

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MEETING OF APRIL 9 AND 10, 2008
LANCASTER

ITEM: 10

SUBJECT: ADOPTION OF THE PRIORITY LIST FOR THE EMERGENCY,
ABANDONED, RECALCITRANT (EAR) ACCOUNT, FISCAL YEAR 2008-
2009

ISSUE: Annually, the Regional Board may nominate sites to the State Water Resources Control Board for listing in the EAR Account. The EAR Account finances site investigation and cleanup work at leaking underground storage tank (UST) sites that are not being investigated or cleaned up because the owner has either abandoned the site or is recalcitrant. Emergency cleanup sites are also eligible. Funds available under the EAR Account allow a lead regulatory agency to proceed with necessary site investigation and cleanup activities. Sites that are already funded by the EAR Account must be nominated on an annual basis to receive continued funding. The EAR Account is administered by California's UST Cleanup Fund. Funds distributed from the EAR Account are to be reimbursed by the responsible party (RP) for corrective action costs.

For 2008, Regional Board staff proposes to re-nominate six sites from San Bernardino County and one site from Nevada County as follows:

San Bernardino County - Halloran Springs, Stop N Save, East West Self Serve, Daggett Oil, Mohawk Mini Mart and Yermo Truck Stop. The above-listed San Bernardino County sites were placed on the EAR list in fiscal year 2007/2008.

Nevada County- Pat & Ollies-Gateway was placed on the EAR list in fiscal year 2007/2008.

DISCUSSION: San Bernardino County:

The Halloran Springs site has been abandoned, and during an inspection on February 27, 2002, San Bernardino County Fire Department observed two abandoned USTs still containing fuel. The RP has not responded to any inquiries by the SBCoFD. This site is recommended for nomination to the EAR Account because the abandoned USTs are a threat to the beneficial uses of the ground water at this site.

The Stop N Save UST site has been abandoned with the USTs still in the ground. The UST permit expired in August 1996. Several Notices of Violation have been issued by the San Bernardino County Fire Department (SBCoFD) and have not been answered by the RP. In May of 1998, a SBCoFD inspection revealed that the station was closed, with the USTs still intact. The site is recommended for nomination to the EAR Account

10-0001

because the USTs, which have a history of leakage, still remain in the ground at the site and potentially threaten groundwater.

The East West Self Serve UST site was formerly a car wash and gas station in the San Bernardino mountain community of Crestline. In 1992, SBCoFD noticed that the pumps were leaking profusely. The structures were demolished in July of 1999; however, the USTs were not removed. In May of 2001, the SBCoFD recorded a Notice of Lien for Non-Compliance in removal of the USTs. This site is recommended for nomination to the EAR Account because the abandoned facility containing three single-walled fiberglass USTs and the RP is bankrupt.

The Daggett Oil UST site has been abandoned. During a SBCoFD inspection on February 27, 2002, petroleum hydrocarbon contamination was detected in the fill port areas, and under the dispensers. This site is nominated for the EAR Account because the site is abandoned, it contains three single-walled steel tanks, and there is observable contamination.

The Mohawk Mini Mart is an abandoned UST facility with five USTs still in the ground. The RP has not responded to SBCoFD requests for UST removals. The RP filed for a removal permit, but the check for the permit was returned for insufficient funds. There is no current permit at the facility and no removal permits have been issued for this UST site. This site is nominated for the EAR Account due to the strong indication of petroleum hydrocarbon contamination at the site and the pavement is caving in at the site, indicating that tank integrity may be compromised.

The Yermo Truck Stop is nominated for the EAR Account because petroleum hydrocarbon contamination has been detected in a nearby Yermo community supply well. Additional delineation of contamination is needed. Board staff is unable to locate the RP for this abandoned site and are currently evaluating site access issues.

Nevada County:

In December 2001, a UST failed and released approximately 6,000 gallons of premium unleaded gasoline into the subsurface at the Pat & Ollies – Gateway in Truckee. The RP reached the maximum reimbursement amount of \$1.5 million from the UST Cleanup Fund in November 2002. Additional funding for remediation was received in 2005 from an Attorney General settlement; however, this funding is anticipated to be depleted by October 2008. The Truckee River, a municipal water supply, is located about 5,000 feet downgradient from the site. EAR funds will be needed to continue operating the soil vapor extraction system, pump and treat system, free product removal, monitoring and reporting, and additional site investigation(s), if necessary.

The enclosed (**PROPOSED**) Resolution includes an attached table listing the nominated sites. The table provides a summary of pertinent information for the sites, including current status, work planned for 2008 and 2009, and requested funding.

