

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION - DIVISION OF FINANCIAL ASSISTANCE
JANUARY 19, 2010**

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION DIRECTING UNDERGROUND STORAGE TANK CASE CLOSURES PURSUANT TO HEALTH AND SAFETY CODE SECTION 25299.39.2: VARIOUS LOCATIONS IN CALIFORNIA

DISCUSSION

Section 25299.39.2 of the Health and Safety Code directs the manager responsible for the Underground Storage Tank (UST) Cleanup Fund (Fund Manager) to review the case history of claims that have been active for five years or more (five-year review), unless there is an objection from the tank owner or operator.

Section 25299.39.2 of the Health and Safety Code further authorizes the Fund Manager to make recommendations to the State Water Resources Control Board (State Water Board) for closure of a five-year-review case if the tank owner or operator approves.

The Fund Manager has completed one or more five-year reviews of the cases listed in the proposed resolution and recommends that the cases be closed. The Fund Manager considered the site-specific facts and circumstances and applied the decisional framework established in previous State Water Board UST closure orders when arriving at these recommendations.

The Fund Manager notified the tank owner or operator, applicable regional water quality control board, fee title owners of the site and adjacent sites and other interested persons of the recommendation for case closure. In addition, a case closure summary was prepared for each of the cases and made available for review and comment by all of the parties identified above and the public.

It is the opinion of the Fund Manager that corrective actions taken at these UST release sites ensure protection of human health, safety and the environment and are consistent with applicable provisions of Health and Safety Code and implementing regulations, State Water Board Resolution 92-49 and other State Water Board policies.

POLICY ISSUE

Should the State Water Board adopt a resolution directing the UST cases for the listed sites be closed pursuant to Health and Safety Code Section 25299.39.2 and no further action related to the UST be required, and direct the Deputy Director of the Division of Financial Assistance to issue closure letters consistent with Health and Safety Code, section 25296.10, subdivision (g)?

FISCAL IMPACT

None.

REGIONAL WATER BOARD IMPACT

Yes. Regions 1 and 5.

STAFF RECOMMENDATION

The State Water Board should adopt a resolution directing the UST cases for the listed sites be closed pursuant to Health and Safety Code Section 25299.39.2 and no further action related to the UST be required, and direct the Deputy Director of the Division of Financial Assistance to issue closure letters consistent with Health and Safety Code, section 25296.10, subdivision (g).

State Water Board action on this item will assist the Water Boards in reaching Goal 2 of the Strategic Plan Update: 2008-2012 to improve and protect groundwater quality in high-use basins by 2030.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

DIRECTING UNDERGROUND STORAGE TANK CASE CLOSURES PURSUANT TO HEALTH AND SAFETY CODE SECTION 25299.39.2: VARIOUS LOCATIONS IN CALIFORNIA

WHEREAS:

1. Section 25299.39.2 of the Health and Safety Code directs the manager responsible for the Underground Storage Tank (UST) Cleanup Fund (Fund Manager) to review the case history of claims that have been active for five years or more (five-year review), unless there is an objection from the tank owner or operator;
2. Section 25299.39.2 of the Health and Safety Code further authorizes the Fund Manager to make recommendations to the State Water Resources Control Board (State Water Board) for closure of a five-year-review case if the tank owner or operator approves;
3. The Fund Manager has completed one or more five-year reviews of the cases listed below, has applied the decisional framework established in previous State Water Board UST closure orders, and recommends that these cases be closed. Each recommendation is based upon the facts and circumstances of the particular UST case;
4. The Fund Manager notified the tank owner or operator, applicable regional water quality control board, fee title owners of the site and adjacent sites and other interested persons of the recommendation for case closure. In addition, a case closure summary was prepared for each of the cases and made available for review and comment by all of the parties identified above and the public;
5. Case closure under Health and Safety Code section 25296.10 is appropriate where the corrective action conducted pursuant to Chapter 6.7 of the Health and Safety Code ensures the protection of human health, safety, and the environment and where the corrective action is consistent with: 1.) Any applicable waste discharge requirements or other order issued pursuant to Division 7 of the Water Code; 2.) All applicable state policies for water quality control; and 3.) All applicable water quality control plans;
6. It is the opinion of the Fund Manager that corrective actions taken at the UST release sites ensure protection of human health, safety and the environment and are consistent with State Water Board Resolution 92-49 and other water quality control policies and applicable water quality control plans; and
7. Some of the UST cases listed below may be the subject of orders issued by regional water quality control boards under Division 7 of the Water Code that are inconsistent with UST case closure. Any orders issued under Division 7 of the Water Code that are inconsistent with UST case closure should be rescinded.

DRAFT

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Directs the UST cases for the sites listed below be closed pursuant to Health and Safety Code Section 25299.39.2 and no further action related to the UST case be required:
Claim 2545, 336 West College Avenue, Santa Rosa, CA
Claim 8532, 1449 Highway 49, Auburn, CA
Claim 8695, 650 High Street, Auburn, CA
Claim 11567, 2600 Rice Avenue, West Sacramento, CA
Claim 13020, 1101 N Main Street, Lakeport, CA
Claim 14674, 8991 Oroville Highway, Marysville, CA
Claim 14739, 16823 Willow Glen Road, Brownsville, CA
Claim 14977, 313 Railroad Flat Road, Railroad Flat, CA
Claim 15471, 116 W Main Street, Lone, CA
2. Rescinds any regional water quality control board orders issued pursuant to Division 7 of the Water Code that directs corrective action or other action inconsistent with closure of the UST case at the above-listed site; and
3. Directs the Deputy Director of the Division of Financial Assistance to issue closure letters consistent with Health and Safety Code, section 25296.10, subdivision (g) for UST cases at the above-listed sites.

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 January 19, 2010.

Jeanine Townsend
Clerk to the Board