

Final

August 9, 2011

Review of Leaking Underground Storage Tank Cases Not in Cleanup Fund and Open Over 15 Years

Tulare County Local Oversight Program

**Prepared as in-kind task as part of Cooperative Agreement LS-97952501-2
between U.S. EPA Region 9 and the California State Water Resources
Control Board**

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Executive Summary

The Draft version of this report was submitted on September 17, 2010, with a request for a follow-up meeting and input from Tulare County Local Oversight Program (LOP) into the “Next Steps for Agency” column of the case cleanup status spreadsheet.

Tulare County LOP met with USEPA Region 9 and Sullivan International Group, Inc. in a conference call on May 25, 2011 to discuss the draft report and their next steps for each case. The agency acknowledged several challenges with these cases, with the primary challenge being recalcitrant responsible parties (RPs). Of the ten cases reviewed in the Draft Report, the primary impediments to progress and closure for six cases are recalcitrant RPs. The agency is working with two of the RPs in order to get them into the UST Cleanup Fund (Fund) and the caseworker indicated that they will consider using enforcement for the other RPs but noted that historically referring cases to the District Attorney's office is considered a last resort.

An additional challenge that Tulare County LOP mentioned was a change in ownership for some of the subject sites. This complicates compliance and enforcement efforts as most, if not all, of the new owners have not operated the USTs at their sites. For several of the sites the agency has mailed notices of responsibility. Establishing responsibility is further complicated in cases where the USTs were removed prior to the new owner obtaining the property or the business that operated the tanks is defunct.

LOP staff also discussed an issue with a Caltrans site located in Lemon Cove, CA. CalTrans submitted a workplan for site remediation in 2004, but has yet to implement this workplan due to budget constraints. CalTrans has again indicated that this summer may be the season that they implement the work plan; however, Caltrans has not confirmed this in GeoTracker, or notified the agency of their intended start date.

Tulare County LOP

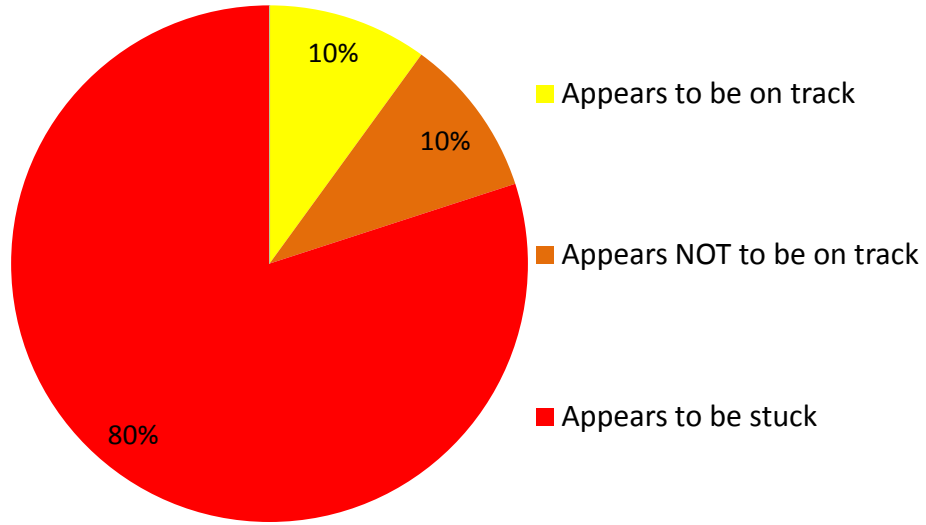
Apparent Case Status: Initial and After

TOTAL NUMBER OF CASES REVIEWED = 10
NUMBER OF ACTIVE LUST CASES ON NOVEMBER 1, 2010 = 108 CASES
DRAFT REVIEW REPORT PREPARED AND SENT TO AGENCY ON September 17, 2010
MEETING WITH AGENCY ON May 25, 2011

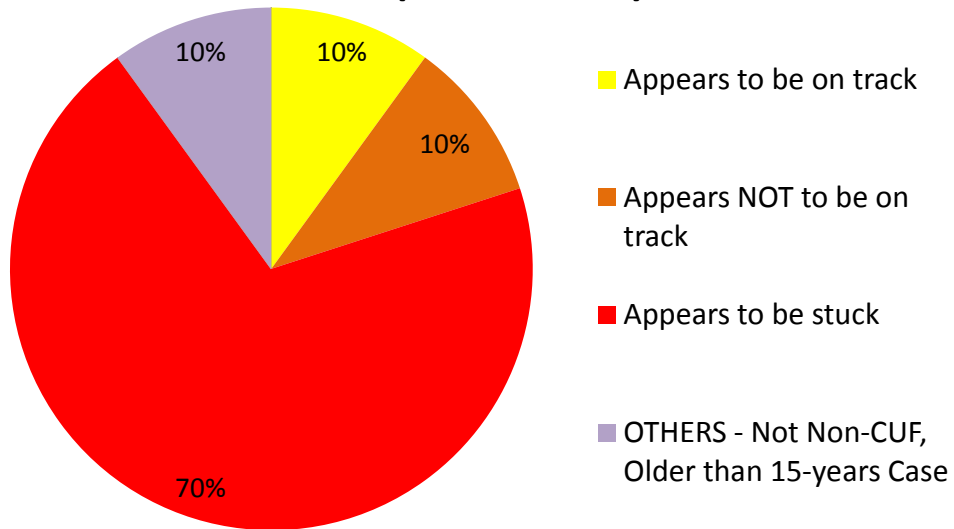
APPARENT STATUS OF CASES REVIEWED – INITIAL REVIEW AND AFTER MEETING TO DISCUSS CASES

