STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2015-0064

TO ADOPT THE PETROLEUM UNDERGROUND STORAGE TANK EMERGENCY, ABANDONED, AND RECALCITRANT (EAR) ACCOUNT FISCAL YEAR 2015-2016 ANNUAL SITE LIST AND AUTHORIZE EXPENDITURE OF EAR 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 to perform 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 local agency 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 local agencies, nomination of eligible sites by Regional Water Boards, and adoption of an EAR Account Annual Site List (ASL) by the State Water Board;

3. Seven Regional Water Boards and local agencies nominated a combined total of 49 sites for EAR Account funding and inclusion on the Fiscal Year (FY) 2015-2016 ASL. Of the 49 sites nominated, all 49 sites are eligible for EAR Account funding. The Regional Water Boards requested the State Water Board approve $3,133,000 for additional funding of current sites and new sites in FY 2015-2016;

4. The FY 2015-2016 ASL identifies the 49 eligible UST sites and the maximum funding amounts available for each site;

5. The State Water Board has designated $5 million from the FY 2015-2016 USTCF appropriation for EAR Account projects. The $5 million is sufficient to provide the requested amounts of additional funds and new funds for all eligible sites listed on the FY 2015-2016 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 2015-2016 ASL and approves additional funding requested therein for FY 2015-2016;

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 2015-2016 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 2015-2016 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 October 7, 2015.

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

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Clerk to the Board