

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2013-0023**

ADOPTING THE PETROLEUM UNDERGROUND STORAGE TANK (UST) EMERGENCY, ABANDONED, AND RECALCITRANT (EAR) ACCOUNT FISCAL YEAR (FY) 2013-2014 ANNUAL SITE LIST (ASL); 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. The State Water Resources Control Board (State Water Board) is authorized to provide funding from the Underground Storage Tank Cleanup Fund (USTCF) EAR Account to Regional Water Quality Control Boards (Regional Water Boards) or local agencies (LAs) to initiate corrective action at certain petroleum UST sites. (Chapter 6.75 of Division 20 of the Health and Safety Code.) UST sites that have had an unauthorized release of petroleum are eligible if one or more of the following conditions applies: (1) prompt action is required to protect human health, safety, or the environment (emergency site); (2) no responsible party (RP) has been identified or located (abandoned site); or (3) the RP is either unable or unwilling to take the required corrective action in response to a Regional Water Board or LA corrective action order (recalcitrant site);
2. The State Water Board's administrative procedures for expenditure of EAR Account funds include identification of eligible sites by Regional Water Boards and LAs, nomination of eligible sites by Regional Water Boards, and adoption of an EAR Account Annual Site List (ASL) by the State Water Board;
3. Nine Regional Water Boards nominated 57 sites for EAR Account funding and inclusion on the FY 2013-2014 ASL. Of the 57 sites nominated, 54 sites are eligible for EAR Account funding. The Regional Water Boards requested that the State Water Board approve \$2,340,500 of additional funding in FY 2013-2014;
4. The FY 2013-2014 ASL identifies the 54 eligible UST sites and maximum amounts available for each site;
5. The State Water Board has designated \$5 million from the FY 2013-2014 USTCF appropriation for EAR Account projects. That amount is sufficient to provide the requested amounts for all eligible sites listed on the FY 2013-2014 ASL;
6. The State Water Board may delegate authority to the Executive Director, or designee, to issue letters of award or execute contracts and contract amendments for the expenditure of EAR Account funds or to request the Department of General Services (DGS) 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 ASL; and
7. The State Water Board is authorized to undertake or contract for corrective action at specified sites or to request DGS 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. (Health and Safety Code §25299.36.)

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board:

1. Adopts the [FY 2013-2014 ASL](#) and approves additional funding requested in FY 2013-2014;
2. Authorizes the Executive Director, or designee, to issue letters of award or negotiate and execute contracts and contract amendments for the expenditure of EAR Account funds designated in the FY 2013-2014 ASL; and
3. Authorizes the Executive Director, or designee, to request DGS, 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 and act as the agent of the State Water Board or a Regional Water Board for the expenditure of EAR Account funds designated in the FY 2013-2014 ASL.

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 August 20, 2013.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Dorene D'Adamo

NAY: None

ABSENT: Board Member Steven Moore

ABSTAIN: None



Jeanine Townsend
Clerk to the Board