California Regional Water Quality Control Board
Santa Ana Region

April 21, 2006

STAFF REPORT

**ITEM:** **13**

**SUBJECT:** Resolution No R8-2006-0036, Adopting the April 2006 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List

**DISCUSSION:**

There are a number of abandoned or recalcitrant underground storage tank sites within the Region. These sites are a threat to human health or the environment. Chapter 6.75 of the California Health and Safety Code authorizes underground storage tank (UST) cleanup funds to be provided to Regional Water Quality Control Boards and local UST agencies for direct cleanup of petroleum-contaminated UST sites requiring emergency or prompt corrective action to protect human health or the environment. The State Water Resources Control Board (SWRCB) has directed the Regional Water Quality Control Boards to submit a Priority List of UST sites which threaten human health or the environment and which have been ordered by a Regional Water Quality Control Board or a local UST agency to initiate corrective actions, but have not begun the requested corrective actions. A resolution adopting a Regional Water Quality Control Board's Priority List for the Emergency, Abandoned and Recalcitrant Fund must be submitted annually to the SWRCB. The SWRCB is able to enter into contracts to provide funds to local agencies and Regional Water Quality Control Boards to perform corrective actions at such abandoned or recalcitrant sites. The SWRCB will pursue reimbursement of those funds from the past and current owners of the subject property, including placing a lien against the subject property.

The April 2006 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List is attached (Attachment "A"). The list includes 12 sites and the total requested funding for the cleanup of these sites is $1.42 million (this amount represents the expected expenditures for FY 2006-2007).

**RECOMMENDATION:**

Adopt Resolution No. R8-2006-0036 as presented.

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8-2006-0036

Adopting the April 2006 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List

**Whereas,** the California Regional Water Quality Control Board, Santa Ana Region, finds that:

1. Chapter 6.75 of the California Health and Safety Code authorizes underground storage tank (UST) cleanup funds to be provided to California Regional Water Quality Control Boards and local UST agencies for direct cleanup of petroleum-contaminated UST sites requiring emergency or prompt corrective action to protect human health or the environment; and

2. The State Water Resources Control Board has directed the California Regional Water Quality Control Boards to submit a Priority List of UST sites which threaten human health or the environment and which have been ordered by a Regional Water Quality Control Board or a local UST agency to initiate corrective actions, but have not begun the requested corrective actions; and

3. A resolution adopting a Regional Water Quality Control Board's Priority List for the Emergency, Abandoned and Recalcitrant Fund must be submitted annually to the State Water Resources Control Board.

**THEREFORE, BE IT RESOLVED** that the California Regional Water Quality Control Board, Santa Ana Region,

Adopts the attached April 2006 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List (Attachment "A") and forwards it to the State Water Resources Control Board.

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 April 21, 2006.

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Gerard J. Thibeault
Executive Officer

**ATTACHMENT "A"**
(RESOLUTION NO. R8-2006-0036)

| Santa Ana Regional Water Quality Control Board<br>Emergency, Abandoned, and Recalcitrant Site Priority List<br>April 2006 | | | | | |
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| Site | Lead Agency Contact | Pollution | Enforcement Compliance and Status | Proposed Abatement | Funding Requested |
| Former Circle K<br>8999 Limonite Ave.<br>Pedley<br>Riverside County | Carl Bernhardt<br>SARWQCB | Gasoline affected soil and groundwater, No analysis for MTBE | Circle K filed bankruptcy in 1991 and responsibility to investigate and remediate the site reverted to property owner. Two USTs were removed in 1993. Current property owner is non-responsive to requests to conduct further work. The site was placed on the 2001-2002, the 2002-2003, the 2003-2004, the 2004-2005, and the 2005-2006 EAR Account Fund lists. The State Water Resources Control Board is currently contracting out to begin work at the site. | The groundwater monitoring wells have not been sampled for several years and the extent of groundwater contamination was never defined. Additional monitoring is needed to assess the extent of groundwater contamination and to evaluate the appropriate remedial measures. | $250,000 |

