

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2004 - 0041**

ADOPTING THE PETROLEUM UNDERGROUND STORAGE TANK (UST)
EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT
FISCAL YEAR (FY) 2004-2005 ANNUAL SITE LIST; AND, AUTHORIZING
THE EXECUTIVE DIRECTOR, OR DESIGNEE, TO ISSUE LETTERS OF AWARD OR
EXECUTE CONTRACTS AND AMENDMENTS
FOR THE EXPENDITURE OF EAR ACCOUNT FUNDS

WHEREAS:

1. Chapter 6.75 of Division 20 of the Health and Safety Code authorizes the State Water Resources Control Board (SWRCB) to provide funding to Regional Water Quality Control Boards (RWQCBs) or local agencies for initiating corrective action at petroleum UST sites which have had unauthorized releases;
2. Section 25299.36 of the Health and Safety Code authorizes the SWRCB 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 SWRCB or a RWQCB for corrective action at those sites;
3. The SWRCB has established administrative procedures for providing cleanup funds to RWQCBs and local agencies, which include adoption of an EAR Account Annual Site List;
4. On January 16, 2004, the SWRCB requested the RWQCBs to: (1) contact local agencies in their regions to identify any abandoned and recalcitrant petroleum UST sites for inclusion on the EAR Account FY 2004-2005 Annual Site List, and (2) submit their annual list of recommended RWQCB and local agency sites to the SWRCB for EAR Account funding;
5. Seven RWQCBs responded, nominating a total of 50 eligible sites;
6. Sufficient funding is available to provide the requested amounts for all 50 eligible sites; and
7. For efficient operation of the EAR Account Program, the SWRCB may delegate authority to the Executive Director, or designee, to issue letters of award or execute contracts for the expenditure of EAR Account funds or to request DGS to enter into contracts on behalf of the SWRCB or a RWQCB for the expenditure of EAR Account funds designated in the EAR Account Annual Site List.

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board:

1. Adopt the Emergency, Abandoned, Recalcitrant (EAR) Account [FY 2004-2005 Annual Site List](#);
2. Authorize 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 Annual Site List; and

3. Authorize the Executive Director, or designee, to request Department of General Services, pursuant to section 25299.36 of the Health and Safety Code, to enter into contracts on behalf of the State Water Resources Control Board (SWRCB) or a Regional Water Quality Control Board (RWQCB) and act as the agent of the SWRCB or a RWQCB for the expenditure of EAR Account funds designated in the Annual Site List.

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 Resources Control Board held on July 22, 2004.



Debbie Irvin
Clerk to the Board