

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2005-0012

**ADOPTION OF THE 2005/06 PRIORITY LIST
EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT**

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region, (Regional Board) finds:

1. Chapter 6.75 of the California Health and Safety Code authorizes the State Water Resources Control Board (SWRCB) to provide Underground Storage Tank (UST) funds to Regional Boards and local UST agencies, for the direct cleanup of petroleum UST sites requiring emergency or prompt corrective action to protect public health and/or the environment. These funds are called the Emergency, Abandoned, Recalcitrant (EAR) Account. Funds distributed from the EAR Account are to be reimbursed by the responsible party.
2. Chapter 6.75 of the California Health and Safety Code also authorizes the SWRCB to establish a UST Cleanup Fund Program (Cleanup Fund) to help responsible parties pay for corrective action and third party compensation claim costs that result from an unauthorized release of petroleum from an underground tank.
3. If EAR Account funds are accessed by a Regional Board to perform corrective action at an EAR site, the responsible party(ies) become ineligible to receive compensation from the Cleanup Fund. Listing on the EAR Account and/or access of such funds for the purposes of abating an emergency does not result in the responsible party(ies) being ineligible for Cleanup Funds.
4. The SWRCB has requested that all Regional Boards adopt a regional priority list of EAR Account projects that will be presented to the SWRCB in May 2005. The SWRCB is required to recover all costs (staff time included) from the responsible parties for cleanups funded from the EAR Account.
5. Attachment A consists of the Regional Board's proposed 2005 EAR Priority List.

THEREFORE BE IT RESOLVED:

That the proposed 2005 EAR Account Priority List be adopted, as shown on Attachment A, which is a part of this Resolution, and that a copy of this Resolution be transmitted to the SWRCB for consideration in the formulation of the final 2005 EAR Account Priority List.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on April 14, 2005.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment A: Priority List

ATTACHMENT A

California Regional Water Quality Control Board, Lahontan Region

2005/2006

Emergency Abandoned, Recalcitrant Account Priority List

A-1

Information Item	Swiss Mart Gas Station – South Lake Tahoe	Pat & Ollies – Gateway
LUSTIS No.	6T0297A	6T0353A
Address	913 Emerald Bay Road South Lake Tahoe, CA 96150 El Dorado Co. APN 023-181-191	10115 Donner Pass Road Truckee, CA 96160 Nevada Co. APN 19-092-04
All Potential Responsible Parties (RPs)	Mary Ann Ferguson PO Box 188 Crystal Bay, NV 89402 Azad Amiri Amiri Oil Company 1505 Monument Boulevard, Suite 101 Concord, CA 94520	Sarbjit Singh Kang c/o Swiss Mart Gas Station 913 Emerald Bay Road South Lake Tahoe, CA 96150
Final Corrective Action Order or CAO	CAO 6-98-78A1	CAO R6T-2002-0004A1
Name and Address of Oversight Agency	CA RWQCB 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150	CA RWQCB 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150
Name and Phone No. of Regulatory Contact Person	Lisa Dernbach, (530) 542-5424	Tamerle Lundquist (530) 542-5420
Description of the Unauthorized Release	Gasoline contamination from piping releases.	Gasoline contamination from underground storage tank release.
Why Site is Recalcitrant	They have ceased corrective actions several times since reaching the Cleanup Fund maximum amount of 1.5 million dollars in Dec 2001.	RP insolvent
Why RP can or will not clean up site	RP may run out of personal funds to complete cleanup	RP insolvent
Disputes between Regulatory Agency and RP	RP has reached \$1.5 million Cleanup Fund maximum reimbursement amount.	RP will soon reach the \$1.5 million Cleanup Fund maximum reimbursement amount.
Actions Previously Taken to Clean up Release	Soil remediation by vapor extraction and ozone sparging. Groundwater remediation by pump and treat. Conduct groundwater monitoring and reporting. Provide wellhead treatment for impacted private drinking water wells.	Soil vapor extraction system. Pump and treat system. Free product removal. Conduct groundwater monitoring and reporting.
Proposed Cleanup and Abatement	Operate pump and treat system, and ozone sparge system. Conduct monitoring and reporting. Maintain wellhead treatment on private wells.	Operate current remediation systems. Conduct monitoring and reporting. Free product removal.
Amount of Annual Funding Requested	\$150,000	\$300,000
Est. Total Funds Required	\$500,000	\$1,000,000
Funding Spent to Date	None	None
Results if Funding Denied	MTBE impacted drinking water wells will be shut down. MTBE threatens two municipal wells.	Gasoline and MTBE contamination will continue to spread threatening the Truckee River, a municipal water supply.
Case Type	Health and Safety, Groundwater	Health and Safety, Groundwater
Site Type	Recalcitrant	Recalcitrant

