

TITLE 23: CALIFORNIA CODE OF REGULATIONS - WATERS
DIVISION 3: STATE WATER RESOURCES CONTROL BOARD (SWRCB)
CHAPTER 30: ELECTRONIC SUBMITTAL OF INFORMATION

AND

TITLE 27: CALIFORNIA CODE OF REGULATIONS
ENVIRONMENTAL PROTECTION
DIVISION 3: ELECTRONIC SUBMITTAL OF INFORMATION
SUBDIVISIONS 1 AND 2

TEXT OF THE PROPOSED REGULATIONS

Add Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3890, 3891, 3892, 3893, ~~and 3894, and 3895~~ of the California Code of Regulations to read as follows:

Article 1 – GENERAL PROVISIONS

Section 3890. General Intent, Content, and Applicability of Regulations

- (a) The regulations in this Chapter are intended to provide access to soil, vapor, and ~~ground~~water data collected for the purpose of subsurface investigation ~~and/or~~ remediation of: (1) an unauthorized ~~release of a hazardous substance or discharge or deposit of waste as defined in section 13050 of the Water Code, (2) an unauthorized release of a hazardous substance as defined in section 25281 of the Health and Safety Code, or (3) a discharge of waste to land subject to Division 2 of Title 27 or Division 3, Chapter 15, of Title 23 of the California Code of Regulations.~~
- (a) The regulations in this Chapter require persons responsible for submitting **certain** reports to the State Board, a regional board, or a local agency to submit these reports electronically over the Internet to the State Board’s Geotracker system.
- (b) The requirements of this Chapter are in addition to, and not superseded by, any other applicable reporting requirements.
- (c) **Except as provided in Section 3895(b),** ~~the~~ the electronic reporting requirements of this Chapter are intended to replace requirements for the submittal of paper copies of reports, **beginning July 1, 2005.**

Authority cited: Sections 13196 and 13198(c), Water Code.

Reference: Sections 13196 and 13198, Water Code.

Article 2. - ELECTRONIC SUBMITTAL OF INFORMATION

Section 3891. Definition of Terms

“COELT” is the United States Army Corps of Engineers Loading Tool program. It is a relational database application that is designed to run with the Microsoft Windows operating system. COELT places laboratory data into the standardized Electronic Deliverable Format (EDF). The program can accept data from Laboratory Information Management System (LIMS) or manually entered data. COELT is an optional software application that is intended to help laboratories that require new software to produce the EDF data deliverable. COELT includes a report utility that allows hard copy laboratory reports to be printed that match the actual electronic data. For purposes of the requirements of this chapter, version 1.2a of COELT may be used. The program (coelt12i.exe) and documents (coelt 1.2i manual.zip) for version 1.2i of COELT are available through links provided at <http://www.swrcb.ca.gov/ust>.

“CSRS-H” is the California Spatial Reference System-Horizontal, which includes the High Precision Geodetic Network (HPGN), the High Precision Geodetic Network–Densification (HPGN-D) and other geodetic control positions. These control positions have been determined by Global Positioning System survey methods in accordance with first order or better standards and specifications from the Federal Geodetic Control Subcommittee (FGCS) of the Federal Geographic Data Committee. These control positions are published by the National Geodetic Survey, California Spatial Reference Center or its successor.

“EDCC” is the Electronic Deliverable Consistency Checker program, which was developed for the EDF1.2i format, described below. The EDCC program is run upon completion of an EDF report and produces an error report. This error report identifies problems within the given data set based upon the EDF database structure, guidelines, restrictions, and valid values. The error report also indicates the nature of each problem, so that the submitter can correct them. For purposes of the requirements of this chapter, the interactive web-version 1.2i or personal computer version 1.2i of EDCC shall be used. Programs (edcc.zip and edccservicepac1.zip) for version 1.2i of EDCC are available through links provided at <http://www.swrcb.ca.gov/ust>.

“EDF” is the Electronic Deliverable Format, originally developed for the United States Army Corps of Engineers. It is a data standard designed to facilitate transfer of electronic data files from analytical laboratories to end-users. It is a relational database whose files are related to one another through key fields. Laboratories can produce electronic EDF files by using their own LIMS or COELT software. The data components include chain-of custody information, laboratory results, and quality assurance information. For purposes of the requirements of this chapter, version 1.2i of EDF shall be used. Specifications for version 1.2i of EDF (The Electronic Deliverable Format [EDF] Version 1.2i data dictionary are available in Title 27, Division 3, Subdivision 2, Chapter 1 (Laboratory Results) California Code of Regulations, through links provided at <http://www.swrcb.ca.gov/ust>.

“Geotracker” is the State Board’s Internet-accessible database system used by the State Board, regional boards, and local agencies to track and archive compliance data from authorized or unauthorized discharges of waste to land, or unauthorized releases of hazardous substances from underground storage tanks. This system consists of a relational database, on-line compliance reporting features, a geographical information system (GIS) interface and other features that are utilized by the State Board, regional boards, local agencies, regulated industry and the public to input, manage, or access compliance and regulatory tracking data. Geotracker, initially known as the Geographical Environmental Information Management System (GEIMS) database, is available at <http://geotracker.swrcb.ca.gov/>.

“Monitoring well” means any artificial excavation by any method made for the purpose of monitoring fluctuations in groundwater levels, the quality of underground waters, or the concentration of contaminants in underground waters.

“PDF” means Portable Document Format. “PDF” files are self-contained and cross-platform documents. A PDF file will look the same on the screen and in print, regardless of what type of computer or printer a person uses or which software package originally created the file. Although PDF files contain the complete formatting of the original document, including fonts and images, they are highly compressed, allowing efficient transfer of complex information.

