

Los Angeles Regional Water Quality Control Board

March 28, 2013

To Interested Persons (see mailing list below):

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) will hold a public hearing at 9:00 a.m. on **May 2, 2013** to consider a tentative resolution adopting the Petroleum Underground Storage Tank Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2013-2014 Annual Priority Site List for the Los Angeles Region (Tentative Resolution). The hearing will take place in the Board Room at the Metropolitan Water District of Southern California, located at 700 North Alameda Street, Los Angeles, California. Oral comments will be accepted at the hearing.

The EAR Account provides funding to the Los Angeles Water Board and local regulatory agencies to abate emergency situations or to cleanup abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST. For the upcoming fiscal year 2013-2014 Annual Priority Site List, the Tentative Resolution proposes adding two new sites and renewing four sites that are on the current fiscal year annual priority site list for the Los Angeles Region. These sites include:

1. Modern Development (new); 7900 All American City Way, Paramount, CA 90723
2. Former Old Five, Inc. (new); 17321 South Clark Avenue, Bellflower, CA 90706
3. Former Mobil (renewal); 402 Atlantic Avenue, Long Beach, CA 90802
4. Juarez Car Wash (renewal); 906 W. Rosecrans Avenue, Compton, CA 90220
5. Hende's Station (renewal); 2990 Pacific Avenue, Long Beach, CA 90221
6. Garfield Express (renewal); 11600 South Long Beach Boulevard, Lynwood, CA 90262

The proposed contaminated sites threaten or have already impacted groundwater quality, but complete assessment and cleanup have been stalled because the responsible parties have been recalcitrant. Provided there are sufficient funds in the EAR Account, adoption of the 2013-2014 Annual Priority Site List for the Los Angeles Region will provide funding for further assessment as required. If funding is provided, the Regional Board may collect the cost expenditures for site assessment and cleanup from the responsible parties and/or property owners, including recording a lien on the property. **You are receiving this letter because the Los Angeles Water Board has identified you as a responsible party or potentially responsible party for the contamination at one of the above-referenced sites.**

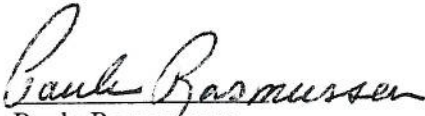
The Tentative Resolution (including the accompanying priority site list), a "Notice of Opportunity for Public Comment and Notice of Public Hearing," as well as other documents are posted on the Los Angeles Water Board's website at:

http://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/index.shtml

These documents may also be examined at the Los Angeles Water Board's office at 320 W. 4th Street, Suite 200, Los Angeles, CA 90013.

You may submit written comments and evidence on the Tentative Resolution. All written comments and evidence must be received by the Los Angeles Water Board by **5:00 p.m. on April 11, 2013**. Written comments submitted electronically should be e-mailed to doriola@waterboards.ca.gov and refer to "EAR Account for Fiscal Year 2013-2014." Untimely submittal of written comments or evidence will not be accepted.

For additional information, please contact the UST Section Chief, Dr. Yue Rong, by phone at (213) 576-6710 or by e-mail at: yrong@waterboards.ca.gov.


Paula Rasmussen
Assistant Executive Officer

Enclosure: Notice of Opportunity for Public Comment and Notice of Public Hearing

Interested Person Mailing List:

Mr. Glenn Bianchi (Modern Development Company)
Ms. Shirley Rottigni (Trustee – Rottigni Family Trust - Former Old Five, Inc.)
Ms. Michal Mimi Dakar (Former Mobil Service Station)
Mr. Rene and Petra Juarez (Juarez Car Wash)
Mr. Tha C. Yin (Trustee - The Yin Trust – Hende's Station)
Mr. Louis & Alice Ross Family Trust (Garfield Express)

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

**May 2, 2013
566th Regular Meeting**

ITEM: X

SUBJECT: Consideration of a tentative Resolution Adopting the Petroleum Underground Storage Tank (UST) Emergency, Abandoned, and Recalcitrant (EAR) Account, Fiscal Year (FY) 2013-2014 Annual Priority Site List for the Los Angeles Region

PURPOSE: For the Los Angeles Regional Board to recommend priority UST sites for EAR funding that would be used to initiate corrective action at the sites.

BACKGROUND: Chapter 6.75 of the California Health and Safety Code authorizes the State Board to provide funding to Regional Water Boards and local agencies to initiate corrective action at petroleum underground storage tank (UST) sites that have had an unauthorized release and that require either: (a) an immediate or prompt action response to protect human health, safety, and the environment (emergency site); (b) action at a site where a responsible party (RP) cannot be identified or located (abandoned site); or (c) action at a site where an RP is either unable or unwilling to take the required corrective action (recalcitrant).

Regional Water Board Executive Officers and Local Agency Directors may verbally request emergency funds to be used for emergency response, if immediate action is required. Approval of those requests will be limited to those sudden cases where a crisis situation, caused by an unauthorized release of petroleum from a petroleum UST, poses an immediate threat to human health, safety, and the environment.

Provided there are sufficient funds in the EAR Account, the State Board surveys the Regional Water Boards and local agencies annually to obtain a list of nominated and eligible abandoned and recalcitrant UST sites where corrective action funding is necessary. The State Board thereafter develops an EAR Annual Site List to identify sites eligible for EAR Account funding statewide.