Information Item	Swiss Mart Gas Station - Kings Beach	
LUSTIS No.	6T0069A	
Address	8797 North Lake Boulevard Kings Beach, CA Placer County, APN 090-192-041	
All Potential Responsible Parties (RPs)	Mary Ann Ferguson PO Box 188 Crystal Bay, NV 89402 Timberland Properties, LLC Jack Ferguson 21265 Stevens Creek Blvd., #205 PMB 116 Cupertino, CA 95014	Azad Amiri Ameri Oil Company 1505 Monument Street, Suite 101 Concord, CA 94520 Mohan Singh 25 Ewing Drive Chico, CA 95973 Sohan Singh 25 Ewing Drive Chico, CA 95973
Final Corrective Action Order or CAO	CAO R6T-2004-0002A1 issued on April 27, 2004	
Name and Address of Oversight Agency	Placer County Division of Environmental Health 565 West Lake Blvd. Tahoe City, CA 96145	
Name and Phone No. of Regulatory Contact Person	John Reid (530) 581-6240	
Description of the Unauthorized Release	Contaminants encountered in soils during trenching activities adjacent to facility, believed to be from the site	
Why Site is Recalcitrant	RPs have ceased all corrective actions	
Why RP can or will not clean up site	Unknown	
Disputes between Regulatory Agency and RP	Discharger will not communicate with Regional Board staff	
Actions Previously Taken to Clean up Release	Groundwater pump and treat system and vapor extraction system now removed from property	
Proposed Cleanup and Abatement	Reinstall on-site groundwater remedial equipment, investigate extent of off-site groundwater plume	
Amount of Annual Funding Requested	\$250,000	
Est. Total Funds Required	\$350,000	
Funding Spent to Date	\$ 1.1 million from UST Cleanup Fund monies	
Results if Funding Denied	Lake Tahoe is within 600 feet downgradient	
Case Type	Health and Safety, Groundwater	
Site Type	Recalcitrant	

Information Item	East West Self Serve	Daggett Oil
LUSTIS No.	None	None
Address	24051 Lake Drive Crestline, CA 92325	35487 National Trails Hwy Daggett, CA 92327
All Potential Responsible Parties (RPs)	Wadden, Inc. Celebration The Appling Building, LLC PO Box 1657 Center 1800 S. Robertson Blvd Big Bear City, PO Box 6810 Los Angeles, CA 90035 CA 92314 Crestline, CA 92325-6810	Wendell D. Martin Munir Eissa & Esther Roldan 401 E. 5th Street 503 W. Ave Q10 Los Angeles, CA 90013 Palmdale, CA 93551
Final Corrective Action Order or CAO	EAR #R02-069	EAR #R02-070
Name and Address of Oversight Agency	San Bernardino County Fire Department Hazardous Materials Division 620 South E Street San Bernardino, CA 92415-0153	San Bernardino County Fire Department Hazardous Materials Division 620 South E Street San Bernardino, CA 92415-0153
Name and Phone No. of Regulatory Contact Person	Douglas Snyder, (909) 386-8401	Douglas Snyder, (909) 386-8401
Description of the Unauthorized Release	3/25/92; Diesel pumps leaking profusely; repaired 1996-Site abandoned; bankruptcy 2/26/02; Contaminated soil observed in fills and dispenser areas.	Contamination in fills and under dispensers. Strong odors. (2/27/02)
Why Site is Recalcitrant	Owners are bankrupt. Case has been submitted to District Attorney for review. Site is abandoned and in a high groundwater area.	No monitoring. Abandonment with observable contamination.
Why RP can or will not clean up site	Bankruptcy. Notice of Violation has been sent to new owner.	RP has not responded. Obtained facility through grant deed from Eissa and Roldan (last RPs).
Disputes between Regulatory Agency and RP	None	None
Actions Previously Taken to Clean up Release	Abatement in 1992-pumps leaking profusely.	None
Proposed Cleanup and Abatement	Removal of 3 single-walled fiberglass tanks and initial sampling to be completed by this summer using pre-approved EAR funding. Requesting additional funding to complete borings if indicated or perform simple remediation if indicated.	Remove 3 single-walled steel tanks and perform preliminary sampling under the previously approved EAR funding. Requesting additional funding to complete borings if indicated or perform simple remediation if indicated.
Amount of Annual Funding Requested	EAR funding has been approved for the removal of tanks and initial sampling. An additional \$50,000 is being requesting for additional borings if indicated, or simple remediation, if indicated.	Funding has been approved for the removal of tanks and initial sampling. An additional \$50,000 is being requested for the work described above.
Est. Total Funds Required	\$100,000	\$100,000
Funding Spent to Date	None	None
Results if Funding Denied	Contamination would remain at site.	Contamination would remain at site.
Case Type	Health and Safety, Groundwater	Health and Safety, Groundwater
Site Type	Abandoned	Abandoned

