



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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California Environmental Protection Agency

The Governor's Environmental and Economic Leadership Award (GEELA) Applications

The GEELA is California's most prestigious environmental honor, given only to Californians who exemplify exceptional leadership for protecting and enhancing the environment while at the same time promoting economic growth. The GEELA program was established in 1993 and is a partnership of the California Environmental Protection Agency; California Natural Resources Agency; State and Consumer Services Agency; California Department of Food and Agriculture; and Business, Transportation and Housing Agency.

The application for the 2010 Governor's Environmental and Economic Leadership Awards (GEELA) has been posted as of April 15. We encourage you to apply or to bring this information to the attention of your local constituents and stakeholders and urge them to apply.

In step with the mission of this award program, the application process will be continuing its electronic submission. Applicants are asked to submit the application electronically by Tuesday, June 1, 2010 at 5:00 p.m.

Award recipients will be chosen in 10 different categories based on their strength in eight specific areas including results, transferability, environmental impact, resource conservation, economic progress, innovation and uniqueness, pollution prevention and environmental justice.

Thank you for your commitment to environmental leadership. We look forward to reviewing applications and announcing the winners in the fall.

For award information, please visit <http://www.calepa.ca.gov/Awards/GEELA/>.

DTSC - None

State Water Resources Control Board

City of Long Beach Judgment

The State Water Board has reached a settlement valued at \$6.2 million with the City of Long Beach for pervasive violations by the city of regulations concerning the storage of petroleum and waste oil in underground storage tanks. This enforcement action is the first of its kind against a public agency by the State Water Board.

Under the terms of the settlement, the city will pay \$1.5 million in cash within 30 days, in addition to \$200,000 in reimbursement for the State Water Board's costs of enforcement. The city is also required to provide \$2.5 million in financial assurance which will become due and payable to the State Water Board if the city violates the underground storage tank laws again during the next five years. The city did not deny responsibility for the violations.

The city will be credited \$2 million against additional penalties for actions it took after the initiation of enforcement to enhance compliance at its tank facilities above existing requirements, including the development of a comprehensive Compliance Management Program designed to prevent future noncompliance through careful oversight and tracking of environmental obligations.

The State Water Board was represented by the Attorney General's Office in this enforcement case and a copy of the complete settlement, which was filed with the Los Angeles County Superior Court, can be found on the State Water Board's website at: http://www.waterboards.ca.gov/water_issues/programs/ust/enforcement/index.shtml

UST Enforcement Contact: Kim Sellards ksellards@waterboards.ca.gov (916) 341-5869

E2C Remediation, Inc., Judgment

Judgment of \$1.2 million has been entered against E2C Remediation, Inc. (E2C), an environmental engineering and consulting firm headquartered in Bakersfield, to settle allegations of submitting fraudulent reimbursement requests to the Underground Storage Tank Cleanup Fund (Fund) between 2005 and 2008. Specifically, the State Water Board alleged that E2C submitted inflated invoices while performing investigation and remediation consulting services at gas stations related to employee time, equipment costs, water disposal, and markup on affiliated companies. The enforcement action is the first of its kind by the State Water Board. The State Water Board was represented by the California Attorney General's Office.

Under the terms of the judgment, the Fund will retain just over \$465,000, which was withheld from E2C during the Water Board's investigation, and E2C will pay the Fund \$450,000 through withholdings from future reimbursement requests. In addition, E2C will pay \$50,000 in penalties for engaging in unfair business practices. The settlement suspends an additional \$250,000 in penalties for three years, which will become due if E2C violates specifically enumerated water quality protection laws, or submits any further fraudulent claims to the Fund.

