



Enforcement News

Settlement Reached With University of California Regents for Underground Storage Tank Violations and Natural Resource Damages

FOR IMMEDIATE RELEASE

April 23, 2015

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SACRAMENTO – The State Water Resources Control Board (State Water Board) and the California Department of Fish and Wildlife’s (CDFW) Office of Spill Prevention and Response (OSPR) have collaborated in reaching a \$449,000 settlement with the Regents of the University of California regarding the improper storage of hazardous substances in underground storage tanks and natural resource damage violations.

On Dec. 10, 2011, an underground storage tank that supplied a backup generator located at Stanley Hall on the University’s campus in Berkeley spilled 1,650 gallons of diesel fuel. About 850 gallons of the spilled diesel entered a storm drain and was then discharged into Strawberry Creek, an urban stream that runs directly into the San Francisco Bay.

The spill was caused when the tank’s leak detection system, which had a history of problems, failed, resulting in the malfunction of a fuel transfer pump. Following the spill, the University performed cleanup with oversight by the CDFW. In 2013, the State Water Board reviewed the University’s overall management of underground storage tanks and discovered numerous additional violations including, among other things, failure to monitor for leaks, failure to maintain adequate spill containment, and failure to provide adequate corrosion protection.

“This settlement marks the culmination of the first collaborative enforcement action between the State Water Board and CDFW against a public entity for tank violations,” said David Boyers, assistant chief counsel of the State Water Board’s Office of Enforcement. “Our goal is always to achieve compliance and protect the environment and our water quality from further threat of degradation, especially in times when water is scarce.”

Under the terms of the settlement, the University will pay \$225,000 to the State Water Board Cleanup and Abatement Account, \$70,000 to the OSPR Environmental Enhancement Fund, \$31,500 for restoration projects and \$2,500 for oversight costs associated with the diesel spill, and \$45,000 for the reimbursement of staff costs. In addition, the University is enjoined from committing further violations for a period of five years. Civil penalties of \$75,000 are suspended, but will become due and payable to the State Water Board if the University violates the underground storage tank laws over the next five years.





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This settlement is the second enforcement action by the State Water Board's Office of Enforcement under the State Water Board's Government Owned and/or Operated Tank (GOT) Initiative that began in 2010 with the assistance of the U.S. Environmental Protection Agency. A copy of the complaint and settlement agreement can be found on the State Water Board's [website](#).

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