Information Item	Mohawk Mini Mart	Abandoned Tank/McGinnis	
LUSTIS No.	None	None	
Address	19324 National Trails Hwy Oro Grande, CA 92368	37000 Yermo Road Yermo, CA 92398	
All Potential Responsible Parties (RPs)	Bijan Agbelnazari 9602 Woodman Ave. Arleta, CA 91331 Aghoal, Brian 9602 Woodman Ave Arleta, CA 91331	Orlando Chavez c/o General Delivery 3700 Yermo Road Yermo, CA 92398	Stanley Shaw (New Owner) 306 2 nd Street Washburn, Iowa 50706-1024
Final Corrective Action Order or CAO	EAR #R02-072	EAR #R02-072	
Name and Address of Oversight Agency	San Bernardino County Fire Department Hazardous Materials Division 620 South E Street San Bernardino, CA 92415-0153	San Bernardino County Fire Department Hazardous Materials Division 620 South E Street San Bernardino, CA 92415-0153	
Name and Phone No. of Regulatory Contact Person	Douglas Snyder, (909) 386-8401	Douglas Snyder, (909) 386-8401	
Description of the Unauthorized Release	All fills and turbine access points smelled of petroleum and contain discolored soil. Pavement is caving in; one tank's integrity could be compromised.	Tanks were discovered in 1989. Tanks have never been operational. Don't know if unauthorized release. 2/27/02 Inspection; "strong odor of gasoline around fill pipes"	
Why Site is Recalcitrant	Strong possibility of contamination.	Owners stated they do not have the money.	
Why RP can or will not clean up site	RP does not respond.	No money. Property is continuously moved via grant deed from one non-operator to another. Notice of Violation has been sent to new owner.	
Disputes between Regulatory Agency and RP	None	None	
Actions Previously Taken to Clean up Release	None	None	
Proposed Cleanup and Abatement	\$50,000 has been approved through the EAR Account to fund removal of the tanks and initial soil testing. Requesting additional funding for borings, if indicated, or simple remediation, if indicated.	Funding has been approved for the removal of tanks and initial soil testing. Additional funds are being requested for borings, if indicated, or simple remediation if indicated.	
Amount of Annual Funding Requested	Additional funding of \$50,000 is being requested for the work described above.	Funding for the last year was for \$50,000. Requesting an additional \$50,000 for the work described above.	
Est. Total Funds Required	\$100,000	\$100,000	
Funding Spent to Date	None	None	
Results if Funding Denied	Contamination would remain at site.	Contamination would remain at site.	
Case Type	Health and Safety, Groundwater	Health and Safety, Groundwater	
Site Type	Abandoned	Abandoned	

Information Item	Halloran Springs	Stop N Save
LUSTIS No.	None	
Address	80505 Halloran Springs Baker, CA 92309	1501 Irwin Road Barstow, CA 92311
All Potential Responsible Parties (RPs)	The Tenderloin, LLC PO Box 635 Williams, AZ 86046	Teresa Murray (New Owner) 27828 Panamint Road Barstow, CA 92311-6325 Wanes Kaprelian 435 W. Wilson Ave, #6 Glendale, CA 91203
Final Corrective Action Order or CAO	EAR #R02-066	
Name and Address of Oversight Agency	San Bernardino County Fire Department Hazardous Materials Division 620 South E Street San Bernardino, CA 92415-0153	San Bernardino County Fire Department Hazardous Materials Division 620 South E Street San Bernardino, CA 92415-0153
Name and Phone No. of Regulatory Contact Person	Douglas Snyder, (909) 386-8401	
Description of the Unauthorized Release	2/27/02-Strong fuel odor and soil contamination in fill boxes. Slight odors under dispensers.	On 7/2/91, a report of leaking dispensers was made. A repair and monitoring certification was conducted. On 11/1/95 monitors were found to be not working. Facility abandoned.
Why Site is Recalcitrant	Facility is abandoned. 2/27/02 inspection revealed observable contamination. Tank still has fuel in it.	Investigations showed slight contamination in the past. Site is abandoned.
Why RP can or will not clean up site	The RP has not responded. Notice of Violation has been sent to new RP.	Unknown. Repeated Notices of Violation have gone unanswered. A case is currently pending.
Disputes between Regulatory Agency and RP	None	
Actions Previously Taken to Clean up Release	None	
Proposed Cleanup and Abatement	Tanks to be removed and preliminary contamination study completed by the end of the summer. (Under EAR contract already approved.) Requesting an additional \$50,000 to complete borings, if indicated or perform simple remediation if indicated.	Tanks to be removed by this summer and preliminary contamination study completed (under EAR contract already approved.) Requesting an additional \$50,000 to complete borings, if indicated, or perform simple remediation if indicated.
Amount of Annual Funding Requested	Funding has been provided for removal and initial sampling. An additional \$50,000 is being requested for work described above..	Funding has been approved for removal and initial sampling. An additional \$50,000 is being requested for additional work described above.
Est. Total Funds Required	\$100,000	
Funding Spent to Date	None	
Results if Funding Denied	Contamination would remain at site.	
Case Type	Health and Safety, Groundwater	
Site Type	Recalcitrant	

