

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2016-0042**

**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.

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.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board