

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JANUARY 8, 2013**

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION THAT APPROVES THE UNDERGROUND STORAGE TANK LOCAL OVERSIGHT PROGRAM PROCEDURES AND CRITERIA FOR CERTIFICATION

DISCUSSION

Pursuant to Health and Safety Code section 25297.01, the proposed Underground Storage Tank (UST) Local Oversight Program (LOP) Procedures and Criteria for Certification will establish procedures and criteria for certifying and withdrawing certification from cities and counties. On and after July 1, 2013, a LOP may be implemented only by cities and counties that have been certified by the State Water Resources Control Board (State Water Board) as qualified to implement a program for the abatement of, and oversight of the abatement of, unauthorized releases of hazardous substances from USTs.

POLICY ISSUE

Should the State Water Board:

Adopt a proposed Resolution that approves the UST LOP Procedures and Criteria for Certification?

FISCAL IMPACT

None. However, there may be cost savings to the UST Cleanup Fund.

REGIONAL BOARD IMPACT

Yes. Multiple cases in the UST Cleanup Program may be transferred from local agencies to Regional Water Quality Control Boards.

STAFF RECOMMENDATION

The State Water Board should:

Adopt a proposed Resolution that approves the UST LOP Procedures and Criteria for Certification.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update: 2008-2012. In particular, approval of this item will assist in fulfilling the Objective to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and to promote fair and equitable application of laws, regulations, policies, and procedures.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2013-

APPROVES THE UNDERGROUND STORAGE TANK LOCAL OVERSIGHT PROGRAM PROCEDURES AND CRITERIA FOR CERTIFICATION

WHEREAS:

1. [Resolution Nos. 2009-0042](#) and [2009-0081](#) were adopted by the State Water Resources Control Board (State Water Board) on May 19, 2009, and November 17, 2009, respectively, and directed numerous actions to improve the administration of the Underground Storage Tank (UST) Cleanup Program, finding that UST cleanups are taking too long to complete.
2. [Resolution No. 2012-0016](#) was adopted by the State Water Board on May 1, 2012, adopting the Low-Threat Underground Storage Tank Case Closure Policy (Low-Threat Closure Policy), which is a state policy for water quality control. The Low-Threat Closure Policy became effective on August 17, 2012. Corrective action directed pursuant to Health and Safety Code section 25296.10 must be consistent with state policies for water quality control, including the Low-Threat Closure Policy.
3. Chapter 16 of title 23 of the California Code of Regulations (UST Regulations) contains corrective action requirements for USTs. The UST Regulations require that Corrective Action Plans (CAPs) submitted to Regional Water Quality Control Boards (Regional Water Boards) and local agencies by responsible parties include cost-effective methods for cleanup of unauthorized releases. Regional Water Boards and local agencies shall concur with CAPs that adequately protect human health, safety and the environment, and beneficial uses of water or direct that the CAP be modified. The implementation of the CAP consists of carrying out the cost-effective method for cleanup.
4. Under Health and Safety Code authority, the Regional Water Boards and local agencies, direct corrective actions to remediate soil and groundwater at petroleum UST sites that have had unauthorized releases.
5. Pursuant to Health and Safety Code section 25299.81, the UST Cleanup Fund is scheduled to sunset on January 1, 2016.
6. Assembly Bill No. 1701 (Stats. 2012, ch. 536) revised previous law to state that on and after July 1, 2013, a local oversight program (LOP) may be implemented only by a city or county that has been certified by the State Water Board as qualified to implement a program for the abatement of, and oversight of the abatement of, unauthorized releases of hazardous substances from USTs, and that the State Water Board may enter into an agreement with a certified local agency to implement the LOP.
7. Pursuant to Health and Safety Code section 25297.01, the State Water Board is required to adopt procedures and criteria for certifying and withdrawing certification from cities and counties that implement a LOP. The State Water Board is required to review, at least once every three years, the ability of the certified city or county to carry out the LOP.

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THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the [Underground Storage Tank Local Oversight Program Procedures and Criteria for Certification](#).
2. Directs the Executive Director, or designee, to:
 - a) Certify the local agencies that he or she has determined to be qualified to implement a LOP consistent with the Underground Storage Tank Local Oversight Program Procedures and Criteria for Certification, and inform the State Water Board of this action and of any subsequent determination to certify, deny certification for, or withdraw certification for a local agency.
 - b) Notify the appropriate Regional Water Board before certifying, denying certification, or withdrawing certification of an agency and consider any comments received from the Regional Water Board.
3. Directs State Water Board staff to:
 - a) Distribute this resolution and the Underground Storage Tank Local Oversight Program Procedures and Criteria for Certification to local agencies that have active cases listed in GeoTracker on the date this resolution is adopted.
 - b) Process LOP agency applications for certification and respond to local agencies expeditiously.
 - c) Notify local agencies that have existing LOP contracts that they must submit a proposed budget to the Cleanup Fund Manager within 30 days of adoption of this resolution if they intend to apply for a 2013-2014 fiscal year LOP contract.
 - d) Develop reports based upon data in the GeoTracker System that will evaluate performance of the LOP agencies. These reports shall be considered during periodic LOP agency certification review.

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 January 8, 2013.

Jeanine Townsend
Clerk to the Board