

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0055**

ADOPT THE PETROLEUM UNDERGROUND STORAGE TANK (UST)
EMERGENCY, ABANDONED, AND RECALCITRANT (EAR) ACCOUNT
FISCAL YEAR (FY) 2009-2010 ANNUAL SITE LIST (ASL) AND TO AUTHORIZE THE
EXECUTIVE DIRECTOR, OR DESIGNEE, TO ADD ELIGIBLE SITES TO THE FY 2009-2010
ASL FOR THE EXPENDITURE OF FEDERAL ECONOMIC RECOVERY GRANT FUNDS, TO
APPROVE INCREASED EXPENDITURES FOR SITES ON THE ASL, AND TO ISSUE
LETTERS OF AWARD OR EXECUTE CONTRACTS AND AMENDMENTS FOR THE
EXPENDITURE OF EAR ACCOUNT FUNDS

WHEREAS:

1. California expects to receive Federal Economic Recovery Grants from the Leaking UST Trust Fund estimated at \$15 million for federal FY 2009 for assessing and cleaning up petroleum contamination from leaking USTs;
2. Chapter 6.75 of division 20 of the Health and Safety Code authorizes the State Water Resources Control Board (State Water Board) to provide funding to the State Water Board, Regional Water Quality Control Boards (Regional Water Boards), or local agencies for initiating corrective action at petroleum UST sites which have had unauthorized releases;
3. Section 25299.36 of the Health and Safety Code authorizes the State Water Board to undertake or contract for corrective action at specified sites or to request the Department of General Services (DGS) to act as the agent of and enter into contracts on behalf of the State Water Board or a Regional Water Board for corrective action at those sites;
4. The State Water Board has established administrative procedures for providing cleanup funds to Regional Water Boards and local agencies, which include adoption of an EAR Account Annual Site List (ASL);
5. On January 16, 2009, the State Water Board requested the Regional Water Boards to: (1) contact local agencies in their regions to identify any abandoned and recalcitrant petroleum UST sites for inclusion on the EAR Account FY 2008-2009 ASL; and (2) submit their annual list of recommended Regional Water Board and local agency sites to the State Water Board for EAR Account funding;
6. Eight Regional Water Boards responded, nominating a total of 41 eligible sites;
7. For efficient operation of the EAR Account Program, the State Water Board may delegate authority to the Executive Director, or designee, to issue letters of award or execute contracts and amendments for the expenditure of EAR Account funds or to request DGS to enter into contracts on behalf of the State Water Board or a Regional Water Board for the expenditure of EAR Account funds designated in the EAR ASL; and
8. For efficient and timely management of the Federal Economic Recovery Grants, it is also appropriate and desirable to delegate to the Executive Director, or designee, authority to approve increased funding for sites on the EAR Account FY 2009-2010 ASL and to add eligible sites to the EAR Account FY 2009-2010 ASL.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the [Emergency, Abandoned, or Recalcitrant \(EAR\) Account FY 2009-2010 ASL](#);
2. Authorizes the Executive Director, or designee, to approve increased funding for sites on the EAR Account FY 2009-2010 ASL and, consistent with statutory requirements, to add eligible sites to the EAR Account FY 2009-2010 ASL, as necessary to fully utilize Federal Economic Recovery Grants;
3. Authorizes the Executive Director, or designee, to issue letters of award or negotiate and execute contracts and amendments for the expenditure of EAR Account funds designated in the ASL; and
4. Authorizes the Executive Director, or designee, to request DGS, pursuant to section 25299.36 of the Health and Safety Code, to enter into contracts on behalf of the State Water Board or a Regional Water Board and act as the agent of the State Water Board or a Regional Water Board for the expenditure of EAR Account funds designated in the ASL.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on July 7, 2009.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT FISCAL YEAR (FY) 2009/2010 ANNUAL SITE LIST

REGIONAL BOARD & RESOLUTION NUMBER	EAR SITE #	FINAL ORDER NUMBER & DATE	SITE NAME, ADDRESS & COUNTY	DESIGNATED OVERSIGHT AGENCY	CONTACT PERSON & PHONE NUMBER	PREVIOUSLY APPROVED FUNDING	ADDITIONAL FUNDING REQUESTED FOR FY 2009/2010	REVISED APPROVED TOTAL	CASE TYPE	ABANDONED OR RECALCITRANT SITE
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June 9, 2009

