



# County of Santa Clara Department of Environmental Health Site Mitigation Program Update

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# What Are We Talking About?

- Site Mitigation Program Overview
  - Who are we/what do we do?
  - Local Oversight Program
  - Voluntary Cleanup Program
  - Program Goals
- New(ish) Regulatory and Policy Changes
  - Low-Threat UST Case Closure Policy
  - LOP Certification
  - Minimum Verification Sampling Requirements for UST Removals
- Unauthorized Release Process
- Questions and Discussion



# Who We Are and What We Do?

- Site Mitigation manages two types of cleanup programs
  - Local Oversight Program (think gas tanks)
  - Voluntary Cleanup Program (think everything else)
- Program comprised of:
  - Michael Balliet (Program Manager)
  - Gerald O'Regan (Professional Geologist of record)
  - Lani Lee (Senior HazMat Specialist)
  - Aaron Costa (HazMat Specialist II)
- Oversee cleanup and eventual case closure of all reported fuel leak cases Countywide
  - Currently ~240 LUST (LOP) cases
  - Currently ~40 voluntary cleanup (VCP) cases

# Local Oversight Program (LOP)

- DEH inherited the program from the Santa Clara Valley Water District in 2005
- Currently have ~240 open cases and over 2,500 closed cases
- Approx. 80-90% of workload is in this program
- ~10% annual closure rate
- We reopen approximately 5-10 previously closed cases a year
- We receive approximately 10-20 new cases a year



# Local Oversight Program (LOP)

- Oversees corrective actions with property owners and environmental consultants to clean up petroleum hydrocarbon releases from leaking underground storage tanks
  - Mainly retail service stations
  - Includes some commercial/industrial properties that have/had USTs
- Widely considered a “legacy” program, but there are long term management and redevelopment considerations
- Costs associated with the investigation and cleanup are eligible for reimbursement by the State Cleanup Fund (CUF)
- CUF is funded by a gasoline tax that sunsets in 2016
- Currently estimated that >90% of gas stations utilize the CUF as their financial responsibility mechanism
- If/when the CUF reimbursement program ends, there will still be contaminated sites

# Voluntary Cleanup Program (VCP)

- Formally established October 2010 in response to industry requests
- Oversees the cleanup of properties contaminated by releases of hazardous materials (typically non-underground tank sites)
- Designed for developers and property owners who want a speedy cleanup of their site and are able to fund it
- Requires notification of DTSC and the RWQCB



# Voluntary Cleanup Program (VCP)

- Currently have 38 open cases and have closed 40
- Makes up approx. 10-20% of work load
- Program is continually expanding and need for cleanup is high
  - Lending community has high level of awareness after 2008
  - Often times site data is required during lending process (Phase I/II)
  - Now redevelopment money is often dependent on sign off from a regulatory agency
- Typical sites in VCP
  - Solvents (PCE, TCE) - Industrial
  - Metals (Chromium, Lead) - Industrial
  - Pesticides (DDT, Organochlorines) - Orchards/Private Residence

# Program Goals

- Ensure the protection of human health, safety and the environment from exposures to residual contamination in air, soil and groundwater
- Provide assistance to CUPA and other agencies who may have questions involving contamination
- Assist developers and agencies during development of contaminated properties (help enable development)
- Hold recalcitrant parties responsible for cleaning up their properties (step up enforcement)
- Be seen and used as a resource and partner within the County for problems associated with contaminated sites

# Working Together

- Local Fire/Planning Interactions
  - Receive Unauthorized Leak Reports from all cities
    - Policy for submitting based on agency
  - Assist with identification of contaminated properties
  - Provide a list of contaminated sites upon request
  - Identify land use changes that impact cleanup decisions for both open and closed cases
  - Oversee the installation of passive and active vapor barriers
  - Ensure long-term management and maintenance of those barriers
  - Deed notifications and/or restrictions (depending on case)
  - Notification during case closure process
  - Notification upon case closure
    - Most cases have long term Site Management Requirements

# New(ish) Regulatory and Policy Changes

- Proposed changes that affect Cleanup Programs:
  - UST Low Threat Closure Policy
  - LOP Local Agency Certification Program
  - Required Laboratory Analyses for UST Closures



# Low-Threat UST Case Closure Policy (LTCP)

- Created by a stakeholder group that included local agencies, State Board, Regional Board, CIOMA (responsible party), and a water district
- Passed by the State Board on May 1, 2012 after CEQA and public notice
- Reviewed and approved by the Office of Administrative Law on July 30, 2012
- Became effective August 17, 2012
- Establishes some specific criteria for evaluation of cases for “low threat” closure



