

IV. SWRCB Supporting Documents

Index to Rulemaking File Underground Storage Tank Regulations Title 23, Waters
Division 3, Water Resources Control Board Chapter 16, Underground Storage Tank
Regulations 1985

A. Outgoing Correspondence

1. Informative Mailings

a. May 11, 1984 invitation
dated, to interested parties
to attend informal working
session to discuss regulations
on May 22, 1984

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801
916/324-1262



MAY 11 1984

To: Interested Parties

Enclosed is a copy of the first working draft of the table of contents and Articles 1, 3, 4 (partial), and 11 of the regulations being developed by the State Water Resources Control Board to implement the underground tank regulatory program established by AB 1362 (Sher). We would like you to review the draft for general content, format, and workability rather than specific wording.

The State Board staff would like to meet with you to discuss your comments at an informal technical working session to be held on Tuesday, May 22, 1984 at 9:30 a.m. in the fourth floor conference room of the Bonderson Building, 901 P Street, Sacramento. Due to the seating capacity of the conference room, we request that only those individuals who were specifically sent copies of the draft regulations (or a representative) attend the workshop. We expect this session to continue into the afternoon.

If you have any questions regarding the meeting, please call Steve Fagundes at (916) 324-1258. You may also contact us after May 22 or write us with comments on the draft.

Sincerely,

A handwritten signature in cursive script, reading "Edward C. Anton", is positioned above the typed name.

Edward C. Anton, Chief
Division of Technical Services

Enclosure

b. May 22, 1984 Workshop Sign-
in Sheet

WORKSHOP
5/22/84

5/22/84 b

HAROLD SINGER

Steve Fagundes

SWRCB

SWRCB - Division of Technical Services

PO Box 100

P.O. Box 100

Sac 95801

Sacramento, CA 95801

916-324-1253

916 - 324-1258

Roger Johnson

SWRCB

Sac -

916-322-3133

Tom Tietjen

XERXES CORP.

1210 N. TUSTIN AVE

ANAHEIM, 92807

JACK W. HENRY

Arbil Oil Corp.

612 S. Flower St Suite 327

Los Angeles, CA 90017

KENNETH E. GUZIAK

UNION OIL CO. OF CALIF.

76 DIVISION ENVIR. CONTROL

461 S. BOYLSTON

LOS ANGELES, CA 90017

213-977-6089

(ALSO, PLS. SEND ALL MATERIALS TO:

David Heinrich

TEXACO Inc.

3015 Bradshaw Road.

Sacramento, CA 95821

HOWARD A. PLATT
OPERATIONS ENGINEER

76 DIV. MARKETING

UNION OIL CO. OF CALIF.

911 WILSHIRE BLVD.

LOS ANGELES, CA 90017

213-977-7533)

Cy to R.J. Wark

TEXACO Inc.

~~3015~~ 3350 Wilshire Blvd.

Los Angeles, CA 9001

5-22-84

James S. White AP-19105
ARCO Petroleum Products Company
515 South Flower Street
Los Angeles, CA 90071
213/486-8258

Also send to:

J. M. Bridges
ARCO Petroleum Products Co.
515 So. Flower St.
Los Angeles, CA 90071

Also send to

R. J. Edwards
Mobil Oil Corporation
612 So. Flower St. 9th floor
Los Angeles, CA 90017

Jerry Hagy
SHELL OIL CO.
PO Box 3105
Houston TX 77001
713-241-1448

ENTER BLDG 1864

Ray Ouellette
Shell California Production Inc.
P.O. Box 11164
Bakersfield, CA 93389-1164
(805) 326-5280

Also send to

C. VAN INWAGEN
PO Box 3105
Houston TX 77001
ENTER BLDG

J.G. Dehner

Chevron USA

575 Market Rm 2662

SF CA 94105

415 - 894 - 4054

C. R. LUPCHIO

CHEVRON USA Inc

575 MARKET ST. Room 2652

SAN FRANCISCO, CA 94105

415 - 894 - 4286

Michael D. Redemer

Beacon Oil Co.

525 W. Third St.

Hanford, CA 93230

209 582-0241

D. A. Woolsey

Branded Jobber

Woolsey Oil Inc.

166 Frank West Circle

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P.O. Box 100

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(916) 322-0205

Kathy Harder

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(916) 445-7769

JAMES STRANDBERG

SWRCB

P.O. Box 100

SACRAMENTO, CA 95801

(916) 324-7084

c. May 21, 1984 memorandum, to local agencies transmitting Article 1, 3, 4 (partial), and 11 of the regulations (text of articles not included in binder)

MAY 21 1984

To: Local Implementing Agencies

Enclosed is a copy of the first working draft of the table of contents and Articles 1, 3, 4 (partial), and 11 of the regulations being developed by the State Water Resources Control Board to implement AB 1362 (Sher). They are being sent to you at this time in order to keep you apprised of our actions on these regulations.

The State Board staff would like to meet with you at an informal working session(s) to discuss your comments. At this time, the details of such a session are still pending; however, we wanted to give you an opportunity to review the draft at an early date.

We will contact you when the details of the working session(s) are finalized.

Sincerely,

RJ for

Edward C. Anton, Chief
Division of Technical Services

Enclosure

SFagundes/lmsanborn
5/11/84

R. J. Anton 5-21-84

d. June 21, 1984 letter to
interested parties,
transmitting a list of
hazardous substances (list
not included in binder)

JUN 21 1984

TO: Interested Parties

UNDERGROUND TANK PROGRAM

Section 25281 (a) of Chapter 6.7, Division 20, of the Health and Safety Code (Sher Mill) requires the Department of Health Services (DOHS) to compile a list of hazardous substances. DOHS has compiled the list and furnished it to the State Water Resources Control Board. The list is a compilation of substances included in various state and federal statutes and includes thousands of substances. The list is being made available as required by law.

The following narrative discusses the provisions of the various statutes. The actual list of substances is included in the attachments to this letter.

Section 25280 (c) of Chapter 6.7, Division 20, of the Health and Safety Code states:

"25280 (c). 'Hazardous substance' means all of the following liquid and solid substances, unless the department, in consultation with the State Water Resources Control Board, determines the substance could not adversely affect the quality of the state:

(1) Substances on the list prepared by the Director of the Department of Industrial Relations pursuant to Section 6382 of the Labor Code.

(2) Hazardous substances, as defined in Section 25316.

(3) Any substance or material which is classified by the National Fire Protection Association (NFPA) as a flammable liquid, a class II combustible liquid, or a class III-A combustible liquid."

Section 25280 (c)(1) is attached as Attachment 1.

Section 25280 (c)(2) refers to Section 25316, Health and Safety Code.

Section 25316 states:

"25316. 'Hazardous substance' means:

(a) Any substance designated pursuant to Section 1321 (b)(2)(A) of Title 33 of the United States Code.

(b) Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the federal act (42 U.S.C. 9602).

(c) Any hazardous waste having the characteristics identified under or listed pursuant to Section 6921 of Title 42 of the United States Code, but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by act of Congress.

6/19/84 R 6-19
[Signature]

(d) Any toxic pollutant listed under Section 1317 (a) of Title 33 of the United States Code.

(e) Any hazardous air pollutant listed under Section 7412 of Title 42 of the United States Code.

(f) Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action pursuant to Section 2606 of Title 15 of the United States Code.

(g) Any hazardous waste or extremely hazardous waste as defined by Sections 25117 and 25115, respectively, unless expressly excluded."

Hazardous substances as defined by Sections 25316 (a), (d) and (e) are included in the list of hazardous substances compiled by the Director of the Department of Industrial Relations pursuant to Section 6382, Labor Code (see Attachment 1).

Hazardous substances as defined by Section 25316 (b) are included as Attachment 2.

Section 25316 (c) refers to 40 CFR 261.31, 261.32, 261.33 (e) and 261.33 (f). The lists are attached as Attachment 3.

The Department is not aware of any action the United States Environmental Protection Agency has taken pursuant to Section 2606 of Title 15 of the United States Code.

Section 25316 (g) refers to statutory definitions of hazardous waste and extremely hazardous wastes, Sections 25117 and 25115, respectively. Attached as Attachment 4 is Section 66680, Lists of Chemical Names and Common Names and Section 66685, List of Extremely Hazardous Wastes. The Department is currently proposing amendments to the two aforementioned sections. The proposed amendments are attached as Attachment 5.

Section 25280 (c) refers to the NFPA definition of flammable liquid, Class II combustible liquid, and Class III-A combustible liquid. The definitions are attached as Attachment 6. NFPA does not publish a list of chemicals categorized as flammable liquids, Class II combustible liquid, etc. However, data on the flash point of individual chemicals are available. Sources for such data may include:

- (a) Flash Point Index or Trade Name Liquids, 9th edition. NFPA. Boston, 1978.
- (b) Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids, NFPA 325M.
- (c) Flammable and Combustible Liquids Code, NFPA 30-1981.
- (d) Department of Transportation Hazardous Materials Regulations.

Interested Parties

-3-

If you have questions regarding this attached list, please call our Underground Bank Section at (916) 324-1262.

Sincerely,

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

Attachments

Mfalkenstein:moody/lmsanborn
6/19/84

e. June 22, 1984 transmittal
memo to local agencies
regarding administering the
UST program-draft permit
applications, list of city and
county contacts, computer
format for permit information,
underground container bulletin
#1

JUN 22 1984

To: Local Agencies Administering the Underground Tank Program

MEMORANDUM LG-2 - UNDERGROUND TANK PROGRAM

There are several information items that the State Board would like to keep you informed about. Enclosed you will find the following documents:

- o Draft Permit Application Form for existing tanks, new installations, amended permits, and renewed permits.
- o The computer format for permit information.
- o List of city and county contacts for administering the program.
- o Underground Container Bulletin #1 (Structures and Chemicals).

Following are our responses to issues which you have raised.

Cortese - AB 2013

1. State and local governments do not have to pay the registration fees or \$10 per container. All state and local agencies which have already submitted the fee will have it returned or refunded.

Local school districts and members of the State of California's post-secondary education system should check with their attorneys to determine whether they qualify for the exemption from the registration fee pursuant to California Government Code Section 6103.

2. Any city or county agency which has mailing labels for sites which have underground containers may submit them to the State Board. We will send out Hazardous Substance Storage Statements (HSSS) directly to the tank owners. If possible, please submit computer cheshire labels. Standard labels will also be accepted.
3. There has been some confusion on what needs to be registered. Enclosed are position papers on included and excluded structures and chemical substances.
4. A \$10 fee must be submitted for every underground farm storage tank storing fuel after October 1, 1984. No fee is required for registering these containers before October 1, 1984.

6-18-84
R. J. Sullivan
C. Butler 5/84

Local Agencies Administering
the Underground Tank Program

-2-

JUN 22 1984

Sher - AB 1362

1. State and local governments have to pay permit fees unless the local agency which issues the permit waives the fee.
2. Enclosed are the public agency contact lists for cities and counties administering AB 1362. The county list includes contact person, address, telephone number, and whether an ordinance was enacted prior to January 1, 1984 (No = N, Yes = Y). The city list includes contact name, address, telephone number, whether an ordinance was enacted prior to January 1, 1984, county the city is in, and whether the administering agency is the city (Ci) or county (Co). Please make any corrections and additions and send the information to the State Water Resources Control Board.
3. Many public agencies are interested in permitting tanks as soon as possible. The law requires the permit application information be submitted to the State Board on a standard form. The State Board will also accept this information on magnetic computer tapes. Enclosed are a draft permit application form (for your comments) and the computer format. The State Board is working with the Department of Health Services to incorporate underground tank data collection with the State Wide Environmental Evaluation and Planning System (SWEEPS). SWEEPS is a statewide data system operated by local environmental health officials.

The next memorandum will address the draft regulations, annual reporting procedures, and farm tanks. As you are aware, the underground tank program is complex, confusing, and requires vast amounts of resources. We appreciate your patience and request your assistance through comments.

State Board representatives will be available on July 10, 1984 at the Los Angeles Regional Quality Control Board, 107 South Broadway, Room 1012, at 10:30 a.m. and on July 12, 1984 in Sacramento at the State Water Resources Control Board, 901 P Street, Room 412, at 10:30 a.m. to discuss problems and solutions.

Please feel free to contact Kathy Harner at (916) 324-1262 or ATSS 454-1262.

Sincerely,

ORIGINAL SIGNED BY *K. M. Schuller*

Michael A. Campos
Executive Director

Enclosures

cc: League of California Cities
County Supervisors Association
of California

Local Agencies Administering
the Underground Tank Program

-3-

JUN 22 1984

cc: California Regional Water Quality
Control Board Executive Officers
Caltrans
California Air Resources Board
Department of Health Services
Department of Food and Agriculture
Department of Industrial Relations
Assemblyman Sher
Assemblyman Cortese

bcc: Stephanie Bradfield
OLPA

KHarder/lmsanborn
6/18/84

W. J. Bull

Permit Application



New Permit

- ☐ 01 Installed before July 1, 1984
☐ 02 Installed after July 1, 1984

☐ 03 Renewed Permit

☐ 04 Amended Permit

I Owner

Name (Corporation, Individual or Public Agency)

Street Address

City

State

ZIP

II Facility

Facility Name

Owner, Foreman, Supervisor

Street Address

Nearest Cross Street

City

County

ZIP

Mailing Address

City

State

ZIP

Phone w/area code

Type of Business

☐ 01 Gasoline Station

☐ 02 Other, _____

Number of Tanks at this Facility

Rural Areas
Only:

Township

Range

Section

III 24 Hour Emergency Contact Person

Days Name (last name first) and Phone w/area code

Nights Name (last name first) and Phone w/area code

COMPLETE THE FOLLOWING ON A SEPARATE FORM FOR EACH CONTAINER

IV Description

A ☐ 01 Tank ☐ 02 Other, _____

Container Number (if there is no number assign 01)

B Manufacturer (if appropriate) _____ Year of Mfg.: _____

C Year Installed: _____ ☐ Unknown

D. Container Capacity _____ gallons ☐ Unknown

E. Does the Container Store (Check One) ☐ 01 Waste ☐ 02 Product

F. Does the Container Store Motor Vehicle Fuel or Waste Oil? ☐ 01 Yes ☐ 02 No If Yes, Check appropriate box(es)

☐ 01 Unleaded ☐ 02 Regular ☐ 03 Premium ☐ 04 Diesel ☐ 05 Waste Oil ☐ 06 Other (List) _____

V Container Construction

A Thickness of Primary Containment: _____ ☐ Gauge ☐ Inches ☐ cm ☐ Unknown

B ☐ 01 Vaulted (Located in an underground Vault) ☐ 02 Non-vaulted ☐ 03 Unknown

C ☐ 01 Double Walled ☐ 02 Single Walled ☐ 03 Lined

D ☐ 01 Carbon Steel ☐ 02 Stainless Steel ☐ 03 Fiberglass ☐ 04 Polyvinyl Chloride ☐ 05 Concrete ☐ 06 Aluminum

☐ 07 Steel Clad ☐ 08 Bronze ☐ 09 Composite ☐ 10 Non-metallic ☐ 11 Earthen Walls

☐ 12 Unknown ☐ 13 Other _____

4-7/8-11

Container Construction

E. ☐ 01 Rubber Lined ☐ 02 Alkyd Lining ☐ 03 Epoxy Lining ☐ 04 Phenolic Lining ☐ 05 Glass Lining ☐ 06 Clay Lining
☐ 07 Unlined ☐ 08 Unknown ☐ 09 Other _____

F. ☐ 01 Polyethylene Wrap ☐ 02 Vinyl Wrapping ☐ 03 Cathodic Protection
☐ 04 Unknown ☐ 05 None ☐ 06 tar or asphalt ☐ 09 Other _____

VI Piping

A. Associated Piping: ☐ 01 Above Ground ☐ 02 Underground ☐ 03 Vaulted

B. Underground Piping: ☐ 01 Gravity ☐ 02 Pressure ☐ 03 Suction ☐ 04 Unknown

VII Leak Detection

☐ 01 Visual ☐ 02 Stock Inventory ☐ 03 Tile Drain ☐ 04 Vapor Sniff Wells ☐ 05 Sensor Instrument
☐ 06 Ground Water Monitoring Wells ☐ 07 Pressure Test ☐ 08 Internal Inspection ☐ 09 None
☐ 10 Other: _____

VIII Chemical Composition of Materials Currently or Previously Stored in Underground Containers

If you checked yes to IV-H you are not required to complete this section

currently stored	previously stored	CAS # (if known)	Chemical Do Not Use Commercial Name (Use additional paper for more room)
☐ 01	☐ 02		
☐ 01	☐ 02		
☐ 01	☐ 02		

Is Container located on an Agricultural Farm? ☐ 01 Yes ☐ 02 No

Person Filing	Phone w/area code

For Local Agency Use Only

AGENCY NAME	CITY	COUNTY
CONTACT PERSON	PHONE W/AREA CODE	
INSPECTION DATE	PERMIT APPROVAL DATE	

FOR STATE USE ONLY

SIC Number	Accounting Number	County Number
Date Received	☐ 01	☐ 02 ☐ 03

STATE WATER RESOURCES CONTROL BOARD
DATA MANAGEMENT OFFICE
FRANK CAPOGRECO 916 322-4756

UNDERGROUND TANK SYSTEM
PROPOSED PERMIT APPLICATION RECORD LAYOUT

FIELD #	FIELD NAME	LENGTH	F M T	F N L O D .	OUTPUT POSITIONS	COMMENTS
	CONSTANT	17	X		0001-0017	ENTER "TECHTINKO2"
	NEW PERMIT	01	U		0018	
	1=NEW-BEFORE 7/1/84 OR					
	2=NEW-AFTER 7/1/84 OR					
	3=RENEWED OR					
	4=AMENDED					
I	OWNER					
	NAME	30	X	1	0019-0048	
	STREET ADDRESS	30	X	2	0049-0078	
	CITY	20	X	3	0079-0098	
	STATE	02	X	4	0099-0100	
	ZIP	09	X	5	0101-0109	
II	FACILITY					
	NAME	30	X	6	0110-0139	
	DEALER/OPERATOR/SUPERV	30	X	7	0140-0169	
	STREET ADDRESS	30	X	8	0170-0199	
	NEAREST CROSS STREET	30	X	9	0200-0229	
	CITY	20	X	10	0230-0249	
	COUNTY					NOT KEYED
	ZIP	09	X	11	0250-0258	
	MAILING ADDRESS	30	X	12	0259-0288	
	MAILING CITY	20	X	13	0289-0308	
	MAILING STATE	02	X	14	0309-0310	
	MAILING ZIP	09	X	15	0311-0319	
	PHONE	10	X	16	0320-0329	
	TYPE OF BUSINESS	01	X	17	0330	
	1=GAS STATION OR					
	2=OTHER					
	OTHER (LIST)	20	X	18	0331-0350	
	NUMBER OF TANKS	04	U	19	0351-0354	ZERO FILL RT. JUS
	TOWNSHIP	03	X	20	0355-0357	
	RANGE	03	X	21	0358-0360	
	SECTION	03	X	22	0361-0363	
III	24 HOUR CONTACT					
	DAY CONTACT (LAST, FIRST)	30	X	23	0364-0393	
	DAY PHONE	10	X	24	0394-0403	
	NIGHT CONTACT (LAST, FIRST)	30	X	25	0404-0433	
	NIGHT PHONE	10	X	26	0434-0443	

FIELD #	FIELD NAME	LENGTH	F M T	F N L O D .	OUTPUT POSITIONS	COMMENTS
IV	TANK DESCRIPTION					
A	1=TANK OR	01	X	27	0444	
	2=SUMP OR					
	3=LAGOON OR					
	4=OTHER					
	OTHER (LIST)	15	X	28	0445-0459	
	TANK NUMBER	10	X	29	0460-0469	
B	MANUFACTURER	30	X	30	0470-0499	
	YEAR OF MFTG	04	X	31	0500-0503	
C	YEAR INSTALLED	04	X	32	0504-0507	
	INSTALLATION UNKNOWN	01	X	33	0508	
D	CAPACITY (GALS)	08	U	34	0509-0516	ZERO FILL RT. JUS
	CAPACITY UNKNOWN	01	X	35	0517	
E	WASTE OR PRODUCT TANK?	01	X	36	0518	
	1=WASTE OR					
	2=PRODUCT					
F	MOTOR VEHICLE FUEL TANK?	01	X	37	0519	
	1=YES OR					
	2=NO					
	TYPE OF FUEL	02	X	38	0520-0521	
	01=UNLEADED OR					
	02=REGULAR OR					
	03=PREMIUM OR					
	04=DIESEL OR					
	05=WASTE OIL OR					
	06=OTHER					
	OTHER (LIST)	15	X	39	0522-0536	
V	CONTAINER CONSTRUCTION					
A	THICKNESS (9999V999)	07	U	40	0537-0543	
	THICKNESS UNITS	01	X	41	0544	
	1=GAUGE OR					
	2=INCHES OR					
	3-CENTIMETERS OR					
	4=UNKNOWN					
B	VAULTING	01	X	42	0545	
	1=VAULTED OR					
	2=NON-VAULTED OR					
	3=UNKNOWN					

FIELD #	FIELD NAME	LENGTH	F M T	F N L O D .	OUTPUT POSITIONS	COMMENTS
C	WALLING					
	1=DOUBLE WALLED	01	X	43	0546	
	2=SINGLE WALLED	01	X	44	0547	
	3=LINED	01	X	45	0548	
	4=WRAPPED	01	X	46	0549	
	5=UNKNOWN	01	X	47	0550	
	6=NONE	01	X	48	0551	
D	MATERIAL					
	01=CARBON STEEL	02	X	49	0552-0553	
	02=STAINLESS STEEL	02	X	50	0554-0555	
	03=FIBERGLASS	02	X	51	0556-0557	
	04=POLYVINYL CHLORIDE	02	X	52	0558-0559	
	05=CONCRETE	02	X	53	0560-0561	
	06=ALUMINUM	02	X	54	0562-0563	
	07=STEEL CLAD	02	X	55	0564-0565	
	08=BRONZE	02	X	56	0566-0567	
	09=COMPOSITE	02	X	57	0568-0569	
	10=NON-METALLIC	02	X	58	0570-0571	
	11=EARTHEN WALLS	02	X	59	0572-0573	
	12=UNKNOWN	02	X	60	0574-0575	
	13=OTHER	02	X	61	0576-0577	
	OTHER (LIST)	20	X	62	0578-0597	
E	LINING					
	01=RUBBER LINING	02	X	63	0598-0599	
	02=ALKYD LINING	02	X	64	0600-0601	
	03=EPOXY LINING	02	X	65	0602-0603	
	04=PHENOLIC LINING	02	X	66	0604-0605	
	05=GLASS LINING	02	X	67	0606-0607	
	06=CLAY LINING	02	X	68	0608-0609	
	07=UNLINED	02	X	69	0610-0611	
	08=UNKNOWN	02	X	70	0612-0613	
	09=OTHER	02	X	71	0614-0615	
	OTHER (LIST)	20	X	72	0616-0635	
F	WRAPPING					
	01=POLYETHYLENE WRAP	02	X	73	0636-0637	
	02=VINYL WRAP	02	X	74	0638-0639	
	03=CATHODIC PROTECTION	02	X	75	0640-0641	
	04=UNKNOWN	02	X	76	0642-0643	
	05=NONE	02	X	77	0644-0645	
	06=TAR OR ASPHALT	02	X	78	0646-0647	
	09=OTHER	02	X	79	0648-0649	
	OTHER (LIST)	20	X	80	0650-0669	
VI	PIPING					
A	ASSOCIATED PIPING					
	1=ABOVE GROUND	01	X	81	0670	
	2=UNDERGROUND	01	X	82	0671	
	3=VAULTED	01	X	83	0672	

FIELD #	FIELD NAME	LENGTH	F M T	F N L O D .	OUTPUT POSITIONS	COMMENTS
B	UNDERGROUND PIPING					
	1=GRAVITY	01	X	84	0673	
	2=PRESSURE	01	X	85	0674	
	3=SUCTION	01	X	86	0675	
	4=UNKNOWN	01	X	87	0676	
VII	LEAK DETECTION					
	01=VISUAL	02	X	88	0677-0678	
	02=STOCK INVENTORY	02	X	89	0679-0680	
	03= TILE DRAIN	02	X	90	0681-0682	
	04=VAPOR SNIFF WELLS	02	X	91	0683-0684	
	05=SENSOR INSTRUMENT	02	X	92	0685-0686	
	06=GW MONITORING WELLS	02	X	93	0687-0688	
	07=PRESSURE TEST	02	X	94	0689-0690	
	08=INTERNAL INSPECTION	02	X	95	0691-0692	
	09=NONE	02	X	96	0693-0694	
	10=OTHER	02	X	97	0695-0696	
	OTHER (LIST)	20	X	98	0697-0716	
VIII	CHEMICAL COMPOSITION					
	CODE/CAS# 1	13	X	99	0717-0729	
	CODE/CAS# 2	13	X	100	0730-0742	
	CODE/CAS# 3	13	X	101	0743-0755	
	IS TANK LOCATED ON FARM?	01	X	102	0756	
	1=YES OR					
	2=NO					
	FILER					NOT KEYED
	PERSON FILLING					
	FILER PHONE					
LOCAL AGENCY USE ONLY						
	AGENCY NAME	30	X	103	0757-0786	
	CITY	20	X	104	0787-0806	
	COUNTY	02	X	105	0807-0808	
	CONTACT PERSON	30	X	106	0809-0838	
	CONTACT PHONE	10	X	107	0839-0848	
	INSPECTION DATE	06	X	108	0849-0854	
	DATE PERMIT APPROVED	06	X	109	0855-0860	
STATE USE ONLY FIELDS						
	SIC NUMBER	04	X	110	0861-0864	
	ACCOUNTING NUMBER	07	U	111	0865-0871	
	COUNTY NUMBER	02	X	112	0872-0873	
	DATE RECEIVED	06	X	113	0874-0879	
	01-PERMIT FEES RECD	02	U	114	0880-0881	
	02-PERMIT FEES DUE	02	U	115	0882-0883	
	03 TRADE SECRET	01	X	116	0884	

UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

COUNTY CONTACT	ORD. SCOPE
ADDRESS & PHONE NUMBER	01-01-84

***** ALAMEDA ***** N
T. M. GERON

ALAMEDA CO. DIV. OF ENV. HLTH.
473 27TH ST., RM. 324
OAKLAND 94612
415 374-6434

***** ALPINE ***** N
ROBIN HOOK
SANITARIAN
ALPINE CO. HEALTH DEPARTMENT
P. O. BOX 306
MARKLEEVILLE 95120
916 694-2146

***** AMADOR ***** N
DAVID A. THOMPSON, JR.

OFF OF AGRIC. COMMISSIONER
108 COURT STREET
JACKSON 95642
209 223-3230

***** BUTTE ***** N
MARTIN J. NICOLS
CHIEF ADMINISTRATIVE OFFICER

25 COUNTY CENTER DRIVE
OROVILLE 95965
916 534-4531

***** BUTTE ***** N
LYNN VANHAPT
DIRECTOR OF ENV. HEALTH

7 COUNTY CENTER DRIVE
OROVILLE 95965
916 534-4281

***** BUTTE ***** N
DR. ALBERT E. RAITT
DIRECTOR OF HEALTH SERVICES

18 COUNTY CENTER DRIVE
OROVILLE 95965
916 534-4531

COUNTY CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84
***** CALAVERAS HARVEY LABOUNTY	***** N
ENVIRONMENTAL HEALTH GOVERNMENT CENTER SAN ANDREAS 95249	
***** COLUSA JANET KRUG	***** N
ENVIRONMENTAL HEALTH P. O. BOX 610 COLUSA 95932	
***** CONTRA COSTA BRUCE BENIKE	***** Y
OCCUPATIONAL HEALTH P. O. BOX 571 MARTINEZ 94553 415 372-2266	
***** DEL NORTE JEFF ARNOLD DIRECTOR OF ENV. HEALTH 529 I STREET EUREKA 95501 707 445-6215	***** N
***** EL DORADO RONALD DUNCAN DIRECTOR OF ENV. HEALTH 360 FAIR LANE PLACERVILLE 95667 916 626-2411	***** N
***** FRESNO LARRY OERTI ENVIRONMENTAL HEALTH SYSTEMS P. O. BOX 11367 FRESNO 93775 209 445-3357	***** N

COUNTY CONTACT
ADDRESS & PHONE NUMBER
-----ORD. BEFORE
01-01-84
-----***** GLENN
JOE MCINTYRE

***** N

GLENN CO. AIR POL. CONT. DIST.
P. O. BOX 351
WILLOWS 95983
916 934-4651***** HUMBOLDT
JEFF ARNOLD
DIRECTOR OF ENV. HEALTH

***** Y

529 I STREET
EUREKA 95501
707 445-6215***** IMPERIAL
TOM WOOLF

***** N

ENVIRONMENTAL QUALITY CONTROL
850 BROADWAY AVENUE
EL CENTRO 92243
619 339-4203***** INYO
DAVID OLDENBURG
DIRECTOR
ENVIRONMENTAL HEALTH
213 EAST MARKET STREET
INDEPENDENCE 93526
619 372-2411

***** N

***** KERN
RICHARD CASAGRANDE

***** Y

ENVIRONMENTAL HEALTH
1700 FLOWER STREET
BAKERSFIELD 93305
805 361-3636***** KINGS
ALBERT FUJITSUO

***** Y

DIV. OF ENVIRONMENTAL HEALTH
330 CAMPUS DRIVE
HANFORD 93230
209 584-1411

COUNTY CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84

***** LAKE JERRY PRINE SANITARIAN LAKE CO. HEALTH DEPARTMENT 922 BEVINS COURT LAKEPORT. 95453 707 263-2241	***** Y

***** LASSEN DOUG AMES SANITARIAN LASSEN CO. HEALTH DEPARTMENT HOSPITAL LANE SUSANVILLE 96130 916 257-3311	***** N

***** LOS ANGELES CARL SJOBERG COUNTY OF LOS ANGELES DEPT. OF CO. ENGINEERS 550 SO. VERMONT LOS ANGELES 90020 213 733-2533	***** Y

***** MADERA MR. DAVID FISHELL DIRECTOR OF ENV. HEALTH 135 WEST YOSEMITE AVENUE MADERA 93537 209 675-7823	***** N

***** MARIN ED STEWART ENVIRONMENTAL HEALTH SERVICES HEALTH AND HUMAN SRVS. DEPT. MARIN CIVIC CENTER, R. 276 SAN RAFAEL 94903 415 499-6907	***** N

***** MARIPOSA RAY STEVENSON SANITARIAN MARIPOSA CO. HEALTH DEPT. P. O. BOX 5 MARIPOSA 95332 209 966-3689	***** N

COUNTY CONTACT	ORD. BEFORE
ADDRESS & PHONE NUMBER	01-01-84

***** MENDOCINO	***** Y
GERALD F. DAVIS	
DIRECTOR	
ENVIRONMENTAL HEALTH	
COURTHOUSE	
UKIAH	95482
707 463-4466	

***** MERCED	***** N
WILLIAM F. NORMAN	
DIRECTOR	
ENVIRONMENTAL HEALTH	
P. O. BOX 471	
MERCED	95340
209 726-7391	

***** MODOC	***** N
KEN WRIGHT	
AGRICULTURE COMMISSIONER	
MODOC COUNTY	
202 W. 4TH STREET	
ALTURAS	95101
916 233-2225	

***** MONO	***** N
ROBIN HOOK	
SANITARIAN	
MONO CO. HEALTH DEPARTMENT	
P. O. BOX 476	
BRIDGEPORT	93517
619 932-7434	

***** MONTEREY	***** Y
WALTER WONG, M.P.H., P.S.	
CHIEF OF ENV. HEALTH	
1270 NATIVIDAD ROAD	
SALINAS	93906
408 757-1061	

***** NAPA	***** N
TRENT CAVE, DIRECTOR	
ENVIRONMENTAL HEALTH	
1195 - 3RD STREET, RM. 205	
NAPA	94559
707 253-4471	

COUNTY CONTACT
ADDRESS & PHONE NUMBEROPD. BEFORE
01-01-84

***** NEVADA ***** Y
JERRY J. ZARRIELLO, M. D.
HEALTH OFFICER
NEVADA CO. HEALTH DEPARTMENT
10433 WILLOW VALLEY ROAD
NEVADA CITY 95959
916 265-1452

***** ORANGE ***** N
STEVEN K. WONG, R. S., M.P.H.
PROGRAM CHIEF
WASTE MGMT SECTION, ENV. HLTH.
P. O. BOX 355
SANTA ANA 92702
714 834-2175

***** PLACER ***** N
MARTIN A. WINSTON
DIRECTOR
DIV. OF ENVIRONMENTAL HEALTH
11484 B AVENUE
AUBURN 95603
916 823-4361

***** PLUMAS ***** N
WILLIAM F. CRIGLER
DIRECTOR
ENVIRONMENTAL HEALTH SECTION
P. O. BOX 430
QUINCY 95971
916 283-1255

***** RIVERSIDE ***** N
JOHN M. FANNING
DEPUTY DIRECTOR
ENVIRONMENTAL HEALTH
P. O. BOX 1370
RIVERSIDE 92501
714 787-2316

***** SACRAMENTO ***** Y
MARK CAMERON

SACRAMENTO CO. HEALTH AGENCY
3701 BRANCH CENTER ROAD
SACRAMENTO 95827
916 366-2092

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCYCOUNTY CONTACT
ADDRESS & PHONE NUMBERORD. BEFORE
01-01-34

***** SAN BENITO ***** N
ROLAND PERKINS
SANITARIAN
SAN BENITO CO. HEALTH DEPT.
439 FOURTH STREET
HOLLISTER 95023
408 637-5367

***** SAN BERNARDINO ***** Y
RICHARD L. ROBERTS
DIRECTOR, ENV. HEALTH SRVS.
ENVIRONMENTAL PUB. WORKS
385 N. ARROWHEAD
SAN BERNARDINO 92415
714 383-2743

***** SAN DIEGO ***** N
VICKY GALLAGHER

DIV. OF ENV. HEALTH SERVICES
1700 PACIFIC HIGHWAY
SAN DIEGO 92101
619 236-2222

***** SAN FRANCISCO ***** N
JACK E. COYNE
DIRECTOR OF ENV. HEALTH

101 GROVE STREET
SAN FRANCISCO 94102
415 558-4846

***** SAN JOAQUIN ***** N
JAMES MILLER
ENVIRONMENTAL HEALTH
SAN JOAQUIN LOCAL HEALTH DEPT.
P. O. BOX 2009
STOCKTON 95201
209 446-6781

***** SAN LUIS OBISPO ***** Y
TIM MAZZACANE
DIRECTOR
ENVIRONMENTAL HEALTH
P. O. BOX 1439
SAN LUIS OBISPO 93406
805 549-5544

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

COUNTY CONTACT	OPD. BEFORE
ADDRESS & PHONE NUMBER	01-01-84

***** SAN MATEO ***** Y	
MARK KOSTIELNEY	
DIRECTOR	
ENVIRONMENTAL HEALTH	
590 HAMILTON STREET	
REDWOOD CITY 94063	
415 363-4305	

***** SANTA BARBARA ***** Y	
BRIAN ZAMORA/RICHARD RUNYON	
DIV. OF ENV. HEALTH SERVICES	
315 CAMINO DEL REMEDIO	
SANTA BARBARA 93110	

***** SANTA CLARA ***** Y	
STEVE BROOKS	
PROGRAM COORDINATOR	
DEPT. OF PUBLIC HEALTH	
2220 MOORPARK AVENUE	
SAN JOSE 95123	
408 299-6930	

***** SANTA CRUZ ***** Y	
KEVIN KIRK	
ENVIRONMENTAL HEALTH	
701 OCEAN ST., RM. 420	
SANTA CRUZ 95060	
408 425-2341	

***** SHASTA ***** Y	
RALPH C. TETREault	
DIRECTOR	
ENVIRONMENTAL HEALTH	
1855 PLACER STREET	
REDDING 96001	
916 246-5787	

***** SIERRA ***** N	
TIM BEALS	
PLANNING DIRECTOR	
COUNTY OF SIERRA	
SIERRA COUNTY COURTHOUSE	
DOWNIEVILLE 95936	
916 289-3201	

COUNTY CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84
***** SISKIYOU ***** N 808 FLOCK CHIEF BUILDING INSPECTOR COUNTY OF SISKIYOU 305 BUTTE STREET YREKA 96097 916 842-2704	
***** SOLANO ***** Y DAVE EUBANKS ENVIRONMENTAL HEALTH 355 TUOLUMNE STREET VALLEJO 94590 707 553-5251	
***** SONOMA ***** N MIKE VANNITERI SONOMA CO. DEPT. OF PUB. HLTH 3313 CHANATE ROAD SANTA ROSA 95401 707 527-2991	
***** STANISLAUS ***** N TED GARCIA DEPT. OF ENV. RESOURCES 1716 MORGAN ROAD MODESTO 95351 209 571-6907	
***** SUTTER ***** Y AL PERRIN SUTTER CO. AGRIC. COMMISSIONER 142 GARDEN HIGHWAY YUBA CITY 95991 916 674-2351	
***** TEHAMA ***** N DONALD R. HILL AGRICULTURAL COMMISSIONER P. O. BOX 33 RED BLUFF 96080 916 527-4504	

COUNTY CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84

***** TRINITY ***** N CHERYL STEFFANSON SANITARIAN TRINITY CO. DEPT. OF HEALTH P. O. BOX AJ WEAVERVILLE 95293 916 623-4000	

***** TULARE ***** N DON A. JOHNSON DIRECTOR OF ENV. HEALTH	

COUNTY CIVIC CENTER
VISALIA 93277
209 733-6441

***** TUOLUMNE ***** N WALT KRUSE	

TUOLUMNE COUNTY
105 EAST HOSPITAL ROAD
SONORA 95370
209 533-5892

***** VENTURA ***** N JEFF HEATH	

ENVIRONMENTAL RESOURCE AGENCY
800 SOUTH VICTORIA AVENUE
VENTURA 93009
805 654-5040

***** YOLO ***** Y THOMAS Y. TO, CHIEF	

ENVIRONMENTAL HEALTH
10 COTTONWOOD STREET
WOODLAND 95695
916 666-8646

***** YUBA ***** N JONATHAN KRUG DIRECTOR OF ENV. HEALTH YUBA CO. HEALTH & WELFARE DEPT P. O. BOX 429 MARYSVILLE 95901 916 741-6251	

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN. AGENCY
***** ALAMEDA ***** TED M. GEROW	N	ALAMEDA	CO
DIVISION OF ENV. HEALTH 470 27TH ST., RM. 324 OAKLAND 94612 415 374-6434			
***** ALELANTO ***** RICHARD L. ROBERTS DIPECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 385 N. ARROWHEAD SAN BERNARDINO 92415 714 383-2743	Y	SAN BERNARDINO	CC
***** ALHAMBRA ***** CAPT. ROBERT FINK	N	LOS ANGELES	CI
ALHAMBRA FIRE DEPT. 301 NORTH FIRST STREET ALHAMBRA 91801 818 570-5193			
***** ALHAMBRA ***** CAPTAIN FINK		LOS ANGELES	
FIRE DEPARTMENT 301 NORTH FIRST STREET ALHAMBRA 91801 213 570-5033			
***** ANDERSON ***** RALPH C. TETREALT DIRECTOR ENVIRONMENTAL HEALTH 1855 PLACER STREET REDDING 96001 916 246-5767	Y	SHASTA	CO
***** ARROWBEAR LAKE ***** CAPT. NORM TAYLOR	N	SAN BERNARDINO	CI
ARROWBEAR LAKE FIRE DEPT. P. O. BOX 45 ARROWBEAR LAKE 92382 714 262-3479			

STATE WATER RESOURCES CONTROL BOARD
 UNDERGROUND TANK PROGRAM
 ADMINISTARTING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN. AGENCY
***** AZUSA CARL SJOBERG COUNTY OF LOS ANGELES DEPT. OF CO. ENGINEERS 550 SO. VERMONT LOS ANGELES 90020 213 739-2533	***** N	LOS ANGELES	CO
***** BARSTOW RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 335 N. ARROWHEAD SAN BERNARDINO 92415 714 353-2743	***** Y	SAN BERNARDINO	CO
***** BEAUMONT PAUL TURNER BUILDING INSPECTOR P. O. DRAWER 153 BEAUMONT 92223 714 845-1171	***** N	RIVERSIDE	CI
***** BELMONT SALLY ORTEGA SO. COUNTY FIRE AUTHORITY 666 ELM STREET SAN CAPLOS 94070 415 593-8011	***** Y	SAN MATEO	CI
***** BIG BEAR LAKE RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 335 N. ARROWHEAD SAN BERNARDINO 92415 714 353-2743	***** Y	SAN BERNARDINO	CO
***** BREA DIVISION CHIEF FRANCESCONI BREA FIRE DEPT. NUMBER ONE CIVIC CENTER CIRCLE BREA 92621 714 990-7647	***** N	ORANGE	CI

06/13/84

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

PAGE

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** BUENA PARK ***** JIM ZIMMER FIRE MARSHAL BUENA PARK FIRE DEPT. 3081 WESTERN AVENUE BUENA PARK 90620 714 521-9900	N	ORANGE	CI
***** BURBANK ***** CAPTAIN SPOONER BURBANK FIRE DEPT. 353 E. CLIVE BURBANK 91502 818 953-8773	N	LOS ANGELES	CI
***** BURLINGAME ***** WILLIAM REILLY FIRE INSPECTOR BURLINGAME FIRE DEPT. 1399 ROLLINS ROAD BURLINGAME 94010 415 692-4744	Y	SAN MATEO	CI
***** CAMARILLO ***** JEFF HEATH ENVIRONMENTAL RESOURCE AGENCY 300 SO. VICTORIA AVENUE VENTURA 93009 805 654-5040	N	VENTURA	CO
***** CAMPBELL ***** MICHAEL S. YOUNG FIRE MARSHAL CAMPBELL FIRE DEPT. 123 S. UNION AVENUE CAMPBELL 95008 408 378-8141	Y	SANTA CLARA	CI
***** CARMEL ***** WALTER WONG, M.P.H., R.S. CHIEF OF ENVIRONMENTAL HEALTH 1270 NATIVIDAD ROAD SALINAS 93906 408 757-1061	Y	MONTEREY	CO

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN. AGENCY
***** CHICO LARRY D. AGEE FIRE MARSHAL CHICO FIRE DEPT. 842 SALEM STREET CHICO 95926 916 895-4930	***** Y	SUTTE	CI
***** CHINO JOHN KINDSCHEY DIRECTOR OF ENV. HEALTH 365 NO. ARROWHEAD SAN BERNARDINO 92415 714 383-7170	***** Y	SAN BERNARDINO	CC
***** CHINO RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 335 N. ARROWHEAD SAN BERNARDINO 92415 714 383-2743	***** Y	SAN BERNARDINO	CC
***** CHULA VISTA T. R. MONSELL FIRE MARSHAL CHULA VISTA FIRE DEPARTMENT 276 FOURTH AVENUE CHULA VISTA 92010 619 691-5057	***** N	SAN DIEGO	CI
***** CITY OF INDUSTRY KEVIN RADECKI P. O. BOX 3366 CITY OF INDUSTRY 91744 213 333-2211	***** N	LOS ANGELES	CI
***** CLOVIS JOHN CAWELTI CLOVIS FIRE DEPARTMENT 1033 FIFTH STREET CLOVIS 93612 209 298-3046	***** N	FRESNO	CI

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STATE WATER RESOURCES CONTROL BOARD
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CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** COLTON RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 385 N. ARROWHEAD SAN BERNARDINO 92415 714 383-2743	***** Y	SAN BERNARDINO	CC
***** COLUSA DARYL THOMPSON, CHIEF COLUSA COUNTY FIRE DEPT. 750 MARKET STREET COLUSA 95932 916 455-7721	***** N	COLUSA	CI
***** COMPTON ERNEST MITCHELL FIRE MARSHAL COMPTON FIRE DEPT. 201 SOUTH ACACIA AVE. COMPTON 90220 213 631-1175	***** N	LOS ANGELES	CC
***** CORNING DONALD R. HILL AGRICULTURAL COMMISSIONER P. O. BOX 38 RED BLUFF 96030 916 527-4504	***** N	TEHAMA	CO
***** COSTA MESA THOMAS R. MACDUFF FIRE MARSHAL P. O. BOX 1200 COSTA MESA 92628 714 754-5145	***** N	SAN DIEGO	CI
***** COTTON JOHN W. KINDSPY, SUPERVISOR HAZARDOUS WASTE PROGRAM DEPT. OF ENV. HEALTH SERVICES 385 NORTH ARROWHEAD SAN BERNARDINO 92415 714 353-7170	***** Y	SAN BERNARDINO	CC

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	CRD. BEFORE 01-01-84	COUNTY NAME	ADMIN. AGENCY
***** DALY CITY ***** MARK KOSTIELNEY DIRECTOR OF ENV. HEALTH SAN MATEO CO. DEPT. OF HLTH 590 HAMILTON STREET REDWOOD CITY 94063 415 363-4305	Y	SAN MATEO	CC
***** DAVIS ***** THOMAS Y. TO CHIEF ENVIRONMENTAL HEALTH 10 COTTONWOOD STREET WOODLAND 95695 916 666-2646	Y	YOLO	
***** DEL REY OAKES ***** WALTER WONG, M.P.H., R.S. CHIEF OF ENVIRONMENTAL HEALTH 1270 NATIVIDAD ROAD SALINAS 93906 408 757-1061	Y	MONTEREY	CC
***** DESERT HOT SPRING ***** BLAKE GOETZ CITY FIRE MARSHAL DESERT HOT SPRINGS FIRE DEPT. 11-711 WEST DRIVE DESERT HOT SPRINGS 92240	N	RIVERSIDE	CI
***** DIXON ***** DAVE EUBANKS ENVIRONMENTAL HEALTH 355 TUOLUMNE STREET VALLEJO 94590 707 553-5251	N	SOLANO	CC
***** DUARTE ***** MICHAEL E. STORY ASSISTANT PLANNER 1500 HUNTINGTON DRIVE DUARTE 91010 213 357-7931	N	LOS ANGELES	CI

06/18/84

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

PAGE

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN. AGENCY
***** EL CENTRO BILL HSU 935 BROADWAY EL CENTRO 92243	***** Y	IMPERIAL	CI
***** EL MONTE FIRE MARSHAL CITY OF EL MONTE FIRE DEPT. 3615 SANTA ANITA AVENUE EL MONTE 91731 813 575-2060	***** N	LOS ANGELES	CI
***** ESCALON JAMES MILLER ENVIRONMENTAL HEALTH SAN JOAQUIN LOCAL HEALTH DEPT. P. O. BOX 2009 STOCKTON 95201 209 446-6731	***** N	SAN JOAQUIN	CO
***** FAIRFIELD CHARLES HUCHEL, CHIEF DEPT. OF PUBLIC SAFETY CITY OF FAIRFIELD 1000 WEBSTER STREET FAIRFIELD 94533 707 426-5500	***** N	SOLANO	CI
***** FONTANA RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 335 N. ARROWHEAD SAN BERNARDINO 92415 714 333-2743	***** Y	SAN BERNARDINO	CO
***** FONTANA RICHARD L. ROBERTS DIRECTOR 385 N. ARROWHEAD SAN BERNARDINO 92415 714 333-7170	***** Y	SAN BERNARDINO	CO

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CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-54	COUNTY NAME	ADMIN AGENCY
***** FREMONT ***** KENNETH J. SLAMON, JR. BATTALION CHIEF FREMONT FIRE DEPARTMENT 4200 MOWRY AVENUE FREMONT 94538 415 791-4282	Y	ALAMEDA	CI
***** GARDENA ***** ANDY E. BERO FIRE CHIEF 1650 W. 162ND STREET GARDENA 90247 213 327-0220	Y	LOS ANGELES	CI
***** GLENDALE ***** JOHN BROWN FIRE MARSHAL 633 EAST BROADWAY, RM. 303 GLENDALE 91206 818 956-4310	Y	LOS ANGELES	CI
***** GONZALAS ***** WALTER WONG, M.P.H., R.S. CHIEF OF ENVIRONMENTAL HEALTH 1270 NATIVIDAD ROAD SALINAS 93906 408 757-1061	Y	MONTEREY	CO
***** GRASS VALLEY ***** JAMES MCGARVA FIRE MARSHAL GRASS VALLEY FIRE DEPT. 125 EAST MAIN ST. GRASS VALLEY 95945 916 273-6368	N	NEVADA	CI
***** GREENFIELD ***** WALTER WONG, M.P.H., R.S. CHIEF OF ENVIRONMENTAL HEALTH 1270 NATIVIDAD ROAD SALINAS 93906 408 757-1061	Y	MONTEREY	CO

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STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

PAGE

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** GROVER CITY ***** STEPHEN HICKS BUILDING INSPECTOR P. O. BOX 365 GROVER CITY 93433	N	SAN LUIS OBISPO	
***** HAWAIIAN GARDEN ***** ROY BUTLER DEPUTY CITY ENGINEER 21815 PIONEER BLVD. HAWAIIAN GARDENS 90716 420-2641	N	LOS ANGELES	CI
***** HERMOSA BEACH ***** CAPTAIN EDWARD CHESSON FIRE DEPARTMENT 540 PIER AVENUE HERMOSA BEACH 90254 213 376-2479	N	LOS ANGELES	CI
***** HOLLISTER ***** TONY AGUIRRE FIRE CHIEF 110 FIFTH STREET HOLLISTER 95023 408 637-5544	Y	SAN BENITO	CI
***** INDIO ***** RICHARD J. LISMAN ASSISTANT FIRE CHIEF INDIO FIRE DEPARTMENT 46-900 JACKSON STREET INDIO 92201 619 347-0756	N	RIVERSIDE	CI
***** IRVINE ***** SYLVAN D. HERSH, PH.D. HAZ. MAT. PROGRAM ADMINISTRATOR CITY OF IRVINE 17200 JAMBREE ROAD IRVINE 92713 714 660-3721	N	ORANGE	CI

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STATE WATER RESOURCES CONTROL BOARD
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ADMINISTRATING PUBLIC AGENCY

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CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE C1-C1-34	COUNTY NAME	ADMIN AGENCY
***** KENWOOD J. EDWARD GEIS FIRE PROTECTION DISTRICT 9045 SONOMA HWY KENWOOD 95452 707 833-2042	***** N	SONOMA	CO
***** KING CITY WALTER WONG, M.P.H., R.S. CHIEF OF ENVIRONMENTAL HEALTH 1270 NATIVIDAD ROAD SALINAS 93906 408 757-1061	***** Y	MONTEREY	CO
***** KINGS BEACH BATTALIAN CHIEF CRANE NORTH TAHOE DISTRICT P. O. BOX 1308 KINGS BEACH 95719	***** N	PLACER	CI
***** LA HABRA BARBARA WELLENS LA HABRA FIRE DEPARTMENT 850 W. LA HABRA BLVD. LA HABRA 90631 213 694-1011	***** N	LOS ANGELES	CI
***** LA HABRA HEIGHT ELROY L. KIEPKE 1245 N. HACIENDA BLVD. LA HABRA HEIGHTS 90631 213 921-9215	***** N	LOS ANGELES	CI
***** LA QUINTA DOUGLAS BROWN COMMUNITY SAFETY COORDINATOR CITY OF LA QUINTA P. O. BOX 1504 LA QUINTA 92253 619 564-2246	***** N		CI

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN. AGENCY
***** LA VERNE ***** RON SILLO FIRE MARSHAL 2061 THIRD STREET LA VERNE 91750 714 596-5991	N	LOS ANGELES	CI
***** LARKSPUR ***** WILLIAM A. SCHULZE BUILDING INSPECTOR LARKSPUR FIRE DEPT. P. O. BOX 585 LARKSPUR 94939 415 924-2405	N	MARIN	CI
***** LINDSAY ***** JOHN BUTTON PUBLIC WORKS DIRECTOR P. O. BOX 369 LINDSAY 93247 209 562-2511	N	TULARE	
***** LIVERMORE ***** ERIC CARLSON LIVERMORE FIRE DEPARTMENT 4550 EAST AVENUE LIVERMORE 94550 415 447-2232	N	ALAMEDA	CI
***** LODI ***** JAMES MILLER ENVIRONMENTAL HEALTH SAN JOAQUIN LOCAL HEALTH DEPT. P. O. BOX 2009 STOCKTON 95201 209 446-6751	N	SAN JOAQUIN	CO
***** LOMA LINDA ***** RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 335 N. APPROACH SAN BERNARDINO 92415 714 383-2743	Y	SAN BERNARDINO	CC

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	CRD. BEFORE 01-01-84	COUNTY NAME	ADMIN. AGENCY
***** LONG BEACH ***** GARY ROBERTS	Y	LOS ANGELES	CI
LONG BEACH FIRE DEPT. 400 WEST BROADWAY, RY. 264 LONG BEACH 90502 213 435-2458			
***** LOS ALTOS ***** STU FARWELL	N	SANTA CLARA	CI
LOS ALTOS FIRE DEPARTMENT 10 ALMOND AVENUE LOS ALTOS 94022 415 948-2404			
***** LOS ALTOS HILLS ***** STEVE BROCKS PROGRAM COORDINATOR DEPT. OF PUBLIC HEALTH 2220 MCORPARK AVENUE SAN JOSE 95128 408 299-6930	Y	SANTA CLARA	CC
***** MANTECA ***** JAMES MILLER ENVIRONMENTAL HEALTH SAN JOAQUIN LOCAL HEALTH DEPT. P. O. BOX 2009 STOCKTON 95201 209 446-6781	N	SAN JOAQUIN	CC
***** MARINA ***** WALTER WONG, M.P.H., R.S. CHIEF OF ENVIRONMENTAL HEALTH 1270 NATIVIDAD ROAD SALINAS 93906 408 757-1061	Y	MONTEREY	CC
***** MARTINEZ ***** BRUCE BENIKE	Y	CONTRA COSTA	CC
HEALTH SERVICES DEPARTMENT 1111 WARD STREET MARTINEZ 94553 415 372-2236			

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN. AGENCY
***** MERCED ***** BILL NORMAN/JEFF PALSGAARD DEPT. OF HEALTH 210 E. 15TH STREET MERCED 95340 209 385-7391	N	MERCED	CC
***** MERCED ***** JOHN EVANS, DIVISION CHIEF FIRE PREVENTION BUREAU MERCED CITY FIRE DEPT. P. O. BOX 2068 MERCED 95344-683 209 358-6830	N	MERCED	CI
***** MILLBRAE ***** LYLE D. JOHNSON DIRECTOR OF PUBLIC WORKS 621 MAGNOLIA AVENUE MILLBRAE 94030 415 692-2512	Y	SAN MATEO	CI
***** MILPITAS ***** KATE JACKSON CHEMICAL SPECIALIST OFFICE OF THE FIRE MARSHAL 455 E. CALAVERAS BLVD. MILPITAS 95035 408 942-2321	Y	SANTA CLARA	CI
***** MONTCLAIR ***** GARY A. TURNER DIVISION CHIEF MONTCLAIR FIRE DEPT. P. O. BOX 2303 MONTCLAIR 91763 714 626-1217	Y	SAN BERNARDINO	CI
***** MONTCLAIR ***** RICHARD L. ROBERTS DIPECTOR, ENV. HEALTH SVCS. ENVIRONMENTAL PUB. WORKS 385 N. ARROWHEAD SAN BERNARDINO 92415 714 333-2743	Y	SAN BERNARDINO	CC

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** MONTE SERENO ***** STEVE BROOKS PROGRAM COORDINATOR DEPT. OF PUBLIC HEALTH 2220 MOORPARK AVENUE SAN JOSE 95128 408 299-6930	Y	SANTA CLARA	CO
***** MONTEBELLO ***** FIRE MARSHAL MONTEBELLO FIRE DEPT. 600 N. MONTEBELLO BLVD. MONTEBELLO 90640 213 722-7304	N	LOS ANGELES	CI
***** MOUNTAIN VIEW ***** WES GEBB MOUNTAIN VIEW FIRE DEPT. 1000 VILLA STREET MOUNTAIN VIEW 94041 415 966-6378	Y	SANTA CLARA	CI
***** NATIONAL CITY ***** PATTI SCHIFF FIRE MARSHAL NATIONAL CITY FIRE DEPT. 333 E. 16TH STREET NATIONAL CITY 92050 916 477-1181	N	SAN DIEGO	CI
***** NEEDLES ***** RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PLB. WORKS 335 N. ARROWHEAD SAN BERNARDINO 92415 714 383-2743	Y	SAN BERNARDINO	CO
***** NEWARK ***** DENNIS E. LEONESIO ASSISTANT CHIEF NEWARK FIRE DEPT. 37101 NEWARK BLVD. NEWARK 94560 415 790-7246	N	ALAMEDA	CI

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** NOVATO ***** DIVISION OF ENV. HEALTH SRVS. COUNTY OF MARIN MARIN COUNTY CIVIC CENTER SAN RAFAEL 94903	N	MARIN	CC
***** ONTARIO ***** RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 335 N. ARROWHEAD SAN BERNARDINO 92415 714 383-2743	N	SAN BERNARDINO	CC
***** GROVILLE ***** WAYNE T. WILSON BATTALION CHIEF GROVILLE FIRE DEPARTMENT 2055 LINCOLN STREET GROVILLE 95965	N	BUTTE	CI
***** PACIFIC GROVE ***** WALTER WONG, M.P.H., R.S. CHIEF OF ENVIRONMENTAL HEALTH 1270 NATIVIDAD ROAD SALINAS 93906 408 757-1061	Y	MONTEREY	CC
***** PALO ALTO ***** DAN HEISER PALO ALTO FIRE DEPT. 250 HAMILTON AVENUE PALO ALTO 94301	Y	SANTA CLARA	CI
***** PARADISE ***** LYNN VANHART, DIRECTOR BUTTE CO. DIV. OF ENV. HEALTH 7 COUNTY CENTER DRIVE GROVILLE 95965 916 534-4291	N	BUTTE	CC

