

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

**MEETING OF APRIL 9 AND 10, 2014
SOUTH LAKE TAHOE, CALIFORNIA**

- ITEM:** 10
- SUBJECT:** **ADOPTION OF THE PRIORITY LIST FOR THE EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT, FISCAL YEAR 2014-2015**
- ISSUE:** Should the Water Board adopt a priority list which nominates three sites for potential work under the state's EAR Account for 2014?
- DISCUSSION:** 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

The EAR Account list specific criteria for nominating a site, and the following three sites meet that criteria in the Lahontan Region:

Nevada County:

Former Pat and Ollies Sierra Superstop - 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 Responsible Party 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 was depleted in November 2008 and additional necessary work remains. The Truckee River, a municipal water supply, is located about 5,000 feet downgradient from the site. EAR funds have been used for remediation system operation, including soil vapor, groundwater and free product removal, and for monitoring and reporting. Additional soil and soil gas sampling is needed to address impediments to closure currently identified.

Kern County:

Former J. C. Fennel & Sons- This case was transferred to the Lahontan Water Board in 2006. During UST removals in 1992, soil contamination was left in place. No remedial actions have occurred following the initial UST removals. The Responsible Party has not responded to multiple requests for information and action from the county and Water Board. Needed activities would collect information to evaluate the direct contact and vapor intrusion pathways with respect to potential threat to human health or the environment..

San Bernardino County:

Former Calico Truck Stop- This case was transferred to the Lahontan Water Board in 2009 after unsuccessful attempts by the county to request the Responsible Party implement an approved work plan. Water Board staff sent similar requests and have been unsuccessful in having the Responsible Party conduct work at the site. Soil contamination remains in place along with soil stockpiles following initial UST removal actions. Needed activities include soil and stockpile characterization and evaluation for potential removal to ensure the site poses does not pose a significant threat to human health or the environment.

The enclosed (**PROPOSED**) Resolution includes an attached table listing the three nominated sites. The table provides a summary of pertinent information for the sites, including current status, work needed for 2014, and requested funding.

RECOMMENDATION: Adoption of the Proposed Resolution.

ENCLOSURE	ITEM	BATE NUMBER
1	Proposed Resolution	10-5

ENCLOSURE 1

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

PROPOSED RESOLUTION NO. R6T-2014-(PROPOSED)

**ADOPTION OF THE 2014/2015 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 2014. 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 2014/2014 EAR Priority List.

THEREFORE BE IT RESOLVED:

That the proposed 2014/2015 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 2014/2015 EAR Account Priority List.

I, Patty Z. Kouyoumdjian, 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, 2014.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Attachment A: Proposed 2014/2015 EAR Account Priority List

ATTACHMENT A

California Regional Water Quality Control Board, Lahontan Region

2014/2015

Emergency, Abandoned, Recalcitrant Account Priority List

PROPOSED

Nevada County

Information Item	Former Pat & Ollies Sierra Superstop
UST Case No.	6T0353A
Address	Nevada County (APN 19-092-04) 10115 Donner Pass Road Truckee, CA 96160
All Potential Responsible Parties (RPs)	Oliver and Heather Hunt Crose 1996 Family Trust c/o A. Morgan Jones, Esq. 12313 Soaring Way, Suite 3A Truckee, CA 96160
Final Corrective Action Order or CAO	CAO R6T-2002-0004A1
Name and Address of Oversight Agency	Nevada County Environmental Health Department 950 Maidu Avenue Nevada City, CA 95959
Name and Phone No. of Regulatory Contact Person	Dave Huff (530) 265-1767
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	Conducted free product removal and operated soil vapor and groundwater extraction systems.
Proposed Cleanup and Abatement	Conduct monitoring and reporting to evaluate potential groundwater plume migration. Review historical soil data relative to Low Threat Underground Storage Tank Case Closure Policy. Propose additional soil and soil gas sampling, if needed, to address identified impediments to closure.
Funding Requested	\$1,000,000
Funding Spent to Date	\$438,666
Results if Funding Denied	Insufficient information would be available to evaluate threat from residual contamination left in place.
Case Type	Health and Safety, Groundwater
Site Type	Recalcitrant

San Bernardino County

Information Item	Former Calico Truck Stop
UST Case No.	6B3600350T (Unauthorized Release Form date January 15, 1991)
Address	San Bernardino County (APN 0537-231-05-0000) 37587 Calico Boulevard Yermo, CA 93298
All Potential Responsible Parties (RPs)	Haroutune Parseghian 15251 Seneca Road, #152 Victorville, CA 92392
Final Corrective Action Order or CAO	February 27, 2013 staff directive letter
Name and Address of Oversight Agency	Lahontan Water Board 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	Unauthorized release of gasoline and diesel was reported during UST removals. Analytical results from soil samples reported TPH as diesel concentrations ranging from 13 mg/Kg to 28,000 mg/Kg and TPH as gasoline ranged from 52 mg/Kg to 750 mg/Kg. Depth of groundwater is estimated to be approximately 150 feet below ground surface.
Why Site is Recalcitrant	On February 27, 2013, Water Board staff sent a notice to implement a previously submitted work plan via certified mail to the fee title owner's address in Parcelquest. The letter was returned as undeliverable. Efforts on this site since 2011 indicate a viable responsible party who has not followed through on verbal commitments to Water Board staff regarding implementation of a Work Plan accepted in November 2010.
Why RP can or will not clean up site	Unresponsive
Disputes between Regulatory Agency and RP	Unresponsive
Actions Previously Taken to Clean up Release	No remedial actions have been conducted following UST removals.
Proposed Cleanup and Abatement	Water Board staff proposes a site investigation to evaluate the lateral and vertical extent of TPH contamination in soil, and evaluate the potential threat to groundwater. The investigation would collect information to evaluate the direct contact and vapor intrusion pathways with respect to the criteria contained in the Low Threat Underground Storage Tank Case Closure Policy.
Funding Requested	\$100,000
Funding Spent to Date	0
Results if Funding Denied	There is insufficient information available to evaluate threat to human health. The case would remain open, and a No Further Action Required letter could not be issued. Soil stockpiles and debris from UST removals would remain in place.
Case Type	Human health and groundwater quality
Site Type	Recalcitrant