REGION 1

1. Executive Officer Letter 05/13/2009	R09-127	Cleanup & Abatement Order R1-2002-0069 5/31/2002	Albion Shell 3300 North Highway 1 Albion, CA 95410	RWQCB - North Coast 5550 Skylane Blvd., Ste. A Santa Rosa, CA 95403	David Evans (707) 576-2703	\$0	\$250,000	\$250,000	Health, Safety & Grndwtr	Recalcitrant
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REGION 2

1. RB Resolution R2-2009-0037 04/10/09	R08-115	Corrective Action Letters 4/22/04 and 3/8/2007	Panesar Beacon 3740 Peralta Blvd. Fremont	Alameda Co. Water District (ACWD) 43885 S. Grimmer Blvd. Fremont, CA 94537-5110	Ranga Sampath (510) 668-4411	\$100,000	\$0	\$100,000	Health, Safety & Grndwtr	Recalcitrant
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REGION 3

1. RB Resolution R3-2009-0026 03/09/09	R99-036	Corrective Action Letter 3/25/99	Pajarro Beacon 53 Porter Drive Pajaro, CA Monterey County	Monterey County Department of Health 1270 Natividad Road Salinas, CA 93906	Corey Welch (831) 755-4511	\$650,000	\$0	\$650,000	Health, Safety & Grndwtr	Recalcitrant
2.	R00-045	RB Notice of Violation Letter 2/15/95	Venture Oil Company 950 West Beach Street Watsonville, CA 95076 Santa Cruz County	Santa Cruz County Health Services 701 Ocean St., #312 Santa Cruz, CA 95060	Steven Schneider (831) 454-2022	\$450,000	\$0	\$450,000	Health, Safety & Grndwtr	Recalcitrant

EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT FISCAL YEAR (FY) 2009/2010 ANNUAL SITE LIST

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June 9, 2009

REGION 4

RWQCB Resolution R09-0002 4/02/09	1. R09-126	Directive Dated 2/26/2001	Garfield Express/Lynnwood Springs Project Atea 11600 Long Beach Blvd. Lynwood, CA	RWQCB-Los Angeles 320 West Fourth St., Suite 200 Los Angeles, CA 90013	Yue Rong (213) 576-6710	\$0	\$1,000,000	\$1,000,000	Health, Safety & Grndwtr	Recalcitrant
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REGION 5

RB Resolution R5-2009-0042 4/24/09	1. R95-017	Corrective Action Order Dated 12/21/94	Three Star Gas 1143 Yosemite Blvd. Modesto, CA Stanislaus County	Stanislaus County Environ. Resources 3800 Cornucopia Way Suite C Modesto, CA 95358/ RWQCB Sacramento	Nicole Damin (209) 525-6725/ Jim Munch (916) 464-4618	\$800,000	\$0	\$800,000	Health, Safety & Grndwtr	Recalcitrant
	2. R95-021	Corrective Action Order Dated 03/01/96	Fernandes Speed Shop 214 South Center Street Turlock, CA Stanislaus County	Stanislaus County Environ. Resources 3800 Cornucopia Way Suite C Modesto, CA 95358/ RWQCB -Sacramento	Nicole Damin (209) 525-6725/ Jim Munch (916) 464-4618	\$650,000	\$0	\$650,000	Health, Safety & Grndwtr	Recalcitrant
	3. R98-028	Corrective Action Order Dated 02/26/98	Former T & T Arco 402 Downey Ave. Modesto, CA Stanislaus County	Stanislaus County Environ. Resources 3800 Cornucopia Way Suite C Modesto, CA 95358/ RWQCB - Sacramento	Nicole Damin (209) 525-6725/ Jim Munch (916) 464-4618	\$1,050,000	\$0	\$1,050,000	Health, Safety & Grndwtr	Recalcitrant

EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT FISCAL YEAR (FY) 2009/2010 ANNUAL SITE LIST

