

California Regional Water Quality Control Board  
Santa Ana Region

April 27, 2012

STAFF REPORT

**ITEM: 8**

**SUBJECT:** Resolution No. R8-2012-0032, Adopting the April 2012 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 that threaten human health or the environment and have been ordered by a Regional Water Quality Control Board or a local UST agency to initiate corrective actions, but have not performed 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 2012 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List is attached (Attachment "A"). The list includes 4 sites and the total requested funding for the cleanup of these sites is \$1,000,000 (this amount represents the expected expenditures for FY 2012-2013). Resolution No. R8-2012-0032 adopts the April 2012 Emergency, Abandoned and Recalcitrant Site Priority List for the Santa Ana Regional Water Quality Control Board.

**RECOMMENDATION:**

Adopt Resolution No. R8-2012-0032 as presented.

California Regional Water Quality Control Board  
Santa Ana Region

RESOLUTION NO. R8-2012-0032

Adopting the April 2012 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 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; 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 2012 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, Kurt V. Berchtold, 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 27, 2012.

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Kurt V. Berchtold  
Executive Officer

**ATTACHMENT "A"**  
(RESOLUTION NO. R8-2012-0032)

<p align="center"><b>Santa Ana Regional Water Quality Control Board</b> Emergency, Abandoned, and Recalcitrant Site Priority List April 2012</p>					
Site	Lead Agency Contact	Pollution	Enforcement Compliance and Status	Proposed Abatement	Funding Requested
Former Circle K 8999 Limonite Ave. Pedley Riverside County	Carl Bernhardt SARWQCB	Gasoline affected soil and groundwater	<p>Circle K filed bankruptcy in 1991 and responsibility to investigate and remediate the site reverted to the 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>In July 2010, the new property owner was notified that they had an opportunity to bring the site into compliance before further work was funded under the EAR Account and the SWRCB sought reimbursement of the expended funds. Mr. Dourbetas, the property owner, indicated that he intends to take responsibility for the site cleanup once the impacts from an off-site source impacting his property were addressed.</p> <p>Funding has been approved for additional monitoring and assessment at the site and is pending the results of the off-site investigations on the upgradient property.</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 and that 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>This site is being renominated to the EAR list as a contingency in case the property owner does not take responsibility for the continued investigation and cleanup of the site.</p>	\$250,000

<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 USTs, failed integrity testing. A release was formally reported in October 1992, following an inspection by the OCHCA, which revealed numerous violations, inadequate inventory reconciliation, tank integrity testing, and malfunctioning pressure devices on the turbine system.</p> <p>In April 1994, a preliminary site investigation was completed, revealing impacts to both soil and groundwater. 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.</p> <p>Mr. Farsai purchased the contaminated property through a tax sale/auction in 1997. The tax deed was converted to a grant deed in March 1998. He reportedly sold the property to his sons several years later. The OCHCA issued a Notice of Responsibility and Notice to Initiate Corrective Action to Mr. Farsai, along with requirements for quarterly reporting and free product recovery, in July 1997. Additional subsurface contamination was discovered when Mr. Farsai removed/replaced the tanks/UST system components in conjunction with station redevelopment. Widespread soil contamination was detected beneath and adjacent to the former USTs and dispenser islands. The case was transferred to SARWQCB in December 2003, due to non-compliance. In May 2006, Board staff issued a Notice of Non-Compliance because Mr. Farsai had made no significant effort to comply with OCHCA directives. Subsequent directives by Board staff only recently resulted in site progress.</p> <p>In December 2010, the RP stated their intent to comply with Board staff directives and pursue reimbursement under the UST Cleanup Fund (USTCF). Board staff required continued groundwater sampling and site characterization of source areas to follow up on previous findings. In June 2011, the two existing (perimeter) groundwater monitoring wells were sampled for the first time since 1999. Gasoline free product was observed in well W2. Source area characterization was also completed in December 2011. Four soil borings/wells were installed adjacent to the former tanks and dispenser areas. Results from this investigation confirm that soil and groundwater are heavily-impacted. In March 2012, Board staff required additional on-site/off-site assessment and corrective action feasibility testing. The RP has not yet responded to these directives, but did install a passive skimmer for free product recovery as an interim measure. USTCF eligibility was recently denied.</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 migrated off-site.</p> <p>This site is being renominated to the EAR list as a contingency in case the funding for the continued investigation and cleanup does not occur. The EAR funding, if necessary, would fund additional monitoring and site assessment as needed to delineate the extent of soil/groundwater contamination and determine appropriate remedial measures</p>	<p>\$250,000</p>
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EAR Site Priority List, SARWQCB  
 April 27, 2012

