

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 94-77

APPROVAL OF A REQUEST TO USE UP TO \$200,000 FROM THE EMERGENCY,
ABANDONED, RECALCITRANT (EAR) ACCOUNT FUNDS FOR USE AT THE
DEPARTMENT OF TRANSPORTATION (CALTRANS) LIVINGSTON BYPASS SITE AT
1444 AND 1410 HIGHWAY 99, LIVINGSTON, MERCED COUNTY

WHEREAS:

1. The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (RWQCB), submitted a written request to the Chief of Clean Water Programs for Prompt Action funding in an amount not to exceed \$200,000, from the Emergency, Abandoned, Recalcitrant (EAR) Account for the prompt cleanup of petroleum contaminated ground water, caused by leaking underground storage tanks at 1444 and 1410 Highway 99 in Livingston that threatens nearby wells that supply Livingston's drinking water;
2. Prompt action to abate the situation is necessary to protect human health and the environment;
3. The RWQCB issued a final corrective action order to Caltrans requiring Caltrans to operate an interim soil and ground water cleanup system. The compliance date in that order was August 16, 1994. Caltrans and the other responsible parties do not have funds to operate the system;
4. Section 25299.51 of the California Health and Safety Code authorizes the SWRCB to provide funds to the RWQCBs for cleanup of underground storage tank sites. Chapter 19 of the SWRCB's Administrative Procedures authorizes up to \$200,000 for sites requiring prompt action;
5. Funds are available from the EAR Account, established under SB 2004 (Underground Storage Tank Cleanup Fund Program), if the SWRCB authorizes their use;
6. The Cleanup and Abatement Account (CAA), which was established under the authority of Sections 13440-13443 of the California Water Code, allows the SWRCB to issue funds to public agencies for the purpose of cleaning up waste or abating its effects on the waters of the State;
7. Funds could be provided to the RWQCB from the EAR Account to undertake or contract for corrective action or funds could be provided directly to Caltrans from the CAA to continue remediation at the site; and
8. There is concern that the long-term liability for cleaning up the site exceeds available funds.

THEREFORE BE IT RESOLVED THAT:

The SWRCB delegates the authority to the Executive Director to authorize an amount not to exceed \$200,000 from either the EAR Account or the CAA for the purpose of performing prompt corrective action at the subject site, so long as prior to authorizing funds from either account, the Executive Director has received adequate assurances that Caltrans will assume liability arising from the corrective action performed.

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 the meeting of the State Water Resources Control Board held on August 18, 1994.



Maureen Marché

Administrative Assistant to the Board