

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

STAFF SUMMARY REPORT – Barbara Sieminski
MEETING DATE: April 11, 2012

- ITEM: **5E**
- 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) would re-nominate two leaking underground fuel tank sites in our region for inclusion in the State Board’s EAR Account for fiscal year 2012-13.

EAR Program Description

The Health and Safety Code authorizes the State Board to provide limited funding to Regional 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 the discharger cannot be located, or for “recalcitrant sites,” where the discharger is unable or unwilling to comply with corrective action directives. The State Board established the EAR Account for this purpose and requests site nominations each year. For the State Board to consider a site for its EAR Account, a Regional Water Board resolution must be passed each fiscal year to nominate or re-nominate the site.

EAR Nominations from this Region

Over the past several years, this region has successfully nominated several leaking underground fuel tank sites to receive EAR funds. Most sites require funding for three to five years to complete investigation and cleanup. We recommend that the following sites be re-nominated for fiscal year 2012-2013:

Rainer Service Station (East Palo Alto)

This site is overseen by the San Mateo County Environmental Health Department. The site is already on the EAR list for \$150,000 and is being re-nominated. Soil and groundwater impacts were discovered in 1999 and 2004. The Department has requested \$150,000 for necessary investigation and cleanup work over the next two fiscal years.

All Star Service site (Concord)

This site is overseen by Board staff. The site is already on the EAR list for \$200,000 and is being re-nominated. Soil and groundwater impacts were

discovered in 1998. The responsible parties (tank operators and property owners) have a long-standing pattern of non-compliance with the Board's cleanup directives. This Board has imposed Administrative Civil Liability (ACL) on two separate occasions. We are requesting \$200,000 for this year, although additional funds may be needed in the future.

Public Comments

We circulated the draft tentative resolution for public comment on February 15, 2012. We have received no comments on these re-nominations. We expect this item to remain uncontested.

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| RECOMMEN- DATION: | Adopt the Tentative Resolution |
| File Nos. | 41-4063 (nk) and 07-0769 (bgs) |
| Appendix A.: | Tentative Resolution |

Appendix A

Tentative Resolution