

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

RESOLUTION NO. R6T-2004-0013

**ADOPTION OF THE 2004/05 PRIORITY LIST
EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT**

Whereas, the California Regional Water Quality Control Board, Lahontan Region, (Regional Board) finds:

1. Chapter 6.75 of the California Health and Safety Code authorizes the State Water Resources Control Board (SWRCB) to provide Underground Storage Tank (UST) funds to Regional Boards and local UST agencies, for the direct cleanup of petroleum UST sites requiring emergency or prompt corrective action to protect public health and/or the environment. These funds are called the Emergency, Abandoned, Recalcitrant (EAR) Account. Funds distributed from the EAR Account are to be reimbursed by the responsible party.
2. Chapter 6.75 of the California Health and Safety Code also authorizes the SWRCB to establish a UST Cleanup Fund Program (Cleanup Fund) to help responsible parties pay for corrective action and third party compensation claim costs that result from an unauthorized release of petroleum from an underground tank.
3. If EAR Account funds are accessed by a Regional Board to perform corrective action at an EAR site, the responsible party(ies) become ineligible to receive compensation from the Cleanup Fund. Listing on the EAR Account and/or access of such funds for the purposes of abating an emergency does not result in the responsible party(ies) being ineligible for Cleanup Funds.
4. The SWRCB has requested that all Regional Boards adopt a regional priority list of EAR Account projects that will be presented to the SWRCB in July 2004. The SWRCB is required to recover all costs (staff time included) from the responsible parties for cleanups funded from the EAR Account.
5. Attachment A consists of the Regional Board's proposed 2004 EAR Priority List.

THEREFORE BE IT RESOLVED:

That the proposed 2004 EAR Account Priority List be adopted, as shown on Attachment A, which is a part of this Resolution, and that a copy of this Resolution be transmitted to the SWRCB for consideration in the formulation of the final 2004 EAR Account Priority List.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on April 14, 2004.

HAROLD J. SINGER
EXECUTIVE OFFICER