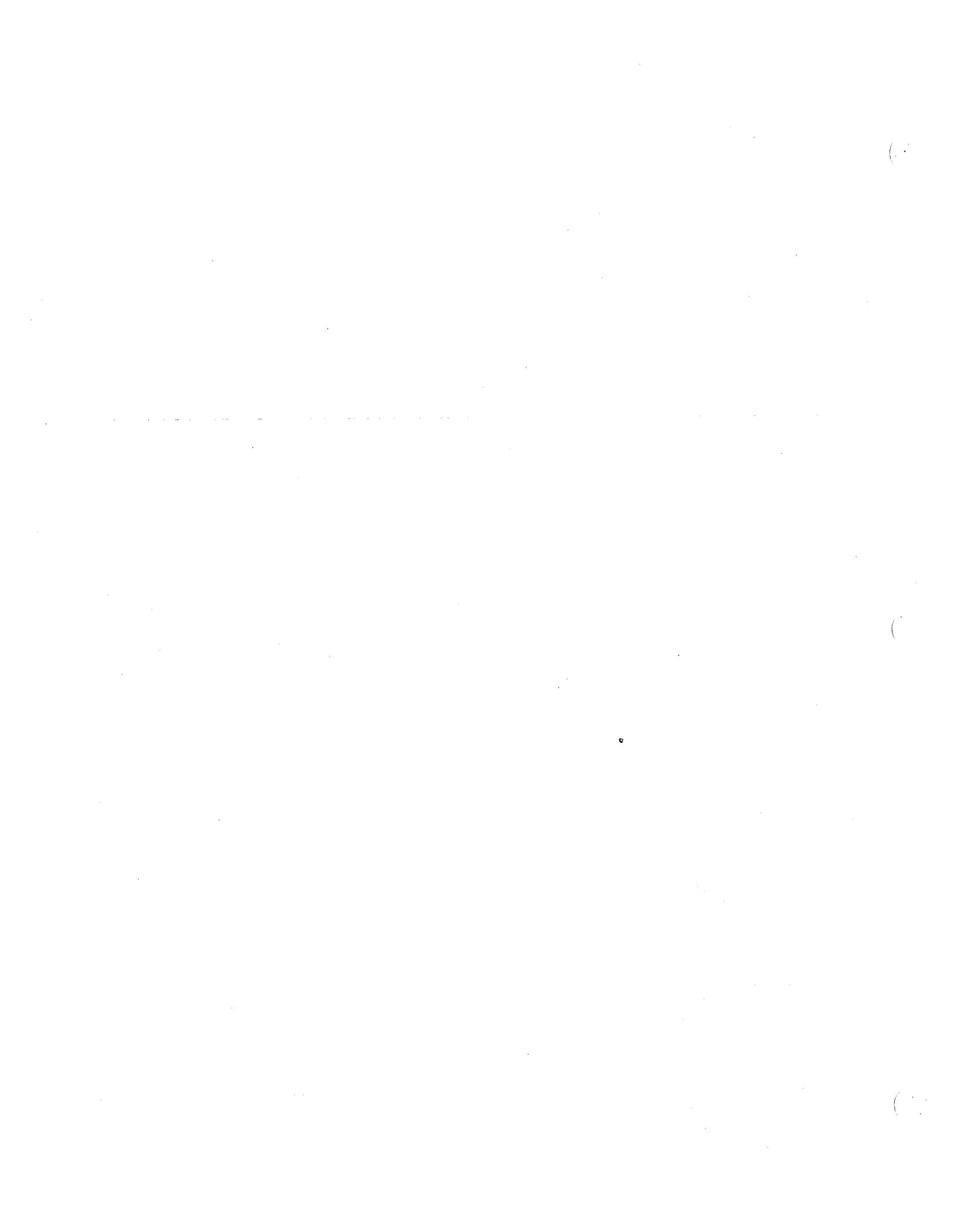
10-0002

**RECOMMENDA-
TION:**

Adoption of the Proposed Resolution.

Enclosure:

Proposed Resolution



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2008-(PROP)

ADOPTION OF THE 2008/2009 PRIORITY LIST
EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT

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

1. Chapter 6.75 of the California Health and Safety Code authorizes the State Water Resources Control Board (State Water Board) to provide Underground Storage Tank (UST) funds to Regional Water 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 State Water Board 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 Water Board or other agencies 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 State Water Board has requested that all Regional Water Boards adopt a regional priority list of EAR Account projects that will be presented to the State Water Board in May 2008. The State Water Board 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 Lahontan Water Board's proposed 2008/2009 EAR Priority List.

THEREFORE BE IT RESOLVED:

That the proposed 2008/2009 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 State Water Board for consideration in the formulation of the final 2008/2009 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 10, 2008.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment A:
Priority List

