

STATE WATER BOARD
RESOLUTION NO. 2005 - 0040

AUTHORIZING A RESOLUTION ADOPTING REGULATIONS THAT DEFINE THE TERM
“INTERSTITIAL LIQUID LEVEL MEASUREMENT” AS USED TO DESCRIBE A MEANS
OF LEAK DETECTION FOR UNDERGROUND STORAGE TANKS

WHEREAS:

1. Underground tanks used for the storage of hazardous substances and wastes are potential sources of contamination of the ground and underlying aquifers, and may pose other dangers to public health and the environment.
2. The State Water Board administers the Underground Storage Tank (UST) Program, and local agencies implement the program through UST permitting and enforcement.
3. Health and Safety Code Section 25299.3 of Chapter 6.7 authorizes the State Water Board to adopt regulations to implement Chapter 6.7.
4. In September 2002, the Legislature amended Chapter 6.7 by enacting Assembly Bill (AB) No. 2481 (stats. 2002, ch. 999), which established more stringent construction and monitoring standards for UST systems installed on or after July 1, 2004, including the use of “interstitial liquid level monitoring” for release detection.
5. There have been a variety of interpretations of the term “interstitial liquid level measurement”, some of which do not offer the same level of environmental protection or reliable leak detection as was envisioned when AB 2481 was written.
6. To ensure that the environment is adequately protected from releases of hazardous substances from UST systems, the existing emergency regulation defining the term “interstitial liquid level measurement method” must be made permanent.
7. On October 22, 2004, the State Water Board published a Notice of Proposed Rulemaking for the proposed regulation. On December 10, 2004 the State Water Board held a public comment period regarding the proposed regulation. Comments were received and responded to in the rulemaking record, but no changes to the proposed regulation were found to be necessary.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts the proposed UST regulations to implement, interpret, and make specific Chapter 6.7 of Division 20 of the Health and Safety Code, which will become effective as provided by the California Administrative Procedures Act upon approval by the Office of Administrative Law and filing with the Secretary of State, and directs the Executive Director to submit the proposed regulations to the Office of Administrative Law for approval.

CERTIFICATION

The undersigned, Clerk to the 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 Board held on May 19, 2005.

/s/ _____
Debbie Irvin
Clerk to the Board