

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
AUGUST 2, 2016**

ITEM 3

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION ADOPTING AMENDMENTS TO UNDERGROUND STORAGE TANK REGULATIONS TO CLARIFY OR MAKE SPECIFIC EXISTING REPORTING REQUIREMENTS

DISCUSSION

The Division of Water Quality's Underground Storage Tank Leak Prevention Unit proposes to amend California Code of Regulations, title 23, division 3, chapter 16 (Underground Storage Tank Regulations) to clarify or make specific the method of reporting for existing reporting requirements. These amendments are consistent with existing requirements in Health and Safety Code section 25404, subdivision (e)(4) and California Code of Regulations, title 27, division 1, subdivision 4, chapter 1, section 15100 et seq. Some of the proposed amendments require electronic submittal of data and documents via the internet using readily available technology.

The proposed regulations do not include any new reporting requirements; however, the existing reporting requirements are amended to make specific the method of reporting. In some cases, the proposed regulations include requirements to submit specified information or documents to the California Environmental Reporting System (CERS), consistent with Health and Safety Code section 25404, subdivision (e)(4). In other cases, the proposed regulations include requirements to submit specified information or documents to GeoTracker, the state Geographic Information System mapping database, consistent with California Code of Regulations, title 23, division 3, chapter 30, section 3890 et seq. Where a submittal method is not specified, the proposed regulations allow the information or document to be provided by hand-delivery, mail, or facsimile or other electronic methods, unless otherwise directed by the State Water Resources Control Board (State Water Board), Regional Water Quality Control Board, or local agency that will receive the submittal.

The 45-day public notice period for the proposed amendments closed on May 10, 2016. Responses to all timely comments and one late comment received on the proposed regulations are contained in the Final Statement of Reasons. No public hearing is scheduled, and no member of the public has requested one.

The State Water Board published and distributed a Notice of Modification to Text of Proposed Regulation and the modified text of the proposed regulation in underline and strikeout on June 15, 2016 for a 15-day comment period ending on July 1, 2016. Responses to all timely comments received pertaining to the proposed modifications are contained in the Final Statement of Reasons.

POLICY ISSUE

Should the State Water Board adopt the proposed amendments to the Underground Storage Tank Regulations as proposed?

FISCAL IMPACT

No fiscal impact

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed amendments to the Underground Storage Tank Regulations as proposed.

State Water Board action on this item will assist the Water Boards in reaching Goal 5 of the Strategic Plan Update: 2008-2012 to improve transparency and accountability by ensuring that Water Board goals and actions are clear and accessible, by demonstrating and explaining results achieved with respect to the goals and resources available, by enhancing and improving accessibility of data and information, and by encouraging the creation of organizations or cooperative agreements that advance this goal, such as establishment of a statewide water data institute. In particular, approval of this item will assist in fulfilling Objective 5.2 to enhance the Water Boards' water quality data systems, and the accessibility of water body and facility data and information on the Internet.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2016-

ADOPTING AMENDMENTS TO UNDERGROUND STORAGE TANK REGULATIONS TO CLARIFY OR MAKE SPECIFIC EXISTING REPORTING REQUIREMENTS

WHEREAS:

1. Health and Safety Code section 25404, subdivision (e)(4) and California Code of Regulations, title 27, division 1, subdivision 4, chapter 1, section 15100 et seq. requires the electronic submission of hazardous materials data to the California Electronic Reporting System (CERS).
2. CERS has been active for four years and regulated facilities and local agencies have been required to submit data to CERS for the past two years.
3. To assist those regulated businesses that do not have a computer with internet access, some local agencies have made computers available at their offices or other locations within their jurisdictions for regulated businesses to use to submit program information. In addition, some inspectors carry laptop or tablet computers with them when they inspect regulated businesses and assist regulated businesses to submit program information.
4. In addition to the requirements to submit specified information or documents through CERS, existing regulations also include requirements for submission of other information or documents that cannot be submitted through CERS and in certain instances for other program elements (i.e. cleanup) must be submitted electronically through GeoTracker, the state Geographic Information System mapping database.
5. The State Water Board has proposed amendments to California Code of Regulations, title 23, division 3, chapter 16, section 2610 et seq. (Underground Storage Tank Regulations) to clarify or make specific existing reporting requirements under the UST Program by stating the method by which UST owners or operators and local agencies must submit specified information and documents to the State Water Board, Regional Water Quality Control Boards (Regional Water Boards), or the applicable local agency as defined in Health and Safety Code section 25283.
6. The proposed regulations include requirements to submit specified information or documents through CERS consistent with Health and Safety Code section 25404, subdivision (e)(4).
7. The proposed regulations also include requirements to submit specified information or documents through GeoTracker for the purpose of preventing confusion between GeoTracker and CERS requirements. These regulations are consistent with California Code of Regulations, title 23, division 3, chapter 30, section 3890 et seq.
8. The proposed regulations provide that where a submittal method is not specified, the information or document may be provided by hand-delivery, mail, or facsimile or other electronic methods, unless otherwise directed by the State Water Board, Regional Water Board, or local agency that will receive the submittal.

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9. The proposed regulations do not include any new reporting requirements; however, the existing reporting requirements are amended to make specific the method of reporting.
10. The State Water Board published and distributed a Notice of Proposed Regulatory Action on March 25, 2016. The 45-day public comment period ended on May 10, 2016 and the State Water Board received written comments, but no request for a public hearing. Responses to all timely comments and one late comment received on the proposed regulations are contained in the Final Statement of Reasons.
11. The State Water Board published and distributed a Notice of Modification to Text of Proposed Regulation and the modified text of the proposed regulations in underline and strikeout on June 15, 2016 for a 15-day public comment period that ended on July 1, 2016. Responses to all timely comments received on the modifications to the proposed regulations are contained in the Final Statement of Reasons.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts the proposed amendments to the Underground Storage Tank Regulations and authorizes the Executive Director to transmit the proposed regulations to the Office of Administrative Law for filing with the Secretary of State, and to make any non-substantive revisions to the regulations to facilitate the review process.

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 Resources Control Board held on August 2, 2016.

Jeanine Townsend
Clerk to the Board