. See attached pages 3.40 and 3.41.

Many experts feel that more leaks have occurred in the piping than in the tank itself. This concept emphasizes the need for testing after systems are in operation. These are the conditions where the leaks occur and not resting on top of the ground.

Received DTS

FEB 19 1985

E. Anton - 1/21/85
Page 2

Please correct the address for NACE in appendix I, Table B to:
P. O. Box 218340
Houston, TX 77218

If you have any further questions please contact me at (714) 865-4741.

Sincerely



WILLIAM R. STEAD, P.E.
Corrosion Engineer

Attachments

CC State Water Board Chairman
NACE
Harold Singer
Bill Maxwell
Tom Micka

WRS:KLW

(4) Single-wall primary containers of steel and the outer surface of double-walled underground storage tanks constructed of steel, with or without coatings, shall be protected by either a properly installed, maintained, and monitored cathodic protection system. WITH OR WITHOUT COATINGS OR LISTED CORROSION RESISTANT MATERIALS, NON-METALLIC REINFORCED PLASTIC COATINGS, COMPOSITES, OR EQUIVALENT SYSTEMS, WHICH HAVE BEEN CHECKED USING ELECTRICAL HOLIDAY TESTING Selection of the type of protection to be employed shall be based on a certification listing by a nationally recognized, independent testing organization or the judgment of a registered corrosion engineer or a National Association of Corrosion Engineers (NACE) accredited corrosion specialist taking into account the corrosion history of the area. underground storage tanks with listed corrosion-resistant materials, non-metallic reinforced plastic coatings, composites, or equivalent systems shall be holiday tested immediately prior to installation.

When cathodic protection is selected, the system shall be designed by a registered corrosion engineer or a NACE corrosion specialist or in

accordance with the certification listing, whenever is applicable. The cathodic protection system shall be initially tested by a registered corrosion engineer or NACE corrosion specialist.

Monitoring of the cathodic protection system shall be inspected under the direction of a registered corrosion engineer or NACE corrosion specialist at the frequency specified in the certification or in accordance with the schedule prescribed by the system designer, but no less than semi-annually.

Unfilled underground storage tanks in a vault and not backfilled are exempted from the requirements of this subsection.

(5) All primary containers and double-walled tanks underground storage shall be installed according to the manufacturer's written recommendations or, if no written recommendations exist, best engineering practice.

(6) [2] All underground storage tanks shall be tested before being put into service in accordance with

NOTE

NOTE

NOTE

NOTE

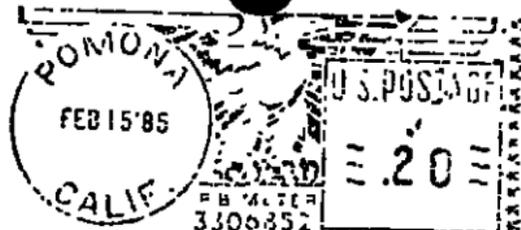
RECOMMENDED WORDS ADDED HERE

& AFTER

GTE

General Telephone Company
of California

W. R. Stead, RC 3641, BC A03

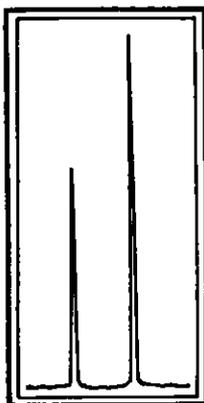


Mr. Edward C. Anton
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95801



JAN 22 1985

orig w/OT
Anton
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CH 12 14



TRACER RESEARCH CORPORATION

1687 West Grant Road, Suite 102
Tucson, Arizona 85745
(602) 623-0200

January 17, 1985

Mrs. Carole Onorato
Chairman
California Water Resources Control Board
901 P Street
Sacramento, California 95801

Ref: Sherr Bill Regulations

Dear Mrs. Onorato:

Mr. Frank Winston of Research Consultants Consortium, Inc. in San Francisco asked me to be present at your January 18th meeting in which you will be discussing or perhaps finalizing the Sherr Bill Regulations. In particular, he wished me to speak to the point that regulations were about to be set requiring monitoring wells in all tank locations where the depth water was less than 100 feet.

Unfortunately, my work schedule will prevent me from attending your January 18th meeting and for this reason I wish to present my comments briefly in this letter.

I have used volatile organic chemicals as tracers in the subsurface many times during the last ten years. In June 1983, I formed a business (Tracer Research Corporation) that has been principally involved with providing a contaminant investigation service based on our ability to map subsurface contamination from the vapors which diffuse upward through the soil from the contamination. The technology has been used as part of two EPA Superfund investigations and has been accepted by the San Francisco Regional Water Resources Control Board on numerous occasions as a means of mapping contamination in the shallow aquifers. My experiences have given me the following insights that relate to the Sherr Bill problem.

- 1) No single monitoring method will be the right one for all buried tanks.
- 2) All of my soil gas investigations of both gasoline and solvent leaks have shown that copious amounts of the contaminant are present in the vapor phase in the immediate vicinity (20 ft. radius) of the leak.
- 3) Hydrocarbons having boiling points above about 110°C are not nearly as mobile in the soil gas as are the more volatile lower boiling compounds. Thus, vapor phase leak monitoring in the vadose zone may be suitable for gasoline, but in my experience, is unsuitable for diesel fuel which is much less volatile.

Received DTS

JAN 25 1985



- 4) A blanket requirement for monitoring wells at all tank locations is ill advised for the reasons that Mr. Winston has already pointed out and because the monitoring wells in most cases will provide detection only after a large amount of damage has already been done to the unsaturated zone soil and to the aquifer. By the time a monitoring well detects gasoline where the depth to water is 25 feet, the damage (hydrocarbon contamination of the ground-water) will take years to dissipate.
- 5) In contrast to wells, subsurface vapor monitoring devices will detect gasoline leakage at an early stage, probably before it becomes a threat to groundwater.
- 6) The detection of gasoline leaks by means of vapor sensing devices will have as a major drawback the fact that they will detect vapors from sources other than liquid product leaking from the tank, and thus they will easily be capable of giving false alarms.

Thank you for taking the time to consider these comments.

Sincerely yours,

Glenn Thompson
President

cc Mr. Frank Winston

GT:ljl



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COUNTY OF SAN DIEGO

DEPARTMENT OF HEALTH SERVICES

1700 Pacific Highway, San Diego, CA 92101

JAMES A. FORDE, Director



DIVISION OF ENVIRONMENTAL HEALTH PROTECTION
(619) 236-2243

*Rec'd after deadline
for comments.*

May 28, 1985

Mr. David Holtry
State Water Resources Control Board
Division of Water Quality
P.O. Box 100
Sacramento, CA 95801-0100

RE: UNDERGROUND TANK REGULATIONS

Dear Mr. Holtry:

We have reviewed the proposed amendment of regulations adopted by the State Water Resources Control Board on January 18, 1985 and support the amendment as written.

Very truly yours,

GARY STEPHANY, Chief
Division of Environmental Health Protection

GS:VG:dmc

Received: 6/1

JUN 3 1985

DH

RESOURCE MANAGEMENT AGENCY
county of ventura

Environmental Health Department
Donald W. Koepp
Director

May 28, 1985

*Rec'd after deadline
for comments.*

State Water Resources Control Board
Division of Water Quality
David Holtry
P.O. Box 100
Sacramento CA 95801-0100

Dear Mr. Holtry:

We have received and reviewed your proposed modifications to your Underground Tanks Regulations (California Administrative Code, Title 23, Section 2621 et seq) dated May 14, 1985.

We find the proposed modifications to be minor and do not substantially change the Underground Tank Regulations.

Ventura County strongly supports your Underground Tanks Regulations and proposed modifications. As a local implementing agency, we find the regulations to be enforceable, and to provide for protection of our sensitive groundwater resources.

We urge your Board to immediately adopt these proposed modifications to the Underground Tank Regulations.

Very truly yours,



Terrence O. Gilday
Technical Services Supervisor
Environmental Health Department

JCH/pbp

Received DT
JUN 3 1985