

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT – Cherie McCaulou  
MEETING DATE: April 12, 2006

ITEM: 5.D

SUBJECT: **Emergency, Abandoned, and Recalcitrant (EAR) Underground Storage Tank Account** – Adoption of Resolution Supporting Nominations to State Water Resources Control Board’s EAR Account

CHRONOLOGY: April 2004 and 2005 - Sunol Tree Gas Station nominated for the EAR Account.

DISCUSSION: The Tentative Resolution (Appendix A) renominates the Sunol Tree Gas Station site (Site) for inclusion in the State Board EAR Account for fiscal year 2006-2007. The Alameda County Health Care Services (County Health) provided supporting documentation for this nomination, as required by the State Board.

EAR Program Description

The Health and Safety Code authorizes the State Board to provide limited funding to regional water boards and local oversight programs (LOPs) for initiating direct cleanup of high-priority “emergency” leaking underground fuel tank sites requiring immediate corrective action to protect human health, safety, and the environment. The funding is available for “abandoned sites” where the discharger cannot be located, or “recalcitrant sites” where the discharger is unable or unwilling to comply with corrective action directives.

For the State Board to consider a site for the EAR Account, a regional water board resolution must be passed each fiscal year to nominate, or re-nominate the site. The State Board has approved two previous Board resolutions to nominate the Site for inclusion in the EAR Account, and has approved \$700,000 in reimbursement funding for County Health, as an LOP, to conduct cleanup at the Site. This fiscal year, the County is requesting \$100,000 additional funding.

Sunol Tree Gas Station

Gasoline releases from the Site’s underground tank systems have impacted the Sunol Subbasin, an active drinking water aquifer in Alameda County. A domestic well serving four residences has been impacted with methyl tertiary butyl ether (MTBE) and gasoline. MTBE has also been detected

in a nearby irrigation well. Several other domestic and irrigation wells located downgradient of the Site are at risk of being impacted unless plume migration control measures can be quickly implemented. The discharger has demonstrated recalcitrance by failing to respond to repeated requests for remedial action by County Health.

Public Comments

We circulated the Tentative Resolution for public comments, and received comments from two nomination candidates (Fremont Paving and J&M Concrete) stating they were not recalcitrant and should not be nominated. We confirmed with Alameda County Water District, the lead agency for the sites, that those sites had in fact submitted the required investigation workplans. Therefore the two sites are not listed in the Tentative Resolution. We expect this item to remain uncontested.

RECOMMEN-      Adopt the Tentative Resolution  
DATION:

FILE NO:            01-3506 (ccm)

APPENDIX:        A. Tentative Resolution

# Appendix A

## TENTATIVE RESOLUTION