

California Regional Water Quality Control Board  
Santa Ana Region

April 24, 2009

STAFF REPORT

**ITEM: 11**

**SUBJECT:** Resolution No R8-2009-0037, Adopting the April 2009 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List

**DISCUSSION:**

There are a number of abandoned or recalcitrant underground storage tank sites within the Region. The releases from these sites are a threat to human health or the environment. Chapter 6.75 of the California Health and Safety Code authorizes Underground Storage Tank (UST) Cleanup Funds to be provided to Regional Water Quality Control Boards and local UST agencies for direct cleanup of petroleum-contaminated UST sites requiring emergency or prompt corrective action to protect human health or the environment. The State Water Resources Control Board (SWRCB) has directed the Regional Water Quality Control Boards to submit a Priority List of UST sites which threaten human health or the environment and which have been ordered by a Regional Water Quality Control Board or a local UST agency to initiate corrective actions, but have not begun the requested corrective actions. A resolution adopting a Regional Water Quality Control Board's Priority List for the Emergency, Abandoned and Recalcitrant Fund must be submitted annually to the SWRCB. The SWRCB is able to enter into contracts to provide funds to local agencies and Regional Water Quality Control Boards to perform corrective actions at such abandoned or recalcitrant sites. The SWRCB will pursue reimbursement of those funds from the past and current owners of the subject property, including placing a lien against the subject property.

The April 2009 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List is attached (Attachment "A"). The list includes 5 sites and the total requested funding for the cleanup of these sites is \$1.2 million (this amount represents the expected expenditures for FY 2009-2010). Resolution No. R8-2009-0037 adopts the April 2009 Emergency, Abandoned and Recalcitrant Site Priority List for the Santa Ana Regional Water Quality Control Board.

**RECOMMENDATION:**

Adopt Resolution No. R8-2009-0037 as presented.

California Regional Water Quality Control Board  
Santa Ana Region

RESOLUTION NO. R8-2009-0037

Adopting the April 2009 Santa Ana Regional Water Quality Control Board  
Emergency, Abandoned and Recalcitrant Site Priority List

**Whereas**, the California Regional Water Quality Control Board, Santa Ana Region, finds that:

1. Chapter 6.75 of the California Health and Safety Code authorizes Underground Storage Tank (UST) Cleanup Funds to be provided to California Regional Water Quality Control Boards and local UST agencies for direct cleanup of petroleum-contaminated UST sites requiring emergency or prompt corrective action to protect human health or the environment; and
2. The State Water Resources Control Board has directed the RWQCBs to submit a Priority List of UST sites which threaten human health or the environment and which have been ordered by a Regional Water Quality Control Board or a local UST agency to initiate corrective actions, but have not begun the requested corrective actions; and
3. A resolution adopting a Regional Water Quality Control Board's Priority List for the Emergency, Abandoned and Recalcitrant Fund must be submitted annually to the State Water Resources Control Board.

**THEREFORE, BE IT RESOLVED** that the California Regional Water Quality Control Board, Santa Ana Region,

Adopts the attached April 2009 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List (Attachment "A") and forwards it to the State Water Resources Control Board.

I, Gerard J. Thibeault, 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, Santa Ana Region, on April 24, 2009.

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Gerard J. Thibeault  
Executive Officer

California Regional Water Quality Control Board  
Santa Ana Region

RESOLUTION NO. R8-2009-0037

Adopting the April 2009 Santa Ana Regional Water Quality Control Board  
Emergency, Abandoned and Recalcitrant Site Priority List

**Whereas**, the California Regional Water Quality Control Board, Santa Ana Region, finds that:

1. Chapter 6.75 of the California Health and Safety Code authorizes Underground Storage Tank (UST) Cleanup Funds to be provided to California Regional Water Quality Control Boards and local UST agencies for direct cleanup of petroleum-contaminated UST sites requiring emergency or prompt corrective action to protect human health or the environment; and
2. The State Water Resources Control Board has directed the RWQCBs to submit a Priority List of UST sites which threaten human health or the environment and which have been ordered by a Regional Water Quality Control Board or a local UST agency to initiate corrective actions, but have not begun the requested corrective actions; and
3. A resolution adopting a Regional Water Quality Control Board's Priority List for the Emergency, Abandoned and Recalcitrant Fund must be submitted annually to the State Water Resources Control Board.

**THEREFORE, BE IT RESOLVED** that the California Regional Water Quality Control Board, Santa Ana Region,

Adopts the attached April 2009 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List (Attachment "A") and forwards it to the State Water Resources Control Board.

I, Gerard J. Thibeault, 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, Santa Ana Region, on April 24, 2009.

