

STATE WATER BOARD
RESOLUTION NO. 2005 - 0031

RESOLUTION ADOPTING PERMANENT REGULATIONS IMPLEMENTING THE GRANT AND
LOAN PROGRAM TO ASSIST SMALL BUSINESSES REPLACING, REMOVING, OR
UPGRADING PETROLEUM UNDERGROUND STORAGE TANKS

WHEREAS:

1. Chapter 6.76 (commencing with section 25299.100) of division 20 of the Health and Safety Code authorizes the State Water Board to administer a grant and loan program to assist small businesses in replacing, removing, upgrading, or making other specified improvements to petroleum underground storage tanks (RUST program);
2. Section 25299.108 of the Health and Safety Code requires the State Water Board to adopt regulations to implement and make specific the RUST program;
3. The State Water Board adopted emergency regulations for the RUST program on November 18, 2004. The existing emergency regulations will expire on June 1, 2005, unless the State Water Board submits to the Office of Administrative Law the proposed permanent regulations, the rulemaking record, and a certification that the regular rulemaking procedures prescribed in Government Code sections 11346.2 to 11347.3, inclusive, were satisfied before this deadline;
4. The State Water Board published a Notice of Proposed Rulemaking on January 14, 2005, and circulated the proposed permanent regulations for public comment for 45 days;
5. The 45-day public comment period closed on February 28, 2005; and
6. The State Water Board did not receive any comments or requests for a public hearing during this public comment period. After the Notice of Proposed Rulemaking was published, State Water Board staff made several non-substantial changes to the proposed regulations. These changes do not require any additional notice or public comment period and will be addressed in the Final Statement of Reasons.

THEREFORE, BE IT RESOLVED THAT:

The State Water Board adopts the provisions of California Code of Regulations, title 23, division 3, chapter 24, sections 3420 through 3428 as proposed permanent regulations, and the Executive Director is authorized to transmit the proposed permanent regulations to the Office of Administrative Law for filing with the Secretary of State.

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 April 21, 2005.


Debbie Irvin
Clerk to the Board