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** PARAMOUNT ELROY KIEPKO BUILDING DEPARTMENT 16400 COLORADO AVENUE PARAMOUNT 90723 213 634-2123	***** N	LOS ANGELES	CI
***** PLACENTIA JOSE MIRAN BUILDING OFFICIAL CITY OF PLACENTIA 401 E. CHAPMAN AVENUE PLACENTIA 92670 714 993-3127	***** N		CI
***** POWAY STEWART W. GARY FIRE MARSHAL CITY OF POWAY FIRE DEPT. P. O. BOX 785 POWAY 92064 619 743-6600	***** N	SAN DIEGO	CI
***** RANCHO CUCAMONG RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 385 N. ARROWHEAD SAN BERNARDINO 92415 714 383-2743	***** N	SAN BERNARDINO	CO
***** RED BLUFF DON HILL AGRICULTURE COMMISSIONER COUNTY OF TEHAMA P. O. BOX 38 RED BLUFF 96030 916 527-4504	***** N	TEHAMA	CO
***** REDLANDS RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 385 N. ARROWHEAD SAN BERNARDINO 92415 714 383-2743	***** Y	SAN BERNARDINO	CO

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** RIALTO ***** RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SPVS. ENVIRONMENTAL PUB. WORKS 385 N. ARROWHEAD SAN BERNARDINO 92415 714 383-2743	Y	SAN BERNARDINO	CO
***** RIDGECREST ***** CHIEF BUILDING OFFICIAL PUBLIC WORKS DEPARTMENT 139 BALSAM STREET RIDGECREST 93555 619 375-1321	N	KERN	CI
***** RIPON ***** JAMES MILLER ENVIRONMENTAL HEALTH SAN JOAQUIN LOCAL HEALTH DEPT. P. O. BOX 2009 STOCKTON 95201 209 446-6781	N	SAN JOAQUIN	CO
***** ROCKLIN ***** CHIEF PANDY LOVELOCK ROCKLIN FIRE DEPT. P. O. BOX 687 ROCKLIN 95677 916 624-3351		PLACER	CI
***** ROCKLIN ***** MARTIN A. WINSTON DIRECTOR DIV. OF ENV. HEALTH 11434 B AVENUE AUBURN 95603 916 323-4361	N	PLACER	CI
***** ROHNERT PARK ***** ROBERT E. DENNETT DIRECTOR OF PUBLIC SAFETY DEPT. OF PUBLIC SAFETY 435 SOUTHWEST BLVD. ROHNERT PARK 94928 707 795-3656	N	SONOMA	CI

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN. AGENCY
***** SALINAS ***** TOM CAMPBELL FIRE CHIEF SALINAS FIRE DEPT. 222 LINCOLN AVENUE SALINAS 93901 408 758-7261	Y	MONTEREY	CI
***** SALINAS ***** WALTER WONG, M.P.H., R.S. CHIEF OF ENVIRONMENTAL HEALTH 1270 NATIVIDAD ROAD SALINAS 93906 408 757-1061	Y	MONTEREY	CO
***** SAN BERNARDINO ***** RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 325 N. ARROWHEAD SAN BERNARDINO 92415 714 333-2743	Y	SAN BERNARDINO	CO
***** SAN CARLOS ***** SALLY ORTEGA SO. COUNTY FIRE AUTHORITY 666 ELM STREET SAN CARLOS 94070 415 593-3011	Y	SAN MATEO	CI
***** SAN JOSE ***** PETER W. JONES, HAZ. MAT. PROGRAM MGR. CITY OF SAN JOSE 801 N. FIRST STREET SAN JOSE 95110 408 277-4656	Y	SANTA CLARA	CI
***** SAN LUIS OBISPO ***** GEORGE TRUPPELLI CITY FIRE DEPARTMENT 748 PISMO STREET SAN LUIS OBISPO 93401 805 549-7380	Y	SAN LUIS OBISPO	CI

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	CRD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** SAND CITY ***** WALTER WONG, M.P.H., R.S. CHIEF OF ENVIRONMENTAL HEALTH 1270 NATIVIDAD ROAD SALINAS 93906 409 757-1061	Y	MONTEREY	CO
***** SANGER ***** RON KARLE FIRE MARSHAL SANGER FIRE DEPT. 1700 7TH STREET SANGER 93657 209 375-6568	N	FRESNO	CO
***** SANGER ***** LARRY OERTI ENV. HEALTH SERVICES P. O. BOX 11267 FRESNO 93775 209 445-3271	N	FRESNO	CO
***** SANTA ANA ***** JIMMY DALTON, DIVISION CHIEF FIRE MARSHAL SANTA ANA FIRE DEPT. 1439 S. BROADWAY SANTA ANA 92707 714 334-4125	Y	ORANGE	CI
***** SANTA CLARA ***** LARRY MONETTE, PH.D. SANTA CLARA FIRE DEPT. 777 BENTON STREET SANTA CLARA 95050 408 984-3084	Y	SANTA CLARA	CI
***** SANTA MONICA ***** JULIE LEE DEPT. OF GENERAL SERVICES 1635 MAIN STREET SANTA MONICA 90401 213 458-8224	Y	LOS ANGELES	CI

06/18/84

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
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PAGE

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE C1-01-84	COUNTY NAME	ADMIN AGENCY
***** SANTA PAULA ***** TERRY GILDAY VENTURA CO. ENV. HEALTH 300 SOUTH VICTORIA AVENUE VENTURA 93009	N	VENTURA	CC
***** SANTA ROSA ***** MICHAEL TURNICK FIRE CHIEF LEAGUE OF CA CITIES 955 SONOMA AVENUE SANTA ROSA 95404 707 576-5311	N	SONOMA	CI
***** SANTEE ***** CHARLES E. STREETER SANTEE FIRE PROTECTION DIST. P. O. BOX 1170 SANTEE 92071	N	SAN DIEGO	CI
***** SARATOGA ***** STEVE BROOKS PROGRAM COORDINATOR DEPT. OF PUBLIC HEALTH 2220 MOORPARK AVENUE SAN JOSE 95122 408 299-6930	Y	SANTA CLARA	CO
***** SARATOGA ***** RICHARD HARPISON SENIOR INSPECTOR DEPT. OF COMMUNITY DEVELOPMENT 13777 FRUITVALE AVENUE SARATOGA 95070 408 267-3432	Y	SANTA CLARA	CI
***** SCOTTS VALLEY ***** PUBLIC WORKS DIRECTOR CITY OF SCOTTS VALLEY 370 KINGS VILLAGE ROAD SCOTTS VALLEY 95066 408 438-2324	Y	SANTA CRUZ	CI

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** SELMA DAVE HARRGEN FIRE CHIEF SELMA FIRE DEPT. 2557 A STREET SELMA 93662 209 296-2511	***** N	FRESNO	CI
***** SIGNAL HILL CHRISTINE A. SHINGLETON DIRECTOR DEPT. OF PLNG. & COM. DEVELOP. 2175 CHERRY AVENUE SIGNAL HILL 90806 213 426-7333	***** N	LOS ANGELES	CI
***** SOLEDAD WALTER WONG, M.P.H., R.S. CHIEF OF ENVIRONMENTAL HEALTH 1270 NATIVIDAD ROAD SALINAS 93906 408 757-1061	***** Y	MONTEREY	CC
***** SONORA STEVEN SZALAY HEALTH DEPARTMENT 2 SO. GREEN STREET SONORA 95370 209 533-5511	***** N	TUOLUMNE	CC
***** SOUTH SAN FRANCISCO J. L. DRAGO FIRE CHIEF SO. SAN FRANCISCO FIRE DEPT. 33 ARROYO DR., SUITE F SO. SAN FRANCISCO 94080 415 877-8950	***** N	SAN MATEO	CI
***** STOCKTON JAMES MILLER ENVIRONMENTAL HEALTH SAN JOAQUIN LOCAL HEALTH DEPT. P. O. BOX 2009 STOCKTON 95201 209 446-6781	***** N	SAN JOAQUIN	CC

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** SUNNYVALE ***** LT. CHARLES M. RICE SUNNYVALE DEPT. OF PUB. SAFETY P. O. BOX 60607 SUNNYVALE 94088 408 738-5673	Y	SANTA CLARA	CI
***** TORRANCE ***** CHIEF HAAS/CAPTAIN HALL FIRE DEPARTMENT 1701 CRENSHAW BLVD. TORRANCE 90501	Y	LOS ANGELES	CI
***** TRACY ***** JAMES MILLER ENVIRONMENTAL HEALTH SAN JOAQUIN LOCAL HEALTH DEPT. P. O. BOX 2009 STOCKTON 95201 209 446-6781	N	SAN JOAQUIN	CO
***** UPLAND ***** GARY EDWARDS DIVISION CHIEF UPLAND FIRE DEPT. P. O. BOX 460 UPLAND 91786 714 985-4718	N	SAN BERNARDINO	CI
***** UPLAND ***** RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 385 N. ARROWHEAD SAN BERNARDINO 92415 714 383-2743	N	SAN BERNARDINO	CO
***** VENTURA ***** KENNETH HESS ASSISTANT CHIEF 1425 DOWELL DRIVE VENTURA 93003 805 654-7763	Y	VENTURA	CI

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	ORD. BEFORE 01-01-84	COUNTY NAME	ADMIN AGENCY
***** VERNON ***** LOUIS S. HAUGER DIRECTOR ENVIRONMENTAL HEALTH 4305 SANTA FE AVENUE VERNON 90053 213 583-8811			CI
***** VICTORVILLE ***** Y RICHARD L. ROBERTS DIRECTOR, ENV. HEALTH SRVS. ENVIRONMENTAL PUB. WORKS 385 N. ARROWHEAD SAN BERNARDINO 92415 714 383-2743		SAN BERNARDINO	CO
***** VICTORVILLE ***** Y JOHN KINDSCHY ENVIRONMENTAL HEALTH SERVICES HAZARDOUS WASTE & TOXICS SECT. 305 NORTH ARROWHEAD SAN BERNARDINO 92415 714 383-3354		SAN BERNARDINO	CO
***** VICTORVILLE ***** RODOLFO N. CABRIALES VICTORVILLE FIRE DEPT. 14343 CIVIC DRIVE VICTORVILLE 92392 619 245-5312		SAN BERNARDINO	CO
***** VILLA PARK ***** N CAROLYN VEREGGE ASST. CITY MANAGER 17355 SANTIAGO BLVD. VILLA PARK 92667 714 995-1500		ORANGE	CI
***** WATSONVILLE ***** Y DON FRENCH ASSISTANT CHIEF 115 SECOND STREET WATSONVILLE 95070 408 728-6060		SANTA CRUZ	CI

06/13/84

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANK PROGRAM
ADMINISTRATING PUBLIC AGENCY

PAGE

CITY NAME, CONTACT ADDRESS & PHONE NUMBER	CRD. BEFORE C1-01-34	COUNTY NAME	ADMIN AGENCY
***** WINTERS THOMAS Y. TO CHIEF ENVIRONMENTAL HEALTH 10 COTTONWOOD STREET WOODLAND 95695 916 666-8646	***** Y	YCLC	
***** WOODLAND THOMAS Y. TO CHIEF ENVIRONMENTAL HEALTH 10 COTTONWOOD STREET WOODLAND 95695 916 666-3646	***** Y	YOLO	
***** YUBA CITY AL PERRIN SUTTER CO. AGRIC. COMMISSIONER 142 GARDEN HIGHWAY YUBA CITY 95991 916 674-2351	***** Y	SUTTER	CC

GRAND TOTAL 141

Underground Container
Bulletin #1

This bulletin and the attachments clarify which types of containers and substances must be registered on a Hazardous Substance Storage Statement with the State Water Resources Control Board.

Containers

Registration is required for the following containers:

- o Registration is required for all underground containers which store hazardous substances. This includes containers which have contained hazardous substances in the past and, as of 7/1/84, have the physical capability of being used again.
- o Underground containers include earthen walled pits, ponds, lagoons and sumps, nonvaulted buried tanks, and other types of containers that are below or partially below normal ground surface level which store hazardous substances. Only vaults and not the tanks contained therein are to be registered.
- o Abandoned underground process equipment (such as clarifiers) and containers which have contained hazardous substances and which, as of 7/1/84, have the physical capability of being used again.
- o Emergency tanks, pits, ponds, lagoons, sumps, and other underground containers intended to accommodate extraordinary or unusual occurrences which have ever contained hazardous substances.
- o Basement vaulted tanks. The basement (which is considered a vault) and not the tanks contained therein must be registered.
- o Existing temporary containers that will be in service or have the physical capability of being used again after the July 1, 1984 registration deadline.
- o API oil separators must be registered if the oil or the water contains constituents in concentrations that are classified as hazardous substances.
- o NPDES permitted facilities which store hazardous substances.
- o RCRA permitted facilities which store hazardous substances.
- o Cooling tower basins which store hazardous substances.
- o For the purpose of reporting, a contained system encompassing a series of small sumps connected to a single transfer system and terminating in a single collection facility shall be classified as a single container.

- o In the case of vaulted buried tanks, only the vaults and not the tanks contained therein need to be registered.

Registration is not required for the following containers:

- o Sewage treatment facilities which do not handle hazardous substances.
- o Water treatment facilities (except underground containers on site which store hazardous substances).
- o Piping which contains hazardous substances and which is not connected to an underground container.
- o Containers that will no longer be physically capable of use after 7/1/84.
- o Tanks, pits, ponds, lagoons, sumps, and other underground containers designed and used solely to collect storm water runoff and which contain no hazardous substances.
- o Septic tanks containing domestic sewage only.
- o Well cellars which have never contained hazardous substances.
- o Underground machinery or mechanisms which contain hazardous substances solely because it is required for their operation such as the hydraulic fluid in hydraulic lifts and PCBs in transformers.

Substances

Registration is required for the following substances:

- o Crude oil which contains constituents in concentrations that are classified as "hazardous substances" pursuant to California Labor Code Section 6382.
- o Refined oil which contains constituents in concentrations that are classified as "hazardous substances".
- o Oil and water when combined together, and when a waste, is a hazardous substance. Containers which contain oil which is not a waste but which contains constituents in concentrations that are classified as hazardous substances must be registered.

Registration is not required for the following substances:

- o Domestic sewage and septage if no hazardous substances are included.
- o Radioactive materials if stored in an underground container which is part of a production or utilization facility licensed by the federal Nuclear Regulatory Commission.

f. July 24, 1984 letter to
interested parties
transmitting first draft of
regulations (text not included
in binder)

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING

901 P STREET

P.O. BOX 100

SACRAMENTO, CALIFORNIA 95801



JUL 24 1984

To: Interested Parties

Enclosed is a copy of the first working draft of the regulations being developed by the State Water Resources Control Board to implement AB 1362 (Sher). This draft has been sent to the Department of Finance for its approval prior to its submittal to the Office of Administrative Law (OAL). Both of these agencies must approve the draft document before the proposed regulations are sent out for a 45-day public comment period before a formal hearing. They are being sent to you at this time in order to keep you appraised of our actions on these regulations. However, since significant changes may have to be made in the draft regulations to satisfy either Department of Finance or OAL, we encourage you to not submit comments until either we advise you that this draft has been approved by the Department of Finance and OAL, or we send you a draft of the regulations that has been approved by both of these agencies.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward C. Anton".

Edward C. Anton, Chief
Division of Technical Services

Enclosure

g. August 20, 1984 invitation
to petroleum retailer and
wholesalers to attend informal
workshop to discuss draft
regulations on August 30, 1984

STATE WATER RESOURCES CONTROL BOARD
P.O. BOX 100, SACRAMENTO, CALIFORNIA 95801

AUG 20 1984

Petroleum Retailers and Wholesalers**UNDERGROUND TANK REGULATIONS**

Enclosed is a copy of the draft of the regulations developed by the State Water Resources Control Board to implement the underground tank regulatory program established by AB 1362 (Sher). This draft has been sent to the Department of Finance and to the Office Administrative Law for review.

The formal comment period for these regulations should begin in late August and last through mid-October, and the public hearing will be scheduled at the end of this period. However, the State Board staff would like to meet with you to discuss your comments at an informal working session on Thursday, August 30, 1984, starting at 9:30 a.m. The session will be in the hearing room, first floor of the Bonderson Building, 901 "P" Street, Sacramento. We expect this meeting to continue into the afternoon.

Copies of the fiscal analysis and Statement of Reasons will be available at this meetings.

Due to the limited seating capacity of this room, we request that only those persons representing petroleum retailers or wholesalers attend this session. (There will be other sessions for different interest groups). If you have any questions regarding this meeting, please call Steve Fagundes at (916) 324-1258.

Sincerely,

A handwritten signature in cursive script, reading "Edward C. Anton".

Edward C. Anton, Chief
Division of Technical Services

Enclosure

cc: Regional Board Executive Officers
Regional Board Underground Tank Contacts
Assembly Person Sher
Assembly Person Cortese

h. Mailing List 005, 017
(petroleum parties)

ID. 10296 *

G. S. HAGY
SHELL OIL CO.
1200 MILAM PC BX 3105 ENTEX BLDG
HOUSTON TX 77001

ID. 16858

G.S. HAGY
MARKETING ENGINEERING
1200 MILAM, ENTEX BLDG. P.O. BOX 3105
HOUSTON TX 77001

ID. 16917 *

HYAL OTTEN
CONOCO INC.
555 17TH ST.
DENVER CO 80202

ID. 16944 *

NORM STANLEY
TEXAS OIL CO.
33350 WILSHIRE BLVD. RM. 208
LOS ANGELES CA 90010

ID. 16859 *

JON HALL
LOS ANGELES CITY FIRE DEPT.
200 N. MAIN ST. RM 920
LOS ANGELES CA 90012

ID. 16816 *

DAVID BLAISDELL
WESTERN OIL AND GAS ASSOC.
727 W. 8TH ST. SUITE 850
LOS ANGELES CA 90017

ID. 16829

TOM CORNWELL
WESTERN OIL & GAS ASSOC.
727 WEST 7TH ST. SUITE 850
LOS ANGELES CA 90017

ID. 16839

R.J. EDWARDS
MOBIL OIL CORP.
612 SOUTH FLOWER ST.
LOS ANGELES CA 90017

ID. 16857 *

KEN BUZIAK
UNION OIL COMPANY OF CALIF.
UNION OIL CENTER
LOS ANGELES CA 90017

ID. 16836 *

AND DI GIOVANNI
ARCO PETROLEUM PRODUCTS CO.
515 S. FLOWER ST.
LOS ANGELES CA 90071

ID. 13835 *

ED WIGIL
PUREX CO
P.O. BOX 6200
CARSON CA 90749

ID. 16815 *

CHAPMAN BERKS
EXXON OIL CO.
P.O. BOX 5025
THOUSAND OAKS CA 91359

ID. 14773 *

JACK DUMASHY
NEPTUNE OIL CO.
9950 SAN DIEGO MISSION RD.
SAN DIEGO CA 92120

ID. 16495 *

AMENOIL INC.
P.O. BOX 575
GOLETA CA 93116

ID. 16849 *

D.L. GALLAHER
GETTY OIL COMPANY
5329 OFFICE CENTER COURT
BAKERSFIELD CA 93309

ID. 16850

DON GALLAHER
GETTY OIL COMPANY
5329 OFFICE CENTRE COURT
BAKERSFIELD CA 93309

ID. 16922 *

RAYMOND QUELLETTE
SHELL CALIF. PRODUCTIONS INC
P.O. BOX 11164
BAKERSFIELD CA 93389

ID. 16923

RAYMOND E. QUELLETTE
SHELL CALIF. PRODUCTION, INC
P.O. BOX 11164
BAKERSFIELD CA 93389

ID. 16866 *

DON HARTSHORN
OIL CONSERVATION SERVICE
3256 NORTH MARKS AVE.
FRESNO CA 93711

ID. 16479 *

STURDY OIL
1511 ABBOT
SALINAS CA 93901

ID. 16894 *

C.E. LUPCHO
CHEVRON USA
575 MARKET RM. 2652
SAN FRANCISCO CA 94105

ID. 16822 *

WILLIAM BROMMELSIEK
CHEVRON USA
2003 DIAMOND BLVD.
CONCORD CA 94520

ID. 16841 *

RICHARD FAHEY
DIABLO PETROLEUM
4333 PACHECO BLVD.
MARTINEZ CA 94553

ID. 16805 *

DASSEL PROPANE SUPPLY CO.
31 WRIGHT RD.
HOLLISTER CA 95023

ID. 16928 *

TOM ROBINSON
ROBINSON OIL CO.
4250 WILLIAMS ROAD
SAN JOSE CA 95129

ID. 16962 *

BRUCE WOOLSEY
WOOLSEY OIL
166 FRANK WEST CIRCLE
STOCKTON CA 95206

ID. 16812 *

MARSHA BASQUE
CA. INDEPENDENT OIL MARKETER
1121 L ST. SUITE 508
SACRAMENTO CA 95814

ID. 16848

DICK GALESBI
UNION OIL CO.
925 L ST. SUITE 600
SACRAMENTO CA 95814

ID. 16880

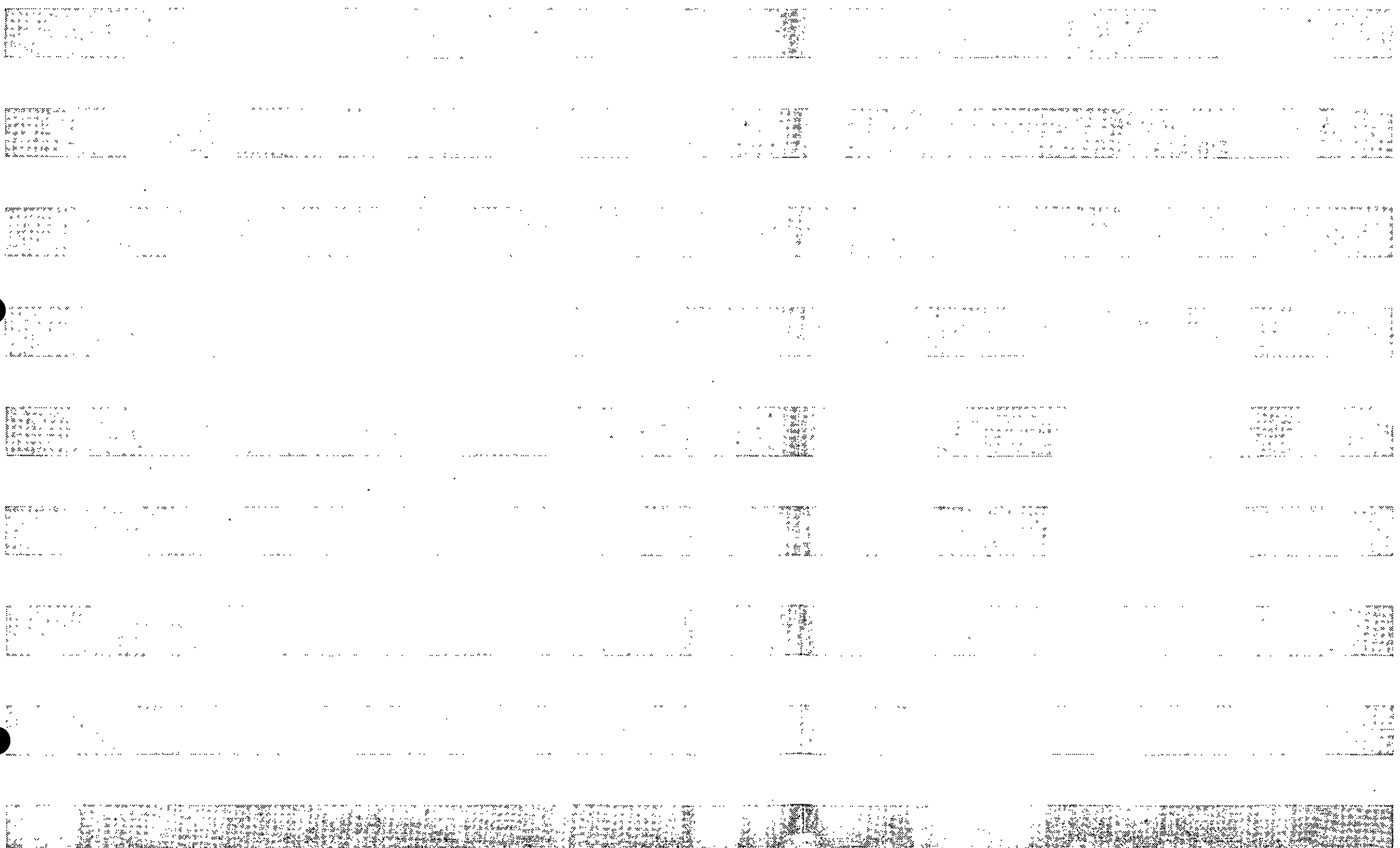
DAN JOHNSON
CHEVRON USA
1121 L ST. SUITE 908
SACRAMENTO CA 95814

ID. 16946 *

T.C. STONE
GASOMAT OIL CORP.
11906 STENDALL DR. NORTH
SEATTLE WA 98133

NUMBER OF LABELS = 30

141125 N.E. U.S.



JOSEPH A O'DONNELL MOBIL OIL CO PO BOX 5444 DENVER ID. 05802 •	DAVE ATKINS TEXACO USA 3350 WILSHIRE BLVD. LOS ANGELES ID. 14170 •	TUFAN INCE UNION OIL CO. OF CALIFORNIA 3701 WILSHIRE BLVD, SUITE 800 LOS ANGELES ID. 14026
BORTZ OIL CO. 1746 N. SPRING ST. LOS ANGELES ID. 16455 •	JOHN HALL FLMMBLE LIQUIDS COMM 200 N MAIN ST, RM 920 LOS ANGELES ID. 13191 •	GRANT FROST UNION OIL COMPANY 461 SOUTH BOYLSTON STREET, RM MM-N LOS ANGELES ID. 13687 •
KEN GUZIAK UNION OIL CO CA 461 SO BOYLSTON ST LOS ANGELES ID. 13190	DAVID A. SMITH ARCO 515 SOUTH FLOWER STREET LOS ANGELES ID. 09715	GARY GERBER J & M OIL CO. INC. 3915 E. OLYMPIC BLVD. LOS ANGELES ID. 14013 •
CALLA OIL CO. INC. 2912 CARDIFF LOS ANGELES ID. 15713 •	BOB BROWN UA OIL & REFINING 5150 WILSHIRE BLVD. LOS ANGELES ID. 16541 •	STEITZ OIL CO., INC. 1623 NO. MILLER AVE.-AIRWAYS OIL LOS ANGELES ID. 16430 •
JACK FELLEZ AEROL COMPANY, INC. 3235 SAN FERNANDO ROAD LOS ANGELES ID. 14800 •	INTERNATIONAL FUELS CORP. 5521 GROSCENOR BLVD. LOS ANGELES ID. 15480 •	BERK OIL COMPANY 5614 SHULL STREET BELL ID. 14464 •
DAVID POTTER OASIS PETROLEUM 5901 GREEN VALLEY CIRCLE CULVER CITY ID. 15155 •	KAREN WRIGHT THRIFTY OIL 10000 LAKEWOOD BLVD. DOWNEY ID. 15406 •	VAN GAS, INC. 16800 S. MAIN STREET GARDENA ID. 14305 •
SERVICE OIL COMPANY P.O. BOX 308 MAYWOOD ID. 14288 •	WORLD OIL CO. 9302 S. GARFIELD AVE. SOUTH GATE ID. 13929 •	MR. LIPPMAN SAVINGS OIL COMPANY 3016 WEST CENTURY BLVD. INGLEWOOD ID. 14985 •
MARK CONANT USA PETROLEUM 1633 - 26TH STREET SANTA MONICA ID. 14708 •	AL ROSEN FUEL OIL POLISHING CO.L.A. 1655 9TH ST. SANTA MONICA ID. 14221 •	DIANE DEFIDELIBUS MOBIL OIL CORPORATION 3700 W. 190TH STREET TORRANCE ID. 14745 •
SANDY REESE UCO, INC. P.O. BOX 4218 WHITTIER ID. 15186 •	DICK SCHOENSIEGEL ROSEMEAD OIL 11017 LOCKPORT PLACE SANTA FE SPRINGS ID. 15240 •	EDWARD ZARYTKIEWICZ CHAMPLIN PETROLEUM CO 420 HENRY FORD AVE WILMINGTON ID. 13237 •
ROY JOHNSON EXXON CO PO BOX 16118 LONG BEACH ID. 13136 •	HENDERSON PETROLEUM P.O. BOX 90519 LONG BEACH ID. 13910 •	JOHN WORTHMAN WORTHMAN OIL COMPANY 3044 FOOTHILL BOULEVARD LACRESCENTA ID. 15404 •
		CA 91214

MORANK PET
1494 SAN FERNANDO ROAD
SAN FERNANDO

CA 91340

ID. 14277 *

FALLBROOK OIL CO.
1208 SOUTH MAIN ST.
FALLBROOK

CA 92028

ID. 16512 *

SONNY
APOLLO OIL CO.
6220 FAIRMONT
SAN DIEGO

CA 92120

ID. 16655 *

JOHN NELSON
NELSON OIL COMPANY
905 PINE AVENUE #3
REDLANDS

CA 92373

ID. 15139 *

AMENDT PERRY
AMENDT OIL COMPANY
1405 WEST RIALTO
SAN BERNARDINO

CA 92410

ID. 16135

ANTHONY PINTO
PINTO PETROLEUM
P.O. BOX CM
VENTURA

CA 93002

ID. 13794

MICHAEL READIMER
BEACON OIL CO.
525 WEST 3RD
HANFORD

CA 93230

ID. 14514 *

JIM
PURMAX OIL COMPANY
P.O. BOX 912
LINDSAY

CA 93247

ID. 12758

TONY DOMINGUES
CITIES SERVICE OIL & GAS CORP
P.O. BOX 939
BAKERSFIELD

CA 93302

ID. 13736

LOUIS PERRIER
GETTY REFINING & MKTG CO
P.O. BOX 1476
BAKERSFIELD

CA 93302

ID. 14471 *

KING PETROLEUM INC.
P.O. BOX 9236
BAKERSFIELD

CA 93339

ID. 14132 *

DARNEL OIL COMPANY
601 EAST MAIN STREET
ONTARIO

CA 91761

ID. 16407 *

NELCO OIL
615 CIVIC CENTER DR.
NATIONAL CITY

CA 92050

ID. 14580 *

BOB ANDREWS
ARMOUR OIL
P.O. BOX 85302
SAN DIEGO

CA 92132

ID. 14513 *

JEANETTE
VICTORVILLE OIL
16640 D ST.
VICTORVILLE

CA 92397

ID. 14757 *

TOM DRAGNA
BOB SMITH OIL COMPANY
P.O. BOX 584
VENTURA

CA 93002

ID. 11415 *

DAVE DOOLEY (15)
CONOCO INC
290 MAPLE CT, SUITE 128
VENTURA

CA 93003

ID. 13978 *

BILL BUFORD
BUFORD OIL COMPANY
P.O. BOX 104
HANFORD

CA 93230

ID. 14327 *

DIRECTOR'S OIL CO.
P.O. BOX 673
MARICOPA

CA 93252

ID. 13128

DAVE GUMBLEY
GETTY REFINERY & MKTG
PO BOX 1476
BAKERSFIELD

CA 93302

ID. 14752 *

W.E. DOWNING
GETTY OIL CO.
P.O. BOX 2087
BAKERSFIELD

CA 93303

ID. 13972

FRANK BRANDAUER
TENNECO OIL CO.
P.O. BOX 9909
BAKERSFIELD

CA 93389

ID. 14594 *

CLIFFORD BANTA

WRIGHT OIL CO.
P.O. BOX 20677
EL CAJON

CA 92021

ID. 15515 *

VALLEY CENTER OIL
P.O. BOX 366
VALLEY CENTER

CA 92082

ID. 15015 *

CHUCK MARKEY
PARAMOUNT PETRO CO.
PO BOX 386
BAKERSFIELD

CA 92202

ID. 14617

BILL BENNETT
VICTORVILLE OIL CO.
P.O. BOX 1384
VICTORVILLE

CA 92392

ID. 16023

TONI JACKSON
NORRIS OIL
P.O. BOX A-1
VENTURA

CA 93002

ID. 16464 *

BECON DISTRIBUTING COMPANY
P.O. BOX 66
HANFORD

CA 93230

ID. 14672 *

GARY V. BURROWS, INC.
PETROLEUM JOBBER
P.O. BOX 540
LEMOORE

CA 93245

ID. 14632 *

PAT CARTER
STAR PETROLEUM
P.O. BOX 327
BAKERSFIELD

CA 93302

ID. 07564

SUE LUFT
GETTY REFINING & MARKTG
PO BOX 1476
BAKERSFIELD

CA 93302

ID. 14774 *

PAUL DUNCAN
MAC PHERSON OIL
P.O. BOX 5368
BAKERSFIELD

CA 93352

ID. 14057 *

MR. MCLEAN
GRACE PETROLEUM
301 S. MILLER, SUITE 115
SANTA MARIA

CA 93454

ID. 13922 *

ROLLINS PETROLEUM INC.
P.O. BOX 938
MOJAVE

CA 93501

ID. 14323 *

MCCULLEY OIL CO.
535 S. GATEWAY DR.
MADERA

CA 93637

ID. 14304 *

RED TRIANGLE OIL CO.
P.O. BOX 2625
FRESNO

CA 93745

ID. 05383 *

C.R. LUPCHO
CHEVRON USA INC
575 MARKET ST RM 2650
SAN FRANCISCO

CA 94105

ID. 13026 *

F.G. BROWN
CHEVRON USA INC.
575 MARKET ST. RM. 2648
SAN FRANCISCO

CA 94501

ID. 13780 *

RAY NEWSOME
SHELL OIL CO
P.O. BOX 7004
LAFAYETTE

CA 94549

ID. 13939 *

CAROL
EXTRA OIL CO.
2200 DURANT AVENUE
BERKELEY

CA 94704

ID. 13643 *

WIL BALCH
BALCH PETROLEUM
930 AMES AVE
MILPITAS

CA 95035

ID. 13075

TOM ROBINSON
ROBINSON OIL CO
4250 WILLIAMS RD.
SAN JOSE

CA 95129

ID. 15401 *

MR. WOOD
W W OIL CO.
START RTE 2
SAN ANDREAS

CA 95249

ID. 11896 *

WESTCO OIL CO.
1893 NORTH HIGHWAY 33
GUSTINE

CA 95322

BANTA PETROLEUM INC.
P.O. BOX 755
BISHOP

CA 93514

ID. 14724 *

RICK CROSNO
MADERA PETROLEUM
P.O. BOX 570
MADERA

CA 93639

ID. 14054 *

SUSAN MCBRIDE
MONTEREY COUNTY PETROLEUM
P.O. BOX 808
SALINAS

CA 93902

ID. 14076 *

FRANK PINNELL
UNION OIL COMPANY
#1 CALIFORNIA STREET, SUITE 2700
SAN FRANCISCO

CA 94111

ID. 14546 *

PAM
REDDING PETROLEUM, INC.
P.O. BOX 876
CONCORD

CA 94522

ID. 10284 *

RICHARD FAHEY
DIABLO PETROLEUM INC.
4333 PACHECO BLVD.
MARTINEZ

CA 94553

ID. 14907 *

ROBERT HUGGARD
REDWOOD OIL COMPANY
P.O. BOX 876
POINT REYES

CA 94956

ID. 15194 *

HERB RICHARDS
COAST OIL COMPANY
4250 WILLIAMS ROAD
SAN JOSE

CA 95129

ID. 14460 *

CALIFORNIA FUELS
P.O. BOX 1207
STOCKTON

CA 95201

ID. 14435 *

MOORE PETROLEUM
P.O. BOX 67-5491 F STREET
BANTA

CA 95304

ID. 15464 *

JOHNSTON OIL COMPANY
P.O. BOX 131
TRACY

CA 95376

BEACON DISTRIBUTING CO.
P.O. BOX 416
CHOWCHILLA

CA 93610

ID. 14088 *

BUD BUSCHHAUPP
CALIFORNIA FRESNO OIL CO.
P.O. BOX 527
FRESNO

CA 93709

ID. 14564 *

BONNIE ADDARIO
LOYMPAIN OIL COMPANY
260 MICHELE COURT
SOUTH SAN FRANCISCO

CA 94080

ID. 14240 *

THOMAS J. WILSON
PENINSULA OIL CO.
1655 JERROLD AVE.
SAN FRANCISCO

CA 94124

ID. 14344 *

RICHARD WHITAKER
CITGO PETROLEUM CORPORATION
3813 LAKE ONTARIO DRIVE
FREMONT

CA 94536

ID. 15213 *

ED ROSENBERG
GOLDEN GATE PETROLEUM
2200 POWELL STREET, SUITE 950
EMERYVILLE

CA 94608

ID. 13918 *

GAVILIAN PETROLEUM
P.O. BOX 1266
HOLISTER

CA 95024

ID. 13211

RALPH H RICHARDS
JACA OIL CO
4250 WILLIAMS RD
SAN JOSE

CA 95129

ID. 13844 *

BRUCE WOOLSEY
166 FRANK WEST CIRCLE
STOCKTON

CA 95206

ID. 15521 *

GASCO
P.O. BOX 246
CERES

CA 95307

ID. 13908 *

CURTIS OIL COMPANY
P.O. BOX 1610
TURLOCK

CA 95381

DISTRIBUTORS/MOBIL PRODUCTS
P.O. BOX 637
TURLOCK

CA 95381

ID. 14296 *

RAMOS OIL CO.
P.O. BOX 401
W. SACRAMENTO

CA 95691

ID. 13039 *

JIM DEVINE
CA. IND. OIL MKT ASSO&DIST
555 CAPITOL MALL SU 655
SACRAMENTO

CA 95814

ID. 13049 *

DAN HALL
WICKLAND OIL CO.
1765 CHALLENGE WY
SACRAMENTO

CA 95815

ID. 16286

JOHN STROH
CAL GAS CORP.
P.O. BOX 28397
SACRAMENTO

CA 95828

ID. 15146 *

BOB PIERCE
SIERRA BUTTE PETROLEUM
1801 IDORA STREET
OROVILLE

CA 95965

ID. 15187 *

JACK REISER
REDDING OIL CO.
P.O. BOX 280
REDDING

CA 96099

ENVIRONMENTAL HEALTH
3313 CHANATE ROAD
SANTA ROSA

CA 95404

ID. 16695

STEVE SMITH
RIVER CITY PETROLEUM
P.O. BOX 235
WEST SACRAMENTO

CA 95691

ID. 13198

DAN JOHNSON
CHEVRON USA INC
1121 L ST, SUITE 908
SACRAMENTO

CA 95814

ID. 14321 *

TOOLEY OIL
BOX 255525
SACRAMENTO

CA 95825

ID. 14841 *

JIM GILPATRICK
GILPATRICK OIL COMPANY
P.O. BOX 829
MARYSVILLE

CA 95901

ID. 14154 *

GARY
ALLIED PETROLEUM CO.
289 CRESCENT ST.
QUINCY

CA 95971

ID. 15746 *

LYNETTE
EZELL OIL CO.
P.O. BOX 506
TULE LAKE

CA 95134

WALSH OIL CO.
635 N. FRANKLIN ST.
FORT BRAGG

CA 95437

ID. 14440 *

CELONI OIL
P.O. BOX 846
WOODLAND

CA 95695

ID. 15211

STANLEY ROLLER
MOBIL CORP.
925 L ST. SUITE 300
SACRAMENTO

CA 95814

ID. 15090 *

LAURETTA MULLEN
CALIFORNIA GAS CORPORATION
P.O. BOX 95828
SACRAMENTO

CA 95828

ID. 14413 *

CONSUMERS FUEL COMPANY
P.O. BOX 3388
CHICO

CA 95927

ID. 14671 *

BOB BURROWS
BURROWS OIL CO.
P O BOX 3/245 GARDEN ST.
WILLCWS

CA 95988

NUMBER OF LABELS = 116

i. August 30, 1984 Workshop Sign-in Sheet

UNDERGROUND TANK WORKSHOP
Aug 30, 1984

MIKE FACKENSTEIN
SWRCB

5-

John Richards
SWRCB/oc

BILL BROOKS

1300 EAST SHAW SUITE 125
STRUCT ENGR
FRESNO
93710

DAVID DRANEY

CHEVRON USA

Steve DeB...

Chevron USA

JAMES S White

ARCO

RALPH Edwards

Mobil

Jerry Haby

STELL

Bob Lupeno

CHEVRON USA

Greg Schroeder

Chevron, USA

BILL MOORE

EMCO WHEATON

UNDERGROUND TANK WORKSHOP
AUG 30, 1984

Harold Singer
SWRCB

Steve Fagundes

SWRCB

ARMANDO FIGUEROA CALIF GAR UNION ASSOC

Tom Robinsm, Robinsm Oil Co., Inc. & CALIF INDEPENDENT OIL MARKETERS ASSOC.

R.E. Ouellette Shell Calif. Production Inc.

Bob Shuster, Shuster Oil CALIF INO. OIL MARKETERS

Ken Ahlport R.V. Ahlport, Inc. " " " "

HOWARD A. PLATT UNION OIL CO 911 WILSHIRE BLVD L.A. 90017

BOB WARK TEXACO USA

BILL FAULK SHELL CALIFORNIA BAKERSFIELD

Tom Wintman C.I.O.M.A.

RICHARD FAHEY DIABLO PETROLEUM & C.I.O.M.A. 4333 PACHECO BLVD
MARTINEZ, CALIF 94553

UNDERGROUND TANK WORKSHOP

AUG 30, 1984

Bud Eagle

SWRCB

BOB JOHNSON - SOUTHLAND CORP

DAVE LEWIS - SOUTHLAND CORP

Keith A. Tallia - Oil Equipment Service Box 950, San Andreas, CA 95249

BOB REESE ^{FIELD} REP SAK-MOR Oil Co. P.O. Box 605 (5150 WILSHIRE) FLD LA 90036
PLEASANT GROVE CA 95668

JOHN DEWITT J. E. DEWITT INC. 50 FH MONTE CA. P.O. Box 3867 (91733)

JIM DIVINE CALIF. IND. OIL MTRS. ASSN SACRAMENTO

Girrel Woolsey Woolsey Oil Inc. 100 Frank West Circle
Stockton, Calif. 95206

BOB WARR TETACO USA P.O. Box 3756, Los Angeles, CA 90051

BILL BROOKS 1300 EAST SHAW SUITE 125 FRESNO, CA 93710

j. August 20, 1984 invitation to local agencies to attend an informal workshop to discuss draft regulations on either August 31 or September 12, 1984

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
201 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801



Local Agencies Administering the
Underground Tank Program

UNDERGROUND TANK REGULATIONS

Enclosed is a copy of the draft of the regulations developed by the State Water Resources Control Board to implement the underground tank regulatory program established by AB 1362 (Sher). This draft has been sent to the Department of Finance and to the Office Administrative Law for review.

The formal comment period for these regulations should begin in late August and last through mid-October, and the public hearing will be scheduled at the end of this period. However, the State Board staff would like to meet with you to discuss your comments and any other questions you may have on implementation of the law and regulations. We have scheduled two similar sessions which will begin at 9:30 a.m. and you may attend either:

August 31, 1984
First Floor Hearing Room
Energy Commission Building
1516 Ninth Street
Sacramento

September 12, 1984
Garden Grove Community Center
11300 Stanford Avenue
Garden Grove

Copies of the fiscal analysis and Statement of Reasons will be available at these meetings.

These sessions are limited to those persons representing cities or counties. (There will be other sessions for different interest groups). If you have any questions regarding these meetings, please call Kathy Harder at (916) 445-7769.

Sincerely,

Edward C. Anton, Chief
Division of Technical Services

Enclosure

cc: Regional Board Executive Officers
Regional Board Underground Tank Contacts
Assembly Person Sher
Assembly Person Cortese

bcc: Board Members
Ed Anton, Walt Pettit, Mike Falkenstein, Roger Johnson

DTS-P2B15 KCH:PMM 8/20/84

k. Mailing List 013 (local agencies)

ID. 14670

MARY BURNS
ORANGE CO. ENV. HEALTH
P.O. BOX 355

ID. 10339 *

WALTER F. WILSON, DEPUTY
COMM. HEALTH SVS. AGCY.
313 NORTH FIGUEROA STREET
LOS ANGELES

CA 90012

ID. 14232 *

CARL STOBBERG
L.A. CNTY. DEPT. ENGINEER FAC.
550 SOUTH VERMONT
LOS ANGELES

CA 90020

ID. 15376 *

LOUISE WEST
LOS ANGELES CITY FIRE DEPT.
534 EAST EDGEWARE ROAD
LOS ANGELES

CA 90020

ID. 02135 *

LOUIS HAUSER
CITY OF VERNON
4305 SANTA FE AVE.
VERNON

CA 90058

ID. 16565 *

ART DOWNING
PUBLIC WORKS DEPT.
205 S. WILLOWBROOK AVE.
COMPTON

CA 90220

ID. 14999 *

KEITH HOFFMAN
ENVIRONMENTAL SERVICES DIV.
19112 SANTA FE AVE.
RANCHO DOMINQUEZ

CA 90221

ID. 15313 *

CAPT. MANN
INGLEWOOD FIRE DEPT.
P.O. BOX 5500
INGLEWOOD

CA 90301

ID. 14284 *

SANTA MONICA FIRE DEPT.
1444 7TH STREET
SANTA MONICA

CA 90401

ID. 13747

JULIE LEE
CITY OF SANTA MONICA
1635 MAIN ST
SANTA MONICA

CA 90401

ID. 14641 *

JOHN BOTTOM
ORANGE CO. FIRE DEPT.
4991 CERRITOS AVE.-STATION 17
CYPRESS

CA 90630

ID. 15380 *

CHIEF WHITE
SANTA FE SPRINGS FIRE DEPT.
11300 GREENSTONE AVENUE
SANTA FE SPRINGS

CA 90670

ID. 14836 *

GENE GEIS
CITY OF STANTON
7300 KATELLA
STANTON

CA 90680

ID. 13797 *

GARY ROBERTS
LONG BEACH FIRE DEPT
400 WEST BROADWAY, RM 254
LONG BEACH

CA 90802

ID. 10275 *

DONALD D. CILLAY, DIRECTOR
ENVIRONMENTAL HEALTH
P.O. BOX 6157
LONG BEACH

CA 90806

ID. 13969 *

OFFICER BLISS
CITY OF SAN MORENO
2200 HUNTINGTON DR.
SAN MORENO

CA 91108

ID. 10323 *

THOMAS A. REARDON
ENV. HEALTH DIRECTOR
100 NORTH GARFIELD, ROOM 136
PASADENA

CA 91109

ID. 16415 *

GLENDAL FIRE DEPARTMENT
633 EAST BROADWAY-ROOM 303
GLENDAL

CA 91200

ID. 14203 *

DAVE LEONARD
CITY OF RANCHO CUCAMONGA
P.O. BOX 807
CUCAMONGA

CA 91730

ID. 14374 *

JERRY E. PERAY
CITY OF EL MONTE
1133 VALLEY BLVD. ROOM 2
EL MONTE

CA 91734

ID. 16134 *

P.R. MONSELL
CHULA VISTA FIRE DEPARTMENT
447 F STREET
CHULA VISTA

CA 92010

ID. 10290 *

VICKI GALLAGHER
DIV. OF ENV. HEALTH PRO.
1700 PACIFIC HIGHWAY
SAN DIEGO

CA 92101

ID. 14017 *

CARL FOWLER
CITY OF SAN DIEGO
2740 CAMINITO CHOLLAS
SAN DIEGO

CA 92105

ID. 16930 *

JOHN SAODA
CITY OF BEAUMONT
550 E. 6TH ST.-DRAWER 158
BEAUMONT

CA 92223

ID. 10301 *

WILLIAM Y. HSU, DIRECTOR
ENV. QUALITY CONTROL
530 BROADWAY AVENUE
EL CENTRO

CA 92243

ID. 16012 *

DAVE HUNT
IDYLLWILD
PIPE PROTECTION DIST.-BOX 656
IDYLLWILD

CA 92349

ID. 13815 *

DALE SMYTHE
WRIGHTWOOD FIRE DEPARTMENT
BOX 1015
WRIGHTWOOD

CA 92297

ID. 14035 *

JOHN KINDSCHY
DEPT OF ENVIRONMENTAL HLTH
305 N. ARROWHEAD
SAN BERNARDINO

CA 92415

ID. 10327

RICHARD L. ROBERTS, DIRECTOR
ENV. PUB. WORKS AGENCY
385 N. ARROWHEAD
SAN BERNARDINO

CA 92415

ID. 10285 *

JOHN W. FANNING
DEP. DIR. OF HEALTH
P.O. BOX 1370
RIVERSIDE

CA 92501

ID. 13010 *

JANET BAYLOR

ID. 15910 *

BILL ESHLER

ID. 13704 *

HEE HEATH

CITY OF ORANGE FIRE DEPT.
300 EAST CHAPMAN AVE P.O. BOX 449
ORANGE CA 92666

ID. 10307

DONALD W. KOEPP, DIRECTOR
ENV. HEALTH DEPT.
800 SOUTH VICTORIA AVENUE
VENTURA CA 93009

ID. 10319 *

DEVNIS M. OTANI, DIRECTOR
DIV. OF ENV. HEALTH
330 CAMPUS DRIVE
HANFORD CA 93230

ID. 10303 *

DONALD A. JOHNSON, DIRECTOR
ENVIRONMENTAL HEALTH
COUNTY CIVIC CENTER
VISALIA CA 93277

ID. 02745 *

IR MAZZACANO
SLO CO HEALTH DEPT
PO BOX 1439
SAN LUIS OBISPO CA 93406

ID. 14377 *

MAAMOTH LAKES FIRE PROTECT.
P.O. BOX 5
MAAMOTH LAKES CA 93546

ID. 15160 *

JERRY PRIETO
FRESNO CO. DEPT. OF AGRIC.
1730 SOUTH MAPLE AVENUE
FRESNO CA 93702

ID. 15723 *

BARBARA
MENLO PARK FIRE DEPARTMENT
300 MIDDLE FIELD RD.
MENLO PARK CA 94025

ID. 10723

PAUL DANA
ENVIRONMENTAL HEALTH
590 HAMILTON STREET, 4TH FLOOR
REDWOOD CITY CA 94063

ID. 10708 *

JACK E. COYNE, DIRECTOR
ENVIRONMENTAL HEALTH
101 GROVE ST. #217
SAN FRANCISCO CA 94102

ID. 15545 *

FOSTER CITY FIRE DEPARTMENT
1040 EAST HILLSDALE BLVD.
FOSTER CITY CA 94404

ID. 15291 *

SUSAN SPANNAGEI

CITY OF SAN CLEMENTE
100 AVENIDA PRESIDIO
SAN CLEMENTE CA 92672

ID. 15066 *

LEON MINDENHALL
CITY OF SIMI VALLEY
3200 COCHRAN STREET
SIMI VALLEY CA 93065

ID. 15666 *

TULARE FIRE DEPT.
900 S. BLACKSTONE
TULARE CA 93274

ID. 14199 *

J.W. JOHNSON
TULARE COUNTY HEALTH DEPT.
COUNTY CIVIC CENTER
VISALIA CA 93291

ID. 15035 *

BEN MIDDLETON
CITY OF SANTA MARIA
110 E. COOK ST.
SANTA MARIA CA 93454

ID. 14970 *

LEO LANCASTER
PUBLIC WORKS
1033 5TH STREET
CLOVIS CA 93612

ID. 09143 *

WALTER WONG, DIRECTOR
ENVIRONMENTAL HEALTH
1270 NATIVIDAD ROAD
SALINAS CA 93906

ID. 13141 *

LT. LOEFFLER
PT MONTORA FIRE PROT DIS
501 STETSON ST
MOSS BEACH CA 94038

ID. 02633

MARK KOSTIELNEY
ENV. HEALTH
590 HAMILTON
REDWOOD CITY CA 94063

ID. 15242

PAUL SCHWABACKER
BUREAU OF ENVIR. HEALTH SERV
101 GROVE STREET, ROOM 217
SAN FRANCISCO CA 94102

ID. 10425 *

CITY OF ALAMEDA
2263 SANTA CLARA AVE
ALAMEDA CA 94501

ID. 13816 *

KENNETH SLAMON

VENTURA CO. ENVIRON. HEALTH
800 SO. VICTORIA AVENUE
VENTURA CA 93009

ID. 05428 *

BEN R. GALE, DIRECTOR
SANTA BARBARA COUNTY
315 CAMINO DEL REMEDIO
SANTA BARBARA CA 93110

ID. 16371

ALBERT HOBSON
TULARE FIRE DEPT.
900 S. BLACKSTONE
TULARE CA 93274

ID. 10325 *

VERNON S. REICHARD, DIR.
ENV. HEALTH DIVISION
1700 FLOWER STREET
BAKERSFIELD CA 93305

ID. 09968 *

DAVID A. CLDENBERG
INVC CO HEALTH DEPT
P.O. DRAWER H, 218 E. MARKET ST.
INDEPENDENCE CA 93526

ID. 10289 *

DAVID W. FISHEL, DIRECTOR
ENVIRONMENTAL HEALTH
135 WEST YOSEMITE
MADERA CA 93637

ID. 14935 *

LOIS JONES
DEPARTMENT OF PUBLIC WORKS
P.O. BOX 4491-CITY OF CARMEL
CARMEL CA 93921

ID. 16814 *

JOEL BERK
REDWOOD CITY FIRE DEPT.
1400 BROADWAY
REDWOOD CITY CA 94063

ID. 15019 *

JIM MASCH
CITY OF SUNNYVALE
P.O. BOX 60607
SUNNYVALE CA 94088

ID. 13193 *

DAN HEISER
PALO ALTO FIRE DEPT
250 HAMILTON AVE
PALO ALTO CA 94301

ID. 14322 *

BYRON FIRE DISTRICT
P.O. BOX 40
BYRON CA 94514

ID. 14010 *

ED FRANK

CONTRA COSTA CNTY FARM BUR.
5554 CLAYTON ROAD
CONCORD CA 94521

ID. 13022 *

BRUCE BENEKEY
OCCUPNL HEALTH
1111 WARD ST.
MARTINEZ CA 94553

ID. 11766 *

NEWARK FD.
37171 NWARK BLVD.
NEWARK CA 94560

ID. 16340

DAVE EULANKS
SOLANO CNTY. ENVIRON. HEALTH
355 TUOLUMNE ST.
VALLEJO CA 94590

ID. 16920

PHILLIPS, CHIEF
PIEDMONT FIRE DEPT.
120 VISTA AVE.
PIEDMONT CA 94611

ID. 16572 *

JOHNATHAN HUNT
BERKELEY FIRE DEPT.
2121 MCKINLEY AVE.
BERKELEY CA 94703

ID. 10259 *

DIRECTOR
ENV. HEALTH SERVICES
MARIN CIVIC CENTER, ROOM 276
SAN RAFAEL CA 94903

ID. 11157 *

ROLAND PERKINS
ENVIRONMENTAL HEALTH DIV.
439 FOURTH STREET
HOLLISTER CA 95023

ID. 14407 *

SALSIPUEDES FIRE DISTRICT
562 CASSERLY ROAD
WATSONVILLE CA 95076

ID. 01571 *

C LELAND HALL
ENVIRON HEALTH
P O BOX 2009
STOCKTON CA 95201

ID. 00030 *

TUOLUMNE CO HEALTH DEPT.
105 HOSPITAL ROAD
SONORA CA 95370

ID. 10279

ECTOR

FREMONT FIRE DEPT.
4200 MOWRY AVE.
FREMONT CA 94536

ID. 09196

DANIEL C. BERGMAN
ASST. DIR DOHS, ENV. HE.
P.O. BOX 671, 1111 WARD STREET
MARTINEZ CA 94553

ID. 14819 *

FRED FRASER
CITY OF VALLEJO
555 SANTA CLARA ST.
VALLEJO CA 94570

ID. 16884

BOB KINNEY
FIRE MARSHALL VALLEJO F.D.
1220 MARIN ST.
VALLEJO CA 94590

ID. 10340 *

GERALD H. WINN, DIRECTOR
DIV. OF ENV. AFFAIRS
470 27TH STREET
OAKLAND CA 94612

ID. 10315 *

F. GLENN LYNCH, CHIEF
ENVIRONMENTAL HEALTH
2180 MILVIA STREET, 3RD FLOOR
BERKELEY CA 94704

ID. 13970 *

ROSEMARY BLISS
TIBURON FIRE PROTECTION DIS
1679 TIBURON BLVD.
TIBURON CA 94920

ID. 16876 *

KATE JACKSON
CITY OF MILPITAS-FIRE DEPT.
455 E. CALAVERAS BLVD.
MILPITAS CA 95035

ID. 10271 *

VINCENT L. CANCELLA, DIR.
ENV. HEALTH SERVICES
2220 MOOPARK AVENUE
SAN JOSE CA 95128

ID. 10339 *

HARVEY R. LABOUNTY, DIRECT.
GOVERNMENT CENTER
291 MOUNTAIN RANCH ROAD
SAN ANDREAS CA 95249

ID. 14801 *

GENE BATES
MIDDLETOWN FIRE DISTRICT
P.O. BOX 50
COBB CA 95426

ID. 72922 *

JOE CREISLER

22300 FOOTHILL BLVD., ROOM 814
HAYWARD CA 94541

ID. 05362 *

ENVIRON. HEALTH
1195 THIRD ST. ROOM 205
NAPA CA 94559

ID. 10273 *

ALAN H. CARSON
ENVIRONMENTAL HEALTH
355 TUOLUMNE STREET
VALLEJO CA 94590

ID. 15002 *

CARMEN LYNNAUGH
CITY OF PIEDMONT
120 VISTA AVE.
PIEDMONT CA 94611

ID. 14038 *

CHARLES LACKMAN
CITY OF BERKELEY
1326 ALLSTON WAY
BERKELEY CA 94702

ID. 15378 *

FRANK WESTPHAL
ALBANY FIRE DEPT.
1000 SAN PABLO AVE.
ALBANY CA 94706

ID. 14336 *

PETALUMA CITY FIRE CHIEF
198 D STREET
PETALUMA CA 94952

ID. 10333 *

L. RAYNOR TALLEY, DIRECTOR
ENVIRONMENTAL HEALTH
701 OCEAN STREET, ROOM 420
SANTA CRUZ CA 95060

ID. 13087

MIKE ST. JOHN
FIRE PREVENTION BUREAU
3071 DRIFTWOOD DR.
SAN JOSE CA 95128

ID. 10280 *

GORDON M. DEWERS, DIRECTOR
DEPT. OF ENV. RESOURCES
1716 MORGON ROAD
MODESTO CA 95351

ID. 14645 *

CHUCK BOYER
COUNTY OF MENDOCINO
COURTHOUSE-DEPT. PUBLIC WORKS
UKIAH CA 95482

ID. 01423 *

MARTIN A. WINSTON

ENVIRONMENTAL HEALTH
COURTHOUSE
UKIAH

CA 95432

ID. 15423 *

EL DORADO HILLS FIRE DEPT.
990 LASSEN LANE
EL DORADO HILLS

CA 95630

ID. 14748 *

CHIEF DESIMONE
SOUTH PLACER FIRE DISTRICT
6900 EUREKA ROAD
ROSEVILLE

CA 95678

ID. 15137 *

R. PERKINS
YOLO COUNTY DEPT OF AGRICUL
70 COTTONWOOD ST.
WOODLAND

CA 95695

ID. 13064

BILL MCNAIRNIE
SACTO FIRE PREVENTION
915 I ST.
SACRAMENTO

CA 95814

ID. 01635 *

JAMES A. WILLIAMS
ENVIR HEALTH & SAFETY OFFIC
CALIF STATE UNIV CHICO
CHICO

CA 95920

ID. 15039

JIM MCGARVA
CITY GRASS VALLEY
125 EAST MAIN STREET
GRASS VALLEY

CA 95945

ID. 13038 *

DEPT/PUBLIC WKS
TOWN OF PARADISE
5555 SKYWAY
PARADISE

CA 95969

ID. 04575 *

ALAN G. LIVINGSTON, DIR.
SUTTER HEALTH DEPT
370 DEL NORTE AVE
YUBA CITY

CA 95991

ID. 12275 *

WESTWOOD FD
BOX 936
WESTWOOD

CA 95137

HEALTH DEPT
909 HIGHWAY 101 NO
CRESCENT CITY

CA 95531

ID. 01538 *

RONALD D. DUNCAN
DIP ENVRN HLTH
360 FAIR LANE
PLACERVILLE

CA 95667

ID. 16345

BILL WHITE
ROSEVILLE FIRE DEPT.
401 OAKE STREET
ROSEVILLE

CA 95678

ID. 10335

MR. THOMAS TO
ENVIRONMENTAL HEALTH
10 COTTONWOOD
WOODLAND

CA 95695

ID. 11145 *

CARL OVERMIER, DIR.
ENVIRONMENTAL HEALTH
3701 BRANCH CENTER ROAD
SACRAMENTO

CA 95827

ID. 10306 *

CRAIG D. KING, SP.
ENVIRONMENTAL HEALTH
PO BOX 510
COLUSA

CA 95932

ID. 10272 *

GREGORY M. CARMICHAEL, DIR.
ENVIRONMENTAL HEALTH
10433 WILLOW VALLEY ROAD
NEVADA CITY

CA 95959

ID. 03205 *

BILL CRIGLER
PLUMAS CO ENV. HEALTH
PO BOX 480
QUINCY

CA 95971

ID. 10334 *

PALPH C. TETREAULT, DIR.
ENVIRONMENTAL HEALTH
1555 PLACER STREET
REDDING

CA 96001

PLACER CO HLTH DEPT
11484 B ST
AUBURN

CA 95603

ID. 14230

FRED STANFORD
EL DORADO HEALTH
300 FAIR LANE
PLACERVILLE

CA 95667

ID. 16608 *

MAT JENKINS
CAMERON PARK FIRE DEPART.
3200 COUNTY CLUB DRIVE
CAMERON PARK

CA 95682

ID. 13018 *

JERRY ANGELIDES
CITY OF SACRAMENTO
927 10TH ST. RM 100
SACRAMENTO

CA 95814

ID. 10308 *

JONATHAN J. KRUG, DIRECTOR
ENVIRONMENTAL HEALTH
937 14TH STREET
MARYSVILLE

CA 95901

ID. 11972 *

AGRICULTURAL COMMISSIONER
NEVADA COUNTY-255 S. AUBURN ST.
GRASS VALLEY

CA 95945

ID. 02147 *

RICHARD SVIHUS MD.
DIV OF ENV HEALTH
7 COUNTY CENTER DRIVE
GROVILE

CA 95965

ID. 12153 *

WILLOWS FD
445 S. BUTTE ST.
WILLOWS

CA 95988

ID. 13680 *

BOB FLOCK
CNTY OF SISKIYOU
305 BUTTE ST
YREKA

CA 96097

[illegible]

1. August 31, 1984 Workshop Sign-in Sheet (local agencies)

LOCAL GOV'T UGT WORKSHOP

8-31-84

John Richards SWRCB/ACC

Bud Eagle SWRCB

Harold Singer SWRCB

Steve Fagundes SWRCB

Roger Johnson SWRCB

Jim Strandberg SWRCB

AL FEUERSTEIN City of Santa Rosa

JOSEPH AFING SAN JOSE, 801 N. First St. Rm 100, CA 95110

DAN HEISER PALO ALTO FIRE

BOB HOLSTON Santa Clara Co. HAZ MAT.

