



California Service Station and Automotive Repair Association
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March 17, 2009

Dorothy Rice
Executive Director
State Water Resources Control Board (SWRCB)
P.O. Box 100
Sacramento, CA 95812-0100

Re: Trust

Dear Ms. Rice:

I write to you on behalf of the members of the California Service Station and Automotive Repair Association (CSSARA). Some twenty years ago CSSARA worked with great diligence with then-senator Barry Keane on SB 299, later known as the Barry Keane Underground Storage Tank Trust Cleanup Fund Act of 1989. This act provided for funds to be collected from owners of underground storage tanks.

The reason that CSSARA so strongly supported this legislation, (which later became part of our Health and Safety Code, known as 25:299) was that it enabled petroleum UST owners and operators to access the Fund in order to be in compliance as it related to the cleaning up of occurrences of pollution from the handling of hazardous waste and thus meet the federal and state requirements.

We at CSSARA realize that over the years both the administration of the fund by the State Water Resources Control Board and language in Health and Safety Code 25:299 have been amended or changed to some degree. But we also understand that the true intent of this important legislation was to assist small businesses in compliance with federal and state requirements. Suspension of claims by the SWRCB and the delays that have occurred in making timely payments to contractors is causing enormous financial dismay for small business people.

It is unfortunate that the Act is no longer associated with the Trust because I believe that, if properly administered, the money would have been there for small business and we would not be in the situation we are in today.

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The current situation is comparable to an insurance provider being out of trust with its insured and not reserving monies to pay claims. Quite frankly, it concerns me that the Governor's office has not provided more diligent oversight of this issue. The suspension of payments and delays from the Underground Storage Tank Fund are crippling small businesses that must deal with such issues as EVR/ISD upgrades, remediation, paying contractors on time, retaining employees and keeping their doors open.

I would appreciate hearing from you on this matter and hope that I will be informed of a resolution to this situation. This state of affairs is crippling the petroleum marketing industry, which is going through great change as we see many of the major oil companies divesting themselves of properties needing cleanup. While we all look forward to alternative fuels, we also realize it will not happen tomorrow. We need to focus on the Fund that was designed to take care of today's small businesses. If a .006 cent per gallon increase is need CSSARA's Board of Directors has voted to support such a measure.

Sincerely,

Dennis DeCota
Executive Director

cc: Tam Doduc, Chair of SWRCB
Linda S. Adams, California EPA Secretary
Cindy Tuck, Undersecretary Cal EPA
Vicky Bradshaw, Office of the Governor of California