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March 15, 2012

Charles R. Hoppin, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Mr. Hoppin:

Subject: Alameda County Water District Urges Modifications to the State Water Resources Control Board's Draft Low-Threat Underground Storage Tank Case Closure Policy

The Alameda County Water District (ACWD) supplies drinking water to a population of over 328,000 in the cities of Fremont, Newark, and Union City and groundwater accounts for a major portion of ACWD's supply. ACWD was formed in 1914 for the purpose of protecting the water in the Niles Cone Groundwater Basin and conserving the water of the Alameda Creek Watershed.

ACWD's Board of Directors is greatly concerned about certain provisions of the Draft Low-Threat Underground Storage Tank Case Closure Policy (Policy). Accordingly, on March 8, 2012, the ACWD Board adopted Resolution No. 12-016, which respectfully requests the State Water Resources Control Board to modify the Policy as follows:

- Provide an exemption for groundwater basins that are actively used as a drinking water supply and are vulnerable to contaminants;
- Address the cumulative impact on water quality and groundwater resources from closing numerous cases with elevated concentrations of petroleum hydrocarbons; and
- Ensure that the burden and expense associated with tracking groundwater plumes containing petroleum hydrocarbons remains with the party responsible for contaminating the property and is not placed on local agencies, residents, and businesses.

The ACWD Board considers this to be a very important matter to the residents and businesses that receive water from ACWD. We respectfully request the State Board to consider Resolution No. 12-016 and modify the draft Policy accordingly. Additionally, ACWD will be submitting comments concerning the State Board's Substitute Environmental Document and Policy under separate cover letter.

Lastly, ACWD staff welcomes the opportunity to meet with State Board staff to discuss ACWD's concerns.

Sincerely,

John H. Weed
President, ACWD Board of Directors

si/tf
Enclosure
cc: Distribution List

Distribution:

ACWD Board of Directors

Honorable Ellen Corbett, Member of the California Senate

Honorable Robert Wieckowski, Member of the California Assembly

Frances Spivy-Weber, Vice Chair, State Board

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Thomas Howard, Executive Director

Jeanine Townsend, Clerk to the State Board

RESOLUTION NO. 12-016

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
URGING MODIFICATIONS TO THE STATE WATER RESOURCES
CONTROL BOARD'S DRAFT LOW-THREAT UNDERGROUND STORAGE
TANK CASE CLOSURE POLICY

WHEREAS, the Alameda County Water District (District) was formed in 1914 for the purpose of protecting the water in the Niles Cone Groundwater Basin and conserving the water of the Alameda Creek Watershed; and

WHEREAS, the Niles Cone Groundwater Basin is very sensitive and vulnerable to contaminants due to the highly permeable shallow aquifer that is used as a source of drinking water from the groundwater basin; and

WHEREAS, the District supplies water to a population of over 328,000 in the cities of Fremont, Newark, and Union City and local groundwater accounts for approximately 40 to 60 percent of the District's supply; and

WHEREAS, the District is a water agency that is responsible for groundwater management and is also the lead agency responsible for providing the technical oversight of leaking Underground Storage Tank (UST) cases within the District; and

WHEREAS, the State Water Resources Control Board (State Board) issued a draft "Low-Threat Underground Storage Tank Case Closure Policy" (Policy) for the purpose of establishing consistent statewide case closure criteria for UST cases; and

WHEREAS, the District generally supports the efficient and consistent closure of low-threat UST cases in California when the closure of those cases will not have a negative impact on the water quality of vulnerable groundwater basins that are actively used as a resource for potable water; and

WHEREAS, the case closure criteria in the Policy would allow thousands of UST cases to be closed state-wide, including the majority of the approximately 138 UST cases within the District, with elevated concentrations of petroleum hydrocarbons remaining in groundwater basins that are actively used as a source of drinking water, such as the Niles Cone Groundwater Basin; and

WHEREAS, closing UST cases that continue to have elevated concentrations of petroleum hydrocarbons in groundwater would require local agencies, utilities, and groundwater management agencies, such as the District, to manage and track contamination at these sites in the future in order to protect public health and the environment from residual contamination left in place at these sites for decades to centuries, and would unfairly transfer the burden and expense of these activities from the responsible parties to local agencies, such as the District;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Alameda County Water District hereby urges the State Board to modify the draft Policy to provide an exemption for groundwater basins that are actively used as a drinking water supply by local residents and businesses, and are vulnerable to contaminants due to a highly permeable shallow aquifer that is used as a source of drinking water, or are more vulnerable to groundwater contamination due to minimal, or absence of, a natural clay barrier to prevent contamination from impacting drinking water aquifers; and

BE IT FURTHER RESOLVED that the Board of Directors of the Alameda County Water District hereby urges the State Board to modify the draft Policy to address the cumulative impact on water quality and groundwater resources from closing numerous cases with elevated concentrations of petroleum hydrocarbons in groundwater that exceed the water quality objectives set forth in the Water Quality Control Plans (Basin Plans) adopted by the State Board; and

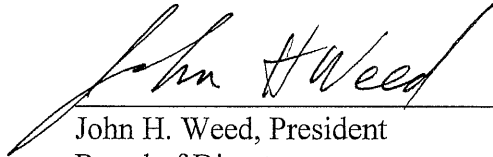
BE IT FURTHER RESOLVED that the Board of Directors of the Alameda County Water District hereby urges the State Board to modify the draft Policy to ensure that the burden and expense associated with tracking groundwater plumes containing petroleum hydrocarbons remains with the party responsible for contaminating the property and is not placed on local agencies, residents, and businesses.

PASSED AND ADOPTED this 8th day of March 2012, by the following vote:

AYES: Directors Gunther, Huang, Koller, Sethy, and Weed

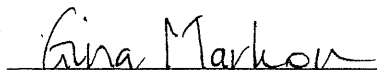
NOES: None

ABSENT: None



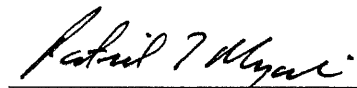
John H. Weed, President
Board of Directors
Alameda County Water District

ATTEST:



Gina Markou, District Secretary
Alameda County Water District
(Seal)

APPROVED AS TO FORM:

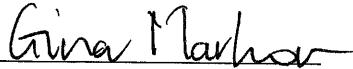


Patrick T. Miyaki, Attorney
Alameda County Water District

CERTIFICATE

I, the undersigned District Secretary of ALAMEDA COUNTY WATER DISTRICT, do hereby certify that the foregoing is a full, true and correct copy of a Resolution of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT, a political subdivision, which said Resolution was duly adopted at a meeting of said Board regularly held on March 8, 2012, that a copy of said Resolution was forthwith duly entered in the minutes of said meeting of said Board, and that the same is in full force and effect.

Dated: March 15, 2012



Gina Markou, District Secretary
Alameda County Water District