Clifford Covey Solano County Environmental Health

BRUCE BENIKE CONTRA COSTA COUNTY ENV HEALTH

Tim Underwood Marin County Health Dept

KEN SLAMON City of Fremont

Chris Knoblock City of Hayward

Ted Garcia Stanislaus County

JOHN ALVASON SACRAMENTO COUNTY

Robert A Knight Sacramento County 3701 Branch Center Rd
P.O. Box 429

Jonathan J. Krug YUBA CO. Marysville 95901

Janet Krug Colusa Co. Environmental Health P.O. Box 610
Colusa 95932

DAVID THOMPSON AMADOR COUNTY AGRICULTURAL COMMISSIONER

Alfred Perrin Jr. Sutter Co. Agric. Comm.

Glenn Co Air Pollution Control District

Butte County Health Dept.

Joe McIntyre

Thomas Reid

Lynn Vanhook

m. September 12, 1984 Workshop
Sign-in Sheet (local agencies)

TED GIEROW ALAMEDA COUNTY

Jon Jennings Monterey County

FRANK HEBERT MONTEREY COUNTY HEALTH

Chris J. Allen Placer County Cor. Health

James Strandberg SWRCB

Ken Stuart

Dep't. Health Serv. Rural Health Div.

2131 Capitol Ave. Rm. 207 Sac. 95814

11 Placer County Health
Dept.

Ron Knierim SMUD P.O. Box 15830 Sacramento 95813

J.D. Stack SMUD P.O. Box 15830 Sacramento 95813

Lynn Johnson Fresno County Health Dept. 1221 Fulton

SEP 12, 1984

NAME	AGENCY
GREG EDMONSON	BUENA F.D.
RALPH LINDSEY	GLENDALE F.D.
JIM SHAW	" "
JIM ZIMMER	BUENA PARK F.D.
DON ROGERS	RIVERSIDE COUNTY HEALTH DEPT
Larry Aker	San Diego County DHS
Vicky Gallagher	" " " "
Seth Daugherty	Orange County Health
Roland L. Perkins	San Benito Co. Health Dept. - DHS-RHD
VICKY GALLAGHER	SAN DIEGO COUNTY HEALTH DEPT.
ORA YAMACHIKA	ORANGE CNTY. ENV. MNGT. AGENCY
John Hamilton	City of Burbank
RICHARD HARMON	" " 124 S LAKE 91502
DAVID NICKY	Nicky Petroleum Co.
Josh Workman	RWACB/LA
FRANK Nicky	Nicky Petroleum Co
ANDREA MANGRAM	COSTA MESA FIRE DEPT.
GENE HUTAIN	ORANGE CO. FIRE DEPT
RON SHAK	L.A. DEPT. OF WATER & POWER
Jeff Heath	Ventura Co. Env. Health
STEVE SOWLES	SAN LUIS OBISPO CITY FIRE DEPT

NAME

AGENCY

ROBERT HOLDEN

SAN LUIS OBISPO CO. HEALTH DEPT.

RICHARD CARRANDE

KEAN County HEALTH DEPT.

ANN BOYCE

" " " "

✓

NAMEAGENCY

Gary Robertson

Long Beach Fire

JIM E. SMITH

SAN BERNARDINO DEPT ENV. HEALTH SERV.

RON RIPLEY

" " " " " "

CARL SJOBERG

L.A. COUNTY ENGINEER

BILL DIEKMANN

ORANGE County Health Care Agency

WALT FRISSE

Torrance Unified Sch. Dist.

Joe Orten

Torrance Unified Sch. Dist.

Maxine Richey

DHS - Toxic Substances Control Div. ^{1073 Broadway Rm 7148} L.A. 90072

Richard Asagranos

Kern Co. HEALTH DEPT

Ann Boyce

" " " "

STEVEN WONG

ORANGE COUNTY ENV. HEALTH

Julie Lee

City of Santa Monica.

Kurt Berchtold

RWQCB - 8

n. September 6, 1984
invitation to contractors,
consultants, and equipment
suppliers to attend an
informal workshop to discuss
draft regulations on September
17, 1984

n.

SEP 6 1984

Contractors, Consultants
Equipment Suppliers

UNDERGROUND TANK REGULATIONS

Enclosed is a copy of the draft regulations developed by the State Water Resources Control Board to implement the underground tank regulatory program established by AB 1362 (Sher).

The formal comment period for these regulations began in August and will end on October 23. A public hearing on the draft regulations has been announced for October 23. You are encouraged to submit comments during the comment period and to attend the public hearing.

The State Board staff would like to meet with you to discuss your comments at an informal working session on Monday, September 17, 1984, starting at 9:30 a.m. The session will be in the first floor auditorium of the Bonderson Building, 901 "P" Street, Sacramento. We expect this meeting to continue into the afternoon.

Due to the limited seating capacity of this room, we request that only those persons representing these groups attend this session. (There will be other sessions for different interest groups). If you have any questions regarding this meeting, please call Steve Fagundes at (916) 324-1258.

Sincerely,

ORIGINAL SIGNED BY *EC*

Edward C. Anton, Chief
Division of Technical Services

Enclosure

cc: Regional Board Executive Officers
Regional Board Underground Tank Contacts
Assembly member Sher
Assembly member Cortese

bcc: Board Members
Ed Anton, Walt Pettit, Mike Falkenstein, Roger Johnson

DTS-P2B15

KCH:PMH

9/6/84

SURNAME
DWR 540 (REV 76)

For J. J. 9/6 *W. Pettit* *EC* *9/6/84*

o. Mailing Lists 008, 009
(contractors, consultants,
equipment suppliers)

ELIZABETH BARTON UPDIKE, KELLY & SPELLACY ONE STATE STREET HARTFORD CT 06103 ID. 16811 *	JOYCE UNDERBERG SCHLEGEL 400 EAST AVE.-P.O. BOX 23113 ROCHESTER NY 14692 ID. 16954 *	ED NIESHOFF OWENS-CORNING FIBERGLASS FIBERGLAS TOWER DR-7 TOLEDO OH 43659 ID. 16915 *
HUGH PETERS POLLULERT SYSTEMS HALLWAY P.O. BOX 706 INDIANAPOLIS IN 46206 ID. 16919 *	ED REICIN MPC CONTAINMENT SYSTEMS LTD 2221 WEST 43RD ST. CHICAGO IL 60609 ID. 16924 *	ED REICIUM MPC CONTAINMENT SYS LMTD 2221 W 43RD ST. CHICAGO IL 60609 ID. 13073
C.C. FRANKLIN THE MARLEY PUMP COMPANY 5803 FOXRIDGE DR. MISSION KS 66202 ID. 16647 *	STEVE BURFORD HALLIBURTON SERVICES P.O. BOX 1431 DUNCAN OK 73536 ID. 16824 *	MICHAEL J. BOUTON 11649 CHAIRMAN DR. DALLAS TX 75243 ID. 16619 *
JIM MCEACHERN PROTECTIVE COATING SYTHS 2116 NO. COUNTRY CLUB DRIVE MESA AZ 85201 ID. 13764 *	CAROLINE LENHART FRANK B. HALL & CO. 3200 WILSHIRE BLVD. LOS ANGELES CA 90010 ID. 14044 *	JOHN MCCULLOUGH FRANK B HALL & CO 6150 CANOGA BLVD, SUITE 111 WOODLAND CA 91367 ID. 13763 *
HOWARD ROBBINS JOOR MFG. INC. 1189 INDUSTRIAL AVE. ESCONDIDO CA 92025 ID. 16926 *	JAY DABLO HYDRO-FLUENT 1035 N. ARMANDO ST. SUITE D ANAHEIM CA 92806 ID. 16532 *	CORY WALLACE FIRE SAFE FIBERGLASS 11272 FREDRICK DR. GARDEN GROVE CA 92640 ID. 16955 *
KELLY CRELLIN RED JACKET-MARLEY PUMP 16632 MILLIKEN AVE. IRVINE CA 92714 ID. 16830 *	REX BLACK VALLEY LEAK DETECTION SERV. 31848 - D ROAD 133 VISALIA CA 93291 ID. 14632 *	JOHN LAKE WESTERN GILFIELDS SUPPLY CO P.O. BOX 2248 BAKERSFIELD CA 93303 ID. 14965 *
LESLIE SCOTT TPUSCO TANK INC. 4308 SANTA FE ROAD SAN LUIS OBISPO CA 93401 ID. 16932 *	FIREBAUGH EQUIPMENT P.O. BOX 157 FIREBAUGH CA 93522 ID. 14454 *	RICHARD WEISZ MODERN WELDING COMPANY 4141 NORTH BRAWLEY AVE. FRESNO CA 93711 ID. 16925 *
JOYCE RUSCHHAUPT CA PETROL EQUIP INC 2735 E WOODWARD FRESNO CA 93721 ID. 13217 *	MARK S. BITTNER VEEDER-ROOT 1633 OLD BAYSHORE HIGHWAY, SU 265 BURLINGAME CA 94010 ID. 13650 *	PAUL ROBINSON OWENS-CORNING FIBERGLAS 477 FORBES BLVD. SOUTH SAN FRANCISCO CA 94080 ID. 16927 *
DON CHADBOURNE BOX 342 SAN MATEO CA 94401 ID. 16827 *	BEN MILLER MAJOR MAINTENANCE PO BOX 6022 CONCORD CA 94524 ID. 15060 *	HAYNIES MAINTENANCE/REPAIR 4422 CAHILL ST. FREMONT CA 94533 ID. 16804 *
LORIE SCHOR ACE TANK & EQUIPMENT CO. 1409 INDUSTRIAL PARKWAY, WEST FAYWARD CA 94544 ID. 16931 *	ED HOUSE UNDERGROUND CONSTRUCTION CO P.O. BOX 2218 SAN LEANDRO CA 94577 ID. 14642 *	GART SCOWLEY SHIELDS AND HARPER PO BOX 3066 OAKLAND CA 94609 ID. 11452 *
HART SCOWLEY ID. 16933	REINHARD HANSELKA ID. 16661 *	MARY HANSELKA ID. 13706 *

SHIELDS, HARPER, AND CO.
P.O. BOX 3056
OAKLAND

CA 94609

ID. 13526 *

KEITH TALLIA
OIL EQUIPMENT CO.
P.O. BOX 950
SAN ANDREAS

CA 95249

ID. 16901 *

GOS MEACHAM
SOUTHWEST TANK LINERS
P.O. BOX 55
HERALD

CA 95633

ADVANCED INDUSTRIAL DESIGNS
33 COTTINI WAY
SANTA CRUZ

CA 95060

ID. 14996 *

GEORGE LOWRY, INC.
PETROLEUM PRODUCTS
1249 WOODLAND AVENUE
MODESTO

CA 95351

ID. 16948 *

FREDRICK TAUGHER
PUBLIC POLICY ADVOCATES
1100 11TH ST., SUITE 311
SACRAMENTO

CA 95314

STOCKTON SERV STA MAINT
P.O. BOX 503
STOCKTON

CA 95201

ID. 13092 *

DEAN GREEN
PETROLEUM ENG
205 5TH ST.
SANTA ROSA

CA 95401

ID. 16947 *

KEN STROM
RADIAN
3401 LA GRANDE BLVD.
SACRAMENTO

CA 95323

NUMBER OF LABELS = 39

CHARLES GRUNDY SHEEHAN, HAASE & VON MOERT 1755 E. PLUMB LANE, SUITE 251 RENO NV 89502	ID. 16856 *	OLIVIA G ROBINSON CONSULT SERV 615 SOUTH FLOWER ST, SU 1900 LOS ANGELES CA 90017	ID. 13214 *	JACK CARMODY SMITH EMERY 781 EAST WASHINGTON BLVD. LOS ANGELES CA 90021	ID. 16826 *
PATRICK FIEDLER FRED FIEDLER & ASSOC. 2322 W. 3RD ST. LOS ANGELES CA 90057	ID. 16843 *	DARRYL G MILLER EARTH TECH CORP 3777 LONG BEACH BLVD LONG BEACH CA 90807	ID. 13204 *	DARRYL MILLER EARTH TECHNOLOGY CORP. 3777 LONG BEACH BLVD. LONG BEACH CA 90807	ID. 16902
DON SUCCS ENGINEERING-SCIENCE INC PO BOX 538 ARCADIA CA 91006	ID. 01198 *	JIMMIE GREENSLATE WOODWARD CLYDE CONSULTANTS 3467 KURTZ ST. SAN DIEGO CA 92110	ID. 14652 *	JIM HARTLEY WOODWARD CLYDE CONSULTANTS 3467 KURTZ ST. SAN DIEGO CA 92110	ID. 16864
JIM HARTLEY W/C CONSULTANTS 3467 KURTZ SAN DIEGO CA 92110	ID. 16865	RANDY HURST MARRAN CO. 20821 REEF LANE HUNTINGTON BEACH CA 92646	ID. 16875 *	JAMES WARD BLUE ROCK PARTNERSHIP 2300 NEWPORT BLVD. NEWPORT BEACH CA 92663	ID. 16956 *
ED SIROTO IT CORP. 17000 REDHILL RD.-SUITE 202 IRVINE CA 92714	ID. 16937 *	ERIC H. HAWES CONSULTANT 6312 SPICE WAY #3 BAKERSFIELD CA 93309	ID. 16594 *	GRISANTI & ASSOCIATES 15509 MOUNTAIN VIEW AVE. KINGSBURG CA 93631	ID. 16801 *
MARK BRADFORD ECOLOGY ENVIRONMENT INC. 120 HOWARD STREET-SUITE 640 SAN FRANCISCO CA 94105	ID. 15812 *	MARK BRADFORD ECOLOGY ENVIRONMENT INC. 120 HOWARD ST. SUITE 640 SAN FRANCISCO CA 94105	ID. 16821	JIM NORTON KENNEDY-JENKS 657 HOWARD ST. SAN FRANCISCO CA 94105	ID. 16916
EARL BACKENSTOW BECHTEL INTERNATIONAL CORP. P.O. BOX 3965-120 SPEAR ST. #2 SAN FRANCISCO CA 94119	ID. 15775 *	MIKE LEWIS OLYMEYER & SONS ENGINEERING 1829 CLEMENT AVE. ALAMEDA CA 94501	ID. 16889 *	MR. GORE DOUGLAS ENGINEERING 4626 CLAYTON RD. CONCORD CA 94521	ID. 16855 *
RONALD BLOCK, DR. AQUA TERRA TECHNOLOGIES P.O. BOX 27993 CONCORD CA 94527	ID. 16817 *	ALAN SELDITCH OM MATERIALS 62667 JOAQUIN MURIETTA ST., APT E NEWARK CA 94560	ID. 16934 *	PAUL MARSHALL MCKESSON ENVIRON. SERVICES P.O. BOX 2277 DUBLIN CA 94568	ID. 16895 *
ROBERT MOWERS MCKESSON ENVIRONMENTAL 6363 CLARK AVE. DUBLIN CA 94568	ID. 16851	ROBERT MOWERS MCKESSON ENVIRONMENTAL 6363 CLARK AVE. DUBLIN CA 94568	ID. 16910	BRAD C. KLEINFELDER J.H. KLEINFELDER & ASSOC. 1901 OLYMPIC BLVD. STE. 300 WALNUT CREEK CA 94596	ID. 07320 *
JOHN BURGER MONTGOMERY ENGINEERS 2235 INGENCIO VALLEY RD. WALNUT CREEK CA 94590	ID. 15831 *	SUSAN McDONALD JOHN CAROLLO ENGINEERS 450 NORTH WIGET WALNUT CREEK CA 94590	ID. 15036	ROBEI JONES HARDING-LAWSON 7655 REDWOOD BLVD. NOVATO CA 94948	ID. 16883 *
DIANE WILKINS BARCLAY	ID. 16810 *	SART CORR	ID. 13121 *	SHARON LE POINT	ID. 16883

5075 BOUGAINVILLEA DR.
SAN JOSE CA 95111

ID. 14093

JOAN SCHULTZ
CUMMINGS ENVIRONMENTAL
652 23 JUPY CT.
SAN JOSE CA 95112

ID. 16893 *

DOUG LOCKWOOD
AMERICAN ENVIRONMENTAL MGMT
11655 WHITE ROCK ROAD
RANCHO CORDOVA CA 95670

ID. 16892

CHARLES LOCKWOOD
MCLAREN ENGINEERING
2208 29TH ST.
SACRAMENTO CA 95817

EMCON
90 ARCHER ST.
SAN JOSE CA 95112

ID. 16961 *

DAVID WOOD
ECOLOGY PROTECTION SYSTEMS
27 BONAVENTURE DR.
SAN JOSE CA 95134

ID. 16898 *

JIM MATTESICH
1130 K ST., SUITE 250
SACRAMENTO CA 95814

ID. 14047

TAMMY LUDOVICSSY
FRED MCLAREN ENGINEERING
2208 29TH STREET
SACRAMENTO CA 95817

EMCON ASSOCIATES
90 ARCHER
SAN JOSE CA 95112

ID. 16959 *

CLINTON WHITNEY
4030 BUCHANAN PT.
FAIR OAKS CA 95628

ID. 16891 *

CHARLES LOCKWOOD
MCLAREN ENGINEERING
2208 29TH ST.
SACRAMENTO CA 95817

ID. 16963 *

RICHARD ZIPP
KLEINFELDER & ASSOC.
9795 BUSINESS PARK, SUITE A
SACRAMENTO CA 95827

NUMBER OF LABELS = 42

p. September 17, 1984 Workshop
Sign-in Sheet (contractors,
consultants, equipment
suppliers)

SEPT 17, 1984
WORKSHOP

(C) P.

SIGN UP SHEET - SUBCHAPTER 16 REGULATIONS

NAME	ORGANIZATION	ADDRESS	PHONE
DON GRAY	HARDING-LAWSON ASSOC.	Box 578 NORWICH CA 94948	(415) 892-0821
ROBBI JONES	"	"	"
MARILYN CAMPES	WINEMER & KELLY	P.O. Box 6553 SANTA ROSA, 95406	703-525-1010 209-226-0001
BILL BROOKS	STRUCT. ENGR	1300 E. SHAW SUITE 125	FRESNO
Robert Rook	ANATEL LABS INC.	435 TOSCANI DR. S. FRESNO 9795 Business Park Dr	737-526-7201
Dick Zipp	J.H. Kleinfelder + Assoc	Sacramento 95827	(916) 366-1701
Howard Robbins	Jour MFG, INC	1191 EXPOSITO AVE ESCONDIDO CA 92025	(619) 745-0971
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q. Extraneous document deleted

r. September 6, 1984
invitation to chemical and
other industries to attend an
informal workshop to discuss
draft regulations on September
18, 1984

SEP 6 1984

Chemical and Other Industries

UNDERGROUND TANK REGULATIONS

Enclosed is a copy of the draft regulations developed by the State Water Resources Control Board to implement the underground tank regulatory program established by AB 1362 (Sher).

The formal comment period for these regulations began in August and will end on October 23. A public hearing on the draft regulations has been announced for October 23. You are encouraged to submit comments during the comment period and to attend the public hearing.

The State Board staff would like to meet with you to discuss your comments at an informal working session on Tuesday, September 18, 1984, starting at 9:30 a.m. The session will be in the first floor auditorium of the Resources Building, 1416 Ninth Street, Sacramento. We expect this meeting to continue into the afternoon.

Due to the limited seating capacity of this room, we request that only those persons representing these groups attend this session. (There will be other sessions for different interest groups). If you have any questions regarding this meeting, please call Steve Fagundes at (916) 324-1258.

Sincerely,

ORIGINAL SIGNED BY 

Edward C. Anton, Chief
Division of Technical Services

Enclosure

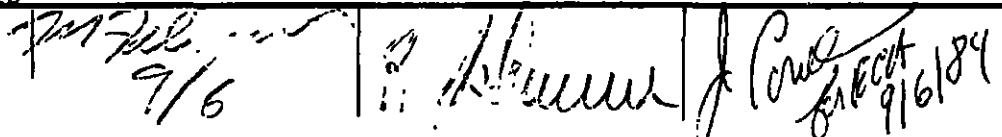
cc: Regional Board Executive Officers
Regional Board Underground Tank Contacts
Assembly Member Sher
Assembly Member Cortese

bcc: Board Members
Ed Anton, Walt Pettit, Mike Falkenstein, Roger Johnson

DTS-P2815

KCH:PMH
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DWR 540 (REV 78)

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t. September 18, 1984 Workshop
Sign-in Sheet (chemical and
other industries)

SUBCHAPTER 16

WORKSHOP

SEP 18, 1984

25 +

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Robert Rock	ANATEL LABS INTL.	435 Descanso Cir Santa Rosa 2670 Hanover	707-526-7200
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HORACE WELLS	Early Cal. Pools	345 East Tulare Visalia, Ca	202-734-7455
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* Please send copy of attendance list.

u. Extraneous document deleted

v. September 6, 1984
invitation to interested
parties to attend an informal
workshop to discuss draft
regulation on September 24,
1984

SEP 6 1984

Interested Parties

UNDERGROUND TANK REGULATIONS

Enclosed is a copy of the draft regulations developed by the State Water Resources Control Board to implement the underground tank regulatory program established by AB 1362 (Sher).

The formal comment period for these regulations began in August and will end on October 23. A public hearing on the draft regulations has been announced for October 23. You are encouraged to submit comments during the comment period and to attend the public hearing.

The State Board staff would like to meet with you to discuss your comments at an informal working session on Monday, September 24, 1984, starting at 9:30 a.m. The session will be in the first floor auditorium of the Energy Commission Building, 1516 Ninth Street, Sacramento. We expect this meeting to continue into the afternoon.

Due to the limited seating capacity of this room, we request that only those persons invited attend this session. If you have any questions regarding this meeting, please call Steve Fagundes at (916) 324-1258.

Sincerely,

ORIGINAL SIGNED BY *af*

Edward C. Anton, Chief
Division of Technical Services

Enclosure

cc: Regional Board Executive Officers
Regional Board Underground Tank Contacts
Assembly member Sher
Assembly Member Cortese

bcc: Board Members
Ed Anton, Walt Pettit, Mike Falkenstein, Roger Johnson

DTS-P2B15

KCH:PMM

9/6/84

[Handwritten signatures and dates]
9/6/84

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x. September 24, 1984 Workshop
Sign-in Sheet (interested
parties)

9/24 X

(39)

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LARRY APPLETON	KAISER S&G	P.O. BOX 580, PLEASANTON, CA	94566 415-846-8800
Bill Maxwell	DWIC	914 80 St. Sacto	916-324-7122
*Ken Gaylou	DPR	25050 Coast Hwy I Sacto Po-Box Sta. - Garner, Ca	(707) 847-3215 95450
G. Williams	Winters Petro	661 Kings Row S. Jare	408 279 2570
B. G. Smith	Winters Petro	661 Kings Row S.J.	
Deborah Perfetti Felt	So. Calif. Edison	Box 800, Rosemead, Ca	91770 818-302-3253
Ralph A. De La Parra	"	"	(818) 302-4319
WENDELL SUYAMA	"	"	818/302-1801
REINHARD HANSELKA	ADVANCED IND. DESIGNS	33 COTTAGE WAY, SANTA CRUZ, CA	95060 408-425-5815
Dan Wagner	Marketplace Beverage Co	4050 Pell Ln Arto	920-9070 916-726-3840
Wayne Dallen	Dallen Construction	6516 SKIDDED DE OPAZEVILLE	
Luis G. Rivera	North Coast Regional Board	1000 Coddington Center, Santa Rosa	95401 (707) 576-2220
Richard M. M...		1416 9th. P.O. Box 759	916-324-5551
L.R. Stinson	TOMAS SIERRA CO	COLFAX, CA 95713	916 346 7764
R. CURTIS	TOMAS SIERRA CO	COLFAX CALI. 95713	916-346-2264
PAUL H. WOODS, JR.	THE HERRZ CORP.	660 MADISON AVE NEW YORK, NY 10021	(212) 980-2498
Diane C DeFidelibus	Mobil Oil	3700 W 190th St Torrance Ca	213 212-4518

NAME	COMPANY	ADDRESS	TELEPHONE

KEITH BUTTMAN	CHEVRON USA	~~575~~ 575 MARKET ST, SF 94105	(415) 894-5401
BOB LUPCHIO	CHEVRON USA	575 MARKET ST. SF	415-894-4286
Dale F Frazier	GTE Sprint	1350 Old Bayshore Hwy. Burlingame	415 375 3210
Mike Kahl	Kahl Associates	1024 10th Street, #303, Sacto 95814	(916) 448-216
Pat Leathers	Kohl & Spores	1400 K St.	(716) 442-3924
ALEX DONG	U.S. NAVY	P.O. BOX 727, San Bruno California	(415) 877-7493
PAUL H BARTNEK	BUTLER AVIATION	AIRPORT SAN FRANCISCO	6804
Virginia Squire	CalTrans	PO Box 1499, Sacto 95807	324-1528
BILL WONG	CALTRANS	PO Bx 1499, SACTO 95807	324-1528
LON CARRUTH	KENNETH R. HENNEMAN union oil	1622 N ST #303 SACTO 95814 P.O. BOX 6854	442-023
Barbara Stagg	co. - Geothermal	Santa Rosa, CA 95406	(707) 542-9543
William Dubovsky	ESSI	1415 Koll Cir San Jose	(408) 295-9901
ROBERT McMAHON	DETOX CO	350 Lennen Ln.	943-4177
1-4-8-2-1-1	DETOX CO	350 Lennen Ln.	

y. Extraneous document deleted

z. October 22, 1984 Notice of
Workshop and Board Meeting;
Workshop to be held November
2, 1984; Board Meeting to be
held November 27, 1984

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING

901 P STREET

P.O. BOX 100

SACRAMENTO, CALIFORNIA 95801

(For Information, call

Maureen Marche (916) 445-5240)

NOTICE OF WORKSHOP AND BOARD MEETINGWORKSHOP
(Discussion Only)

FRIDAY, NOVEMBER 2, 1984 at 10:00 a.m.
HEARING ROOM (First Floor)
PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CALIFORNIA

BOARD MEETING
(Proposed Adoption)

TUESDAY, NOVEMBER 27, 1984 at 10:00 a.m.
HEARING ROOM (First Floor)
PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CALIFORNIA

ADOPTION OF REGULATIONS GOVERNING UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES
TO BE CODIFIED IN SUBCHAPTER 16 OF CHAPTER 3, TITLE 23, CALIFORNIA
ADMINISTRATIVE CODE (23 CAC §§2610 - 2648)

Section 25288.2 of the Health and Safety Code directs the State Board to adopt regulations governing storage of hazardous substances in underground tanks according to the standards established by Sections 25284, 25284.1, 25284.3, 25284.4, 25284.5, 25286, and 25288.3 of the Health and Safety Code. A notice describing proposed regulations implementing the above-cited Sections of the Health and Safety Code was published in the California Administrative Notice Register on August 24, 1984. Copies of the proposed regulations, together with the initial statement of reasons, were made available to interested persons for review and comment. A public hearing is to be held on October 23, 1984.

Staff is in the process of summarizing comments received and formulating recommendations for appropriate modifications to the proposed regulations. A workshop is scheduled for Friday November 2, 1984, at 10:00 a.m. to allow Board members to discuss the proposed regulations and issues raised by public comments with staff. A summary of comments and salient issues will be available to the public at the workshop.

It is anticipated that the final text of the proposed regulations will be available at the offices of the State Board on November 9, 1984; and that the Board will consider adoption of the proposed regulations at the November 27, 1984 Board meeting. Those persons who have provided comments during the review period will be mailed a copy of the final text of the proposed regulations. Other persons desiring a copy of the final text should call (916) 324-1262.

DATED: OCT 22 1984


Michael A. Campos
Executive Director

aa. October 25, 1984 Revised
Notice of Workshop and Board
Meeting; Workshop to be held
November 2, 1984; Board
Meeting, November 27, 1984

STATE WATER RESOURCES CONTROL BOARD

P.O. BOX 100, SACRAMENTO, CALIFORNIA 95801

For Information call
Maureen Marche' (916) 445-5240



REVISED

NOTICE OF WORKSHOP AND BOARD MEETING

WORKSHOP
(Discussion Only)

FRIDAY, NOVEMBER 2, 1984 AT 10:00 A.M.
First Floor Auditorium
1416 Ninth Street, Sacramento

Please note new
location

PUBLIC HEARING/BOARD MEETING
(Proposed Adoption)

TUESDAY, NOVEMBER 27, 1984 at 10:00 a.m.
HEARING ROOM (First Floor)
PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CALIFORNIA

If location is
changed, you
will be
notified

*no
action
taken*

ADOPTION OF REGULATIONS GOVERNING UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES
TO BE CODIFIED IN SUBCHAPTER 16 OF CHAPTER 3, TITLE 23, CALIFORNIA
ADMINISTRATIVE CODE, (23 CAC {{2610 - 2648})

Section 25288.2 of the Health and Safety Code directs the State Board to adopt regulations governing storage of hazardous substances in underground tanks according to the standards established by Sections 25284, 25284.1, 25284.3, 25284.4, 25284.5, 25286, and 25288.3 of the Health and Safety Code. A notice describing proposed regulations implementing the above-cited Sections of the Health and Safety Code was published in the California Administrative Notice Register on August 24, 1984. Copies of the proposed regulations, together with the initial statement of reasons, were made available to interested persons for review and comment. A public hearing was held on October 23, 1984.

Staff is in the process of summarizing comments received and formulating recommendations for appropriate modifications to the proposed regulations. A workshop is scheduled for Friday November 2, 1984, at 10:00 a.m. to allow Board members to discuss the proposed regulations and issues raised by public comments with staff. A summary of comments and salient issues will be available to the public at the workshop.

It is anticipated that the final text of the proposed regulations, as modified to accommodate public comments, will be available at the offices of the State Board on November 9, 1984, for public review and comment. The Board will hold a public hearing to receive comments on the proposed regulations, as modified, at the November 27, 1984 Board meeting. The Board may consider adoption of the proposed regulations, as modified, at the November 27, 1984, Board meeting or at a subsequent Board meeting. Those persons who have provided comments during the review period will be mailed a copy of the final text of the proposed regulations. Other persons desiring a copy of the final text should call (916) 324-1262.

DATED: OCT 25 1984


Michael A. Campos
Executive Director

bb. Mailing List (missing from
binder)

cc. January 3, 1985 Notice of
Special Board Meeting to be
held January 18, 1985

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801



STATE WATER RESOURCES CONTROL BOARD
NOTICE OF PROPOSED RULEMAKING:
OPPORTUNITY TO COMMENT AND ADOPTION

SPECIAL BOARD MEETING

DATE: January 18, 1985 at 10:00 a.m.
PLACE: Resources Building Auditorium
1416 Ninth Street, First Floor
Sacramento, California

DEADLINE FOR WRITTEN COMMENTS:

Fifteen days from the date of this Notice.

State Water Resources Control Board
Division of Water Quality
P. O. Box 100
Sacramento, California 95801-0100

ADOPTION OF REGULATIONS GOVERNING UNDERGROUND STORAGE OF
HAZARDOUS SUBSTANCES TO BE CODIFIED IN SUBCHAPTER 16 OF
CHAPTER 3 OF TITLE 23 OF THE CALIFORNIA ADMINISTRATIVE CODE

The State Water Resources Control Board (State Board) will hold a Special Board Meeting at 10:00 a.m. on January 18, 1985 to discuss changes to the proposed regulations governing underground storage of hazardous substances. These changes are in addition to changes made available to the public on November 9, 1984. Like the earlier changes, these changes address both comments received during previous opportunities for public review and issues raised at public hearings and workshops. The proposed changes are sufficiently related to the original rulemaking proposal described in the California Administrative Notice Register on August 24, 1984 that the public was adequately placed on notice that the proposed changes could reasonably have been anticipated from the original text.

The text of the proposed regulations as further amended (draft of December 28, 1984) is available to the public for review at the State Board. Copies will be mailed to persons who have commented. Other interested persons should call (916) 324-1262 to receive a copy.

Comments relating to the proposed changes must be received by the State Board within fifteen days of the date of this Notice. Only comments related to such changes will be considered.

The State Board may consider adoption of the proposed regulations, as modified, at the Special Board Meeting.

Dated: JAN 03 1985

for *Walter J. Pettit*
Michael A. Campos
Executive Director
State Water Resources Control Board

dd. Mailing List (missing from
binder)

ee. May 14, 1985 Notice of
Opportunity to Comment
regarding regulations adopted
by the SWRCB at the January
18, 1985 Special Board Meeting

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801
(916) 324-9088

NOTICE OF OPPORTUNITY FOR COMMENTDeadline for written comments:

Fifteen days from the date of this Notice, at 5:00 p.m.

David Holtry
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95801-0100

AMENDMENT OF REGULATIONS ADOPTED JANUARY 18, 1985, TO BE CODIFIED IN
SUBCHAPTER 16 OF CHAPTER 3, TITLE 23, CALIFORNIA ADMINISTRATIVE CODE
(23 CAC SECTIONS 2610-2714)

On January 18, 1985, the State Water Resources Control Board (State Board) adopted regulations governing underground storage of hazardous substances pursuant to a Notice of Proposed Rulemaking published in the California Administrative Notice Register (Register) on August 24, 1984. The Office of Administrative Law (OAL) disapproved the rulemaking order due to procedural deficiencies in the regulations and in the rulemaking file (OAL's reasons for disapproval were published in the Register on April 12, 1985).

The State Board now proposes to amend Sections 2621, 2631, 2635, 2640, 2643, 2645, 2648, 2661, and 2663 and Appendix I of the regulations to correct deficiencies identified by OAL. The text of the regulations, as modified, is enclosed. The proposed modifications are sufficiently related to the original text described in the Notice published on August 24, 1984 so that the public was adequately placed on notice that the modified text could result from the original rulemaking proposal, and do not alter the substantive impact on the regulated community of the revised regulations as adopted on January 18, 1985.

Only written comments relating to the proposed modifications described in this Notice will be considered. Comments must be received by the State Board within fifteen (15) days of the date of this Notice. Any written or oral comments presented at the special Board Meeting will not be considered as part of the record.

The State Board will consider adoption of the proposed amendments to the Subchapter 16 regulations at a Special Board Meeting scheduled for June 6, 1985, 10:00 a.m., at 901 P Street, Sacramento, California, first floor hearing room.

Dated: May 14, 1985

Enclosure

A handwritten signature in dark ink, appearing to read "Michael A. Campos", is written over a horizontal line.

Michael A Campos
Executive Director

May 14, 1985

UNDERGROUND TANK REGULATIONS

CALIFORNIA ADMINISTRATIVE CODE

TITLE 23 WATERS

SUBCHAPTER 16 UNDERGROUND TANK REGULATIONS

PROPOSED MODIFICATION TO THE REGULATIONS BASED ON THE REVIEW MADE BY THE OFFICE OF ADMINISTRATIVE LAW. (NEW TEXT IS UNDERLINED; DELETED TEXT IS CROSSED OUT.)

Section 2621. Additional Definitions

"Nationally recognized independent testing organization" means any one of the following organizations; or other organizations approved by the Board:

American National Standards Institute

American Society of Mechanical Engineers

American Society for Testing and Materials

National Association of Corrosion Engineers

National Sanitation Foundation

Underwriters Laboratories

Underwriters Laboratories of Canada, Inc.

"Ground Water" means subsurface water which will flow into a well.

"First ground water" means the uppermost saturated horizon encountered in a bore hole.

"Perennial ground water" means ground water that is present throughout the year.

chemical compatibility with the hazardous substances are provided in Appendix I of this subchapter.

Section 2635(b)(7)

...but for at least 10 minutes. In lieu of the above, a test using accepted engineering practices shall be used. Some acceptable test methods for testing pipelines are provided in Appendix I of this subchapter. Double-walled underground storage tanks are

Section 2640(c)

All owners of existing underground storage tanks subject to this subchapter shall implement visual monitoring as described in Section 2642 of this article for all visible portions of the underground storage tank ~~whenever feasible~~. If the entire underground storage tank is not....

Section 2643(b)

Testing of underground storage tanks shall utilize a method capable of detecting a release of a hazardous substance at a rate of 0.05 gallons per hour ~~or less~~. These methods are limited to those tests that make adjustments for....

Section 2643(d)

The tests required in this section shall be performed by personnel who have received training in appropriate test procedures. The person performing the test described in Subsection (b) of this section shall certify that the test procedure utilized takes into account the variables specified and is capable of measuring leaks of 0.05 gallons per hour ~~or less~~.

Additionally, ~~within~~ 1 year after the development of a listing or certification procedure by a nationally recognized independent testing organization which evaluates the accuracy of the test for the type of test described in Subsection (b) of this section, only listed or certified tests shall be accepted.

Section 2645(h)

If more than one boring is utilized, composite samples consisting of soil material from the same depth from each boring may be used for laboratory analysis if such samples can be made without loss of constituents prior to analysis and any pollutant in a sample will not be diluted below detection limits by mixing with uncontaminated samples or samples that contain low concentrations of the pollutant.

Section 2645(i)

Soil samples shall be acquired, prepared, preserved, stored, ~~and~~ transported, and analyzed by ~~appropriate~~ EPA methods ~~or~~ that are appropriate for the objectives of the investigation and that will safeguard sample integrity. Some acceptable methods may be found in the references listed in Appendix I, Table C of this subchapter. Other similar or superior methods may be approved by the local agency.

Section 2645(j)

Samples shall be analyzed by field or laboratory methods that provide quantitative or qualitative results. If qualitative methods are used, ~~when~~ their lower detection limits shall be verified by the developer, distributor or test manufacturer of the testing method or device, or by actual field tests in the case of ~~for~~ sensory-type tests. The analyses shall be by methods that are appropriate for the objectives of the investigation and that will safeguard sample integrity. Some acceptable methods may be found in the references listed in Appendix I, Table C of this subchapter. ~~EPA approved methods or~~ Other methods of similar or superior ~~precision and accuracy that are~~ methods may be approved by the local agency ~~shall be used.~~ The analytical method ~~local agency shall approve the analysis method if it provides a lower level of detection that is below~~ approved for soil testing shall have a detection limit that is lower than the

concentration that ~~which~~ would interfere with any of the future
long-term monitoring methods that could be used at the site.

Section 2648(p)

... Highest anticipated ground water levels shall be determined by a review of all available water level ~~measurements on~~ records for wells within 1 mile of the site. Existing site ground water levels shall be established by either water level measurements taken within the last 2 years in all existing wells, for which records are available, including at least 1 downgradient well that are within 500 feet of the facility and which is are perforated in the zone of interest, or by drilling ...

Section 2661(c)(2)(B)

If the underground storage tank is made of steel, the underground storage tank interior surface shall be abrasive blasted completely free of scale, rust, and foreign matter. ~~Acceptable procedures for metal blasting are provided in Appendix I of this subchapter.~~ The special inspection shall sound any perforations or areas showing corrosion pitting with a brass ballpeen hammer to enlarge the perforation or break through a potentially thin steel area. Underground storage tanks that have any of the following defects shall not be certified or returned to service:

Section 2663(b)

All pipelines shall be pressure tested following repair to assure the adequacy of the repair. The testing shall be accomplished using accepted procedures. Some acceptable procedures for pressure testing are provided in Appendix I of this subchapter.

APPENDIX I, Table C

"Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Final Rule and Interim Final Rule and Proposed Rule", EPA Fed. Reg. Vol. 49, No. 209, October 26, 1984.

"Manual of Methods for the Chemical Analysis of Water and Wastes", EPA 600/4-79-020, March 1979.

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA 530/SW-611, August 1977.

"Soil Sampling Quality Assurance User's Guide", EPA 600/4-84-043, May 1984.

"Hazardous Waste Land Treatment", EPA SW-874, April 1983.

"Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater", EPA 600/4-82-057, July 1982.

"Handbook for Sampling and Sample Preservation of Water and Wastewater", EPA 600/4-82-029, September 1982.

"Manual of Analytical Quality Control for Pesticides and Related Compounds in Human and Environmental Samples", EPA 600/2-81-059, April 1981.

"Manual of Analytical Methods for the Analysis of Pesticides in Human and Environmental Samples", EPA 600/8-80-038.

"Standard Methods for the Examination of Water and Wastewater", American Public Health Assoc., American Water Works Assoc., Water Pollution Control Federation, 15th Edition, 1981.

"Selected Analytical Methods Approved and Cited by the United States Environmental Protection Agency", Supplement to the Fifteenth Edition of Standard Methods for the Examination of Water and Wastewater, 1981.

"Guidelines on Sampling and Statistical Methodologies for Ambient Pesticide Monitoring", Federal Working Group on Pest Management, October 1974.

"American Society for Testing and Materials (ASTM) Annual Book of Standards, Part 31, Water".

"Methods for Determination of Inorganic Substances in Water and Fluvial Sediments of the U.S. Geological Survey".

"Methods for Analysis of Organic Substances in Water", U.S. Geological Survey, Techniques of Water-Resources Investigations, Book 5, Chapter A3, 1972.

"American Society for Testing and Materials (ASTM) Annual Book of Standards, Parts 23-25, Petroleum Products and Lubricants, 1981."

"Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC)".

ff. March 12, 1985 Notice of
Interested Parties regarding
amendment to December 28,
1984, plus text of changes

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
11 P STREET
BOX 100
SACRAMENTO, CALIFORNIA 95801
(916) 324-1262



MAR 12 1985

Interested Parties

REGULATIONS FOR UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES (ERRATA SHEET)

On January 18, 1985, the State Water Resources Control Board (State Board) adopted regulations governing underground storage of hazardous substances. The regulations as adopted by the State Board differ from the December 28, 1984, text by the changes shown on the errata sheet enclosed.

These regulations, along with the rulemaking file, were submitted to the Office of Administrative Law (OAL) on March 1, 1985, for codification as Subchapter 16 of Chapter 3 of Title 23 of the California Administrative Code. The State Board has asked OAL to accelerate its review of the regulations and requested an immediate effective date on approval. We expect a response from OAL within 30 days. They can make one of three decisions:

1. Approve the regulations as adopted;
2. Remand the regulations to the State Board for minor changes that do not require public notice and a public hearing; or,
3. Remand the regulations to the State Board for major changes that require public notice and a public hearing.

Once the regulations are approved by OAL, we will provide one copy to each person who requests it in writing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger Johnson", is written over the typed name.

Roger Johnson, Chief
Program Branch
Division of Water Quality

Enclosure

AS ADOPTED ON JANUARY 18, 1985
ERRATA: DECEMBER 28, 1984 DRAFT
UNDERGROUND TANK REGULATIONS

CALIFORNIA ADMINISTRATIVE CODE
TITLE 23 WATERS
CHAPTER 3 WATER RESOURCES CONTROL BOARD
SUBCHAPTER 16 UNDERGROUND TANK REGULATIONS

Page 3.22: The following should be added to subsection (c) at the end of this page:

"...than those specified in Section 2633(b) shall be subject to...."

Page 3.40: The first and third sentences of subsection (4) should read:

"Single-wall primary containers of steel and the outer surface of double-walled underground storage tanks constructed of steel which are not clad with glass fibre reinforced plastic, with or without coatings shall be protected by either a properly installed, maintained, and monitored cathodic protection system."

"Underground storage tanks with listed corrosion resistant materials, non-metallic glass fibre reinforced plastic coatings, composites, or equivalent systems shall be holiday tested immediately prior to installation."

Table 4.1: The minimum frequency for ground water monitoring in Alternative 4 shall be "monthly" instead of "weekly" as shown. This corresponds to the text on page 4.13.

Table 4.1: Comment no. 1 in Alternative 7 should read as follows to correspond to the text:

"This alternative is limited to use on small tanks that ~~normally~~ do not have frequent ~~any~~ input or withdrawals (e.g., standby generator fuel supply) and where the liquid level in the tank can be measured to the accuracy of + or -5 gallons. A liquid level difference of 1 percent of the tank volume or 5 ~~50~~ gallons, whichever is less shall be cause for further investigation."

Page 4.15: Section 2641(c)(5)(B)(ii) should read:

"If the variation is based on the previous day's physically measured inventory, the daily variation shall not exceed the allowable variation described in Section (iv) of this subsection."

Page 4.15: The reference to "Subsection (v)" in Subsection (iii) should be changed to reference "Subsection (iv)".

Page 4.15: The last sentence in subsection (iii) should read:

"The period of continuous calculation shall be no greater than ~~30 days~~ one month."

Page 4.18: Add a new sentence to the end of Section 2641(c)(6)(A) to read:

"The use of this alternative is limited to those underground storage tanks which contain motor vehicle fuels."

Page 4.19: Subsection (iii) should read:

"more ~~greater~~ than 30-day variation: 0.5% of throughput or ~~30-day variation~~ 100 gallons whichever is less."

Page 4.21: The second sentence in Subsection (A) should read:

"This alternative shall only be utilized for underground storage tanks which do not ~~normally~~ have frequent...."

Page 4.22: The first sentence in Subsection (iv) should read:

"...1 percent of the underground storage tank's volume or 5 gallons whichever is less, between measurements, an unauthorized release...."

Page 4.39: The second and third sentences in Subsection (b) should read:

"Underground storage tanks input and withdrawal meters shall be calibrated within the accuracy required for meters used for wholesale transactions in California. Meters for underground storage tank withdrawals shall be calibrated within the accuracy required for meters used for retail sales transactions in California comply with the tolerances as set forth in the California Administrative Code, Title 4, Chapter 9, Subchapter 9, "Tolerances and Specifications for Commercial Weighing and Measuring Devices." Meters shall be approved for use inspected by the county department of

weights and measures or by a person licensed by the County Department of Weights and Measures a device repairman as defined in California Business and Professions Code, Division 5, Chapter 5.5."

Page 4.42: The first sentence in subsection (6) should read:

"Converted to volume measurements based on a calibration chart ~~provided by~~ for the underground storage tank. ~~manufacturer or supplier~~"

Page 8.4: The second sentence in subsection (c) should read:

"The State Board will bill the applicant for additional anticipated costs or refund any remaining part of the initial fee, if necessary."

Page 8.14: The first sentence in subsection (g) should read:

"The regional board shall consider the local agency's, ~~and the city's, county's, or city and county's~~ recommendations in rendering its decision."

Page 9.2: The second sentence in subsection (b) should read:

"The State Board will bill the applicant for additional ~~anticipated~~ costs or refund any remaining part of the initial fee, if necessary."

APPENDIX I, TABLE B

ORGANIZATIONS PROVIDING SPECIFICATIONS APPLICABLE TO REGULATORY REQUIREMENTS

ANSI American National Standards
Institute
1430 Broadway
New York, NY 10018
(212) 354-3473

API American Petroleum Institute
2101 L Street, N.W.
Washington, D.C. 20037
(202) 457-7000

ASME The American Society of
Mechanical Engineers
345 East 47th Street
New York, NY 10017
(215) 299-5400

ASTM American Society for Testing
and Materials
1916 Race Street
Philadelphia, PA 19103
(215) 299-5400

NACE National Association of
Corrosion Engineers
P.O. Box 986
Katy, TX 77450
(713) 492-0535

NFPA National Fire Protection
Association
Batterymarch Park
Quincy, MA 02269
(617) 328-9290

UL Underwriters Laboratories
333 Pfingsten Road
Northbrook, IL 60062
(312) 272-8800

ULC Underwriters Laboratories of
Canada, Inc.
7 Crouse Road
Scarborough, Ontario

STI Steel Tank Institute
666 Dundee Road, Suite 705
Northbrook, IL 60062
(312) 498-1980

2. Ancillary Outgoing Correspondence

a. To Roger James, Executive
Officer, San Francisco
Regional Water Quality Control
Board; From Water G. Pettit;
January 11, 1984; Subject:
Task Force Development of AB
1362 Regulations

Memorandum

To : Roger James
Executive Officer
San Francisco Regional
Water Quality Control Board

Date : January 11, 1984

From : STATE WATER RESOURCES CONTROL BOARD

Subject: TASK FORCE DEVELOPMENT OF AB 1302 (SHER) REGULATIONS

Thank you for the assistance you and Harold Singer have offered in developing regulations to implement the underground tank permit program. Pursuant to our discussion on December 21, Mr. Singer met with State Board staff the first week in January to get the effort underway.

In order to advise the numerous parties interested in this effort of the arrangements we made, I have summarized our plans as follows:

1. Mr. Singer will lead a team constituted as described below. For purposes of this effort, he will report directly to Ed Anton, Chief, Division of Technical Services. It will be Mr. Anton's responsibility to keep me apprised of progress and problems on a current basis.
2. We expect that the project will take two to three months, starting January 1, and that Mr. Singer will devote 1/2 to 3/4 of his time to this effort during that period. He will divide his time between Sacramento and Oakland, as necessary. It is anticipated that the regulations will be ready for circulation at the end of that time.
3. The following State Board personnel will work on the Task Force:

Stephen Fagundes - Full time (except as needed for work
on Land Disposal Regulations)

Bud Eagle - Estimated 1/2 time

Kathy Keber - As required

Kathy Harder 1/2 time (2 days/week)
4. Mr. Singer may assign tasks to other Region 2 personnel (tasks to be performed in Oakland). He may also have some work done by Gil Torres as part of Mr. Torres' full-time assistance to Region 2 on the tank program.

*Jo P. C. Wilson to know
as much as possible about
the program. I don't
know who else is involved etc. A2.a.*

5. Mr. Singer will coordinate input/assistance by staff of other Regional Boards, by working through management of those Regions. It will also be necessary to coordinate with and seek assistance from other governmental agencies, industry associations, and environmental groups.
6. This task force will concentrate on the development of the technical regulations. Other State Board staff, (including members of the task force at times) will establish administrative procedures, set up data handling systems, etc.
7. Other State Board staff (e.g., Roger Johnson, Mike Falkenstein, Randy Kanouse), who are familiar with the program, will be available on a limited basis for assistance/consultation.
8. After completion of the draft regulations there may be limited additional demands on Mr. Singer's time during the formal regulation adoption process.
9. The State Board is the specific agency responsible for the statewide aspects of the permitting program. Therefore, all information used in developing and supporting the regulations must be located in the State Board files.
10. Travel/per diem expenses incurred by Mr. Singer in connection with this project will be paid by the State Board.

If any adjustments appear necessary as we proceed, please let me know. We all understand that this project will require a great deal of effort and coordination. Your cooperation in developing this plan is appreciated.

Walt Pettit

Walter G. Pettit
Deputy Executive Director

cc: Board Members
Regional Board Executive Officers
Michael Campos
William Attwater ✓
Harry Schueller
Ed Anton
Jim Stafford
Stephanie Bradfield
Roger Johnson
Robert Ford
Stephen Fagundes
Bud Eagle
Craig Wilson
✓ Kathy Keber
Kathy Harder
Mike Falkenstein
Randy Kanouse

b. To Richard P. Wilcoxon,
Chief of Toxic Substances
Control Division, Department
of Health Services; From
Edward C. Anton; January 24,
1984; Subject: AB 1362 (UGT)

Memorandum

To : Richard P. Wilcoxon, Chief
Toxic Substances Control Division - A-22
Department of Health Services
714/744 P Street
Sacramento, CA 95814

Date : JAN 24 1984

From : STATE WATER RESOURCES CONTROL BOARD

Subject: AB 1362 (UNDERGROUND TANKS)

Assembly Bill 1362 (Sher) requires the Department of Health Services to compile a comprehensive master list of hazardous substances (Section 25281(a) Health and Safety Code). The Code requires the list to be available no later than June 30, 1984.

As we begin to implement this bill, as well as AB 2013 (Cortese), we find an immediate need for the master list. We would appreciate your making the list available as soon as possible. It will speed up our work and provide for earlier detection of underground tank leaks.

If you have any questions, please contact Roger Johnson (2-3133) or Mike Falkenstein (2-0218).

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

MFALKENSTEIN:RJOHNSON/devans:11bathe - 1-23-84

R. Anton

1-23-84

CHAPTER 1046

An act to add Section 25150.1 to, and to add Chapter 6.7 (commencing with Section 25280) to Division 20 of, the Health and Safety Code, relating to hazardous substances.

