

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

STAFF SUMMARY REPORT (Barbara Sieminski)
MEETING DATE: April 9, 2014

ITEM: 5C

SUBJECT: **Emergency, Abandoned, and Recalcitrant (EAR) Account Program for Leaking 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 Water Board’s EAR Account for fiscal year 2014-15.

EAR Program Description

The Health and Safety Code authorizes the State Water 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 Water Board established the EAR Account for this purpose and requests site nominations each year. For the State Water 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 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. Regional Water Board staff recommends that one site be re-nominated for fiscal year 2014-2015: All Star Service in Concord (details below).

All Star Service site

This site is overseen by Board staff. Soil and groundwater impacts caused by the site were discovered in 1998. The discharger’s recalcitrance led us to first nominate the site for EAR funds in 2010. Therefore, the site is already on the EAR list for \$200,000 and is being re-nominated. No EAR funds have been spent to date for this site; EAR listing has so far been sufficient to motivate the discharger to conduct additional work.

The discharger has a long-standing pattern of non-compliance with the Board's cleanup directives. This Board imposed Administrative Civil Liabilities on the discharger on two separate occasions. While the discharger has undertaken useful environmental cleanup work using its own funds over the last year, that work was recently suspended due to the discharger's non-payment of its consultant. Board staff is requesting \$200,000 for next fiscal year, although additional funds may be needed in the future.

Public Comments

Regional Water Board staff circulated the draft tentative resolution for public comment on February 11, 2014. Staff has received no comments on this re-nomination. We expect this item to remain uncontested.

**RECOMMEN-
DATION:**

Adopt the Tentative Resolution

File No. 07-0769 (BGS)

Appendix A: Tentative Resolution