Information Item	Yermo Truck Stop		
LUSTIS No.	6B3600059T		
Address	38735 Yermo Road Yermo, CA 92398		
All Potential Responsible Parties (RPs)	Riad Barikhan 2624 Kansas Ave., Apt. 4 Santa Monica, CA 90404 (last known address) Orval and Maxine Bishop 3170 Chemin De Fer Costa Mesa, CA 92626 (Owners 1981 - 1985) Cecil and Shirley Guy Address Unknown (Owners 1985 - 1986)	Max Lair 16404 Sycamore St. Hesperia, CA 92345 (Owners 1986 - 1988) Mischke Enterprises, Inc. 1711 15th St. Santa Monica, CA 90404 (Current owner) Phillips Petroleum Address Unknown (Owners 1973 - 1979)	Danny Polovin PO Box 326 Yermo, CA 92398 (Current lessee) Robert Alexander All-American Eagle Mortgage Foundation, Inc. PO Box 2098 San Bernardino, CA 92406
Final Corrective Action Order or CAO	CAO No 6-88-184		
Name and Address of Oversight Agency	CA RWQCB 15428 Civic Drive, Suite 100 Victorville, CA 92392		
Name and Phone No. of Regulatory Contact Person	Cindi Mitton, (760) 241-7413		
Description of the Unauthorized Release	Contaminants detected in a nearby Yermo community supply well are believed to be from the site.		
Why Site is Recalcitrant	unable to locate RP		
Why RP can or will not clean up site	unable to locate RP		
Disputes between Regulatory Agency and RP	None		
Actions Previously Taken to Clean up Release	In 1996, three ground water monitoring wells were installed and sampled by Regional Board staff. In 1997, ground water monitoring sampling and analysis was completed. Additional site investigation work is scheduled for late spring 1998, however was not completed due to lack of funding.		
Proposed Cleanup and Abatement	Additional soil borings need to be completed along with soil sampling. Ground water sampling will be accomplished at existing and new monitoring wells. The additional data will be used to evaluate the source areas and determine if the site meets case closure criteria.		
Amount of Annual Funding Requested	\$150,000		
Est. Total Funds Required	\$200,000		
Funding Spent to Date	\$80,000		
Results if Funding Denied	domestic well impacted		
Case Type	Health and Safety, Groundwater		
Site Type	Abandoned		

Information Item	Little Oil Co.
LUSTIS No.	None
Address	44125 N. Yucca Avenue Lancaster, CA 93535 Los Angeles County APN 3132-017-001
All Potential Responsible Parties (RPs)	Newall Little 44503 Foxtron Avenue Lancaster, CA 93535
Final Corrective Action Order or CAO	N/A
Name and Address of Oversight Agency	Los Angeles County Department of Public Works (DPW) 900 South Fremont Avenue Alhambra, CA 91803
Name and Phone No. of Regulatory Contact Person	Tim Smith (626)458-3510
Description of the Unauthorized Release	Petroleum contamination (based on visual inspection by County inspector during piping upgrade on 5/1/91).
Why Site is Recalcitrant	RP financial insolvency
Why RP can or will not clean up site	RP refusal
Disputes between Regulatory Agency and RP	RP has not submitted piping upgrade closure report (1991), or requested site assessment, site abandoned since 9/95.
Actions Previously Taken to Clean up Release	No clean up to date has been performed.
Proposed Cleanup and Abatement	Proposal: Prepare plan to remove abandoned USTs, piping, and dispensers; permit the removal of the USTs with all applicable agencies; remove/dispose the USTs, piping and dispensers under closure guidelines directed by DPW (soil sampling, etc); and prepare/submit closure report.
Amount of Annual Funding Requested	\$75,000
Est. Total Funds Required	\$75,000 (unless site assessment is required)
Funding Spent to Date	N/A
Results if Funding Denied	Site and USTs will remain abandoned with expected soil contamination.
Case Type	Health and Safety, Soil/Potential Groundwater
Site Type	Recalcitrant/Abandoned