



Linda S. Adams
Secretary for
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State Water Resources Control Board



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Arnold Schwarzenegger
Governor

TO: Regional Water Quality Control Board Executive Officers
Regional Water Quality Control Board Underground Storage Tank Program
Managers

FROM: *David Ceccarelli*
David Ceccarelli, Manager
Emergency, Abandoned, and Recalcitrant Program
State Water Resources Control Board

JAN 22 2008

DATE: January 16, 2008

SUBJECT: **REQUEST FOR SITE NOMINATIONS FOR THE EMERGENCY, ABANDONED,
RECALCITRANT ACCOUNT FISCAL YEAR 2008-2009 ANNUAL SITE LIST**

The purpose of this memorandum is to request the Regional Water Quality Control Boards (Regional Water Boards) to submit their annual list of prioritized abandoned or recalcitrant petroleum underground storage tank (UST) sites, for inclusion in the Emergency, Abandoned, Recalcitrant (EAR) Account, Fiscal Year (FY) 2008-2009 Annual Site List. Local Agencies (LAs) and Local Oversight Program (LOPs) should contact the appropriate Regional Water Board by March 1, 2008, if they have any high priority abandoned or recalcitrant UST sites they want considered for inclusion on the EAR Account Annual Site List. The Regional Water Boards should submit a list of proposed prioritized sites, along with the Site Specific Information (listed below) and a Regional Water Board resolution authorizing funding, to the State Water Resources Control Board (State Water Board), EAR Program Manager by May 1, 2008.

Chapter 6.75 of the Health and Safety Code authorizes the State Water Board to provide funding to the Regional Water Boards, LAs, and LOPs for initiating direct cleanup of petroleum UST sites requiring corrective action to protect human health, safety, and the environment, and may include removal of the UST and associated piping. The FY 2008-2009 budget for the Underground Storage Tank Cleanup Fund (USTCF) Program requests a \$5 million appropriation for this function.

There are **forty-six (46) sites** included on the EAR Account FY 2007-2008 Annual Site List. The EAR Account FY 2007-2008 Annual Site List is available for review at the following website:

www.waterboards.ca.gov/cwphome/ustcf/ear.html

Funding authorization for listed sites expires at the end of the FY unless the funds have been encumbered through a contract. Therefore, any site currently listed will have to be re-nominated by the regulatory agency if continued funding is necessary. If the regulatory agency does not intend to proceed with direct site cleanup for the listed site, the site should not be re-nominated. *In addition to the forty-six (46) approved sites, any site which has been approved for emergency or prompt action EAR Account funding during this FY must be nominated for inclusion in the EAR Account Annual Site List if additional funding is going to be necessary.* The following site-specific information should be provided for each site before consideration can be given for inclusion on the list:

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- 1) Site name and address;
- 2) Name and address of all identified potential responsible parties (RPs);
- 3) A copy of the final corrective action order or cleanup and abatement order for each site;
- 4) The name and address of the oversight agency (the agency requesting the direct site funding and who will oversee cleanup of the site), including the regulatory contact person's name, address, telephone number, and e-mail address;
- 5) A description of the unauthorized release, petroleum products released, water body affected or threatened, water quality, and the threat to human health, safety, and the environment;
- 6) Documentation of why recalcitrant or abandoned funds are being requested for the site;
- 7) A description of why the RP can not or will not clean up the contamination or abate its effects;
- 8) Documentation of any disputes between the regulatory agency and the RP;
- 9) Any actions which have been previously taken to cleanup or abate the effects of the unauthorized release;
- 10) A description of the proposed cleanup or abatement;
- 11) The amount of annual funding requested and an estimated total required funding for each nominated site; and
- 12) A description of the results if funding should be denied.

It is important to remember that funding is limited. Only the highest priority sites, where the regulatory agency intends to initiate direct site action because either a RP can not be located (abandoned site), or the RP is either unable or unwilling to comply with an oversight agency final order for corrective action (recalcitrant site), will be considered for funding.

Please keep in mind that the State Water Board is required to recover costs. Once EAR Account funding is accessed, the RP(s) will not be eligible to participate in the USTCF reimbursement program, which emphasizes the need to limit use of the EAR Account to a measure of last resort, to protect human health, safety, and the environment.

The statewide list will be presented to the State Water Board for approval at its July 2008 Board meeting. Once the list is approved, EAR Program staff will notify all approved oversight agencies with information on how to access the approved EAR Account funding.

If you have any questions regarding the EAR Account Program or the process for site submittal, please call or email EAR Account staff:

Judy Reid (916) 341-5760 email: jreid@waterboards.ca.gov or
Pat Preslar (916) 341-5756 email: ppreslar@waterboards.ca.gov

cc: Local Agency Underground Storage Tank Program Managers
Local Oversight Program Managers