



Countywide Services Agency

Environmental Management  
Department

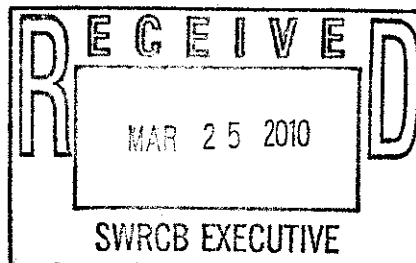
Environmental Compliance Division  
Dennis Green, Chief

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## County of Sacramento

March 24, 2010

Charles Hoppin, Chair  
c/o Jeanine Townsend  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95602



Dear Mr. Hoppin:

**SUBJECT: RESPONSE TO UST CASE CLOSURE, PETITION OF HAAGEN GDH PARTENRSHIP, 1899 E COCHRAN STREET, SIMI VALLEY**

While we agree that the petroleum plume is attenuating, and that further active remediation is not in the best interests of the people of California, the current legal framework appears to be forcing decision makers (the State Water Resources Control Board [SWRCB] in this case) to make vague and unsupported statements like the following in order to “do the right thing”:

“The approximate time period in which the requisite level of water quality for dissolved petroleum hydrocarbons and oxygenate compounds will be met is estimated to be decades to hundreds of years. Though the requisite level of water quality has not been met, water quality objectives will be achieved via natural attenuation in decades to hundreds of years. This is a reasonable period in which to meet the requisite level of water quality because the affected groundwater is not currently being used as a source of drinking water and it is highly unlikely that the affected groundwater will be used as a source of drinking water in the future.” – SWRCB, *DRAFT UST Case Closure Summary, Haagen GDH Partnership /Former Gemco Store #533, 1899 East Cochran Street, Simi Valley*

We interpret “decades to hundreds of years” to mean “less than a thousand years”. If a shorter time frame is inferred, then this should be stated. It thus appears that SWRCB has concluded that: (1) the plume is likely to meet water quality objectives (WQOs) in less than a thousand years and (2) this is a reasonable period of time to reach WQOs because the groundwater is unlikely to be used before the end of that time.

Concerning the first conclusion, we suspect that the plume will meet WQOs within a thousand years; however, without some means of arriving at that conclusion, this is merely speculative. We see that the residual mass of gasoline hydrocarbons has been estimated to be about 4500 pounds and that the TPHg concentration in groundwater was last measured at a maximum of 78,300 ug/l. What are the estimated rates of degradation or attenuation, and how were those arrived at? Does SWRCB expect Regional Boards and Local Agencies to simply make an assumption that plumes of this size or smaller will reach WQOs within a thousand years if there are signs of some attenuation?

Concerning the second conclusion (i.e., that this particular groundwater is unlikely to be used within a thousand years), we believe this is even less supportable than the first conclusion. While we recognize the low yield and low quality of the subject water, the concept that the SWRCB has any idea of the specific waters that will be used in California within a thousand years is inherently flawed. It is problematic enough to make water usage predictions on a general scale over a relatively short period of time, as the authors of the peer-reviewed CALVIN model freely acknowledge. How much more problematic is making predictions for a specific local source over a time frame of "less than a thousand years"? Technological advances and water needs over the next thousand years could reasonably be said to be unfathomable, and may very well make water that is not economically feasible to use now very useable in the distant future.

Thus, the Sacramento County LOP believes it is scientifically unsupportable for SWRCB to conclude that there is substantial likelihood that the plume at Haagen GDH Partnership will meet WQOs before the water will be used without providing a scientifically supportable rate of attenuation and without providing more than a speculative opinion about when the potential water source is likely to be used.

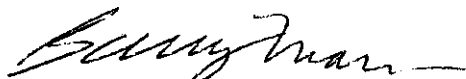
Recent training provided to Regional Board and Local Agency staff by State Board counsel appeared to affirm that if the time to reach WQOs cannot be projected at a release site, and if the time for use of designated drinking waters at a release site cannot be projected, closing the site is in violation of Basin Plans and the Porter-Cologne Water Quality Control Act. Closing such sites may place some liability on the registered professional taking responsibility for site closure as well as the Agency itself. Therefore, Local Agencies such as ours are reluctant to close sites where there appears to be no legal support for this action.

In closing, if SWRCB believes that impacted groundwaters like the subject case are not worth the cost of protecting at the present time (which is a reasonable opinion) and are unlikely to impact more immediately useable aquifers (also a reasonable opinion), then it seems a better resolution is to de-designate such groundwaters as potential drinking water sources and/or revise the Porter-Cologne Act. While this would require more time and effort than administrative solutions, it would solve the problem of closing sites where groundwater cannot reasonably be projected to meet WQOs before use.

Charles Hoppin  
March 24, 2010  
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If you have any questions regarding the above comments, you may contact me by telephone at (916) 875-8506, or by e-mail at [marcusb@saccounty.net](mailto:marcusb@saccounty.net).

Sincerely,

A handwritten signature in cursive script, appearing to read "Barry Marcus", followed by a horizontal line.

Barry Marcus, P.G.  
Supervising Environmental Specialist  
Local Oversight Program

BIM:CL:se

c: Cori Condon, CVRWQCB  
Kevin Graves, SWRCB  
Lori Brock, SWRCB