10-0004

ATTACHMENT A

California Regional Water Quality Control Board, Lahontan Region

Proposed 2008/2009

Emergency, Abandoned, Recalcitrant Account Priority List

San Bernardino County

Information Item	Halloran Springs	Stop N Save
UST Case No.	None	None
Address	80505 Halloran Springs Baker, CA 92309	1501 Irwin Road Barstow, CA 92311
All Potential Responsible Parties (RPs)	The Tenderloin, LLC 126 N. Marina Prescott, AZ 86301	Teresa Murray 27823 Panamint Road Barstow, CA 92311
Final Corrective Action Order or CAO	EAR #R02-066	EAR #R02-067 Letter sent to new owner by LOP
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	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. New owner states that he cannot remove tanks for more than a year. Septic system has caved in. Repeated attempts by the city of Barstow have gone unanswered until recently.
Why RP can or will not clean up site	The new RP has responded and states that she cannot afford to remove them at this time. She didn't know there were tanks on the property.	Unknown. Repeated Notices of Violation have gone unanswered. A case is currently pending. New owner states that he is not responsible for the removal.
Disputes between Regulatory Agency and RP	None	None
Actions Previously Taken to Clean up Release	None	1992-dispensers repaired.
Proposed Cleanup and Abatement	4 Tanks to be removed and preliminary site assessment to be conducted.	Tanks to be removed and preliminary contamination assessment to be conducted.
Amount of Annual Funding Requested	\$100,000 previously approved.	Approved previously for \$100,000. We are requesting the same amount for this year.
Est. Total Funds Required	\$100,000	\$100,000
Funding Spent to Date	None	None
Results if Funding Denied	Contamination would remain in soil.	Contamination would remain in soils.
Case Type	Health and Safety, Groundwater	Health and Safety, Groundwater
Site Type	Recalcitrant	Abandoned

Information Item	East West Self Serve	Daggett Oil
UST Case 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 PO Box 1657 Center Building, LLC Big Bear City, PO Box 1800 S. CA 92314 6810 Robertson Blvd Crestline, Los Angeles, CA 92325-6810 B058	New Owner Patrick and Dona Futvoye PO Box 425 Newbury Park, CA 91319 Wendell D. Martin 401 E. 5th Street Los Angeles, CA 90013 Munir Eissa & Esther Roldan 503 W. Ave Q10 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.	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. Request funding to complete borings and additional sampling if required.	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	\$100,000 has been approved and is being requested.	Requesting \$100,000 as approved last year.
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
UST Case No.	None
Address	19324 National Trails Hwy Oro Grande, CA 92368
All Potential Responsible Parties (RPs)	Bijan Agbelnazari (deceased) 9602 Woodman Ave. Arleta, CA 91331 Aghoal, Brian 9602 Woodman Ave Arleta, CA 91331
Final Corrective Action Order or CAO	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
Name and Phone No. of Regulatory Contact Person	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 sacrificed.
Why Site is Recalcitrant	Strong possibility of contamination. Anonymous tip that there are 2 10,000 gallon tanks behind the tin corrugated metal shed.
Why RP can or will not clean up site	RP does not respond.
Disputes between Regulatory Agency and RP	None
Actions Previously Taken to Clean up Release	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.
Amount of Annual Funding Requested	Additional funding of \$50,000 is being requested for the work described above.
Est. Total Funds Required	\$100,000
Funding Spent to Date	None
Results if Funding Denied	Contamination would remain in soil.
Case Type	Health and Safety, Groundwater
Site Type	Abandoned

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)	(Owners 1985 - 1986) Max Lair 16404 Sycamore St. Hesperia, CA 92345 (Owners 1986 - 1988)	(Owners 1973 - 1979) Danny Polovin PO Box 326 Yermo, CA 92398 (Current lessee)
	Orval and Maxine Bishop 3170 Chemin De Fer Costa Mesa, CA 92626 (Owners 1981 - 1985)	Mischke Enterprises, Inc. 1711 15th St. Santa Monica, CA 90404 (Current owner)	Robert Alexander All-American Eagle Mortgage Foundation, Inc. PO Box 2098 San Bernardino, CA 92406
	Cecil and Shirley Guy Address Unknown	Phillips Petroleum Address Unknown	
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 was 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. Contaminant sources that threaten water quality will be removed to the extent feasible. The additional data will be used to evaluate any remaining contaminants 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, contamination would remain at site		
Case Type	Health and Safety, Groundwater		
Site Type	Abandoned		

Nevada County

Information Item	Pat & Ollies – Gateway
UST Case No.	6T0353A
Address	Nevada Co. APN 19-092-04 10115 Donner Pass Road Truckee, CA 96160
All Potential Responsible Parties (RPs)	Oliver Crose Enterprises, LLC PO Box 353 Truckee, CA 96160
Final Corrective Action Order or CAO	CAO R6T-2002-0004A1
Name and Address of Oversight Agency	CA RWQCB 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150
Name and Phone No. of Regulatory Contact Person	Tamerle Lundquist (530) 542-5420
Description of the Unauthorized Release	Gasoline contamination from underground storage tank release.
Why Site is Recalcitrant	RP insolvent
Why RP can or will not clean up site	RP insolvent
Disputes between Regulatory Agency and RP	RP has reached the \$1.5 million Cleanup Fund maximum reimbursement amount.
Actions Previously Taken to Clean up Release	Soil vapor extraction system. Pump and treat system. Free product removal. Conduct groundwater monitoring and reporting.
Proposed Cleanup and Abatement	Operate current remediation systems. Conduct monitoring and reporting. Free product removal.
Amount of Annual Funding Requested	\$300,000
Est. Total Funds Required	\$1,000,000
Funding Spent to Date	None
Results if Funding Denied	Gasoline and MTBE contamination will continue to spread threatening the Truckee River, a municipal water supply.
Case Type	Health and Safety, Groundwater
Site Type	Recalcitrant