“Permanent monitoring well” means any artificial excavation by any method made for the purpose of monitoring fluctuations in groundwater levels, the quality of ~~underground waters~~ groundwater, or the concentration of contaminants in ~~underground waters~~ groundwater and which is used for at least thirty days.

“Report” means any document or item that is required for submittal in order for a person to comply with a regulation, directive, or order issued by the State Board, a regional board, or a local agency pursuant to ~~a program administered by the State Board~~ Division 3, Chapter 16, Article 11 of Title 23 of the California Code of Regulations, including but not limited to, any analysis of material by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code.

Authority cited: Sections 13196 and 13198 (c), Water Code.

Reference: Sections 13195 (b) and 13196, Water Code.

Section 3892. Reports

The following reports are subject to the requirements of this ~~Division~~ Chapter, when those reports are required for the purpose of subsurface investigation or remediation of: (1) an unauthorized ~~release of a hazardous substance or discharge or deposit of waste as defined in section 13050 of the Water Code, (2) an unauthorized release of a hazardous substance as defined in section 25281 of the Health and Safety Code, or (3)~~ a discharge of waste to land subject to Division 2 of Title 27 or Division 3, Chapter 15 of Title 23 of the California Code of Regulations.

(a) Reports submitted pursuant to ~~Chapter 6.7 (commencing with Section 25294) of Division 20 of the Health and Safety Code or implementing regulations~~ Division 3, Chapter 16, Article 11 of Title 23 of the California Code of Regulations.

(b) Reports submitted to the State Board or a regional board pursuant to ~~section 25356 of the Health and Safety Code or implementing regulations~~

(b)(c) Reports submitted pursuant to ~~Division 2 of Title 27 or Division 3, Chapter 15 of Title 23 of the California Code of Regulations, sections 13172 or 13140 et seq of the Water Code or implementing regulations or policy for water quality control or adopted order,~~

~~(c) (d)~~ Reports submitted pursuant to section ~~13260~~13304 of the Water Code.

~~(d) (e)~~ Reports submitted pursuant to section 13267 of the Water Code.

~~(f) Reports submitted pursuant to section 13204~~13260 of the Water Code.

~~(e) (g)~~ Reports submitted pursuant to any order ~~or directive~~ of the State Board, a regional board or a local agency.

~~(f) (h)~~ Reports submitted pursuant to the Two-year Joint Cooperative Agreement Execution Plans under the Defense / State Memorandum of Agreement and Navy Cost Recovery Cooperative Agreement, for the State of California.

Authority cited: Sections 13196 and 13198 (c), Water Code.

Reference: Sections 13196 (a) and 13198 (c), Water Code.

Section 3893. Electronic Submittal of Reports

(a) Persons responsible for submitting reports pursuant to this Chapter shall submit the following information described in subdivision (b) electronically over the Internet to the State Board's Geotracker system in conformance with data dictionaries found in Title 27, Division 3, Subdivision 2 (Monitoring and Release Information) and specifications contained in the State Water Resources Control Board EDF Guidelines and Restrictions (version 1.2i) and Survey XYZ Guidelines and Restrictions (Version 6). These data dictionaries and documents are available through links provided at <http://www.swrcb.ca.gov/ust>.

(b) Data generated by chemical analysis of soil, vapor, or water samples (including surface water, groundwater and influent/effluent water samples from remediation systems), shall be submitted in EDF format. All data shall be checked for errors prior to and during submittal using the EDCC software consistency-checking tool. All data must pass this error-checking tool as well as meet normal regulatory requirements in order to be considered valid data. In addition, when required for reports subject to this Chapter, the following data shall also be submitted electronically:

(1) The latitude and longitude of any permanent monitoring well for which data is reported, accurate to within 1 meter and referenced to a minimum of two reference points from the California Spatial Reference System (CSRS-H), if available.

(2) The surveyed elevation relative to a geodetic datum of any permanent monitoring well.

(3) The elevation of groundwater in any permanent monitoring well relative to the surveyed elevation.

(4) A site map or maps showing the location of all sampling points referred to in the report.

- (5) The depth to the screened interval and the length of screened interval for any permanent monitoring well.
- (6) Boring logs, in PDF format.
- (7) A complete copy of the report, in PDF format, which includes the signed transmittal letter and professional certification.

(c) All deadlines and timeframes for submittals of reports are applicable to the information submitted electronically pursuant to this Chapter.

Authority cited: Sections 13196 and 13198 (c), Water Code.

Reference: Sections 13196 and 13198 (c), Water Code.

Section 3894. Timing **of Electronic Reporting Requirements**

(a) Electronic submittals of information for sites subject to the requirements of Title 23, Division 3, Chapter 16, Article 11 of the California Code of Regulations, shall begin on <OAL to insert effective date>.

(b) Unless otherwise specifically noted, all other electronic submittals required pursuant to this Chapter shall begin January 1, 2005.

(c) Until July 1, 2005, the electronic reporting requirements of this Chapter are in addition to any existing paper or other reporting requirements.

Authority cited: Sections 13196 and 13198 (c), Water Code.

Reference: Sections 13196 (a) and 13198 (c), Water Code.

Section 3895. Submittal of Alternate Forms of Reports

(a) Beginning July 1, 2005, the successful submittal of electronic information in accordance with this Chapter shall replace the requirement for the submittal of a paper copy, **except as provided in subdivision (b).**

(b) In addition to the electronic submittal of reports required pursuant to this Chapter, a regulatory agency may require the submittal of a report, or portions thereof, in diskette, compact disc or other form if the agency determines that the alternative form is necessary. The burden, including cost, of these alternative forms shall bear a reasonable relationship to the need for alternative form and benefits to be obtained from the alternative form.

Authority cited: Sections 13196 and 13198 (c), Water Code.

Reference: Sections 13196 (a) and 13198 (c), Water Code.