<p>Saranick Station          10632 Beach Blvd.          Stanton          Orange County</p>	<p>Carl Bernhardt          SARWQCB</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 that 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 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>There are two groundwater production wells within 2000 feet of the site. The results of the subsurface investigations indicate that the 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 transferred the site to Regional Board oversight on September 30, 2009.</p> <p>Groundwater monitoring was reestablished beginning in May 2011. In February 2012, an off-site groundwater investigation indicated that petroleum affected groundwater has migrated off-site. Additional groundwater investigations are being conducted.</p>	<p>Board staff is requesting EAR Account funding to continue to assess the lateral and vertical extent of the gasoline affected soil and groundwater, 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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<p>Huntington Harbour Carwash 16921 Algonquin St, Huntington Beach</p>	<p>Tom Mbeke-Ekanen SARWQCB</p>	<p>Gasoline affected soil and groundwater</p>	<p>In June 1992, a 10,000-gallon unleaded gasoline UST failed an integrity test indicating that a release of gasoline may have occurred at the site. As a result, numerous subsurface investigations have been conducted at the site. The results of these investigations indicate the underlying soil and groundwater had been affected by past releases of gasoline.</p> <p>From July 2000 to June 2004, a soil vapor extraction system operated at the site. An estimated 71,000 lbs of gasoline were recovered. The system was shut down when the soil vapor influent concentrations had reached asymptotic levels.</p> <p>The groundwater monitoring wells were last sampled in the 4<sup>th</sup> Quarter 2011. The results indicated 2.06' free product in one off-site groundwater monitoring well located approximately 1000' downgradient to the southeast of the site.</p> <p>On-site soil vapor investigations were conducted in January 2007, January 2009, July 2009, and May 2010. High concentrations of gasoline constituents were detected in the soil vapor at locations that indicate a potential threat to nearby residential and commercial properties from vapor intrusion.</p> <p>Preliminary evaluation by the Office of Environmental Health Hazard Assessment and the OCHCA suggest that there is a potential health risk for residential and commercial buildings adjacent to the site and directly above the off-site contaminant plume. The gasoline affected groundwater may be continuing to migrate downgradient towards additional residences and the Bolsa Chica Wetlands.</p> <p>Further assessment and remedial work at the site has been suspended because all but \$5,000 of the UST Cleanup Fund allocation had been utilized and the responsible party claims that there are no funds available to conduct additional site investigation or remedial activities.</p> <p>OCHCA transferred the site to Regional Board oversight on March 27, 2012.</p>	<p>A comprehensive off-site soil vapor health risk assessment is required to determine the potential vapor intrusion risk to off-site residential and commercial properties and necessity of remedial activities, such as soil vapor extraction, in order to protect public health. Groundwater monitoring is necessary to determine if the free product plume has migrated further off-site. Depending upon the results of the groundwater monitoring, additional groundwater monitoring wells may be necessary to further define the downgradient extent of the affected groundwater.</p> <p>This site should be renominated to the EAR list. The RP has been recalcitrant, claiming that he has no money. Also, the last assessment indicates the presence of free product, which was detected about 700 feet from residential area.</p>	<p>\$250,000</p>
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