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June 9, 2009										
4.	R98-008	Final Notice Dated 02/02/98 & 05/24/01	Former Nelson Property 3260 Feather River Blvd Marysville, CA Yuba County	Yuba County 915 - 8 th Street, #123 Marysville, CA 95901/ RWQCB – Sacramento	Clark Pickell (530) 749-7523/ Jim Munch (916) 464-4618	\$1,305,000	\$0	\$1,305,000	Health, Safety & Grndwtr	Recalcitrant
5.	R99-032	C&A Order #97-721 Dated 12/26/97	Glennville Shopping 10675 Highway 155 Glennville, CA Kern County	RWQCB - Fresno 1685 E Street Fresno, CA 93706	Greg Issinghoff (559) 488-4390	\$1,500,000	\$0	\$1,500,000	Health, Safety & Grndwtr	Recalcitrant
6.	R99-038	Final Notice Dated 12/22/94	Betco Petroleum Manual Moniz Charles Bettencourt 632 Ninth Street Turlock, CA Stanislaus County	Stanislaus County Environ. Resources 3800 Cornucopia Way Suite C Modesto, CA 95358/ RWQCB – Sacramento	Nicole Damin (209) 525-6725/ Jim Munch (916) 464-4618	\$700,000	\$0	\$700,000	Health, Safety & Grndwtr	Recalcitrant
7.	R02-061	Order to Comply Dated 03/07/02	Save Center #1 715 Atwater Blvd. Atwater, CA Merced County	Merced County Dept. of Public Health 777 West 22 nd Street Merced, CA 95340/ RWQCB – Fresno	Eric Swenson (209) 381-1075/ John Noonan (559) 445-5550	\$200,000	\$0	\$200,000	Health, Safety & Grndwtr	Recalcitrant
8.	R02-064	Several Directives Dated 1996 thru 2002	Applegate Mini-Mart 1619 Sycamore Avenue Atwater, CA Merced County	Merced County Dept. of Public Health 777 West 22 nd Street Merced, CA 95340/ RWQCB – Fresno	Eric Swenson (209) 381-1075/ John Noonan (559) 445-5550	\$155,000	\$0	\$155,000	Health, Safety & Grndwtr	Recalcitrant

EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT FISCAL YEAR (FY) 2009/2010 ANNUAL SITE LIST

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	June 9, 2009									
9.	R03-085	Directive Dated 02/25/03	Frank's One Stop Quinta Enterprises 2072 W. Yosemite Ave. Manteca, CA San Joaquin County	San Joaquin County Environmental Health 304 East Weber Stockton, CA 95202/ RWQCB – Sacramento	James Barton (916) 464-4615	\$900,000	\$0	\$900,000	Health, Safety & Grndwtr	Recalcitrant
10.	R03-087	RB Directive Dated 03/01	Imler's TV 121 Sixth Street Marysville, CA Yuba County	Yuba County 915 - 8 th Street, #123 Marysville, CA 95901/ RWQCB – Sacramento	Clark Pickell (530) 749-7523/ Jim Munch (916) 464-4618	\$500,000	\$0	\$500,000	Health, Safety & Grndwtr	Recalcitrant
11.	R06-102	Directive Dated 6/28/05	Willis Property 110 Porter Street Dixon, CA Solano County	RWQCB-Sacramento/ Solano County Dept of Environ. Management 675 Texas Street, Ste 5500 Fairfield, CA 94533	James Barton (916) 464-4615/ Misty Kaltreider (707) 784-3311	\$100,000	\$0	\$100,000	Health, Safety & Grndwtr	Recalcitrant
12.	R06-104	Directive Dated 8/16/04	Dos Palos "Y" BP 8024 Azusa Road Dos Palos, CA Merced County	Merced County Dept. of Public Health 777 West 22 nd Street Merced, CA 95340/ RWQCB – Fresno	Eric Swenson (209) 381-1075/ John Noonan (559) 445-5550	\$100,000	\$25,000	\$125,000	Health, Safety & Grndwtr	Recalcitrant
13.	R07-106	CAO R5-2006-0722	Circle A Gas Station 1215 East 22 nd Street Marysville, CA Yuba County	RWQCB-Sacramento/ Yuba County 915 - 8 th Street, #123 Marysville, CA	Mike Kenning (916) 464-4783/ Clark Pickell (530) 749-7523	\$200,000	\$0	\$200,000	Health, Safety & Grndwtr	Recalcitrant

**EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT
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14.	R07-107	Directive Letter 6/7/06	AGV Gas and Liquor 4881 Olivehurst Ave Olivehurst, CA Yuba County	RWQCB-Sacramento/ Yuba County 915 - 8 th Street, #123 Marysville, CA	Mike Kenning (916) 464-4783/ Clark Pickell (530) 749-7523	\$200,000	\$0	\$200,000	Health, Safety & Grndwtr	Recalcitrant
15.	R07-108	Directive Letter 8/1/06	Jacobs Property 4740 Main Street Denair, CA Stanislaus County	Stanislaus County Environ. Resources 3800 Cornucopia Way Suite C Modesto, CA 95358/ RWQCB – Sacramento	Nicole Damin (209) 525-6725/ Mike Smith (916) 464-4728	\$300,000	\$0	\$300,000	Health, Safety & Grndwtr	Recalcitrant
16.	R07-110	Directive Letter 1/29/06	Leonel Naake Property 41901 McArthur Road Glenburn, CA Shasta County	RWQCB – Redding	Katie Bowman (530) 226-3458	\$100,000	\$0	\$100,000	Health, Safety & Grndwtr	Recalcitrant
17.	R08-111	Directive Dated 4/13/2007	Eagle Gas 3006 El Camino St. Ceres, CA Stanislaus County	Stanislaus County Environ. Resources/ RWQCB - Sac	Nicole Damin (209) 525-6725/ Mike Smith (916)464-4728	\$700,000	\$0	\$700,000	Health Safety & Grndwtr	Reclacitrant
18.	R08-112	Directive Dated 3/30/2007	Quick-N-Save 5201 Yosemite Blvd. Empire, CA Stanislaus County	Stanislaus County Environ. Resources/ RWQCB - Sac	Nicole Damin (209)525-6725/ Mike Smith (916)464-4728	\$500,000	\$0	\$500,000	Health, Safety & Grndwtr	Recalcitrant

June 9, 2009

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June 9, 2009										
19.	R08-114	Directive Dated 4/5/2005	Kelly Company 1076 Monte Vista E. Vacaville, CA Solano County	Solano County Dept. of Environ. Management/ RWQCB	Josuwa Bernardo (707) 784-3312/ James Munch (916)464-4618	\$100,000	\$0	\$100,000	Health, Safety & Grndwtr	Recalcitrant
20.	R09-116	Directive Dated 10/25/2007 and 8/27/2008	Snow's Automotive 12621 E. Hwy 20 Clearlake Oaks, CA Lake Co.	RWQCB/Lake County Environ. Health Dept.	Glenn Meeks 916-464-4708/ Ken Williams (707) 263-1164	\$0	\$75,000	\$75,000	Health, Safety & Grndwtr	Recalcitrant
21.	R09-117	ACL Dated 11/10/2005	C&L Cycle 238 W. St. Charles St. San Andreas, CA Calaveras Co.	RWQCB/Calaveras County Environ. Health Dept.	Glenn Meeks (916) 464-4708/ Jason Boetzer (209) 754-6399	\$0	\$100,000	\$100,000	Health, Safety & Grndwtr	Recalcitrant
22.	R09-118	Multiple County Directives	DeSabra Market 15305 Skyway De Salba, CA Butte Co.	Butte County Environ. Health Dept/RWQCB	Michael Huerta (530) 538-7281/ Karen Clemensten (530) 224-4852	\$0	\$100,000	\$100,000	Health, Safety & Grndwtr	Recalcitrant
23.	R09-119	13267 Order dated 3/4/08 NOV dated 8/28/08	E&R Freeman 3138 Main Street Stockton, CA San Joaquin Co.	RWQCB/San Joaquin County Environ. Health Dept.	James Barton (916) 464-4615/ Margaret Lagorio (209) 468-3449	\$0	\$150,000	\$150,000	Health, Safety & Grndwtr	Recalcitrant
24.	R09-120	Directive Dated 7/7/08	Volta Service Station 23930 W. Ingomar Grade Los Banos, CA Merced Co.	Merced County Dept. of Public Health/RWQCB – Fresno	Eric Swenson (209) 381-1075/ John Noonan (559) 445-5550	\$0	\$100,000	\$100,000	Health, Safety & Grndwtr	Recalcitrant