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Gerard J. Thibeault  
Executive Officer

**ATTACHMENT "A"**  
 (RESOLUTION NO. R8-2009-0037)

**Santa Ana Regional Water Quality Control Board**  
 Emergency, Abandoned, and Recalcitrant Site Priority List  
 April 2009

Site	Lead Agency Contact	Pollution	Enforcement Compliance and Status	Proposed Abatement	Funding Requested
<p>Former Circle K            8999 Limonite Ave.            Pedley            Riverside County</p>	<p>Carl Bernhardt            SARWQCB</p>	<p>Gasoline affected soil and groundwater</p>	<p>Circle K filed bankruptcy in 1991 and responsibility to investigate and remediate the site reverted to property owner. Two underground storage tanks (USTs) were removed in 1993 and Mr. Sandhu purchased the property. Mr. Sandhu was non-responsive to requests to conduct further work.</p> <p>The site was placed on the EAR Account Fund lists from 2001 to 2008. The State Water Resources Control Board (SWRCB) has contracted out the work at the site.</p> <p>In May 2008, Mr. Sandhu denied access for Board Staff and the environmental contractor to conduct further site assessment and monitoring at the site. In mid-2008, the site was foreclosed and sold.</p>	<p>Under the contract with the SWRCB, two groundwater monitoring wells were installed and quarterly groundwater monitoring implemented during 2007-2008.</p> <p>The results of groundwater monitoring indicate elevated concentrations of gasoline constituents in the groundwater.</p> <p>The extent of groundwater contamination still needs to be defined.</p> <p>Additional monitoring and site assessment is needed to assess the extent of groundwater contamination and to evaluate the appropriate remedial measures.</p>	<p>\$250,000</p>