[Approved by Governor September 23, 1983. Filed with Secretary of State September 23, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1362, Sher. Hazardous substances: underground storage.

(1) Existing law does not specifically regulate the storage of hazardous substances in underground tanks.

This bill would prohibit any person from owning or operating an underground storage tank used for the storage of hazardous materials without a permit to the owner from a local agency, which is defined as the department or office so designated by a county or a city, if the city assumes exclusive jurisdiction for enforcement of these provisions. The bill would define terms, including "hazardous substance," and would exclude from the definition of underground storage tank a tank used for the storage of hazardous substances used for the control of cattle parasites and subject to the supervision of the county agricultural commissioner, if certain determinations are made by the commissioner, a tank located on a farm and used to store motor vehicle fuel for a specified purpose, a tank used for aviation or motor vehicle fuel, located within one mile of a farm and used by a licensed pest control operator, and specified structures. The bill would require the State Water Resources Control Board to conduct a study concerning applying certain standards to all of these exempted tanks and structures by January 1, 1985.

The bill would require the State Department of Health Services to compile a master list of hazardous substances, and to make it available, as specified, by June 30, 1984, notwithstanding any other provision of law, including provisions concerning the Office of Administrative Law's regulatory review process. The bill would also authorize the department to revise this list in accordance with specified procedures.

The bill would require each county to implement these provisions and would authorize a county, or a city assuming local jurisdiction, to implement design and construction standards in addition to those specified in the bill. The bill would also authorize a county or city to implement a provision concerning tanks installed after January 1, 1984, until the board adopts specified regulations.

The bill would specify the conditions for transferring a permit, would specify the term of a permit to operate an underground storage tank as 5 years, and would prohibit a local agency from

CHAPTER 1045

An act to add Sections 13173 and 13174 to the Water Code, relating to water quality.

[Approved by Governor September 23, 1983. Filed with Secretary of State September 23, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2013, Cortese. Water quality: hazardous substances: storage facilities.

Under existing law, the State Water Resources Control Board is vested with various powers and duties in regard to the disposal of hazardous waste.

This bill would require each person storing hazardous substances, as defined, in concrete sumps, nonvaulted buried tanks, or other underground containers to file with the state board a hazardous substance storage statement, including specified information, not later than July 1, 1984. The bill would require each statement to be accompanied by a fee of \$10 per container, except for underground tanks located at retail motor vehicle fuel outlets for which the fee would be \$5 per container. The bill would specify related duties of the state board, and, as of specified dates, require compilations of storage statements to be transmitted to appropriate regional water quality control boards, cities, and counties and would impose civil liability, as specified, for failure to comply with these provisions.

The bill would exempt, from January 1, 1984, to July 1, 1984, underground farm storage tanks storing fuel from these provisions. The state board would be required to obtain essential information on underground farm storage tanks from farmers, and the addresses and information obtained would be confidential and could be disclosed only under specified circumstances. The state board and regional boards would be authorized to apply these provisions to underground farm storage tanks on July 1, 1984, as prescribed.

The people of the State of California do enact as follows:

SECTION 1. Section 13173 is added to the Water Code, to read: 13173. (a) Except as provided in Section 13174, each person storing hazardous substances in concrete sumps, nonvaulted buried tanks, or other underground containers shall file with the state board, on a form provided by the state board, a hazardous substance storage statement not later than July 1, 1984, except that civil liability for failure to file the statement by that date shall not arise until January 1, 1985, as specified in subdivision (e).

(b) As used in this section, "hazardous substance" means any

Assembly Bill No. 2013
(Cortese)

Statewide inventory of all underground tanks storing hazardous materials.

State Water Resources Control Board responsibilities:

- ° Develop a Hazardous Substance Storage Statement form to be completed and filed by underground tank owners.
- ° Compile the Hazardous Substance Storage Statement by each city and county within which the container is located.
- ° Transmit compiled information to appropriate Regional Boards, cities and counties no later than January 1, 1985.

Tank owners responsibilities:

- ° File with the State Water Resources Control Board a Hazardous Substance Storage Statement by July 1, 1984.
- ° Include with each statement a \$10 fee per container except for statements submitted for underground tanks located at motor vehicle outlets, which require a \$5 fee per container.
- ° Tank owners failure to submit a statement and fee by January 1, 1985 shall be liable civilly in an amount not less than \$500 and not more than \$5,000 per day each day the statement has not been received.
- ° Tank owners submittal of false information shall be liable civilly in an amount not less than \$2,000 and not more than \$20,000 per day for each day the false information goes uncorrected.
- ° Underground farm storage tanks storing fuel are exempt from filing statements until October 1, 1984. Failure to submit statement and fee before January 1, 1985 shall have the same civil penalties described for all other underground containers. The State Water Resources Control Board shall obtain essential information on underground farm storage tanks from January 1, 1984, to July 1, 1984.

Assembly Bill No. 1362
(Sher)

Statewide local government program for permitting and monitoring underground tanks and reporting leaks.

State Department of Health Services responsibilities:

- Compile a master list of hazardous substances and make this list available by June 30, 1984.
- Develop regulations for RCRA tanks.

State Water Resources Control Board responsibilities:

- Develop policies and regulations for underground tanks storing hazardous materials including containment, monitoring and testing, closure and leak reporting of tanks.
- Compile a data base of all permitted tanks and leaks.
- Review requests for categorical exemption for a number of tanks.
- Review requests of locals for more stringent programs.
- Submit an annual report by county to the Legislature on unauthorized releases and abatement action.
- Analyze the necessity of applying the standards of the bill to exempted structures.

Regional Water Quality Control Boards responsibilities:

- Review requests for site-specific variances from design, construction and/or monitoring standards.
- If requested by the local agency, may remedy the effects of, and remove, any hazardous substance which has been released from an underground tank, pursuant to Division 7 (commencing with Section 13000) of the Water Code.

Local Agency responsibilities:

- Issues permits, good for 5 years, to operate underground tanks.
- Provides State Water Resources Control Board a copy of the permit application.

- Inspects tanks at least once every three years for compliance with design and construction standards; and monitoring and testing the tank in safe operating conditions.
- After an unauthorized release, reviews the permit and determines if the underground storage tank is unsafe.
- May apply to the State Water Resources Control Board for authority to implement design and construction standards in addition to those set forth in this Chapter.

Tank Owners responsibilities:

- Every underground tank installed after January 1, 1984 must meet Section 25284 of the bill if local permitting program is in place. Any tank installed after January 1, 1985 must meet the State Board regulations.
- For every underground tank installed on or before January 1, 1984 and used for the storage of hazardous substances must meet Section 25284.1 by January 1, 1985.
- Must enter into contracts with operators of the tank requiring the tank be monitored for leaks as provided by the permit.
- Report any unauthorized releases from the secondary container within 24 hours, followed by a written report within 5 days.
- Submit an annual report identify all unauthorized releases any any changes in substances stored.
- Must not abandon, close or temporarily cease operating except if certain conditions are met.
- Is liable for a civil penalty of from \$500-\$5,000 for failing to take certain actions concerning permitting, monitoring, maintaining records, compliance, and closure of an underground tank, and would impose upon a person falsifying reports, or failing to file the report of an unauthorized release, a fine from \$5,000 to \$10,000, or imprisonment in the county jail for up to one year, or both.

POPULAR QUESTIONS AND ANSWERS ON AB 2013 and AB 1362

1. *I need to install a tank next month. What do I do?*

- a. Talk to the county, and city if you are within a city jurisdiction, first to see if an underground tank ordinance was adopted prior to January 1, 1984. If an ordinance was adopted, you must meet the requirements established by the ordinance.
- b. If an ordinance has not been adopted, a county or city may choose to implement the provisions of the Sher bill establishing construction standards for new tanks prior to State Water Resources Control Board adoption of regulations. Any tank permitted under these local requirements will be deemed to be in compliance with the State Water Resources Control Board regulations concerning that section. Check with your county or city to see if it has implemented its own requirements pursuant to this provision of the Sher bill. You will then have to meet those requirements.
- c. If there is no local ordinance or local permitting program, then you have three options for installing your tank.

Option 1 - You can wait until the State Water Resources Control Board adopts regulations. Draft regulations should be out this spring and final adoption of the regulations before January 1, 1985.

Option 2 - You can install a tank just as you would have before the law was established. The tank will be considered an "old tank" and will have to meet the monitoring requirements as specified in the regulations.

Option 3 - You can install a conservative design such as cathodically protected or glass fibre double walled tanks with a monitoring device between the walls and hope that no additional requirements will be specified in the State Board regulations.

2. *Do I have to complete a Hazardous Substance Storage Statement?*

Every owner of an underground container which stores hazardous substances must file a Hazardous Substance Storage Statement and include a \$10 fee per container except for tanks located at gasoline stations, which require a \$5 fee. Forms will be available at the State Water Resources Control Board and the Regional Water Quality Control Boards or if you telephone 916/324-1262 a form will be sent to you.

3. *What construction standards or monitoring standards are required?*

Construction and monitoring standards will be described in the State Water Resources Control Board regulations, which will be adopted prior to January 1, 1985. If a local ordinance was adopted prior to January 1, 1984, design and monitoring standards should be available through the appropriate local agency. Some counties and cities without an existing ordinance may have developed internal guidelines for Section 25294. These guidelines must then

be met.

4. *My tanks contain Brand X chemical. Am I exempt from filing a statement or obtaining a permit?*

Hazardous substances are those listed in Section 6382 of the Labor Code, Section 25316 of the Health and Safety Code and any substances classified by the National Fire Protection Association (NFPA) as a flammable liquid, a Class II combustible liquid, or a Class III-A combustible liquid. All motor fuels, pesticides, herbicides, and industrial solvents are considered hazardous substances. If you believe your tank contains a substance which is not hazardous, please phone 916/324-1262 for confirmation.

5. *If my county adopted an ordinance for regulating underground tanks prior to January 1, 1984, can the cities be included in the ordinance after January 1, 1984.*

This determination must be made on a case-by-case basis dependent on the wording of the ordinance. We suggest the county counsel review the ordinance to make this determination.

6. *AB 1762 states I must have monitoring devices installed on or before January 1, 1985. If the State Water Resources Control Board does not adopt regulations establishing what monitoring will be required prior to that date, how do I know what is required?*

We suggest you talk to the county to see if they will enforce the January 1, 1985 deadline if the State Water Resources Control Board has not adopted regulations by that date. They may choose to exercise their discretion and not enforce the new regulations until a reasonable period of time to come into compliance with the regulations has passed.

7. *When will the Regional Water Quality Control Boards begin issuing permits?*

Issuance of permits will be done by counties or cities, not the State Water Resources Control Board or the Regional Water Quality Control Boards. Local government will determine when to implement the underground tank permit program.

SuggestionsCounties/cities which adopted underground container ordinances prior to January 1, 1984

1. Most counties/cities which have adopted an ordinance are looking at a large number of tanks to be permitted. To ease the anticipated workload, a county/city may want to begin permitting new tanks and wait to permit existing tanks. The State Board will make available to appropriate county/cities the inventory information on underground tanks. This information can assist counties/cities in determining whom to permit and which containers are at high risk.
2. Although counties/cities which adopted ordinances prior to January 1, 1984 are exempted from the provisions of AB 1362, they are still required to submit to the State Board the application form and annual information (Section 25288). This information should be considered when designing the county/city application form.

Counties/cities without ordinances adopted prior to January 1, 1984

1. Until the State Board adopts regulations on underground tanks, new installation of underground tanks are considered old tanks. Old tanks will have to install leak detection monitoring systems as will be described in the State Board regulations.
2. Until the State Board adopts regulations any county/city may implement the provisions of 25284 (construction standards) with regards to permits. Any tank or facility so permitted shall be deemed to be in compliance with the regulations of the Board implementing that section.

c. To Bob Ghirelli, Executive
Officer, Los Angeles Regional
Water Quality Control Board;
From Michael A. Campos;
January 25. 1984; Subject: UGT
Investigation Program Work
Plan

IV A-2c
B1

Bob Ghirelli
Executive Officer
Los Angeles Regional Board

JAN 25 1984

Underground Tank Investigation Program Work Plan

Our staff has reviewed the November 1983 Underground Tank Investigation Program Work Plan. The Regional Board staff has completed an impressive amount of work within the past few months. This work has included sending out over 3,000 questionnaires to different sites and beginning an underground tank inventory, plus requesting 46 leak detection programs. Our comments on the work plan follows:

General Comments:

1. All underground tank data gathered in new areas, San Gabriel, Burbank, Glendale, etc., to be coordinated with the State Board effort under AB 2013 (Cortese). This will eliminate any duplication of effort in these locations.
2. Under the statewide Underground Tank Program 4.4 positions have been tentatively budgeted for Region 4 for Fiscal Year 1984-85. This is intended to cover Region 4's duties relating to implementation of AB 1362 and AB 2013, as well as continued investigative and corrective work. Region 4's 4.4 positions have been included in the EPA 106 application for early hiring for the Underground Tank Program. Should this application be approved, Region 4 could hire staff before Fiscal Year 1984-85 begins.

Technical Comments:

III-D - Leak Detection Criteria

1. It might be advisable to relate the criteria to areas where ground water is being used for domestic supply, as was done in Region 2. Hence, as a basic overview, a map should be prepared of the investigative areas showing portions served by ground water (either solely or as an augmentation), such as Glendale and Burbank, and those areas where municipal water supply is only from surface or imported water. Secondly, areas of domestic, industrial, or agricultural ground water use could also be shown.

Handwritten notes and signatures at the bottom of the page, including "R. 10", "1-20-84", "for EA", and "1/20/84".

JAN 25 1984

2. Priority One. The "hazardous materials" should include "hazardous waste" as identified in Section 66680 of CAC Title 22 (i.e., by Department of Health Services) or 40 CFR Part 261 (i.e., by RCRA).

III-E - Leak Detection Guidelines

1. Retrofitting. The suggestion that tanks should be relocated above ground should be qualified by adding "for nonflammable materials".
2. Pressure Testing. Tanks undergoing pressure tests have been known to explode (even underground tanks). Vacuum tests may be better.

III-F - Subsurface Investigation/Cleanup

1. On line 9, there is mention of "less hazardous materials". What are these? According to DOHS and RCRA, a material is either hazardous or non-hazardous.
2. It would be much better to define the hydrogeology of the area rather than just the geology.
3. An estimate of the rate of migration of the plume is necessary (this would take into account migration and attenuation in ground water).

It is noted in the final paragraph that the "extent of the....contamination should be defined as far as the property line....". The plume definition should be carried as far as it is detectable, not just to the property line (Porter-Cologne authorizes us to do this). Also, for testing of deeper aquifers, extreme care must be exercised to prevent any contamination of deep zones through cross-contamination during drilling.

VI. Organization

A.2. Geo-Hydrologist. This term has no legal standing in California. Staff in the Hydrogeology Section of the State Board have the civil service title of Engineering Geologist. Those who are licensed are Certified Engineering Geologists. According to the Board of Registration for Geologists, the practice of Engineering Geology includes hydrogeology. Certified Engineering Geologists and properly qualified Civil Engineers are authorized to do the kind of work in question in California. We suggest that the term Geo-Hydrologist be replaced with Engineering Geologist.

Appendix B, Leak Detection Guidelines

Case I - Shallow Water All Tanks

II.B.1.b. If the ground water gradient is not known, one well at each end of a tank may not be adequate. It would be better to require gradient determination

JAN 25 1984

through the use of a tool such as the KVA-GeoFlo Groundwater Flow Meter. If the gradient cannot be determined, as many as four holes (one on each end and one along each side) may be necessary.

II.D. See discussion under VI.A.2.

II.E. Because four-inch diameter holes are required for all deep ground water holes Cases II and III, then four-inch diameter casing would be more appropriate for all wells.

II.F.

1. Some organic fluids will dissolve PVC. Thus it would be desirable to use teflon or stainless casing under certain conditions.
2. Glueless slip joints may separate in the hole, requiring redrilling. Therefore, threaded joints should be required in all cases.
3. No mention is made of the type of perforations. Many drillers will opt to use saw-cut or punched perforations; these may prove to be totally unsatisfactory. Monitor well casing manufacturers (Johnson, etc.) make spiral-wound PVC and stainless steel perforated monitor well casings.
4. The size of perforations should be related to grain size of aquifer material. Also, the total open area of perforations should be large enough to keep entrance velocities at a minimum and assure a properly operating monitoring facility.
5. "Washed pea gravel" should not be used for a filter media. The grain size of the filter should be matched to that of the aquifer and also to the size of the screen opening. Many properly constructed monitoring wells use a gradation of Monterey sand for the filter medium.

II-G. The top of the test hole can be in a below-grade vault or cellar if necessary. It can be enclosed in a Christy Box or other type of lock-box.

II-H.

1. It is mentioned that the "...well will be developed by pumping" This could be very difficult considering the 2-inch-diameter casing. Swabbing is a good development procedure in non-plastic casing. Air-jetting coupled with a two-line (air line + eductor line) air lift is a good way to develop wells with spiral-wound (Johnson-type) screens. Bailing will not ordinarily develop out the fines; these must be removed for the monitoring well to function properly. If development is to be by pumping, I suggest that overpumping be used wherever possible.
2. We recommend development be long enough to withdraw all fines within the pumping radius. This should be included so some drillers will not develop for only a few minutes. Improperly developed wells could become filled with silt over a period of time.

JAN 25 1984

III.A. Sampling with a bailer risks aeration and subsequent loss of any volatile organics. If volatile organics are suspected to be present, sampling should be by syringe, bladder extractor, etc.

III.B.

1. Requiring removal of "4 to 10 well volumes" will almost always result in removal of only four well volumes regardless of field conditions.
2. The term "jetting" is used here to refer to air-lift. (Jetting is properly both a well drilling and a well development term.) The double-tube (air line + eductor line) is an acceptable way to purge a well prior to sampling. Any method which does not introduce air into the well would be acceptable.

Cases II-Deep Ground Water, Priority 1/2

II.B.1.b. According to this requirement, two 40-foot test holes would be required to be drilled each year. Installation of two (or more) good test holes and annual sampling could suffice.

If you have any questions or comments, please contact Kathy Harder at (916) 324-1262 or Bob Ford at (916) 322-0844.

Original Signed By:

Michael A. Campos
Executive Director

cc: State Board Members

bcc: M.Falkenstein
B.Ford
K.Harder

KHarder:devans:pjdardis
1/23/84

d. To Salle S. Jantz,
Assistant to the Director,
Department of Water Resources;
From Kathy Harder; February 6,
1984; Subject: Information on
UGT Regulations and
Registration

B17
IV A.2d

Ms. Sallie S. Jantz
Assistant to the Director
Department of Water Resources
1416 9th Street MAIL STOP: A35
Sacramento, CA

FEB 6 1984

You requested information on the State Water Resources Control Board Underground Tank Program. Attached are copies of the law. AB 2013 (Cortese) sets up a state-wide inventory of underground tanks. AB 1362 (Sher) gives local government authority to implement an underground tank permitting and regulation program.

The State Board is currently developing regulations for construction and monitoring standards for underground tanks. The draft regulations are expected to be completed by this spring.

If you want additional information or have any questions, please call me at 5-7769.

ORIGINAL SIGNED BY

Kathy Harder
Underground Tanks Program
Division of Technical Services

Attachments

bcc: Mike Falkenstein
Roger Johnson
Ed Anton

KHarder:devans
2/3/84

e. To Al Alm, U.S.
Environmental Protection
Agency; From Michael A.
Campos; February 6, 1984;
Subject: Background on the UGT
Program

IV A.2E

ORIGINATOR
FILE COPY

Chen

FEB 6 1984

Mr. Al Alm
U.S. Environmental
Protection Agency
401 M Street, SW
Washington, D.C. 20460

Dear Mr. Alm:

Enclosed is the Underground Tank Program background material and details of our implementation plan I agreed to send you. I have included copies of the two pieces of enabling legislation (known as the Sher and Cortese bills) along with a State Board prepared synopsis. Also included are statements made before the Assembly Committee on Consumer Protection and Toxic Materials by State Board Member Doug Koteware and Harold Singer of the California Regional Water Quality Control Board, San Francisco Region staff.

Under the Cortese Bill, a statewide inventory of underground tanks will be developed. Enclosed is the draft inventory statement, Hazardous Substance Storage Statement (HSSS).

Our Budget Change Proposal (enclosed) includes the Underground Tank Program Workplan which details the tasks implementing the Sher and Cortese bills as well as the enforcement work to be performed by the California Regional Water Quality Control Boards.

I look forward to future discussions on the Underground Tank Program with you. I will keep you informed as the program progresses. If you have any questions, please feel free to call me.

Sincerely,

Michael A. Campos
Signed by
Michael A. Campos

Michael A. Campos
Executive Director

Enclosures

Mr. Al Alm
Page 2

cc: Mr. Edward C. Anton, Chief
Division of Technical Services
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95801

KHARDER/devans/tgalloway
2-3-84
Control No: EA-9

f. To Regional Board Executive
Officers; From Michael A.
Campos, February 24, 1984;
Subject: UGT Program

-2-

FEB 24 1984

Underground Tank Program - covered and for that. This has lead to a growing number of contractors and local government as to what regulations are required for the safe installation of these underground regulations. Classified as "Confidential" described as "Regular Question and Answer #1".

Attached you will find copies of AB 2013 (Cortese), AB 1362 (Sher), synopsis of both bills, popular questions (and the answers) about the program, and suggestions to local government. This information will also be sent to all California counties and cities as soon as we finalize the Hazardous Substance Storage Statement (HSSS), the Permit Application Form and information flyer. We will send you copies as well. At this point we are finalizing the HSSS which will serve as the inventory form (one form per tank), under AB 2013. We appreciate the assistance from several of the Regional Boards in development of the form. These forms should be available in early March. We will be in your Region. These are needed so we can...

A State Board hotline to answer questions on where to get a form, how to complete it, how much in fees are required, etc., has been established and will be operational in late February. This number is (916) 324-1262.

Several of the Regional Boards began inventorying underground tanks before the law was enacted. Instead of hand transferring Regional Board inventory information to the HSSS or writing a computer program to transfer information to the State Board data bank, the State Board would like to write a cover letter and send a HSSS to all facilities previously inventoried. The reasons for requesting inventory information a second time include: some information required by law was not included in the Regional Board surveys; the State Board needs to collect the fees for these tanks in order to sustain the program; and, in some cases, the information would have to be hand transferred to the HSSS, requiring considerable staff time.

SURNAME	KOH 2-17-84	R. Palmer 2-21-84	Ints 2/21/84	

FEB 24 1984

If you could make available, to the State Board, mailing labels or a list, if you do not have the ability to make labels, for those underground tanks inventoried, we will send out a cover letter, explaining the need to complete the form, and a HSSS. Or if you prefer, we can send copies of the cover letter and HSSS for you to send out.

AB 1362 (Sher) is the underground tank local permitting program. As you are probably aware, the bill had a window which allowed local government to opt outside the scope of the bill if they enacted an ordinance prior to January 1, 1984. Much to our surprise, many counties and cities did just that. This has lead to a great deal of confusion on the part of contractors and local government as to what requirements govern underground tanks before promulgation of State Board regulations. Clarification to this problem is described in "Popular Question and Answer #1".

You should be specifically aware of Section 25288.3(e) of AB 1362 which allows any owner/operator to request the Regional Board grant a site-specific variance from the construction and/or monitoring standards. We would like to receive notification and copies of any such requests, and our staff will be available to assist in evaluating the requests until regulations are adopted and the Regional Boards develop the necessary background and expertise.

In order to coordinate the Underground Tank Program between the State and Regional Boards, we request the following information from you.

1. Underground tank contact person and phone number at each Region.
2. The five digit zip codes in your Region. These are needed so we can sort the inventory data by Region to send to you.
3. Mailing labels or lists for all underground tanks previously inventoried. Or the State Board could draft a cover letter to be sent with the HSSS for the Regional Boards to send out.

We would like you to schedule an item in your next, or immediately following, Board meeting for a State Board staff member to explain the Underground Tank Program to your Regional Board and any interested members of the public that read your notice. We estimate that this presentation, with questions, will take about 30 minutes.

Our staff will assist in any technical evaluations needed for site-specific variances.

As the regulations are developed and adopted, we will keep you informed on the administrative and technical aspects of the program.

FEB 24 1984

The State contact person for Underground Tanks is Kathy Harder. Please feel free to contact her should you have any questions or want to refer calls. Her number is 916/445-7769 or (ATSS) 485-7769.

~~Original Signed By~~

Michael A. Campos
Executive Director

Attachments (4)

bcc: R. Johnson
M. Falkenstein
S. Fagundes
B. Eagle
E. Anton
K. Keber
K. Harder
W. Pettit
RJOHNSON/devans/pjdardis

2/15/84

g. To Richard Mueller; From
Kathy Harder; March 7, 1984;
Subject: Request for
Information on UGT Program

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSOHN BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801



MAR 7 1984

Mr. Richard Mueller
975 Sonny Dunes Road
Palm Springs, CA 92262

Dear Mr. Mueller:

With respect to your request for information on the Underground Tank Program, enclosed are some informational documents. The State Water Resources Control Board is drafting regulations for construction and monitoring of underground tanks. These draft regulations should be available in May of this year. Local governments which adopted underground tank ordinances prior to January 1, 1984 are developing their own regulations for underground tanks. If you wish to install a tank, I suggest you contact the local environmental health officers or fire chief to determine if an ordinance has been passed. If not, please review question #1 of the Popular Questions and Answers document.

Should you have additional questions, please feel free to contact me at (916) 445-7769.

Sincerely,

ORIGINAL SIGNED BY

Kathy Harder
Hazardous Waste Unit
Division of Technical Services

Enclosure

h. To County Board of
Supervisors, City Managers,
Local Environmental Health
Officers, Fire Departments;
From Michael A. Campos; March
15, 1984; Subject: UGT
Registration and Regulation

Return to Dale
IV A 2 in.

WAF 5 1984

Memorandum LG-1

COUNTY BOARDS OF SUPERVISORS
CITY MANAGERS
LOCAL ENVIRONMENTAL HEALTH OFFICERS
FIRE DEPARTMENTS

IMPLEMENTATION OF UNDERGROUND TANK LEGISLATION

In late 1983, the Governor signed into law AB 2013 (Cortese) and AB 1362 (Sher). These bills require the State Water Resources Control Board (State Board) to inventory all underground tanks which contain hazardous materials and require local government to issue permits for these tanks. This letter will advise you of our progress to date and plans to implement the legislation. We also are developing lines of communication between the State Board and local agencies.

There has been some confusion over these laws. Enclosed is information that clarifies responsibilities, answers commonly asked questions and offers some suggestions.

REGISTRATION OF UNDERGROUND TANKS

The underground container inventory, established by AB 2013 (Cortese), is to be completed by January 1, 1985. All tank owners are required to submit information by July 1, 1984 on forms provided by the State Board. Tanks on agricultural farms storing fuel are initially exempt from this requirement. However, if the State Board is not able to compile the required inventory information by July 1, 1984, farmers may be required to file inventory statements. While we cannot predict the success in developing this inventory, owners of farm tanks should be prepared to supply the needed information after October 1, 1984.

The registration forms, titled Hazardous Substance Storage Statements (HSSS-draft copy enclosed) will be made available in April and will be sent to all local agencies involved in the program. We will publicize the program in the media and through technical/industrial organizations. Forms will be available by contacting the State Board or Regional Water Quality Control Boards (Regional Boards).

R. Johnson
3-12-84
Anton 3/12/84
1/15/84

The results of the inventory will be sent to all local agencies involved in the program in early 1985. The computer-generated information will list each tank and identify those covered under the tank regulation law. The State Board will also forward a preliminary risk analysis based on container age, construction and contents in early 1985.

REGULATION OF UNDERGROUND TANKS

AB 1362 (Sher) established an underground container regulation program. The State Board will establish construction and leak detection standards. The Department of Health Services (DHS) will establish the list of hazardous substances. Cities and counties will issue tank permits, conduct inspections and undertake enforcement action.

To make this program effective, the State Board and local agencies need to maintain a close working relationship. If you are a county or a city implementing the program, please advise us by April 2, 1984 of the department within your agency that will be implementing this program and a specific contact person. If you have not designated a specific county or city department to administer the program, please designate an interim contact person for us.

The bill gave local governments the option to develop a program outside the Sher bill if they enacted an underground container ordinance prior to January 1, 1984. Many local governments exercised this option. They will receive the inventory information and are asked to voluntarily coordinate with us.

The enclosed synopsis describes the major responsibilities of tank owners, local agencies, the DHS and the State Board. The State Board is developing the required regulations. A draft is scheduled for spring 1984 with adoption in fall 1984. We would like to maintain consistency with regulations already adopted or being considered by local agencies. Therefore, we would appreciate receiving copies of any existing or proposed ordinances or regulations. We will transmit information on our regulations and other aspects of the program to your coordinator as it becomes available.

MAJOR ISSUES

Two major issues have been identified in discussions with local agencies:

1. Duplication in gathering inventory information.

Tank owners will be asked by different agencies for identical information especially where local government initiated a regulation program prior to January 1, 1984. We considered obtaining tank information from those agencies but serious problems exist: Statutory deadlines must be met; civil penalties apply to tank owners who do not file inventory statements with the State Board; fees must be collected; some counties and cities have the ability to inventory underground tanks while others do not; and a change in legislation would be required.

Most counties/cities which have adopted an ordinance are looking at a large number of tanks to regulate. To ease the anticipated workload, a county/city may want to begin with new tanks and wait for the State Board inventory for regulating existing tanks. The State Board will make available to appropriate counties/cities the inventory information on underground tanks. This information can assist counties/cities in determining whom to regulate and which containers pose high risks.

To avoid asking tank owners for inventory information at different times, the State Board encourages local agencies to distribute the State's inventory forms at the same time they permit the underground tanks. However, under the law the fee and statement must be sent from the tank owner directly to the State Board.

2. Collecting permit information from local agencies by the State Board.

The law requires that all agencies, whether or not they adopted an ordinance prior to January 1, 1984, supply the State Board with information on permits issued for underground tanks.

Those jurisdictions operating under the State program (with no ordinance prior to January 1, 1984) will be supplied with a State-designed Permit Application Form. It will be designed and distributed prior to January 1, 1985. For existing tanks, each agency will be supplied with a computer-generated form that includes information from the HSSS inventory form).

Local agencies with existing ordinances (prior to January 1, 1984), are required to supply permit information to the State Board on the State designed Permit Application Form. Those agencies have three options:

- A. Use the State Board form.
- B. Transfer information to the State Board form.
- C. Computerize the information and send a computer tape.
(NOTE: Please coordinate to make sure your tape is compatible with State Board computers.)

SUMMARY

In summary, we request the following items from you:

- 1. Contact agency, person, address and telephone number.
- 2. Please let us know if you adopted an ordinance prior to January 1, 1984. If you did, please send us a copy of your ordinance.
- 3. Please let us know if the State Board can supply you with copies of the inventory statement and how many you will need.

We want to thank you for your cooperation. Staff will be available to meet and discuss the Underground Tank Program in Sacramento at any time. Due to limited staff, traveling to meetings is very difficult. Any assistance or comments on the program from you are welcomed. We will keep you informed on important developments in the program. Should you have any questions or comments, please feel free to contact Kathy Harder at (916) 445-7769 or (ATSS) 485-7769.

Sincerely,

Michael A. Campos
Executive Director

Enclosures

cc: League of California Cities
County Supervisors Association of California
California Regional Water Quality Control Board Executive Officers
State Air Resources Board
Department of Health Services
Department of Food and Agriculture
Department of Industrial Relations
Assemblyman Sher
Assemblyman Cortese

cc: Stephanie Bradfield
Harold Singer
Roger Johnson
Mike Falkenstein
Ed Anton
Walt Pettit

KHarder:devans
3/13/84

i. To Dan Bergman, Assistant
Health Services Director; From
Harold Singer; March 15, 1984;
Subject: County Jurisdiction
Over Incorporated Cities

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
BOX 100
SACRAMENTO, CALIFORNIA 95801

IV A.2 i.



MAR 15 1984

Mr. Dan Bergman
Assistant Health Services Director
Contra Costa County
2500 Alhambra Avenue
Martinez, CA 94553

Dear Mr. Bergman:

I have reviewed the Contra Costa County Ordinance No. 83-68 which was enclosed with your February 17, 1984 letter and it is my belief that the County does not have existing authority to implement the Ordinance within the incorporated cities. This position, which has been reviewed by Kathleen Keber (SWRCB staff attorney), is based on the provisions of Section 413-5.150 of your Ordinance which required a permit "for the underground storage of hazardous substances within the unincorporated area of Contra Costa County". (Emphasis added)

Since this differs with my prior conversation with Bruce Benike, I discussed this again with him on February 29. Apparently, the County has the same opinion and is evaluating how they can impose authority over incorporated areas. As was discussed with Mr. Benike, the County could amend the Ordinance to include, incorporated areas. However, these areas would be subject to the AB 1362 regulations since an Ordinance which covered these areas was not enacted prior to January 1, 1984.

If you have any question please call me at (415) 464-0432 or (916) 324-1253 or Kathleen Keber at (916) 324-1259.

Sincerely,

A handwritten signature in cursive script that reads "Harold J. Singer".

Harold J. Singer
Division of Technical Services

j. To Christine E. Reed,
Chairwoman Los Angeles
Regional Water Quality Control
Board; From Ken Willis; April
5, 19824; Subject: UGT Program

IV A.2.41

Memorandum

Ms. Christine E. Reed
Chairwoman
Los Angeles Regional Board
859 - 23rd Street
Santa Monica, CA 90403

Date : April 5, 1984

From : **STATE WATER RESOURCES CONTROL BOARD**Subject: **Underground Tank Program**

This is a followup to the Regional Board's discussion of the underground tank program on March 19, 1984. Obviously, you and the other Board Members are very concerned about duplicity of effort and, as a consequence, more effort should be expended to meet that concern.

At my request, Ed Anton, Chief, Division of Technical Services, met with Bob Ghirelli regarding the duplicity of forms issue. A major concern is, of course, the fact that we have two mandated programs which conflict in Region 4. The following points, however, were agreed upon:

- o The Cortese bill (AB 2013) clearly requires tank owners to file the inventory statement and fee with the State Board. The tank owners in the San Fernando Valley will be required to file the Cortese information with the State Board even though they may have previously filed similar information with the Regional Board. This, of course, reflects your underground tank program efforts which preceded Cortese. Cortese is very clear on the required direction, so we are forced to go back into San Fernando Valley.
- o The good news: For the Regional Board's inventory in the rest of the Region - Bob agreed to use the State Board inventory form. Under Porter-Cologne, the Regional Board can require that this information be submitted by the tank owners at any time. However, the Cortese bill requires that the form and fee be submitted to the State Board by July 1, 1984. We expect the form to be available for distribution by the time you receive this letter. Therefore, the Regional Board could ask tank owners to file the Cortese information and fee with them and then forward both to the State Board. This will facilitate collection of information for the Regional Board's inventory and avoid duplication in the vast majority of Region 4.

RECEIVED

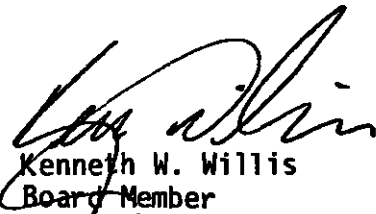
APR 6 1984

DIVISION OF
TECHNICAL SERVICES

April 5, 1984

This should resolve the duplicity issue and allow both the Regional and State Boards to collect information without imposing any undue hardship on tank owners. As already mentioned, there is nothing we can do about the San Fernando area. But, that is neither the fault of Region 4 or the State Board. It simply reflects the fact that legislation is seldom 100% perfect. Fortunately, because you pointed out the situation we can avoid compounding the problem. It is important to stress that the Regional Board staff and our Division of Technical Services will have to work closely to make this effort successful.

Please keep in touch with regard to this mutual effort so as to ensure its success. I'm glad we can work together.



Kenneth W. Willis
Board Member

cc: Bob Ghirelli

bcc: Board Members
M. Campos
W. Pettit
E. Anton

k. To Larry Torgersen, Larry
Torgerson Ford; From Governor
Deukmejian; April 30, 1984;
Subject: Reply Regarding the
need for Underground Storage
Tank Legislation

State of California

GOVERNOR'S OFFICE
SACRAMENTO 95814GEORGE DEUKMEJIAN
GOVERNOR*Ed. Anton
FYI*

April 30, 1984

C
O
P
Y

Mr. Larry Torgersen
Larry Torgersen Ford
1105 Northcrest Drive
Crescent City, CA 95531

Dear Mr. Torgersen:

Thank you for your letter regarding AB 1362, the underground storage legislation.

Ground water is an important and significant part of California's water resources. In parts of the state, ground water is the sole source of water for municipal and other uses, and it is extremely important that the quality of ground water be maintained at a high level. Once a ground water aquifer becomes polluted, the clean-up process is very costly and takes many years to complete.

Pollution of ground water is becoming a major concern to Californians, and much of this pollution is coming from leaking underground tanks containing hazardous substances. AB 1362 was enacted to prevent this source of ground water pollution before it is too late.

I appreciate your concern regarding the regulation of industry. In the case of ground water, a modest amount of regulation can prevent the long-term and expensive consequences of pollution of one of California's major resources.

Most cordially,

George Deukmejian

cc: ✓ Water Resources Control Bd.
Environmental Affairs

GD/JV:ys W-27

MAY 4 1984
DIVISION OF
REGULATORY AFFAIRS

SUGGESTED REPLY FOR GOVERNOR'S SIGNATURE

Mr. Larry Torgersen
Larry Torgersen Ford
1105 Northcrest Drive
Crescent City, CA 95531

Dear Mr. Torgersen:

Thank you for your letter regarding AB 1362, the underground storage legislation.

Ground water is an important and significant part of California's water resources. In parts of the state, ground water is the sole source of water for municipal and other uses. It is extremely important that the quality of ground water be maintained at a high level. Once a ground water aquifer becomes polluted, the cleanup process is very costly and takes many years to complete.

Pollution of ground water is becoming a major concern to Californians. Much of this pollution is coming from leaking underground tanks containing hazardous substances. AB 1362 was enacted to prevent this source of ground water pollution before it is too late.

I appreciate your concern regarding the regulation of industry. In the case of ground water, a modest amount of regulation can prevent the long-term and expensive consequences of pollution of one of California's major resources.
Sincerely,

George Deukmejian
Governor

bcc: Stephanie Bradfield
Roger Johnson

RJohnson/ImSanborn 4/17/84

TO: The Honorable George Deukmajian
Governor

Date: April 16, 1984

FROM: Gordon Duffy
Secretary of Environmental Affairs

() Response to Request by

Prepared by: Roger Johnson
Division of Technical Services
State Water Resources Control Board

() Request for Approval () For your Information
() Request for Cabinet Discussion () Self-initiated Correspondence
(X) For your Signature () Other

SUBJECT: Regulation of Underground Tanks Storing Hazardous Substances (AB 1362-Sher).

SUMMARY OF FACTS: AB 1362 (Sher) enacted into law in 1983 requires local government to permit and inspect underground tanks.

SYNOPSIS OF SIGNIFICANT ISSUES: Tank owners are required to provide secondary containment and leak detection monitoring systems. These requirements will increase the cost of installing and operating underground tanks.

RECOMMENDATION: Sign the letter as prepared.

ARGUMENTS PRO: The letter provides a balanced point of view. A modest amount of regulation can prevent the expensive consequences of ground water pollution.

ARGUMENTS CON: Industry would prefer no regulation.

EFFECTS OF EXISTING LAW: Requires local agencies to permit and inspect underground tanks and requires tank owners to provide secondary containment and leak detection monitoring.

ESTIMATED COST: The cost of installing new underground tanks in compliance with AB 1362 is estimated to be 25 percent greater than pre-AB 1362.

TIME FACTOR: None.

Regulation of Underground Tanks Storing
Hazardous Substances (AB 1362 - Sher)

-2-

APPROVED:

Secretary of Environmental Affairs

Date

Cabinet Secretary

Date

Executive Secretary and
Chief of Staff

Date

Governor

Date

1. To William R. Stead,
Western Regional Director,
National Association of
Corrosion Engineers; From
Edward C. Anton; May 2, 1984;
Subject: Reply on
Interpretation of Section
25284(a) and AB 1362

CONTROL TAG

State Water Resources Control Board

*Return this control tag with your response.

NO.

874

Date Sent

5/9/84

TO:

ACTION REQUESTED:

☐ Audits and Administration

☐ Prepare reply for _____ signature.

☐ Legal

XX ☒ Prepare draft/suggested reply for CAO signature.

☐ Public Affairs

☐ Prepare transmittal for _____ signature.

☐ Region—1 2 3 4 5 6 7 8 9

☐ Coordinate reply with _____

☐ Special Projects

☐ Review and return with comments to _____

☐ Water Quality

☐ Reply direct—bcc to: _____

☐ Water Rights

XX Other -- Tech. Serv. - ANTON

DUE DATE: 5/18/84

Call Exec. on 5-1553

for extensions

Description of Correspondence:

TO: Carole Onorato

FROM: Richard Fahey - Diablo Petroleum, Inc. - Martinez

Date: April 25, 1984

Subject: Considering ~~Subch 15~~ Regs (SHER) as pertains to underground tank owners contaminating water supplies

MAY 10 1984

RECEIVED

MAY 2 1984

Mr. William R. Stead, P. E.
Western Region Director
National Association of Corrosion
Engineers
c/o General Telephone Company
675 Bonita Avenue
Pomona, CA 91767

Dear Mr. Stead:

The State Water Resources Control Board staff is currently drafting the regulations necessary to implement AB 1362 (Sher). Our interpretation of Section 25284(a) of this legislation is that all new tanks must have secondary containment.

The primary difference between the secondary containment requirements for motor vehicle fuel tanks and non-motor vehicle fuel tanks is the volumetric capacity of the secondary containment. The legislation requires specific volumetric capacity for secondary containment systems for non-motor vehicle fuel tanks. Secondary containment for motor vehicle fuel tanks must be capable of intercepting and directing any tank leak to a monitoring point. Motor vehicle fuel tanks in certain high ground water conditions may be required to include some volumetric capacity in the secondary containment in order for the system to effectively protect ground water.

A common cause of the interpretation that secondary containment is not required for motor vehicle fuel tanks is that the secondary containment system for such facilities may be buried in the soil beneath the tank while most people think of secondary containment as double-walled tanks or a vault around the tank.

A part of our regulations will define adequate cathodic protection. We would appreciate receiving copies of any guidelines that NACE is developing. We intend to share our draft regulations with NACE when they are completed.

11/5/83

Mr. William R. Stead, P. E.

-2-

MAY 2 1984

If you have any questions, please call Harold Singer at (916) 324-1253.

Sincerely,

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

cc: Joan Jennings
Deputy Director
State Fire Marshal
7171 Bowling Drive, Suite 600
Sacramento, CA 95823

HSinger/lmsanborn
4/23/84

Memorandum

Harold Singer
State Water Resources Control Board
901 P Street
Sacramento, CA 95801

Date : April 5, 1984

File :

From : State Fire Marshal—Headquarters
7171 Bowling Drive, Suite 600
Sacramento, California 95823

Phone: (916) 427-4161
ATSS 466-4161

Subject: ATTACHMENT

Per our phone conversation of April 5, attached is the letter I referred to regarding the dual containment provisions of AB 1362 and our response.

Your assistance is appreciated.



JOAN JENNINGS
Deputy Director

JJ:ri

Attachment

CALIFORNIA REGIONAL WATER

APR 10 1984

QUALITY CONTROL BOARD

m. To all State Agencies; From
Edward C. Anton; May 3, 1984;
Subject: Underground
Containers - enclosures:
synopsis of AB 2013 and AB
1362, popular questions and
answers: Hazardous Substance
Storage Statement; Underground
Informational Flyer

IV 2A 2 m

Memorandum

, All State Agencies

Date : MAY 3 1984

From : STATE WATER RESOURCES CONTROL BOARD

Subject: UNDERGROUND CONTAINERS

Last year California enacted two laws regulating underground containers that store hazardous substances. AB 2013 (Cortese) requires all owners to register underground containers by July 1, 1984. AB 1362 (Sher) gives local government authority to permit and inspect underground tanks.

Since many state agencies own underground containers, we have attached the following information to assist your compliance with the new laws:

- o Synopsis of AB 2013 and AB 1362
- o Popular Questions and Answers
- o Hazardous Substance Storage Statement (HSSS)
- o Underground Informational Flyer

Please note that one HSSS per container needs to be filed with the State Board along with a filing fee of \$10 per container.

We appreciate your cooperation in this matter. Should you have any questions, please contact Kathy Harder at ATSS 485-7769 or (916) 445-7769.

signed by

Edward C. Anton, Chief
Division of Technical Services

Attachments

KHarder/lmsanborn
4/30/84

ISS

Surname

KH

R/D 430

n. To Darrell Heppner,
Insurance Broker; From Roger
Johnson; May 15, 1984;
Subject: Response Regarding
Insurance

File
TV A 2 0

MAY 15 1984

Mr. Darrell Heppner
Insurance Broker
154 Sunnyside Drive
San Leandro, CA 94577

Dear Mr. Heppner:

This is in response to your letter of April 25, 1984 regarding insurance for owners of underground containers.

Neither the Cortese or Sher bills requires the owners of underground containers to carry insurance for their facilities. (Enclosed is a summary of both bills.) Therefore, the State Water Resources Control Board has no role or involvement in insurance coverage.

Once the inventory required by the Cortese bill is completed in early 1985, you can request from us a list of all underground container owners in California.

There will be a nominal charge for this information.

If you have further questions, please call me at (916) 322-3133.

Sincerely,

ORIGINAL COPIED BY

Roger Johnson, Chief
Hazardous Waste Section

Enclosure

bcc: Kathie. Keber

RJohnson/lmsanborn
5/14/84

R. Johnson

o. To Thomas L. Robinson, V.
P. Robinson Oil Company; From
Edward C. Anton, May 16, 1984;
Subject: Response to Offer of
Assistance on UGT Regulations

+ ECA
2.RT

CONTROL TAG

State Water Resources Control Board

NO. 858

*Return this control tag with your response.

Date Sent May 3, 1984

TO:

ACTION REQUESTED:

☐ Audits and Administration

☐ Prepare reply for _____ signature.

☐ Legal

☐ Prepare draft/suggested reply for _____ signature.

☐ Public Affairs

☐ Prepare transmittal for _____ signature.

☐ Region—1 2 3 4 5 6 7 8 9

☐ Coordinate reply with _____

☐ Special Projects

☐ Review and return with comments to _____

☐ Water Quality

X ☒ Reply direct—bcc to: Executive Office

☐ Water Rights

ECA sig.

☐ Other Ed Anton
Div. of Technical Services

DUE DATE: May 21, 1984

Call Exec. on 5-3085

for extensions

Description of Correspondence:

TO: Carole A. Onorato

FROM: Thomas L. Robinson, Robinson Oil Company, Inc.

Date: April 24, 1984

Subject: Possibility of Calif. Independent Oil Marketers Association Member(s) serving on industry advisory group assisting the Board in developing various standards relating to petroleum storage.

MAY 3 1984

DIVISION 4

TECHNICAL SERVICE

MAY 16 1984

Mr. Thomas L. Robinson
Vice President
Robinson Oil Company
4250 Williams Road
San Jose, CA 95129

Dear Mr. Robinson:

UNDERGROUND TANK REGULATIONS

Chairwoman Onorato asked me to respond to your letter of April 24, 1984 regarding industry involvement in development of the underground tank regulations.

We welcome your offer of assistance in developing the regulations. The proposed regulations are being drafted now. Before they are released for public review and comment, we will be asking for comments from people or groups that have supplied suggestions for the proposed regulations. We will be pleased to include you in this group. You should be hearing from us in about a month.

If you have any questions in the meantime, please call Harold Singer at (916) 324-1253 or (415) 464-1255.

Sincerely,

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

bcc: Executive Office
Harold Singer

RJohnson/lmsanborn
5/11/84
Exec. Control 858

R. Anton 5-15-84

p. To Richard Fahey, Diablo
Petroleum; From Carole A.
Onorato; May 31, 1984;
Subject: Reply on losses of
product from suction systems
and policy decision o
exemption

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
BOX 100
SACRAMENTO, CALIFORNIA 95801

IV A.2 P.



MAY 31 1984

Mr. Richard Fahey
Diablo Petroleum, Incorporated
4333 Pacheco Boulevard
Martinez, California 94553.

Dear Mr. Fahey:

Thank you for your April 25, 1984 letter raising two separate issues regarding the regulation of underground storage tanks and pipelines. The first issue involves a technical evaluation of losses from suction systems, and the second involves a policy decision on exemptions.

The legislation allows an exemption only for pressure pipelines connected to motor vehicle fuels storage tanks. The exemption requires that the pipeline be equipped with a leak detection device, that the tank and piping be periodically tested for leakage, and that the tank contents have strict inventory control. Our initial determination is that suction piping systems would not be pressurized pipelines as described in the legislation and, therefore, would not be subject to an exemption.

The concept of exempting certain types of facilities is a part of the legislation. The State Board cannot consider additional exemptions as part of our regulations. However, the regulations will contain provisions and procedures for site owners or operators to request categorical or site-specific variances.

My staff would be available to discuss this with you, and we will add your name to our mailing list for the draft regulations. Please call Steve Fagundes, of the Division of Technical Services, at (916) 324-1258 if you have further questions.

Sincerely,

Carole A. Onorato
Carole A. Onorato
Chairwoman

WGPettit/kc bcc: Anton
FILE: UGT
Executive Control No. 874

SUGGESTED REPLY FOR CAROLE ONORATO'S SIGNATURE

IRB
Mr. Richard Fahey
Diablo Petroleum, Incorporated
4333 Pacheco Boulevard
Martinez, CA 94553

Dear Mr. Fahey:

Thank you for your April 25, 1984 letter raising two separate issues regarding the regulation of underground storage tanks and pipelines. The first issue involves a technical evaluation of losses from suction systems, and the second involves a policy decision on exemptions.

The legislation allows an exemption only for pressure pipelines connected to motor vehicle fuels storage tanks. The exemption requires that the pipeline be equipped with a leak detection device, that the tank and piping be periodically tested for leakage, and that the tank contents have strict inventory control. Our initial determination is that suction piping systems would not be pressurized pipelines as described in the legislation and, therefore, would not be subject to an exemption.

The concept of exempting certain types of facilities is a part of the legislation. The State Board cannot consider ^{*additional*} ~~such~~ exemptions as part of our regulations. However, the regulations will contain provisions and procedures for site owners or operators to request categorical or site-specific variances.

Mr. Richard Fahey

-2-

My staff would be available to discuss this with you, and we will add your name to our mailing list for the draft regulations. Please call Steve Fagundes, of the Division of Technical Services, at 916/324-1258 if you have further questions.

Sincerely,

Carole A. Onorato
Chairwoman

HSINGER/pjdardis

FILE: UGT

Executive Control No. 874

1313

q. To Rex H. Black, Owner,
Valley Leak Detection Service;
From Roger Johnson; June 15,
1984, Subject: Reply on UGT
Regulations

IV A 29. File

JUN 15 1984

Mr. Rex H. Black, Owner
Valley Leak Detection Service
31848-D Road 138
Visalia, CA 93291

Dear Mr. Black:

Thank you for your letter of June 8, 1984 requesting an opportunity to provide input to the underground tank regulations.

We will send you a copy of the draft regulations as soon as they are available and have added your name to the mailing list.

If you have questions, please call Kathy Harder at (916) 324-1262.

Sincerely,

ORIGINAL SIGNED pv

Roger Johnson, Chief
Hazardous Waste Section
Division of Technical Services

RJohnson/lmsanborn
6/15/84

6-15-84
R. Johnson

r. Jesse H. Huff, Director,
Department of Finance; From
Michael A. Campos; July 10,
1984, Subject: Review of
Proposed UGT Regulations

Memorandum

Mr. Jesse R. Huff, Director
Department of Finance

Date : JUL 10 1984

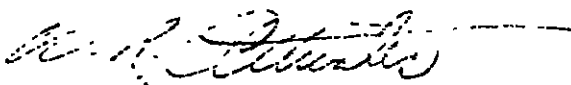
From : STATE WATER RESOURCES CONTROL BOARD

Subject: Review of Proposed Underground Tank Regulations

Attached is a complete draft of regulations being proposed by the State Water Resources Control Board to implement new statutes recently adopted as AB 1362. Also attached is the fiscal impact statement for these regulations (Form 399). These regulations are intended to specify construction and monitoring standards for both new and existing underground tanks storing hazardous substances.

Due to the significant water quality and public health threat posed by leaks from these tanks, the statutes required the State Board to promulgate these regulations by January 1, 1985. The attached schedule describes the timing of the necessary actions that must be completed in order for the State Board to achieve this mandate. This schedule allows a very short time for your Department to review the regulations and issue the necessary approvals. I realize this is shorter than your normal time schedule and coincides with budget review; however, due to the time constraints we are under, I am requesting that your Department expedite its review. I am willing to have my staff review the regulations and fiscal impact statement at a meeting with your staff if it would help in expediting your review. Staff will also be available to answer any questions you have promptly, as your review proceeds.

Please contact me if you have any questions.


Michael A. Campos
Executive Director

Attachments (3)

8/11

REGULATION PROMULGATION SCHEDULE

<u>Task</u>	<u>Date</u>
1. To Department of Finance	7/10/84
2. To OAL	7/23/84
3. Notice Comment Period	8/3/84
4. Close Comment Period and Hold Hearing	9/19/84
5. Board Workshop	10/3/84
6. Notice for Adoption	10/19/84
7. Board Adoption Meeting	11/7/84
8. To OAL	11/30/84
9. to Secretary of State (with request that Regulations become effective immediately)	12/31/84

s. Gail C. Brice,
Environmental Awareness, Inc.;
From Edward C. Anton; July 10,
1984; Subject: Containment of
speakers at seminars

JUL 10 1984

Ms. Gail L. Brice
Environmental Awareness, Inc.
1731 Howe Avenue, Suite 126
Sacramento, CA 95825

Dear Ms. Brice:

This will confirm State Water Resources Control Board speakers for your underground tank seminars in August: Monday, August 13, 1984 in Sacramento--Roger Johnson; Wednesday, August 15, 1984 in Palo Alto--Ed Anton; and Friday, August 17, 1984 in Los Angeles--Bob Ghirelli or Josh Workman.

If you have any questions, please call me at 445-9552.

Sincerely,

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

cc: Mr. Robert Ghirelli
Executive Officer
California Regional Water Quality
Control Board, Los Angeles Region
107 S. Broadway, Room 4027
Los Angeles, CA 90012

RJohnson/lmsanborn
7/11/84

R. Johnson

t. Linda Harmon, U.S. General
Accounting Office; From Kathy
Harder; July 20, 1984;
Subject: UGT Program

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSOHN BUILDING
101 P STREET
PO BOX 100
SACRAMENTO, CALIFORNIA 95801



JUL 20 1984

Ms. Linda Harmon
U.S. General Accounting Office
Room 5077-WRO
441 "G" Street N.W.
Washington, D.C. 20548

Dear Ms. Harmon:

After a telephone conversation with Ms. Gretchen Bornhop of your California Regional Office, she asked me to send you some information on our Underground Container Program. Enclosed you will find the following information:

1. Information Brochure - This brochure has been distributed to inform the public of its responsibilities and what the underground container program involves.
2. Hazardous Substance Storage Statement (HSSS) - This is the registration form for tank owners to complete for the statewide underground container inventory.
3. Underground Container Bulletin No. 1 - This bulletin clarifies which containers and hazardous substances are specifically included and excluded from the registration.
4. Memorandum LG-1 ("LG" stands for local government) - This memorandum provides information specifically for the local agencies which will administer the underground container regulatory program. Included in the bulletin are synopses of AB 2013 and AB 1362, Popular Questions and Answers, Suggestions for Local Agencies, and draft HSSS.
5. Memorandum LG-2 - This memorandum updates information on the program. Included in the memorandum is a draft permit application, computer format for permit information, list of city and county contacts, and Bulletin No. 1.
6. Computer Format for the Inventory - Many large companies and government agencies preferred to send the inventory via computer tape. This package identifies the proper format.

Ms. Linda Harmon

-2-

JUL 20 1984

7. Status Report of Los Angeles Water Quality Control Board (Region 4) - The Region 4 office is actively investigating underground tanks.
8. Status Report of San Francisco Bay Water Quality Control Board (Region 2) - The Region 2 office has had an active underground tank program since April 1982.
9. "Is Our Water Safe to Drink?" - This report was prepared by the Assembly Office of Research and provides the background information for establishing the underground container program.
10. Budget Change Proposal - This first-year budget for the underground container program details costs and personnel needs.
11. AB 2013 (Cortese) and AB 1362 (Sher) - These are copies of the bills enacted last year concerning underground containers.

I do not have specific data on clean-up costs. Clean-up costs will vary on a case-by-case basis. The severe problem in the Silicon Valley of 58,000 gallons of industrial solvent leaking has cost the company over \$12 million to clean-up.

Should you have any additional questions, please feel free to call me at (916) 445-7769.

Kathleen Cole Harder
Environmental Specialist III

Enclosures

bcc: Walt Pettit
Roger Johnson

HARDER/paula
7/20/84

KCH 7/20/84

u. SDL Haysom, Insidious
Leakage Alert, Vestal Helix
Company; From Harold Singer;
July 24, 1984; Subject: Reply
Tank Filling Operations and
Applicability to Regulations

1.ELA
2.RJ

CONTROL TAG

State Water Resources Control Board

NO. 868

*Return this control tag with your response.

