



Fact Sheet

EMERGENCY, ABANDONED, & RECALCITRANT (EAR) ACCOUNT

The EAR Account is a program administered by the State Water Resources Control Board (State Water Board) Underground Storage Tank (UST) Cleanup Fund within the Division of Financial Assistance. The EAR Account receives an annual \$5.0 million appropriation to provide funding to Regional Water Quality Control Boards (Regional Water Boards) and local oversight agencies to initiate corrective action at petroleum UST sites which have had an unauthorized release of petroleum.

In accordance with Section 25299.36 of the Health and Safety Code, the State Water Board, a regional water board, or a local oversight agency may undertake or contract for corrective action in response to an unauthorized release from a petroleum underground storage tank (UST), pursuant to subdivision (f) of Section 25296.10 if a situation exists that requires prompt action by the State Water Board, a regional water board, or local agency to protect human health or the environment.

Section 25299.58 of the Health and Safety Code reduced the maximum amount available for an eligible occurrence from \$1.5 million to \$1.0 million as of January 1, 2015. EAR sites nominated and active before January 1, 2015 are still eligible for the maximum amount of \$1.5 million.

FUNDING TYPES

Emergency

Regional Water Board Executive Officers (EOs) and Local Agency (LA) Directors or their designees may request emergency funds for amounts up to \$100,000 to be used for emergency response to a crisis requiring immediate action caused by an unauthorized release of petroleum from a UST to protect human health, safety, or the environment. To request Emergency funding, the requestor may contact the EAR Account Manager or Assistant Deputy Director either verbally or via email and demonstrate the need for emergency funds.

Prompt Action

Regional Water Board EOs and LA Directors (or their designees) may request up to \$200,000 if prompt action is required to protect human health, safety and the environment if the responsible party, if any, is either unable or unwilling to comply with a written corrective action order where the required corrective action cannot wait for Regional Board nomination. The Prompt Action request is submitted to the EAR Account Manager. If the EAR Account Manager and technical staff determine that the



request is eligible for consideration, it will be presented to the Deputy Director of the Division of Financial Assistance for approval.

Abandoned & Recalcitrant

Regional Water Boards nominate eligible abandoned and recalcitrant UST sites where corrective action funds are necessary. Up to \$1.0 million per occurrence may be allocated for eligible corrective action cost and local agency staff costs, less any amounts previously allocated for emergency or prompt action costs.

Except for funding requested for emergency or abandoned sites, requests for funding will be considered only if the following requirements are met:

- i. The regional board or local oversight agency has confirmed the existence of an unauthorized release from an on-site petroleum UST;
- ii. The responsible party is either unable or unwilling to comply with a written order issued by a Regional Water Board or LA pursuant to California Health & Safety Code section 25296.10; and
- iii. The regional board or local oversight agency has conducted a Low-Threat UST Case Closure evaluation consistent with the Low-Threat UST Case Closure policy adopted under State Water Board Resolution No. 2012-0016 and the impediments to closure have been updated on GeoTracker. [State Water Board Resolution No. 2012-0016](#) and the Low-Threat UST Case Closure policy are available for review at the following link: https://www.waterboards.ca.gov/water_issues/programs/ust/lt_cls_plcy.html

COST RECOVERY FROM RESPONSIBLE PARTIES

Whenever costs are incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the site or referring the case to the Attorney General's Office to file a civil action. Regional water boards and local oversight agencies will be responsible for maintaining accounting and record keeping systems to adequately document EAR Account expenditures to support cost recovery efforts.

FOR MORE INFORMATION, CONTACT: dfa-ear@waterboards.ca.gov

WEBSITE: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml