

RESOLUTION NO. 071558

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION AUTHORIZING: A) ACCEPTANCE OF FUNDS FROM THE STATE WATER RESOURCES CONTROL BOARD TO REMOVE FUEL UNDERGROUND STORAGE TANKS AND REMEDIATE PETROLEUM CONTAMINATION AT RAINER SERVICE STATION, 1905 EAST BAYSHORE ROAD, EAST PALO ALTO, IN AN AMOUNT NOT TO EXCEED \$150,000 FOR THE TERM AUGUST 1, 2011 THROUGH JULY 31, 2012; B) THE PRESIDENT OF THE BOARD TO EXECUTE AN AGREEMENT WITH GOLDER ASSOCIATES, INC. FOR THE PURPOSE OF SOIL EXCAVATION, FUEL UNDERGROUND STORAGE TANK REMOVAL, SOIL SAMPLING AND ANALYSES, AND ADDITIONAL REMEDIAL INVESTIGATION FOR THE RAINER SERVICE STATION EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT, IN AN AMOUNT NOT TO EXCEED \$150,000 FOR THE TERM AUGUST 1, 2011 THROUGH JULY 31, 2012; AND C) THE CHIEF OF THE HEALTH SYSTEM OR DESIGNEE TO EXECUTE CONTRACT AMENDMENTS WHICH MODIFY THE COUNTY'S MAXIMUM FISCAL OBLIGATION BY NO MORE THAN \$25,000 (IN AGGREGATE), AND/OR MODIFY THE CONTRACT TERM AND/OR SERVICES SO LONG AS THE MODIFIED TERM OR SERVICES IS/ARE WITHIN THE CURRENT OR REVISED FISCAL PROVISIONS

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RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, San Mateo County Environmental Health (EH) Underground Storage Tank (UST) Program regulates storage of fuels by enforcing State and Federal UST regulations through annual inspections and enforcement actions against non-compliant tank owners to protect public health and the environment; and

WHEREAS, San Mateo County EH Groundwater Protection Program regulates the characterization and remediation of known soil and groundwater contamination, including releases from fuel USTs through inspections and enforcement actions against non-compliant legally responsible parties to protect public health; and

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**WHEREAS,** The Rainer Service Station located at 1905 East Bayshore Road, East Palo Alto has been out of compliance with both regulatory programs for several years; has resulted in enforcement action being taken against Rainer Service Station by the San Mateo County District Attorney's Office on behalf of San Mateo County; and does not have the resources to complete required corrective actions; and

**WHEREAS,** Subdivisions (c), (e), and (h) of section 25299.51 of the California Health and Safety Code authorizes the State Water Resources Control Board (SWRCB) to expend money from the Underground Storage Tank Cleanup Fund (USTCF) to pay for corrective action and oversight costs incurred by local agencies at certain petroleum UST sites; and

**WHEREAS,** The SWRCB has established a subaccount of the USTCF, the Emergency, Abandoned, and Recalcitrant (EAR) Account, with cleanup funds and procedures available to local agencies, which include the issuance of Letters of Award to local agencies named on the EAR Account Annual Site List; and

**WHEREAS,** EH nominated the Rainer Service Station for EAR Account funding, applied for and has been approved for funds to complete the required corrective actions, using State Water Resources Control Board, EAR Account funds

**WHEREAS,** as a result of a Request for Proposals (RFP) conducted In February 2011 for the Rainer Service Station EAR Account Action, an RFP Review

Committee determined that Golder Associates, Inc. best meets the needs of EH.

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the Board of Supervisors hereby authorizes the acceptance of funds from the State Water Resources Control Board to remove fuel underground storage tanks and remediate petroleum contamination at Rainer Service Station, 1905 East Bayshore Road, East Palo Alto, in an amount not to exceed \$150,000 for the term August 1, 2011 through July 31, 2012

**BE IT FURTHER RESOLVED** that the President of this Board of Supervisors be and is hereby authorized to execute said Agreement with Golder Associates, Inc. for the purpose of soil excavation, fuel UST removal, soil sampling and analyses, and additional remedial investigation as directed by San Mateo County Groundwater Protection Program staff for the Rainer Service State EAR in an amount not to exceed \$150,000 for the term August 1, 2011 through July 31, 2012, for and on behalf of the County of San Mateo, and the Clerk of the Board shall attest the President's signature thereto.

**BE IT FURTHER RESOLVED** that the Board of Supervisors authorizes the Chief of the Health System or designee is authorized to execute contract amendments which modify the county's maximum fiscal obligation by no more than \$25,000 (in aggregate), and/or modify the contract term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions.

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Regularly passed and adopted this 26<sup>TH</sup> day of July, 2011.

*AYES and in favor of said resolution:*

*Supervisors:*

DAVE PINE

CAROLE GROOM

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

DON HORSLEY

*NOES and against said resolution:*

NONE

*Absent Supervisors:*

NONE

Carole Groom

*President, Board of Supervisors  
County of San Mateo  
State of California*

*Certificate of Delivery*

*I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*

R. Romero

*Rebecca Romero, Deputy  
Clerk of the Board of Supervisors*