Date Sent 5-8-84

TO:

- ☐ Audits and Administration
- ☐ Legal
- ☐ Public Affairs
- ☐ Region—1 2 3 4 5 6 7 8 9
- ☐ Special Projects
- ☐ Water Quality
- ☐ Water Rights
- ☒ Other Tech. Services

ACTION REQUESTED:

- ☐ Prepare reply for _____ signature.
- ☐ Prepare draft/suggested reply for _____ signature.
- ☐ Prepare transmittal for _____ signature.
- ☐ Coordinate reply with _____
- ☐ Review and return with comments to _____
- ☒ Reply direct—bcc to: Mike Campos

Description of Correspondence:

Letter from SDL Haysom, Insidious Leak Alert to
MAC promoting product to prevent and detect underground leaks.

TO:

FROM:

Date: 4-26-84

Subject:

DUE DATE:

5/31

Call Toni on 5-1553

for extensions

FILED

MAY 9 1984

DIVISION OF

WATER RESOURCES SERVICES

JUL 24 1984

Mr. SDL Haysom
Insidious Leakage Alert
Vestal Helix Company
Box 54, R. D. 2
Bloom Corners Road
Warwick, NY 10990

Dear Mr. Haysom:

Your April 26, 1984 letter to Michael Campos describes a system that would capture small losses from tank filling operations. The regulations being drafted would require a mechanism for stopping flow to the tank as the primary means of overfill protection for new tanks.

You are correct that small losses of hazardous substances may still occur even with the overflow protection being required due to poor transfer practices. Your system would be one obvious answer to this problem and could be used in conjunction with overfill protection.

I will send you a copy of our draft regulations when they are complete. Please call me at (916) 324-1253 if you would like to discuss this further.

Sincerely,

ORIGINAL SIGNED BY

Harold Singer
Division of Technical Services

bcc: Mike Campos

HSinger/lmsanborn
6/15/84

Exec Cont. 868

v. To Victoria Gallagher,
Environmental Health
Protection Division, County of
San Diego; From Craig Wilson;
July 25, 1984; Subject:
Applicability of Health and
Safety Code Section 25280
(Sher Bill) to federal
facilities

STATE WATER RESOURCES CONTROL BOARD.

PAUL R. BONDERSON BUILDING
901 P STREET
BOX 100
SACRAMENTO, CALIFORNIA 95801
(916) 322-3580

IV. A 2 v.



July 25, 1984

Victoria L. Gallagher R.S., M.P.H.
Division of Environmental Health Protection
County of San Diego
Department of Health Services
1700 Pacific Highway, Room 304
San Diego, CA 92101

Dear Ms. Gallagher:

APPLICABILITY OF HEALTH AND SAFETY CODE SECTION 25280 (SHER BILL) TO FEDERAL FACILITIES

I understand that your agency is administering the local permitting program for underground storage tanks storing hazardous substances in San Diego County. You have inquired about the applicability of that program to federal facilities.

Under the provisions of the Sher bill, no person shall own or operate an underground storage tank unless a permit for its operation has been issued by the local agency to the owner. (Health and Safety Code Section 25283(a)). A person is defined as an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership and association. "Person" also includes any city, county, district, the state, or any department or agency thereof (Health and Safety Code Section 25280(e)). Use of the term "includes" indicates that this list of "persons" is not comprehensive and could include the federal government or any department or agency thereof.

An intent to include federal facilities within the term "person" is consistent with Section 1(a)(2) of the Bill which states that underground tanks used for the storage of hazardous substances and wastes are potential sources of contamination of the ground and underlying aquifers, and may pose other dangers to public health and the environment. Certainly, this threat is no different whether a particular tank is owned by a private individual, the state, or a federal agency.

Even more importantly however, the Federal Clean Water Act states in part:

"Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants, and each officer, agency, or employee thereof in the performance of his official duties, shall be subject to, and comply

July 25, 1984

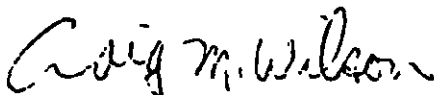
with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity including the payment of reasonable service charges. The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement, whatsoever), (B) to the exercise of any Federal, State, or local administrative authority, and (C) to any process and sanction, whether enforced in Federal, State, or local courts or in any other manner."
(33 U.S.C. Section 1323(a))

An agency may by Executive Order obtain an exemption from this provision under certain circumstances, none of which appear to be applicable in the situation which you have described.

Given that the explicit purpose of the Sher bill is to prevent contamination of the ground and underlying aquifers, it is clear that the law concerns "the control and abatement of water pollution" as referenced in the Federal Clean Water Act provision. Hence, all federal facilities, absent an explicit exemption by Executive Order, must comply with Health and Safety Code Section 25280 et seq.

If you have any further questions regarding this matter, please call Kathy Keber at (916) 324-1259.

Sincerely,



Craig M. Wilson
Staff Counsel III

w. To Les Turnbeaugh, Corps.
of Engineers; From Edward C.
Anton; August 22, 1984; -
Subject: Double Walled Storage
Tanks and Implementation of
Regulations

IV A.2. w.

AUG 22 1984

Mr. Les Turnbeaugh
U.S. Army Engineer District
Corps of Engineers
650 Capitol Mall, Room 4070
Sacramento, CA 95814

Dear Mr. Turnbeaugh:

Our brief review of the partial specifications and double-wall storage tank details enclosed in your July 20, 1984 letter indicates that they would comply with our proposed regulations implementing AB 1362. I am enclosing a copy of our initial draft of these regulations.

You should be aware that local governments (counties and cities) are mandated to implement these regulations through site-specific permits. In addition, local governments that adopted ordinances at least as stringent as AB 1362 are not required to utilize these regulations. These local governments could adopt regulations which are more stringent than AB 1362 or these regulations. Therefore, you should develop your specifications to achieve the regulations which will be applied in the jurisdiction in which the Corps has tanks.

If you have any questions, please contact Steve Fagundes at (916) 454-1254.

Sincerely,

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

DTS-P2A13
HS:PMM
8/3/84

Enclosure

8/8/84 77 Fall 8-21
5/16/84 R. [Signature]

x. To Assembly Member Dominic Cortese; From W. G. Pettit for Michael A. Campos; September 14, 1984; Subject: UGT Regulations and Hearings.

IV A 2x:



SEP 14 1984

Honorable Dominic Cortese
Assembly Member
State Capitol, Room 2091
Sacramento, CA 95834

Dear Mr. Cortese;

Enclosed is a copy of the underground tank draft regulations, statement of reasons, and fiscal impact analysis which were approved for noticing by the Office of Administrative Law. The public comment period began August 24, 1984. A formal public hearing will be held October 23, 1984 at 10 a.m. in the Resources Agency Auditorium, Sacramento. State Board staff has conducted informal working sessions with local agencies and petroleum marketers. You or your staff are welcome to attend any of the following working sessions with various industry groups and interested parties:

- 9/17 - Contractors, Consultants, and Equipment Suppliers -
SWRCB Hearing Room - Sacramento
- 9/18 - Chemistry Industry - Resources Agency Auditorium -
Sacramento
- 9/24 - Miscellaneous - Energy Commission Auditorium - Sacramento

All sessions begin at 9:30 a.m.

Should you have any questions or comments, please feel free to contact Kathy Harder of the State Board's Division of Technical Services at 5-7769.

Sincerely,

WGPettit

for

Michael A. Campos
Executive Director

Enclosures (5)

Ed Anton w/all enclosures	Maureen Marche w/notice
Harold Singer w/all enclosures	Bud Eagle w/notice
Roger Johnson w/all enclosures	Steve Fagundes w/notice
Mike Falkenstein w/all enclosures	Kathy Harder w/notice
Kathy Keber w/all enclosures	Stephanie Bradfield w/all enclosures
Bill Attwater w/all enclosures	Walt Pettit w/all enclosures
Harry Schueller w/all enclosures	

KCHARDER:EMORENO
9/5/84

103

y. To Assembly Member Byron
Sher; From W. G. Pettit for
Michael A. Campos; Subject:
UGT Regulations and Hearings

HS
BIO
IV ~~2A~~
A 2y

SEP 14 1984

Honorable Byron Sher
Assembly Member
State Capitol, Room 2136
Sacramento, CA 95814

Dear Mr. Sher:

Enclosed is a copy of the underground tank draft regulations, statement of reasons, and fiscal impact analysis which were approved for noticing by the Office of Administrative Law. The public comment period began August 24, 1984. A formal public hearing will be held October 23, 1984 at 10 a.m. in the Resources Agency Auditorium, Sacramento. State Board staff has conducted informal working sessions with local agencies and petroleum marketers. You or your staff are welcome to attend any of the following working sessions with various industry groups and interested parties:

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Sacramento
- 9/24 - Miscellaneous - Energy Commission Auditorium - Sacramento

All sessions begin at 9:30 a.m.

Should you have any questions or comments, please feel free to contact Kathy Harder of the State Board's Division of Technical Services at 5-7769.

Sincerely,

WGPettit

for Michael A. Campos
Executive Director

Enclosures (5)

bcc: Ed Anton w/all enclosures	Maureen Marche w/notice
Harold Singer w/all enclosures	Rud Eagle w/notice
Roger Johnson w/all enclosures	Steve Fagundes w/notice
Mike Falkenstein w/all enclosures	Kathy Harder w/notice
Kathy Keber w/all enclosures	Stephanie Bradfield w/all enclosures
Bill Attwater w/all enclosures	Walt Pettit w/all enclosures
Harry Schueller w/all enclosures	

KCHARDER:BMORENO
9/6/84

DS/3

z. To Gordon Duffy, Secretary
of Environmental Affairs; From
W. G. Pettit for Michael A.
Campos; September 14, 1984;
Subject: UGT Regulations and
Hearings

IV A 2 z ⁵⁴³

Date : SEP 14 1964

Mr. Gordon Duffy
Secretary of Environmental Affairs
1102 O Street
Sacramento, CA 95814

FROM : STATE WATER RESOURCES CONTROL BOARD

Subject: UNDERGROUND TANK HEADLINGS

Attached is a copy of the underground tank draft regulations, statement of reasons, and fiscal impact analysis which were approved for noticing by the Office of Administrative Law. The public comment period began August 24, 1984. A formal public hearing will be held October 23, 1984 at 10 a.m. in the Resources Agency Auditorium, Sacramento. State Board staff has conducted informal working sessions with local agencies and petroleum marketers. You or your staff are welcome to attend any of the following working sessions with various industry groups and interested parties:

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9/18 - Chemistry Industry - Resources Agency Auditorium -
Sacramento
9/24 - Miscellaneous - Energy Commission Auditorium -
Sacramento

All sessions begin at 9:30 a.m.

Should you have any questions or comments please feel free to contact Kathy Harder of the Division Technical Services at 5-7769.

WGPetit

for

Michael A. Campos
Executive Director

Attachments (5)

cc: Ed Anton w/all enclosures
Harold Singer w/all enclosures
Roger Johnson w/all enclosures
Mike Falkenstein w/all enclosures
Kathy Keber w/all enclosures
Bill Attwater w/all enclosures
Harry Schueller w/all enclosures
Naumen Harche w/notice
Bud Eagle w/notice
Steve Fagundes w/notice
Kathy Harder w/notice
Stephanie Bradfield w/all enclosures
Walt Pettit w/all enclosures

KCHARDER: BUREAU
9/6/84

IT3K

SURNAME

aa. To Assembly Member Byron
Sher; From Michael A. Campos;
no date; UGT Hearings

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING

901 P STREET

P.O. BOX 100

SACRAMENTO, CALIFORNIA 95801

5/445-7769

BS2
IV A2 aa

Honorable Byron Sher
Assembly Member
State Capitol, Room 2136
Sacramento, CA 95814

Dear Mr. Sher:

Enclosed is a copy of the underground tank draft regulations, statement of reasons, and fiscal impact analysis which were approved for noticing by the Office of Administrative Law. The public comment period began August 24, 1984. A formal public hearing will be held October 23, 1984 at 10 a.m. in the Resources Agency Auditorium, Sacramento. State Board staff is conducting informal working sessions with various industry groups, local agencies, and interested parties. You or your staff are welcome to attend any of the following sessions:

- 8/30 - Petroleum Marketers - Energy Commission Auditorium - Sacramento
- 8/31 - Local Agencies - Energy Commission Auditorium - Sacramento
- 9/12 - Local Agencies - Garden Grove Community Center - Orange County
- 9/17 - Contractors, Consultants, and Equipment Suppliers - SWRCB Hearing Room - Sacramento
- 9/18 - Chemistry Industry - Resources Agency Auditorium - Sacramento
- 9/24 - Miscellaneous - Energy Commission Auditorium - Sacramento

All sessions begin at 9:30 a.m.

Should you have any questions or comments, please feel free to contact Kathy Harder of the State Board's Division of Technical Services at 5-7769.

Sincerely,

Michael A. Campos
Executive Director

Enclosures (5)

bb. To Assembly Member Dominic
Cortese; From Michael Campos;
no date

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95801
5-445-7769

IV A 2.66



Honorable Dominic Cortese
Assembly Member
State Capitol, Room 2091
Sacramento, CA 95814

Dear Mr. Cortese:

Enclosed is a copy of the underground tank draft regulations, statement of reasons, and fiscal impact analysis which were approved for noticing by the Office of Administrative Law. The public comment period began August 24, 1984. A formal public hearing will be held October 23, 1984 at 10 a.m. in the Resources Agency Auditorium, Sacramento. State Board staff is conducting informal working sessions with various industry groups, local agencies, and interested parties. You or your staff are welcome to attend any of the following sessions:

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- 9/24 - Miscellaneous - Energy Commission Auditorium - Sacramento

All sessions begin at 9:30 a.m.

Should you have any questions or comments, please feel free to contact Kathy Harder of the State Board's Division of Technical Services at 5-7769.

Sincerely,

Michael A. Campos
Executive Director

Enclosures (5)

cc. To Gordon Duffy; From
Michael Campos; no date; UGT
Hearings

Memorandum

12.1
IV A2 c.c.

Date :

Mr. Gordon Duffy
Secretary of Environmental Affairs
1102 Q Street
Sacramento, CA 95814

From : **STATE WATER RESOURCES CONTROL BOARD**

Subject :
UNDERGROUND TANK HEARINGS

Attached is a copy of the underground tank draft regulations, statement of reasons, and fiscal impact analysis which were approved for noticing by the Office of Administrative Law. The public comment period began August 24, 1984. A formal public hearing will be held October 23, 1984 at 10 a.m. in the Resources Agency Auditorium, Sacramento. State Board staff is conducting informal working sessions with various industry groups, local agencies, and interested parties. You or your staff are welcome to attend any of the following sessions:

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- 9/18 - Chemistry Industry - Resources Agency Auditorium - Sacramento
- 9/24 - Miscellaneous - Energy Commission Auditorium - Sacramento

All sessions begin at 9:30 a.m.

Should you have any questions or comments please feel free to contact Kathy Harder of the Division Technical Services at 5-7769.

Michael A. Campos
Executive Director

Attachments (5)

dd. To Regional Water Quality
Control Board Executive
Officers; From Edward C.
Anton; September 18, 1984;
Subject: Session to Discuss
the Regulations

Memorandum

R-12
TK A2 del

Regional Water Quality Control Board
Executive Officers

Date : SEP 10 1984

From : STATE WATER RESOURCES CONTROL BOARD

Subject: UNDERGROUND TANK REGULATIONS

Attached are two copies of the draft regulations developed by the State Water Resources Control Board to implement the underground tank regulatory program established by AB 1362 (Sher).

We hope to arrange for a working session for all Regional Board staff contact people to discuss these regulations and share information on how the various Regional Boards handle leaking tanks. I will let you know when a time and place have been arranged for the meeting.

The public hearing for the regulations has been scheduled for Tuesday, October 23, 1984 at 10 a.m. in the Resources Agency Auditorium, 1416 Ninth Street, Sacramento.

Should you have any questions on the Underground Tank Program, please contact Kathy Harder at ATSS 485-7769.

James Comer
fn Edward C. Anton, Chief
Division of Technical Services

Attachments

cc: Roger Johnson
Harold Singer
Mike Falkenstein

ee. To John R. McCullough Loss
Control and Engineering
Manager, Frank B. Hall
Company; From Harold Singer;
September 18, 1984; Subject:
Answers Questions about UGT
Program

H.S.Z.A.2.ee.

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, Governor

STATE WATER RESOURCES CONTROL BOARD

PAUL H. FORDERSON BUILDING

901 F STREET

SACRAMENTO

SACRAMENTO, CALIFORNIA 95801

916/322-0901



Mr. John R. McCullough, CSP
Loss Control & Engineering Manager
Frank B. Hall & Co.
6150 Canoga Avenue, Suite 111
Woodland Hills, CA 91367

UNDERGROUND CONTAINER PROGRAM

Dear Mr. McCullough:

I am sorry for the late response to your letter; however, some of your questions involved lengthy legal interpretations of the law and we were not in a position to answer some of the technical questions until just recently. I am enclosing a copy of the draft regulations we are proposing to implement AB 1362 (Sher). These regulations still go through the public hearings process, which may result in changes and we do not expect them to be effective before January 1985.

I can respond to your questions as follows:

1. Yes
2. No
3. No, see Section 2633 and 2634 of the regulations for new fuels storage.
4. I assume in this question you mean filled with fuels. Based on that, the tank would be an existing tank and would have to comply with Article 4.
5. No, the tank would have to be closed pursuant to Article 7.
6. The new tank would have to comply with Article 3; however the existing tank would have to be closed according to Article 7.
7. Yes, see article 4
8. See article 4
9. Yes, based on the existing law, however, Sher is proposing to amend this date to 6/1/85.
10. Distribution of Hazardous Substance Storage Statement (HSSS) and Brochure

Over 450,000 HSSS and 160,000 brochures have been distributed throughout California. The distribution is as follows:

- 58 Counties
- 140 Cities which have contact people for the program
- 9 Regional Water Quality Control Boards
- 80 State government agencies
- 1400 Hazardous substance haulers for distribution to their customers
- 490 Various industries and trade associations
- 2700 Specific requests for HSSS
- ALL listings on the Sub-Chapter 15 mailing list

ISB

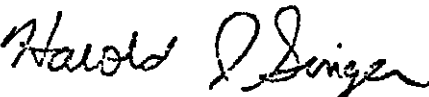
Staff has also met with various groups; such as petroleum jobbers and local agencies to discuss the Underground Storage Container Program.

We will be notifying independent gasoline stations, fuel dealers, public agencies, chemical and heavy industries directly.

Although the July 1, 1984 deadline has passed, owners should register their tanks if they have not already done so. Penalties for not registering will be effective after January 1, 1985.

If you have any questions please call me at 916-322-0202.

Sincerely,

A handwritten signature in cursive script that reads "Harold Singer". The signature is written in dark ink and is positioned above the printed name.

Harold Singer

ff. To Bill DeBord, J. E.
DeWitt, Inc.; From Harold
Singer; October 29, 1984;
Subject: Discussion on Leak
Tracer Dye

HS

ORIGINATOR
FILE COPY

916/322-0202

OCT 29 1984

Mr. Bill DeBord
J. E. DeWitt, Incorporated
P. O. Box 3867
South El Monte, CA 91733-0867

Dear Mr. DeBord:

Your August 10, 1984 letter requests information on the acceptability of the Leak Tracer Dye (LTD) to comply with our requirements. In response, you should be aware of three important points:

1. Our regulations are presently only in draft form;
2. The State Water Resources Control Board is not in a position to certify or approve specific compliance methods; and
3. The local agencies will be issuing permits to all tank owners and approving specific monitoring systems within their respective jurisdictions.

Based on the above, I have reviewed the article you submitted and conclude that the LTD may have some limited application in specific instances. It is interesting to note that the article provides no information on the sensitivity of the LTD to different types of hydrocarbons, to hydrocarbon vapors, or the nature of the dye (other than its being biodegradable). The drawback to this system is that shallow ground water is necessary for this system to work, and a dye release may cause more widespread problems than the release itself. The limited use may be to monitor between the primary tank and a secondary containment system, if water is normally present in this area. However, the visual detection of the hydrocarbons in and on the water may provide a similar degree of sensitivity at a lower cost.

If you have any further questions, please call me at 916/322-0202.

Sincerely,

ORIGINAL SIGNED BY

Harold Singer
Division of Technical Services

HSINGER/pjdardis

FILE:

gg. To Diane Phillips, McCoy
and Associates; From Harold
Singer; October 29, 1984;
Subject: Information on the
UGT Regulations

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSOHN BUILDING
901 P STREET
BOX 100
SACRAMENTO, CALIFORNIA 95801



Ms. Diane Phillips
McCoy and Associates
13131 West Cedar Drive
Lakewood CO 80228

Dear Ms. Phillips:

The presentation at the ASCE Conference was based on draft regulations which are intended to govern the construction of new underground tanks and the monitoring of existing underground tanks storing hazardous substances. No formal paper was prepared for the Conference.

I have enclosed a copy of the draft regulations. A public hearing on these regulations was held on October 23, 1984. We are in the process of making changes to these regulations based on comments received and will be presenting a revised version of the regulations to the State Board for their consideration before the end of the year.

Thank you for sending the Index To Federal Hazardous Waste Regulations brochure. I will pass it on to those people in our organization who are involved in RCRA activities.

Please call me at (916) 322-0202 if you have any questions.

Sincerely,

ORIGINAL SIGNED BY

Harold Singer
Division of Technical Services

Enclosure

HSINGER/klarsen
10/29/84

hh. To Betty J. Seldner,
Performance Improvement
Programs, H. R. Texton; From
Mike Falkenstein; November 14,
1984; Subject: Transmittal of
draft regulations

-B15

IV. A. 2. 4h.

NOV 14 1984

Ms. Betty J. Seldner
Performance Improvement Programs
RR Textron
25200 West Eye Canyon Road
Valencia, CA 91355

Dear Ms. Seldner:

Enclosed is a copy of the draft underground tank regulations, Subchapter 15 of Chapter 3, Title 25 of the California Administrative Code. The State Board will hold a hearing and Board meeting on the proposed regulations on November 27, 1984 at 10:00 a.m. in the first floor hearing room at 901 P Street, Sacramento, California.

Those local agencies who did not adopt an ordinance prior to January 1, 1984 will be required to comply with State Board's Underground Tank Regulations. Those agencies that have adopted an ordinance prior to January 1, 1984 also have the option of adopting the regulations.

Three bills: AB3447, AB3555 and AB3731 signed into law this year (copies enclosed) amend the original 1971 law (AB 1362). One of the most significant changes in the existing law is that the deadline for installing monitoring systems for existing tanks has been changed from January 1, 1985 to July 1, 1985.

Please call me at (916) 323-6217 if you have any questions regarding this letter.

Sincerely,

Michael Falkenstein

Michael Falkenstein
Environmental Program Manager

Enclosures

cc: Roger Johnson
Linda C. Aron
Michael A. Chappin

ii. To Elmer Johnson,
Executive Vice President,
Building Owners and Managers
Associates of San Francisco;
From Walter G. Pettit;
November 15, 19824; Subject:
Denial of Request for 60-Day
Extension of Deadline for
Comments

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING

931 F STREET

P.O. BOX 100

SACRAMENTO, CALIFORNIA 95801

(916) 445-3085



IV. A. 2. ii.

November 15, 1984

Elmer G. Johnson
Executive Vice President
Building Owners and Managers
Association of San Francisco
690 Market Street
San Francisco, CA 94104

Dear Mr. Johnson:

REQUEST FOR ADDITIONAL TIME FOR COMMENT ON PROPOSED REGULATIONS
GOVERNING STORAGE OF HAZARDOUS SUBSTANCES IN UNDERGROUND TANKS
(SUBCHAPTER 16 OF CHAPTER 3 OF TITLE 23 OF THE CALIFORNIA
ADMINISTRATIVE CODE).

Your request for a 60-day extension of the deadline for comments
on the proposed regulations governing underground tanks is denied.

In 1983 the Legislature set up a program for the development and
implementation of statewide standards for underground storage
tanks containing hazardous substances. Local governments will
administer the permit program according to regulations developed
by the State Board. The Legislature directed the State Board to
complete its rulemaking by the end of 1984. The legislation which
established this state/local program was a response to growing
public awareness of the potential for ground water contamination
as a result of leaks from unregulated tanks. The problem and the
program were widely publicized during the legislative debate on
Assemblyman Sher's bill.

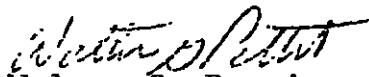
Notice of the proposed rulemaking was published in the California
Administrative Notice Register on August 24, 1984. By September 7,
1984 over 3,000 copies of the notice had been mailed to interested
persons, including owners and operators of basement tanks as
described in your Association's letters. Over 2,000 copies of the
proposed regulations and initial statement of reasons were mailed
to interested persons during the comment period. Six informa-
tional workshops were held in August and September to solicit
preliminary comments from interested persons. Finally a public
hearing was held on October 23, 1984. There has been ample notice
and opportunity for review of the proposed regulations, as
required by California's Administrative Procedure Act.

November 15, 1984

Please note that State Board staff has prepared a revised text of the proposed regulations, as modified to accommodate comments and objections received during the comment period which closed on October 23, 1984. The text must be made available to the public for an additional 15-day comment period, including another public hearing, before the State Board adopts the regulations. The proposed regulations, as modified, were made available on November 9, 1984. The next public hearing will be held on November 27, 1984, at which time the Board could adopt the regulations or direct additional modifications.

A copy of the revised text of the proposed regulations is enclosed, and copies will be sent to the BOMA chapters in other cities.

Sincerely,



Walter G. Pettit
Deputy Executive Director

Enclosure

cc: Linda Stockdale Brewer
Director
Office of Administrative Law
1414 K Street, Suite 600
Sacramento, CA 95814

Building Owners and Managers
Association
700 South Flower Street
Los Angeles, CA 90017

Building Owners and Managers
Association
c/o Koll Company
1651 North First Street
San Jose, CA 95112

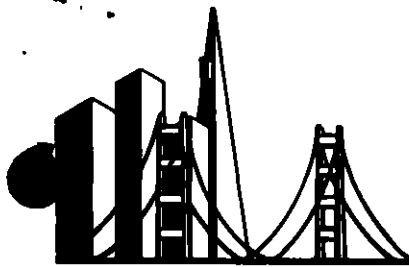
Building Owners and Managers
Association
2405 Feldner Road
Orange, CA 92668

Building Owners and Managers
Association
c/o Association Management
9740 Apalooosa Rd., Suite 210
San Diego, CA 92131

Building Owners and Managers
Association
1419 Broadway #229
Oakland, CA 94612

bcc: John W. Richards
Edward C. Anton
Roger T. Johnson
Board Members

JWRichards/rlawrence



BOMA

BUILDING OWNERS & MANAGERS ASSOCIATION OF SAN FRANCISCO • 690 MARKET ST., SAN FRANCISCO, CA 94104 • 362-8567

*Found in
Late Comment file*

NOV 01 1984

*Aug. J. Richards
Copies - mac, WBP,
ECA*

October 30, 1984

OFFICERS

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PRESIDENT

RAYMOND C. NANN
VICE PRESIDENT

ROBERT BERNHEIM
TREASURER

ELMER G. JOHNSON, RPA
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DAVID L. HARDIN, RPA

C. RAY McCULLOUGH

MICHAEL J. MIGLINO

JOSEPH F. MURPHY

EDUARD STILL

Mr. Michael A. Campos
Executive Director
State Water Resources Control Board
901 P Street
P.O. Box 100
Sacramento, California 95801

Dear Mr. Campos:

**Re: Proposed Regulations Governing Underground
Storage of Hazardous Substances**

Pursuant to our October 22nd letter to Mr. Harold Singer (copy attached), Building Owners and Managers Association of San Francisco respectfully requests that we be granted at least 60 days to study and evaluate the proposed hazardous substance storage regulations. In view of the fact that we never received notice of the proposed regulations and public hearing, we trust that you will grant us our request.

Hundreds of office buildings throughout the State could be affected by the State Water Resources Control Board's proposed regulations, and it is vital that we be given the opportunity to determine the potential impact to the members of our Association.

We want to be sure that we have the opportunity to participate fully in the drafting of these regulations.

Thank you for your consideration.

Sincerely,

ELMER G. JOHNSON
Executive Vice President

EGJ:lt

cc: Linda Stockdale Brewer, Director
Office of Administrative Law
BOMA - Los Angeles
BOMA - South Bay
BOMA - Oakland
BOMA - Orange County
BOMA - San Diego

jj. To Assembly Member Norman
Waters; From Carole A.
Onorato; no date; Subject:
Applicability of AB 1362 to
Cotton Ginning

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSOHN BUILDING
901 P STREET
BOX 100 445-3993
SACRAMENTO, CALIFORNIA 95801

*II.A.2.jj.*

Honorable Norman Waters
Assembly Member
State Capitol, Room 6028
Sacramento, CA 95814

Dear Mr. Waters:

I apologize for the lengthy delay in responding to your October 22, 1984 letter concerning the applicability of AB 1362 (Sher) to cotton ginning. Your letter had been misplaced.

The provision of law that you refer to exempts "tanks which are located on a farm and store motor vehicle fuel which is used only to propel vehicles used primarily for agricultural purposes." As you can see, this is a narrow statutory exemption from the requirements of the tank permitting requirements created by AB 1362.

An underground storage tank at a cotton ginning operation is eligible for this exemption only if it meets all of the following conditions: the cotton ginning operation is located on a farm; the tank is storing motor vehicle fuel; the fuel is used exclusively to run motor vehicles rather than any machinery; and the vehicles are used primarily for agricultural purposes.

A cotton ginning operation, by itself, is not a farm. A farm is defined in law as a place of agricultural production which has annual sales of \$1,000 or more. Agricultural production is the growing and raising of crops, livestock, or poultry for food and fibre uses.

Mr. Sher's stated intent was to create narrow, not broad, exemptions from the tank permitting procedures because of the serious water pollution problems associated with unregulated hazardous substance tanks. The State Board cannot, through its regulations, broaden this statutory exemption to cover all activities that are related to farming.

Although, many agriculture-related activities will be required to comply with the permitting requirements, the Board has made a number of changes in the draft regulations in order to minimize the financial hardship to persons subject to these requirements.

The Board will meet at 10:00 tomorrow to decide on whether to adopt these regulations. The Board would be pleased to listen to any comments you or your staff may have at the hearing.

Please call me if I can be of further assistance on this matter.

Sincerely,

Carole A. Onorato
Chairwoman

B. State Board Internal Memorandum

1. Legal Memoranda

a. Mini memo to Walter G. Pettit, Edward C. Anton, Jesse Diaz, et al.; From William Attwater; October 7, 1983; Subject: Clear and Convincing Evidence AB 1362; attachment of discussion by Chief Council William Attwater regarding clear and convincing evidence

STATE OF CALIFORNIA
MEMO
OO-B (REV 9-70)

TO: Walt Pettit
Ed Anton
Jesse Diaz
Randy Kanouse
Water Quality Attorneys

SUBJECT: "Clear and Convincing
Evidence"
AB 1362 (Sher)

IWR
IV B.1.a.
DATE
10/07/83

M Attached is a memo discussing the meaning of the phrase "clear and convincing
E evidence". This phrase is used in several places in AB 1362 (Sher),
S Chapter 1046, 1983 (eg., see Section 25288.3). A copy of the Sher bill is
S attached.

G
E Attachments

RETURN TO

SIGNED

William R. Attwater

ADDRESS

PHONE

3-5344

R

E

P

I

Y

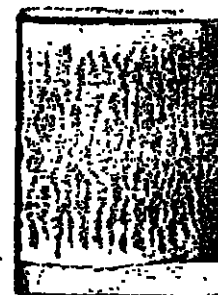
SIGNED

ADDRESS

DATE

SEND PARTS 1 AND 3 INTACT — PART 3 WILL BE RETURNED WITH REPLY

OSP



Memorandum

William R. Attwater
Chief Counsel

Date : October 6, 1983

OFFICE OF THE CHIEF COUNSEL

From : STATE WATER RESOURCES CONTROL BOARD

Subject: CLEAR AND CONVINCING EVIDENCE

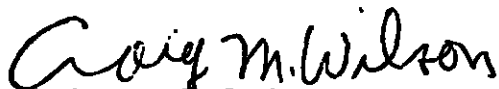
This memo responds to your request for a discussion of what is meant by the phrase "clear and convincing evidence."

The phrase "clear and convincing evidence" is used to define a standard or burden of proof. A party having the burden of proof as to a particular fact must establish by evidence a certain degree of belief regarding that fact in the mind of the trier of fact. The burden of proof may be either a preponderance of the evidence, clear and convincing proof, or proof beyond a reasonable doubt.

As a general rule, administrative proceedings are considered civil in nature. The burden of proof in a civil proceedings is ordinarily a preponderance of the evidence. A party having the burden of proof by a preponderance of the evidence must convince the trier of fact that the existence of a particular fact is more probable than its nonexistence.

In some instances the burden of proof requires a party to produce a substantially greater degree of belief in the mind of the trier of fact concerning the existence of a fact. This burden is usually described by the phrase "clear and convincing evidence."

It is clear that the phrase "clear and convincing evidence" means something more than a preponderance. The phrase "clear and convincing evidence" has been defined as "clear, explicit, and sufficiently strong to command the unhesitating assent of every reasonable mind." (In re Jost (1953) 117 Cal.App.2d 379, 383, 256 P.2d 71, 74.) It is not equivalent, however, to a requirement that the proof be unanswerable. (Hobart v. Hobart Estate Co., 159 P.2d 958, 976.)



Craig M. Wilson
Staff Counsel III

Assembly Bill No. 1362

CHAPTER 1046

An act to add Section 25150.1 to, and to add Chapter 6.7 (commencing with Section 25280) to Division 20 of, the Health and Safety Code, relating to hazardous substances.

[Approved by Governor September 23, 1983. Filed with Secretary of State September 23, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1362, Sher. Hazardous substances: underground storage.

(1) Existing law does not specifically regulate the storage of hazardous substances in underground tanks.

This bill would prohibit any person from owning or operating an underground storage tank used for the storage of hazardous materials without a permit to the owner from a local agency, which is defined as the department or office so designated by a county or a city, if the city assumes exclusive jurisdiction for enforcement of these provisions. The bill would define terms, including "hazardous substance," and would exclude from the definition of underground storage tank a tank used for the storage of hazardous substances used for the control of cattle parasites and subject to the supervision of the county agricultural commissioner, if certain determinations are made by the commissioner, a tank located on a farm and used to store motor vehicle fuel for a specified purpose, a tank used for aviation or motor vehicle fuel, located within one mile of a farm and used by a licensed pest control operator, and specified structures. The bill would require the State Water Resources Control Board to conduct a study concerning applying certain standards to all of these exempted tanks and structures by January 1, 1985.

The bill would require the State Department of Health Services to compile a master list of hazardous substances, and to make it available, as specified, by June 30, 1984, notwithstanding any other provision of law, including provisions concerning the Office of Administrative Law's regulatory review process. The bill would also authorize the department to revise this list in accordance with specified procedures.

The bill would require each county to implement these provisions and would authorize a county, or a city assuming local jurisdiction, to implement design and construction standards in addition to those specified in the bill. The bill would also authorize a county or city to implement a provision concerning tanks installed after January 1, 1984, until the board adopts specified regulations.

The bill would specify the conditions for transferring a permit, would specify the term of a permit to operate an underground storage tank as 5 years, and would prohibit a local agency from

issuing or renewing a permit if the local agency inspects the tank and determines that the underground storage tank does not comply with certain provisions. The bill would require that certain information be provided on the application for a permit by the owner of the tank and would also require the permittee to complete an annual report detailing any specified changes. The bill would impose certain procedures concerning the use of trade secrets. The bill would also require a permittee who stores a hazardous substance not listed on the application to apply for a new or amended permit within 30 days after commencing storage.

The bill would authorize a county, or city which assumes exclusive jurisdiction, to establish a fee, which would be paid by each person submitting an application for a permit, or a renewal or amendment thereof, to cover the costs incurred by its implementation of these provisions. The bill would require the fee to include a surcharge, to be determined annually by the Legislature, to cover the costs of the board and would require the surcharge to be deposited in the Underground Storage Tank Fund created in the General Fund. The bill would provide that the money in the fund is available, upon appropriation by the Legislature, to the board for purposes of carrying out the bill. The bill would require the fee to include a one-time \$5 surcharge, to be forwarded to the State Water Resources Control Board to cover the costs of developing regulations.

The bill would require a local agency to inspect every underground storage tank, within its jurisdiction, every 3 years, or to require a permit holder to employ, periodically, special inspectors to conduct the inspection, issue a report, and make recommendations which the permit holder would be required to implement or demonstrate to the local agency why these recommendations should not be implemented. The bill would authorize a representative of the local agency or the board to enter into any place where underground storage tanks are located, for inspections, testing, obtaining samples, and copying records, and would authorize these persons to also enter into real property which is within 2,000 feet of such a place, for these purposes.

The bill would require that all underground storage tanks installed after January 1, 1984, comply with certain requirements concerning design, construction, monitoring systems, and drainage, and would require that all underground storage tanks installed on or before that date have a monitoring system installed before January 1, 1985, and have a means for inspection. The bill would exempt underground storage tanks for motor vehicle fuel storage installed after January 1, 1984, from certain design and construction standards, if the tank either has a specified primary containment construction material and a leak monitoring system or if the tank has a pressurized piping system which is monitored. A local agency would be required to review the permit whenever there has been an unauthorized release which escapes from the secondary containment, increases certain

hazards, or causes tank deterioration, or whenever the agency determines that the tank is unsafe. A local agency would also be required to consider certain factors in determining whether to modify or terminate a permit.

The bill would require that if the owner of the tank is not the operator, the owner is required to provide certain information to the operator and enter into a written contract with the operator requiring the operator to monitor the tank.

The bill would require that unauthorized releases be recorded and reported by the operator of the underground storage tank within 24 hours to the local agency, as specified. The bill would authorize a local agency to request the department or a regional water quality control board to utilize that agency's authority to take corrective action to remedy the effects of a release of a hazardous substance from an underground storage tank. The bill would authorize the permit holder of an underground storage tank containing motor vehicle fuel not under pressure to repair the tank after an unauthorized release from that tank with an interior-coating process once, if the tank meets specified requirements, but if the results of a certain test show that a serious corrosion problem exists, the local agency may require additional protection or prohibit the repair. The bill would repeal this authorization if specified regulations are adopted. The bill would also prohibit a person from abandoning, closing, or temporarily ceasing to operate an underground storage tank unless certain actions are taken by that person. The bill would make an operator or owner of a tank liable for a civil penalty of from \$500 to \$5,000 for failing to take certain actions concerning permitting, monitoring, maintaining records, compliance, and closure of an underground storage tank, and would impose upon a person falsifying records, or failing to file the report of an unauthorized release, a fine of from \$5,000 to \$10,000, or imprisonment in the county jail for up to one year, or both.

The bill would exempt cities and counties which have enacted ordinances, before January 1, 1984, from the provisions of this act if the ordinances provide, at least, for double containment and monitoring of underground storage tanks and permits are issued under the ordinance. The bill would require a local agency so exempted to submit specified reports and information to the board. The bill would specify that its provisions do not otherwise affect the authority of a city or county to adopt ordinances concerning information, investigations, inspections, or enforcement.

The bill would require the State Water Resources Control Board to issue regulations implementing specified provisions by January 1, 1985, and would authorize the board to adopt regulations implementing other provisions.

The bill would also state the intent of the Legislature that these provisions are of statewide interest and concern and are intended to preempt the local regulation of underground storage tanks, as

specified, and that the program created within the department by this bill will be funded both through the department's budget commencing with the 1984-85 fiscal year and through the use of existing financial resources.

The bill would authorize a permit holder to apply to the board for a categorical variance from specified provisions and to apply to the regional water quality control board for a site-specific variance from specified provisions, pursuant to a specified procedure.

(2) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring counties to carry out a program of permitting and inspecting underground tanks used for the storage of hazardous substances and by imposing obligations upon cities, counties, and districts which operate underground storage tanks. Although the bill provides for a self-financing provision concerning the administration of these provisions, it would provide that no appropriation is made for the other imposed costs, by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares as follows:

(1) Substances hazardous to the public health and safety, and to the environment, are stored prior to use or disposal in thousands of underground locations in the state.

(2) Underground tanks used for the storage of hazardous substances and wastes are potential sources of contamination of the ground and underlying aquifers, and may pose other dangers to public health and the environment.

(3) In several known cases, underground storage has resulted in undetected and uncontrolled releases of hazardous substances into the ground. These releases have contaminated public drinking water supplies and created a potential threat to the public health and to the waters of the state.

(4) The Legislature has previously enacted laws regulating the management of hazardous wastes, including statutes providing the means to clean up releases of hazardous substances into the environment when the public health, domestic livestock, wildlife and the environment are endangered. Current laws do not specifically govern the construction, maintenance, testing and use of underground tanks used for the storage of hazardous substances, or the short-term storage of hazardous wastes prior to disposal, for the purposes of protecting the public health and the environment.

(5) The protection of the public from releases of hazardous substances is an issue of statewide concern.

(b) The Legislature therefore declares that it is in the public interest to establish a continuing program for the purpose of preventing contamination from, and improper storage of, hazardous substances stored underground. It is the intent of the Legislature, in enacting this act, to establish orderly procedures that will ensure that newly constructed underground storage tanks meet appropriate standards and that existing tanks be properly maintained, inspected, and tested so that the health, property, and resources of the people of the state will be protected.

SEC. 2. Section 25150.1 is added to the Health and Safety Code, to read:

25150.1. The requirements in Sections 25284 and 25284.1 apply to the construction, operation, maintenance, monitoring, and testing of underground storage tanks, as defined in subdivision (m) of Section 25280, which are required to obtain hazardous waste facilities permits from the department. The department shall adopt regulations implementing the requirements of Sections 25284 and 25284.1, for regulating the construction, operation, maintenance, monitoring, and testing of underground storage tanks used for the storage of hazardous wastes which standards and regulations are necessary to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment. The regulations department shall adopt the regulations by January 1, 1985. If the regulations are not adopted by that date, the regulations adopted by the board implementing Section 25284.1 shall be deemed to be the regulations of the department pursuant to this section until new regulations are adopted by the department pursuant to this section.

SEC. 3. Chapter 6.7 (commencing with Section 25280) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 6.7. UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES

25280. For purposes of this chapter, the following definitions apply:

(a) Department means the State Department of Health Services.

(b) "Facility" means any one, or combination of, underground storage tanks used by a single business entity at a single location or site.

(c) "Hazardous substance" means all of the following liquid and solid substances, unless the department, in consultation with the State Water Resources Control Board, determines the substance could not adversely affect the quality of the waters of the state:

(1) Substances on the list prepared by the Director of the Department of Industrial Relations pursuant to Section 6382 of the Labor Code.

(2) Hazardous substances, as defined in Section 25316.

(3) Any substance or material which is classified by the National Fire Protection Association (NFPA) as a flammable liquid, a class II combustible liquid, or a class III-A combustible liquid.

(d) "Local agency" means the department, office, or other agency of a county or city designated pursuant to Section 25282.

(e) "Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, and association. "Person" also includes any city, county, district, the state, or any department or agency thereof.

(f) "Board" means the State Water Resources Control Board.

(g) "Primary containment" means the first level of containment, such as the portion of a tank which comes into immediate contact on its inner surface with the hazardous substance being contained.

(h) "Product-tight" means impervious to the substance which is contained, or is to be contained, so as to prevent the seepage of the substance from the primary containment. To be product-tight, the tank shall not be subject to physical or chemical deterioration by the substance which it contains over the useful life of the tank.

(i) "Secondary containment" means the level of containment external to, and separate from, the primary containment.

(j) "Single-walled" means construction with walls made of only one thickness of material. For the purpose of this chapter, laminated, coated, or clad materials shall be considered single-walled.

(k) "Storage" or "store" means the containment, handling or treatment of hazardous substances, either on a temporary basis or for a period of years. "Storage" or "store" does not mean the storage of hazardous wastes in an underground storage tank if the person operating the tank has been issued a hazardous waste facilities permit by the department pursuant to Section 25200 or granted interim status under Section 25200.5.

(l) "Unauthorized release" means any release or emission of any hazardous substance which does not conform to the provisions of this chapter, unless this release is authorized by the State Water Resources Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code.

(m) "Underground storage tank" means a tank or combination of tanks, including pipes connected thereto, which is used for the

storage of hazardous substances and which is substantially or totally beneath the surface of the ground. "Underground storage tank" does not include any of the following:

(1) A tank used for the storage of hazardous substances used for the control of external parasites of cattle and subject to the supervision of the county agricultural commissioner if the county agricultural commissioner determines, by inspection prior to use, that the tank provides a level of protection equivalent to that required by Section 25284, if the tank was installed after June 30, 1984, or protection equivalent to that provided by Section 25284.1, if the tank was installed on or before June 30, 1984.

(2) Tanks which are located on a farm and store motor vehicle fuel which is used only to propel vehicles used primarily for agricultural purposes.

(3) Tanks used for aviation or motor vehicle fuel located within one mile of a farm and the tank is used by a licensed pest control operator, as defined in Section 11705 of the Food and Agricultural Code, who is primarily involved in agricultural pest control activities.

(4) Structures such as sumps, separators, storm drains, catch basins, oil field gathering lines, refinery pipelines, lagoons, evaporation ponds, well cellars, separation sumps, lined and unlined pits, sumps and lagoons. Sumps which are a part of a monitoring system required under Section 25284 or Section 25284.1 are not exempted by this section. These structures may be regulated by the board pursuant to the Porter-Cologne Water Quality Control Act (Division 7, (commencing with Section 13000) of the Water Code) to ensure that they do not pose a threat to water quality. The board shall conduct a study which analyzes the necessity of applying the standards of Section 25284 and 25284.1 to the structures exempted by this section. The board shall complete the study by January 1, 1985. After completing the study the board shall review existing regulatory authority over such structures.

(n) "Special inspectors" means a professional engineer, registered pursuant to Chapter 7, (commencing with Section 6700) of Division 3 of the Business and Professions Code, who is qualified to attest, at a minimum; to structural soundness, seismic safety, the compatibility of construction materials with contents, cathodic protection, and the mechanical compatibility of the structural elements.

(o) "Owner" means the owner of an underground storage tank.

(p) "Operator" means the operator of an underground storage tank.

(q) "Pipe" means any pipeline or system of pipelines which is used in connection with the storage of hazardous substances and which are not intended to transport hazardous substances in interstate or intrastate commerce or to transfer hazardous materials in bulk to or from a marine vessel.

25281. (a) The department shall compile a comprehensive

master list of hazardous substances. The master list shall be made available to the public and mailed to each local agency no later than June 30, 1984, notwithstanding any other provision of law, including Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Local agencies and owners or operators of underground storage tanks shall use the master list or, when adopted, the revised list adopted pursuant to subdivision (b), to determine which underground storage tanks require permits pursuant to this chapter. Hazardous substances included on the list may be denominated by scientific, common, trade, or brand names.

(b) The department may revise, when appropriate, the master list of all the hazardous substances specified in subdivision (a). The revised list of hazardous substances shall be prepared and adopted, and may be further revised, in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

25282. Every county shall implement this chapter pursuant to the regulations adopted by the board. A city may, by ordinance, assume responsibility for the implementation of this chapter pursuant to the regulations adopted by the board and, if so, shall have exclusive jurisdiction within the boundary of the city for the purposes of carrying out this chapter. A city which assumes responsibility for implementation of this chapter shall provide notice of its program and consult with the county in which the city is located. A county shall designate a department, office, or other agency of that county as the local agency responsible for administering and enforcing the provisions of this chapter and a city which assumes responsibility for implementing this chapter shall also make a similar designation.

25283. (a) Except as provided in subdivision (b), no person shall own or operate an underground storage tank unless a permit for its operation has been issued by the local agency to the owner. Each local agency shall prepare a form which provides for the acceptance of the obligations of a transferred permit by any person who is to assume the ownership of an underground storage tank from the previous owner and is to be transferred the permit to operate the tank. That person shall complete the form accepting the obligations of the permit and submit the completed form to the local agency at least 30 days after the ownership of the underground storage tank is to be transferred. A local agency may review and modify, or terminate, the transfer of the permit to operate the underground storage tank, pursuant to the criteria specified in subdivision (c) of Section 25284.1; upon receiving the completed form.

(b) Any person assuming ownership of an underground storage tank used for the storage of hazardous substances for which a valid operating permit has been issued shall have 30 days after the date of assumption of ownership to apply for an operating permit pursuant to Section 25283.2 or, if accepting a transferred permit, shall submit to the local agency the completed form accepting the obligations of

the transferred permit, as specified in subdivision (a). During the period from the date of application until the permit is issued or refused, the person shall not be held to be in violation of this section.

(c) When, in its judgment, it is appropriate to do so, the local agency may issue a single permit to a person for a facility.

25283.1. A permit to operate issued by the local agency pursuant to Section 25283 shall be effective for five years. A local agency shall not issue or renew a permit to operate an underground storage tank if the local agency inspects the tank and determines that the tank does not comply with this chapter.

25283.2. (a) An application for a permit to operate an underground storage tank, or for renewal of the permit, shall be made, by the owner, on a standardized form prepared by the board and provided by the local agency and shall be accompanied by the appropriate fee, as specified in Section 25283.3. The local agency shall provide the board with a copy of the completed application.

(b) The board shall store this information on a computer, for the purpose of managing and appropriately cross-referencing and indexing this data. The application form shall include, but not be limited to, requests for the following information:

(1) A description of the construction of the underground storage tank or tanks.

(2) A list of all the hazardous substances which are or will be stored in the underground storage tank or tanks, specifying the hazardous substances for each underground storage tank.

(3) A description of the monitoring program for the underground storage tank or tanks.

(4) The name and address of the person, firm, or corporation which owns the underground storage tank or tanks and, if different, the name and address of the person who operates the underground storage tank or tanks.

(5) The address of the facility at which the underground storage tank or tanks are located.

(6) The name of the person making the application.

(7) The name and 24-hour phone number of the contact person in the event of an emergency involving the facility.

(8) If the owner or operator of the underground storage tank is a public agency, the application shall include the name of the supervisor of the division, section, or office which operates the tank.

(c) As a condition of any permit to operate an underground storage tank, the permittee shall complete an annual report form, prepared by the board, which will detail any changes in the usage of any underground storage tanks, including the storage of new hazardous substances, changes in monitoring procedure and unauthorized release occurrences, as defined in Sections 25284.3 and 25284.4. The requirements for computer storage and management of the data generated by the application forms specified in subdivision (b) also apply to information generated by the annual reports.

(d) If a permittee stores in an underground storage tank or tanks a hazardous substance which is not listed in the application, as required by paragraph (2) of subdivision (b), the permittee shall apply for a new or amended permit within 30 days after commencing the storage of that hazardous substance.

25283.3. (a) A fee shall be paid to the local agency by each person who submits an application for a permit to operate an underground storage tank or to renew or amend a permit. The governing body of the county, or a city which assumes enforcement jurisdiction, shall establish the amount of the fees at a level sufficient to pay the necessary and reasonable costs incurred in administering this chapter, including, but not limited to, permitting and inspection responsibilities. The governing body may provide for the waiver of fees when a public agency makes an application for a permit to operate or an application to renew a permit.

(b) This fee shall include a surcharge, the amount of which shall be determined by the Legislature annually to cover the costs of the board in carrying out its responsibilities under this chapter. The surcharge shall be transmitted to the board and deposited in the Underground Storage Tank Fund hereby created in the General Fund. The money in this account is available, upon appropriation by the Legislature, to the board for the purposes of implementing this chapter.

(c) From January 1, 1984 to June 30, 1984 there shall be a one-time surcharge of five dollars (\$5) on each tank permitted pursuant to this chapter, which surcharge shall be forwarded to the board, by the local agency, to cover the costs of developing the statewide regulations implementing this chapter, and shall be deposited in the Underground Storage Tank Fund.

25283.4. (a) The local agency shall inspect every underground storage tank within its jurisdiction at least once every three years. The purpose of the inspection is to determine whether the tank complies with the design and construction standards of Section 25284 or 25284.1, whichever is applicable, whether the operator has monitored and tested the tank as required by the permit, and whether the tank is in a safe operating condition. After an inspection, the local agency shall prepare a compliance report detailing the inspection and shall send a copy of this report to the permit holder.

(b) In addition to, or instead of, the inspections specified in subdivision (a), the local agency may require the permit holder to employ, periodically, special inspectors to conduct an audit or assessment of the permit holder's facility to determine whether the facility complies with the factors specified in subdivision (a) and to prepare a special inspection report with recommendations concerning the safe storage of hazardous materials at the facility. The report shall contain recommendations consistent with the provisions of this chapter where appropriate. A copy of the report shall be filed with the local agency at the same time the inspector submits the

report to the permitholder. Within 30 days after receiving this report, the permitholder shall file with the local agency a plan to implement all recommendations contained in the report or shall demonstrate, to the satisfaction of the local agency, why these recommendations should not be implemented.

25283.5. In order to carry out the purposes of this chapter, any duly authorized representative of the local agency or the board has the authority specified in Section 25185, with respect to any place where underground storage tanks are located, and in Section 25185.5, with respect to real property which is within 2,000 feet of any place where underground storage tanks are located.

25283.6. (a) "Trade secrets," as used in this chapter, may include, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(b) The board or a local agency may disclose trade secrets received by the board or the local agency pursuant to this chapter to authorized representatives or other governmental agencies only in connection with the board's or local agency's responsibilities pursuant to this chapter. The board and the local agency shall establish procedures to ensure that these trade secrets are utilized only in connection with these responsibilities and are not otherwise disseminated without the consent of the person who provided the information to the board or the local agency.

(c) Any person providing information pursuant to Section 25283.2 shall, at the time of its submission, identify all information which the person believes is a trade secret. Any information or record not identified as a trade secret is available to the public, unless exempted from disclosure by other provisions of law.

(d) Where the local agency, by ordinance, provides an alternative to the listing of a substance which is a trade secret, the person storing that substance shall provide the identification of the material directly to the board pursuant to this section.

25284. Every underground storage tank installed after January 1, 1984, shall meet the following requirements:

(a) Be designed and constructed to provide primary and secondary levels of containment of the hazardous substances stored in them in accordance with the following performance standards:

- (1) Primary containment shall be product-tight.
- (2) Secondary containment shall be constructed to prevent structural weakening as a result of contact with any released hazardous substances, and also shall be capable of storing, for the maximum anticipated period of time necessary for the recovery of

any released hazardous substance.

(3) In the case of an installation with one primary container, the secondary containment shall be large enough to contain at least 100 percent of the volume of the primary tank.

(4) In the case of multiple primary tanks, the secondary container shall be large enough to contain 150 percent of the volume of the largest primary tank placed in it, or 10 percent of the aggregate internal volume of all primary tanks, whichever is greater.

(5) If the facility is open to rainfall, then the secondary containment must be able to additionally accommodate the volume of a 24-hour rainfall as determined by a 100-year storm history.

(6) Single-walled containers do not fulfill the requirement of an underground storage tank providing both a primary and a secondary containment.

(7) The design and construction of underground storage tanks for motor vehicle fuels storage need not meet the requirements of paragraphs (1) to (6), inclusive, if the primary containment construction is of glass fibre reinforced plastic, cathodically protected steel, or steel clad with glass fibre reinforced plastic, any such alternative primary containment is installed in conjunction with a system that will intercept and direct a leak from any part of the tank to a monitoring well to detect any release of motor vehicle fuels stored in the tank and which is designed to provide early leak detection, response, and to protect groundwater from releases, and if the monitoring is in accordance with the alternative method identified in paragraph (3) of subdivision (b) of Section 25284.1. Pressurized piping systems connected to underground storage tanks used for the storage of motor vehicle fuels and monitored in accordance with paragraph (3) of subdivision (b) of Section 25284.1 shall also be deemed to meet the requirements of this subdivision.

(b) Be designed and constructed with a monitoring system capable of detecting the entry of the hazardous material stored in the primary containment into the secondary containment. If water could intrude into the secondary containment, a means of monitoring for water intrusion and for safely removing the water shall also be provided.

(c) When required by the local agency, a means of overfill protection for any primary tank, including an overfill prevention device or an attention-getting higher level alarm, or both. Primary tank filling operations of underground storage tanks containing motor vehicle fuels which are visually monitored and controlled by a facility operator satisfy the requirements of this paragraph.

(d) Different substances that in combination may cause a fire or explosion, or the production of flammable, toxic, or poisonous gas, or the deterioration of a primary or secondary container, shall be separated in both the primary and secondary containment so as to avoid potential intermixing.

(e) If water could enter into the secondary containment by

precipitation or infiltration, the facility shall contain a means of removing the water by the owner or operator. This removal system shall also provide for a means of analyzing the removed water for hazardous substance contamination and a means of disposing of the water, if so contaminated, at an authorized disposal facility.

25284.1. For every underground storage tank installed on or before January 1, 1984, and used for the storage of hazardous substances the following actions shall be taken:

(a) On or before January 1, 1985, the owner shall outfit the facility with a monitoring system capable of detecting unauthorized releases of any hazardous substances stored in the facility, and thereafter, the operator shall monitor each facility, based on materials stored and the type of monitoring installed.

(b) Provide a means for visual inspection of the tank, wherever practical, for the purpose of the monitoring required by subdivision (a). Alternative methods of monitoring the tank on a monthly, or more frequent basis, may be required by the local agency, consistent with the regulations of the board.

The alternative monitoring methods include, but are not limited to, the following methods:

(1) Pressure testing, vacuum testing or hydrostatic testing of the piping systems or underground storage tanks.

(2) A groundwater monitoring well or wells which are down gradient and adjacent to the underground storage tank, vapor analysis within a well where appropriate, and analysis of soil borings at the time of initial installation of the well. The board shall develop regulations specifying monitoring alternatives. The local agency, or any other public agency specified by the local agency, shall approve the location and number of wells, the depth of wells and the sampling frequency, pursuant to these regulations.

(3) For monitoring tanks containing motor vehicle fuels, daily gauging and inventory reconciliation by the operator, if inventory records are kept on file for one year and are reviewed quarterly, the tank is tested for tightness hydrostatically or, when appropriate with pressure between three and five pounds, inclusive, per square inch at time intervals specified by the board and whenever any pressurized system has a leak detection device to monitor for leaks in the piping. The tank shall also be tested for tightness hydrostatically or where appropriate, with pressure between three and five pounds, inclusive, per square inch whenever there is a shortage greater than the amount which the board shall specify by regulation.

25284.2. The operator of the underground storage facility shall monitor the facility using the method specified on the permit for the facility. Records shall be kept in sufficient detail to enable the local agency to determine that the operator has undertaken all monitoring activities required by the permit to operate.

If the operator is not the owner, the owner shall provide a copy of

the permit to the operator, enter into a written contract with the operator which requires the operator to monitor the tank as set forth in the permit, and provide the operator with a copy of Section 25287, or a summary of this section, in the form which the board specifies by regulation. The owner shall notify the local agency of any change of operator.

25284.3. Any unauthorized release from the primary containment which the operator is able to cleanup within eight hours, and which does not escape from the secondary containment, does not increase the hazard of fire or explosion and does not cause any deterioration of the secondary containment of the underground storage tank, shall be recorded on the operator's monitoring reports.

25284.4. (a) Any unauthorized release which escapes from the secondary containment, increases the hazard of fire or explosion, or causes any deterioration of the secondary containment of the underground tank shall be reported by the operator or the local agency within 24 hours after the release has been detected or should have been detected. A full written report shall be transmitted by the owner or operator of the underground storage tanks within five working days of the occurrence of the release.

The local agency shall review the permit whenever there has been an unauthorized release or when it determines that the underground storage tank is unsafe. In determining whether to modify or terminate the permit, the local agency shall consider the age of the tank, the methods of containment, the methods of monitoring, the feasibility of any required repairs, the concentration of the hazardous substances stored in the tank, the severity of potential unauthorized releases, and the suitability of any other long-term measures preventive measures which would meet the requirements of this chapter.

(b) In cooperation with the Office of Emergency Services, the board shall submit an annual statewide report by county, to the Legislature, of all unauthorized releases, indicating for each unauthorized release the operator, the hazardous substance, the quantity of the unauthorized release, and the actions taken to abate the problem.

(c) The reporting requirements imposed by this section are in addition to any requirements which may be imposed by Section 13271 of the Water Code.

25284.5. If there has been any unauthorized release, as defined in subdivision (a) of Section 25284.4, from an underground storage tank containing motor vehicle fuel not under pressure, the permitholder may repair the tank once by an interior-coating process if the tank meets all of the following requirements:

(a) An ultrasonic test, or comparable test, has been conducted to determine the thickness of the storage tank. If the result of the test indicates that a serious corrosion problem exists with regard to the tank, as determined by the person conducting the test, the local

agency may require additional corrosion protection for the tank or may deny the authorization to repair.

(b) A hydrostatic test is an alternative to the ultrasonic test in subdivision (a). If the result of the test indicates that a serious problem exists with regard to the integrity of the tank, as determined by the person conducting the test or the local agency, the local agency may require additional protection for the tank or may deny authorization for the repair.

(c) A vacuum test has been conducted with a result indexed at not more than 5.3 inches of mercury. This requirement shall not be applicable if technology is not available for testing the tank on site using accepted engineering practices.

(d) Following the repair, the standard installation testing for requirements for underground storage tanks specified in Section 2-7.3 of the Flammable and Combustible Liquids Code, adopted by the National Fire Protection Association on November 20, 1981 (NFPA 30-1981), and published in the 1982 edition of the National Fire Code shall be followed.

(e) The material used to repair the tank by an interior-coating process is compatible with the motor vehicle fuel that is stored, as approved by the board by regulation.

(f) The material used to repair the tank by an interior-coating process is applied in accordance with nationally recognized engineering practices such as the American Petroleum Institute's recommended practice No. 1631 for the interior lining of existing underground storage tanks.

(g) The board may develop regulations, in consultation with the State Fire Marshal, for the repair of underground storage tanks, and the standards in this section shall remain in effect until the adoption of these regulations.

25285. The local agency may request the following agencies to utilize that agency's authority to remedy the effects of, and remove, any hazardous substance which has been released from an underground storage tank:

(a) The department which may take action pursuant to Chapter 6.8 (commencing with Section 25300) and, for this purpose, any unauthorized release shall be deemed a release as defined in Section 25320.

(b) A regional water quality control board may take action pursuant to Division 7 (commencing with Section 13000) of the Water Code and, for this purpose, the discharged hazardous substance shall be deemed a waste as defined in subdivision (d) of Section 13050.

25286. (a) No person shall abandon an underground storage tank or close or temporarily cease operating an underground storage tank, except as provided in this section.

(b) An underground storage tank which is temporarily taken out of service, but which the operator intends to return to use, shall

continue to be subject to all the permit, inspection, and monitoring requirements of this chapter, unless the operator complies with the provisions of subdivision (c) for the period of time the underground tank is not in use.

(c) No person shall close an underground storage tank unless the person undertakes all of the following actions:

(1) Demonstrates to the local agency that all residual amounts of the hazardous substance or hazardous substances which were stored in the tank prior to its closure have been removed, properly disposed of, and neutralized.

(2) Adequately seals the tank to minimize any threat to the public safety and the possibility of water intrusion into, or runoff from, the tank.

(3) Provides for, and carries out, the maintenance of the tank as the local agency determines is necessary, for the period of time the local agency requires.

(4) Demonstrates to the local agency that there has been no significant soil contamination resulting from a discharge in the area surrounding the underground storage tank or facility.

25287. (a) Any operator of an underground storage tank shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) per day for any of the following:

(1) Operates an underground storage tank which has not been issued a permit.

(2) Fails to monitor the underground storage tank, as required by the permit.

(3) Fails to maintain records, as required by Section 25283.2.

(4) Fails to report an unauthorized release, as required by Sections 25284.3 and 25284.4.

(5) Fails to properly close an underground storage tank, as required by Section 25286.

(b) Any owner of an underground storage tank shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) per day for any of the following:

(1) Failure to obtain a permit as specified by this chapter.

(2) Failure to repair an underground tank in accordance with the provisions of this chapter.

(3) Abandonment or improper closure of any underground tank subject to the provisions of this chapter.

(4) Knowing failure to take reasonable and necessary steps to assure compliance with this chapter by the operator of an underground tank.

(c) Any person who falsifies any monitoring records required by this chapter, or knowingly fails to report an unauthorized release, shall, upon conviction, be punished by a fine of not less than five thousand dollars (\$5,000) or more than ten thousand dollars (\$10,000), or by imprisonment in the county jail for not to exceed one

year, or by both that fine and imprisonment.

(d) In determining both the civil and criminal penalties imposed pursuant to this section, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm or potential harm caused by the violation, the nature of the violation and the period of time over which it occurred, the frequency of past violations, and the corrective action, if any, taken by the person who holds the permit.

(e) Penalties under this section are in addition to, and do not supersede or limit, any and all other legal remedies and penalties, civil or criminal, which may be applicable under other laws.

25288. (a) Any city, county or city and county which prior to January 1, 1984, has adopted an ordinance which, at a minimum meets the requirements set forth in Section 25284 and 25284.1, providing for double containment, monitoring of underground storage tanks and under which permits are issued therefor is exempt from the provisions of this chapter so long as the ordinance, as it may be amended, continues to meet the requirements of Sections 25284 and 25284.1.

Those local agencies which are exempted from this chapter pursuant to this subdivision shall submit to the board the application form and annual information specified by Section 25283.2 and shall submit a written report of any unauthorized release from an underground storage tank to the Office of Emergency Services within 10 working days from the time the local agency is notified of the unauthorized release.

(b) This chapter shall not be construed to limit or abridge the authority of any city, county, or city and county to adopt an ordinance requiring information, conducting investigations, inspections, or implementing and enforcing this chapter.

25288.1. The Legislature hereby finds and declares that the provisions of this chapter are of statewide interest and concern and are intended to preempt any local regulations of underground storage tanks, which regulations are for the protection of the soil from contamination or the protection of the beneficial uses of waters of the state, and which conflict with these provisions, except as provided in Section 25288.

25288.2. (a) The board shall develop regulations implementing the standards of Section 25284, 25284.1, 25284.3, 25284.4, 25284.5, 25286, and 25288.3. These regulations shall be promulgated by the board by January 1, 1985. The board may adopt regulations implementing Sections 25283.2, 25283.3 and 25283.6, as it deems necessary.

(b) Until the board adopts regulations, any city, county, or city and county may implement the provisions of Section 25284 with regard to permits. Any tank or facility so permitted shall be deemed to be in compliance with the regulations of the board implementing that section. Any underground storage tank installed within a city,

county or city and county which has not implemented the provisions of Section 25284 prior to the adoption of regulations by the board shall be subject to the same requirements of this chapter as an underground storage tank installed prior to January 1, 1984.

25288.3. (a) Any permitholder or permit applicant may apply to the board for a categorical variance from Section 25824 or 25824.1. The application shall include a description of the proposed alternative program, method, device, or process and description of the region, area, or circumstances under which the variance would apply. The board shall give notice to all affected cities, counties and city and counties. The board shall issue a categorical variance from this chapter if it finds, after investigation and at least two public hearings held in different areas of the state, as selected by the board, that the applicant has demonstrated by clear and convincing evidence that the proposed alternative will adequately protect the soil and the beneficial uses of water of the state from an unauthorized release. The board may remand the application to the appropriate regional board if it determines the application falls within subdivision (c).

(b) After January 1, 1984, any local agency may apply to the board for authority to implement design and construction standards for the containment of a hazardous substance in underground storage tanks which are in addition to those set forth in this chapter. The application shall include a description of the additional standards and a discussion of the need to implement them. The board shall approve the application if it finds, after an investigation and public hearing, that the local agency has demonstrated by clear and convincing evidence that the additional standards are necessary to adequately protect the soil and the beneficial uses of the waters of the state from unauthorized releases.

The board shall make its determination within six months of the date of application for authority to implement additional standards. If the board's determination upholds the application for authority to implement additional standards, the standards shall be effective as of the date of the determination. If the board's determination does not uphold the application, the additional standards shall not go into effect.

(c) Any permitholder or permit applicant may apply to the regional water quality control board having jurisdiction over the location of the permitholder or applicant's facility for a site-specific variance from Section 25824 or 25824.1. Before applying for a variance, the applicant shall contact the local agency. If the local agency decides that a variance would be necessary to approve a proposal, or if the local agency does not make a decision within 60 days, the permitholder or applicant may proceed with a variance application. At least 30 days before applying to the appropriate regional water quality control board the applicant shall notify and request the local agency and the city, county, or city and county

having land use jurisdiction over the city to join the applicant in the variance application. The city, county, or city and county shall provide notice of the receipt of this request to any person who has requested the notice. The local agency shall have 30 days from completion of any documents required by the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and the receipt of the regional board's staff recommendation and analysis to act on the request. The regional board shall not hold a hearing upon the application until after the expiration of this 30-day period. Failure of the local agency or city, county, or city and county to join in the variance application shall not affect the request of the applicant to proceed with the variance application, except that the board shall consider the local agency's and the city, county, or city and county's recommendations in rendering its decision. The notification and request to join to the local agency and the city, county, or city and county and the application to the appropriate regional board shall include a description of the proposed alternative program method or process. The regional water quality control board shall approve the variance if it finds, after investigation and public hearing, that the applicant has demonstrated by clear and convincing evidence that because of special circumstances not generally applicable to other property or facilities, including size, shape, design, topography, location or surroundings, the strict application of the standards of this chapter would be unnecessary to adequately protect the soil and beneficial uses of the waters of the state from an unauthorized release; or that strict application would create practical difficulties not generally applicable to other facilities or property and that the proposed alternative will adequately protect the soil and beneficial uses of the waters of the state from an unauthorized release.

(d) Applicants for action under this section shall pay a fee determined by the state water quality control board to be reasonable in covering costs in considering the application.

25289. This chapter shall not be construed to limit or abridge the powers and duties granted to the State Department of Health Services by Chapter 6.5 (commencing with Section 25100) and by Chapter 6.8 (commencing with Section 25300) or to the State Water Resources Control Board and each regional water quality control board by Division 7 (commencing with Section 13000) of the Water Code.

SEC. 4. It is the intent of the Legislature that the program created by this act within the State Department of Health Services will be funded both through the department's budget commencing with the 1984-85 fiscal year and through the use of existing financial resources.

SEC. 5. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall continue in effect.

unless and until they are amended or repealed by a later enacted act.

SEC. 6: No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for administering the program or level of service mandated by this act or else it is recognized, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

b. To Stephanie Bradfield;
From Edward C. Anton; February
6, 1984; Subject: Technical
Errors in AB 1362

V.B.I. b. ~~##~~

FEB 6 - 1984

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Stephanie Bradfield

AB 1362 (Sher)--Suggested Items for Clean-Up Legislation

In addition to the suggested items described in a November 11, 1983 memo to Randy Kanouse, Office of Legislative and Public Affairs, there are more policy and suspected technical errors in AB 1362.

1. For consistency and avoidance of double standards, motor fuel tanks should meet the same requirements as motor vehicle fuel tanks, Sections 25284 and 25284.1.
2. Since the State Board is promulgating regulations for implementing AB 1362, should the provisions of this chapter be included in the Water Code instead of the Health and Safety Code?
3. The structures exemption study should follow the State Board review of existing regulatory authority over such structures instead of the other way around (Section 25280[m][4]). Many of these structures may be covered by other regulations, like Subchapter 15. The review may eliminate the need to study some of the exempted structures.
4. Specify if a county adopted an ordinance prior to January 1, 1984; a city cannot grandfather into the ordinance after that date if the city was not originally included in the ordinance (Section 25288).
5. Include in Section 25288: "In addition to application form and annual report, local agencies exempted from the bill must include the application surcharge fee to the State Board."
6. Include in Section 25283.3: "One application form will be required for every tank permitted." This should assure that the State Board receives specific information on every tank and a surcharge fee for every tank.
7. The deadline for meeting the requirements of Section 25284 should be the effective date of the State Board regulations.
8. Section 25284.1 should read: "For every underground storage tank installed on or before the effective date of State Board regulations....".

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9. Section 25284.1(a) should read:

"(a) Six months after effective date of the regulations, the owner of the facility....".

10. Should underground home fuel tanks be exempted from the Sher bill similar to fuel tanks located within a mile of a farm?

11. Should language be added to Sections 25282 and 25288 to give authority to the State Board to review all local programs for consistency with the legislation? Language could read:

"The State Board will review any city, county, or city and county programs or ordinances on regulating underground tanks for consistency with Sections 25284 and 25284.1."

12. Include to Section 25288.2(a): "The State Board may adopt regulations implementing Sections 25283.2, 25283.3, 25283.4 and 25283.6....". The purpose of including Section 25283.4 would allow the State Board to define "special inspectors" who audit and assess underground tanks. Many of the rural counties/cities may rely on this Section for inspections and a mechanism such as a licensed engineer is needed for assuring the inspectors are acting independent of the permit holder.

13. Would a "snitch" provision to the bill, giving an informant xxx percentage of the penalty money, add to its effectiveness for compliance with the operating permit?

14. Section 25288.3(a) and (c) the Section numbers referred to should read "25284 or 25284.1".

15. Section 25288.3(c) is poorly written. The third sentence should read:

"A permit holder or applicant may proceed with a variance application if the local agency decides a variance would be necessary to approve a proposal or if the local agency does not make a decision within 60 days."

16. Section 25288.3(c) is inconsistent with the applicant waiting for 30 days before applying for a variance to the Regional Board when the county or city deciding to join the variance is asking for Regional Board assistance.

The following items are technical problems we suspect but will not know until we have gained more technical experience as we develop the regulations.

17. The National Fire Protection Association (NFPA) recommends against using pressure testing for leak detection. The State Board may want to recommend eliminating pressure testing in Section 25284.1(b)(1). The State Board may want to add to that Section "...and other methods of testing specified by the State Board".

- 18.. The clause "...and whenever any pressurized system has a leak detection device to monitor for leaks in the piping..." does not fit in Section 25284.1(b)(3). The State Board needs clarification from the author on his intent.
19. Section 25284(a)(7) is a very confusing description of the requirements for motor vehicle fuel tanks. The State Board needs clarification of what the author intended for motor vehicle fuel tanks. If the author envisioned the use of an elastic liner for the system that will intercept and direct a leak from any part of the tank to a monitoring well, then there is some question that the system cannot be designed to exclude rainwater. There is also the problem of gasoline spilling over onto the ground surface if rainwater or ground water infiltrates into the liner. Another problem is anchoring the tank to keep it from floating.
20. Section 25284(c) should read "high level", not "higher level".
21. Section 25284(a)(5) should read "...by a 100-year storm or 100-year frequency....", not 100-year storm history.
22. Section 25284.2 should read "...within eight hours after the release has been detected, and which does not....".
23. Since piping associated with underground tanks has a good history of leaking, then Section 25284 should include, with underground storage tanks, associated piping.
24. A clarification is needed from the author as to whether secondary containment required under Section 25284(a) is to be applied to Section 25284(a)(7) for motor vehicle fuel tanks.

ORIGINAL SIGNED BY

Roger Johnson

Edward C. Anton, Chief
Division of Technical Services

cc: Mike Campos
Randy Kanouse

bcc: S.Fagundes
M.Falkenstein
K.Harder
H.Singer

c. To Walter G. Pettit,
Michael A. Campos, Board
Members; From Edward C. Anton;
March 30, 19824;Subject:
Definition of Underground
Containers

MAR 30 1984

1. Walt Pettit
2. Mike Campos
3. Board Members

Definition of Underground Containers

AB 1362 (Sher) and AB 2013 (Cortese) which make up the basis of the Underground Tank Program have two different descriptions of which structures should be regulated and registered. An underground storage tank in Sher means any one or combination of tanks, including pipes connected thereto, which is used for the storage of hazardous substances and which is substantially or totally beneath the surface of the ground. Specifically excluded from this definition are sumps, pits, ponds, and lagoons.

However, under Cortese, each person storing hazardous substances in concrete sumps, nonvaulted buried tanks, or other underground containers shall file a Hazardous Substance Storage Statement (HSSS). In order to instruct underground container owners as to which containers must be registered for the inventory, the State Board must make an interpretation of underground container.

The definition of underground container as it will appear on the HSSS is as follows:

All containers, including earthen walled pits, ponds, lagoons, and sumps, that are below the normal ground surface level must register. Specifically mentioned in the law are "concrete sumps, nonvaulted buried tanks or other underground containers". A tank sitting on the ground is not included. However, containers partially beneath the ground surface are included. Lined or unlined pits, ponds, and lagoons are covered if earth has been removed from the storage area to construct the facility. Normal grading is not considered construction below ground level.

The above definition which includes pits, ponds, and lagoons can be legally argued as complete since they were specifically excluded under AB 1362 and, therefore, considered within the range of underground containers. Attached is a copy of the Chief Counsel's opinion on structures which can be included under AB 2013. Please note that it includes the very broad interpretation.

Including pits, ponds, and lagoons in the inventory will also provide valuable information for the exempted structures study, to be completed by the State Board, as required by AB 1362.

XCH
3/27/84

R. J. [Signature]

Walt Pettit
Mike Campos
Board Members

-2-

MAR 30 1984

The broad interpretation of underground containers may take industry by surprise and result in complaints. The added number of structures to be included in the inventory under the broad interpretation of underground containers is not known.

The HSSS is currently being typeset with this broad definition of underground container. Once typeset, the HSSS will be reproduced at the State Board for immediate copies. At the same time, the HSSS will be sent to the State Printing Office for a large number of copies (500,000). I hope to have copies of the HSSS available for distribution by the first week in April.

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

Attachment

bcc: R. Johnson
M. Falkenstein
K. Harder

KHarder/lmsanborn
3/27/84

d. Mini-memo to Kathy Keber;
From Kathy Harder; March 13,
1984, Subject: Cities and
Counties Adopting Ordinances
Prior to January 1, 1984

STATE OF CALIFORNIA

MINI-MEMO

STD 100-B (REV. 9-70)

TO:

Kathy Keber

SUBJECT:

AB 1362
AB 2013

DATE

3/13

1. CAN Cities & /or Counties which adopted ordinances prior to 1/1/84 develop regs based on their interpretation of the law. Or must they modify the regs to be in conformance with our regulations?

Up to them to come up w. rd. which at a minimum meets reg. of 325284 & 25284.1

We a inted person, could challenge for failure to implement Sher but not for failure →

RETURN TO

SIGNED

Kathy Keber

ADDRESS

PHONE

2) Requests for time extensions for submitting the HSSS - can I pt out there is a 6 mo grace period until Dec 31 1984. Chevron will have one person completing 6000 forms - this would difficult to do before June 30 1984. - Yes, don't advocate it but can relate to them what the law says.

SIGNED

ADDRESS

DATE

SEND PARTS 1 AND 3 INTACT. PART 3 WILL BE RETURNED WITH REPLY.

OSF

e. To Kathy Keber; From Harold
Singer; April 10, 1984;
Subject: Request for Legal
Interpretation of AB 1362 and
AB 2013 Issues

File

APR 10 1984

Kathie Keber
Office of the Chief Counsel

Request for Legal Interpretation of AB 1362 and AB 2013 Issues

A number of issues have arisen during implementation of the two bills which need to be resolved. A significant part of the resolution process is a legal interpretation of the statutes. Each issue is described below with some technical guidance, if applicable. I would like a written response, either separate or in one memorandum, to these issues.

Issue No. 1: Definition of Motor Vehicle Fuel Tank.

We believe there are at least two possible definitions of "motor vehicle fuel tank" as it is used in Sections 25284 and 25284.1 of AB 1362. One definition would require that the primary intended use of the material in the tank would be to fuel a motor vehicle. A second definition would only require that the stored material only be capable of fueling a motor vehicle but the actual use would not be questioned.

In responding to this, there are two technical issues you should consider. First, examples of a tank which would become a motor vehicle fuel tank under the second definition and not under the first would be gas or diesel tanks for fueling fixed generators or pumps and propane tanks for non-motor vehicle use. Second, the inventory monitoring required in Section 25284(a)(7) and 25284.1(b)(3) will include the use of approved retail sales meters which typically exist at only retail service stations or motor vehicle fueling facilities. This fact will eliminate the ability to utilize the new construction standards in Section 25284(a)(7) or alternate monitoring of Section 25284.1(b)(3) except facilities which would qualify under the first proposed definition.

Issue No. 2: Definition of a Motor Vehicle

This question may not be as controversial; however, some clarification is needed. It is obvious that cars, trucks, motorcycles and buses are motor vehicles, but we are not sure if boats or planes should be included.

H. Dugan

Issue No. 3: Responsibility for State Agencies to Pay Fees

Pursuant to AB 1362 and AB 2013, a surcharge or filing fee is required for each tank. State and local agencies have questioned if they are subject to these fees.

Issue No. 4: Radioactive Materials

Owners of tanks storing radioactive materials are questioning the applicability of both AB 1362 and AB 2013 to their facilities. They claim that Federal law preempts state or local regulation of radioactive materials.

Issue No. 5: Unauthorized Release Reporting Requirements

Sections 25284.3 and 25284.4(a) of AB 1362 specify certain reporting requirement in cases of leakage from the primary containment. It is clear that these sections are applicable to tanks with secondary containment (i.e., new tanks) but it is unclear as to their applicability to tanks without secondary containment (i.e., existing tanks).

I believe that these sections in conjunction with Sections 25284.4(c) and 25285(b) require the reporting of any release from a tank that does not have secondary containment. The lack of a secondary containment system at existing sites implies that any leak from a primary tank also escapes from secondary containment and becomes a reportable release pursuant to Section 25284.4(a).

ORIGINAL SIGNED BY

Harold Singer
Division of Technical Services

HSinger/lmsanborn
4/9/84

f. Mini-memo to Kathy Keber;
From Kathy Harder; May 8,
1984; Subject: Aviation Tank
Exemptions

STATE OF CALIFORNIA

MINI-MEMO

STD 100-B (REV. 9-70)

TO:

Kathy Keber

SUBJECT:

UGT

Aviation Tanks II.B.1.f.

DATE

5/8/84

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RETURN TO

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AB 1362 (sher) Sect 25280 (m) (3)
exemptions - do aviation tanks need to
be w/in one mile of a farm to be
exempt. Jim Miller. not San Joaquin Co
Enforces mental health needs this info ASAP

He can be reached between 8:30-5:00
4:30-5:00 on Wed 5/9. His # is
(209) 466-6781 ext 81

Thanks Kathy H
Yes - The tanks must be located w/in 1 mile of farm ("aviation or motor
vehicle" modified fuel)

SIGNED

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ADDRESS

DATE

Tanks [used for aviation or motor fuel] located w/in 1 mile of a farm
(over)

SEND PARTS 1 AND 3 INTACT - PART 3 WILL BE RETURNED WITH REPLY

OSP

g. To Roger Johnson; From
Kathy Keber; May 9, 1984;
Subject: Insurance
Requirements in neither Sher
nor Cortese Bill

IV 120 1.12

State of California - STATE WATER RESOURCES CONTROL BOARD		DATE: May 9, 1984
FROM: Kathie Keber	DIVISION/REGION: OCC	PHONE:
INTERNAL MAIL DELIVERY		
9th & O	Cadillac Drive	19th & V
☐ EXECUTIVE OFFICE	☐ DIV. of WATER RIGHTS	☐ SPECIAL PROJECTS
☐ Office of Legislative & Public Affairs	☐ Legal Annex	☐ Legal Annex
☐ Office of Chief Counsel	☐ Office of Water Recycling	☐ Business Services (DAS)
☒ Div. of Technical Services	☐ Reproduction, Mail & Supply (DAS)	☐ DIVISION CHIEF (DAS)
Roger Johnson	MAY 10 1984 DIVISION OF TECHNICAL SERVICES	
☐	☐	☐ FISCAL & PRGM. EVAL. BR.
☐	☐	☐ Accounting Office
ACTION		☐ Budget Office
☐ Appropriate Action	☐ Signature	☐ Let's Discuss
☐ Appropriate Posting	☐ Reply - Copy to Me	☒ Per Your Request
☐ Appropriate Routing	☐ Review & Return	☐ Information
☐ Approval	☐ Comments	☐ File
COMMENTS		☐ Program Analysis Office
Neither. She: no Consent requires insurance.		☐ DATA MGMT. BR.
Under the Public Records Act, he could		☐ ADMIN. SERVICES BR.
get the names & addresses of those filing		☐ Contracts Office
HSSS & contact them directly. It would		☐ Mgmt. Analysis
be inappropriate for State Bd' to be involved.		☐ Word Processing Center
U.S. POSTAL SERVICE		☐ PERSONNEL & TRAINING BR.
☐ EPA Region IX, 215 Fremont, San Francisco	☐ WATER QUALITY CONTROL INSTITUTE (San Marcos)	
REGIONAL WATER QUALITY CONTROL BOARDS		
☐ 1 - SANTA ROSA	☐ 5 - SACRAMENTO	☐ 6 - VICTORVILLE
☐ 2 - OAKLAND	☐ 5 - FRESNO	☐ 7 - PALM DESERT
☐ 3 - SAN LUIS OBISPO	☐ 5 - REDDING	☐ 8 - RIVERSIDE
☐ 4 - LOS ANGELES	☐ 6 - SO. LAKE TAHOE	☐ 9 - SAN DIEGO
☐	☐	☐

h. To Harold Singer; From
Craig Wilson; June 7, 1984;
Subject: AB 1362 and AB 2013
Issues

Memorandum

Harold Singer
Division of Technical Services

Date : MAY 7 1984

From : OFFICE OF THE CHIEF COUNSEL
STATE WATER RESOURCES CONTROL BOARD

Subject: AB 1362 AND AB 2013 ISSUES

This is in response to several issues raised in your memorandum dated April 10, 1984.

ISSUES

Are planes and boats included in the phrase "motor vehicle"?

RESPONSE

No.

DISCUSSION

The phrase "motor vehicle" is not defined in either the Cortese or Sher bills. However, Health and Safety Code Section 25280(m) defines underground storage tanks for the purposes of AB 1362. It includes an exception for "tanks used for aviation or motor vehicle fuel...." [Health and Safety Code Section 25280(m)(3)] Since the Legislature distinguished aviation fuel from motor vehicle fuel, it presumably did not consider an airplane to be a type of motor vehicle.

This is consistent with the definitions contained in the California Vehicle Code. A "motor vehicle" is a vehicle which is self-propelled. (Vehicle Code Section 415) A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively

¹ On the basis of analogy the interpretation of a doubtful statute may be influenced by language of other statutes which are not specifically related, but which apply to similar persons, things or relationships. (Sutherland, Statutes and Statutory Construction, 4th Edition, Vol. 2A, Section 53.03)

JUN 1 1984

by human power or used exclusively upon stationary rails or tracks. (Vehicle Code Section 670) Under this definition, neither an airplane nor a boat would be a motor vehicle. However, the term has been found to include motor trucks, truck tractors, snowmobiles, motorcycles, mobile cranes or mobile truck cranes, motorized forklifts and bulldozers. (People v. Jordan (1977), 142 Cal.Rptr. 401, 75 C.A.3rd Supp. 1)

ISSUE

What is an appropriate definition of the phrase "tank for motor vehicle fuels" which is used in Health and Safety Code Section 25284 and Section 25284.1?

RESPONSE

A tank for motor vehicle fuels is a tank that contains a product which is intended to be used primarily to fuel motor vehicles.

DISCUSSION

A question has arisen as to whether a motor vehicle fuel tank would include tanks containing product that is capable of fueling a motor vehicle, e.g. gas, diesel or propane, but which is actually intended for another use such as fueling a fixed generator or pump. Such an interpretation of the statute would be inappropriate. If the Legislature had intended to establish special standards for tanks containing gas, diesel or propane, no matter what the intended use of the fuel was, presumably it would not have limited the term "fuel" to motor vehicle fuels.

In any event, it should be noted that Health and Safety Code Section 25284.1(b)(3) requires daily gauging and inventory reconciliation for monitoring tanks containing motor vehicle fuels. Since daily gauging and the use of meters to track inventory typically takes place only at retail service stations or motor vehicle fueling facilities, the alternate methods of compliance with the Sher bill which were established for tank with motor vehicle fuels may only, as a practical matter, be available for those tanks intended to be used primarily to fuel motor vehicle fuels.

ISSUE

Are the reporting requirements for unauthorized releases which are contained in Health and Safety Code Section 25284.3 and Section 25284.4(a) applicable to existing tanks which do not have secondary containment?

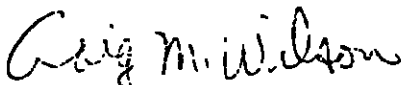
RESPONSE

No, unless the unauthorized release increases the hazard of fire or explosion. However, other sections of this legislation can serve as the basis for State Board regulations mandating that all permits contain a condition requiring the reporting of unauthorized releases.

DISCUSSION

Health and Safety Code Section 25284.3 states that any unauthorized release from primary containment which, among other things, does not escape from the secondary containment, shall be recorded in the operator's monitoring reports. Health and Safety Code Section 25284.4(a) states in part that an unauthorized release which escapes from secondary containment, increases the hazard of fire or explosion, or causes any deterioration of the secondary containment shall be reported by the operator to the local agency.

The wording of these statutes indicates that they do not apply to tanks without secondary containment, unless the unauthorized release increases the hazard of fire or explosion. Ideally, an amendment to the existing legislation should be pursued since it is illogical at best that an operator would have to report an unauthorized release from a secondary container but would not have to report an unauthorized release from a tank that does not have a secondary container. However, even in the absence of clarifying legislation, the State Board has authority to adopt regulations mandating that all permits contain a condition requiring the reporting of unauthorized releases. Such a condition, in conjunction with a requirement that local agencies forward this information to the State Board would aid the State Board in fulfilling its statutory responsibility to submit an annual statewide report by county, to the Legislature, of all unauthorized releases. (Health and Safety Code Section 25284.4(b)) In addition, the State Board must develop regulations specifying monitoring methods for existing tanks. Such monitoring would logically require the reporting of authorized releases so that appropriate action can then be taken to remedy the situation.



Craig M. Wilson
Staff Counsel III

i. To Harold Singer, Mike
Falkenstein; From Craig
Wilson; June 7, 1984; Subject:
Definition of term, "Form"

Memorandum

HS

IT 504.10

Harold Singer
Division of Technical Services

Date : June 26, 1984

OFFICE OF THE CHIEF COUNSEL

From : STATE WATER RESOURCES CONTROL BOARD

JUN 27 1984

Subject: DEFINITION OF THE TERM "FARM" AS USED IN HEALTH AND SAFETY CODE SECTION 25280(m)(2) (SHER BILL) AND WATER CODE SECTION 13174 (CORTESE BILL)

The phrase "underground storage tank" for purposes of the Sher bill specifically excludes "tanks which are located on a farm and store motor vehicle fuel which is used only to propel vehicles used primarily for agricultural purposes." [Health and Safety Code Section 25280(m)(2)]. Also, hazardous substance storage statements, for purposes of the Cortese bill, need not be filed with the State Board prior to October 1, 1984 (as opposed to the July 1, 1984 deadline for all other underground containers) for underground farm storage tanks storing fuel (Water Code Section 13174). A question has arisen as to what facilities are encompassed in the term "farm" since neither the Sher nor Cortese bills define a farm. More particularly, representatives of the California Association of Nurserymen and the Association of California Loggers have inquired whether a nursery or timber harvest area is considered a farm for purposes of these bills.

The California Food and Agricultural Code defines a farm for the purposes of California Seed Law as a place of agricultural production of food or fiber which has annual sales of agricultural products of \$1,000 or more. (Food and Agricultural Code Section 52262.) 1/ Under this definition, if a nursery were considered a place of agricultural production and had annual sales of agricultural products of \$1,000 or more, it would be a farm unless it produced strictly ornamental plants that are not "food or fiber." 2/

1. On the basis of analogy the interpretation of a doubtful statute may be influenced by language of other statutes which are not specifically related, but which apply to similar persons, things or relationships. (Sutherland, Statutes and Statutory Construction, 4th Edition, Vol. 2A, Section 53.03.)
2. There is presently a bill pending in the Legislature (AB 2298, Condit) which would delete the words "of food or fiber" from this definition. If this bill becomes law, even a nursery which produces strictly ornamental plants would come under the definition of farm as long as it has annual sales of agricultural products of \$1,000 or more.

June 26, 1984

Under this definition, a timber harvesting area would not be a farm since it does not produce "food or fiber". 3/

The Food and Agricultural Code does not contain a specific definition of the terms "agricultural production" or "agricultural products" which are used in the definition of the word "farm". However, in a section of the Food and Agricultural Code dealing with the marketing of agricultural products, "product" is defined as including any horticultural, viticultural, forestry, dairy, livestock, poultry, bee or farm product. (Food and Agricultural Code Section 54004.)

Therefore, in the absence of any more clarification in the Sher or Cortese bills themselves, the following definition of a "farm" should be used: A farm is a place of agricultural production of food or fiber which has annual sales of agricultural products of \$1,000 or more. Agricultural products include any horticultural, viticultural, forestry, dairy, livestock, poultry, bee or farm product. 4/

for
Shirley Harvey
Craig M. Wilson
Staff Counsel III

cc: Mr. Lanny Walker
California Association of
Nurserymen
1419 21st Street
Sacramento, CA 95814

Mr. Ed Ehlers
Association of California Loggers
555 Capitol Mall, Suite 745
Sacramento, CA 95814

3. If the definition of "farm" is revised to delete the words "of food and fiber" as discussed in Footnote 2 above, a timber harvesting area would be a farm if it was considered a place of agricultural production and had annual sales of agricultural products of \$1,000 or more.
4. If AB 2298, which deletes the words "of food or fiber" from the definition of a farm in the Food and Agricultural Code becomes law, this definition of a farm for purposes of the Sher and Cortese bills should be revised accordingly.

j. To Ed Anton; From Kathleen
Keeber; July 19, 1984;
Subject: Amendment to
underground tank regulations
to provide for state board
review of local programs
implementing Health and Safety
Code section 25280 et seq.
(Sher Bill)

Memorandum

Kathy
III. 13 at 10 jo

: Ed Anton, Chief
Division of Technical Services

Date : July 19, 1984

From : OFFICE OF THE CHIEF COUNSEL
STATE WATER RESOURCES CONTROL BOARD

Subject: AMENDMENT TO UNDERGROUND TANK REGULATIONS TO PROVIDE FOR STATE BOARD REVIEW OF LOCAL PROGRAMS IMPLEMENTING HEALTH AND SAFETY CODE SECTION 25280 ET SEQ. (SHER BILL).

Pursuant to your request, the following language is proposed for inclusion in the proposed regulations (Subchapter 16, Article 1. General).

Section 2611. Local Program Review

The Board will review and evaluate the ordinances and permitting programs of local agencies in order to report to the Legislature concerning the status of the statewide underground storage tank program.

Kathleen A. Keber
Kathleen A. Keber
Staff Counsel II

k. To Roger Johnson; From
Craig Wilson; August 21, 1984;
Subject: Legal issues and
Responses UGT Program

Memorandum

To : Roger Johnson
Division of Technical Services

Date : August 21, 1984

OFFICE OF THE CHIEF COUNSEL

From : STATE WATER RESOURCES CONTROL BOARD

Subject: UNDERGROUND TANK PROGRAM (AB 1362 -- SHER)

You have requested a brief response to the following legal issues which were raised at a Budget Review Committee meeting regarding underground tanks storing hazardous substances.

1. Issue: Are local agencies required by AB 1362 to handle the clean up of an unauthorized release of hazardous substances from an underground storage tank?

Response: No. AB 1362 refers to the clean up of unauthorized releases in two sections. Health and Safety Code Section 25285 states: .

"The local agency may request the following agencies to utilize that agency's authority to remedy the effects of, and remove, any hazardous substance which has been released from an underground storage tank.

(a) The department which may take action pursuant to Chapter 6.8 (commencing with Section 25300) and, for this purpose, any unauthorized release shall be deemed a release as defined in Section 25320.

(b) A regional water quality control board may take action pursuant to Division 7 (commencing with Section 13000) of the Water Code and, for this purpose, the discharged hazardous substance shall be deemed a waste as defined in subdivision (d) of Section 13050." (Emphasis added.)

In addition, Health and Safety Code Section 25284.4(b) states:

"In cooperation with the Office of Emergency Services, the Board shall submit an annual statewide report by county, to the Legislature of all unauthorized releases, indicating for each unauthorized release the operator, the hazardous substance, the quantity of the unauthorized release, and the actions taken to abate the problem "

August 21, 1984

Therefore, AB 1362 seems to leave it to the discretion of a local agency to decide whether to use its own authority, such as its general police power responsibility to prevent public nuisances, or to request the Department of Health Services or a regional board to take responsibility for seeing that a clean up takes place. DOHS action pursuant to the Hazardous Substance Account Act would probably have to be coordinated with federal action under CERCLA (Comprehensive Environmental Response Compensation and Liability Act). Due to the time delays involved in taking such action, it is most likely that local agencies would either orchestrate the clean up themselves or seek regional board action such as the issuance of a cleanup and abatement order or cease and desist order.

2. Issue: Should waste discharge requirements be adopted for all leaking tanks?

Response: Legally, requirements may be adopted provided jurisdiction is present as specified below. Conversely, requirements may be waived in certain instances when in the public interest. From a practical standpoint, it may be advisable to adopt waste discharge requirements so that regional boards can collect filing fees with a report of waste discharge. This will allow the boards to recover some of the costs which they will be incurring in overseeing the clean up of the unauthorized release.

In order to require a report of waste discharge and to adopt requirements, there must be a discharge or proposed discharge of waste that could affect the quality of the waters of the State. (Water Code § 13260.) In many instances the proposed clean up may involve a discharge, i.e., to a surface water, that would make adoption of waste discharge requirements appropriate. In other cases, the regional board may be adopting requirements before the method of clean up has ever been decided. In this case, jurisdiction can be asserted if the unauthorized release is continuing in a manner that could affect the waters of the State.

3. Issue: Does the State Board have authority to review local programs implementing the Sher bill or to review local ordinances adopted prior to January 1, 1984 which result in local agencies being exempt from the provisions of the Sher bill?

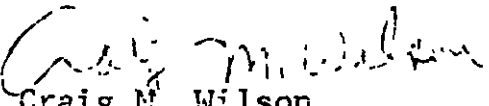
Response: The Sher bill does not explicitly direct the State Board to undertake review of either local programs implementing the State Board regulations or of local programs adopted prior to January 1, 1984 and therefore exempt from the State Board regulations. In fact, argument can be made that the intent of the bill, at least relative to those local agencies which adopted their own ordinances prior to January 1, 1984, was to establish that those agencies were not subject to the regulations, and thus the oversight of the State Board.

August 21, 1984

On the other hand, Health and Safety Code Section 25284.4(b) requires the State Board to submit an annual statewide report by county, to the Legislature, of all unauthorized releases, indicating for each unauthorized release the operator, the hazardous substance, the quantity of the unauthorized release, and the actions taken to abate the problem. Argument could be made that in order to report on unauthorized releases, the State Board needs to review the ability of local programs to assess the occurrence of unauthorized releases either via their implementation of the State Board regulations or via implementation of their own program. Furthermore, the local agency exemption only applies where the local program meets specified requirements in AB 1362. Oversight may be necessary to determine if the exemption is valid. Any argument for oversight authority must be weighed against the general principle that administrative agencies have no powers, express or implied, except those powers which have been granted to them. Implied powers will be inferred only to the extent that they are already within the scope of express powers and absolutely essential to fulfillment of the declared objects of the enabling authorizations of the agency. (2 Cal.Jur.3d, Administrative Law § 39.) This principle obviously cuts against a position of oversight of local programs.

4. Issue: If a regional board concurs in a tank owner's clean up proposal, does the State incur any liability if the clean up effect is not successful?

Response: This issue has not yet been litigated and would require a more detailed analysis than the timing of your inquiries permits. The State would, of course, argue that it is immune from such liability. Litigation is currently pending regarding the Stringfellow disposal site in Southern California. One of the issues involved therein is the alleged liability of the State for some of the clean up costs since the regional board had issued waste discharge requirements for the site. A court resolution of this issue may establish at least some precedent regarding the issue of state liability for concurrence in a clean up proposal.


Craig M. Wilson
Staff Counsel III

cc: Mike Falkenstein
Division of Technical
Services

1. To Craig Wilson; From Randy
Kanouse; September 17, 1984;
Subject: UGT Legislation,
Authority of State to Regulate
Underground Tank on Federal
Facilities

Memorandum

Craig Wilson

Date : September 17, 1984

From : **STATE WATER RESOURCES CONTROL BOARD**

Subject : UNDERGROUND TANK LEGISLATION

I received a call from George Wanbrocke, with the U.S. Navy at Port Hueneme, California, concerning Chapters 1045 and 1046, Statutes of 1983. Specifically, he questioned whether California has the authority to regulate underground tanks on federal facilities.

The statutory language in question is the phrase "Person includes the United States, to the extent authorized by federal law" which appears at 13050(d) of the Water Code and 25281(h) of the Health and Safety Code (AB 3565 was signed into law last week adding this phrase to the Health and Safety Code).

Mr. Wanbrocke asserts that the federal Clean Water Act provides no authority for state regulation of federal facilities to either prevent or respond to ground water pollution. He also claims no other federal statute provides the states such authority in the area of ground water pollution.

Although the Navy wants to comply with state laws intended to provide greater protections for ground water quality, Mr. Wanbrocke stated they must also act consistent with the law concerning federal sovereignty.

His concluding remarks were slightly ambiguous, but he seemed to say that his facility, and any others under his authority, would not comply with either Chapter 1045 or 1046 until federal law so authorized. His phone number is (805) 982-4984.

If we differ with his interpretation of federal law, we should so advise him. If we conclude that he may be correct, we should consider what changes in federal law are required and propose they be made. Please let me know what you conclude.


Randele Kanouse
Office of Legislative
and Public Affairs

cc: Roger Johnson

m. Draft memo to Randy Kanouse; From Craig Wilson; October 9, 1984; Subject: Applicability of State Groundwater Protection Requirements to Federal Entities

*JWR: Given our workload
I question why we are
writing Randy. 1.0 m.a.
2. Roberts (12-2-84)
H.B. 1. m.*

DRAFT - JWRichards/rlawrence - 10/9/84

To: Randy Kanouse
OLPA

From: Craig M. Wilson

Subject: APPLICABILITY OF STATE GROUNDWATER PROTECTION REQUIRE-
MENTS TO FEDERAL ENTITIES

At your request John Richards contacted George Wanbrocke at the Naval Energy and Environmental Support Activity, Port Hueneme, California to discuss the State Board's underground tank registration and regulation program.

Wanbrocke is a "legislative analyst" (paralegal research assistant) for the legal staff of the Activity. The Activity provides environmental policy advice and guidance to naval facilities worldwide. Wanbrocke raised two issues:

Issue 1: Is fuel a hazardous substance under the Cortese bill
(existing tank inventory)?

Discussion: Water Code § 13173 defines "hazardous substance" by references to designations according to all the usual federal environmental protection statutes (Clean Water Act, RCRA, CERCLA, TSCA, etc.) and to §25316 of the Health and Safety Code and § 6382 of the Labor Code. Section 25316 seems to exclude petroleum products from the definition of hazardous substance, unless particular petroleum products are designated as hazardous (by reference to Section 25317). It will take some time and effort to track down

groundwater protection requirements on federal entities?

under state
underground
bank laws
business

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Craig M. Wilson
Staff Counsel III

All Regional Boards

OCT 9 1973

Attention Executive Officers

Oil Spill Enforcement Actions

The purpose of this memorandum is to provide guidance to you regarding oil spill enforcement actions. These enforcement actions involve two main issues: when should the staff bring an enforcement action to the Board and what evidence should be introduced into the record. Each of these issues are discussed below after a review of the scope of the law.

DISCUSSION

(1) Scope of the Law

Water Code Section 15350 provides in substance that a regional board, after notice and hearing, may request the Attorney General to seek in the superior court a civil penalty of up to \$6,000 per day for each day in which a person deposits oil in the waters of the State, except in accordance with waste discharge requirements. In 1972 the Water Code was amended by the addition of Chapter 5.5 to Division 7 in order to obtain the NPDES permit program. Section 15355 provides for a civil penalty of up to \$10,000 per day when there is a discharge of pollutants except as permitted by waste discharge requirements. Section 15373 provides that the definition of pollutants as used in Chapter 5.5 is the same as the definition used in Section 502(6) of the Federal Water Pollution Control Act (FWPCA).

The word "pollutants" as defined in the federal act does not include "oil" because oil spills are covered in Section 311 of the act which was adopted in 1970 and contains its own definitions and special procedures. However, the word "pollutants" is defined to include "chemical wastes". Since "oil" is a chemical and any discharge of oil to waters of the State is a waste, the discharge of oil to waters of the State is by definition a discharge of pollutants. Therefore any discharge of oil to surface water, except as permitted by requirements, is a discharge of pollutants prohibited by Section 15355 for which the board may request a civil penalty of up to \$10,000 for each day in which the spill occurs. Furthermore since most oil spills result from broken pipelines or from valves which are left open, they are not covered by requirements.

URNAME

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n. Draft memo to Carole
Onorato; From William R.
Attwater; December 20, 1984;
Subject: Deadlines for
Subchapter 16 Rulemaking
Process

Handwritten: 12/20/84

DRAFT - JWRichards/rlawrence - 12/20/84

To: Carole A. Onorato
Chairwoman

From: William R. Attwater
Chief Counsel

Subject: DEADLINES FOR THE SUBCHAPTER 16 RULEMAKING PROCESS

You have asked for an opinion on the following questions:

1. Should the Board defer adoption of the proposed regulations, as currently constituted (together with any substantive changes necessary to accommodate concerns raised during the 15-day comment period which began on November 9, 1985) until 1985?
2. Can those provisions of the proposed regulations which will be affected by 1984 legislative changes to the underground storage tank chapter of the Health and Safety Code be severed from the unaffected provisions without crippling the proposed regulatory program?

Conclusions:

1. The Board should not defer adoption of the regulations implementing the 1983 Sher bill as presently constituted until 1985, when legislative changes made during 1984 will take effect because parts of the currently proposed regulations will be inconsistent with the Sher bill, as amended.

2. Based on detailed analysis of the regulations affected by the 1984 changes in Chapter G7[?] of Division 20 of the Health and Safety Code (Underground Storage of Hazardous Substances) it would be possible to sever provisions affected by the 1984 statutory amendments from the remainder of the proposed regulations without compromising the integrity of the remaining provisions.

Discussion:

Section 11349.1 of the Government Code establishes six criteria for the review of administrative regulations by OAL. One of the criteria is consistency, which, according to Government Code Section 11349(d) means "being in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or other provisions of law."

OAL has assigned staff to track legislative developments which could effect the rulemaking process of regulatory agencies involved in the toxics area, and is aware of the 1984 changes to the underground storage statutes. OAL would be justified in disapproving regulations which were inconsistent with underlying statutory authority when adopted. Several provisions of the 1984 amendments significantly alter the requirements which have been interpreted and implemented by the proposed regulations. For example, subsection 25284(a)(7) of the original Sher bill allowed the installation of new motor vehicle fuel tanks without the kind of secondary

containment required for other new tanks provided that the motor vehicle fuel tanks were subjected to the same monitoring required for existing motor vehicle fuel tanks (inventory reconciliation and tank testing). The analogous provisions of the amended Sher bill still allows motor vehicle fuel tanks to be installed with less stringent containment, but requires a continuous leak detection system. The proposed regulations for new motor vehicle fuel tanks cannot provide detailed guidance for implementing the original Sher bill without being inconsistent with the amended Sher bill; and cannot be consistent with the amended law without going beyond the scope of the rulemaking notice dated August 24, 1984. Persons reading that notice could reasonably anticipate regulations relating to inventory reconciliation and tank testing to be applicable to new motor vehicle fuel tanks, but they could not be expected to foresee requirements for continuous monitoring.

It may be that this significant change in the substantive provisions of the law was the result of inadvertence (failure to revise cross references in the sections of the Health and Safety Code relating to new motor vehicle fuel tank standards when the list of monitoring alternatives for existing tanks was amended). If so, OAL would require documentation of the error before approving regulations based on the original Sher bill.

William R. Attwater
Chief Counsel

o. To William Attwater; From
John Richards; January 15,
1985; Subject: UGT
Registration by Department of
Interior Facilities

Memorandum

File
III 10 13 15 85

: William R. Attwater
Chief Counsel

Date : January 15, 1985

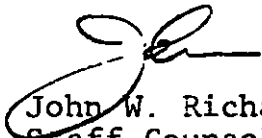
Walter G. Pettit
Deputy Executive Director

OFFICE OF THE CHIEF COUNSEL
From : **STATE WATER RESOURCES CONTROL BOARD**

Subject: **UNDERGROUND TANK REGISTRATION BY DEPARTMENT OF INTERIOR FACILITIES**

Alfred Johns of the Solicitor's Office of the Department of Interior has confirmed that all clients (BLM, Indian Affairs, Park Service, Bureau of Reclamation) were advised that Water Code § 13173 applied to tanks owned/operated by federal government agencies, and that such agencies should register. Registration forms were provided to affected field offices.

Johns reported that all field offices contacted following our conversation on Wednesday (January 9, 1985) complied with the registration requirements in timely fashion.


John W. Richards
Staff Counsel II

p. To William Attwater, Harry
Schueller; From Randy Kanouse;
January 17, 1985; Subject:
Response to Assembly Member
Waters' October 22nd letter

Memorandum

: William Attwater
Harry Schueller

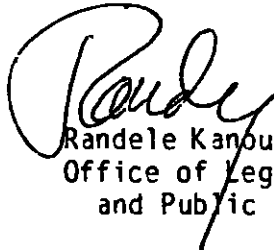
Date : January 17, 1985

From : **STATE WATER RESOURCES CONTROL BOARD**

Subject : RESPONSE TO ASSEMBLY MEMBER WATERS' OCTOBER 22ND LETTER

Janice Strong, of the Legislative Office at CDFA, called to say "agricultural production" as used in the statutory definition of the term farm (section 52262 of the Food and Agriculture) is not further defined in their regulations. However, she gave me a definition that CDFA uses in policy statements. Agricultural production is the "growing and raising of crops and livestock or poultry for food and fibre uses." This is a precise quote.

This appears to be consistent with the definition that is contained in Craiq's June 26th memo on this subject. Thus, by either our staff's definition or CDFA's, a cotton ginning operation would not be considered a farm.



Rande Kanouse, Chief
Office of Legislative
and Public Affairs

cc: Craig Wilson
John Richards

q. Mini Memo to Kathy Keber;
From Kathy Harder; no date;
Subject: AB 1362 Applicability
to Federal Government

STATE OF CALIFORNIA
MINI-MEMO
STD 100-B (REV. 9-70)

TO

Kathy Weber

SUBJECT

AB1362

12.13.19.

DATE

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Y

Wm. Randall of the US Defense Dept
(202) 274-6989 wants to know if the
Federal Gov't must comply w/ AB1362.
I told him the fed. gov't was not
specifically included or excluded

And I would get a legal opinion.
5/3 Spoke to Randall.

1 - "Person" includes any city, county, dist, the state or any dept or agency thereof
325280(e). Includes means other gov. agencies & federal may also be a "person"

Kathy 5-7769
2 - Federal Clean Water Act 3313 says fed agencies must comply w. state &
local reg. to the same extent as any nongovernmental ^{entity} agency

SIGNED

ADDRESS

DATE

SEND PARTS 1 AND 3 INTACT — PART 3 WILL BE RETURNED WITH REPLY

r. To Edward C. Anton; From
Kathleen A. Keber; July 19,
1984; Subject: Amendment to
UGT Regulations to Provide for
State Board Review of Local
Programs (missing)

2. Technical Memoranda

a. To F. K. Aljibury; From
Michael A. Campos; January 26,
1984; Subject: Santa Clara
County Hazardous Materials
Storage Permit Ordinance and
Groundwater Monitoring
Guidelines

IV, B, 2.9

B18
Internal
Memo

F. K. Alibury

JAN 26 1984

Santa Clara County Hazardous Materials Storage Permit Ordinance and Ground Water Monitoring Guidelines

Based on a discussion with you at the recent Association of California Water Agencies Conference, Mr. Daniel F. Kriege, Operations and Maintenance Manager for the Santa Clara Valley Water District (the District), sent the Board copies of the Santa Clara County Model Hazardous Materials Storage Permit Ordinance (the Ordinance) and Ground Water Monitoring Guidelines (the Guidelines). The model ordinance has been approved by the Santa Clara County Intergovernmental Council and adopted, with very little change, by 12 of the 16 cities in Santa Clara County. All of the cities which have accepted the Ordinance are using the District's Guidelines.

The major provisions of the Ordinance and the Guidelines are as follows:

- o Definition of Materials - Those materials subject to the Ordinance are Hazardous and/or extremely hazardous as defined in Federal and State law.
- o Containment Standards - The issuance of a permit is subject to the submission and approval of appropriate plans and other information that the design and construction of the storage facility will be suitable for the hazardous material(s) to be contained therein. A monitoring system, capable of detecting that the hazardous material stored in primary containment has entered the secondary containment, is required.
- o Monitoring at Existing and New Facilities - All existing and new facilities must be monitored in accordance with a plan approved by the appropriate agency. The monitoring plan should include visual inspection of the primary containment (wherever practical) and/or may include, but is not limited to: (i) pressure testing of piping systems, (ii) ground water monitoring well(s) which are down gradient and adjacent to the storage facility, (iii) vadose zone monitoring using vapor monitoring, suction lysimeter, and/or passive monitoring devices, and (iv) analysis of soil boring(s) at the time of installation of the well.

SKF 1/18/84

1/19/84

R. A. ALIBURY
1/19/84
1/23/84

1/23/84

JAN 26 1994

- a Development of a Hazardous Materials Management Plan (HMMP) - A HMMP which demonstrates the safe storage and handling of hazardous materials is required.
- c Development of a Hazardous Materials Inventory Statement (HMIS) - A HMIS is required. Alternatives are presented in the HMIS to protect company "trade secrets" and still provide the regulating agency with the necessary information for any emergency response.

At present, the cities in Santa Clara County are "gearing up" to implement the Ordinance. The HMMP's for regulated sites are being submitted for review and development of ground water monitoring facilities is scheduled to start in 1994. A well drilling permit must be obtained for each well installation, unless excepted prior to its construction. The District is prepared to begin accepting permit applications under this program.

In general, the Ordinance has gained acceptance by the three industries primarily affected: (i) electronics, (ii) petroleum, and (iii) agriculture. The petroleum industry was primarily concerned with the double containment requirement. Agriculture felt there was little need to monitor their gasoline storage tanks due to the relatively low number and their limited potential for contaminating large-scale domestic drinking water sources. Because it was not addressed in the Ordinance, there was general concern among the regulated industries that once ground water contamination was found at a specific site, the underground facilities would be removed immediately without evaluating the problem completely. Industry recommended that a systematic method be included in the regulations for assessing the extent of a contamination problem and developing alternatives for remedial measures and clean-up solutions. Methods of applying these recommendations are currently being considered by the District as an addition to the Ordinance.

Original and By:

Michael A. Campos
Executive Director

bcc: Roger Johnson
Mike Falkenstein

Steve Fagundes
Kathy Harder

SFagundes:devans
1/19/94

EA-L6

b. To Edward C. Anton et al.,
From Kathy Harder; January 27,
1984; Subject: Western Oil and
Gas Association's request to
meet with Underground Tank
Task Force

Memorandum

D-4
C
II. 2, 4, 6,

Date : JAN 27 1984

Underground Tank Task Force:

Ed Anton	Harold Singer
Roger Johnson	Bud Eagle
Mike Falkenstein	Kathy Keber

From : STATE WATER RESOURCES CONTROL BOARD

Subject: Western Oil and Gas Association Meeting

Mr. Ray Quелlette of Shell Oil Company and Chairman of Water and Waste of Western Oil and Gas Association wants to meet with the Underground Tank Task Force to discuss the underground tank regulations. Representatives from Chevron, Getty and independent oil companies will also attend. The meeting is scheduled for Wednesday, February 1 at 10:00 am in conference room 153.