Apparent Case Status	Initial Assessment Number of Cases (9-17-2010)	Post Meeting Assessment Number of Cases (05-25-2011)
CASE CLOSED	0	0
Appears close to completion	0	0
Appears near completion within 1-year	0	0
Appears to be on track	1	1
Appears NOT to be on track	1	1
Appears to be stuck	8	7
Unable to determine (Insufficient information in GeoTracker)	0	0
NOT FEDERAL UST CASE	0	0
OTHERS - Not Non-CUF, Older than 15-years Case	0	1

Initial Assessment Percentage of Cases (9-17-2010)



Post Meeting Assessment Percentage of Cases (05-25-2011)



CASE REVIEW SUMMARY TABLE
(TULARE COUNTY LOP)

ESTIMATED STATUS IN THE CLEANUP PIPELINE?	CHANGE IN STATUS IN THE CLEANUP PIPELINE (BASED ON MEETING/CALL WITH AGENCY) ON 05/25/2011	SITE NAME (CASE LEAD AGENCY:TULARE COUNTY LOP)	GLOBAL ID	CASE WORKER	APPARENT TYPE OF RP	RELEASE DATE	DISCUSSION NOTES FROM MEETING/CALL (05-25-2011)	NEXT STEPS FOR AGENCY
Appears to be on track	Appears to be on track	SUNRISE HANDYMART	T0610700012	JEG	S - Small Private Business	9/24/1987	The site has been delineated, and the agency has again requested the submittal of a CAP. Case Remains "On Track"	Push for additional/alternate remediation (current remediation ineffective)
Appears NOT to be on track	Appears NOT to be on track	CALTRANS LEMON COVE	T0610700028	JEH	G - Government Entity (include School, Hospital, Utility)	10/8/1987	Cal Trans has been directed to implement the RAP this summer, but this will depend on funding from the agency. CalTrans is keeping up with groundwater monitoring, but has been slow to implement the RAP. The agency will follow up with Caltrans to determine if they are going to proceed. The case will remain categorized as "Not on Track"	Push for additional/alternate remediation (current remediation ineffective)
Appears to be stuck	Appears to be stuck	KURZ TRUCKING	T0610700054	JEG	S - Small Private Business	4/17/1986	RP remains recalcitrant, agency is considering proceeding with enforcement. The case will remain categorized as "Stuck"	Ensure RP compliance (includes identify RP, enforcement, EAR account etc)
Appears to be stuck	Appears to be stuck	SANDERS MARKET	T0610700075	JEG	S - Small Private Business	12/30/1987	RP remains recalcitrant, agency is considering proceeding with enforcement. USTs have been removed from the site and ownership has changed hands.	Ensure RP compliance (includes identify RP, enforcement, EAR account etc)
Appears to be stuck	Appears to be stuck	VILLAGE MARKET	T0610700079	DRP	S - Small Private Business	4/26/1988	The RP for this site is described as recalcitrant. The Agency will follow up on a recent Notice of Responsibility letter. The case will remain categorized as "Stuck"	Ensure RP compliance (includes identify RP, enforcement, EAR account etc)
Appears to be stuck	Appears to be stuck	WESTSIDE GROCERY	T0610700117	JAG	O - Other (Individual, Homes etc)	10/24/1988	RP remains recalcitrant, agency is considering proceeding with enforcement. The case will remain categorized as "Stuck"	Ensure RP compliance (includes identify RP, enforcement, EAR account etc)
Appears to be stuck	Appears to be stuck	R. L. FRAKES	T0610700138	RC	S - Small Private Business	12/22/1988	The agency has posted a new Notice of Responsibility to GeoTracker as the original RP was a business and is now defunct. The new RP will need to work on getting the case into the Cleanup Fund before the site progresses. Case will remain categorized as "Stuck"	Ensure RP compliance (includes identify RP, enforcement, EAR account etc)
Appears to be stuck	Appears to be stuck	ED'S CARS & TIRES	T0610700168	JEG	S - Small Private Business	10/2/1989	Former site owner was recalcitrant. The site has now been sold, and the agency is hoping for more cooperation from the new owner. Case will remain categorized as "Stuck"	Ensure RP compliance (includes identify RP, enforcement, EAR account etc)
Appears to be stuck	N/A	RAGER TIRE & AUTO	T0610700281	DG	S - Small Private Business	1/8/1992	Case is not yet in fund, however, the RP appears to have submitted an application to the Fund and is waiting for their LOC. Work is being performed at the site, and the site consultant is working on uploading documents to GeoTracker, but not all reports have been uploaded. This case is expected to drop off the Aging Non-CUF list once it is in the Fund.	Agency will continue to manage case and work towards site closure after the LOC is issued.
Appears to be stuck	Appears to be stuck	EYSTER PROPERTY	T0610700456	JEG	O - Other (Individual, Homes etc)	6/8/1992	Former site owner was recalcitrant. The site has now been sold, and the agency is hoping for more cooperation from the new owner, who has not operated the USTs. The case will remain categorized as "Stuck"	Ensure RP compliance (includes identify RP, enforcement, EAR account etc)

Attachment 1:

Case Review Power Point Slides from Draft Report

The contents of this attachment are provided in electronic format only.