

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

STAFF SUMMARY REPORT – Marcia Liao
MEETING DATE: April 9, 2008

- ITEM: 4.F
- 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 adopts EAR resolution
- DISCUSSION: The Tentative Resolution (Appendix A) nominates Panesar Beacon in Fremont and Richard’s Automotive in San Leandro for inclusion in the State Board EAR Account for fiscal year 2008-09. The Alameda County Water District (ACWD) and the City of San Leandro 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 Water Boards and local oversight programs 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 a discharger cannot be located, or “recalcitrant sites” where the discharger is unable or unwilling to comply with corrective action directives. The State Board has established an EAR Account for this purpose, and each year requests site nominations from all Water Boards.

For the State Board to consider a site for the EAR Account, each Water Board must pass a resolution each fiscal year to nominate or re-nominate sites. The State Board awards EAR funds each May, and Water Board resolutions are due by the end of April each year.

EAR Nominations from this Region

Over the past several years, this Board has nominated several leaking underground fuel tank sites in our Region to receive EAR funds. All of these sites have received EAR funds. All sites so far have been overseen by local agencies. Most sites require funding for three to five years to complete investigation and cleanup.

Richard's Automotive (San Leandro)

Contamination from this site, including carcinogenic products such as benzene, exists in groundwater that has migrated offsite. This presents a potentially significant health hazard to occupants of neighboring properties, including the senior citizens who reside in the adjoining Oakdale Heights complex. Because the discharger lacks adequate personal funds to respond to further site investigation and cleanup requirements, it appears very likely that enforcement of such requirements would force the discharger into bankruptcy, with the property remaining vacant and the contamination continuing to threaten public health and safety. The State Board approved \$100,000 in reimbursement funding last fiscal year for the City of San Leandro to conduct cleanup at this site. This fiscal year, the City is requesting \$100,000 additional funding (Appendix B).

Panesar Beacon (Fremont)

Unauthorized releases of gasoline and diesel were discovered at this site during removal of four underground storage tanks in 2002. On numerous occasions, ACWD has issued written directives to the property owners to conduct investigation to determine if groundwater has also been impacted. The property owners have been unresponsive to ACWD directives. The site has been abandoned ever since the tanks were removed. The City of Fremont has taken actions to backfill the excavation that was left open, and has demolished the building. This site is being nominated for the first time. ACWD is requesting \$100,000 funding for this fiscal year to conduct investigation and cleanup at the site (Appendix C).

Public Comments

We circulated the Tentative Resolution for public comment on March 17, 2008, and received no comments by the comment period deadline. We expect this item to remain uncontested.

RECOMMEN- Adopt the Tentative Resolution
DATION:

File Nos. 01-2566 and 01-3507

- Appendices: A. Tentative Resolution
 B. City of San Leandro letter dated March 13, 2008
 C. Alameda County Water District letter dated March 13, 2008

Appendix A

Tentative Resolution

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

TENTATIVE RESOLUTION

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

- RDX CORP., DBA RICHARD'S AUTOMOTIVE SERVICE, 1495 HAYS STREET, SAN LEANDRO, ALAMEDA COUNTY

- PANESAR BEACON, 3740 PERALTA BOULEVARD, FREMONT, 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 California Regional Water Quality Control Board, San Francisco Bay Region (Board) has identified two sites for nomination to the FY 2008-09 EAR Account Priority List, for the reasons given below:

- a. RDX Corp., dba Richard's Automotive Service, 1495 Hays Street, San Leandro

The City of San Leandro, by letter dated March 13, 2008, has requested that the property located at 1495 Hays Street, San Leandro, be re-nominated for inclusion on the annual Board EAR Account Priority List for Fiscal Year 2008-2009, for additional funding allocation of \$100,000 for corrective action. The State Board accepted this property into the EAR Account Program in April 2007, for a funding allocation of \$100,000 for corrective action.

- b. Panesar Beacon, 3740 Peralta Boulevard, Fremont

The Alameda County Water District (ACWD), by letter dated March 13, 2008, seeks nomination of the property located at 3740 Peralta Boulevard, Fremont, for inclusion on the annual Board EAR Account Priority List for an annual funding

allocation of \$100,000 per year for five years for a total estimate of \$500,000, to investigate soil and groundwater contamination and to conduct remediation of the source areas. Unauthorized releases of gasoline and diesel discovered in 2002 during removal of underground storage tank systems have adversely impacted the soil and possibly groundwater at the property located at 3740 Peralta Boulevard, Fremont. The property is located approximately 1,500 feet from ACWD's groundwater recharge facilities, which provides recharge to the Niles Cone Groundwater Basin. The property owners are recalcitrant and have failed to comply with ACWD regulatory directives to take corrective action to determine the lateral and vertical extent of soil and groundwater contamination.

