California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8-2005-0115

Authorizing the Executive Officer to sign Two Prospective Purchaser Agreement with the City of Anaheim for Two Parcels in Anaheim, Orange County

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds:

1. Throughout the Santa Ana Region, there are parcels of property where past discharges of wastes have impacted or have threatened to impact groundwater.

2. Prospective purchasers are often interested in acquiring these properties for redevelopment, or for the purpose of continuing or enhancing existing activities at the property, for the economic benefit of the local community.

3. In these cases, the Board may be able to facilitate the property transaction by removing the potential liabilities from the transfer of such properties by entering into agreements with the prospective purchaser, while ensuring that adequate cleanup will be accomplished at the site.

4. The Board delegated authority to the Executive Officer to sign such agreements under certain conditions for sites that were not complex or controversial, in Resolution No. 99-81. It was the Board's intent that proposed PPAs not meeting the conditions specified in Resolution No. 99-81 be brought before the Board for approval in order to afford notice and the opportunity for public discussion.

5. The Home Oil Company owns a parcel of land located at 1422 West Broadway in Anaheim and leases an adjacent parcel located at 318 South Hessel from the Union Pacific Railroad Company (collectively, the Site). The Site has been utilized as a bulk petrochemical storage and transfer facility and an agricultural supply and service facility. The Site is impacted by petroleum and other chemicals as a result of these uses.

6. The City of Anaheim is proposing to purchase the Site and incorporate the Site into an adjacent park. The City of Anaheim is proposing to clean up the Site and restore the Site to productive use in exchange for an agreement with the Board not to sue or to take other civil action against the City of Anaheim regarding the Site.

7. One of the conditions in Resolution No. 99-81 that would allow the Executive Officer to sign an agreement without Board approval is that the responsible party has the technical and financial resources to perform a full and complete cleanup of the site. In this case, the prospective purchaser (City of Anaheim), and not the responsible party (Home Oil Company), will be performing the cleanup.

Therefore, this proposed PPAs do not comply with the conditions of Resolution No. 99-81 must be brought before the Board for approval.

8. The City of Anaheim has the technical and financial resources to perform a full and complete cleanup of the site.

9. It is appropriate to enter into agreements with the City of Anaheim that will facilitate a real estate transaction that otherwise might not occur, ensure that cleanup will be accomplished in a timely manner, restore the Site to productive use by incorporating the Site into an existing adjacent public park, and will result in minimal risk to the public for liability associated with cleanup of the site.

NOW THEREFORE BE IT RESOLVED THAT:

The Executive Officer is authorized to negotiate and execute two prospective purchaser agreements with the City of Anaheim for the Site, consistent with the terms of this resolution.

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 September 30, 2005.

Gerard J. Thibeault
Executive Officer