Kathy

Kathy Harder
Hazardous Waste Unit

c. To Board Members, Michael
A. Campos, et al., From Ken
Willis; March 20, 1984;
Subject: Brief Report on the
Los Angeles Regional Board
Meeting on March 19 and
request for legislation
updates

Memorandum

To : Board Members
Mike Campos
Bill Attwater
Walt Pettit
Harry Schueller
Stephanie Bradfield

Date : March 20, 1984

From : STATE WATER RESOURCES CONTROL BOARD

Subject :

This is just a brief report on the Los Angeles Regional Board meeting on March 19. Two issues were brought to my attention by the Regional Board members which were of importance to us.

The first issue was the Regional Board members are very interested in receiving legislative updates from the State Board primarily due to bills introduced by Katz, Tanner, and the Sher clean-up legislation dealing with underground tanks. Therefore, it would be helpful if Regional Board members could receive some information on legislation of import to us in Sacramento on a more regular basis. The new Board members were curious as to whether or not they could receive the weekly "news clips" that are provided to the State Board members.

Second, Region 4 Board members were quite concerned over the duplication of underground tank forms to tank operators. Primarily, this involves their own program as well as our program under Cortese. The Region 4 Board would appreciate it if they could send our form out to underground tank owners in the Los Angeles and Ventura areas. I do not know how this would fit with our mandate to collect a \$5.00 fee from each of these individuals, but certainly there should be some discussion between our staff and Bob Ghirelli as to the plausibility of this suggestion.

I might also mention that three of the Board members felt strongly that a formal resolution should go from their Board to the Governor's office complaining about the duplicity being caused (in their view) by our State Board for underground tank forms. No formal vote was taken on such a resolution but there still may be some written communication to the Governor's office -- I simply do not know.

In any event, I would appreciate Mike Campos talking to Bob Ghirelli regarding the duplicity of forms issue. We do want to make sure that we can provide Region 4 with a written rationale as to the necessity of the State program. As to whether or not the Regional and State Boards can cooperate in sending out one form, I think that there are some technical and procedural problems which would have to be resolved at a staff level before our Board could consider following that suggestion.

Ken
Kenneth W. Willis
Board Member

STATE OF CALIFORNIA
MINI-MEMO
STD 100-B (REV 9-70)

TO ~~ECB~~ ^{RT.}

SUBJECT:
Underground
Tanks

-1-ECB
-2-RJ

DATE
2/15/84

M 1) We need to update the Board on distribution
E on of staffing and workload pursuant to the BLP
S at the (2/21) informal workshop. Will have to
S again distinguish carefully between Siler/Cortese
A and Porter-Cologne work. You & I should
G handle it ourselves. Can probably use some of
E

RETURN TO

SIGNED

►

WJP

ADDRESS

PHONE

R The info from the BLP as handouts

E 2) I would like an update on progress by
P The Singer Task Force

L CY: Maureen Marche May be changed
Y TO 3/10

I believe we have all this except
#2 please advise
FEB 17 1984
DIVISION OF
TECHNICAL SERVICES

SIGNED

DATE

SEND PARTS 1 AND 2 TO TECHNICAL SERVICES WILL BE RETURNED WITH REPLY

ORP

d. To Walter G. Pettit; From
Edward C. Anton; March 30,
1984; Subject: Status of
Development of Regulations
Implementing UGT Legislation
(AB 1362)

Walt Pettit
Deputy Executive Director

MAR 30 1984

STATUS OF DEVELOPMENT OF REGULATIONS IMPLEMENTING UNDERGROUND TANK LEGISLATION
(AB 1362 - SHER)

The task force established to develop the subject regulations has made significant progress. An initial draft of the regulations should be completed in April 1984. Proceeding from an outline of the table of contents, some of the draft sections have been completed and are being reviewed by the task force.

The task force has had numerous discussions with the representatives of the regulated community, consultants, and developers and suppliers of equipment that may be used to achieve compliance with the regulations. Task force members have attended workshops with environmental health officers and fire officials. It is our intent to continue these discussions throughout the regulation development process. In addition, working sessions will be scheduled with various segments of the regulated community as the regulations which affect them are developed. We have had initial discussions with the retail petroleum industry.

Since local agencies are charged with implementing these regulations, it is essential that we take into account their concern such that they will support the regulations. We intend to hold workshops with local agency representatives, hopefully, prior to the public distribution of the draft regulations. The Regional Boards will also be included at that time in the review and comment process.

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

HSinger/lmsanborn
3/28/84

e. To David E. Cohen; From
Edward C. Anton, April 20,
1984; Subject: Help with UGT
information, Need Assistance
in Responding to Questions,
Phones, Mailing

APR 20 1984

David E. Cohen
Special Projects

Help with Underground Tank Information

The Division of Technical Services has a need for assistance in responding to questions on the underground tank inventory and regulation programs. This assistance is needed to answer an information telephone and provide assistance to the public in response to their questions. Many calls will simply be a request for inventory forms, and the person answering the telephone call should respond by sending the forms.

Necessary qualifications for this position include:

1. The ability to understand the complex underground tank program after a brief review of that program.
2. The ability to handle the public on the telephone and to stay in control under difficult situations.
3. The ability to mail forms and information to persons requesting it.

The Division of Technical Services will need this assistance for approximately one month until another employee can be hired and placed in the position.

The Management Group suggested that Kitty Hightower might be able to provide this assistance.

If Ms. Hightower provides this help, she could do some of her own work, as time permits, while sitting at the desk where the tank information telephone is located. To the extent that Ms. Hightower's regular work cannot be done by her due to this assignment, the Division of Technical Services will assist Special Projects.

Your prompt reply is needed as we are receiving a vast amount of telephone calls already.

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

ECANTON/pjdardis 4/19/84

SURNAME UGI

DWR 540 (REV. 78)

f. Mini Memo to Michael A.
Campos, Walter G. Pettit; From
Edward C. Anton; April 20,
1984 Subject: Briefing Binder
for Board Members

STATE OF CALIFORNIA
MINI-MEMO
STD 100-B (REV 9-70)

TO: Walt Pettit
Mike Campos

IL B.Z.f. File Copy
SUBJECT: Briefing Package
on the underground
bank program

DATE 9/20/84

M Attached is a briefing binder on the
E underground bank program for Board
S member Darlene Ruiz. We will make
S duplicate binders for the other board members
A next week.
G
E

RETURN TO

SIGNED

Walt Pettit

ADDRESS

PHONE

R cc Roger Johnson
E
P
L
Y

SIGNED

ADDRESS

DATE

SEND PARTS 1 AND 3 INTACT — PART 3 WILL BE RETURNED WITH REPLY

08P

g. To Elaine Berghausen,
Program Analysis Office; From
Roger Johnson; June 1, 1984;
Subject: Budget Change
Proposal - attached Budget
Change Proposal

file

IV.B.2.9.

STATE OF CALIFORNIA
MINI-MEMO
STD 100-2 (REV. 9-70)

TO: Elaine Berghausen
Program Analysis Office

SUBJECT: Budget Change Proposal

DATE
6/1/84

M Attached is the budget change proposal for underground tanks. If you have
E any questions, please call me at 2-3133.
S
S
A Attachments
G
E

RETURN TO

SIGNED
► Roger Johnson
Division of Technical Services

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ADDRESS
DATE

SEND PARTS 1 AND 3 INTACT — PART 3 WILL BE RETURNED WITH REPLY

D-E

5/11/84

BUDGET CHANGE PROPOSAL

A. Problem

In recent years, hazardous substances leaking from underground storage tanks have degraded ground water quality in several areas of the State. In Santa Clara Valley (San Jose area), 81 sites (75 percent of the high risk sites surveyed) have been identified where hazardous materials have leaked from underground storage tanks. Some of these leaks have contaminated municipal water supply wells to a degree that their use has been discontinued. (Very low levels, less than 10 parts per billion, of some of these contaminants will render a water unfit for human consumption.) In numerous other cases, contamination exists in shallow ground water aquifers which overlie drinking water aquifers. In these cases, there are indications that the contamination is moving toward the underlying drinking water aquifers. Some commonly used industrial solvents percolate rapidly through tight clay formations—thus, aquicludes or large vertical separations between tanks and ground water provide little or no protection for water supplies. If a correction program is not implemented, widespread contamination of presently used drinking water aquifers will occur.

Legislation enacted in 1983—Chapters 1045 and 1046 (AB 2013, Cortese, and AB 1362, Sher)—provided for underground tank inventory and regulatory programs. Both programs are currently underway. A subsequent Budget Change Proposal (BCP) for FY 1984-85 provided resources for the inventory and regulatory programs. Also included in the BCP were nominal resources for cleanup and enforcement activities.

Numerous cases of ground water contamination have already been discovered by several Regional Water Quality Control Boards (Regional Boards). For instance, in the South San Francisco Bay area, preliminary investigations found 64 sites where either the ground water or the soil immediately above it were contaminated with hazardous substances. In the San Gabriel Valley (Los Angeles County), 76 domestic wells were found to be contaminated with industrial chemicals. The primary source of the contaminants are believed to be leaking underground storage tanks.

Each of these cases of ground water contamination must be investigated and cleaned up. Cleanup includes development of a plan, removal of the contaminants, and monitoring. It is an expensive, time-consuming and staff intensive process for both the responsible party and the Regional Board.

B. Reasons Why Problem Not Being Met With Current Level

The staffing level for cleanup and enforcement approved in the BCP for FY 1984-85 (20.6 SY) was one-half of the estimated need at that time. Information developed by the Regional Boards in the past year has identified many more cases of ground water contamination. The magnitude of the contamination is well beyond what can be addressed with existing staffing.

..

C. Program Objectives

The continuing objectives of the underground tank leak control program are as follows:

1. Complete the statewide inventory of underground tanks by locating and taking appropriate enforcement action against those tank owners who failed to register their tanks during FY 1984-85.
2. Complete the implementation of the statewide permit and monitoring program for underground tanks. Interface with local governments for the interchange and maintenance of permit update information and reporting of leaks or potential leaks.
3. Continue the leak detection, investigation and correction activities begun during 1984-85 on problem sites located by the inventory. Continue the leak correction work on known sites in the San Francisco and Los Angeles areas.
4. Provide local governments with technical assistance and policy guidance in the detection, investigation and correction of leaks from underground tanks. In addition, revise and develop new regulations based on changing program needs.
5. Provide adequate review of leak detection program to determine which sites are major, significant, average or minor leaks.
6. Provide review of and monitor leak investigations at major and significant underground tank leak sites. Assure that these sites are properly investigated and corrective actions are undertaken in a timely manner. (Average and minor leaks will not be addressed in this program. Local government will be encouraged to deal with these.)

D. Analysis of Alternative Means of Solving Problem

1. Redirection

This alternative can only be partially effective in dealing with the anticipated problems. It is proposed that 15.4 staff years and \$156,750 in operating and contract costs be redirected from the completed underground container inventory (Cortese) tasks to augment some existing tasks that will need additional resources in FY 1985-86. This redirection is only intended to provide the needed support for maintaining the ongoing program as mandated under AB 1362 (Sher). The 1984-85 BCP did not include resources necessary for the continuing program that would emerge in FY 1985-86 after the initial start-up phase. Redirection from other programs is not feasible because existing resources are being utilized for equally important programs. The present level of staffing allocated to other tasks is not adequate to allow any meaningful progress on a new program of this size by

redirection alone. Some tasks within the toxics component are special funded and cannot be redirected (e.g., federal/state cost-sharing program with defined output requirements); others are already at levels too low to allow maintenance of the intended effort if resources are depleted further by diversion to the underground tank program.

2. Additional funding

The emerging problem of leaking underground storage tanks has proven to be a problem of substantial magnitude. Investigation in Regions 2 and 4 have revealed a number of leaking tanks requiring cleanup.

Recent legislation to inventory underground tanks containing hazardous material and to establish local programs to regulate those tanks is expected to identify a substantial number of leaking tanks that will be referred to the Regional Boards for corrective and enforcement actions. In areas where local programs are already being implemented, the Regional Boards are receiving reports of leaking tanks with requests to take appropriate action.

The State/Regional Board response to this water quality problem involves some level of enforcement to require the tank owner to identify the extent of migration of the discharged contaminants and to identify and implement the necessary remedial actions to protect water quality. The resources included in the FY 1984-85 budget that resulted from the BCP for this program were reduced.

The reduced funding level is not adequate to perform the necessary works on the estimated 10,000 leaking tanks in the state (which are approximately 10 percent of all tanks). These leaks require substantial staff time for the investigations, review proposed cleanup programs, and oversee cleanup of the sites. These are multi-year efforts which can be very costly to the tank owners.

Each occurrence of leaking tanks currently must be handled on a site-specific basis. This is an entirely new problem, and no standardized methods are available. Also, the hydrogeology of a site combined with the pollutant(s) leaked create unique cleanup problems. Therefore, it is critical that the state concur in the tank owner's cleanup proposal beforehand to avoid unnecessary delays and costs from ineffective cleanup efforts.

Of the estimated 10,000 leaking underground tanks, 75 will be major leaks, 300 will be significant leaks, 4,600 will be average leaks, and 5,025 minor or very minor leaks. It is expected that local governments will be able to handle average and minor leaks with minimal guidance from the State and Regional Boards.

3. No Change in the Program Resources

This alternative would not redirect any staff resources from completed Cortese-funded tasks or request additional staff resources. Under this alternative, the State and Regional Board would only be able to deal with the major leaks. The existing staff resources would not allow for many new leak detection, investigation and correction programs to begin until existing programs were completed. The end result of this strategy is that it will take many more years to get the leaking underground tank problems under control and during this time ground water contamination will continue to spread. We cannot expect local governments to take on much of the responsibility for such major or significant leaks.

E. Recommendations

Alternatives 1 and 2 are the State Board's recommended alternatives (see Attachment A for detailed task descriptions and Attachment B for organizational distribution of staff resources).

F. Implementation (Timetable)

The program began in FY 1983-84 and the continuing program for FY 1984-85 and proposed program for 1985-86 are shown in Attachment A.

UNDERGROUND TANK LEAK CONTROL PROGRAM
WORK OUTLINE II

Task	Task Funding Source	FY 84/85 Cost	FY 85/86 Cost
1. Develop form for filing Hazardous Substance Storage Statement (tank inventory information) with State Board and permit application with local agency (a computer entry form, with instructions).	Cortese	Completed 83/84	-----
2. Provide filing forms to tank owners and operators on request.	Cortese	0.2 sy (SB) 0.6 sy TH (SB) \$15,000 contract	Completed
3. Prepare a standardized annual report form for use by permittees in reporting changes in the usage of tanks, changes in monitoring procedures, and occurrences of unauthorized releases (a computer entry form, with instructions).	Cortese	Completed	-----
4. Expand data base capability to accept and manipulate information included in inventory statements/permit applications and annual reports (includes data from leak detection, problem investigation, and corrective action programs) and negotiate keypunching and reproduction/mailling contracts.	Cortese	Completed	-----
5. Develop and adopt regulations for the following:	Sher	2.5 sy (SB)	Completed
a. Performance and/or design standards for new and existing underground tanks.			
b. Standards for alternative methods of monitoring and testing tanks and detecting unauthorized releases.			

Task	Task Funding Source	FY 84/85 Cost	FY 85/86 Cost
c. Abandonment of tanks.			
d. Reporting unauthorized releases and cleanup of material from primary containment.			
e. Reporting unauthorized releases from secondary containment and subsequent cleanup and enforcement actions.			
f. Reporting unauthorized releases from motor vehicle fuel tanks and subsequent testing and repair actions.			
g. Standards for interior coatings for motor vehicle fuel tanks.			
h. Tank owner/operator applications (and fees) to the State Board for categorical variances from tank and monitoring standards.			
i. Local agency applications (and fees) for authority to implement design and construction standards more stringent than State Board standards.			
j. Tank owner/operator applications (and fees) to the Regional Boards for site-specific variances from tank and monitoring standards.			
k. Protection of trade secrets.			

Task	Task Funding Source	FY 84/85 Cost	FY 85/86 Cost
6. Revise and develop new regulations based on new legislation or changes in program needs, review new legislation, develop policy and technical guidance for investigations of and corrective actions on unauthorized releases.	Sher	0.3 sy (SB)	2.8 sy (SB)
7. Provide local governments with technical and policy guidance in implementing permit programs. This includes guidance on tank program setup and operation, engineering guidance on tank construction and placement, scientific guidance on assessment of substances stored in tanks, and updates and guidance on new/revised regulations/legislation/policy.	Sher	1.5 sy (SB) 1.8 sy (RB)	5.0 sy (SB) 1.8 sy (RB)
8. Compile a statewide computerized inventory of tanks, by city and county, from information submitted on Hazardous Substance Storage Statements and transmit inventory information to Regional Boards, cities, and counties.	Cortese	1.8 sy (SB) 7.2 sy TH (SB) \$27,000 (Key data) \$122,000 (EDP Oper)	Completed
9. Compile initial information on farm fuel tanks through consultation with fuel distributors, county extension offices, county Ag Commissioners, tax assessors, and other agencies.	Cortese	Completed	-----
10. Supply Hazardous Substance Storage Statement forms to owners and operators of farm fuel tanks (where information has not been collected under Task 9).	Cortese	0.1 sy (SB) 0.3 sy TH (SB) \$2,500 key data	Completed

Task	Task Funding Source	FY 84/85 Cost	FY 85/86 Cost
11. Complete compilation of information on farm fuel tanks from information submitted on Hazardous Substance Storage Statements.	Cortese	0.1 sy (SB) 0.4 sy TH (SB) \$1,500 key data	Completed
12. Enter data from permit applications into statewide data base (where in addition to or different from data submitted on inventory statements); and interface with local government permit programs for the interchange and maintenance of permit data.	Sher	0.3 sy (SB) 1.0 sy TH (SB) \$3,750 key data \$12,000 (EDP Oper)	0.3 sy (SB) 1.0 sy TH (SB) \$13,750 key data \$34,000 (EDP Oper)
13. Conduct a study of the need to apply tank and monitoring standards to exempted structures (e.g., sumps, separators, storm drains, catch basins, pipelines, lagoons, etc.)	Sher	1.7 sy (SB)	Completed
14. Review existing regulatory authority over exempted structures.	Sher	0.3 sy (SB)	Completed
15. Take enforcement action (including litigation) against tank owners and operators who failed to submit Hazardous Substances Storage Statements or fees or who submitted false information in the Statements.	Cortese	0.3 sy (SB) 2.4 sy (RB)	0.2 sy (SB) 2.4 sy (RB)
16. Enter permittees annual report data submitted by local governments into data base.	Sher	0.3 sy (SB) 1.3 sy TH (SB) \$10,000 key data \$3,000 (EDP Oper)	1.4 sy (SB) 3.3 sy TH (SB) \$23,000 key data \$20,000 (EDP Oper)

Task	Task Funding Source	FY 84/85 Cost	FY 85/86 Cost
17. Prepare an annual statewide report, by county, to the Legislature of all unauthorized releases and follow-up actions taken to abate resulting problems.	Sher	1.8 sy (SB) \$15,000 (EDP Oper)	2.0 (SB) \$30,000 (EDP Oper)
18. Develop recommendations on the amount of surcharge to be included in permit application fees for the purpose of funding the Board's responsibilities under AB 1362.	Sher	0.4 sy (SB)	0.4 sy (SB)
19. Consider tank owner/operator applications for categorical variances from the Board's tank and monitoring standards.	Sher	1.0 sy (SB)	1.0 sy (SB)
20. Consider local agency applications for authority to implement tank design and construction standards more stringent than those of the State Board.	Sher	1.0 sy (SB)	1.0 sy (SB)
21. Consider tank owner/operator applications for site-specific variances on tank and monitoring standards (Regional Board action).	Sher	3.0 sy (RB)	3.0 sy (RB)
22. Develop initial regional lists of potential high risk tanks based on priority ground water use, chemicals stored, tank age and construction and other factors. Work will utilize extensive computer analysis followed by some field verification.	General fund	1.0 sy (SB) \$12,000 (key data) \$7,000 (EDP Oper)	1.0 sy (SB) 1.2 sy (RB) \$27,000 (EDP Oper) \$50,000 (Computer mapping contract)

Task	Task Funding Source	FY 84/85 Cost	FY 85/86 Cost
23. Prioritize facilities (by Region), based on tank contents and risk of leakage, on the state-wide inventory of tanks developed under the Cortese bill.	General fund	-----	1.2 sy (RB)
24. Direct high-risk facilities in areas of priority ground water use to implement leak detection program.	General fund	-----	1.2 sy (RB)
25. Review and approve leak detection programs and alternative leak detection programs. This will be done to all facilities already known to have leaks (based on initial risk analysis and other data) or suspected leaks. Some high risk facilities will be evaluated to determine if modified leak detection programs are necessary.	General fund	0.6 sy (SB) 1.0 sy (RB)	0.7 sy (SB)* 1.7 sy (RB)
26. Review and input the results of leak detection programs into the underground tanks data base. Prepare computer data analysis to determine severity of problems and the direct follow-up work.	General fund	1.6 sy (SB) 2.6 sy (RB) \$5,000 (EDP Oper.) \$75,000 (Lab Analysis)	2.8 sy (SB) 3.5 sy TH (SB) 2.9 sy (RB) \$25,000 (EDP Oper) \$5,750 (Key data) \$75,000 (Lab Analysis)
27. Take follow-up actions and make decisions on whether to require further leak detection work to define the initial extent of leak problems. Take enforcement actions if necessary. Require facilities with confirmed leaks to submit problem investigation proposals designed to determine the extent of contaminant migration.	General fund	1.3 sy (RB)	1.1 sy (SB) 6.2 sy (RB)

Task	Task Funding Source	FY 84/85 Cost	FY 85/86 Cost
28. Review and approve leak investigation proposals.	General fund	0.6 sy (RB)	0.5 sy (SB) 1.7 sy (RB)
29. Monitor leak investigation and review results of leak investigations. Input leak investigation results to data base.	General fund	Total for 29 & 30: 3.2 sy (SB) 6.7 sy (RB) \$10,000 (EDP Oper.) \$13,000 (Lab Analysis)	10.3 sy (SB) 20.6 sy (RB) \$18,000 (EDP Oper.) \$13,000 (Lab Analysis)
30. Review and approve corrective action plans based on results of the extent of contaminant migration as defined by the results of leak investigations.	General fund		10.5 sy (SB) 19.9 sy (RB)
31. Monitor implementation of corrective action plans, input clean-up monitoring data into data base.	General fund	0.4 sy (SB) 1.6 sy (RB) \$50,000 (Lab Analysis)	3.4 sy (SB) 0.5 sy TH (SB) 6.8 sy (RB) \$6,000 Key data \$20,000 (EDP Oper.) \$50,000 (Lab Analysis)

h. Extraneous document deleted

Memorandum

Harold Singer and Mike Falkenstein

Date : JUN 7 1984

From : OFFICE OF THE CHIEF COUNSEL
STATE WATER RESOURCES CONTROL BOARD

Subject : PAYMENT OF FEES AND SURCHARGES BY STATE AND LOCAL AGENCIES PURSUANT
TO AB 2013 AND AB 1362

This memo is in response to several inquiries which you have received regarding payment by public agencies of fees mandated by the Cortese and Sher bills.

ISSUE

Are state agencies required to pay to the State Board the filing fee which must be submitted along with each hazardous substance storage statement filed pursuant to the Cortese bill?

RESPONSE

No. Government Code Section 6100 states in part, "Officers of the state...shall not perform any official services unless upon the payment of the fees prescribed by law for the performance of the services, except as provided in this chapter." (Emphasis added) Government Code Section 6103 contains an exception which states in part, "Neither the state nor...any public officer or body, acting in his official capacity on behalf of the state...shall pay or deposit any fee for the filing of any document or paper...." Therefore, although state agencies are required to file a hazardous substance storage statement, they are not required to submit the related fee.

ISSUE

Are state agencies required to pay to local agencies the fee which must accompany an application for a permit for an underground storage tank pursuant to the Sher bill?

RESPONSE

Yes, unless the local agency which will issue the permit waives the fee. As discussed above, state agencies are generally exempt from paying any fee for the filing of any document or paper with the state. However, Government Code

JUN 7 1984

Section 6103 states that the exception provided therein does not apply "where it is specifically provided otherwise." In discussing the payment of fees to a local agency in order to obtain a permit for an underground storage tank, the Sher bill states that the governing body may provide for the waiver of fees when a public agency makes an application for a permit to operate or an application to renew a permit (Health and Safety Code Section 25283.3(a)). This establishes the intent of the Legislature that public agencies, e.g. state agencies, pay the permit fee unless the local agency waives the fee. This legislative mandate overrides the exception in Government Code Section 6103 and results in state agencies having to pay the permit fee unless the local agency waives the fee.

ISSUE

Are local agencies required to pay to the State Board the filing fee which must be submitted along with each hazardous substance storage statement filed pursuant to the Cortese bill?

RESPONSE

No. Government Code Section 6100 states in part, "Officers of the state...shall not perform any official services unless upon the payment of the fees prescribed by law for the performance of the services, except as provided in this chapter." (Emphasis added) Government Code Section 6103 contains an exception which states in part, "Neither...any county, city, district, or other political subdivision, nor any public officer or body, acting in his official capacity in behalf of...any county, city, district or other political subdivision shall pay or deposit any fee for the filing of any document or paper." Therefore, although local agencies are required to file a hazardous substance storage statement, they are not required to submit the related fee.

ISSUE

Are local agencies required to pay to local agencies the fee which must accompany an application for a permit for an underground storage tank pursuant to the Sher bill?

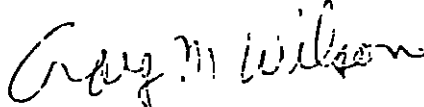
RESPONSE

Yes, unless the local agency which will issue the permit waives the fee. Each person who submits an application for a permit to operate an underground storage tank or to renew or amend a permit must pay a fee to the local agency administering the program (Health and Safety Code Section 25283.3(a)). A "person" includes any city, county, district, the state, or any department or agency thereof. (Health and Safety Code Section 25280(e).) The governing body may provide for the waiver of fees when a public agency makes an application for a permit to operate or an application to renew a permit. (Health and Safety Code Section 25283.3(a).) If the governing body does not waive the fees, the local agency is obligated to pay the fee. For the same reasons discussed above relative to state agency payment of the permit fee, the Government Code Section 6103 exception to payment of the fee would not apply.

JUN 7 1984

However, the local agency will have incurred an expense that is arguably a "cost mandated by the state" pursuant to SB 90 (Revenue and Taxation Code Section 2201 et seq.) and Article XIII B of the State Constitution.¹

SB 90 requires reimbursement by the State of certain state mandated costs to local agencies. Article XIII B of the California Constitution requires the State to provide subvention of funds to reimburse local governments for costs incurred in certain mandated programs. Section 6 of the Sher bill states, in part, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code. Therefore, any local agency which pays a fee when filing an application for a permit for an underground storage tank can file a claim for reimbursement of the fee with the State Board of Control. (Revenue and Taxation Code Section 2250 et seq.)


Craig M. Wilson
Staff Counsel III

¹ The exemption from SB 90 which applies to State Board requirements pursuant to Division 7 of the Water Code would not be applicable in this instance since the Sher bill is a legislative, statutory mandate rather than one imposed by Executive Order. (See Revenue and Taxation Code Section 2209)

i. To Board Members; From W.
R. Attwater for Michael A.
Campos; June 21, 1984;
Subject: Transmittal of draft
regulations

JUN 21 1984

Board Members

UNDERGROUND TANK REGULATIONS

Attached ^{is} a draft of the underground tank regulations and a draft of the fiscal impact of the program on California's cities and counties. I would appreciate your review and comments by June 29, 1984. Following your review, they will be sent to the Department of Finance for consideration of the fiscal impacts prior to submittal to the Office of Administrative Law.

As you will note, the fiscal impacts are substantial and do have the potential for generating significant comments from the local agencies and others. If you have questions on the regulations and fiscal impact statement, please contact Ed Anton at 5-9552.

W.R. Attwater for

Michael A. Campos
Executive Director

Attachments

RJohnson/lmsanborn
6/15/84

Anton 6/18/84

STATE ADMINISTRATIVE MANUAL

BUDGETING

FISCAL IMPACT STATEMENT (REGULATIONS AND ORDERS)

STD 299 (REV 1-81)

SEE S.A.M. SECTION 6015 FOR INSTRUCTIONS



STATE OF CALIFORNIA

AGENCY: Water Resources Control Board CONTACT PERSON: Stephen Fagundes PHONE NUMBER: 4-1258

TITLE / DESCRIPTION OF REGULATION / ORDER: CAC, Title 23, Chapter 3, Water Resources Control Board, Sub. 16 (Underground Tanks)

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 5 and complete if necessary)

- ☒ 1. Additional expenditures of approximately \$ (23,954,000)¹ (15,678,000)² annually which are reimbursable by the State pursuant to Section 2231 of the Revenue and Taxation Code. Funding for this reimbursement:
- ☒ can be requested by local agencies from the State Board of Control under Section 2201 et. seq. of the Revenue and Taxation Code (see Section 6 of Assembly Bill No. 1362, Chapter 1046).

- ☒ 2. Additional expenditures of approximately \$ (30,304,000)³ annually which are not reimbursable by the State pursuant to Section 2231 of the Revenue and Taxation Code because this regulation:

- ☐ a. implements the Federal mandate contained in _____;
- ☐ b. implements the court mandate set forth by the _____ court in the case of _____ vs. _____;
- ☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____ election;
- ☐ d. is issued only in response to a specific request from the _____.

- ☒ e. contains staff funding requirements which are the only local entity(ies) affected, and more appropriately financed from the _____ fees authorized by Section 25283.3(a) of the Assembly Bill No. 1362, Chapter 1046.

- ☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit.

- ☒ 3. Savings of approximately \$ an undetermined amount⁴ annually.
- ☐ 4. No additional costs or savings because this regulation makes only technical, nonsubstantive or clarifying changes to current law and regulations.
- ☐ 5. No fiscal impact exists because this regulation does not affect any local entity or program.

B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 3 and complete if necessary)

- ☒ 1. Additional expenditures of approximately \$ (15,325,000)¹ (12,530,000)² annually. It is anticipated that State agencies will:
- ☐ a. be able to absorb these additional costs within their existing budgets and resources.
- ☒ b. request supplemental funding by means of "Budget Change Proposals" for the 1985-86 fiscal year.

- ☒ 2. Savings of approximately \$ an undetermined amount⁴ annually.

- ☐ 3. No fiscal impact exists because this regulation does not affect any State agency or program.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 3)

- ☐ 1. Additional expenditures of approximately \$ _____ annually.
- ☐ 2. Savings of approximately \$ _____ annually.
- ☐ 3. No fiscal impact exists because this regulation does not affect any federally funded State program or agency.

SIGNATURE: _____ TITLE: Executive Director

DEPT. OF FINANCE: _____ PROGRAM/BUDGET MANAGER: DDP DATE: _____

APPROVAL / CONCURRENCE: _____

Footnotes for Form 399

- ¹ Annual cost for first five (5) years with initial capital cost (see Table 4 enclosed) averaged over this period plus annual costs.
- ² Annual cost for subsequent years without initial capital costs (see Table 4 enclosed).
- ³ See Table 2 (enclosed), Columns 10 and 11.
- ⁴ Monitoring and testing programs provide early warning of leaking underground storage tanks and result in substantial savings in subsequent clean-up programs.

REGULATION PROMULGATION SCHEDULE

<u>Task</u>	<u>Time Period</u>	<u>Date</u>
1. To Department of Finance	15 days	06/15/84
2. To OAL	15 days	07/01/84
3. Notice Comment Period	45 days	07/15/84
4. Close Comment Period and Hold Hearing	15 days	09/01/84
5. Board Workshop	15 days	09/15/84
6. Notice for Adoption	15 days	10/01/84
7. Board Adoption Hearing	15 days	10/15/84
8. To OAL	30 days	11/01/84
9. To Secretary of State	30 days	12/01/84
10. Effective Date		01/01/85

j. To All Persons Involved
with UGT Program; From Kathy
Harder; July 9, 1984, Subject:
Underground Container Program
Summary of Progress

Memorandum

Chiron

819

IV. B. Z. j.

All person involved with the underground tank program

Date : July 9, 1984

From : **STATE WATER RESOURCES CONTROL BOARD**
Kathy Harder

Subject: **Underground Container Program**
Summary of Progress

As you are aware, the Underground Container Program is off and running. Enclosed is a summary of how information on the Program was distributed throughout California.

Distribution of Hazardous Substance Storage Statement (HSSS) and Brochure

Over 450,000 HSSS and 160,000 brochures have been distributed throughout California. The distribution is as follows:

- 58 Counties
- 140 Cities which have contact people for the program
- 9 Regional Water Quality Control Boards
- 80 State government agencies
- 1400 Hazardous substance haulers for distribution to their customers
- 490 Various industries and trade associations
- 900 Specific requests for HSSS
- All listings on the Sub-Chapter 15 mailing list

General Information (Memorandum LG-1)

Information on both AB#2013 and AB#1362 was distributed to the following local agencies last march:

- All California City Managers
- All County Boards of Supervisors
- All County Environmental Health Officers
- 1400 Fire Departments

Press Releases

Evan Nossoff was responsible for developing the informational brochure, and the press conference and press releases. The success of the last press release became obvious when the phone calls began stacking up.

April 23, 1984 - A press conference was held with Carole Onorato and Assemblyman Cortese. Over 2,000 media outlets received press releases. The media included all California daily and weekly newspapers, television stations, and radio stations. Also receiving press releases were California and national magazines which have the potential for readership affected by the program.

June 21, 1984 - A second press release was issued to the same media described above plus all California fire departments, health officials, county officials, and agricultural associations. Follow-up stories were carried by Associated Press and United Press International.

ULPA also made specific contacts with farm, oil, chemical, and manufacture lobbyists.

During the month of June, Technical Services was averaging nearly 200 phone calls a day on the Underground Container Program. Very few calls received could be considered "nasty". I attribute the lack of complaints to the professional and pleasant response received from staff answering the calls.

Now that the July 1, 1984 deadline for turning in HSSS's has passed, we have received approximately 40,000 HSSS and returns are coming in at the rate of 6,000 per day.

UNDERGROUND TANK LEAK CONTROL PROGRAM

	FY 84 - 85			FY 85-86								
	ST BDS	REG BDS	TOTAL	ON GOING	STATE BOARD REDIRECTED	BCP	SB TOTAL	REGIONAL BOARDS ON GOING	REDIRECTED	BCP	RB TOTAL	G TOTAL
Cortese (120-32)												
Regular Staff	2.5	2.4	4.9	0.2			0.2	2.4			2.4	2.6
Temporary Help	8.6		8.6									
EDF operating cost	122,000		122,000									
Contracts (key data)	34,750		34,750									
DEER (120-33)												
Regular Staff	11.1	4.8	15.9	6.5	7.4 ^{1/2}		13.9	4.8				18.7
Temporary Help	2.3		2.3	2.3	2.0 ^{1/2}		4.3					4.3
EDF operating cost	30,000		30,000	30,000	54,000		84,000					84,000
Contracts (key data)	13,750		13,750	13,750	23,000		36,750					36,750
Sanitary PG&E (120-34)												
Regular Staff	6.9	13.8	20.6	6.8	1.5	22.0	30.3	13.2		50.2	63.4	92.7
Temporary Help					4.5		4.5					4.5
EDF operating cost	22,000		22,000	22,000	52,000		90,000					90,000
Contracts (key data)	12,000		12,000	12,000	11,750		23,750					23,750
Contracts (lab)		133,000	133,000					138,000				138,000
Contracts (computer mapping)						50,000	50,000					50,000
Grand Total												
Regular Staff	20.4	21.0	41.4	13.5	8.9 ^{1/2}	22.0	44.4	20.4		50.2	70.6	115.0 ^{1/2}
Temporary Help	0.0		10.8	2.3	6.5 ^{1/2}							8.1 ^{1/2}
EDF operating cost	174,000		174,000	45,000	122,000		174,000					174,000
Contracts (key data)	60,500		60,500	25,000	34,750		60,500					60,500
Contracts (lab)		138,000	138,000					138,000				138,000
Contracts (computer mapping)						50,000	50,000					50,000
BCP Total only						22.0				50.2		72.2

1/ 2.0 Temp help (Grad Student Assistants) converted to Sanitary Engineering Technician

k. To Corinne Marshall; From
Walter G. Pettit for Michael
A. Campos; July 25, 1984;
Subject: Material for
Environmental Policy Alert

STD 100-B (REV 9-70)

TO: Corinne Murphy Marshall

SUBJECT: Material for Environmental Policy Alert

DATE JUL 25 1984

M
E
S
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E

Attached is a summary of California's Underground Container program for use in the "Environmental Policy Alert". If you have questions on the material, please call Ed Anton at 5-9552.

Attachment

Original Signed By

WGPettit

RETURN TO

SIGNED

Michael A. Campos
Executive Director

ADDRESS

PHONE

State Water Resources Control Board

R
E
P
L
Y

SIGNED

ADDRESS

DATE

SEND PARTS 1 AND 3 INTACT — PART 3 WILL BE RETURNED WITH REPLY

A-92/84

OFFICE MEMO

STD. 100 (REV. 11-75)

DATE

6/13/84

TO:

Jim Boyd, ARB
Mike Campos, WRCB

T. WRA

FROM

Corinne Murphy Marshall

2) Ed Anton for
Coordinated
response with
OLAF.

ROOM NUMBER

PHONE NUMBER

SUBJECT

Please see the attached letter and issue of Environmental Policy Alert. Mr. Ferber would like to have a section on significant state actions. Please identify any recent or pending legislation or regulations which you think would be of national interest. For instance, I think the Underground Tank and Toxic Air Contaminant Programs would be worthy of inclusion.

Thank you.

JUN 18 1984

UNDERGROUND CONTAINERS

California state and local governments are implementing state laws aimed at preventing hazardous substances stored underground from accidentally polluting ground water. Water pollution control officials have found that some tanks leak and are releasing hazardous chemicals into the ground water. Once ground water is polluted, it often becomes unusable. Even if the problem can be cleaned up, costs are high and must be borne by the business responsible for the problem.

To protect public health and preserve scarce water supplies, California has adopted two laws. One requires registration of underground storage facilities on a one-time-only basis. The other creates a regulatory program for tanks with a permit procedure, leak detection requirements, and performance standards for the construction of new tanks.

The registration law covers all hazardous substance storage facilities that are below ground level, including many sumps, tanks, pits, ponds, and lagoons. The second law (regulation) covers tanks that are "substantially or totally beneath the surface of the ground."

Status

The deadline for registration of underground containers was July 1, 1984. The regulatory program, which will require tank owners to obtain a permit from their city or county, will begin once statewide regulations are adopted. To allow time for full public review of the regulations, adoption is scheduled for late 1984.

Inside E.P.A.

P.O. Box 7167 Ben Franklin Station
Washington, D.C. 20044
202/347-1941
Toll-free 800-424-9068

RECEIVED
JUN 4 1984

June 1, 1984

Dear Ms. Marshall:

Enclosed is our prototype issue of Environmental Policy Alert -- a little different from the regular issue in that it contains more base information than would appear week-to-week.

What we hope to do is include state environmental information with each issue -- either doing a group of states each time or updating events in the major states. We plan to move slowly in the state arena largely because we know fairly little about state organization and state activity. But we strongly believe we should have a state component in the Alert, and accordingly plan to keep expanding as we grow.

Any questions about the Alert, please call. I'll be in touch with you later this week. Thanks for your help.

Sincerely,



Steve Ferber
Publisher

To order subscriptions, call TOLL-FREE 800-424-9068 (In Washington, D.C. call 347-1941)

JUN 16 1984

Inside EPA's Environmental Policy Alert

• Legislation • Regulation • Enforcement • Litigation • Documents

Prototype Issue May 22, 1984

YOUR GUIDE TO THIS ISSUE OF INSIDE EPA'S ENVIRONMENTAL POLICY ALERT

Inside EPA's Environmental Policy Alert is organized to provide a quick reference to key regulatory, legislative, enforcement/legal, and policy developments — plus a rundown of important reports and documents that stake out policy positions, provide scientific underpinning for regulatory decisions and become part of the mosaic that comprises the environmental debate. Its basic organization is along media lines, with special sections on reports, a calendar of upcoming events and recap of Freedom of Information decisions.

Besides the by-media sections, *Environmental Policy Alert* contains a special section with brief descriptions of recent environmental documents, reports and analyses — with information on how to obtain them through our special hotline.

Separate sections cover recent EPA decisions on requests for information under the Freedom of Information Act and a calendar of upcoming events.

Each subsequent issue of *Environmental Policy Alert* will provide both a continuous update of key legislation/regulation/litigation and other developments of note, plus special reports.

If you have any questions about this issue, call 202-347-5933.

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GENERAL

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Regulations: Rundown of recently issued, proposed EPA regulatory proceedings — p16

Legislation: Roth bill would strengthen enforcement provisions in all five major statutes. S. 2665 introduced May 10.

EPA asks Congress to make it federal offense to assault or kill an EPA employee assigned to perform investigative, inspections, or law enforcement functions.

CLEAN AIR ACT — SENATE (Clean Air Act Amendments of 1983, S. 768)

— S. 768 would reauthorize the Clean Air Act and require studies on acid rain, strengthen its hazardous air pollutant section, extend SO₂ compliance dates for primary nonferrous smelters, specify that money spent to reduce emissions will offset noncompliance penalties, amend PSD requirements (i.e. eliminating class III), delete the term "lowest achievable emission rate" from nonattainment provisions.

Sen. Robert Stafford (R-VT), chairman of the Senate Environment & Public Works Committee, introduced S. 768 (3/10/83). Cosponsors included Sens. Chafee, Mitchell, Bentsen, Durenberger, Moynihan, Baucus, Humphrey, Domenici, Simpson and Boschwitz.

Bill passed the Senate Environment & Public Works Committee on March 13, 1984 (Senate report 98-426, filed early in May). The committee held hearings on Nov. 15 & 17, 1983 (printed as Senate hearings 98-543). Hearings were also held this year on Feb. 2, 7, 9, 10, and 24.

STATUS: Bill is awaiting vote by the full Senate — having passed the Senate Environment & Public Works Committee — but no projected floor date has been set. Stafford, along with 36 other senators, urged Senate Majority Leader Baker in an April 27 letter to bring the bill to the floor, but indications are that no vote is likely in the near future. In terms of Senate floor action, air ranks third, behind water and hazardous waste.

CLEAN AIR ACT — HOUSE (Clean Air Act reauthorization Amendments of 1984, H.R. 5314)

H.R. 5314 would reauthorize the Clean Air Act and strengthen provisions on hazardous air pollutants, require EPA to set national standards to protect public health with an "ample margin of safety," and set lower manufacturer emissions standards for light and heavy-duty vehicles. The bill also included an acid rain control plan to reduce both SO₂ and NO_x emissions.

Rep. Waxman (D-CA), chairman of the House Energy & Commerce subcommittee on health & the environment, introduced H.R. 5314 (3/30/84) by combining elements of H.R. 3400 on acid rain and H.R. 5084 on hazardous air pollutants. Rep. Sikorski (D-MN) introduced H.R. 3400 (6/23/83) to control acid rain and had 121 cosponsors, while Reps. Waxman and Wirth (D-CO) introduced H.R. 5084 (3/8/84) with 47 cosponsors.

Field hearings held by Waxman's subcommittee on acid rain on Dec. 1 (New York, NY) and Dec. 9 (St. Paul, MN) in 1983, and on Feb. 10 (Indianapolis), Feb. 17 (Cleveland) and Mar. 5 (Chicago) this year. Hearings in Washington, DC were held this year on Mar. 5, 20, 22, 29 and 30.

Waxman's subcommittee has held four markup sessions to date, April 25, 26 and May 1, 2, voting down acid rain provisions but taking no other action.

STATUS: Bill being held up indefinitely by Rep. Waxman following four days of markup sessions, with acid rain control provisions voted down (10-9) by the subcommittee. A hazardous air pollutant amendment proposed by Rep. John Dingell was pending before the subcommittee when markup was suspended.

OTHER MAJOR BILLS

Cleanup technology

Rep. Martlyn Lloyd (D-TN) introduced two bills (H.R. 5592, H.R. 5593 on 5/8/84), titled the "Clean Coal Production & Utilization Technology Demonstration Act," to permit demonstration of new and emerging technologies for the environmentally clean use of coal. H.R. 5592, with 17 cosponsors, provides funding through existing appropriations. H.R. 5593 provides funding through new appropriations.

Acid rain

Rep. Bill Green (R-NY) introduced a bill to control certain sources of SO₂ and NO_x to reduce acid deposition (H.R. 5590, 5/8/84).

Rep. Rinaldo (R-NJ) introduced legislation to control sources of SO₂ and NO_x to reduce acid deposition (H.R. 4906, 2/24/84).

Sen. Durenberger (R-MN) introduced a bill to reduce interstate transport of pollutants and control acid deposition (S. 2001, 10/25/83).

Rep. Gregg (R-NH) introduced legislation to control existing and new sources of acid deposition (H.R. 132, 1/3/83).

Hazardous pollutants

Sen. Baucus (D-MT) introduced a bill titled the "Hazardous Air Pollutant Act of 1983" (S. 2159, 11/18/83).

Mobile sources

Sen. Durenberger (R-MN) introduced the Airborne Lead Reduction Act of 1984, to place a ban on the sale of leaded gasoline by 1988 (S. 2609, 5/8/84).

Rep. Dannemeyer (R-CA) introduced a bill to amend the Clean Air Act to promote competitiveness in the motor vehicle aftermarket (H.R. 3476, 6/30/83).

Rep. Jacobs (D-IN) introduced legislation to require EPA automobile fuel economy tests to be based on actual road conditions (H.R. 1794, 3/2/83).

Cost-benefit analyses

Rep. Chappell (D-FL) introduced a bill to amend the Clean Air Act and the Federal Water Pollution Control Act to require compliance orders to include cost-benefit analyses (H.R. 504).

REGULATION-AIR

PARTICULATE MATTER NAAQS

EPA has proposed revisions to the National Ambient Air Quality Standards governing particulate matter; specifically: replacing total suspended particulates by a new indicator that includes only those particles with an aerodynamic diameter smaller than or equal to 10 micrometers; changing the level of the 24-hour primary standard to a value between a 150-250 $\mu\text{g}/\text{m}^3$ range with one expected exceedance allowed; changing the annual primary standard to a 50-65 $\mu\text{g}/\text{m}^3$ range as an expected annual arithmetic mean and eliminating the current 24-hour secondary standard by switching to an annual TSP standard in a 70-90 $\mu\text{g}/\text{m}^3$. EPA decided against proposing specific standards, preferring to seek comment before promulgating final revisions. (CAA §108; RIN: 2060-AA62)

Status: A hearing on the proposal was held several weeks ago and comments are due by June 18.

Contact: John Haines (919-541-5531)

NITROGEN DIOXIDE NAAQS

EPA has proposed to retain the existing annual average standards governing nitrogen dioxide — both the primary and secondary standards are set at 0.053 ppm (100 $\mu\text{g}/\text{m}^3$). EPA is continuing to evaluate whether a short-term standard is necessary to protect public health, but is not now proposing a separate standard. (CAA §108; RIN: 2060-AA64)

Status: Comments on the proposed retention of the standards as is are due by May 23.

Contact: Michael Jones (919-541-5531)

NESHAPS: AIRBORNE RADIONUCLIDES

EPA has proposed standards for sources in four categories: Department of Energy facilities; Nuclear Regulatory Commission-licensed facilities; underground uranium mines; and elemental phosphorous plants. (CAA §112; RIN: 2060-AA47)

Status: On May 25, EPA must appear in court to answer a Sierra Club suit that seeks promulgation of the standards within 30 days after a court order. Unless the court orders earlier action, EPA's current target is promulgation later this year.

Contact: Terrence McLaughlin (703-557-4704)

SULFUR OXIDES NAAQS

EPA has a long-pending review of the sulfur oxides NAAQS — with two options under study — adding to current requirements a one-hour sulfur dioxide standard with adjustments to all existing standards; or reaffirming the current standard. (CAA §108; RIN: 2060-AA61)

Status: Options briefings began about two weeks ago, largely to discuss findings of health effects studies and to relate them to the action and reaffirmation options. A briefing session will be held soon with administrator Ruckelshaus. Best guess is that the nearly five-year old proceeding will move to a proposed rule by the end of the year.

Contact: Bruce Jordan (919-541-5655)

ENFORCEMENT/LEGAL-AIR

New cases filed:

SO₂/PARTICULATES

ISSUE: The validity of EPA's criteria document for SO₂/particulates.

The American Iron & Steel Institute on April 25, 1984, filed a petition for review in the Court of Appeals for the DC Circuit challenging EPA's criteria document, which was released on March 20, 1984, simultaneous with EPA's proposed new standards for particulates.

STATUS: EPA is required to file a report by June

FUELS AND FUEL ADDITIVES

EPA is studying potential environmental effects of an assortment of alternative motor fuels and fuel additives, with principal focus on synthetic fuels that may become an increasing part of the motor fuel economy. Primary focus at this time will be on synthetic crude oil, shale oil and coal sources. Work is based on Clean Air Act mandate for EPA to set test procedures governing the introduction of fuels and fuel additives into the market place. (CAA 211; RIN: 2060-AA59)

Status: Staff is developing internal options papers but project still is in early stages and any concrete result is far off. Project has tentative target for a notice of proposed rulemaking early next year, but no schedule has been firmly set and at this time the agency has definitely not decided a need exists to regulate any particular substance. No specific problems have been identified yet. Initial work probably would be followed by a more specific round of focusing on need for individual regulations to govern specific fuel alternatives. Project is being handled by mobile source staff, but will be coordinated with the office of toxic substances.

Contact: Richard Rykowski (313-668-4339)

NO_x: LIGHT, HEAVY-DUTY ENGINES

EPA will set NO_x standards for light- and heavy-duty engines, based on evidence that emissions in a number of air quality control regions are exceeding acceptable limits, and that engine emissions are a substantial portion of the urban NO_x inventory. (CAA §202; RIN: 2060-AA52)

Status: Proposed notice likely within three months and nearing major internal review both within EPA and at OMB. While mobile source staff has indicated need for the standards, EPA policy staff has argued against inclusion of light duty trucks in the standard, arguing that rules will be too costly. Indications are the proposed notice may be revised to meet some of the objections.

Contact: Richard Rykowski (313-668-4339)

RESIDUAL RADIOACTIVITY

EPA has launched a proceeding to determine whether to develop standards or guidance to control radiation levels to the public after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be permitted. Any action also will control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce. (Atomic Energy Act §42; RIN: 2060-AB31)

Status: Project is in a formative stage, with an internal working group preparing a development plan and an interagency group having been formed (it has held one meeting) comprising officials from EPA, NRC, DOE, Defense, and Interior. The project will continue at staff levels for some time, since the decommissioning of the types of facilities under review — nuclear reactors, medical and drug facilities, hospitals, among them — has not been approached systematically before. An important threshold issue is whether the agency should set numerical standards applied to specific sources or whether it should lean heavily on guidance (including some numerical guidance). Initial staff thinking is that end product should have a heavy component of guidance.

Contact: Stanley Lichtman (703-557-8927)

4 with the court, listing each of the documents that comprised the rulemaking. AISI's brief is due in July, EPA's reply brief in August.

PSD VIOLATION

ISSUE: Whether the facility failed to apply for a PSD permit.

EPA initiated an enforcement action on April 10, 1984, against Springfield Crusher's Masonry plant in Christianstead, Virgin Islands, charging that a construction modification was made at the firm's stone crushing facility without a PSD permit.

STATUS: EPA seeks SIP compliance and civil

penalties. Meeting likely between parties to attempt settlement.

FEDERALISM/FUGITIVE DUST

ISSUES: 1. Whether industrial facilities violated EPA's fugitive dust standard; 2. Whether EPA can sue a company that is engaged in negotiations with a state to come into compliance with the state SIP.

EPA on April 4, 1984 initiated two enforcement actions for alleged violations of particulate standards; filing in the Northern District of Iowa, Central Division, against Lehigh Portland Cement Co. and Northwestern States Portland Cement Co. The Lehigh case also involves some alleged NSPS violations.

Both firms have cement-making facilities located in Mason City, IA, and both are involved in negotiations with the Iowa state government to attain compliance with the Iowa SIP. Lehigh, in a May 1 motion to dismiss, claimed that EPA does not have jurisdiction since Iowa has already taken action against them (*USA v. Lehigh Portland Cement Co.*, 2C-84-3030 and *USA v. Northwestern States Portland Cement Co.*, 1C-84-3031).

STATUS: In Lehigh, EPA will shortly respond to Lehigh's May 1 motion to dismiss. In Northwestern, the firm filed a motion for a more definitive statement from EPA.

Major pending cases:

NONATTAINMENT DESIGNATION

ISSUE: Whether or not EPA can designate an area as nonattainment if a state does not wish to do so.

Lincoln Pulp & Co. Inc. filed a petition for review on Feb. 17, 1984, in the Court of Appeals for the 1st Circuit, charging that EPA's final action to redesignate Lincoln, ME as nonattainment (for primary and secondary total suspended particulate national ambient air quality standards) violates section 107 of the Clean Air Act.

The state of Maine originally requested the redesignation, leading EPA-headquarters to formally propose the redesignation, but the state subsequently withdrew its request. EPA, however, continued with its rulemaking based on the data it obtained from Maine.

In a like case, the Court of Appeals for the 7th Circuit ruled in December 1983 that EPA could not redesignate an area as nonattainment unless the state requested they do so.

STATUS: EPA to file reply brief by May 29, 1984, with Lincoln to submit its response by June 9. Indications are that oral argument would be held by the 1st Circuit in August.

STACK HEIGHT REGULATIONS

ISSUE: Whether industry is required to calculate emissions levels from tall stacks based on levels that would result from normal stack levels.

Petitioners, led by Sierra Club, filed a petition for review in the Court of Appeals for the DC Circuit on April 6, 1982 challenging EPA's stack height regulations, issued under section 123 of the Clean Air Act. Motions and briefs were filed in late 1982, with oral argument in early 1983.

The DC Circuit on Oct. 11, 1983 affirmed four EPA rules but reversed or remanded eight others, ordering EPA to issue new rules within 6 months. (DC Circuit, docket 82-1384, consolidating *Commonwealth of Pennsylvania v. EPA*, 82-1889, and *Sierra Club v. EPA*, 82-1845).

STATUS: An appeal to the Supreme Court will not be made, based on a decision by the U.S. Solicitor General in mid-May.

HAZARDOUS AIR POLLUTANTS

ISSUE: Whether EPA's regulations on vinylchloride are legal. EPA last year took enforcement action against both Conoco and Ethyl Corp. over alleged violations of EPA's vinylchloride regulations issued under section 112 of the Clean Air Act.

In *USA v. Ethyl*, EPA filed its case on Feb. 8, 1983 in the

middle district of Louisiana against a Ethyl plant in Baton Rouge, LA. The district court judge dismissed the case on July 6, 1983, ruling that EPA's release regulations were "work practice" standards and not numerical standards as required by statute.

EPA appealed to the Court of Appeals for the 5th Circuit on Aug. 29, 1983, with both sides having filed briefs.

In *USA v. Conoco*, EPA filed its action on Aug. 10, 1983 in the western district of Oklahoma against a Conoco facility in Oklahoma City, OK. Conoco filed to dismiss the case but in January 1984 the district court judge denied Conoco's request.

STATUS: In *USA v. Ethyl*, EPA is waiting for the court to schedule oral argument. In *USA v. Conoco*, the case remains in discovery, with possible trial later this year.

EPA'S BUBBLE POLICY

ISSUE: Whether EPA has the authority to allow use of a bubble in nonattainment areas. Under EPA's so-called bubble policy, an entire plant or facility qualifies as a source.

Environmental groups, led by the Natural Resources Defense Council, challenged EPA's bubble policy in the District Court for the District of Columbia. The suit does not challenge EPA's authority to allow bubbles, but only the specific regulation allowing its use in EPA's new source review program.

The DC District Court ruled in August 1982 in favor of NRDC, saying EPA's regulations violated the Clean Air Act. EPA first sought a rehearing from the DC District Court, then appealed directly to the Supreme Court in 1983. *Chevron* and the American Iron & Steel Institute also appealed the decision, with the three cases consolidated under *Chevron v. NRDC*.

The Supreme Court agreed to take the case in May 1983, briefings held late summer and early fall, followed by oral argument on Feb. 29, 1984.

STATUS: Supreme Court expected to rule before it recesses in early July.

NEW SOURCE PERFORMANCE STANDARDS

ISSUE: Whether EPA's new source performance standards (NSPS) for boilers were violated.

EPA issued a notice of violation against Caterpillar Tractor in August 1980 charging four of its boilers in Mapleton, IL, failed to meet NSPS for particulates under section 111 of the Clean Air Act.

Caterpillar sued EPA in the Central District Court of Illinois on April 4, 1983, challenging the technical basis for EPA's standards. EPA then filed a counterclaim, followed by both parties seeking summary judgment at an April 10, 1984 hearing. At the hearing the judge ruled that Caterpillar is subject to the NSPS, then requested both parties to file pleadings on factors influencing the setting of penalties. Pleadings were filed April 20.

STATUS: Responses due to court by May 22 on April 20 pleadings.

