

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2012-0043**

AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO INTERAGENCY AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF JUSTICE (DOJ) FOR INVESTIGATION AND PROSECUTION OF CRIMINAL AND/OR CIVIL ACTIVITY ASSOCIATED WITH THE UNDERGROUND STORAGE TANK (UST) CLEANUP FUND.

WHEREAS:

1. The UST Cleanup Fund reimburses eligible owners and operators of petroleum USTs for unexpected and catastrophic expenses associated with the cleanup of leaking petroleum USTs;
2. The UST Cleanup Fund has reimbursed approximately \$3.1 billion since its inception in 1992, and over \$200 million annually;
3. Cases of fraud against the UST Cleanup Fund have recovered more than \$1.6 million to date and future prosecution of fraud is expected to recover damages greater than this amount annually;
4. The deterrent effect of criminal and/or civil prosecution is substantial and hard to measure.

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director or designee to enter into interagency agreements, and any amendments thereto, with the California Department of Justice to investigate and prosecute criminal and/or civil activity associated with the UST Cleanup Fund in an amount not to exceed \$900,000 annually.

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 September 19, 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