<p>K &amp; G ARCO          9472 Katella Ave.          Anaheim          Orange County</p>	<p>Valerie Jahn-Bull          SARWQCB</p>	<p>Gasoline          affected soil and          groundwater</p>	<p>Orange County Health Care Agency (OCHCA) records indicate that leaks occurred in the tanks, vent lines and dispensers as early as 1989. Inspection records indicate that two of the previous underground storage tanks (USTs), including the 12,000-gallon regular and 10,000-gallon unleaded grade tanks, failed integrity testing. A release was formally reported in October 1992, following an inspection by the county, which revealed numerous violations, inadequate inventory reconciliation, tank integrity testing, and malfunctioning pressure devices on the turbine system.</p> <p>Soil contamination was encountered during soil sampling performed in the vicinity of the UST turbine. In April 1994, a preliminary site investigation was completed, revealing impacts to both soil and groundwater.</p> <p>Numerous OCHCA letters were sent to various site owners/operators requiring that corrective action be initiated to address subsurface contamination. However, no response was received by those parties and the property was reportedly abandoned, with all previously-identified responsible parties filing bankruptcy or relocating out-of-state. Mr. Hamid Farsai purchased the contaminated property through a tax sale/auction in 1997. The tax deed was converted to a grant deed in March 1998 and he remains the registered property owner for the site. The OCHCA correspondence, including a Notice of Responsibility and Notice to Initiate Corrective Action was issued to Mr. Farsai in July 1997, along with requirements for quarterly reporting and free product recovery. No significant effort has been made with respect to site characterization and remediation.</p> <p>Additional subsurface contamination was discovered when the tanks/UST system components were removed and replaced in conjunction with station redevelopment. Widespread soil contamination was detected beneath and adjacent to the former USTs and dispenser islands. No follow-up investigation was conducted. Only two rounds of groundwater monitoring have been performed to date. Sampling of the existing monitoring wells was last performed in 1999. USTCF eligibility was denied. The case was transferred to SARWQCB in December 2003. In May 2006, Board staff issued a Notice of Non-Compliance because Mr. Farsai has made no significant effort to comply with OCHCA or Regional Board staff directives.</p>	<p>Historical site data indicate elevated concentrations of gasoline constituents in soil and groundwater.</p> <p>The extent of contamination still needs to be defined, but has likely migrated off-site.</p> <p>Additional monitoring and site assessment is needed to delineate the extent of soil/groundwater contamination and determine appropriate remedial measures.</p>	<p>\$250,000</p>
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<p>Former Ken's Arco                  2871 University Ave.                  Riverside                  Riverside County</p>	<p>Valerie Jahn-Bull                  SARWQCB</p>	<p>Gasoline                  affected soil and                  groundwater</p>	<p>In 1999, Mr. Gurbachan Sandhu had the USTs removed from the site. Based on the cost of site assessment and remediation, Mr. Sandhu chose to abandon the site. Mr. Sandhu failed to pay property taxes to the County for five years, and the site was seized by the County and sold at tax auction to Mr. Hernandez in May 2003.</p> <p>Attention to the environmental condition of the site was delayed by the fact that Mr. Sandhu had until July 8, 2004 to notify the County he did not receive proper notice of the tax auction and to pay his back taxes, thereby recovering title to the property. For this reason, the new site owner, Mr. Hernandez, would not expend any funds to conduct the site assessment and remediation required by Environmental Health.</p> <p>On March 18, 2004, the City of Riverside Redevelopment Agency invoked its authority under the Polanco Redevelopment Act to compel Mr. Hernandez to complete the necessary site assessment. In 2004-2005, the City of Riverside conducted subsurface investigations consisting of several soil borings and installation of vapor and groundwater monitoring wells. Results showed that the underlying soil has been impacted from releases from the USTs. Low concentrations of gasoline constituents were also detected in the groundwater. The City subsequently purchased the property</p> <p>In 2005-2006, feasibility testing was performed and a vapor extraction system was installed. Vapor extraction was initiated in September 2006 and is ongoing.</p> <p>The site was placed on the EAR Account Fund lists from 2004 to 2008. The City of Riverside applied for a \$200,000 grant from the EPA for cleanup of the site. In 2006, the site became qualified for the SWRCB Orphaned Site list. The Riverside Redevelopment Agency received funding through a redevelopment grant from EPA and is not currently using the Orphan Site funds. Vapor extraction efforts continue and the EPA grant may be exhausted prior to completion of corrective action.</p>	<p>This site is being renominated to the EAR list as a contingency in case funding for the continued investigation and cleanup does not occur.</p> <p>The EAR funding, if necessary, would fund the assessment of lateral and vertical extent of the soil and groundwater contamination and the further remediation of the site.</p>	<p>\$200,000</p>
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<p>Caliber Investment Property          3270 W. Lincoln Ave.          Anaheim          Orange County</p>	<p>Richard Wilson          City of Anaheim          Public Utilities</p>	<p>Gasoline affected soil and groundwater</p>	<p>The site was operated as a California Target brand service station, which was closed in 1996. The USTs were removed in May 1999.</p> <p>The results of subsequent soil and groundwater investigations indicated significantly elevated concentrations of gasoline constituents, including MTBE.</p> <p>The present property owner claims they do not have the financial capability to continue investigation and remediation at the site. The site owner's application for UST cleanup funds from the State Board was denied because of Target's past history of non-compliance. The site owner has become recalcitrant.</p> <p>The site was placed on the EAR Account Fund lists from 2002 to 2007. Through EAR Account funding, additional assessment was conducted in 2003 and 2004, including the installation of on-site and off-site groundwater monitoring wells.</p> <p>In 2006, the soil vapor extraction and groundwater treatment systems were installed and became operational. An air sparge system was installed in March 2007. Up to 52,000 ppb of MTBE was present on-site and up to 610 ppb of MTBE was present off-site.</p> <p>The ongoing remediation has resulted in a reduction of the concentrations in the groundwater. It is estimated that remediation may need to be in place for another two years.</p>	<p>Initial EAR account funding enabled the installation of multiple on- and off-site groundwater monitoring wells, the implementation of quarterly groundwater monitoring, the implementation of a 5-day HVDPE test, and installation of a groundwater aquifer and soil vapor extraction remediation system. Continued funding will enable continued remedial activities at the site.</p>	<p>\$250,000</p>
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<p>Saranick Station        10632 Beach Blvd.        Stanton        Orange County</p>	<p>Shyamala Sundaram        Orange County Health Care Agency</p>	<p>Gasoline affected soil and groundwater</p>	<p>In October 2001, four underground storage tanks were removed at the site. Soil samples collected from underneath the former tanks indicated a release of gasoline had impacted the soil.</p> <p>OCHCA directed Mr. Hosn, the property owner, to initiate corrective actions. In February through March 2002, the UST area was excavated to 13 feet. Confirmation sampling indicated that the extent of the affected soil was not defined. OCHCA directed Mr. Hosn to conduct a groundwater investigation.</p> <p>In January 2006, three groundwater monitoring wells were installed on-site and free product was detected in the groundwater monitoring wells. In December 2006, seven soil borings were advanced at the site.</p> <p>No corrective actions have been implemented at the site beyond the soil excavation activities in 2002 and the free product recovery conducted in 2007–2008. OCHCA approved work plans for additional site assessment in April and November 2007, but the work plans were never implemented.</p> <p>OCHCA issued a Notice of Violation to Mr. Hosn on June 23, 2008 and referred the site to the Orange County District Attorney in December 2008 for non-compliance with OCHCA directives to conduct additional subsurface investigations and implement corrective actions. According to OCHCA staff, Mr. Hosn has suspended all on-site work since the second Quarter 2008. The UST Cleanup Fund rejected Mr. Hosn's Cleanup Fund claim due to lack of an operating permit for the tanks from 1996 through 2001.</p> <p>The site is located within the Orange County groundwater basin and there are two groundwater production wells within 2000 feet of the site. The results of the subsurface investigations indicate that that affected groundwater may have migrated off-site and impacted downgradient properties. Further site assessment and corrective actions are necessary to protect the beneficial uses of the underlying groundwater resources. The high concentrations of gasoline constituents in the shallow soil pose a potential risk to human health.</p> <p>OCHCA is considering transferring the site to Regional Board oversight.</p>	<p>OCHCA is requesting EAR Account funding to implement the scope of work proposed in the previously approved work plans to assess the lateral and vertical extent of the gasoline affected soil and groundwater.</p> <p>OCHCA is requesting funding to implement interim remedial actions to address the soil and groundwater contamination in the source zone, and to mitigate the free product and affected groundwater plume moving off-site.</p>	<p>\$250,000</p>
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