

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2014-0036**

TO ADOPT THE PETROLEUM UNDERGROUND STORAGE TANK EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT FISCAL YEAR 2014-2015 ANNUAL SITE LIST AND AUTHORIZE THE EXECUTIVE DIRECTOR OR DESIGNEE TO ISSUE LETTERS OF AWARD OR EXECUTE CONTRACTS AND AMENDMENTS FOR THE EXPENDITURE OF EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT FUNDS

WHEREAS:

1. The State Water Resources Control Board (State Water Board) is authorized to provide funding from the Underground Storage Tank (UST) Cleanup Fund (USTCF) Emergency, Abandoned and Recalcitrant (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 or directive (recalcitrant site).
2. The State Water Board's administrative procedures for expenditure of EAR Account funds includes 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. Eight Regional Water Boards nominated a combined total of 51 sites for EAR Account funding and inclusion on the Fiscal Year (FY) 2014-2015 ASL. Of the 51 sites nominated, 50 sites are eligible for EAR Account funding. The Regional Water Boards requested the State Water Board approve \$3,595,000 of additional funding in FY 2014-2015;
4. The FY 2014-2015 ASL identifies the 50 eligible UST sites and the maximum funding amounts available for each site;
5. The State Water Board has designated \$5 million from the FY 2014-2015 USTCF appropriation for EAR Account projects. That is sufficient to provide the requested amounts for all eligible sites listed on the FY 2014-2015 ASL;
6. The State Water Board may delegate authority to the Executive Director, or designee, to issue letters of award, to 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 2014-2015 ASL](#) and approves additional funding requested therein for FY 2014-2015;
2. Authorizes the Executive Director, or designee, to issue letters of award or to negotiate and execute contracts and contract amendments for the expenditure of EAR Account funds designated in the FY 2014-2015 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 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 FY 2014-2015 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 July 15, 2014.

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

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board