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| Sea Mor Foods<br>2586 Main Street.<br>Riverside, CA | Carl Bernhardt<br>SARWQCB | Petroleum fuel hydrocarbon-affected soil. | In 1988, Mr. Hector Canino purchased the subject property. Beginning in April 1989, the Riverside County Department of Environmental Health (RCDEH) gave notice that an operating permit was required for the underground storage tank (UST) located at the subject property. In August 1994, the RCDEH issued a Notice of Violation for operating an UST without a permit. In May 1997, the RCDEH issued a Notice of Violation directing Mr. Canino to obtain a permit for removing the UST.<br><br>In September 1997, the 1,000-gallon UST was removed from the site. The results of sampling the soil beneath the UST indicated total petroleum hydrocarbons (TPH), toluene, ethyl benzene, and xylene at a maximum concentration of 3,700 ppm, 3.0 ppm, 9.6 ppm, 550 ppm, respectively. In February 2001, the UST area was excavated to a maximum depth of 20 feet. The results of sampling the soil from the excavation indicated TPH-gasoline, TPH-diesel, acetone, MEK, trimethybenzene, and xylene at a maximum concentration of 480 ppm, 1,800 ppm, 56 ppm, 14 ppm, 146 ppm, and 68 ppm, respectively. In February 2002, RCDEH directed Mr. Canino to submit a work plan to further assess the extent of the affected soil. On September 19, 2002, the RCDEH accepted the work plan, but the work plan was never implemented:<br><br>In April 2003, Mr. Canino met separately with RCDEH and Regional Board staff stating his position that he is not a responsible party to be held responsible for the further investigation and cleanup of the property because he purchased the property without knowledge of the existence of the UST, he never operated the UST and was not responsible for contaminating the property, and that he had been denied funding from the UST Cleanup Fund. On April 14, 2003, RCDEH transferred oversight of the property to this agency. In a March 20, 2004, letter to the State Water Resources Control Board, Mr. Canino reiterated his position that he was not a responsible party for the releases from the former fuel UST at the site.<br><br>The site was placed on the 2004-2005, and the 2005-2006 EAR Account Fund lists. | The vertical extent of the contamination was not fully assessed. Several soil borings and monitoring wells are necessary to define the lateral and vertical extent of the affected soil, assess the impact to the underlying groundwater, and evaluate what remedial measures are necessary to abate the affects of the discharges from the USTs. | $200,000 |

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| Former Ken's Arco<br>2871 University Ave.<br>Riverside.<br>Riverside County | Valerie Jahn<br>SARWQCB | Gasoline affected soil and groundwater | In 1999, Mr. Gurbachan Sandhu had the USTs removed from the site. Given the cost of site assessment and remediation of hazardous materials, Mr. Sandhu chose to abandon the site. He has not responded to repeated requests by Environmental Health directing him to complete the site assessment and commence subsequent remediation. Because Mr. Sandhu had failed to pay property taxes to the County for five years, the site was seized by the County and sold at tax auction to Mr. Hernandez in May 2003.<br><br>Attention to the environmental condition of the site was delayed by the fact that Mr. Sandhu had until July 8, 2004 to notify the County he did not receive proper notice of the tax auction and to pay his back taxes, thereby recovering title to the property. For this reason, the new site owner, Mr. Hernandez, would not expend any funds to conduct the site assessment and remediation required by Environmental Health. Further, it appears that Mr. Hernandez would not be eligible to receive reimbursement from the UST cleanup fund.<br><br>On March 18, 2004, the City of Riverside Redevelopment Agency invoked its authority under the Polanco Redevelopment Act to compel Mr. Hernandez to complete the necessary site assessment. If Hernandez does not follow through on this directive, the Agency has the legal authority to step in and perform the site assessment and remediation under the supervision of the Regional Board.<br><br>The site was placed on the 2004-2005 and the 2005-2006 EAR Account Fund lists. However, in 2004-2005, the City of Riverside conducted a soil and groundwater investigation at the site. The City of Riverside has applied for a $200,000 grant from the EPA for Cleanup of the site. In 2006, the site became qualified for the SWRCB Orphaned site list. | The vertical extent of the contamination was not fully assessed. Prior to Mr. Sandhu abandoning the site, it was agreed that a 60-foot boring was necessary to define the extent of contamination. The 60-foot boring was to be converted to a vapor extraction well. A short-term vapor test was to be conducted to assess the residual contamination in the soil.<br><br>In 2004–2005, the City of Riverside conducted subsurface investigations at the site consisting of several soil borings and groundwater monitoring wells. The preliminary results of the investigations indicated that the underlying soil has been impacted from releases from the USTs. Low concentrations of gasoline constituents were detected in the groundwater. . | $200,000 |

