

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2010-0029**

ADOPTING THE PETROLEUM UNDERGROUND STORAGE TANK (UST)
EMERGENCY, ABANDONED, OR RECALCITRANT (EAR) ACCOUNT
FISCAL YEAR (FY) 2010-2011 ANNUAL SITE LIST (ASL) AND AUTHORIZING
THE EXECUTIVE DIRECTOR, OR DESIGNEE, TO ADD ELIGIBLE SITES TO THE
FY 2010-2011 ASL FOR THE EXPENDITURE OF FEDERAL ECONOMIC RECOVERY GRANT
FUNDS, TO INCREASE APPROVED FUNDING FOR SITES ON THE ASL, AND TO ISSUE
LETTERS OF AWARD OR EXECUTE CONTRACTS AND AMENDMENTS
FOR THE EXPENDITURE OF EAR ACCOUNT FUNDS

WHEREAS:

1. California received \$15.6 million in a Federal Economic Recovery Grant funds from the Leaking UST Trust Fund for federal FY 2009 for assessing and cleaning up petroleum contamination from leaking USTs;
2. California may receive a Federal Economic Recovery Grant from the Leaking UST Trust Fund for federal FY 2010 for assessing and cleaning up petroleum contamination from leaking USTs;
3. Chapter 6.75 of Division 20 of the Health and Safety Code authorizes the State Water Resources Control Board (State Water Board) to provide funding to the State Water Board, Regional Water Quality Control Boards (Regional Water Boards), or local agencies for initiating corrective action at petroleum UST sites which have had unauthorized releases;
4. Section 25299.36 of the Health and Safety Code authorizes the State Water Board to undertake or contract for corrective action at specified sites or to 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;
5. The State Water Board has established administrative procedures for providing cleanup funds to Regional Water Boards and local agencies, which include adoption of an EAR Account ASL;
6. On January 14, 2010, the State Water Board requested the Regional Water Boards: (1) contact local agencies in their regions to identify any abandoned and recalcitrant petroleum UST sites for inclusion on the EAR Account FY 2008-2009 ASL; and (2) submit their annual list of recommended Regional Water Board and local agency sites to the State Water Board for EAR Account funding;
7. Nine Regional Water Boards responded, nominating a total of 55 eligible sites;
8. Sufficient funding is available to provide the requested amounts for all 55 eligible sites;
9. For efficient operation of the EAR Account Program, the State Water Board may delegate authority to the Executive Director, or designee, to issue Letters of Award or execute contracts and amendments for the expenditure of EAR Account 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 EAR Account funds designated in the EAR ASL; and

10. For efficient and timely management of the Federal Economic Recovery Grant, it is also appropriate and desirable to delegate to the Executive Director, or designee, authority to increase approved funding for sites on the EAR Account FY 2010-2011 ASL and to add eligible sites to the EAR account FY 2010-2011 ASL.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the [Emergency, Abandoned, or Recalcitrant \(EAR\) Account FY 2010-2011 ASL](#);
2. Authorizes the Executive Director, or designee, to increase approved funding for sites on the EAR account FY 2010-2011 ASL and, consistent with statutory requirements, to add eligible sites to the EAR account FY 2010-2011 ASL, as necessary to fully utilize Federal Economic Recovery Grant funds;
3. Authorizes the Executive Director, or designee, to issue Letters of Award or negotiate and execute contracts and amendments for the expenditure of EAR account funds designated in the ASL; and
4. 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 act as the agent of the State Water Board or a Regional Water Board for the expenditure of EAR account funds designated in the 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 Board held on July 6, 2010.

AYE: Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Walter G. Pettit

NAY: None

ABSENT: Chairman Charles R. Hoppin
Board Member Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Clerk to the Board