

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 85- 6

ADOPTION OF REGULATIONS GOVERNING STORAGE OF HAZARDOUS
SUBSTANCES IN UNDERGROUND STORAGE TANKS TO BE CODIFIED
IN SUBCHAPTER 16 OF CHAPTER 3 OF TITLE 23 OF THE
CALIFORNIA ADMINISTRATIVE CODE (23 CAC SECTIONS 2610-2714)

WHEREAS:

1. Chapter 6.7 (commencing with Section 25280) was added to Division 20 of the Health and Safety Code by Chapter 1046 of the Statutes of 1983 (AB 1362, Sher).
2. Chapter 6.7 establishes standards for construction, repair, closure, and monitoring of underground storage tanks used for storage of hazardous substances and requires reporting of unauthorized releases. Chapter 6.7 was amended and reorganized by Chapters 1038, 1537, and 1584 of the Statutes of 1984 (AB 3565, 3447, and 3781, Sher).
3. Sections 25299.3 of the Health and Safety Code directs the State Board to "develop regulations implementing the standards of Sections 25291, 24292, 25294, 25295, 25296, 25298, and 25299.4" by January 1, 1985.
4. Section 25299.3 of the Health and Safety Code authorizes the State Board to develop regulations implementing Sections 25287, 25290, and 25293.
5. A Notice of Proposed Rulemaking describing proposed regulations governing underground storage tanks was published in the California Administrative Notice Register on August 24, 1984. Over 3,000 copies of the notice, and over 2,000 copies of the proposed regulations and initial Statement of Reasons were distributed to interested persons and organizations.
6. Staff held a series of informal workshops in August and September 1984 to solicit input from the regulated community.
7. The State Board held a public hearing on October 23, 1984 and a workshop on November 2, 1984 to hear testimony and discuss the comments of interested persons. Over 158 persons submitted written comments and 36 persons testified at the hearing.
8. The text of the proposed regulations, as modified to reflect many of the comments received, was made available to the public on November 9, 1984 and additional comments were solicited. The State Board held a second public hearing on November 27, 1984.

9. Staff has further modified the text of the proposed regulations in response to comments received. This text was made available to the public before the end of 1984, more than 15 days before date of this Board Meeting, for review and comments.
10. All modifications are sufficiently related to the text made available to the public in the Notice published on August 24, 1984 that there was adequate notice to the public that the modifications could have resulted from the original proposed regulations through the rulemaking process.
11. Staff has proposed non-substantive editorial changes in the final text of the proposed regulations. A list of these changes was made available at the Board Meeting held on January 18, 1985.

THEREFORE BE IT RESOLVED:

1. That the proposed regulations governing storage of hazardous substances in underground storage tanks, as modified and attached to this resolution as Attachment 1, be adopted and codified as Subchapter 16 of Chapter 3 of Title 23 of the California Administrative Code (23 CAC Sections 2610-2714, together with Appendix I).
2. That the Executive Director transmit the proposed regulations as adopted to the Office of Administrative Law, together with the final Statement of Reasons and a copy of the State Board's rulemaking file.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 18, 1985.



Michael A. Campos
Executive Director