

State Water Resources Control Board

REVISED

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND) CASE CLOSURE
RECOMMENDATION PURSUANT TO HEALTH AND SAFETY CODE SECTION 25299.39.2
AND THE STATE WATER RESOURCES CONTROL BOARD
LOW-THREAT UNDERGROUND STORAGE TANK CASE CLOSURE POLICY:
CLAIM NUMBER: 5502, SITE ADDRESS: BP #11133,
2220 98TH AVENUE, OAKLAND, CA 94603

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 Alameda County Environmental Health Care Agency case number RO0000403, 2220 98TH Avenue, Oakland, Alameda County. Please note that the referenced case was previously noticed for public comment and was anticipated to be considered for case closure by the State Water Resources Control Board at a future meeting. This matter will instead be presented to the Executive Director of the State Water Board for consideration. Previously submitted comments are part of the record and need not be resubmitted. Additional written comments may be submitted as described below.

Health & Safety Code section 25299.39.2 subdivision (a)(1) requires the Fund Manager to notify UST owners or operators who have a Letter of Commitment (LOC) that has been in active status for five or more years and to review the case history of these sites on an annual basis unless otherwise notified by the UST owner or operator. In addition, Health & Safety Code section 25299.39.2 further states that the Fund Manager, with approval of the UST owner or operator, may recommend regulatory case closure to the State Water Board. This process is called the "5-Year Review." The State Water Board may close or require the closure of any UST case. The above-referenced case may be closed by the Executive Director of the State Water Board. 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 (Low-Threat Closure Policy) adopted by State Water Board Resolution No. 2012-0016.

Having obtained the owner/operator's approval, and pursuant to Health & Safety Code section 25299.39.2 subdivision (a)(1), the Fund Manager recommends closure of the above-referenced UST Case. Enclosed is a copy of the UST Case Closure Review Summary Report for the UST case. The Case Closure Review Summary Report contains information about the UST case and forms the basis for the UST Cleanup Fund Manager's recommendation to the State Water Board for UST case closure. A copy of the Case Closure Review Summary Report has been provided to the owner/operator, environmental consultant of record, the local agency that has

been overseeing corrective action, the local water purveyor, and the water district specified by Health & Safety Code section 25299.39.2 subdivision (a)(1). Notification has been provided to all entities that require notice as specified in the Low-Threat Closure Policy.

Finally, the Fund Manager recommendation for case closure triggers provisions in Health & Safety Code section 25299.39.2 subdivision (a)(2) requiring the State Water Board to limit reimbursement of any correction action costs incurred after the date of this letter to \$10,000 per year, excepting special circumstances.

SUBMISSION OF WRITTEN COMMENTS

Written comments on the Case Closure Review Summary Report to the State Water Board **must be received by 12:00 Noon on February 21, 2013**. Please provide the following information in the subject line: **"Comment Letter – BP 11133 Case Closure Summary."** Comments must be addressed to:

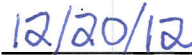
Mr. Pete Mizera
State Water Resources Control Board
1001 I Street, 16th Floor
Sacramento, CA 95814

Comments by email must be addressed to: DFA-USTClosures@waterboards.ca.gov

Please direct questions about this notice to Bob Trommer, UST Cleanup Fund, at (916) 341-5684 (btrommer@waterboards.ca.gov) or Nathan Jacobsen, Staff Counsel at (916) 341-5181 (njacobsen@waterboards.ca.gov).



Pete Mizera
Executive Assistant
Division of Financial Assistance



Date