

STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING – DIVISION OF WATER QUALITY  
JUNE 16, 2005

**ITEM 7**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT LEAKING UNDERGROUND STORAGE TANK TRUST FUND GRANTS FROM AND EXECUTE A COOPERATIVE AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 9 (U. S. EPA)

**DISCUSSION**

The U. S. EPA is offering up to \$12,000,000 to the State Water Resources Control Board (State Water Board) from the Leaking Underground Storage Tank (LUST) Trust Fund over the next three (3) years beginning in Federal Fiscal Year 2006.

The purpose of the LUST Trust Fund is to finance the oversight of leak identification and corrective action at petroleum underground storage tank (UST) sites.

The specific uses of the LUST Trust Fund will be described in a Cooperative Agreement signed by both the State Water Board and U. S. EPA. The agreement details specific responsibilities of the State Water Board and the funded regulatory agencies . The major activities include:

1. Fund the oversight and enforcement of cleanup of leaking petroleum USTs;
2. Provide corrective action training for local agencies and State Water Board/California Regional Water Quality Control Board (California Water Boards) staff; and
3. Track expenditures of LUST Trust Fund monies and provide technical and budgetary data required by U. S. EPA. The State Water Board will perform this activity.

**POLICY ISSUE:**

Should the State Water Board accept the Petroleum Trust Fund grants and any subsequent amendments or fund augmentations, and authorize the Executive Director to execute the LUST Trust Fund Cooperative Agreement with U. S. EPA?

**FISCAL IMPACT**

An amount not to exceed \$12,000,000 over the next three (3) years will be made available to California. A 10 percent state match will be required. The Underground Storage Tank Cleanup Fund will meet the matching requirement.

**RWQCB IMPACT**

The California Water Boards' staff work associated with or resulting from this action can be accomplished within budgeted resources.

**STAFF RECOMMENDATION**

That the State Water Board adopt the proposed resolution authorizing the Executive Director to accept the LUST Trust Fund grants and any subsequent amendments or fund augmentations, and to execute the Cooperative Agreement with U. S. EPA.

**DRAFT**

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2005 -**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT LEAKING UNDERGROUND STORAGE TANK TRUST FUND GRANTS FROM AND EXECUTE A COOPERATIVE AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 9 (U. S. EPA)**

**WHEREAS:**

1. Leaking underground storage tank (LUST) sites require cleanup to protect drinking water supplies and other beneficial uses of ground and surface waters;
2. The State Water Resources Control Board encourages regulatory agencies to play a strong role in supervising the investigation and cleanup of LUSTs; and
3. The LUST Trust Fund provides a significant portion of the funding for the oversight of investigation and cleanup of LUSTs.

**THEREFORE BE IT RESOLVED:**

That the State Water Board:

1. Authorize the Executive Director to accept the LUST Trust Fund grants not to exceed \$12,000,000 over the next three (3) years beginning in FFY 2006 (July 1, 2005 – June 30, 2008) and any subsequent amendments or fund augmentations; and
2. Authorize the Executive Director to execute a Cooperative Agreement with EPA, Region 9.

**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 June 16, 2005.

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Debbie Irvin  
Clerk to the Board