

**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:

- RAINIER SERVICE STATION, 1905 EAST BAYSHORE ROAD, EAST PALO ALTO, SAN MATEO COUNTY

- ALL STAR SERVICE, INC., AKA ALL STAR, INC., 1791 PINE STREET, CONCORD, CONTRA COSTA COUNTY

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

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

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

Whereas, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board) has identified two sites for nomination to the fiscal year 2011-12 State Water Board EAR Account Priority List, for the reasons given below:

a. Rainer Service Station, 1905 East Bayshore Road, East Palo Alto

The San Mateo County Environmental Health LOP, by application dated March 16, 2011, seeks nomination of the property located at 1905 East Bayshore Road, East Palo Alto, for inclusion on the annual EAR Account Priority List for a funding allocation of \$150,000 over two fiscal years for a total of \$150,000 to remove non-compliant underground storage tanks and to investigate soil and groundwater contamination and potential impacts to nearby residential wells. Additional funding may be needed in the future for remediation. Unauthorized releases of gasoline and fuel oxygenates discovered in 1999 and 2004 have adversely impacted the property at 1905 East Bayshore Road, East Palo Alto. The property is located approximately 500 feet from San Francisquito Creek, and five residential wells are within 1000 feet. The lateral and vertical extent of contamination has not been defined. The property owners are recalcitrant and have failed to comply with regulatory directives of the Menlo Park Fire Department, the San Mateo County Environmental Health LOP, and the Bay Area Air Quality Management District. Due to multiple code violations,

gasoline sales and distribution have ceased, but the property owners continue service and repair operations at the site.

b. All Star Service, Inc., aka All Star, Inc., 1791 Pine Street, Concord

The Water Board, by application dated March 18, 2011, seeks nomination of the property located at 1791 Pine Street, Concord, for inclusion on the annual EAR Account Priority List for an annual funding allocation of \$200,000 to investigate soil and groundwater contamination, assess preferential pathways and vapor intrusion risks, and implement corrective actions. Unauthorized releases of gasoline and fuel oxygenates discovered in 1998 have impacted the soil and groundwater at the property located at 1791 Pine Street, Concord. The property is located in close proximity to Pine Creek. The lateral and vertical extent of contamination has not been defined. The responsible parties are recalcitrant and have failed to comply with the Water Board's regulatory directives or pay imposed administrative civil liabilities and settled penalties.

Whereas, Water Board staff used local agency submittals and its own recommendations to propose an annual priority nomination list comprising the properties located at 1905 East Bayshore Road, East Palo Alto; and 1791 Pine Street, Concord.

Whereas, the Water Board provided notice of the Tentative Resolution to affected landowners and provided an opportunity for comment.

Whereas, on April 13, 2011, the Water Board held a public hearing to consider adoption of the Tentative Resolution, including all comments and testimony received.

Therefore, Be It Resolved, the Water Board requests the State Water Board to re-nominate the Rainer Service Station property located at 1905 East Bayshore Road, East Palo Alto, and the All Star Service, Inc., aka All Star, Inc., property located at 1791 Pine Street, Concord, for the fiscal year 2011-12 annual EAR Account Priority List; and

Be It Further Resolved, the Executive Officer is directed to forward the Water Board's fiscal year 2011-12 Annual EAR Account Priority List nomination to the State Water Board for inclusion of these two 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 _____.

Bruce H. Wolfe
Executive Officer