



SANTA CRUZ COUNTY GROUP
Of The Ventana Chapter
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September 21, 2016

Tim L. Fillmore REHS
Hazardous Materials Program Manager
Environmental Health
County of Santa Cruz.

Dear Mr. Fillmore:

The Sierra Club has been made aware of the removal of an Underground Storage Tank (UST) without a permit at the time of removal, from the site of the Aptos Village Project, Soquel Drive, Aptos, by Barry Swenson Builders (BSB) on March 1st of this year resulting in soil contamination at the site. Our understanding is that you have approved the closure of this case with no further action anticipated.

We have a number of questions and concerns and would appreciate a response to each of them:

1. Your assessment that there has been no groundwater contamination and that there are no remaining detected chemical concentrations exceeding SWRCB standards for closure are based on a Report submitted by consultants hired by Barry Swenson Builders. Given their history of removing an UST prior to obtaining a permit and their failure to advise your department of the hazardous spill, the county should conduct its own tests as a safety measure to confirm the results.
2. What were the reasons for the delay of 3 weeks between the spill and soil samples taken at the site?
3. What is your understanding of witnesses' claims that the site tested and the actual site of the UST are in different locations?
4. What action was or will be taken against Barry Swenson Builders for removing the UST without a permit at the time of removal and their failure to alert County Environmental Health of the hazardous spill on this site? The only communication we have seen is your letter of closure advising the senior project manager for BSB that any future contamination needs to be reported to your agency.

We request that you re-open this case and conduct an independent evaluation and site soil testing where the tank was removed.

We look forward to your response to the above.

Sincerely,

Greg McPheeters
Chair, Santa Cruz Group, Sierra Club

cc CAO Susan A. Mauriello
Supervisor Zach Friend
District Attorney Jeffrey S. Rosell