California Regional Water Quality Control Board
Santa Ana Region

April 20, 2007

STAFF REPORT

ITEM: **12**

SUBJECT: Resolution No R8-2007-0030, Adopting the April 2007 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. 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 2007 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List is attached (Attachment "A"). The list includes 12 sites and the total requested funding for the cleanup of these sites is $1.7 million (this amount represents the expected expenditures for FY 2007-2008). Resolution No. R8-2007-0030 adopts the April 2007 list of Emergency, Abandoned and Recalcitrant Site Priority List for the Santa Ana Regional Water Quality Control Board.

RECOMMENDATION:

Adopt Resolution No. R8-2007-0030 as presented.

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8-2007-0030

Adopting the April 2007 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 2007 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 20, 2007.

TENTATIVE

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Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"
(RESOLUTION NO. R8-2007-0030)

Santa Ana Regional Water Quality Control Board Emergency, Abandoned, and Recalcitrant Site Priority List April 2007					
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	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. Current property owner was non-responsive to requests to conduct further work. The site was placed on the EAR Account Fund lists from 2001 to 2007. The State Water Resources Control Board (SWRCB) has contracted out the work at the site.	Under the contract with the SWRCB, one round of groundwater monitoring was completed during 2006-2007. The results indicate elevated concentrations of gasoline constituents in the groundwater. The extent of groundwater contamination still needs to be defined. Additional monitoring and site assessment is needed to assess the extent of groundwater contamination and to evaluate the appropriate remedial measures.	$250,000

Sea Mor Foods 2586 Main Street Riverside, CA	Carl Bernhardt SARWQCB	Petroleum fuel hydrocarbon-affected soil.	In 1988, Mr. Hector Canino purchased the subject property. Beginning in April 1989, the Riverside County Department of Environmental Health (RCDEH) gave notice that an operating permit was required for the UST located on the property. In August 1994, the RCDEH issued a Notice of Violation (NOV) for operating an UST without a permit. In May 1997, the RCDEH issued a NOV directing Mr. Canino to obtain a permit for removing the UST. In September 1997, the 1,000-gallon UST was removed from the site and, in February 2001, the UST area was excavated to a maximum depth of 20 feet. The results of subsequent soil sampling indicated that the extent of petroleum hydrocarbon-affected soil was not defined. In April 2003, Mr. Canino met with RCDEH and Board staff stating his position that he is not a responsible party for the further investigation and cleanup of the property because he purchased the property without knowledge of the existence of the UST, he never operated the UST, did not contaminate the property, and had been denied funding from the UST Cleanup Fund. On April 14, 2003, RCDEH transferred oversight of the property to this agency. In a March 20, 2004, letter to the State Water Resources Control Board, Mr. Canino reiterated his position that he was not a responsible party. The site was placed on the EAR Account Fund lists from 2004 to 2007 due to his recalcitrance to complete the necessary site assessment work. In 2005, Mr. Canino applied to SWRCB Cleanup Fund Orphan site program for funding the required corrective actions. In 2006, Cleanup Fund accepted his application and work was authorized to begin in April 2007.	This site is being renominated to the EAR list as a contingency in case funding for cleanup does not occur. The vertical extent of the contamination is not fully assessed. Several soil borings and monitoring wells are necessary to define the lateral and vertical extent of the affected soil, assess the impact to the underlying groundwater, and evaluate what remedial measures are necessary to abate the effects of the discharges from the USTs.	$200,000

Former Ken's Arco 2871 University Ave. Riverside Riverside County	Valerie Jahn SARWQCB	Gasoline affected soil and groundwater	In 1999, Mr. Gurbachan Sandhu had the USTs removed from the site. Given the cost of site assessment and remediation of hazardous materials, Mr. Sandhu chose to abandon the site. Because Mr. Sandhu had failed to pay property taxes to the County for five years, the site was seized by the County and sold at tax auction to Mr. Hernandez in May 2003. 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. 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 In 2005-2006, Feasibility testing was performed and a vapor extraction system was installed. Vapor extraction was initiated in September 2006 and is ongoing. The site was placed on the EAR Account Fund lists from 2004 to 2007. 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.	This site is being renominated to the EAR list as a contingency in case funding for the continued investigation and cleanup does not occur. 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.	$200,000

Caliber Investment Property 3270 W. Lincoln Ave. Anaheim Orange County	Richard Wilson City of Anaheim Public Utilities	Gasoline affected soil and groundwater	The site was operated as a Target brand service station, which was closed in 1996. The USTs were removed in May 1999. The results of subsequent soil and groundwater investigations indicated significantly elevated concentrations of gasoline constituents, including MTBE. 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. 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. 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 MTBE is present on-site and up to 610 ppb MTBE is present off-site	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.	$650,000
Bloomington Texaco 18509 Valley Blvd. Bloomington San Bernardino County EAR#R02-076	B. Douglas Snyder San Bernardino County Fire Dept.	Visible diesel or gasoline affected soil	Owner claims that they do not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. There are currently liens on the property. The site was placed on the EAR Account Fund lists from 2002 to 2007. Work has not been completed.	The five USTs need to be removed and the nature and extent of the petroleum hydrocarbon-affected soil needs to be assessed.	$100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup.
Rich Mart 16501 Merrill Fontana San Bernardino County EAR#R02-077	B. Douglas Snyder San Bernardino County Fire Dept.	Visible gasoline-affected soil and odors	Owner had filed for bankruptcy and claims that he does not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. Summit Financial Holdings, Ltd. has taken over the property. The site was placed on the EAR Account Fund lists from 2002 to 2007. Work has not been completed.	The two USTs need to be removed and the nature and extent of the gasoline-affected soil needs to be assessed.	$100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup.

Roman's Construction 42191 Big Bear Blvd. Big Bear Lake San Bernardino County EAR#R02-068	B. Douglas Snyder San Bernardino County Fire Dept.	Gasoline odors detected under dispensers	Mr. Roman was notified of the finding of soil contamination at the site, but has repeatedly failed to reply to SBCFD directives. This site was mistakenly included in the 2002-2003 EAR list for the Lahontan Region. The site was placed on the EAR Account Fund lists from 2003 to 2007. Work has not been completed.	The two USTs need to be removed and the vertical and lateral extent of the gasoline-affected soil and the potential impact to the underlying shallow groundwater needs to be assessed.	$100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup.
Abandoned Tanks Maurice Peters 1098 W. 5th Street San Bernardino San Bernardino County EAR#R03-091	B. Douglas Snyder San Bernardino County Fire Dept.	Observable soil contamination in the UST overfills	Owner had filed for bankruptcy and claimed that he does not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. The owner has been recalcitrant to remove the tanks. The site was placed on the EAR Account Fund lists from 2003 to 2007. Work has not been completed.	The three fuel USTs and one waste oil UST need to be removed and the vertical and lateral extent of the gasoline-affected soil needs to be assessed.	$100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup.