

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

STAFF SUMMARY REPORT – Barbara Sieminski  
MEETING DATE: May 8, 2013

- ITEM: **5. I.**
- SUBJECT: **Emergency, Abandoned, and Recalcitrant (EAR) Account Program for Underground Storage Tanks** – Adoption of Resolution Nominating Sites to the State Water Resources Control Board’s Annual Site List
- CHRONOLOGY: April every year – Board adopts EAR resolution
- DISCUSSION: The Tentative Resolution (Appendix A) would re-nominate one leaking underground fuel tank site in our region for inclusion in the State Board’s EAR Account for fiscal year 2013-14.

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 Regional Water Board

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 site be re-nominated for fiscal year 2013-2014:

**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 discharger has 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. While the discharger has undertaken useful cleanup work over the last year; that work was recently suspended due to non-payment to the discharger’s consultant. 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 21, 2013. We have received no comments on this re-nomination. We expect this item to remain uncontested.

RECOMMEN-  
DATION:            Adopt the Tentative Resolution

Appendix A:        Tentative Resolution

File No. 07-0769 (BGS)

# Appendix A

## Tentative Resolution