

*El Pueblo Para el Aire y Agua Limpia/People for Clean Air & Water of Kettleman City
Greenaction for Health and Environmental Justice*

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El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water of Kettleman City and Greenaction for Health and Environmental Justice Comments in Opposition to Case Closure Consideration, Underground Storage Tank Release/Kettleman City Shell, 25712 Ward Drive RB CASE 5T16000202

El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water of Kettleman City and Greenaction for Health and Environmental Justice submit these comments on behalf of our members in Kettleman City as well as members around the state who will be harmed by the precedent of the proposed closing of this case by the Central Valley Regional Water Quality Control Board's (Central Valley Water Board).

We strongly object to the Water Board's handling of this case including the proposed closing of the case without remediation or fines.

The record indicates that from August through October 2013, a total of 1,019 gallons of gasoline had been spilled from an underground storage tank at the Shell gas station in Kettleman City, a community that the state itself acknowledges is vulnerable and at risk from multiple pollution sources and other socio-economic vulnerabilities.

According to the Water Board:

A preliminary site assessment investigation was conducted with oversight by KCEHS in February 2014. Three angle borings were drilled to investigate soil conditions beneath the center UST. Analytical results of soil samples collected confirmed the release of petroleum hydrocarbon constituents in the subsurface. Concentrations of total petroleum hydrocarbons gasoline range constituents (TPHg), and benzene of 11,000 milligrams per kilogram (mg/kg) and 90 mg/kg respectively, were detected at a depth of 35 feet below ground surface (bgs). The KCEHS issued an Unauthorized Release / Contamination Report for the Site on 31 May 2014 which established a leaking UST case.

On 25 June 2014, the KCEHS referred the case to the Central Valley Water Board for regulatory oversight. Additional investigation was accomplished in November 2014, when three soil borings were drilled to a depth of 60 feet bgs, within and near the source area. Based on the results from the soil investigations, the soil impacted by the release of petroleum product is estimated to extend from 12 feet bgs to approximately 57 feet bgs beneath and adjacent to the USTs locations. The area of the impacted zone in the shallower soil, above 32 feet bgs, extends in a circular pattern with a radius of approximately

13 feet, centered beneath the north end of the center UST and encompassing approximately 540 square feet. In the deeper soil, below 32 feet, the petroleum product release is estimated to extend 40 feet northeast in a roughly elliptical pattern, and is approximately 1,200 square feet. The dimensions indicate that the contamination has not likely migrated off the Site.

The Water Board's conclusion that leaving the spill unremediated "should not pose a significant threat to human health and safety, groundwater beneath the Site, or to the environment" is not based on a thorough analysis that took into consideration the vulnerability of residents and the potential cumulative impact. As the state's own Cal EnviroScreen documents, Kettleman City residents already are highly vulnerable due to multiple pollution sources and social and economic factors. Leaving a spill of over a 1000 gallons of fuel with toxic contaminants including carcinogens may indeed have a negative, cumulative impact on an already impacted community.

Not only did the Water Board fail to require the spill be remediated, but not one penny of fines was assessed.

The failure to require remediation, and the failure to assess any penalty whatsoever, sends a clear message that industrial pollution violations will often be ignored and in fact tolerated by state regulatory agencies.

The state policy justifying such inaction by the state water board is an incentive for irresponsible UST management, and a violation of environmental justice policies. This policy and the proposed case closure continues the pattern and practice by state agencies of lax enforcement of pollution violations in low-income communities of color.

We call on the state to require the company to remediate the spill and to assess fines to at a minimum cover the cost to taxpayers of the agency staff time spent addressing this fuel spill.

For environmental justice,

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