



Site Closure Petition Process

UNDERGROUND STORAGE TANK PROGRAM

FACT SHEET

BACKGROUND

Any underground storage tank (UST) or residential tank owner or operator or other responsible party who believes that the corrective action plan for the site has been satisfactorily implemented, but who has not been granted closure of the site, may petition the State Water Resources Control Board (State Water Board) for review of the case. ([Cal. Code Regs., tit. 23, §2814.6.](#))

Prior to petitioning the State Water Board for review, a UST or residential tank owner or operator or other responsible party must do both of the following:

- (1) remove free product to the maximum extent practicable; and
- (2) request and be denied case closure from the regulatory agency that is overseeing corrective action at the site. The denial must be signed by the Regional Board's Executive Officer or, if a local agency is overseeing corrective action, by the Environmental Health Director, or equivalent. If the petitioner filed a request for closure, and if within 60 days of the date of the request for closure the regulatory agency neither acts on the request nor informs the petitioner of when the regulatory agency will act, the inaction of the regulatory agency will be deemed to constitute a denial of the request.

[State Water Board Resolution 92-49](#), "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304" is a state policy for water quality control and applies to fuel UST cases. State Water Board Resolution 92-49 directs that water affected by an unauthorized release attain either background water quality or the best water quality that is reasonable if background water quality cannot be restored.

(State Water Board Resolution 92-49, Section III.G.)

Any alternative level of water quality less stringent than background must be consistent with the maximum benefit to the people of the state, not unreasonably affect current and anticipated beneficial use of affected water, and not result in water quality less than that prescribed in the water quality control plan for the basin within which the site is located. (Ibid.) State Water Board Resolution 92-49 does not require, however, that the requisite level of water quality be met at the time of case closure. State Water Board Resolution No. 92-49 specifies compliance with cleanup goals and objectives within a reasonable time frame. (Id., § III.A.) Therefore, even if the requisite level of water quality has not yet been attained, a case may be closed if the level will be attained within a reasonable period of time.

The following link that includes a list of adopted State Water Board UST Water Quality Orders may aid in understanding some of the technical and regulatory aspects of the petition process:

[List of UST Water Quality Petitions and Board Orders](#)

If there are any questions about the petition process, please contact: George Lockwood (916) 341-5752 glockwood@waterboards.ca.gov.

HOW TO PETITION

Petitions to the State Water Board requesting review of a UST or residential tank case must include the following:

- (1) the name and address of the petitioner;
- (2) the address of the site;
- (3) the name and address of the current owner of the site and of the owners of adjacent property including properties that are across the street from the site;
- (4) the name, address, and telephone number of all responsible parties;
- (5) a copy of the decision denying case closure by the regulatory agency overseeing corrective action at the site or a copy of the petitioner's request to the regulatory agency for closure accompanied by a statement that the regulatory agency failed to act within 60 days of the request; and
- (6) a statement of the reasons why the petitioner believes the case should be reviewed.

Note: Petitions should include the name and address of the current owner of any property affected by contaminant migration and any interested party.

While a petition is under State Water Board review, the responsible party must continue with the current monitoring program at the site. The petitioner may consider asking the regulatory agency to either postpone or discontinue additional investigation or remediation until the State Water Board has reviewed the petition.

Following review of the petition, actions taken by the State Water Board are based on site-specific information relative to each particular case. (e.g. adequately characterized, remediated to the extent practicable, Regional Water Quality Control Board Basin Plan water quality objectives to be achieved within a reasonable period of time, etc.)

Petitions for closure are typically heard before the State Water Board. All interested parties will be notified with the date, time, and location of the State Water Board meeting.

Help save paper and file your petition electronically to: glockwood@waterboards.ca.gov

or by mail to:

George Lockwood
State Water Resources Control Board
Division of Water Quality
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