A copy of the complete judgment, which was entered by the Sacramento County Superior Court, can be found on the State Water Board's website at:

http://www.waterboards.ca.gov/water_issues/programs/ust/enforcement/index.shtml

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NEW - Biodiesel Variance Reporting

Biodiesel variances were reported along with the semiannual Report 6 starting with the July – December 2009 reporting period. Information pertaining to biodiesel variances is pursuant to CCR Title 23, Chapter 16, Section 2631.2. The number of variances for this period is shown below along with a breakdown by CUPA/PA. 95 CUPA/PAs submitted their Biodiesel Variance report.

- a. Number of variances issued for the storage of biodiesel = 31 (by 14 CUPA/PAs)
- b. Number of variances withdrawn for the storage of biodiesel = 0 (as it should be), and
- c. No biodiesel variances issued = 82 CUPA/PAs

Variations Issued by CUPA/PA:

The following cities issued variations: Fremont (2), Hayward (2), Pleasanton (1), Sunnyvale (1), and Cupertino (1). The following counties issued variations: Alameda (1), Contra Costa (4), Marin (1), Monterey (2), San Diego (7), San Francisco (3), San Mateo, (2), Santa Cruz (2), and Yolo (2).

We appreciated your cooperation in tracking this new data.

CUPA Semi-Annual Reporting (Report 6)

For the July - December 2009 period, 97 CUPAs and PAs (97% of the 99 CUPAs/PAs) submitted semi-annual reports (Report 6, Title 27 regulations). Seven of 96 reports submitted were returned for corrections and only 6 were resubmitted and accepted. Seven Report 6s were submitted after the due date. The number of corrections requested was down from 20 for the previous period, but we still had eight agencies reporting SOC criteria the old way. We appreciate your reporting efforts.

UST inspections for Significant Operational Compliance (SOC) totaled 5,750 compared to the previous period's 7,904 inspections. Local agencies reported that 9.5% of inspected facilities were in SOC with release detection only, 16.9% were in SOC with release prevention only, 65.6% were in SOC with both release detection and release prevention, and 8 % had violations for both release detection and release prevention. The corresponding percentages from the last period were very close to the current at 9.5%, 16%, 65.7%, and 8.8% respectively. UPAs issued 74 Red Tags during this period compared to 67 previously.

As of December 31, 2009, there were 14, 923 UST facilities, with 61 new facilities and 120 facilities closed during the last 6 months. There are 38,496 active and 127,595 closed petroleum USTs with 152 new tanks opened and 251 tanks closed this period. There are 2,201 active and 21,404 closed hazardous substance USTs, with 33 new and 54 closed this period. There were significant adjustments to UST databases, as agencies cleaned up their data. During the reporting period, adjustments by UPAs increased the number of regulated facilities by 79, added 373 petroleum USTs, and increased the number of hazardous substance USTs by 48. Consequently, by the end of the period there were 274 more active petroleum USTs, 27 more active hazardous substance USTs, and 20 more UST facilities in operation.

Red Tag Semi-Annual Reporting

For the July - December 2009 semi-annual period, 13 CUPAs issued 74 Red Tags. [Counties of: Alameda (6), Calaveras (1), Fresno (2), Madera (6), Merced (9), Napa (1), San Bernardino (32), Stanislaus (3), and Trinity (3), Yolo (6), and Yuba (2)] [Cities of Bakersfield (1) and Santa Rosa (2)].

The specific violations cited were as follows:

- 1) 9 violations for conditions at the UST facility threatening to cause a liquid release (Ch. 16, Sec. 2637)
- 2) 39 violations for conditions at the UST facility impairing the ability to detect a leak [Ch.16, Sec. 2636(f)(2)]
- 3) 26 violations for a chronic violation or recalcitrant facility operator/owner.

Please note when reporting Red Tags, list the total number of Red Tags affixed- not the number of facilities subject to Red Tags.

UST Program Contact: Terry Snyder (tsnyder@waterboards.ca.gov; 916-341-5385) or Terry Brazell (tbrazell@waterboards.ca.gov; 916-341-5645).

California Emergency Management Agency - None

Office of State Fire Marshal - None