

## COMMENT LETTER\*

**TO:** State Water Resources Control Board – Division of Water Quality  
Attn.: [USTClosuresComments@waterboards.ca.gov](mailto:USTClosuresComments@waterboards.ca.gov)

**FROM:** Kevin D. Brown, CEG #2180; [geobrown@earthlink.net](mailto:geobrown@earthlink.net)

**DATE:** December 26, 2013

**SUBJECT:** **Comment Letter – G&M Oil No. 140 Proposed Case Closure**

**SITE ADDRESS:** 8032 Garden Grove Boulevard, Garden Grove, Orange County, 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 December 20, 2013, “Comment Letter” about the proposed case closure from the County of Orange Health Care Agency (OCHCA), and compared the case attributes to the August 17, 2012, State Water Board’s *Low-Threat Underground Storage Tank Case Closure Policy* (LTCP). Finally, I reviewed a March 2005 Phase II investigation report for the site.

As a California-licensed professional geologist and certified engineering geologist who wants to ensure that accurate scientific interpretations of all available data have been conducted at a UST site before the case is closed, I am dismayed by the number of technical deficiencies and inaccuracies in the aforementioned case closure summary.

The summary 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.” No technical rationale was provided in the case closure summary to support the tenuous proclamation that “Any remaining petroleum constituents do not pose significant risk to human health, safety or the environment.” As accurately stated in the OCHCA letter, several of the LTCP’s “General Criteria” have not been satisfied. Most notably, the nature and extent of petroleum contamination in soil and groundwater has not been defined, an especially important issue since the groundwater in this area of Orange County is currently being used as a drinking water source.

In light of the 2005 investigation findings (which were not discussed in the case closure summary) that indicate both shallow soil (i.e., 5 feet below grade) and shallow groundwater beneath the site is impacted with MTBE and TBA at significant concentrations, it makes sense to require further investigation to fully determine the nature and extent of the oxygenate contamination. The summary alludes to the possibility that an off-site property is the source of the groundwater contamination beneath the site. If it’s determined

the shallow soil is contributing to the underlying groundwater pollution, secondary source removal, per the LTCP, must then be conducted to the extent practicable.

In conclusion, the case does not meet several important general criteria of the LTCP. I concur with the OCHCA – the proposed closure of this UST case is premature at this time. Furthermore, the citizens of Orange County will not derive any benefit from closing this UST case until they are assured the site poses no threat to their drinking water resource, an uncertainty yet to be properly evaluated.

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  
[geobrown@earthlink.net](mailto:geobrown@earthlink.net)