

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
MARCH 15, 2011**

ITEM 3

SUBJECT

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

DISCUSSION

U.S. EPA is offering up to \$20,600,000 (over a three year period) to the State Water Resources Control Board (State Water Board) in Leaking Underground Storage Tank (LUST) trust funds for UST corrective action and leak prevention for Fiscal Years 2011-2014. These LUST trust funds are intended for implementation of underground storage tank (UST) provisions of the Solid Waste Disposal Act (SWDA) as amended by the Energy Policy Act of 2005.

The major activities that these funds will support include:

- Efforts to improve the UST regulatory program by requiring secondary containment of UST systems, UST operator training, delivery prohibition to non-compliant tanks and other provisions required by the SWDA
- Conducting oversight and management of the implementation of the LUST Program by Regional Water Boards and local implementing agencies, conducting projects and issuing policies that promote program improvement and enforcement of policies and procedures to compel corrective action of any petroleum release
- Promotion of compliance at government-owned UST facilities through facility inspections, evaluations, outreach, and enforcement actions;
- Collection of LUST corrective action and 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 corrective action grant and 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 \$20,600,000 in Federal LUST funds will be made available over the next three fiscal years. There is a 25 percent state match requirement that will be funded out of the Unified Program Account for the LUST Prevention grant and the Underground Storage Tank Fund for the LUST Grant.

REGIONAL BOARD IMPACT

None

STAFF RECOMMENDATION

That the State Water Board:

1. Authorize the Executive Director to apply for and accept the LUST trust funds for corrective action and leak prevention for Fiscal Years 2011-2014 and execute any amendments; and
2. Authorize 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. 2011-

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

WHEREAS:

1. U.S. EPA is offering up to \$20,600,000 (over a three year period) to the State Water Resources Control Board (State Water Board) in Leaking Underground Storage Tank (LUST) trust funds for Underground Storage Tank (UST) corrective action and leak prevention for Fiscal Years 2011-2014. These LUST trust funds are intended for implementation of UST provisions of the Solid Waste Disposal Act (SWDA) as amended by the Energy Policy Act of 2005;
2. The major activities that these funds will support include efforts to improve the UST regulatory program by requiring secondary containment of UST systems, UST operator training, delivery prohibition to non-compliant tanks and other provisions required by the SWDA; conducting oversight and management of the implementation of the LUST Program by Regional Water Boards and local implementing agencies, conducting projects and issuing policies that promote program improvement and enforcement of policies and procedures to compel corrective action of any petroleum release; promotion of compliance at government-owned UST facilities through facility inspections, evaluations, outreach, and enforcement actions; and collection of LUST corrective action and UST facility and tank information for storage in an electronic database.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director to apply for and accept the LUST trust funds for corrective action and leak prevention for Fiscal Years 2011-2014 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 March 15, 2011.

Jeanine Townsend
Clerk to the Board