Whereas, Board staff used LOP submittals and its own recommendations to propose an annual priority nomination list comprising the two properties located at 3740 Peralta Boulevard, Fremont, and 1495 Hays Street, San Leandro.

Therefore, Be It Resolved, the Board requests the State Board to re-nominate the property located 1495 Hays Street, San Leandro, and to nominate the property located at 3740 Peralta Boulevard, Fremont, for the Fiscal Year 2008-2009 Annual EAR Account Priority List; and

Be It Further Resolved, the Executive Officer is directed to forward the Board's Fiscal Year 2008-2009 Annual EAR Account Priority List nomination to the State Board for inclusion of these sites in the Statewide List.

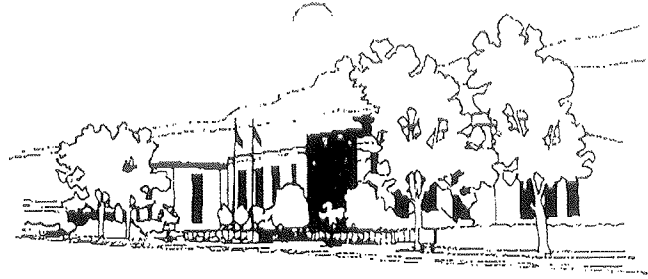
I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on _____, 2008.

Bruce H. Wolfe
Executive Officer

Appendix B

City of San Leandro Letter

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577



March 13, 2008

Ms. Marcia Liao
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Mr. Liao:

**Request for Re-Nomination for the Emergency, Abandoned, Recalcitrant Account
Fiscal Year 2008-2009**

The City of San Leandro Environmental Services Section requests re-nomination of the following high priority case for the Emergency, Abandoned, Recalcitrant (EAR) Account Annual Site List for Fiscal Year 2008-2009.

- Regional Board case #01-3507, RDX Corp. dba Richard's Automotive Service Station, 1495 Hays Street, San Leandro, CA 94577

This site was previously nominated by the RWQCB for FY 2007-2008 and accepted into the EAR program by the SWRCB. Corrective action is ongoing at the site. The Site Specific Information sheet is attached.

If you have any questions, please call me at (510) 577-3341.

Sincerely,

Karl Busche
Environmental Protection Specialist
City of San Leandro-Environmental Services Division

Tony Santos, Mayor

City Council: Surlene G. Grant; Michael J. Gregory; Jim Prola;
Diana M. Souza; Joyce Rr. Starosciak; Bill Stephens

Appendix C
ACWD Letter



43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

DIRECTORS
JOHN H. WEED
President
JAMES G. GUNTHER
Vice President
JUDY C. HUANG
MARTIN L. KOLLER
ARTHUR LAMPERT

MANAGEMENT
PAUL PIRAINO
General Manager
WILBERT LIGH
Finance Manager/Treasurer
ROBERT SHAVER
Engineering Manager
WALTER L. WADLOW
Operations Manager

RECEIVED
MCCaulou
MAR 18 2008

March 13, 2008

Mr. Stephen A. Hill
Chief, Toxics Cleanup Division
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Stephen:

Subject: Case Nomination for the Emergency, Abandoned, Recalcitrant Account Annual Sites List – Panesar Beacon, 3740 Peralta Boulevard, Fremont (Site #349)

The Alameda County Water District requests that you include the subject Leaking Underground Fuel Tank (LUFT) case, Panesar Beacon, 3740 Peralta Boulevard, Fremont, on the Regional Board's List for consideration to be included on the State Water Resources Control Board's 2008-2009 Emergency, Abandoned, Recalcitrant (EAR) Account Annual Site Priority List. We are recommending that this LUFT site receive EAR funding due to the severity of the release, the threat to drinking water supplies, and the recalcitrance of the owner to perform the requested investigative and corrective actions.

We have outlined the pertinent case information in the attached Case Summary. In addition, we are enclosing copies of our investigation and corrective action requests. If you have any questions or would like any additional information regarding this case, please contact Tom Berkins at (510) 668-4442.

Sincerely,

Steven D. Inn
Groundwater Resources Manager

tb/tf

Enclosure

cc: Christine Civiletti, Fremont Development & Environmental Services Department
Cherie McCaulou, Regional Water Quality Control Board ✓
Judy Reid, State Water Resources Control Board
Jay Swardenski, Fremont Fire Department
Sarfraz & Hamid Aslam
Thomas Berkins, ACWD