

**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 (Regional Water Board) has identified one site for nomination to the fiscal year 2014-15 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 Regional Water Board, by application dated February 10, 2014, seeks nomination of the Site 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 (2013-14 and 2014-15) for a total of \$200,000 to complete corrective action and post-remediation monitoring.

Unauthorized releases of gasoline and fuel oxygenates discovered in 1998 have impacted the soil and groundwater at this Site. The Site is located in close proximity to Pine Creek and is an active gas station in the primarily commercial area. The Site soil and groundwater contamination have not been remediated.

In 2013, Kelly Engineer (the discharger) proceeded with additional site investigations and remedial testing. However, the results of this work have not been reported to the Regional Water Board. The last report submitted by the discharger was the semiannual groundwater monitoring report for the first half of 2012.

Over the years, the discharger has been recalcitrant and has failed to comply with the Regional Water Board's regulatory directives. In 2002, two ACL orders were issued to the discharger. In March 2003, the matter was referred to the Office of the Attorney General for collection of the outstanding liability of \$36,800. The discharger had paid only \$12,000. In mid-2012, a renewal of the discharger's judgment was filed for \$61,327 (including \$36,527 interest). The discharger asked to settle the judgment for \$12,500. In September 2013, the

new settlement agreement was approved by the Executive Officer and sent to the discharger's attorney for signing. To date, this settlement agreement has not been signed by the discharger.

Based on historical recalcitrance, it is not certain the discharger will continue the environmental corrective action. Therefore, the EAR funding may be needed to complete the necessary site investigations and cleanup.

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

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

Whereas, on April 9, 2014, the Regional Water Board held a public hearing to consider adoption of the Tentative Resolution, including all comments and testimony received.

Therefore, Be It Resolved, the Regional 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 2014-15 annual EAR Account Priority List; and

Be It Further Resolved, the Executive Officer is directed to forward the Regional Water Board's fiscal year 2014-15 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