

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT – Cherie McCaulou
MEETING DATE: April 11, 2007

ITEM: 5.D

SUBJECT: **Emergency, Abandoned, and Recalcitrant (EAR) Underground Storage Tank Account** – Adoption of Resolution Supporting Nominations to State Water Resources Control Board’s EAR Account

CHRONOLOGY: April every year – Board adopted EAR resolution

DISCUSSION: The Tentative Resolution (Appendix A) renominates the Sunol Tree Gas Station site (Site) for inclusion in the State Board EAR Account for fiscal year 2007-2008. The Alameda County Health Care Services (County Health) provided supporting documentation for this nomination, as required by the State Board.

EAR Program Description

The Health and Safety Code authorizes the State Board to provide limited funding to regional water boards and local oversight programs (LOPs) for initiating direct cleanup of high-priority “emergency” leaking underground fuel tank sites requiring immediate corrective action to protect human health, safety, and the environment. The funding is also available for “abandoned sites” where the discharger cannot be located, or “recalcitrant sites” where the discharger is unable or unwilling to comply with corrective action directives.

For the State Board to consider a site for the EAR Account, a regional water board resolution must be passed each fiscal year to nominate, or renominate, the site. The State Board has approved three previous Board resolutions to nominate the Site for inclusion in the EAR Account, and has approved \$800,000 in reimbursement funding for County Health, as an LOP, to conduct cleanup at the Site. This fiscal year, the County is requesting no additional funding.

Sunol Tree Gas Station

Gasoline releases from the Site’s underground tank systems have impacted the Sunol Subbasin, an active drinking water aquifer in Alameda County. A domestic well serving four residences has been impacted with methyl tertiary butyl ether (MTBE) and gasoline. MTBE has also been detected in a nearby irrigation well. Several other domestic and irrigation wells

located downgradient of the Site are at risk of being impacted unless plume migration control measures can be quickly implemented. The discharger has demonstrated recalcitrance by failing to respond to repeated requests for remedial action by County Health.

To date, \$363,000 has been spent by County Health. The corrective actions taken include: defining the lateral and vertical extent of the contamination, groundwater monitoring, aquifer testing, and upgrading a wellhead treatment system that delivers clean water to residents and functions as migration control of the MTBE-impacted groundwater.

Public Comments

We circulated the Tentative Resolution for public comment, and did not receive any comments. We expect this item to remain uncontested.

RECOMMEN- Adopt the Tentative Resolution
DATION:

FILE NO: 01-3506 (ccm)

APPENDIX: A. Tentative Resolution

Appendix A

TENTATIVE RESOLUTION

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

TENTATIVE RESOLUTION No. R2-2007-XXXX

EMERGENCY, ABANDONED, RECALCITRANT (EAR) UNDERGROUND STORAGE TANK ACCOUNT NOMINATION REQUEST FOR:

- SUNOL TREE GAS STATION, 3004 ANDRADE ROAD,
SUNOL, ALAMEDA COUNTY

Whereas, Chapter 6.75 of the Health and Safety Code authorizes Regional Water Quality Control Boards (Water Boards) and Local Oversight Programs (LOPs) to take corrective action at petroleum underground storage tank sites where unauthorized releases have occurred; and

Whereas, the State Water Resources Control Board (State Board) has established administrative procedures for providing cleanup funds to Water Boards and LOPs, which include adoption of EAR Account Priority Lists annually every July; and

Whereas, the State Board has requested that the Water Boards ask LOPs to nominate petroleum underground storage tank sites for inclusion on the annual State Board EAR Account Priority List; and

Whereas, the property located at 3004 Andrade Road, Sunol, Alameda County, was nominated by the California Regional Water Quality Control Board, San Francisco Bay Region, (Board) in Fiscal Years 2004-2005, 2005-2006, and 2006-2007 and accepted into the EAR Account Program by the State Board for \$800,000 for corrective action; and

Whereas, the Alameda County Environmental Health has requested the property located at 3004 Andrade Road, Sunol, Alameda County, be renominated for inclusion on the annual State Board EAR Account Priority List for the Fiscal Year 2007-2008, with no additional funding for corrective action; and

Whereas, the Board staff used LOP submittals and its own recommendations to propose an annual priority nomination list comprising the property located at 3004 Andrade Road, Sunol, Alameda County.

Therefore, Be It Resolved, the Board requests the State Board to renominate the property located at 3004 Andrade Road, Sunol, Alameda County for the Fiscal Year 2007-2008 Annual EAR Account Priority List; and

Be It Further Resolved, the Executive Officer is directed to forward the Board's Fiscal Year 2007-2008 Annual EAR Account Priority List nomination to the State Board for inclusion of the site in the Statewide List.

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on _____, 2007.

Bruce H. Wolfe
Executive Officer