

**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:

- 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 (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 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 one site for nomination to the fiscal year 2013-14 State Water Board EAR Account Priority List, for the reasons given below:

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

The Water Board, by application dated February 21, 2013, 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 (2012-13 and 2013-14) 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 remediated. Over the years, the responsible parties have been 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 site investigations and remedial testing 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; and

Whereas, Water Board staff used its own recommendation to propose an annual priority nomination list comprising of the property located at 1791 Pine Street, Concord; and

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

Whereas, on May 8, 2013, 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 All Star Service, Inc., aka All Star, Inc., property located at 1791 Pine Street, Concord, for the fiscal year 2013-14 annual EAR Account Priority List; and

Be It Further Resolved, the Executive Officer is directed to forward the Water Board's fiscal year 2013-14 Annual EAR Account Priority List nomination to the State Water Board for inclusion of this site 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