

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 94-112

DENYING AUTHORIZATION TO ELEVATE THE RANKING
OF
UNDERGROUND STORAGE TANK CLEANUP FUND CLAIM NO. 3110

WHEREAS:

1. The Health and Safety Code (H&SC) authorizes the State Water Resources Control Board (SWRCB) to expend money from the Underground Storage Tank Cleanup Fund (Fund) for payment of claims against the Fund;
2. The Health and Safety Code requires the SWRCB to pay claims in accordance with a four-class priority ranking system;
3. The SWRCB updates its priority list monthly;
4. The City of San Mateo has filed Claim No. 3110 to receive reimbursement from the Fund for cleanup of an underground storage tank (UST) release at the Gateway Park site located at 901 East Third Avenue;
5. The San Francisco Bay Regional Water Quality Board adopted Resolution No. 94-103 on August 17, 1994, recommending that the SWRCB elevate the ranking for the Gateway Park Site;
6. The Regional Water Quality Board considers this a high priority site because of the potential for contaminants to impact San Mateo Creek. Hydraulic studies have demonstrated that a probable hydraulic connection exists between the groundwater and the creek.
7. Timely funding will enable the City to remediate the site without requiring diversion of limited funds from other needed programs.
8. Because the contamination extends under East Third Avenue, the City could integrate the cleanup activities with the City's planned construction of the East Third Avenue bridge, scheduled to begin in 1994-1995.
9. As part of the settlement of current litigation between the City and the former property owners and operators, to ensure timely and effective cleanup, the City has agreed to take the lead for the cleanup with the understanding that the City would be reimbursed by the Fund.
10. Section 2813.3(b) of the Fund regulations (Title 23, Division 3, Chapter 18, California Code of Regulation) allows the SWRCB to modify the ranking of a claim within a priority class following a public hearing;

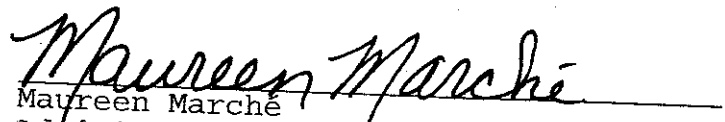
11. Under the provisions of H&SC Section 25299.52, funding of Claim No. 3110 could proceed immediately following SWRCB action moving said claim to the top of Priority Class D. In its current position, it could be several years before this claim can be funded.
12. Because the release was discovered in 1987 and likely occurred several years earlier, and although there is a potential for adverse effects to San Mateo Creek, no significant impact has been experienced to date even through the heavy rains of 1992-93.
13. The subject site is only one of numerous sites within the Priority D classification that could benefit from early funding.

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board hereby denies the elevation of Claim No. 3110 to the top of the Priority Class "D" portion of the Fund priority list.

CERTIFICATION

The undersigned, Administrative Assistant 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 Resources Control Board held on November 17, 1994.


Maureen Marché
Administrative Assistant to the Board