

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0036**

DELEGATE AUTHORITY (1) TO APPROVE CERTAIN GRANTS FOR UNDERGROUND STORAGE TANK (UST) RESPONSE ACTION OR CORRECTIVE ACTION, (2) TO APPROVE GRANT AGREEMENTS AND AMENDMENTS TO DISBURSE FEDERAL ECONOMIC RECOVERY GRANT FUNDS AND (3) TO ISSUE LETTERS OF AWARD OR EXECUTE CONTRACTS AND AMENDMENTS FOR THE EXPENDITURE OF FEDERAL ECONOMIC RECOVERY GRANT FUNDS

WHEREAS:

1. California expects to receive Federal Economic Recovery Grants from the Leaking UST Trust Fund estimated at \$15 million for federal Fiscal Year 2009 for assessing and cleaning up petroleum contamination from leaking USTs;
2. California may receive Federal Economic Recovery Grants from the Leaking UST Trust Fund for federal Fiscal Year 2010 for assessing and cleaning up petroleum contamination from leaking USTs;
3. The State Water Resources Control Board (State Water Board) funds assessments and cleanups of petroleum contamination from leaking USTs at eligible sites through its UST Petroleum Contamination Orphan Site Cleanup Fund (Orphan Site Cleanup Fund) and the Petroleum USTs Cleanup Fund (Cleanup Fund), including the Cleanup Fund's Emergency, Abandoned or Recalcitrant Account (EAR Account);
4. Section 25299.50.2 of the Health and Safety Code authorizes the State Water Board to expend funds in the Orphan Site Cleanup Fund for the cost of response actions to remediate the harm caused by petroleum contamination at a site that meets specified conditions;
5. Chapter 6.75 of division 20 of the Health and Safety Code authorizes the State Water Board to provide funding to eligible claimants, the State Water Board, Regional Water Quality Control Boards (Regional Water Boards), or local agencies for costs of corrective action at certain petroleum UST sites that have had unauthorized releases;
6. Section 25299.36 of the Health and Safety Code authorizes the State Water Board, a Regional Water Board, or a local agency to undertake or contract for corrective action at specified sites. The State Water Board or a Regional Water Board may request the Department of General Services (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;
7. The State Water Board has established administrative procedures for providing cleanup funds to the State Water Board, Regional Water Boards, and local agencies, which include adoption of an EAR Account Annual Site List (ASL);

8. For efficient and timely management of the Federal Economic Recovery Grants, it is appropriate and desirable to delegate to the Executive Director, the Chief Deputy Director, or the Deputy Director of the Division of Financial Assistance (Division) the authority to approve or deny certain grants for UST response action or corrective action, grant agreements, and amendments to disburse Federal Economic Recovery Grant funds. It is likewise appropriate and desirable to delegate to the Executive Director, the Chief Deputy Director, or the Deputy Director of the Division of Administrative Services (DAS) the authority to execute grant agreements and amendments with approved recipients of Federal Economic Recovery Grant funds;
9. For efficient and timely management of the Federal Economic Recovery Grants, it is also appropriate and desirable to delegate to the Executive Director, or designee, authority to increase approved corrective action costs for sites on the EAR Account Fiscal Year 2008-2009 ASL and to add eligible sites to the EAR Account Fiscal Year 2008-2009 ASL. Additionally, it is appropriate and desirable to delegate to the Executive Director, or designee, authority to issue letters of award or execute contracts and amendments for the expenditure of Federal Economic Recovery Grant funds or to request DGS to enter into contracts on behalf of the State Water Board or a Regional Water Board for the expenditure of Federal Economic Recovery Grant funds; and
10. For the orderly and efficient administration of such grants and contracts, it is desirable to designate appropriate staff to make a final agency determination concerning any dispute arising out of such contracts or relating to the performance thereof.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director, the Chief Deputy Director, or the Deputy Director of the Division to approve or deny, consistent with statutory requirements, grant commitments for UST response action or corrective action at sites with petroleum contamination from leaking USTs that are eligible for Federal Economic Recovery Grant funds;
2. Authorizes the Executive Director, the Chief Deputy Director, or the Deputy Director of DAS to execute, for and on behalf of the State Water Board, grant agreements and amendments to disburse funds for UST response action or corrective action at sites with petroleum contamination from leaking USTs that are eligible for Federal Economic Recovery Grant funds;
3. Authorizes the Executive Director, or designee, to increase approved corrective action costs for sites on the EAR Account fiscal Year 2008-2009 ASL and, consistent with statutory requirements, to add eligible sites to the EAR Account fiscal Year 2008-2009 ASL;
4. Authorizes the Executive Director, or designee, to issue letters of award or negotiate and execute contracts and amendments for the expenditure of funds for corrective action at petroleum UST sites that have had unauthorized releases and are eligible for Federal Economic Recovery Grant funds;

5. Authorizes the Executive Director, or designee, to request DGS, pursuant to § 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 act as the agent of the State Water Board or a Regional Water Board for the expenditure of Federal Economic Recovery Grant funds.
6. Authorizes the Deputy Directors of DAS and the Division to further delegate their responsibilities herein, in writing, as they deem appropriate;
7. Authorizes, except as otherwise specifically provided by the State Water Board, the Executive Director, or the Executive Director's designee, to be the duly authorized representative of the State Water Board for the purpose of making a final determination of any dispute arising under or relating to the performance of any contracts and grant agreements to which the State Water Board is a party; and
8. Directs the Executive Director, Chief Deputy Director, the Deputy Director of DAS, and the Deputy Director of the Division, in exercising the authority vested in them by this resolution, without restricting the authority specified, to bring to the attention of the Board Members at workshop or by other appropriate communication any matters that are of unique, controversial, or unusual nature or that appear to depart from the policies of the State Water Board.

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 Board held on April 21, 2009.

AYE: Chairman Charles R. Hoppin
 Vice Chair Frances Spivy-Weber
 Board Member Arthur G. Baggett, Jr.
 Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board