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June 9, 2009

	25.	R09-121	Directive Dated 5/2/08	Siebold Construction 820 S. American Street Stockton, CA San Joaquin Co.	RWQCB/San Joaquin County Environ. Health Dept.	James Barton (916) 464-4615/ Margaret Lagorio (209) 468-3449	\$0	\$75,000	\$75,000	Health, Safety & Grndwtr	Recalcitrant
	26.	R09-122	Directive 12/4/07	Vega Property 208 2 nd Street Isleton, CA Sacramento County	RWQCB - Sacramento	Vera Fischer (916) 464-4792	\$0	\$100,000	\$100,000	Health, Safety & Grndwtr	Recalcitrant
	27.	R09-123	Directive Dated 4/21/2008	Blue Star 4040 Main Street Stockton, CA San Joaquin Co.	RWQCB/San Joaquin County Environ. Health Dept.	James Barton (916) 464-4615/ Margaret Lagorio (209)468-3449	\$0	\$100,000	\$100,000	Health, Safety & Grndwtr	Recalcitrant

REGION 6

RB Resolution R6T-2009-0027 5/13/2009	1.	R93-009	CAO No. 6-88-184 Dated 06/88	Yermo Truck Stop 38753 Yermo Road Yermo, CA 92398 San Bernardino County	RWQCB – Lahontan 2501 Lake Tahoe Blvd., S. Lake Tahoe, CA	Brian Grey (530) 542-5421	\$1,143,000	\$0	\$1,143,000	Health, Safety & Grndwtr	Recalcitrant
	2.	R03-088	CAO No. R6T-2002-0004A1	Pat & Ollies 11015 Donner Pass Rd. Truckee, CA 96160 Nevada County	Nevada County Environmental Health 950Maidu Avenue Nevada City, CA 95959	David Huff (530) 264-1767	\$700,000	\$300,000	\$1,000,000	Health, Safety & Grndwtr	Recalcitrant

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June 9, 2009

REGION 7

1. Executive Officer Letter 05/22/2009	R02-074	Cleanup & Abatement Order No. 95-069 Dated 06/22/95	Deleon's Serv. Station 51298 Harrison St Coachella, CA Riverside County	City of Coachella 1515 Sixth Street Coachella, CA 92236	Lorie Williams (760) 398-3502	\$750,000	\$0	\$750,000	Health, Safety & Grndwtr	Recalcitrant
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REGION 8

1. RB Resolution R8-2009-0037 4/24/2009	R00-047	Corrective Action Order Dated 07/06/00	Former Circle K Store 8899 Limonite Avenue Pedley, CA Riverside County	RWQCB - Santa Ana 3737 Main St., #500 Riverside, CA 92501	Carl Bernhardt (951) 782-4495	\$1,000,000	\$0	\$1,000,000	Health, Safety & Grndwtr	Recalcitrant
2.	R00-055	Notice of Violation Dated 7/99	Caliber Investment Property 3270 W. Lincoln Ave. Anaheim, CA Orange County	City of Anaheim Public Utilities Dept. 201 S. Anaheim Blvd., Suite 601 Anaheim, CA 92805	Richard Wilson (714) 765-4053	\$1,500,000	\$0	\$0	Health, Safety & Grndwtr	Recalcitrant
3.	R04-095	Corrective Action Letter 03/06/02	Former Kens ARCO 2871 University Avenue Riverside, CA Riverside County	RWQCB - Santa Ana 3737 Main Street Riverside, CA 92501- 3339	Valerie Jahn- Bull (951) 782-4903	\$500,000	\$0	\$500,000	Health, Safety & Grndwtr	Recalcitrant

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June 9, 2009

4.	R09-124	Final Order Dated 5/16/06	K & G Arco 9472 Katelia Ave. Anaheim Orange County	RWQCB - Santa Ana 3737 Main Street Riverside, CA 92501-3339	Valerie Jahn-Bull (951) 782-4903	\$0	\$250,000	\$2500,000	Health, Safety & Grndwtr	Recalcitrant
5.	R09-125	NOV Dated 6/23/08	Saranick Station 10632 Beach Blvd Stanton Orange County	Orange Co EH 1241 E. Dyer Road, Ste 120 Santa Ana, CA 92705	Shyamala Sundaram (714) 433-6262	\$0	\$250,000	\$2500,000	Health, Safety & Grndwtr	Recalcitrant

REGION 9

1.	R09-128	Cleanup & Abatement Order Dated 6/1/06	Santa Ysabel Chevron 30350 Highway 78 Santa Ysabel, CA San Diego Country	RWQCB – San Diego 9174 Skypark Court, Ste 100 San Diego, CA 92123	Sue Pease (858) 637-5596	\$0	\$400,000	\$400,000	Health, Safety & Grndwtr	Recalcitrant
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Executive Officer
Letter dated
5/27/09