The State Board requested the Regional Water Boards to: (a) contact local agencies in their regions to identify any abandoned and recalcitrant petroleum UST sites for inclusion on the State Board's EAR Account FY 2013-2014 Annual Site List; and (b) submit their annual priority list of recommended

Regional Water Board and local agency sites to the State Board for EAR Account funding. Therefore, Los Angeles Regional Board nomination of priority UST sites for EAR funding is required.

Like last year, all of the proposed UST sites on the priority list are along the I-710 transit corridor. The I-710 Corridor Initiative is a multi-agency effort aimed at accelerating Leaking Underground Storage Tank (LUST) cleanups and improving UST compliance along the I-710 transit corridor. The project is funded by the State Board in partnership with the U.S. Environmental Protection Agency, Region 9 (USEPA). The I-710 Corridor Initiative process identified and prioritized Los Angeles Regional Board UST cases for funding for the EAR Account.

For the FY 2013-2014 Annual Priority Site List, staff proposes adding two (2) new sites to the priority list and renewing four (4) sites that are on the current FY priority list. If funding is provided, the Regional Board may collect the cost expenditures for site assessment and cleanup from the RPs and/or property owners, including recording a lien on the property.

SITE SUMMARIES:

The nominated EAR sites have been impacted by releases of petroleum hydrocarbon to the soil from leaking USTs, which either threaten to degrade or have already degraded the underlying groundwater. The RPs are recalcitrant. If provided, EAR Account funds will be used to update assessments, determine the degree of contamination, and increase RP involvement in the cleanup process. Listed below are the sites staff recommend for inclusion on the FY 2013-2014 Annual Priority Site List:

1. Modern Development (new)
2. Former Old Five, Inc. (new)
3. Former Mobil (renewal)
4. Juarez Car Wash (renewal)
5. Hende's Station (renewal)
6. Garfield Express (renewal)

These sites are described in Exhibits 3 through 8.

COMMENTS RECEIVED:

The tentative Resolution was released for a 2-week public review and comment period.

Staff received written comments from Modern Development Company.

RESPONSE TO COMMENTS:

Staff considered all written comments received by the April 11, 2013 deadline. Where appropriate, Staff modified the EAR

nomination item. Copies of the written comments received and staff's responses to those comments are included in the agenda package starting at Tab X

OPTIONS:

The Los Angeles Regional Board can adopt the Resolution as proposed by Staff, not adopt the Resolution, or modify the Resolution and/or sites being proposed for inclusion on the FY 2013-2014 Annual Priority Site List for EAR funding.

RECOMMENDATION:

Staff recommends that the Los Angeles Regional Board adopt Resolution No. R13-XXX as proposed. The six (6) proposed sites are in need of significant investigation and/or cleanup because the RPs are recalcitrant. Therefore, funding is needed so that the Regional Board can proceed with cleanup and abatement measures.

ATTACHMENT:

I – 710 Corridor Initiative Index Map (Figure 1).

**State of California
California Regional Water Quality Control Board, Los Angeles Region**

RESOLUTION NO. R13-XXX

May 2, 2013

**Resolution Adopting the Petroleum Underground Storage Tank (UST)
Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2013-2014
Annual Priority Site List for the Los Angeles Region**

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) finds that:

1. Chapter 6.75 of the California Health and Safety Code authorizes the State Water Resources Control Board (State Water Board) to provide funding to Regional Water Quality Control Boards (Regional Water Boards) or local agencies to initiate corrective action at petroleum underground storage tank (UST) sites that have had an unauthorized release and that require either: (a) an immediate or prompt action response to protect human health, safety, and the environment (emergency site); (b) action at a site where a responsible party (RP) cannot be identified or located (abandoned site); or (c) action at a site where an RP is either unable to unwilling to take the required corrective action (recalcitrant site).
2. Regional Water Board Executive Officers and Local Agency Directors may verbally request emergency funds to be used for emergency response, if immediate action is required. Approval of those requests will be limited to those sudden cases where a crisis situation, caused by an unauthorized release of petroleum from a petroleum UST, poses an immediate threat to human health, safety, and the environment.
3. Provided there are sufficient funds in the EAR Account, the State Water Board surveys the Regional Water Boards and local agencies annually to obtain a list of nominated and eligible abandoned and recalcitrant UST sites where corrective action funding is necessary. The State Water Board thereafter develops an EAR Annual Site List to identify sites eligible for EAR Account funding statewide.
4. The State Water Board requested the Regional Water Boards to: (a) contact local agencies in their regions to identify any abandoned and recalcitrant petroleum UST sites for inclusion on the State Water Board's EAR Account Fiscal Year (FY) 2013-2014 Annual Site List; and (b) submit their annual priority list of recommended Regional Water Board and local agency sites to the State Water Board for EAR Account funding.
5. The public has had an opportunity to review and comment upon this Resolution and accompanying priority site list. The draft Resolution was released for public review prior to Board action. The Los Angeles Water Board considered all comments received at its regular meeting held on May 2, 2013.

THEREFORE, BE IT RESOLVED:

1. The Los Angeles Water Board hereby adopts the Petroleum UST EAR Account FY 2013-2014 Annual Priority Site List for the Los Angeles Region, as set forth in Attachment "A" to this Resolution.

2. The Executive Officer is directed to forward a copy of this Resolution to the State Water Board.
3. The Executive Officer is authorized to add, delete, or modify the sites identified in Attachment "A" during the fiscal year, as necessary.

I, Samuel Unger, 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, Los Angeles Region, on May 2, 2013.

Samuel Unger, P.E.
Executive Officer