# STATE OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL COAST REGION

## STAFF REPORT FOR REGULAR MEETING OF MARCH 14 - 15, 2013

Prepared February 19, 2013

ITEM NUMBER: 12

SUBJECT: Emergency, Abandoned, and Recalcitrant (EAR) Fund Account -

Priority Sites List for Fiscal Year 2013-2014, Underground Storage

**Tank Cleanup Fund** 

**Resolution No. R3-2013-0018** 

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**KEY INFORMATION** This year's list re-nominates two of the three sites from last year, to

allow continued funding as necessary for investigation and cleanup at the two sites. Well abandonment work was completed at the third

site and staff is in the process of closing this site.

This Action: Adopt Resolution R3-2013-0018 Approving Staff's

**Recommended EAR Account List** 

#### SUMMARY

This staff report briefly describes the State Water Resources Control Board's (State Water Board) Emergency, Abandoned and Recalcitrant (EAR) Account. The report recommends adopting a resolution (Attachment 1), which authorizes the Executive Officer to forward the Central Coast Region's annual EAR account sites list, containing two sites re-nominated from the previous year, to the State Water Board.

#### **DISCUSSION**

Chapter 6.75 of the Health and Safety Code authorized creation of the Underground Storage Tank Cleanup Fund (Fund). The Fund reimburses approved underground storage tank (UST) owners for costs incurred cleaning up the effects of unauthorized UST releases. In addition to providing for reimbursement of tank owner cleanup costs, Chapter 6.75 authorizes the State Water Board to provide funds to Regional Water Boards and local agencies for taking corrective action at petroleum UST sites that have had an unauthorized release and meet one or more of the following conditions: (1) where immediate or prompt action is needed to protect human health and safety or the environment, (2) where a responsible party cannot be identified or located, or (3) where the responsible party is either unable or unwilling to take the required corrective action.

The State Water Board has established procedures for administering the funds in the EAR Account. The administrative procedures provide for establishment of an annual sites list, and state in part:

The EAR Account is to be used primarily to:

 Provide funding to Regional Water Boards and local implementing agencies (Local Agencies) to initiate <u>emergency</u> corrective action at petroleum UST sites where immediate action is required to protect human health, safety and the environment and any delay, while awaiting State Water Board approval of the request, would endanger human health, safety or the environment (emergency sites);

- 2) Provide funding to Regional Water Boards and Local Agencies to initiate prompt corrective action at petroleum UST sites where such prompt action is required to protect human health, safety and the environment, and the responsible party, if any, has failed to comply with a final order for corrective action (prompt action sites). Prompt action requests are limited to those sites where the required prompt corrective action cannot wait until the next annual EAR Account priority list is developed.
- 3) Provide funding to Regional Water Boards and Local Agencies to initiate corrective action at petroleum UST sites where no responsible party has been identified or located (abandoned sites);
- 4) Provide funding to Regional Water Boards and Local Agencies to initiate corrective action at petroleum UST sites where the responsible party is either unable or unwilling to take the required corrective action in response to a Regional Water Board or Local Agencies' final order for corrective action (recalcitrant sites);
- 5) Pay for administrative, legal, technical, and oversight costs directly associated with the required corrective action; and
- 6) Pay appropriate costs associated with administration of the EAR Account and recovery of costs from the responsible party.

#### Allowable Activities

- a) Any actions necessary to stop the unauthorized release of petroleum from a UST, including removal of the UST and associated piping;
- b) Any interim remedial actions required to mitigate fire and safety hazards posed by vapors or free product, minimize the spread of contamination, and remedy hazards posed by contaminated soils that are excavated and exposed. Allowable interim remedial actions may include, but are not limited to:
  - Removal of free product;
  - Enhanced biodegradation:
  - Excavation and disposal of contaminated soils;
  - Excavation and treatment of contaminated soils;
  - Vacuum extraction of contaminants from soil or ground water; and
  - Pumping and treatment of ground water.
- c) Any activities required to investigate the site and take the required corrective action to clean up an unauthorized release from a petroleum UST.

