

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2012-0035**

**ADOPTING THE PETROLEUM UNDERGROUND STORAGE TANK EMERGENCY,
ABANDONED, AND RECALCITRANT ACCOUNT FISCAL YEAR 2012-2013 ANNUAL SITE
LIST AND AUTHORIZING THE EXPENDITURE OF EMERGENCY, ABANDONED, AND
RECALCITRANT ACCOUNT FUNDS**

WHEREAS:

1. Chapter 6.75 of Division 20 of the Health and Safety Code authorizes the State Water Resources Control Board (State Water Board) to provide funding to Regional Water Quality Control Boards (Regional Water Boards) and Local Agencies for initiating corrective action at petroleum Underground Storage Tank (UST) sites that have had an unauthorized release of petroleum: (1) which require prompt action to protect human health, safety, or the environment (emergency site); (2) for which no responsible party has been identified or located (abandoned site); or (3) where the responsible party is either unable or unwilling to take the required corrective action in response to a Regional Water Board or local agency corrective action orders (recalcitrant site).
2. Section 25299.36 of the Health and Safety Code authorizes the State Water Board to undertake or contract for corrective action at specified sites or to request the Department of General Services to act as the agent of and enter into contracts on behalf of the State Water Board or a Regional Water Board for corrective action at those sites;
3. The State Water Board has established administrative procedures for providing cleanup funds to Regional Water Boards and Local Agencies, which include adoption of an Emergency, Abandoned and Recalcitrant (EAR) Account Annual Site List;
4. Annually, the State Water Board requested the Regional Water Boards and Local Agencies to nominate sites for EAR Account funding. The Local Agencies submit their site nominations to their respective Regional Water Boards. The Regional Water Boards establish priorities within their regions and submit a prioritized list of recommend sites for the EAR Account Annual Site List;
5. Nine Regional Water Boards recommended a total of 62 sites of which 60 sites are eligible for the EAR Account funding;
6. The proposed EAR Account FY 2012-2013 Annual Site List includes the 60 eligible UST sites;
7. Sufficient funding is available to provide the requested amounts for all 60 eligible sites; and
8. For efficient operation of the EAR Account Program, the State Water Board may delegate authority to the Executive Director or designee to issue letters of award and to execute contracts and amendments for the expenditure of EAR Account funds, and to request the Department of General Services to enter into contracts on behalf of the State Water Board or a Regional Water Board 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. Adopts the [EAR Account FY 2012-2013 Annual Site List](#);
2. Authorizes the Executive Director or designee to issue letters of award and to negotiate and execute contracts and amendments for the expenditure of EAR Account funds designated in the FY 2012-2013 Annual Site List; and
3. Authorizes 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 Board or a Regional Water Board or a Local Agency, and to act as the agent of the State Water Board or a Regional Water Board 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 17, 2012.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Felicia Marcus

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board