

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
DECEMBER 6, 2022**

ITEM 3

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO AMEND THE REPLACING, REMOVING, OR UPGRADING PETROLEUM UNDERGROUND STORAGE TANKS GRANT AND LOAN REGULATIONS

DISCUSSION

The State Water Resources Control Board (State Water Board) has proposed amendments to the regulations for the Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Grant and Loan Program located in article 2 of chapter 24 of division 3 of title 23 of the California Code of Regulations to update the RUST Regulations (proposed amendments) to make the RUST Regulations more specific and consistent with current operational practices and implement changes to the Health and Safety Code. Making the regulations more specific and consistent with the Health and Safety Code requirements and current operational practices will provide RUST applicants and their contractors a clear understanding of all of the requirements for obtaining and receiving RUST funding. The proposed amendments also will ensure that the requirements for obtaining and receiving RUST funding are applied consistently.

The proposed amendments also will make the requirements for grants and loans similar, where appropriate, making it easier for those applicants who are applying for both a RUST grant and a RUST loan for their project and streamlining the State Water Board's eligibility review. Proposed amendments making the application process easier and streamlining the State Water Board's review will assist small-business underground storage tank (UST) owners and operators to obtain RUST funding to meet the statutory and regulatory requirements for USTs, including the requirement to permanently remove all single-walled USTs on or before December 31, 2025.

The 45-day comment period ended on August 2, 2022. The State Water Board did not receive any written comments. No public hearing is scheduled, and no member of the public has requested one.

POLICY ISSUE

State Water Board adoption of the proposed resolution approving the proposed regulations and authorizing the Executive Director to transmit the regulations to the Office of Administrative Law.

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

There is no impact to the Regional Water Quality Control Board or Division of Drinking Water District Offices.

HUMAN RIGHT TO WATER ANALYSIS

The actions proposed under this item are consistent with the established policy of the State recognizing the human right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes (human right to water; Water Code section 106.3). The proposed actions also are consistent with [Resolution No. 2016-0010](#), in which the State Water Board adopted the human right to water as a core value and top priority. As directed by the State Water Board in Resolution No. 2016-0010, staff has determined that the proposed actions to support the human right to water by reducing the risk of releases of petroleum to California's water resources and drinking water.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed resolution approving the proposed regulations and authorizing the Executive Director to transmit the regulations to the Office of Administrative Law.