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State Water Resources Control Board

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Gray Davis
Governor

NOTICE OF PUBLIC HEARING

PROPOSED AMENDMENTS TO UNDERGROUND STORAGE TANK REGULATIONS

Monday, April 28, 2003 - 10:00 a.m.
Coastal Hearing Room
Joe Serna Jr./Cal/EPA Building
1001 I Street, Sacramento

SUBJECT OF HEARING

The State Water Resources Control Board (SWRCB) will hold a public hearing to seek statements or arguments orally or in writing relevant to the proposed regulatory action to amend Chapter 16, Title 23 of the California Code of Regulations, relating to underground storage tanks (USTs).

BACKGROUND

Management of USTs in California is regulated under both federal and state law. Applicable federal law is found in the Resource Conservation and Recovery Act (RCRA), Subtitle I, Section 9003, and regulations implementing federal laws are found in Title 40 of the Code of Federal Regulations, Part 280. Applicable state law is incorporated into Health and Safety Code (HSC) Chapter 6.7, commencing with section 25280, and related regulations in Title 23, Division 3, Chapter 16, California Code of Regulations.

The Legislature enacted HSC Chapter 6.7 in 1984. Since then it has amended Chapter 6.7 in response to either federal mandates relating to USTs, or new information regarding changing industry practices or the performance of USTs meeting then-current UST regulatory standards in California. In October 1999 and April 2001, the Legislature again amended Chapter 6.7, enacting Senate Bill 989 (Stats. 1999, Ch. 812) and Assembly Bill 1465 (Stats. 2001, Ch. 154) respectively.

Senate Bill 989 essentially codified Executive Order D-5-99. This Executive Order was the Governor's response to a University of California report on the environmental impacts of methyl tertiary butyl ether (MTBE) -- an additive put into motor vehicle fuel beginning in the late 1980's, and early 1990's. The Executive Order required the phase-out of MTBE in fuel by December 31, 2002, although this date was subsequently postponed by Executive Order D-52-02 to January 1, 2004. Senate Bill (SB) 989 amended Chapter 6.7 to accompany the phase-out of MTBE with more stringent construction and monitoring standards for UST systems. The SWRCB's amended regulations to implement these new requirements went into effect in May 14, 2001. However, SB 989 also included a new requirement for owners and operators of UST systems, local agency UST facility inspectors, UST system installers, and UST monitoring equipment service technicians to meet minimum industry-established training standards. Furthermore, Assembly Bill 1465 expanded the tasks that a licensed tank tester can perform in California, to include performing annual monitoring certifications for leak detection equipment. This includes installation, repair, maintenance, calibration, and annual certification of UST leak detection equipment.

The proposed regulations will, where necessary, implement, interpret, and make specific the aforementioned statutory requirements.

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The Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the proposed amendments are available either by accessing the SWRCB UST Program web page at: <http://www.swrcb.ca.gov/cwphome/ust/> or by writing to:

Attention: Scott Bacon
State Water Resources Control Board
Division of Water Quality, UST Program
P.O. Box 944212
Sacramento, CA 94244-2120

HEARING ISSUES

The purpose of this hearing is to provide an opportunity for persons to present statements or arguments orally or in writing relevant to the proposed regulatory action.

PROCEDURAL MATTERS

This is a public hearing and a SWRCB member will be present. The proceedings will be recorded and placed into the Rulemaking File. There will be no sworn testimony or cross-examination of participants, but the SWRCB member and SWRCB staff may ask clarifying questions. To ensure that all attendees have a chance to participate in the hearing, oral comments may be limited to ten minutes or less.

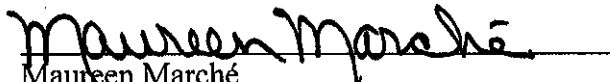
Written comments not presented at the public hearing will be considered by the SWRCB if they are received prior to 5:00 p.m. on April 28, 2003. Submit written comments to:

Attention: Scott Bacon
State Water Resources Control Board
Division of Water Quality, UST Program
1001 "I" Street, 17th Floor
P.O. Box 944212
Sacramento, CA 94244-2120

PARKING AND ACCESSIBILITY

The attached map shows the location of the Joe Serna Jr. Cal/EPA Headquarters Building and available parking. Note that all hearing attendees will be required to check in with building security upon arrival.

Questions concerning this notice may be directed to Mr. Scott Bacon at (916) 341-5873, or via fax at (916) 341-5808, or via e-mail at bacons@swrcb.ca.gov.


Maureen Marché
Clerk to the Board

Dated: March 7, 2003

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