

Chapter 1

Former Gas Station Sites: Introduction

A few miles south of the Los Angeles Civic Center, within site of the glass skyscrapers, museums, concert halls, and government offices, are many neighborhoods built in the 1930s and 1940s. Many streets have large old trees that provide welcome shade in the summer. These neighborhoods are crisscrossed by a grid of once-thriving commercial corridors which over the past 50 years have increasingly included empty buildings, vacant lots, unkempt automotive repair shops, and junk storage areas. Fifty years ago, many of these properties were gas stations. Today, most of these gas stations are gone, but many of the petroleum underground storage tanks (USTs) remain. Underground tanks are used to store gasoline and used oil that is removed from automobiles during maintenance. Most USTs are steel but older tanks were made from concrete or even wood. Now, some tanks are constructed from fiberglass. Newer tanks feature double walls and advanced leak detection systems. Based on research conducted by the City's Brownfields Program, most of the obsolete and illegal petroleum underground storage tanks are clustered in the least affluent portions of the city.

The City began investigating former gas stations because residents expressed concerns that contamination from such sites could be polluting their communities and that the presence of this pollution was inhibiting redevelopment of the sites. When the City started its gas station program, we expected to find a large number of former gas station sites that were vacant or abandoned by owners who could not afford to remove underground tanks or contamination. The reality was more complex. As it turned out, there were few vacant sites. There were a significant number of former gas station sites with old obsolete USTs still in the ground and no longer being used, but the sites were being used as auto repair businesses, tire sales, used car sales and storage. Often these sites present a poor appearance due to obsolete signage, buildings needing paint and otherwise in disrepair, weeds growing on site, and automotive repair activities not screened from view.

When the City first reviewed these sites, it found that most were occupied, however as a first step, the City's Program focused on redeveloping vacant sites and therefore this guide begins its focus there as well. Vacant sites are less complicated because they do not require the interruption or displacement of an ongoing business. Also, vacant sites produce a higher level of blight. Therefore, this guide will be most helpful for such sites but it also contains information that can be helpful in addressing any former gas station site.

The Problem

Until the mid-1980s, most USTs were made of bare steel, which is likely to corrode over time allowing the contents to leak. Faulty installation or inadequate operation and maintenance procedures also can cause USTs to release their contents into the soil or groundwater.¹

Unused USTs remain in the ground because of the high cost to remove them – anywhere from \$5,000 to \$10,000 per tank. If the tank has leaked, remediation may cost anywhere from under \$50,000 to over \$500,000 with most sites falling in the under \$200,000 range. However, such sites often cannot be sold unless the USTs are removed. In neighborhoods with high property values, the cost to remediate a site can come out of the purchase price or rental income. However, in communities with lower real estate values, the cost to bring a site into compliance can exceed the value of the site. Some owners have not used the tanks for many years and are not even aware of the regulations. Others use or lease the site hoping no one will force the issue. In some cases, owners who cannot afford to remediate simply abandon the site.

Federal Requirements

In 1984, Congress added Subtitle 1 to the Resource Conservation and Recovery Act (RCRA) that required the U.S. Environmental Protection Agency (U.S. EPA) to develop a comprehensive program for regulating USTs used for storing petroleum and certain other hazardous substances. In 1986 the Superfund Amendments and Reauthorization Act (SARA) created the Leaking Underground Storage Tank Trust Fund and required owners of USTs to show they had the financial resources to clean up future potential contamination from USTs. Appendix B contains a summary of these federal regulations that is based on "Recycling America's Gas Stations" a report by the Northeast-Midwest Institute and the National Association of Local Government Environmental Professionals (NALGEP). See Appendix A Web Sites Table for link to the complete report.

Administration in California

In California, the U.S. EPA has delegated the implementation of the Federal UST requirements to the California Water Resources Control Board which has in turn delegated certain responsibilities to its regional boards and other local enforcement agencies. The following table gives a summary of each agency's area of jurisdiction. Details on each will be in various chapters of this guide.

¹ US EPA Office of Underground Storage Tanks web site <http://www.epa/gpv/swerust1/overview.htm>

Agency	Area of Responsibility
Local Agency (Fire Dept., Health Dept. or other)	Tracks registration of all USTs, assuring that notification and technical requirements (described above) are met including that out of service USTs are removed. If owners cannot or will not remove the tanks, local agencies may not have the funds to do so. How to address this problem is the subject of this guide.
Regional Water Quality Control Board	Steps in when groundwater contamination is discovered to assure it is remediated properly. Oversees groundwater remediation and other related remediation at sites.
California Department of Toxic Substances Control	Oversees remediation of soil contamination beyond the scope that can be handled by the local agency.
State Water Resources Control Board	Administers California programs to implement the LUST Trust Fund, cost recovery, and Financial Responsibility requirements described above.

The local agency may be a City or County agency--usually a fire department or environmental health department. If not, these agencies should be able to direct you to the proper agency in your area. As this guide describes, these agencies work together to implement these programs. In addressing problem UST sites, it is important, to understand how the agencies work, to identify appropriate individuals within these agencies and cultivate a good working relationship with them.

Redevelopment Perspective

Redeveloping old gas station sites may be facilitated by cooperation between the agency tasked with enforcing UST regulations and a redevelopment agency. The redevelopment agency may be able to contribute resources that the regulatory agency lacks. Such cooperation works best when each agency comes to the problem with the aim to achieve both compliance and redevelopment. However, redevelopers must remember that a regulatory agency's first responsibility is to protect public health and the environment by enforcing the law and they can only help to the extent that their goal is complimentary to the goal of site development. Finding that common ground is the key to success in addressing these sites.

Advice for UST Owners

Many regulatory agencies were not able to identify all cases of non-compliance immediately after January 1999, when all unused USTs and UST delivery systems were required to be upgraded or removed. Increasingly as the years go by, these agencies are catching up on the backlog of non-compliant sites. Some agencies are issuing orders to owners to remove tanks. In some jurisdictions, those owners with the least financial resources to take action are now being contacted because they are the only sites left. Prior to receiving an order to remove the tanks, many of these owners had no idea that removal was required. Many are at a loss as to how to fund removal.

To owners who find themselves the subject of such an order, we advise cooperation with the regulating agency whether you have the funds to remove the tank or not. The eligibility of a site to receive funds from the State UST Fund to pay for remediation (See [Chapter 5](#) – Funding UST Removal and Remediation) may depend on whether the UST owner/operator was cooperative or knowingly avoided compliance. Some regulating agencies are working with owners to help them identify loans or other resources to comply. In some jurisdictions, non-cooperative owners are being referred to the District Attorney or City Attorney for legal action. Some jurisdictions are also applying for special state funding known as the Emergency Abandoned, Recalcitrant (EAR) Account of the California Petroleum UST Cleanup Fund, to remove USTs.

City of Los Angeles Gas Station Program

The City of Los Angeles Brownfields Program helps owners of sites that have or once had an underground storage tank to bring their site into compliance and redevelop their property. The program offers over the phone technical assistance on accessing the various programs discussed in this guide. There also may be financial assistance available to qualifying owners who lack the financial resources to remove USTs or otherwise bring their site into compliance. Owners of USTs with property located in the City of Los Angeles are urged to contact the City's Gas Station Program personnel for additional assistance. The contact number is listed in Appendix A of this document.