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| Caliber Investment Property<br>3270 W. Lincoln Ave.<br>Anaheim<br>Orange County | Richard Wilson<br>City of Anaheim Public Utilities | Gasoline affected soil and groundwater, MTBE detected | The site was operated as a Target brand service station, which was closed in 1996. The USTs were removed in May 1999. The results of subsequent soil and groundwater investigations indicated significantly elevated concentrations of gasoline constituents, including MTBE. The present property owner claims they do not have the financial capability to continue investigation and remediation at the site. The site owner's application for UST cleanup funds from the State Board was denied because of Target's past history of non-compliance. The site owner has become recalcitrant. The site was placed on the 2002-2003, the 2003-2004, the 2004-2005 and the 2005-2006 EAR Account Fund lists. Through EAR account funding, additional assessment was conducted in 2003 and 2004, including the installation of on-site and off-site groundwater monitoring wells. Up to 45,000 ppb MTBE is present on-site and up to 11,000 ppb MTBE is present off-site | Initial EAR account funding enabled the installation of multiple on- and off-site groundwater monitoring wells, the implementation of quarterly groundwater monitoring, the implementation of a 5-day HVDPE test, and a groundwater aquifer and soil vapor extraction remedial feasibility test at the site. Continued funding will enable development of a corrective action plan and the initiation of remedial activities at the site. | $250,000 |
| Bloomington Texaco<br>18509 Valley Blvd.<br>Bloomington<br>San Bernardino County<br>EAR#R02-076 | B. Douglas Snyder<br>San Bernardino County Fire Dept. | Unknown visible diesel or gasoline affected soil | Owner claims that they do not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. There are currently liens on the property. The site was placed on the 2002-2003, the 2003-2004, the 2004-2005 and the 2005-2006 EAR Account Fund lists. Work has not been completed. | The five USTs need to be removed and the nature and extent of the petroleum hydrocarbon-affected soil needs to be assessed. | $100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup. |

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| Rich Mart<br>16501 Merrill<br>Fontana<br>San Bernardino County<br>EAR#R02-077 | B. Douglas Snyder<br>San Bernardino County Fire Dept. | Unknown visible gasoline-affected soil and odors | Owner had filed for bankruptcy and claims that he does not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. Summit Financial Holdings, ltd has taken over the property. The site was placed on the 2002-2003, the 2003-2004, the 2004-2005 and the 2005-2006 EAR Account Fund lists. Work has not been completed. | The two USTs need to be removed and the nature and extent of the gasoline-affected soil needs to be assessed. | $100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup. |
| Roman's Construction<br>42191 Big Bear Blvd.<br>Big Bear Lake<br>San Bernardino County<br>EAR#R02-068 | B. Douglas Snyder San Bernardino County Fire Dept. | Unknown gasoline odors detected under dispensers | Mr. Roman was notified of the finding of soil contamination at the site, but has repeatedly failed to reply to SBCFD directives. This site was mistakenly included in the 2002-2003 EAR list for the Lahontan Region. The site was placed on the 2003-2004, the 2004-2005, and 2005-2006 EAR Account Fund lists. Work has not been completed. | The two USTs need to be removed and the vertical and lateral extent of the gasoline-affected soil and the potential impact to the underlying shallow groundwater needs to be assessed. | $100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup. |
| Bill Young's Mini Mart<br>1005 Redlands Blvd.<br>Redlands<br>San Bernardino County<br>EAR#R02-079 | B. Douglas Snyder<br>San Bernardino County Fire Dept. | Unknown extent of petroleum hydrocarbon-affected soil | Mr. Young acquired the subject property in July 1997. In November 1998, the property owner was notified that the USTs were not in compliance with the UST upgrade requirements. The owner notified County Fire that they did not have the financial resources to replace or upgrade the USTs. In October 1999, County Fire issued a settlement agreement. The owner did not reply. In November 2000, County Fire issued a NOV for failure to obtain UST permits, upgrade or replace the USTs, and the unlawful abandonment/closure of the USTs. All violations remain outstanding. The site was placed on the 2002-2003, the 2003-2004, the 2004-2005 and the 2005-2006 EAR Account Fund lists. Work has not been completed. | The four USTs need to be removed and the vertical and lateral extent of the gasoline-affected soil needs to be assessed. | $100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup. |

