# 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: 7344; SITE ADDRESS: 3001 NEWPORT, NEWPORT BEACH, CA 92663.

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 Orange County Environmental Health Division, case number 89UT089, 3001 Newport, Newport Beach, CA 92663. This matter will be presented to the Executive Director of the State Water Board for consideration. 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. This process is called the "5-Year Review." Effective January 1, 2013, Health & Safety Code section 25299.39.2, subdivision (a)(1)(A), provides that the Fund Manager's determination that closure of the tank case is appropriate shall be documented in a review summary report provided to the regulatory agency. 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. 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 determination that case closure is appropriate and 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 the Low-Threat Closure Policy and 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.

The Fund Manager determination that case closure is appropriate triggers the provision in Health and Safety Code section 25299.39.2, subdivision (a)(4) which states that the regulatory agency shall not issue a corrective action directive or enforce an existing corrective action directive for the tank case until the board issues a decision on the closure of the tank case, with limited exceptions.

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 Tuesday, November 10, 2015**. Please provide the following information in the subject line: "**Comment Letter – UNOCAL #5310 Case Closure Summary.**"

Comments must be addressed to:

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

Comments by email must be addressed to: USTClosuresComments@waterboards.ca.gov

Please direct questions about this notice to Bob Trommer, UST Cleanup Fund, at (916) 341-5684 (Bob.Trommer@waterboards.ca.gov) or Therese Barakatt, Senior Staff Counsel at (916) 341-5186 (Therese.Barakatt@waterboards.ca.gov).

Andrew Cooper
Executive Assistant
Division of Financial Assistance

9/4/15
Date