



California Regional Water Quality Control Board

San Francisco Bay Region



Matthew Rodriguez
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
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<http://www.waterboards.ca.gov/sanfranciscobay>

Edmund G. Brown, Jr.
Governor

Date: February 22, 2012
File No. 41-4063 (nk)
File No. 07-0769 (bgs)

Henry Rainer
Rainer Service Station
1905 East Bayshore Road
East Palo Alto, CA 94303

Kelly Engineer and All Star Service, Inc.
1791 Pine Street
Concord, CA 94520

Henry Rainer Trust
6 Demopolis Street
Greensboro, AL 36744

Perrin Engineer
c/o Paul Rosenstein
55 Santa Clara, Suite 250
Oakland, CA 94610-1375

Subject: **Notice of Tentative Resolution for Emergency, Abandoned, Recalcitrant
Underground Storage Tank Account Nomination Request**
Rainer Service Station, 1905 East Bayshore Road, East Palo Alto, San Mateo County
All Star Service, 1791 Pine Street, Concord, Contra Costa County

Dear Mr. Rainer, Mr. Engineer, and Ms. Engineer:

Enclosed is a Tentative Resolution for your information and comment. This Tentative Resolution re-nominates Rainer Service Station and All Star Service (aka All Star, Inc.) to the Emergency, Abandoned, Recalcitrant Account for fiscal year 2012-13. The Regional Water Board will hold a public hearing to consider adoption of the Tentative Resolution on April 11, 2012.

Written comments must be received by March 23, 2012, in order to be considered by the Board at its April 11, 2012 meeting. Comments should be sent to following address:

Regional Water Quality Control Board
Attention: Barbara Sieminski
1515 Clay Street, Suite 1400
Oakland, California 94612
Email: bsieminski@waterboards.ca.gov

If you have any questions, please contact Barbara Sieminski of my staff by mail or e-mail at bsieminski@waterboards.ca.gov or phone 510-622-2342.

Sincerely,

Bruce H. Wolfe
Executive Officer

Attachment: Tentative Resolution
cc w/attach:

Judy Reid (jreid@waterboards.ca.gov)
State Water Resource Control Board
UST Cleanup Fund
1001 "I" Street
Sacramento, CA 95814

San Mateo County LOP
Attn: Charles Ice (cice@co.sanmateo.ca.us)
2000 Alameda de las Pulgas, Suite 100
San Mateo, CA 94403

**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 2012-13 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 February 21, 2012, 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 (2011-12 and 2012-13) 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 February 21, 2012, seeks nomination of the property located at 1791 Pine Street, Concord, for inclusion on the annual EAR Account Priority List for a funding allocation of \$200,000 over two fiscal years (2011-12 and 2012-13) for a total of \$200,000 to complete investigation of soil and groundwater contamination, assessment of preferential pathways and vapor intrusion risks, and to implement corrective actions. Unauthorized releases of gasoline and fuel oxygenates discovered in 1998 have impacted the soil and groundwater at this property. The property is located in close proximity to Pine Creek. The site contamination has not been fully evaluated, and groundwater has not been remediated. Over the years, the responsible parties were recalcitrant, and have failed to comply with the Water Board's regulatory directives. The responsible parties also have failed to pay imposed administrative civil liabilities and settled penalties. During the last year, the responsible parties proceeded with additional offsite and onsite investigations using their own funds. However, based on historical recalcitrance, it is not certain that the responsible parties will continue the environmental corrective action. Therefore, the EAR funding may be needed to complete the necessary site investigations and cleanup.

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 11, 2012, 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 2012-13 annual EAR Account Priority List; and

Be It Further Resolved, the Executive Officer is directed to forward the Water Board's fiscal year 2012-13 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