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| Former P&M Station #976<br>1087 Mt. Vernon Avenue<br>San Bernardino<br>San Bernardino County<br>EAR#R02-080 | B. Douglas Snyder<br>San Bernardino County Fire Dept. | Soil visually stained. Unknown extent of petroleum hydrocarbon-affected soil. | Mr. Kamal Shalash acquired the property in 1995 and transferred ownership to Ibrahim Jaghemeh in December 1997. County Fire issued NOVs on April 13, 1998, September 13, 2000, and October 13, 2000, for failure to obtain permits, failure to report change in ownership, and unlawful abandonment/closure of the USTs. There was no response to the NOVs and the current address of the RPs is unavailable. The site was placed on the 2002-2003, the 2003-2004, the 2004-2005 and the 2005-2006 EAR Account Fund lists. Work has not been completed. | The three USTs need to be removed and the vertical and lateral extent of the gasoline-affected soil needs to be assessed. | $100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup |
| Abandoned Station: Hatton/Yoder<br>1074 Carbon Canyon<br>Chino Hills<br>San Bernardino County<br>EAR#R02-081 | B. Douglas Snyder<br>San Bernardino County Fire Dept. | Soil visually stained and petroleum odors detected. Unknown extent of petroleum hydrocarbon-affected soil. | The service station was abandoned prior to 1993. The past owner/operators are unresponsive. The site was placed on the 2002-2003, the 2003-2004, the 2004-2005 and the 2005-2006 EAR Account Fund lists. Work has not been completed. SBCFD has identified the new owners of the property: Colby Jason and Wan Hin. | The two USTs need to be removed and the vertical and lateral extent of the gasoline-affected soil needs to be assessed. | $100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup. |
| Abandoned Tanks<br>Maurice Peters<br>1098 W. 5th Street<br>San Bernardino<br>San Bernardino County<br>EAR#R03-091 | B. Douglas Snyder<br>San Bernardino County Fire Dept. | Observable soil contamination in the UST overfills | Owner had filed for bankruptcy and claimed that he does not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. The owner has been recalcitrant to remove the tanks. The site was placed on the 2003-2004, 2004-2005, and the 2005-2006 EAR Account Fund lists. | The three fuel USTs and one waste oil UST need to be removed and the vertical and lateral extent of the gasoline-affected soil needs to be assessed. | $100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup. |
| Abandoned Tanks<br>Brown Family<br>1075 N E Street<br>San Bernardino<br>San Bernardino County<br>EAR#R03-092 | B. Douglas Snyder<br>San Bernardino County Fire Dept. | Observable soil contamination and detectable petroleum odors in the dispenser and fill pipe areas. | Owner claims that they do not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. The site was placed on the 2003-2004, the 2004-2005, and the 2005-2006 EAR Account Fund lists. | The three fuel USTs were removed in March 2006. The vertical and lateral extent of the gasoline-affected soil needs to be assessed. | $100,000: $50,000 for removal of the USTs and an additional $50,000 for initial investigation and cleanup. |