

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2018-0025**

**ADOPTING AMENDMENTS TO THE CALIFORNIA UNDERGROUND STORAGE TANK
REGULATIONS FOR RECONCILIATION WITH THE FEDERAL UNDERGROUND STORAGE
TANK REGULATIONS**

WHEREAS:

1. Effective October 13, 2015, the United States Environmental Protection Agency (U.S. EPA) amended part 280 of 40 Code of Federal Regulations (Federal UST Regulations) for underground storage tank (UST) systems.
2. Some of the new requirements in the Federal UST Regulations became effective immediately on October 13, 2015. Other requirements have staggered implementation dates out to October 13, 2018.
3. Because California does not have an approved State UST Program, UST owners and operators in California currently are required to comply with both:
 - a. The Federal UST Regulations, some of which are more stringent than, or are inconsistent with, chapter 16 of division 3 of title 23 of the California Code of Regulations (California UST Regulations), which are implemented and enforced by the United States Environmental Protection Agency (U.S. EPA); and
 - b. The California UST Regulations which are implemented and enforced by the State Water Board and the Unified Protection Agencies (UPAs) (who implement the existing California UST program on the State Water Board's behalf).
4. It is highly undesirable for California UST owners and operators to continue to be required to meet one set of UST requirements enforced by the State Water Board and the UPAs and another set of UST requirements enforced by the U.S. EPA.
5. A California UST program that is not at least as stringent as the Federal UST program by October 13, 2018, when the Federal UST Regulations are fully implemented, may ultimately affect the State Water Board's continued funding from the U.S. EPA.
6. The State Water Board has proposed amendments to the California UST Regulations to make the California UST Regulations at least as stringent as the Federal UST Regulations and include any more stringent requirements necessary to implement chapter 6.7 of division 20 of the Health and Safety Code.
7. The State Water Board also proposes to clarify certain requirements under existing the California UST Regulations to be consistent with the Federal UST Regulations.
8. The proposed California UST Regulations will amend existing reporting requirements and impose new reporting requirements to make specific the method of reporting specified information through the use of new forms contained in the proposed regulations that are consistent with common practice and existing reporting requirements.

9. The proposed California UST Regulations will be at least as stringent as the Federal UST Regulations and will better protect public health, safety, and the environment by reducing the risk of releases of hazardous substances to the environment.
10. The State Water Board published and distributed a Notice of Proposed Regulatory Action on November 17, 2017. The 45-day public comment period ended on January 2, 2018 and the State Water Board received written comments, but no request for a public hearing. Responses to all timely comments and two late comments 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 Regulations and the modified text of the proposed regulations on March 26, 2018, for a 15-day public comment period that ended on April 11, 2018. Responses to all timely comments received on the modifications to the proposed regulations are contained in the Final Statement of Reasons.
12. The proposed California UST Regulations include certain changes from the modified text that are nonsubstantial or solely grammatical in nature. These changes are identified and discussed in the Final Statement of Reasons.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts the amendments to California Code of Regulations, title 23, division 3, chapter 16 ([Attachment A](#));
2. The State Water Board authorizes the Executive Director or designee to transmit the regulations to the Office of Administrative Law for approval and filing with the Secretary of State; and
3. The State Water Board authorizes the Executive Director or designee to make any non-substantive revisions to the regulations to address any concerns of the Office of Administrative Law.

CERTIFICATION

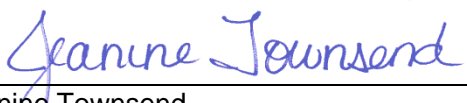
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 5, 2018.

AYE: Chair Felicia Marcus
 Vice Chair Steven Moore
 Board Member Tam M. Doduc
 Board Member Dorene D'Adamo
 Board Member E. Joaquin Esquivel

NAY: None

ABSENT: None

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board