The following agencies may use the EAR Account: State Water Board, Regional Water Boards, and Local Agencies, which are overseeing corrective action at unauthorized release sites.

#### Current Central Coast Region EAR Sites

The Central Coast Water Board has adopted a list annually since 1993. Two local agencies are currently using EAR funds: 1) the Monterey County Department of Health, to clean up a site located at 53 Porter Drive in the community of Pajaro, and 2) the Santa Cruz County Department of Health, to clean up a site at 950 West Beach Street in Watsonville. At the Monterey County site, consultants have removed the underground tanks and surrounding contaminated soil and investigated subsurface conditions to characterize the extent of any off-site migration of contaminants.

Groundwater monitoring is now coordinated with an adjacent leaking underground tank case to more fully and efficiently assess groundwater impacts. At the Santa Cruz County site, consultants have removed the underground tanks and surrounding contaminated soil and characterized the extent of migration of contaminants. Consultants have also identified limited pockets of soil which may have vapor intrusion risks. As of July, 2012, Monterey County has been reimbursed \$312,342.25 and Santa Cruz has been reimbursed \$201,284.65 for the cleanup work completed.

## Annual EAR List Development Process

The State Water Board sent a memorandum dated January 11, 2013 (Attachment 2) to Regional Water Boards and Local Agencies, requesting EAR nominations be forwarded to the Regional Water Boards by March 1, 2013 and that nominations by the Regional Water Boards be forwarded to the State Board by May 1, 2013. Central Coast Water Board staff sent a letter on February 5, 2013 (Attachment 3), to Local Agencies in the Central Coast Region reminding them to submit nominations to Central Coast Water Board staff by February 20, 2013. Staff has drafted Resolution R3-2013-018, which includes the 2013-2014 EAR Annual Sites List (Attachment 4). If the Central Coast Water Board agrees with staff's recommendation, we will forward the adopted Resolution and the 2013-2014 EAR Annual Sites List to the State Water Board.

Central Coast Water Board staff received two requests for re-nomination in response to the February 5, 2013 letter. Monterey County has re-nominated the Pajaro site (Attachment 5) and Santa Cruz County has re-nominated the Watsonville site (Attachment 6). Re-nomination of the sites will allow continued reimbursement of funding as necessary for on-going investigation and cleanup at these sites. Water Board staff received no other requests for nominations from local agencies for this item.

## Successful Conclusion At A Former EAR ACCOUNT Site

In previous years, the UST site at 1099 Los Osos Valley Road (the former Bear Valley Chevron site) in Los Osos was included as part of the EAR account list. In late 2012, consultants completed well abandonment for this site and we received the abandonment completion report in early 2013. Central Coast Water Board staff will issue the final closure documentation for this site within the next few weeks.

#### CONCLUSION

Staff proposes the Central Coast Water Board adopt Resolution R3-2013-018. This Resolution proposes continued funding for two existing UST cleanup sites and provides for funding for well destruction and closure at a third site.

# RECOMMENDATION

- 1) Adopt Resolution No. R3-2013-0018 establishing the Central Coast Water Board 2013-2014 EAR Account Annual Sites List, and
- 2) Direct the Executive Officer to forward the Resolution to the State Water Board for inclusion in the statewide list.

# **ATTACHMENTS**

- 1. Resolution No. R3-2013-0018
- 2. January 11, 2013 State Water Board memorandum from Judy Reid, Manager, Emergency, Abandoned, and Recalcitrant Program
- 3. February 5, 2013 Central Cost Water Board letter to Local Agencies re: EAR nominations
- 4. 2013 2014 Regional EAR Account Annual Sites List for the Central Coast Region
- 5. Re-nomination letter from Monterey County for Pajaro UST site (53 Porter Drive)
- 6. Re-nomination letter from Santa Cruz County for Watsonville UST site (950 Beach Street)

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