

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**MEETING OF MAY 13 and 14, 2009  
South Lake Tahoe**

**ITEM:** 14

**SUBJECT:** **ADOPTION OF THE PRIORITY LIST FOR THE  
EMERGENCY, ABANDONED, RECALCITRANT (EAR)  
ACCOUNT, FISCAL YEAR 2009-2010**

**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 2009, Regional Board staff proposes to re-nominate one site from San Bernardino County and one site from Nevada County as follows:

San Bernardino County- Yermo Truck Stop was placed on the EAR list in fiscal year 2008/2009.

Nevada County- Pat & Ollies-Gateway was placed on the EAR list in fiscal year 2008/2009.

**DISCUSSION:** **San Bernardino County:**

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 has been unable to locate previous RPs for this abandoned site, but has recently identified a new property owner. Board staff is

currently working to name the current property owner as a responsible party.

**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 2009 and 2010, and requested funding.

**RECOMMENDATION:**

Adoption of the Proposed Resolution.

Enclosure:

Proposed Resolution

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

**RESOLUTION NO. R6T-2009-(PROPOSED)**

**ADOPTION OF THE 2009/2010 PRIORITY LIST  
EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT**

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**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 2009. 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 2009/2010 EAR Priority List.

**THEREFORE BE IT RESOLVED:**

That the proposed 2009/2010 EAR Account Priority List be adopted, as shown on Attachment A, which is made 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 2009/2010 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 16, 2009.

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HAROLD J. SINGER  
EXECUTIVE OFFICER

Attachment A: Priority List

# **ATTACHMENT A**

**California Regional Water Quality Control Board, Lahontan Region  
Proposed 2009/2010  
Emergency Abandoned, Recalcitrant Account Priority Sites**

## San Bernardino County

Information Item	Yermo Truck Stop		
<b>LUSTIS No.</b>	6B3600059T		
<b>Address</b>	38735 Yermo Road Yermo, CA 92398		
<b>All Potential Responsible Parties (RPs)</b>	Riad Barikhan 1418 10 <sup>th</sup> Street, Apt 2 Santa Monica, CA 90401 (Former Owner)	Max Lair (deceased) 16404 Sycamore St. Hesperia, CA 92345 (Former Owner)	Robert Alexander (deceased) All-American Eagle Mortgage Foundation, Inc. PO Box 2098 San Bernardino, CA 92406 (Former Owner)
	Orval (deceased) and Maxine Bishop PO Box 870 Earp, CA 92242 (Former Owners)	Mischke Enterprises, Inc. 21902 De La Osa Woodland Hills, CA 91364 (Former Owner)	Khosrow Abtahi PO Box 6358 Laguna Niguel, CA 92607 (Current Owner)
	Cecil and Shirley (deceased) Guy 1379 E Holt Blvd. Ontario, CA 91761 (Former Owner/ Operators)	Danny Polovin 9558 SVL Box Victorville, CA 92395 (Former Lessee)	See mailing list for additional alternate addresses
<b>Final Corrective Action Order or CAO</b>	CAO No 6-88-184		
<b>Name and Address of Oversight Agency</b>	CA RWQCB 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150		
<b>Name and Phone No. of Regulatory Contact Person</b>	Brian Grey, (530) 542-5421		
<b>Description of the Unauthorized Release</b>	Contaminants detected in a nearby Yermo community supply well are believed to be from the site.		
<b>Why Site is Recalcitrant</b>	unable to locate RP		
<b>Why RP can or will not clean up site</b>	unable to locate RP		
<b>Disputes between Regulatory Agency and RP</b>	None		
<b>Actions Previously Taken to Clean up Release</b>	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. In early 2007, Water Board staff met with Tetra Tech to discuss future actions.		
<b>Proposed Cleanup and Abatement</b>	Prepare and implement work plan to remove remaining USTs.		
<b>Amount of Annual Funding Requested</b>	\$150,000		
<b>Est. Total Funds Required</b>	\$200,000		
<b>Funding Spent to Date</b>	\$80,000		
<b>Results if Funding Denied</b>	domestic well impacted, contamination would remain at site		
<b>Case Type</b>	Health and Safety, Groundwater		
<b>Site Type</b>	Abandoned		

## Nevada County

Information Item	Pat & Ollies – Gateway
<b>UST Case No.</b>	6T0353A
<b>Address</b>	Nevada Co. APN 19-092-04 10115 Donner Pass Road Truckee, CA 96160
<b>All Potential Responsible Parties (RPs)</b>	Oliver Crose Enterprises, LLC PO Box 353 Truckee, CA 96160
<b>Final Corrective Action Order or CAO</b>	CAO R6T-2002-0004A1
<b>Name and Address of Oversight Agency</b>	Nevada County Environmental Health Department, 950 Maidu Avenue, Nevada City, CA 95959
<b>Name and Phone No. of Regulatory Contact Person</b>	Dave Huff (530) 265-1767
<b>Description of the Unauthorized Release</b>	Gasoline contamination from underground storage tank release.
<b>Why Site is Recalcitrant</b>	RP insolvent
<b>Why RP can or will not clean up site</b>	RP insolvent
<b>Disputes between Regulatory Agency and RP</b>	RP has reached the \$1.5 million Cleanup Fund maximum reimbursement amount.
<b>Actions Previously Taken to Clean up Release</b>	Soil vapor extraction system. Pump and treat system. Free product removal. Conduct groundwater monitoring and reporting.
<b>Proposed Cleanup and Abatement</b>	Operate current remediation systems. Conduct monitoring and reporting. Free product removal.
<b>Amount of Annual Funding Requested</b>	\$300,000
<b>Est. Total Funds Required</b>	\$1,000,000
<b>Funding Spent to Date</b>	None
<b>Results if Funding Denied</b>	Gasoline and MTBE contamination will continue to spread threatening the Truckee River, a municipal water supply.
<b>Case Type</b>	Health and Safety, Groundwater
<b>Site Type</b>	Recalcitrant