# LTCP



- 2 main drivers
  - Financial
  - Consistency/Level playing field
- Idea is to identify and close those sites that pose a low risk so limited financial resources can be spent on higher priority sites
- Close those sites prior to the 2016 USTCUF sunset date
- Residual contamination to remain – some concerns from property owners and local agencies about higher levels of contamination remaining on the property
- Defers some cleanup responsibility to future property owners and redevelopers
- Requires more robust public notification for potential case closures
- USTCUF sunsets in 2016

# LTCP

- Lists specific values in soil and groundwater for select chemicals of concern
  - Usual suspects are there (benzene, MTBE)
  - A few “interesting” chemicals made it in the policy
    - Naphthalene
    - Polycyclic Aromatic Hydrocarbons (PAHs)
  - Other chemicals “left out”
    - Tert Butyl Alcohol (TBA)
    - Total Petroleum Hydrocarbons (TPH)
    - Ethanol
  - LOP still requires all chemicals detected to be defined regardless of whether or not if it’s specifically listed in the LTCP
  - LTCP more clearly and consistently establishes end game.

# LOP Certification



- Local Oversight Program Local Agency Certification
  - State law was changed on January 1, 2013 to require local agency certifications for any local agency overseeing corrective actions from UST releases after July 1, 2013
  - Requires certification application and submittal to the State Water Resources Control Board
    - Must meet minimum requirements established by the State Board
  - Local Agency audits performed every 3 years
  - Technically, SMP is the only certified agency within the County allowed to oversee clean-up.
    - Importance of real-time communication

# Minimum verification sampling requirements for UST closures

- Legacy document from RWQCB posted on UNIDOCS
  - Last known revision was made ~ 2006?
- Actual analyses of samples varied from site to site and between agencies
  - Form was used more like a menu
- Due to the revised LUFT manual, the LTCP and desire for overall consistency, the SMP saw a need for a revision to document
  - Certain chemical analyses are required for closure under LTCP
  - Attempt to simplify closure permit process
  - Holistic approach to sites with inter-agency cooperation
    - Leads to consistent expectations for RPs and agencies
    - Cuts lifecycle of project in many cases (no redos)

# So What Changed?

- In reality, not a lot
  - Only 2 specific chemicals were “added” to the form
    - Naphthalene
    - Ethanol
- EPA Lab Methods were updated/ revised based on latest technology
- Revision is in line with the updated LUFT manual and the LTCP criteria
- Form should not be used as an a la carte menu
- Treat them as requirements for all UST closures
  - These are the minimum analyses required

# Unauthorized Release Process

- UST closure is permitted
- UST is removed
- CUPA staff review the closure report and analytical data
  - COC should be reconciled against what was required
  - If any chemicals are reported above the detection limit, a URF is completed.
  - If no chemicals are reported above the detection limit, CUPA will close permit.
- If contamination is present (anything above ND), URF should be sent to LOP (Lani) via email
- LOP staff will determine how to proceed
- If anything is questionable, please contact LOP staff

# Questions/Discussion

- Hydraulic Lifts?
- Can we over-excavate?
- Can we backfill?
- Who fills out URF?

# Resources

- Online Resources
  - GeoTracker Database <http://geotracker.waterboards.ca.gov/>
  - LUSTOP Database <http://lustop.sccgov.org/>
  - SWRCB Low-Threat Closure Policy  
[http://www.waterboards.ca.gov/ust/lt\\_cls\\_plcy.shtml](http://www.waterboards.ca.gov/ust/lt_cls_plcy.shtml)
  - LUFT Manual (2012 Revision)  
[http://www.waterboards.ca.gov/ust/luft\\_manual.shtml](http://www.waterboards.ca.gov/ust/luft_manual.shtml)

The screenshot shows the GeoTracker website for the State Water Resources Control Board. The page features a navigation menu with 'GeoTracker Home', 'Tools', 'Reports', 'Information', and 'SWRCB Home'. A sidebar on the left lists sections: TOOLS (Advanced Search, Download Data, Download ESI Data), REPORTS (Click to View Reports), and INFORMATION (SWRCB Home, GeoTracker Fact Sheet, GeoTracker GAMA Fact Sheet, Electronic Submittal of Information (ESI)). The main content area includes a 'Welcome to GeoTracker' message, a search box for 'MAP LOCATION OF INTEREST' with the example '10 market st, san francisco, ca' and a 'GO' button, and a section for 'REPORTS' listing various documents like 'Petitions for Closure to State Water Board' and 'CUP Open Case Ag/Paid Amt/Concentration Report'. At the bottom, there are links for 'Back to Top' and 'Contact Us', and a copyright notice for 2012 State of California.

# Contact Information

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