STEEL CONSENT DECREES

ISSUE: Whether Republic Steel violated consent decrees which required compliance with particulate standards.

Ohio facility: EPA filed a contempt action on June 3, 1983, charging that Republic failed to comply with a consent decree which set a schedule for meeting coke oven emission limits at Republic's Youngstown/Warren, OH facility. Parties have been negotiating since last June.

Illinois facility: EPA filed a contempt action on April 18, 1983, in the Northern District Court of Illinois, Eastern Division, charging that Republic failed to comply with a consent decree which set a schedule for its blast furnace in Chicago to meet particulate standards. The most recent action was EPA's filing for summary judgment on Jan. 30, 1984.

STATUS: In the Ohio case, a report is due to the court by May 31 on progress of negotiations. In the Illinois case, parties are awaiting a decision.

WATER

LEGISLATION

CLEAN WATER ACT — SENATE (Clean Water Act Amendments of 1983, S. 431)

S. 768 would reauthorize the Clean Water Act and would extend compliance deadlines for BPT, BAT, BCT (§301), modify effluent guidelines, amend ocean waiver conditions, ease pretreatment requirements, alter penalties, change permit requirements for NPDES, clarify the "citizen suit" provision and require a report to Congress on hazardous wastes not regulated.

Sen. John Chafee (R-RI), chairman of the Senate Environment & Public Works subcommittee on environmental pollution, introduced the bill on Feb. 3, 1983, with Sen. Jennings Randolph (D-WV) as a cosponsor. Hearings held in 1983 by the Senate Environment & Public Works subcommittee on environmental pollution on April 6, 7, 14 and June 14 (printed as Senate hearings 98-247). Bill approved by subcommittee on June 22 and full committee on June 28. Reported to Senate floor on Sept. 21, 1983 (Senate Report no. 98-233).

STATUS: Bill awaiting vote by the full Senate, with floor action scheduled for after the Memorial Day recess held May 25-May 30. Bill passed Senate Environment & Public Works on June 28, 1983.

CLEAN WATER ACT — HOUSE (Water Quality Renewal Act of 1984, H.R. 3282)

H.R. 3282 would reauthorize the Clean Water Act through FY-88, require a nonpoint source control plan, extend BAT deadlines for three years, increase civil penalties and set up a two-tiered program for funding construction grants.

Rep. James Howard (D-NJ), chairman of the House Public Works & Transportation Committee, introduced H.R. 3282 (6/13/83), with 131 cosponsors. Hearings were held last year by Rep. Robert Roe's subcommittee on water resources on Aug. 2, Sept. 20, 22, Oct. 18, 19, 20, Nov. 1, 2, 3, 9, 10, 15, 16, 17.

The subcommittee marked up and approved a substitute bill drafted by Roe on May 1, 1984 — the substitute adding several sections to the original Howard bill and expanding construction grant funding. The full Public Works Committee marked up and approved the measure on May 10, stripping out several provisions included in the subcommittee version.

STATUS: Bill awaiting vote by the full House, having passed the House Public Works & Transportation Committee on May 10, 1984.

OCEAN DUMPING — HOUSE (Ocean Dumping Amendments Act of 1984, H.R. 4829)

H.R. 4829, similar to H.R. 1761 which passed the House last year, would amend title I of the Marine Protection, Research & Sanctuaries Act and would: 1. close the New York Bight Apex sewage sludge site; 2. set up user fees for ocean dumping; 3. require firms dumping municipal sludge to comply with pretreatment requirements by December 1986; and 4. require EPA to explore suitable alternatives to ocean dumping.

Rep. Norman D'Amours (D-NH), chairman of the House Merchant Marine & Fisheries subcommittee on oceanography, introduced both the original bill (H.R. 1761) and H.R. 4829 (2/9/84). H.R. 1761 passed the House last year, while H.R. 4829 was approved by the House Merchant Marine Committee in early May, following a single hearing (3/9/84) on the new version.

STATUS: Awaiting vote by the full House, with the House having passed a similar measure in 1983.

OCEAN DUMPING — SENATE (Ocean Revitalization Act, S. 2648)

S. 2648 would amend title I of the Marine Protection, Research & Sanctuaries Act to ban ocean dumping at the 12-mile site located in the New York Bight Apex and would require that a plan be developed for the revitalization of the New York Bight Apex. *(EPA has taken administrative action to close the site and move dumping out to sea.)*

Sen. Lautenberg (R-NJ) introduced the bill on May 8, with cosponsorship from Sen. Bradley (D-NJ). The bill is one of several sections included in the House ocean dumping legislation (H.R. 4829).

STATUS: No action scheduled, with indications that the Senate is unlikely to vote out any comprehensive ocean dumping measure, though Lautenberg's bill, being much narrower, could survive.

SAFE DRINKING WATER ACT — SENATE

The Senate Environment & Public Works Committee approved a so-called "shell bill" to reauthorize the Safe Drinking Water Act and provide EPA with \$63-million to fund the program in FY-85. Sen. Stafford (R-VT), chairman of the committee, introduced the bill to extend the act without making any substantive amendments to it.

In addition, Sen. Durenberger (R-MN) introduced S. 2649 on May 8, 1984, to amend the Safe Drinking Water Act by strengthening standards for public water systems and by taking measures to prevent or minimize groundwater contamination.

The Senate Environment subcommittee on toxic substances & environmental oversight, chaired by Durenberger, held a May 14 hearing on S. 2649.

STATUS: Senate Environment passed its FY-85 reauthorization bill on May 8, and the

measure is likely to be the only legislative action on drinking water this year. Durenberger's S. 2649 is said to be setting the stage for possible amendments to the act next year.

Other bills:

Construction Grants

Rep. Hunter (R-CA) introduced H.R. 5329 (4/3/84) to direct EPA to make grants to San Diego, CA, for construction of a publicly owned treatment works (10 cosponsors).

Rep. LaFalce (D-NY) introduced H.R. 3186 (6/1/83) to amend the Federal Water Pollution Control Act to allow all recipients of grants for treatment works to use dedicated ad valorem taxes to meet the act's requirement that such recipients adopt user charges to pay for operation and maintenance of treatment works.

LaFalce also introduced H.R. 3185 (6/1/83) to amend the Federal Water Pollution Control Act relating to the construction and operation of certain treatment works which are subject to regulation under international treaties.

Rep. Pease (D-OH) introduced H.R. 3695 (7/28/83) to amend the Federal Water Pollution Control Act to require that 30% of the funds granted for construction of treatment works in a state be used in labor surplus areas.

Dredge & Fill (Section 404)

Rep. Mrazek (D-NY) introduced H.R. 4393 to amend the Federal Water Pollution Control Act relating to permits for dredged or fill material (4 cosponsors).

Rep. Hall (D-TX) introduced H.R. 1570 to amend the Federal Water Pollution Control Act to restrict the jurisdiction of the U.S. over the discharge of dredged or fill material to those discharges which are into navigable waters (11 cosponsors).

REGULATION-WATER

BCT. COST TEST/EFFLUENT GUIDELINES

EPA is revising cost reasonableness test for BCT effluent limits for primary and secondary industries, having withdrawn existing limits early in 1982. Revisions designed to meet court mandate and fulfill request from regulatory relief task force. (Clean Water Act §304; RIN: 2040-AA45)

Status. EPA is revising schedule, planning to scuttle 1984 promulgation date in response to arguments from industry that flaws exist in the agency's proposed methodology. New schedule, awaiting approval from water chief Jack Ravan, envisions notice of availability of additional information (cost curves), with target promulgation no earlier than May 1985.

Contact: 202-382-5388

GENERAL PRETREATMENT: REMOVAL CREDITS

EPA is proposing revisions to removal credits section of pretreatment regulations — to provide added flexibility to cities and reduce burden in applying credits. (CWA §307; RIN: 2040-AA47)

Status. Promulgation still targeted for end of May. Red border review by AAs was to be finished last week. Agency sent proposed revisions to OMB several weeks ago and is awaiting comment.

Contact: Craig Jakubowicz (202-426-4793)

ENFORCEMENT/LEGAL-WATER

New cases filed:

STATE PERMIT VIOLATIONS

ISSUE: Whether GE violated its state water permit.

EPA sued General Electric on May 15, 1984, for alleged violations of its New York permit (SPDES) regarding toxic emissions from its silicon facility in Waterford, NY.

STATUS: EPA will attempt to negotiate a consent decree.

Oceans Policy

Rep. Jones (D-NC) introduced H.R. 2853 to establish a National Oceans Policy Commission to make recommendations to Congress and the President on a comprehensive national oceans policy. The bill passed the House on Oct. 31, 1983, and was referred to the Senate Committee on Commerce.

Acid rain

Rep. Donnelly (D-MA) introduced H.R. 3904 to authorize appropriations for grants to states for restoration of water quality which has deteriorated as a result of acid deposition (20 cosponsors).

Nonpoint sources

Rep. Oberstar (D-MN) introduced H.R. 4037 (9/29/83) to require states to identify areas which have water quality control problems resulting from pollution from nonpoint sources and to establish plans and priorities for controlling those problems (27 cosponsors).

Cost-benefit analyses

Rep. Chappell (D-FL) introduced H.R. 504 to amend the Federal Water Pollution Control Act and the Clean Air Act to require compliance orders to include cost-benefit analyses.

Groundwater

Rep. Edgar (D-PA) introduced H.R. 565 to establish a National Groundwater Commission (27 cosponsors).

EFFLUENT GUIDELINES: ORGANIC CHEMICALS

EPA has proposed BPT, BAT, NSPS and pretreatment standards for the organic chemicals part of this industry. (CWA §301-304-306-307-501; RIN: 2040-AA05)

Status. Agency will issue notice of new information in August, having previously indicated approach to regulation (end-of-pipe concentration standards) are slightly different than that used in original proposal (process-by-process mass-based). With additional information based on §308 survey, EPA will open new proposal to 45-day comment. Now targets promulgation early next year.

Contact: E.H. Forsht (202-382-7190)

§404(b)(1) REGULATION

Revisions to section 404 environmental guidelines, primarily updating testing and evaluation procedures, were requested by the Presidential Task Force on Regulatory Relief. (CWA §404; RIN: 2040-AA51)

Status. No work is currently under way, despite publication of advance notice of proposed rulemaking in August 1982 and continuation of revision on list of priority regulations for review. Current intention is not to proceed with revisions, except in one area — definition of fill material.

Contact: Suzanne Schwartz (202-472-3400)

WASTE TREATMENT FACILITY

ISSUE: Whether certain waste treatment plants are violating terms of their NPDES permits.

EPA filed suit in March 1984 against the Virgin Islands for operating waste treatment plants that allegedly violate terms of their NPDES permits. The suit was filed in the District Court of the Virgin Islands. Several plants were said to not be operating properly, leading to EPA's action.

SAMPLING OF WATER FACILITIES

ISSUE: Whether a water-supply firm failed to properly sample its water.

EPA filed civil suit on April 11, 1984, against Sunny Acres Water Co., located in Oregon, charging that the firm failed to perform the required monthly microbiological sampling (i.e. monitoring and reporting). EPA based its suit on section 1412 of the Safe Drinking Water Act (*USA v. Sunny Acres Water Co., et al.*).

WASTEWATER TREATMENT

ISSUE: Whether the city of Kenner, LA, violated terms of its NPDES permit.

EPA filed a civil suit against Kenner, LA on April 30, 1984, under section 309 of the Clean Water Act. The agency alleges that the city, which owns and operates a 5 MGD activated sludge wastewater treatment facility, has not complied with the terms of its NPDES permit. Problems are said to be in operation and maintenance, design and hydraulic overloads (*USA v. City of Kenner, 06-82-E041*).

WASTEWATER TREATMENT FACILITIES

ISSUE: Whether Jefferson Parish, LA, wastewater treatment facilities violated NPDES permits.

EPA filed a civil action against 9 of the 15 wastewater treatment facilities Jefferson Parish, in alleging violations of its NPDES permits. The suit is under section 309(b) of the Clean Water Act, but also deals with sections 301 and 402.

EPA claims that the Parish has failed to meet permit conditions at these facilities for the past 7 years, with violations primarily consisting of failure to meet permit effluent limits for biochemical oxygen demand (BOD), total suspended solids (TSS) and fecal coliform.

STATUS: EPA hopes to negotiate a consent decree.

SAFE DRINKING WATER ACT

ISSUE: Whether EPA has properly enforced existing fluoride MCL under the act.

South Carolina filed a civil action against EPA on April 4, 1984, (District of South Carolina, Columbia Division) seeking: 1. an injunction against EPA enforcement of existing fluoride MCL (maximum contaminant level) standard under the Safe Drinking Water Act; and 2. an order to require EPA to grant or deny their 1981 petition (*South Carolina Dept. of Health & Environmental Control v. EPA*).

STATUS: EPA's response is due June 1 to South Carolina's original petition.

Major pending cases:

PRETREATMENT REGULATIONS

ISSUE: Whether the Clean Water Act consent decree infringes EPA's discretion to grant variances for meeting pretreatment standards.

The Natural Resources Defense Council sued EPA in the Court of Appeals for the 3rd Circuit on its pretreatment regulations, with the court upholding the bulk of the regulations but opposing EPA's right to grant variances for toxic pollutants.

EPA issued its first pretreatment standards in 1979, for the electroplating industry, after which EPA suspended the rules, amended them, were sued by NRDC and other parties, and suspended them again under direction of the Reagan White House. The 3rd Circuit upheld the bulk of the rules.

EPA in February sought review by the Supreme Court on the variance issue and was granted certiorari on April 30, 1984 (*EPA v. NRDC, 83-1373* and *CMA v. NRDC, 83-1013*).

STATUS: Briefs are due to the Supreme Court on June 14 for EPA and CMA, with NRDC's reply brief to follow, after which oral argument will be set, likely this fall.

CLEAN WATER ACT CONSENT DECREE

ISSUE: Whether the EPA administrator has the authority to enter binding consent decrees.

Union Carbide, an intervenor in the consent decree case of *NRDC v. Gorsuch*, earlier this year filed the Supreme Court for review of a decision by the DC Circuit on the Clean Water Act consent decree. Industry is not challenging the deadlines in the decree but instead seeks changes on other issues.

The case began in 1977 when EPA issued its effluent guidelines, with four groups suing in the District Court for the District of Columbia, then appealing to the DC Circuit.

EPA and NRDC filed petitions in early May opposing Union Carbide's request to the Supreme Court for certiorari (*Union Carbide v. NRDC, 83-1345*).

STATUS: Supreme Court to decide whether to grant cert, with decision any time.

POTW DISCHARGES

ISSUE: EPA and the City of Niagara Falls, NY, entered into a consent decree in January 1984 for the city's publicly owned treatment works to comply with terms of its NPDES permit, but the court (Western District Court of New York) has not officially entered the decree, though the judge ordered Niagara Falls to comply with it.

EPA filed its original complaint against the city in May 1981, alleging significant violations of its NPDES permit.

STATUS: EPA is monitoring the city's progress in complying with the consent decree.

HAZARDOUS WASTE

LEGISLATION

RCRA — SENATE (Solid Waste Disposal Act Amendments of 1983, S. 757)

S. 757 would amend the Solid Waste Disposal Act by eliminating the small quantity generator exemption, prohibiting land disposal of certain hazardous wastes, establishing minimum technological requirements for landfills, surface impoundments and incinerators, directing EPA to develop and implement a regulatory program for the burning and blending of hazardous wastes for energy recovery, requiring inspections at least every 2 years at all treatment, storage and disposal facilities (new section, §3007a), and prohibiting the export of hazardous wastes unless certain conditions are met.

Sen. Chafee (R-RI), chairman of the Senate Environment & Public Works subcommittee on environmental pollution, introduced S. 757 (3/10/83), with Sen. Randolph (D-WV) as cosponsor.

Hearings held by Chafee subcommittee on June 8-9, 1983, with markup sessions held June 23 and July 12, leading to approval by the Chafee subcommittee on July 20. Full committee held markup on July 26, then approved measure July 28, 1983. Reported to Senate floor on Oct. 28, 1983 (Senate report no. 98-284).

STATUS: Bill is awaiting vote by the full Senate, to be taken up in June, with numerous

amendments pending. The bill will be taken up after the Senate debates another major environmental measure, S. 431 on the Clean Water Act. The bill passed Senate Environment & Public Works on Oct. 28, 1983. If passed, the Senate will go to conference with H.R. 2867, already approved by the House.

RCRA — HOUSE (Hazardous Waste Control & Enforcement Act of 1983, H.R. 2867)

H.R. 2867 would reauthorize and strengthen the Resource Conservation & Recovery Act, and would eliminate the reporting exemption for small quantity generators; minimize reliance on land disposal of hazardous waste (with advance treatment recycling, incineration and other hazardous waste control technologies to replace land disposal). Bill also includes stiffer criminal penalties than under current law.

Rep. James Florio, chairman of the House Energy & Commerce subcommittee on commerce, transportation & tourism, introduced the bill on May 3, 1983. The measure was approved by the House Energy & Commerce Committee on May 17, 1983 (House Report no. 98-198, parts I and II), and by the House Judiciary Committee on June 17, 1983 (House Report no. 98-198, part III), before passing the House on Nov. 3, 1983.

STATUS: The House is awaiting a Senate-House conference, having passed the bill on Nov. 3, 1983. The Senate plans floor action on its RCRA bill (S. 757) shortly, to go to conference with H.R. 2867.

SUPERFUND — SENATE (Victim Compensation & Pollution Liability Act, S. 917)

S. 917 would extend the Comprehensive Environmental Response, Compensation & Liability Act of 1980 ("Superfund") for five years, double the size of the fund and add victim compensation language to the law.

Sen. Robert Stafford (R-VT), chairman of the Senate Environment & Public Works Committee introduced S. 917 cosponsored by Sens. Randolph and Kennedy. Other Superfund bills have been introduced by Sens. Mitchell (D-ME) and Bradley (D-NJ), see details below.

Senate Environment has held hearings on April 24 and May 16, and plans additional hearings May 22, 23 & 24.

STATUS: Hearings continue in Stafford's committee on Superfund bills in general — with sessions set for May 22, 23 & 24, following hearings of April 24 and May 16. Stafford plans to introduce a new bill in June, incorporating changes proposed in hearings, with markup later this summer.

SUPERFUND — HOUSE (Superfund Expansion & Protection Act of 1984, H.R. 5640)

H.R. 5640 would reauthorize the Comprehensive Environmental Response, Compensation & Liability Act ("Superfund"), and would include a federal cause of action, provide \$1.45-billion/yr in feedstock taxes, plus an additional \$600-million in waste end taxes, define "how clean is clean," eliminate the post-closure fund and require EPA to begin construction at 150 Superfund sites each year. The bill also includes a comprehensive regulatory program for underground storage tanks, but does not include a administrative victims' compensation system, as had been included in prior measures.

Rep. James Florio (D-NJ), member of the House Energy & Commerce Committee introduced the so-called compromise Superfund bill on May 10, 1984, with cosponsorship from Rep. Dingell, chairman of House Energy & Commerce, and 34 others.

Bill replaced H.R. 4813 and H.R. 5321, both previously introduced by Florio and taken up by his subcommittee. The subcommittee on April 4, 1984, rejected H.R. 5321, a \$2.4-billion/yr Superfund extension, and adopted a Rep. Tauzin substitute to continue funding at current levels.

STATUS: Florio's subcommittee will move to markup next, with no more hearings to be held. The bill is jointly referred to both House Energy & Commerce and House Public Works & Transportation.

Other major bills:

Superfund

Sen. Mitchell (D-ME) introduced S. 945 and S. 946 (3/24/83) to amend the Comprehensive Environmental Response, Compensation & Liability Act of 1980 to provide compensation for medical expenses caused by hazardous substance releases (S. 945) and provide funds for compensating victims of hazardous waste exposure (Sen. Randolph is cosponsor for both measures).

Sen. Bradley (D-NJ) introduced S. 816 (3/16/83) to extend Superfund through FY-89 at \$44-million/yr (17 cosponsors, including Sen. Stafford, chairman of the Senate Environment & Public Works Committee).

Sen. Proxmire (D-WI) introduced S. 1779 to provide incentives for hazardous waste recycling and to impose additional taxes on hazardous wastes.

Underground Storage Tanks

Rep. Ritter (R-PA) introduced H.R. 4985 (2/29/84) to amend Superfund to provide for removal, remedial action and liability with respect to gasoline and other liquid hydrocarbons which leak from certain underground storage tanks and to set standards to prevent releases from such tanks (6 cosponsors).

Sewage Sludge

Rep. Carper (D-DE) introduced H.R. 4492 (11/18/83), titled the Sewage Sludge Dumping Amendments Act of 1983 (12 cosponsors).

Inactive waste sites

Rep. Lent (R-NY) introduced H.R. 4915 to amend Superfund and expedite the cleanup of inactive hazardous waste disposal sites (28 cosponsors).

Land Disposal

Rep. Breaux (D-LA) introduced H.R. 1632 to prohibit the land disposal of liquid hazardous waste.

Recycling Used Oil

Rep. Mikulski (D-MD) introduced H.R. 218 to amend the Solid Waste Disposal Act to provide certain rules for treatment of used oil as hazardous waste unless the used oil is recycled under appropriate standards.

REGULATION-HAZARDOUS WASTE

TOXICITY CHARACTERISTIC MODIFICATION

EPA has launched a regulatory project designed to expand toxicity characteristics for identification of hazardous waste to include organic toxicants (current criteria cover only metals). The likely revision would require that a waste generator assess waste to determine if new toxicity characteristics are present and, if so, waste would be managed as a hazardous waste. (Resource Conservation & Recovery Act §3001; RIN: 2050-AA78)

Status. Still in early staff deliberation phase, with the Science Advisory Board meeting on some issues raised by proceeding. Will probably be 8-10 weeks before timing decisions are made but publication of notice of proposed rulemaking probably won't be before early next year. Among the key issues to be addressed are whether an acceptable extraction procedure exists or can be developed and, if not, whether criteria should rely on threshold levels for concentration in waste. Staff preference would be extraction procedure.

Contact: David Friedman (202-382-4770)

LAND DISPOSAL - EXISTING PORTION CONCEPT

EPA is considering revisions to the existing portion concept in its land-disposal regulations, based on questions raised in public comment. Key focus relates to liner requirements at existing facilities. Proceeding will address three issues — expansions during interim status, effective date of liner requirements and retrofit of liners. (RCRA 3004; RIN: 2050-AA58)

Status. Schedule is slipping somewhat, with continuing redrafting. Current outlook is for notice of proposed rulemaking late this year. Among outstanding issues is question of who, if anybody else, should come under the system.

Contact: Robert Tonetti (202-382-4654)

CONSOLIDATED PERMITS: CLASS PERMITS

EPA regulation will create class permit application form for use by facilities whose only activity subject to RCRA permitting consists of storing in above-ground tanks of containers with hazardous waste that has been generated on-site. The rule is designed to expedite the permitting process for this class of facility and would be the first RCRA class permit. (RCRA §3004/3005; RIN: 2050-AA36)

Status. Proposed rule has entered red border review and is essentially on target for August issuance. Staff has met with OMB on proposal. OMB has expressed interest in prospects of future class permitting of other of hazardous waste facilities.

Contact: Dave O'Brien (202-382-7921)

ALTERNATE MANIFEST: WASTE GENERATORS

EPA has proposed development of a manifest form that can be reused where identical wastes are shipped to facilities that generators own and operate. Issue was raised in settlement negotiations in Shell Oil v EPA, 80-1532 (D.C. Circuit). (RCRA §3002; RIN: 2050-AA16)

Status. Proceeding relegated to a very low priority, despite continued listing as priority regulatory project. Current thinking is that an alternate manifest may not be needed under uniform manifest system. EPA has been targeting June 1985 proposal, but no proposal may be made in this proceeding.

Contact: John Thompson (202-382-4697)

Listing/Delisting Wastes

Sen. Dodd (D-CO) introduced S. 346 to delist certain hazardous wastes and to establish a timetable for adding additional hazardous wastes to those regulated by EPA (10 cosponsors).

Managing Wastes

Sen. Hart (D-CO) introduced S. 1363 to establish adequate controls on the management of hazardous wastes (1 cosponsor).

SMALL QUANTITY GENERATOR RULE

EPA has launched two-year study of alternatives to current small-quantity generator rule, which under RCRA Part 261 exempts generators of less than 1,000 kg/month, to determine if new set of standards should be promulgated. (RCRA §3001; RIN: 2050-AA59)

Status. Proceeding is in a research/data-gathering phase, including compilation of survey results from 50,000 small quantity generators (out of universe of 124,000), with final report from EPA contractor due in mid-August. Staff also is working on regulatory impact analysis assessing impact of various alternatives. Most likely proposed option assumes a 100 kg/month small quantity exclusion, but actual proposal may be dictated by RCRA reauthorization legislation. Also under way is case study of experience in six states with small-quantity generator exemptions lower than the current federal cutoff. A contractor report on the case studies is expected next month. Target date for a notice of proposed rulemaking is October 1985.

Contact: Jacqueline Sales (202-382-4807)

NCP: CLARIFICATION OF AUTHORITIES

Revisions will be designed to clarify authorities and responsibilities of the On-Scene Coordinator and lead agency and clarify the roles of federal and state agencies under the NCP. (CERCLA §105, CWA §311; RIN: 2050-AA73)

Status. Review is still in relatively early stages, although some of the issues have been discussed in public forums. A proposal is being shaped and a draft may be completed in about a month.

Contact: Kenneth E. Biglone (202-382-7906)

CORRECTIVE ACTION FINANCIAL RESPONSIBILITY

RCRA rule would require owners and operators of hazardous waste disposal facilities to demonstrate financial responsibility for corrective action should groundwater protection standards be violated. (RCRA §3004; RIN: 2050-AA69)

Status. Preliminary staff work has been completed and a staff draft could be completed within a month or so. Staff also is currently analyzing additional data. Notice of proposed rulemaking should be out before year-end.

Contact: Carole Ansheler (202-382-4761)

HIGH-LEVEL RADWASTE

EPA is developing environmental standards defining the public health and environmental requirements to be met for disposal of high-level radioactive waste, comprising general site selection and design criteria and numeric performance requirements for repositories. Under multiagency proceeding, the Dept. of Energy and Nuclear Regulatory Commission will use the EPA standards in governing their licensing and operation of facilities. (Atomic Energy Act §274; RIN: 2060-AA03)

Status. Proceeding is entering steering committee process before going through top-level review for clearance of a final action. The longstanding proceeding (an ANPRM was published in December 1976) involves continuing discussions with DOE and NRC over details of the final rule, although no major disagreements are said to exist. Steering committee review process will take several months, so promulgation (which had been scheduled for April) does not appear possible earlier than

late this year.

Contact: Dan Egan (703-557-8610)

WASTE IN BOILERS: TECHNICAL STANDARDS

Regulation will create conditions under which hazardous waste fuel may be burned in industrial boilers and industrial furnaces. It will also set prohibitions, operating conditions and permit procedures. (RCRA §3004, §3005; RIN: 2050-AA72)

Status. Options paper is under development and briefing of ranking agency officials will take place soon. Target for

notice of proposed rulemaking is next spring.

Contact: David Sussman (202-382-7917)

STANDARDS FOR INCINERATORS

EPA is reviewing incineration requirements for hazardous waste incineration. (RCRA; RIN: 2050-AA53)

Status. No plans exist to change the regulations as they currently exist. A regulatory impact analysis is being prepared with target completion: next month.

Contact: David Sussman (202-382-7927)

ENFORCEMENT/LEGAL-HAZARDOUS WASTE

New cases filed:

NEW JERSEY CLAIMS UNDER SUPERFUND

ISSUE: Whether EPA should grant claims by New Jersey, under Superfund, for natural resource damage.

New Jersey sued EPA in the District Court for the District of Columbia on April 26, 1984, seeking to require EPA, under Superfund, to accept claims by the state for natural resource damage. New Jersey also sued the Dept. of Interior. EPA months ago rejected New Jersey's claims, leading to the suit.

STATUS: EPA must submit a response to the court by late June, or file a motion to dismiss the case.

SUPERFUND'S NATIONAL PRIORITY LIST

ISSUE: Whether EPA can be enjoined from placing a site on its National Priority List under Superfund.

Taracorp Co. filed suit in a Georgia bankruptcy court to enjoin EPA from placing the firm's dump site in Granite City, IL on the National Priority List. The site currently is not on the list.

Taracorp. filed its suit on March 28, 1984, after which EPA filed a motion to dismiss the case on April 27.

STATUS: Taracorp will respond to EPA's motion to dismiss, with a hearing likely to follow.

Major pending cases:

NATIONAL PRIORITY LIST SITES

ISSUE: Whether certain sites included on EPA's national priority list were properly selected.

More than a dozen parties sued EPA in December 1983 — in the Court of Appeals for the DC Circuit — after the agency published its National Priority List (September 1983) under section 105 of Superfund. The sites on the list are those believed to be the most hazardous environmentally.

The cases were consolidated in the DC Circuit, with the plaintiffs claiming that specific sites should not be on the list because: 1. EPA's system for ranking sites is illegal; or 2. the specific site in question is not as hazardous as EPA believes. Petitioners include Eagle-Picher, Inmont, Solvents Recovery, CPS Chemical Co., VEPCO, United Nuclear Corp., Homestake Mining Co., and Cotter Corp. SCM had been a party but dropped its case last month. (*Eagle-Picher v. EPA*, 83-2259).

STATUS: Petitioners' briefs are due May 31 on generic issues, and on June 6 on site-specific issues. EPA's reply brief is due Aug. 10.

CLEANUP INJUNCTIONS IN BANKRUPTCY

ISSUE: Whether a firm in bankruptcy is obligated to pay for the cleanup of hazardous wastes.

Ohio sought mandatory cleanup from a hazardous waste site owned by Kovaks, but the firm subsequently entered

bankruptcy. The two key issues: 1. whether Kovaks must clean up the site given that it entered bankruptcy subsequent to the Ohio action; and 2. whether the cleanup claim should take priority over other debtors in bankruptcy claims.

Ohio lost its initial case in the Southern District of Ohio, then appealed to the Court of Appeals for the 6th Circuit where it again lost. Ohio, joined by EPA as an intervenor, sought review by the Supreme Court, which granted certiorari on Jan. 1, 1984.

A separate *Ohio v. Kovaks* case was before the Supreme Court but was remanded to the 6th Circuit to decide whether the case was moot, based on the second *Ohio v. Kovaks* case. (*Ohio v. Kovaks*, 82-3629 in 6th Circuit).

STATUS: Briefs have been filed with the Supreme Court, with the Court to decide when to schedule oral argument.

CONSTITUTIONALITY OF SUPERFUND

ISSUE: Whether Superfund is constitutional given that it seeks remedies for past actions. Also, whether substances from Reilly Tar's facility damaged groundwater.

EPA alleged that Reilly Tar's facility in St. Louis Park, MN, polluted nearby groundwater, filing in September 1980 in the District Court of Minnesota under RCRA, adding counts in September 1981 under Superfund.

Reilly Tar challenged the constitutionality of Superfund, EPA filed a motion for summary judgment to reject the claim, and an April 13, 1984, hearing was held to argue the issue. The judge has made no decision on the summary judgment.

STATUS: Awaiting judge ruling on constitutionality of Superfund, after which the court will turn to EPA's initial claims of groundwater contamination.

3RD PARTY LIABILITY UNDER SUPERFUND

ISSUE: Whether Chem-Dyne violated Superfund, whether Superfund provides for joint & several liability, and whether Superfund provides for the right of contribution, that is, the right of liable parties to recover funds from third parties.

EPA filed against Chem-Dyne in August 1982 (Southern District Court of Ohio) and against some two dozen parties for alleged violations at the firm's hazardous waste disposal site in Hamilton, OH. EPA later added more than 20 defendants to the case.

The judge in October 1983 ruled that Superfund provided for joint & several liability, after which the defendants added roughly 170 third party defendants to the case.

The court then heard arguments (in March) from Chem-Dyne and EPA on whether Superfund provides for liable parties to recover costs from third parties. Once the court rules on the right of contribution issue, it will turn to the initial claims for cleanup.

STATUS: Court to decide shortly on whether Superfund authorizes the right of contribution. Also, the judge ordered EPA by Aug. 1, 1984 to

present the defendants with the specific remedy sought by the government, be it money, cleanup, or both.

SUPERFUND COST RECOVERY

ISSUE: Whether the government can recover pre-Superfund and non-Superfund costs from an industrial polluter.

EPA initially sued Hooker Chemical in December 1979 (Western District of New York) under RCRA and CWA violations, then added charges under CERCLA in February 1984.

The major issue is whether the sale of the Love Canal landfill to the school district absolves Hooker Chemical from liability. More specifically, the government is exploring whether it can recover from Hooker costs expended both in cleaning up the Love Canal site and in purchasing homes of homeowners who vacated the area.

STATUS: Discovery continues, with settlement a possibility. At best, case is months away from trial.

RCRA PERMIT STANDARDS

ISSUE: Whether EPA's RCRA permit standards for incineration, storage or disposal are valid.

More than 20 petitioners sued EPA in October 1982 (Court of Appeals for the DC Circuit) over its RCRA permit standards. Since then, negotiations have continued between EPA and the plaintiffs, with the cases and issues having been consolidated.

Petitioners include National Solid Wastes Management Assn., American Paper Institute, American Mining Congress, Edison Electric Institute, American Iron & Steel Institute,

Ford, Atlantic Cement, American Petroleum Institute, Stablex, SCA Services, Chemical Manufacturers Assn., GM, AMAX, Fertilizer Institute, National Agricultural Chemicals Assn., Dow, Environmental Defense Fund, American Textile Manufacturers Institute, Hazardous Waste Treatment Council and Mobil Chemical.

Informal negotiations are moving forward, but extensive work has halted pending the outcome of RCRA legislation pending in Congress (*In Re: Land Disposal Regulations Litigation*, 82-2205).

STATUS: Parties are waiting for Congress to amend RCRA to see how legislative changes alter the issues in the lawsuits. The House has passed RCRA amendments while a committee-passed bill is pending in the Senate.

RCRA'S MAY 1980 STANDARDS

ISSUE: Whether EPA's RCRA permit standards for generators, transporters are legal.

Forty petitioners sued EPA (Court of Appeals for the DC Circuit) over its RCRA section 3002 standards issued in May 1980, which dealt with definitions of hazardous waste, interim status standards, generator/transporter standards, etc. Negotiations and settlement discussions have continued since mid-1980, with EPA and the petitioners filing monthly progress reports with the court.

EPA recently informed the petitioners that the agency is not planning to negotiate on certain remaining issues, such as the EP (extraction procedure) toxics test and the mixture rule.

STATUS: Negotiations continue on several issues — for example, EPA's requirements for groundwater monitoring — with monthly status reports filed with the DC Circuit.

TOXICS/PESTICIDES

LEGISLATION

TSCA — HOUSE (Toxic Substances Control Act Improvements Amendments of 1984, H.R. 4304)

H.R. 4304 would reauthorize the Toxic Substances Control Act and clarify that TSCA has jurisdiction over biotechnology; permit negotiation of voluntary testing agreements; designate formaldehyde for regulatory action; simplify the factors EPA must consider in designating a significant new use of a chemical substance; and permit EPA to issue an order prohibiting or limiting the manufacture, processing, distribution of a new chemical if data is insufficient.

Rep. James Florio (D-NJ), chairman of the House Energy & Commerce subcommittee on commerce, transportation & tourism, introduced H.R. 4304 (11/3/83), with Rep. Eckart (D-OH) as cosponsor.

STATUS: No action scheduled, with Florio subcommittee currently tied up with Superfund legislation. To date, no hearings have been held.

TSCA REAUTHORIZATION — SENATE

A Senate bill to reauthorize TSCA for FY-85 provides \$55-million for administration of the Toxic Substances Control Act.

Sen. Robert Stafford (R-VT), chairman of the Senate Environment & Public Works Committee, introduced the so-called "shell" bill which simply reauthorizes the act, without amending it.

STATUS: Bill passed Senate Environment Committee on May 8, with Senate floor action the next step, though no date is scheduled.

ASBESTOS — CONTROLLING EXPOSURE, SHIFTING PROGRAM TO EPA

An amendment authored by Sens. Abdnor and Stafford is pending in the Senate to set up a federal grant program to remove and control asbestos in schools. The amendment would: 1. shift the program from the Education Dept. to EPA; and 2. set up a combination grant/loan program for needy school districts. Current law provides grants for protection, loan for abatement. The new bill would set up a combined grant/loan program for abatement.

Abdnor and Stafford introduced the free-standing amendment (with 13 cosponsors) on March 29, 1984, and the amendment effectively supplanted two separate asbestos bills pending in Congress — S. 2237 introduced by Sen. Sasser on Jan. 31, 1984 and H.R. 4720 introduced by Rep. Sundquist on Feb. 1, 1984, both of which sought to strengthen the

Asbestos School Hazard Detection & Control Act.

House Education & Labor subcommittee on elementary, secondary & vocation education held an April 3, 1984 hearing on H.R. 4720. No hearings have yet been held by Senate Labor & Human Resources.

STATUS: Abdnor/Stafford amendment to be tacked on to RCRA bill when the Resource Conservation & Recovery Act is debated on the Senate floor, likely next month.

PESTICIDES — FIFRA, EMERGENCY RESPONSE, EDB (H.R. 5495, H.R. 3818, S. 1774)

Rep. Waxman, chairman of the House Energy & Commerce subcommittee on health & the environment, introduced H.R. 5495 (4/12/84, replacing H.R. 4939) to amend the Federal Food, Drug and Cosmetic Act to authorize emergency action with respect to pesticides which present an imminent hazard to public health.

Waxman's subcommittee will hold its first hearing on the bill on May 24.

Rep. Harkin (D-IA) and Sen. Proxmire (D-WI) introduced identical bills H.R. 3818 and S. 1774 to reauthorize and make major amendments to the Federal Insecticide, Fungicide & Rodenticide Act, and search for alternatives to the pesticide EDB. The House Agriculture subcommittee on department operations, research and foreign agriculture held hearings in 1983 on Oct. 6 and Nov. 2, followed by a markup session on Nov. 3, after which markup was suspended. The House Agriculture subcommittee held an additional hearing May 9 on alternatives to the use of EDB. To date, no hearing has been held in the Senate Agriculture Committee.

STATUS: Waxman's subcommittee holds hearings this week on H.R. 5495. On FIFRA reauthorization, indications are that no major amendments to the bill will pass this session in either the House or the Senate.

Other major bills:

Toxics

Rep. Florio (D-NJ) introduced H.R. 4303 (11/3/83) to amend the Toxic Substances Control Act to compensate victims of exposure to toxic substances by creating liability for any person who manufactured or processed a chemical substance or mixture which caused or significantly contributed to the damages to an individual that are compensable under the act. The bill was referred to the House Energy & Commerce Committee's subcommittee on commerce, transportation & tourism, which Florio chairs. To date, no hearings have been held.

Rep. Broyhill (R-NC) introduced H.R. 2810 (4/28/83) to amend and extend the Toxic Substances Control Act for three years. The bill has 5 cosponsors, and been referred to the House Energy & Commerce subcommittee on commerce, transportation & tourism. To date, no hearings have been held.

Rep. Oberstar (D-MN) introduced H.R. 4546 (11/18/83) to establish a limitation on the use of friable asbestos products in

any federal assisted construction project. The bill was referred to the House Committees on Government Operations and Public Works & Transportation, with no hearings yet held by either committee.

Rep. Skelton (D-MO) introduced H.R. 4396 (11/15/83) to authorize community relocation and business and employee protection in cases of toxic substance contamination. The bill was referred to the House Committees on Energy & Commerce and Public Works & Transportation but no hearings have yet been held. H.R. 4396 is cosponsored by Rep. Volkmer (D-MO).

Pesticides

Rep. Heftel (D-HI) introduced H.R. 3254, the "Pesticide Import & Export Act of 1983" (6/8/83) to set regulatory requirements and standards for U.S. producers of agricultural commodities and improve the international exchange of scientific information on pesticide use. The House Agriculture subcommittee on department operations, research and foreign agriculture held hearings in 1983 on Oct. 6 and Nov. 2, with a markup on Nov. 3, 1983. The measure has 24 cosponsors.

REGULATION-TOXICS/PESTICIDES

PMN EXEMPTION — SITE LIMITED INTERMEDIATES

Proposed rule would exempt certain manufacturers of new chemical substances (those produced at 10,000 kg or less) and certain site-limited intermediates from premanufacture notice (PMN) requirements. NPRM was published nearly two years ago. (Toxic Substances Control Act §5; RIN: 2070-AA36)

Status. Promulgation awaits top-level decision and OMB clearance on whether to proceed or take it back for further revisions. Staff proposal has been essentially finished for several months. Principal areas of concern include potential reporting costs and qualified expert reporting requirements, which industry has complained would be too restrictive and burdensome.

Contact: Joseph A. DeSantis (202-382-3849)

PMN EXEMPTION FOR POLYMERS

Proposed rule would exempt certain polymers from PMN requirements based on administrator authority under TSCA to exempt substances that do not pose an unreasonable risk. (TSCA §5; RIN: 2070-AA37)

Status. Decision expected within a few months on whether to promulgate the rule as proposed or return it to staff for further work. As with proposed exemption for site-limited intermediates and low volume chemicals, this lengthy rulemaking has drawn some industry opposition based on perceived

heavy administrative and reporting burdens.

Contact: Joseph A. DeSantis (202-382-3849)

RESTRICTIONS ON ASBESTOS FIBER USE

EPA plans several-part phaseout of the commercial and industrial use of asbestos fibers. In this first phase, certain flooring and roofing uses will be banned. Subsequent action may extend the ban. (TSCA §6; RIN: 2070-AA29)

Status. The ban rule should be proposed by the end of July, through a notice of proposed rulemaking. The second phase, involving a ban on remaining uses (probably phased in over a 10-year period) may follow in proposed form later this year. Discussions continue with the Occupational Safety & Health Administration, whose restrictions have lower fiber limits than EPA is proposing. But EPA is addressing residual risks and says recent meetings with OSHA have produced no major differences between the agencies.

Contact: David Dull (202-382-3938)

PARTIAL UPDATE TSCA INVENTORY DATA

EPA plans to update TSCA inventory data requirements, since extant data base draws on information collected in 1977. At the same time it will make changes in requirements to both try to make information more event-oriented and also keep reporting burdens to a minimum. One approach under con-

sideration is to require manufacturers/importers of certain substances to report changes in production volume, plant site location, and site-limited status on an event-precipitated basis following the first reporting year. (TSCA §8(a); RIN: 2070-AA99)

Status: Proposal in an advanced stage of internal review, and will go to director level next month. Tentative date for publication of a notice of proposed rulemaking is later this year.

Contact: Linda Travers (202-382-3749)

REVISED DATA REQUIREMENTS FOR REGISTRATION

Regulation will specify the kinds of data normally required to support the registration of a pesticide based on product type and use pattern, stating whether requirements apply to manufacturing-use products or end-use products. Perceived benefits include generation of data needed to evaluate pesticide effects and more efficient and faster pesticide development and registration. (Federal Insecticide, Fungicide

& Rodenticide Act §3; RIN: 2070-AA07)

Status: Revised proposal is entering top-level review, pointing toward mid-June final action. Some changes have been made since late-1982 proposal, with new requirements governing spray drift (published as separate proposal) and some modifications to proposal as to when particular data would be required.

Contact: Frederick Betz (703-557-9307)

PESTICIDE REGISTRATION/LABELING/CLASSIFICATION

Regulations will revise procedures and requirements for registration and reregistration of products, their labeling and the classification of pesticide products as restricted use products. (FIFRA §3; RIN: 2070-AA56)

Status: Proposed notice is about to enter red-border review and near-simultaneous clearance procedures at OMB. The NPRM is likely to be issued in mid-July, with final promulgation probably at least a year off.

Contact: Jean Frane (703-557-0592)

ENFORCEMENT/LEGAL-TOXICS/PESTICIDES

Major pending cases

PCB DISPOSAL

ISSUE: Whether Commonwealth Edison improperly disposed of PCBs.

EPA filed a civil suit on Feb. 20, 1984, against Commonwealth Edison of Chicago — one of the nation's largest electric utilities — for allegedly violating the PCB provisions of section 6(e) of the Toxic Substances Control Act.

In the suit EPA seeks to have the defendants: 1. initiate a spill site sampling and soil analysis program; 2. conduct required testing; 3. clean up all spill sites where PCB concentration is greater than 50 ppm; 4. conduct cleanups only with EPA's written approval; 5. provide EPA with a list of all spill sites from 1/1/77 to date; 6. provide EPA with names and addresses of all persons known to have come in contact with PCBs as a result of these spills; and 7. agree to pay all medical expenses incurred by such persons (*USA v. Commonwealth Edison Co.*, 84C-1597).

TSCA TEST RULES

ISSUE: Whether EPA's regulations on test rules, issued under the Toxic Substances Control Act, are legal.

The Natural Resources Defense Council and AFL-CIO sued EPA on Dec. 6, 1983, in the Southern District Court of New York on the grounds that EPA failed to properly implement section 4 of TSCA, dealing with test rules procedures.

EPA filed a motion to dismiss the case in March, after which NRDC and the AFL-CIO filed a cross-motion. Both parties seek summary judgment for their claims.

STATUS: Court will decide on summary judgment motions, though it's unclear how quickly the court will rule.

REGULATING FORMALDEHYDE

ISSUE: Whether EPA should designate formaldehyde a priority chemical for regulation under TSCA.

EPA on May 18 officially designated formaldehyde a priority chemical under section 4(f) of the Toxic Substances Control Act, and issued an advance notice of proposed rulemaking to regulate two uses of the chemical. The designation throws into question the future of the lawsuit brought by the Natural Resources Defense Council last year. NRDC sued EPA in the District Court for the District of Columbia on July 18, 1983, seeking designation of formaldehyde as a priority chemical.

EPA will send copies of its decision to the parties in the case this week.

STATUS: A status meeting will be held May 25 with the court, after which a decision on whether EPA's designation moots the lawsuit.

DOCUMENTS

AIR

RULEMAKING DISCLOSURE REQUEST. EPA turned down bid by Natural Resources Defense Council for disclosure of oral communications between the agency and the Office of Management & Budget on Clean Air Act rulemakings. NRDC had urged EPA to issue guidelines requiring oral communication disclosure in public dockets, arguing practice of oral comments violates congressional intent in section 307(d) disclosure requirements. ★

CARBON MONOXIDE STANDARDS. Draft letter from Clean Air Scientific Advisory Committee urges EPA to set carbon monoxide national ambient air quality standards to maintain current levels of protection, despite some lingering scientific uncertainties. Casac position in effect opposes relaxing CO standard in long-pending NAAQS review. ★

ACID RAIN CONTROLS. EPA submitted testimony to Senate Energy

Committee arguing that new data on acid-rain-induced forest damage supports Administration arguments that more research is needed before Congress imposes acid rain controls. New evidence of damage is troubling, administrator William Ruckelshaus told the committee, but it leaves serious questions about what pollutants are causing the damage. ★

BENZENE NESHAPS. An EPA Policy office analysis urges revision of draft hazardous air pollutant regulations for benzene fugitive and coke byproduct plants. The analysis tends to support OMB arguments that the draft would be unnecessarily burdensome and costly to industry — recommending an 8% relaxation of proposed coke byproduct emission standards and some relief for small emitters of fugitive benzene emissions.

CANCER AND AIR POLLUTION. Draft report being circulated by EPA's office of air quality planning & standards suggests little conclusive evidence exists linking air pollutant exposure

to cancer. Report cites the scientific complexity of addressing the issue, in part because of 'confounding factors,' such as cigaret smoking. ★

STAGE II GAS VAPOR RECOVERY. Report by Sierra Research Inc., based in California, concludes that a stationary stage II gas vapor recovery system instituted nationwide would be over \$100-million cheaper than a national program of equipping cars with on-board vapor recovery cannisters, the system EPA reportedly has been leaning toward. ★

POLYCHLORINATED DIBENZO-p DIOXINE. EPA draft Health Assessment Document on polychlorinated dibenzo-p dioxins is designed to lay the scientific basis for determining whether to regulate these compounds under the Clean Air Act. Copy available from ORD Publications-CERI-FRN, USEPA, 26 W. St. Clair, Cincinnati OH 45268 (513-684-7562). Document #EPA 600/8/84-014A ★

CO EXPOSURE. Study for EPA of personal exposure to carbon monoxide in Denver documents degree of exposure for about 450 individuals. Findings by PEDCo Environmental: methodology for using personal monitors to estimate population exposure to CO is sound; exposures are higher in 'micro-environments' associated with motor vehicles; and no strong correlation exists between microenvironments studied and CO concentrations simultaneously recorded at fixed-site monitors. Project summary available (EPA 600/54-84-014) ★

ACID RAIN AND HYDROGENERATION. Statement by James Weaver (D-OR) withdrawing as a supporter of acid rain control legislation (HR 3400), claiming the proposal would unfairly tax hydrogeneration. Weaver endorses a 48-state plan for sulfur/nitrogen-oxide control plan, but: 'I cannot in good conscience cosponsor a bill which taxes hydroelectric generation to pay for sulfur and nitrogen oxide reductions.' (CR, May 1, H3179) ★

LEAD-IN-GASOLINE BAN. Statement by Sen. David Durenberger (R-MN) in support of his proposal to ban the sale of leaded gasoline by 1988. 'Our past efforts in controlling lead exposure have been largely centered on leaded paints. But numerous reports have indicated that airborne lead is the most serious source of exposure, and 95% of airborne lead can be attributed to automobile emissions'. (CR, April 30, S5056) ★

WATER

COAL-MINING EFFLUENT LIMITATION GUIDELINES/NEPS. EPA analysis of revised proposals governing pollutant discharges to U.S. waters from coal-mining facilities. Revisions govern changes in effluent limitation guidelines based on BAT and new source performance standards — following from settlement agreement growing out of appeals court review of rules promulgated Oct. 13, 1982. (Federal Register, May 4, 1984) ★

GROUNDWATER SAMPLING. EPA study analyzes materials for monitoring well construction and groundwater sampling and concludes that use of more expensive but more sophisticated materials for wells can be cost-effective for as little as five-year monitoring projects. Study, by the Illinois State Water Survey, will have second phase. Project summary available. (EPA-600/54-84-014) ★

NPDES SIGNIFICANT COMPLIANCE DEFINITION. EPA draft definition of 'significant compliance' in National Pollutant Discharge Elimination System program indicates leeway for permit holders may extend to exceedances of up to 40% for inorganic and oxygen-demanding pollutants and 20% exceedance for toxic pollutants such as heavy metals, cyanide and organics. ★

HAZARDOUS WASTE/SUPERFUND

STATE, PRIVATE SUPERFUND SPENDING. Letter and supporting analysis, sent by Commerce Secretary Malcolm Baldrige to the White House, arguing that most Superfund cleanup costs can be assumed by states and the private sector. Commerce subsequently disavowed the March 12 letter and analysis; EPA, in mid-April rebuttal, argues Commerce grossly underestimated cleanup costs. ★

DOE HAZARDOUS WASTE. House Energy & Commerce chairman John Dingell asked the Dept. of Energy in late April to provide information on environmental problems and hazardous waste management practices at DOE facilities covered by the Atomic Energy Act. Response due June 15. ●

LEAD IN SOIL STUDY. Centers for Disease Control study disputes finding by EPA of correlation between soil and blood lead levels in children. Study finds blood levels decreased in shutdown lead smelter areas even though lead levels in soil remained constant. ★

HAZARDOUS WASTE GENERATION. EPA-commissioned study has found the amount of hazardous waste generated by facilities subject to RCRA requirements is seven times greater (71-billion gallons in 1981) than originally estimated by EPA. But the report, prepared by Westat, also found a high percentage of waste generated is managed on site. ★

SUPERFUND CLEANUP. Statement by Rep. James Florio (D-NJ) opposing Superfund reauthorization amendment approved by the Energy & Commerce subcommittee on commerce, transportation & tourism (which he heads). Florio says amendment, holding program to current spending levels, would slow cleanup to the point where it would take 100 years to complete on-site cleanup. (CR, April 12, E1678) ★

WASTE SITE CLEANUP ESTIMATES. Commerce Dept. draft study projects a \$10.5-billion cost for cleaning up about 1,800 abandoned or uncontrolled sites over the next 10-15 years — an estimate that falls toward the low end of EPA's own estimates (\$8.4-billion to \$16-billion). The report, prepared as part of Administration and congressional review of the Superfund program, says only a portion of the total sites will be put on the National Priorities List and, therefore, qualifies for federal funding. ★

VOLUNTARY CLEANUPS. The Administrative Conference of the U.S., in draft recommendations, urges EPA to place greater emphasis on negotiating voluntary cleanups at Superfund sites and mediation of settlements. ★

HAZARDOUS WASTE STORAGE. EPA proposed technical document on 'procedures for modeling flow through clay liners to determine required liner thickness'. The document, once issued in final form, is designed to assist owners and operators of hazardous waste facilities to meet RCRA performance standards by providing designers of clay liners with a technique for determining extent of potential infiltration into soil liners. Comments on draft are due by July 19. Copies available from EPA, 202-382-3000. ★

RCRA CIVIL PENALTY POLICY. EPA final policy on assessing administrative penalties under Resource Conservation & Recovery Act section 3008(g). Policy provides penalty calculation system consisting of: determining a gravity-based penalty for a particular violation; considering the economic benefit of noncompliance where appropriate; and adjusting the penalty for special circumstances. Policy was issued May 8. ★

SUPERFUND CLEANUP COSTS. EPA memo on the degree to which costs should be factored into decisions regarding which Superfund cleanup methodology should be selected. EPA Policy & Superfund offices have disagreed about the cost issue — the Policy office urging that cost of alternative cleanup methodologies be considered in cleanup decisions. ●

AT-SEA INCINERATION. EPA report, prepared by the office of water regulations & standards, recommending agency policy on issuing operational and research permits for at-sea incineration of hazardous wastes in the Gulf of Mexico. The report proposes, among other things, denying special permits to applicants, issuing only two research permits and delaying issuance of operating permits until final ocean incineration regulations are promulgated. ★

TOXIC SUBSTANCES

EPA'S NEW CHEMICAL PROGRAM. An Office of Management & Budget white paper concludes that EPA spends too much time and money regulating new chemicals, at the expense of existing chemical regulation under the Toxic Substances Control Act. The paper, for which an EPA response is being prepared, has produced a mixed reaction at the agency. ★

BIOTECHNOLOGY PLAN. OMB, in a draft memorandum, takes issue with EPA's plan to regulate biotechnology products under the Toxic Substances Control Act; saying EPA assertion of authority under TSCA would be both legally and scientifically indefensible. Memo was submitted by OMB regulatory chief Christopher DeMuth to the Cabinet Council on Economic Affairs. ●

ETHYLENE OXIDE. EPA notice of proposed changes in labeling requirements governing ethylene oxide (EtO), a pesticide product used for equipment sterilization in hospitals and health care facilities. The agency is reanalyzing its position on EtO because new evidence suggests EtO may present unacceptably high cancer risk at current exposure levels. (FR, 15269. For more information from EPA, 703-557-7400). ★

PCB-CONTAMINATED FISH. Statement by Sen. Bill Bradley (D-NJ) and four other northeastern Senators accompanying introduction of bill to study the extent of polychlorinated biphenyl contamination in Atlantic Ocean coastal fish. Proposal would require EPA to conduct two-year study (estimated to cost \$900,000), and report back to Congress on recommendations for further action. 'It is important for us to find out whether PCB contamination is a real threat to public health.' (CR, May 3, S5338) ●

TSCA FOLLOWUP ON CHEMICALS. Letter from toxics chief John Moore to Sen. David Durenberger says EPA has compiled a list of 10 potentially hazardous new chemical categories for which the agency plans post-marketing followup action. The list is described as preliminary and may be subject to change, with both additions and deletions. ★

GENERAL

COST/BENEFIT ANALYSIS. Report by the General Accounting Office concludes that while cost/benefit analysis is imprecise, it can be a useful tool for estimating the impacts of various regulatory actions. GAO says the role of cost/benefit may increase in importance as spending for environmental compliance increases but cites three current limitations in its utility — major scientific gaps; legal restrictions preventing its use; and EPA's partial implementation of Executive Order 12291, which requires cost/benefit analyses for major regulations. (GAO/RCED-84-62) ★

RUCKELSHAUS ON ENVIRONMENTAL DECISIONMAKING. Text of April 16 speech by EPA administrator William Ruckelshaus on progress of environmental activities and apparent breakdown of the decisionmaking process. 'Although public pressure to act remains high, the political process no longer seems able to resolve important environmental issues.' ★

RUCKELSHAUS ON THE NEW EPA. Text of April 25 speech by Ruckelshaus before the Garden Club of America, in Nashville TN, reviewing changes in EPA organization and goals since he returned for a second stint as administrator. 'If our new management system is given a chance to work, it will provide unprecedented stability for this controversial agency.' ★

FREEDOM OF INFORMATION ACTIONS

(The following comprises recent substantive EPA approvals of information requests under the Freedom of Information Act. In some cases, particularly those where generic requests are made, an approval doesn't necessarily connote that all information requested is delivered. Approvals, as rendered by EPA's FOIA office, do not distinguish between information generally available on request and information for which special determinations are required.)

(Dollar amounts show charge, if any, for the material. RIN stands for regulatory identifier number and should be cited if similar requests are made. FOIA requests should be addressed to: Jeralene Green, Freedom of Information Officer, USEPA, 401 M Street SW, Washington DC 20460.)

FORMALDEHYDE. Copy of report, 'Quantitative cancer risk assessment on formaldehyde,' dated March 27, 1984, and prepared by Gary Grindstaff and Brian Cook in the office of toxic substances. Requested by Cleary, Gottlieb, Steen & Hamilton, Washington DC. RIN 1431-84. Approved May 8.

SUPERFUND. