

State Water Resources Control Board

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT**

**UNDERGROUND STORAGE TANK CASE CLOSURE PURSUANT TO HEALTH AND SAFETY  
CODE SECTION 25296.40 AND THE STATE WATER RESOURCES CONTROL BOARD  
LOW-THREAT UNDERGROUND STORAGE TANK CASE CLOSURE POLICY:  
CONOCOPHILLIPS COMPANY (PETITIONER)  
SUPER 7 (76 SERVICE STATION NO. 7331)  
901 ASHBY AVENUE, BERKELEY, ALAMEDA COUNTY**

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will accept comments on the proposed underground storage tank (UST) case closure for the City of Berkeley, Toxics Management Division former case number 01-1444.

Health and Safety Code section 25296.40 allows for an owner or operator, or responsible party, who has a UST case, who believes that the corrective action plan has been satisfactory implemented, and where closure has not been granted, to petition the State Water Board for review of their case. Upon review of the case, the State Water Board may close or require the closure of any UST case if it is determined that corrective action has been completed in accordance with Health and Safety Code section 25296.10. Pursuant to State Water Board Resolution No. 2012-0061, the Executive Director of the State Water Board may close or require closure of cases that meet the criteria specified in the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy (Policy) adopted by State Water Board Resolution No. 2012-0016.

A Case Closure Summary has been prepared that contains information about the UST case that forms the basis for the UST Cleanup Unit staff's recommendation to the Executive Director for UST case closure. A copy of this notice has been provided to the responsible party, owner/operator, environmental consultant on record, the applicable Regional Water Quality Control Board and local agency that has been overseeing corrective action, agencies with authority to issue building permits, owners and occupants of the impacted property, owners and occupants of all parcels adjacent to impacted properties, the water replenishment district, the local water purveyor, the municipal water district, county water district, and special act district with groundwater management authority.

**DOCUMENT AVAILABILITY**

The UST Case Closure Summary and the draft Order are available to view or download on the State Water Board's Web site at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ustcf/prop\\_closure\\_cases.shtml](http://www.waterboards.ca.gov/water_issues/programs/ustcf/prop_closure_cases.shtml).

Paper copies of the Case Closure Summary and the draft Order are available upon request by writing to Ben Heningburg, Division of Water Quality, State Water Resources Control Board, P.O. Box 2231, Sacramento, CA 95812; by calling Mr. Heningburg at (916) 341-5749; or by e-mail at: [benjamin.heningburg@waterboards.ca.gov](mailto:benjamin.heningburg@waterboards.ca.gov).

**SUBMISSION OF WRITTEN COMMENTS**

Interested persons are encouraged to submit their comments, evidence, and other material electronically. Comment letters can be submitted by e-mail to: [USTClosuresComments@waterboards.ca.gov](mailto:USTClosuresComments@waterboards.ca.gov) (if less than 10 megabytes in total size) or by fax at (916) 341-5808 with the subject "Comment Letter – Super 7 (76 Service Station No. 7331)" in order to be fully considered, written comments must be received by **12:00 noon on Friday, November 8, 2013**. Written comments may also be delivered via mail:

Vivian Gomez-Latino  
State Water Resources Control Board  
1001 I Street, P.O. Box 2231, Sacramento, CA 95812  
or hand-delivered to the following address:  
State Water Resources Control Board  
1001 I Street, 15th Floor, Sacramento, CA 95814

Please direct questions about this notice to Ben Heningburg, UST Cleanup Unit III, at (916) 341-5749 ([benjamin.heningburg@waterboards.ca.gov](mailto:benjamin.heningburg@waterboards.ca.gov)) or Nathan Jacobsen, Staff Counsel at (916) 341-5181 ([nathan.jacobsen@waterboards.ca.gov](mailto:nathan.jacobsen@waterboards.ca.gov)).

*Vivian Gomez-Latino*  
Vivian Gomez-Latino  
Office Technician  
Division of Water Quality

9/4/2013  
Date