Where can Fund applications be obtained?

Claim application packages can be downloaded from the Fund's website at www.swrcb.ca.gov.cwphome/fundhome or by calling (800) 813-FUND. You can also request a copy by writing to:

State Water Resources Control Board
Division of Clean Water Programs
UST Cleanup Fund
P. O. Box 944212
Sacramento, CA 94244-2120

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov."

For More Information

About the Fund...

State Water Resources Control Board
Division of Clean Water Programs
Underground Storage Tank Cleanup Fund
P. O. Box 944212
Sacramento, CA 94244-2120
(800) 813-FUND

About the Loan Program...

California Trade and Commerce Agency
Office of Small Business
801 K Street, Suite 1700
Sacramento, CA 95814
(916) 323-9879

About the Fee...

State Board of Equalization
Environmental Fees Unit
P. O. Box 942879
Sacramento, CA 95279-0001
(916) 322-9669

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Underground Storage Tank Cleanup Fund

Questions & Answers

UNDERGROUND STORAGE TANK CLEANUP FUND

STATE OF CALIFORNIA
State Water Resources Control Board
Division of Clean Water Programs

Underground Storage Tank Cleanup Fund

About the UST Cleanup Fund...

Federal and state laws require every owner and operator of a petroleum UST to maintain financial responsibility to pay for any damages arising from their tank operations.

The Barry Keene Underground Storage Tank Cleanup Fund Act of 1989 was created by the California Legislature to provide a means for petroleum UST owners and operators to meet the federal and state requirements and pay for the cleanup of contaminated soil and groundwater when a leak is discovered. The Fund is administered by the California State Water Resources Control Board (SWRCB).

Who is eligible for the Fund?

To be eligible to file a claim with the Fund, the claimant must be a current or past owner or operator of the UST from which an unauthorized release of petroleum has occurred, and be required to undertake corrective action as directed by the regulatory agency.

Other eligibility conditions include compliance with applicable state UST permitting requirements and regulatory agency cleanup orders. In addition to petroleum USTs, owners of certain small home heating oil tanks that have had an unauthorized release of petroleum are eligible.

What does the Fund pay for?

The Fund reimburses corrective action costs paid or incurred for cleanup work performed after January 1, 1988, that was the result of an unauthorized release of petroleum from a UST that caused contamination of soil and/or groundwater. Funds are disbursed only after costs are actually incurred or paid.

Corrective action costs include preliminary site assessment, soil and water investigations, corrective action implementation and verification monitoring after the cleanup is completed.

The Fund also reimburses third-party compensation claims for amounts awarded by a court approved settlement, final judgment, or an arbitration award by a court appointed arbitrator for bodily injury or property damage. Default judgments are not allowable.

The Fund does not cover the removal, repair, retrofit or installation of USTs. There is a loan program for this purpose available to qualified small business owners through the California Trade and Commerce Agency.

How is the Fund financed?

Money for the Fund is generated by a per gallon fee paid by owners who are required to have a permit to own or operate a UST. The fee is collected by the State Board of Equalization.

How does the Fund work?

The implementing legislation sets forth a claim priority system which is based on claimant characteristics.

The highest priority, Class A, is given to residential tank owners; the second priority, Class B, is given to small California businesses, governmental agencies and nonprofit organizations with gross receipts and/or number of employees below a specified maximum; the third priority, Class C, is given to California businesses, governmental agencies and nonprofit organizations having fewer than 500 employees; and the fourth priority, Class D, is given to all other claimants.

What is the maximum amount of funding?

The maximum coverage available from the Fund is $1.5 million per occurrence. A separate claim must be filed for each occurrence. Claimants in Priority Class B and Class C are responsible for the first $5,000 of eligible corrective action costs, and Class D claimants are responsible for the first $10,000.

To obtain maximum reimbursement, be sure to document the necessity and reasonableness of all costs being claimed, comply with the Fund's three-bid requirement or obtain a written waiver, and seek pre-approval of all corrective action costs before undertaking the work.

Underground Storage Tank Cleanup Fund