

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2010-0006**

**DIRECTING UNDERGROUND STORAGE TANK CASE CLOSURES PURSUANT TO HEALTH
AND SAFETY CODE SECTION 25299.39.2: VARIOUS LOCATIONS IN CALIFORNIA**

WHEREAS:

1. Section 25299.39.2 of the Health and Safety Code directs the manager responsible for the Underground Storage Tank (UST) Cleanup Fund (Fund Manager) to review the case history of claims that have been active for five years or more (five-year review), unless there is an objection from the tank owner or operator;
2. Section 25299.39.2 of the Health and Safety Code further authorizes the Fund Manager to make recommendations to the State Water Resources Control Board (State Water Board) for closure of a five-year-review case if the tank owner or operator approves;
3. The Fund Manager has completed one or more five-year reviews of the cases listed below, has applied the decisional framework established in previous State Water Board UST closure orders, and recommends that these cases be closed. Each recommendation is based upon the facts and circumstances of the particular UST case;
4. The Fund Manager notified the tank owner or operator, applicable regional water quality control board, fee title owners of the site and adjacent sites and other interested persons of the recommendation for case closure. In addition, a case closure summary was prepared for each of the cases and made available for review and comment by all of the parties identified above and the public;
5. Case closure under Health and Safety Code section 25296.10 is appropriate where the corrective action conducted pursuant to Chapter 6.7 of the Health and Safety Code ensures the protection of human health, safety, and the environment and where the corrective action is consistent with: 1.) Any applicable waste discharge requirements or other order issued pursuant to Division 7 of the Water Code; 2.) All applicable state policies for water quality control; and 3.) All applicable water quality control plans;
6. Based upon the case closure summaries prepared for each case, the State Water Board finds that corrective actions taken at the UST release sites ensure protection of human health, safety and the environment and are consistent with State Water Board [Resolution 92-49](#) and other water quality control policies and applicable water quality control plans; and
7. Some of the UST cases listed below may be the subject of orders issued by regional water quality control boards under Division 7 of the Water Code that are inconsistent with UST case closure. Any orders issued under Division 7 of the Water Code that are inconsistent with UST case closure should be rescinded.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Directs the UST cases for the sites listed below be closed pursuant to Health and Safety Code Section 25299.39.2 and no further action related to the UST case be required:
Claim 8532, 1449 Highway 49, Auburn, CA
Claim 8695, 650 High Street, Auburn, CA
Claim 11567, 2600 Rice Avenue, West Sacramento, CA
Claim 13020, 1101 N Main Street, Lakeport, CA
Claim 14739, 16823 Willow Glen Road, Brownsville, CA
Claim 14977, 313 Railroad Flat Road, Railroad Flat, CA
Claim 15471, 116 W Main Street, Lone, CA
2. Rescinds any regional water quality control board orders issued pursuant to Division 7 of the Water Code that directs corrective action or other action inconsistent with closure of the UST case at the above-listed site; and
3. Directs the Deputy Director of the Division of Financial Assistance to issue closure letters consistent with Health and Safety Code, section 25296.10, subdivision (g) for UST cases at the above-listed sites and to upload the closure letter and case closure summary for each site to Geotracker.

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 Board held on January 19, 2010.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduc
Board Member Walter G. Pettit

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board