

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place  
San Luis Obispo, California 93401**

**RESOLUTION NO. R3-2005-0118**

**SUPPORTING USE OF CLEANUP AND ABATEMENT ACCOUNT FUNDS BY  
MONTEREY COUNTY WATER RESOURCES AGENCY**

**WHEREAS**, the Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code), Sections 13440-13443, created the Cleanup and Abatement Account and monies received from court judgments and the assessment of administrative civil liabilities fund the Account; and

**WHEREAS**, Section 13442 states: Upon application by a public agency with authority to clean up a waste or abate the effects thereof, the State Board may order moneys to be paid from the account to the agency to assist it in cleaning up the waste or abating its effects on waters of the state. The agency shall not become liable to the State Board for repayment of such moneys, but this shall not be any defense to an action brought pursuant to subdivision (b) of Section 13304 for the recovery of moneys paid hereunder; and

**WHEREAS**, Water Code Appendix, Chapter 52, established the Monterey County Water Resources Agency (MCWRA) to manage, protect, and enhance the quantity and quality of water and provide specified flood control services for Monterey County. Specifically, the Code allows the MCWRA to prevent pollution that would otherwise render surface and/or subsurface water unfit for beneficial uses in Monterey County. The Code also allows the Agency to commence, maintain, and defend actions and proceedings to prevent interference with those waters that endangers the inhabitants, land, or use of water flowing in, or flow into, the Agency. Lastly, the Code specifically allows the Agency to carry on technical and other necessary investigation, make measurements, collect data, make analyses, studies, and inspection pertaining to water supply, water rights, control of flood and storm water, and use of water both within and without the Agency; and

**WHEREAS**, the occurrence of methyl tertiary-butyl ether (MTBE) has impacted three water supply wells serving the City of Salinas and appears to be in drinking water supply aquifers; and

**WHEREAS**, MTBE concentrations in the impacted wells exceed the water quality objectives established by the Water Quality Control Plan for the Central Coast Basin (Basin Plan) for the designated groundwater beneficial uses of municipal and domestic supply for the Salinas area, Salinas Hydrologic Units 309.10 and 309.20; and

**WHEREAS**, the Central Coast Water Board staff has not been able to indentify a party or parties responsible for the release of MTBE, after directing responsible parties for known leaking underground storage tanks (LUST), historical and closed LUST, and operating underground storage tank facilities to investigate their sites as possible sources of MTBE in groundwater impacting three water supply wells serving the City of Salinas; and,

**WHEREAS**, the Central Coast Water Board staff is assisting the MCWRA and the Monterey County Department of Environmental Health to find possible sources of MTBE in groundwater affecting the water supply wells serving the City of Salinas; and,

**WHEREAS**, the MCWRA is willing to perform a subsurface investigation for the purposes of characterizing the nature and extent of MTBE in groundwater and finding the party or parties responsible for the MTBE release, with the input of the Central Coast Water Board; and

**WHEREAS**, additional investigation is needed to characterize the nature and extent of MTBE in groundwater and find the source (s) of MTBE; and

**WHEREAS**, Cleanup and Abatement Account Funds are needed to fund an additional investigation to characterize the nature and extent of MTBE in groundwater to allow responsible parties to begin cleanup, and to find the party or parties responsible for the release of MTBE; and

**WHEREAS**, the Central Coast Water Board may take enforcement action against the party or parties responsible, once found, directing cleanup of the MTBE release, and/or recovery of incurred costs, including Cleanup and Abatement Account costs; and

**WHEREAS**, the Monterey County Water Resources Agency is applying to the State Water Resources Control Board for Cleanup and Abatement Account monies to fund performance of such a study;

**NOW THEREFORE BE IT RESOLVED:**

1. The Central Coast Water Board supports the use of Cleanup and Abatement Account funds by the MCWRA to perform the investigation to find the party or parties responsible for MTBE in water supply wells serving the City of Salinas area and concurs with the MCWRA funding request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on October 21, 2005.

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Executive Officer