



DEPARTMENT OF  
TOXIC SUBSTANCES  
CONTROL

*The mission of the  
Department of Toxic  
Substances Control is  
to provide the  
highest level of safety,  
and to protect public  
health and the  
environment from  
toxic harm.*



State of California



Cal/EPA

## **Assembly Bill 2729 UST Funds Available to School Districts Limit for Removal Action Workplans Increased to \$2 Million**

Assembly Bill 2729 (AB 2729), approved by the Governor and filed with the Secretary of State on September 30, 2008:

- Creates a School District account in the Underground Storage Tank Cleanup Fund and transfers \$30 million to this account over the course of three years.
- Increases the cost threshold for using a removal action workplan from \$1 million to \$2 million.

The text of AB 2729 (2007-2008 Session) can be viewed online at [http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab\\_2701-2750/ab\\_2729\\_bill\\_20080930\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2701-2750/ab_2729_bill_20080930_chaptered.pdf)

### **Background**

The Department of Toxic Substances Control (DTSC) Schools Program strives to continuously improve the environmental investigation and cleanup process for school properties. Since inception of the program in 2000, DTSC has developed advisories, fact sheets, guidance documents, sample documents, and regulations to help reduce costs for school districts while protecting human health and the environment. In 2008, DTSC sponsored AB 2729, authored by Assemblyman Ira Ruskin, to provide financial assistance for school districts conducting investigations and cleanups for underground storage tanks (USTs) and increase the limit for removal action workplans from \$1 million to \$2 million.

### **Underground Storage Tank Funds Available to School Districts**

The Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989 requires owners and operators of petroleum USTs to pay fees into the Underground Storage Tank Fund (fund). The fund reimburses eligible owners and operators for investigation and cleanup of releases from their petroleum USTs.

The fund is administered by the State Water Resources Control Board and claims are prioritized primarily on the size of the organization filing a claim. A claim is assigned the lowest priority (Priority Class D) if it does not meet specific conditions to qualify for a higher priority (Priority Classes A through C). Historically, the number of claims in higher priority classes has left limited funding for Priority Class D, which includes school districts with at least 500 employees.

DTSC identified a need to help school districts in Priority Class D obtain funding for their claims. AB 2729 creates a School District Account (account) within the fund and transfers \$10 million per year for three years (fiscal years 2009-10, 2010-11, and 2011-12) into this account. This account provides financial assistance specifically to school districts or county offices of education, in the lowest priority rank (Priority Class D), for investigating and cleaning up releases from petroleum USTs on school



properties. The account will be repealed on July 1, 2014 and money remaining will revert back to the fund.

As specified in AB 2729, DTSC will:

- Provide consultation to the State Water Resources Control Board in allocating the funds transferred to the School District Account.
- Work with the State Water Resources Control Board to estimate the amount of funds needed to reimburse anticipated future claims by school districts.
- Work with the State Water Resources Control Board to use information gathered and reported annually on the amount of school district claims paid to identify additional funding needs to ensure that adequate funds are available to reimburse anticipated future claims by school districts.

Additional information on the Underground Storage Tank Fund can be found online at the following State Water Resources Control Board web pages:

- Information on the Underground Storage Tank Cleanup Fund  
[www.waterboards.ca.gov/water\\_issues/programs/ustcf/](http://www.waterboards.ca.gov/water_issues/programs/ustcf/)
- Claim application for the Underground Storage Tank Cleanup Fund  
[http://www.swrcb.ca.gov/water\\_issues/programs/ustcf/claimapplication.shtml](http://www.swrcb.ca.gov/water_issues/programs/ustcf/claimapplication.shtml)

## **Limit for Removal Action Workplans Increased to \$2 Million**

For school properties subject to DTSC oversight, cleanup (removal or remedial) actions follow the requirements in the Carpenter-Presley-Tanner Hazardous Substance Account Act. Among other things, this act provides a limit for use of a removal action workplan. AB 2729 increases the limit for removal action workplans from an estimated cost of \$1 million to \$2 million. This change reduces costs for school districts conducting cleanup actions while still being protective of human health and the environment.

For additional information on the DTSC oversight of school properties, removal action workplans, and available guidance, please contact your assigned DTSC project manager for your site, visit the DTSC website at <http://www.dtsc.ca.gov/Schools/index.cfm>, or contact:

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