

COMMENT LETTER*

TO: State Water Resources Control Board – Division of Water Quality
Attn.: USTClosuresComments@waterboards.ca.gov

FROM: Kevin D. Brown, CEG #2180; geobrown@earthlink.net

DATE: December 26, 2013

SUBJECT: **Comment Letter – French Property Proposed Case Closure**

SITE ADDRESS: 147 East Baseline Street, San Bernardino, California

***Disclaimer:** The views and opinions expressed in this comment letter are solely those of the author in his private capacity and do not in any way reflect the views of his employer or any related entity.

Dear State Water Resources Control Board,

I have reviewed the “NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT” and the “UST CASE CLOSURE SUMMARY” for the referenced site. I have also evaluated information about the case in GeoTracker, reviewed the October 11, 2012, letter from the Santa Ana Regional Water Quality Control Board (Regional Water Board), and compared the case attributes to the August 17, 2012, State Water Board’s *Low-Threat Underground Storage Tank Case Closure Policy* (LTCP).

The case closure summary, a generic document resembling many of the records submitted by the State Water Board for proposed UST case closures, states all general and media-specific criteria of the LTCP have been met, and further elaborates the “Site **MEETS ALL EIGHT GENERAL CRITERIA** under the Policy.” It is clear from the record that a secondary source (e.g., contaminated soil) has not been removed to the extent practicable, which is required by the LTCP. Shallow soil remediation has been conducted at the site, but significant residual soil pollution remains from approximately 25 to 35 feet below the ground surface, including TPH-gasoline, benzene, ethylbenzene, naphthalene, and related volatile organic compounds (VOCs) at unusually high concentrations. What efforts have been expended to remediate the deeper contamination?

No technical rationale was provided in the case closure summary to support the tenuous statement that “Any remaining petroleum constituents do not pose significant risk to human health, safety or the environment.” In 2012, soil samples were collected and analyzed to evaluate the remedial effectiveness of soil vapor extraction (SVE) and to quantify the remaining petroleum impacts in soil. It has been well established for many years that there can be a significant loss of VOCs in soils during sample collection and preservation, which can lead to substantial under-reporting of VOC concentrations and therefore the underestimation of risk. What’s the best way to evaluate VOCs in the subsurface? Complete a competent soil vapor study, of course.

In 2012, the Regional Water Board required the responsible party to submit a work plan to complete a shallow soil vapor survey to evaluate whether shallow VOCs could pose a risk to current and future building occupants. This is a reasonable and prudent course of action. However, such a work plan was not submitted, so technically speaking the site is out-of-compliance with Regional Water Board directives and is not eligible to receive reimbursement monies from the UST Cleanup Fund.

The summary states “There are no shallow soil samples (sic) results in the case record for naphthalene.” Why not? It is noted that in deeper soil samples, naphthalene was detected up to 324 mg/kg, a very high concentration. Collecting shallow soil vapor samples can resolve an obvious data gap.

The proposed closure of this UST case is premature. An argument has been made that evaluating shallow soil vapor is not necessary. However, a soil vapor study is necessary to evaluate whether a potential vapor intrusion risk exists at the site. Such a study is sensible and will hopefully demonstrate, through the use of good empirical data and not suspect soil data, that the site does not pose a risk to human health and the environment.

Thank you for accepting my comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin D. Brown". The signature is cursive and somewhat stylized.

Kevin D. Brown, CEG #2180
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