

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JUNE 2, 2009**

ITEM 5

SUBJECT

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

DISCUSSION

U.S. EPA is offering up to \$3,500,000 to the State Water Resources Control Board (State Water Board) in Leaking Underground Storage Tank (LUST) trust funds for leak prevention for Fiscal Years 2009-10 and 2010-11. These trust funds are intended for implementation of underground storage tank (UST) provisions of the Energy Policy Act of 2005. The major activities that these trust funds will support include:

Promotion of compliance at government-owned UST facilities through facility inspections, evaluations, outreach, and enforcement actions;

Implementation of the public record provisions of the Energy Policy Act; and

Collection of UST facility and tank information for storage in an electronic database.

POLICY ISSUE

Should the State Water Board authorize the Executive Director to apply for and accept the LUST leak prevention grant, and any subsequent amendments or fund augmentations from U.S. EPA?

FISCAL IMPACT

The State Water Board and the California Regional Water Quality Control Boards' staff work associated with or resulting from this action can be accomplished within budgeted resources. An amount not to exceed \$3,500,000 in Federal LUST funds will be made available over the next two fiscal years. There is a 25 percent state match requirement that will be funded out of the Unified Program Account.

REGIONAL BOARD IMPACT

None

STAFF RECOMMENDATION

That the State Water Board:

1. Authorizes the Executive Director to apply for and accept the LUST trust funds for leak prevention for Fiscal Years 2009-10 and 2010-11 and execute any amendments; and
2. Authorizes the Executive Director to execute a Cooperative Agreement with U.S. EPA, Region 9.

State Water Board action on this item will assist the Water Boards in reaching Goal 2. of the Strategic Plan Update: 2008-2012 to Improve and protect groundwater quality in high-use basins by 2030. In particular, approval of this item will assist in fulfilling Objective/Action 2.2.3. Upon identification of sources contributing to the contamination of groundwater relied on by these communities, take appropriate regulatory or enforcement action.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

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

WHEREAS:

1. U.S. EPA is offering the State Water Resources Control Board (State Water Board) grants of up to a total of \$3,500,000 in Leaking Underground Storage Tank trust (LUST) funds for Fiscal Years 2009-10 and 2010-11 to fund implementation of the 2005 Energy Policy Act provisions related to the UST leak prevention program;
2. The major activities that these trust funds will support include promotion of compliance at government-owned UST facilities through facility inspections, evaluations, outreach, and enforcement actions; implementation of the public record provisions of the Energy Policy Act; and collection of UST facility and tank information for storage in an electronic database; and
3. The LUST funds will supplement other State sources of funding for the State UST leak protection program.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director to apply for and accept the LUST trust funds for leak prevention for Fiscal Years 2009-10 and 2010-11 and execute any amendments; and
2. Authorizes the Executive Director to execute a Cooperative Agreement with U.S. 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 2, 2009.

Jeanine Townsend
Clerk to the Board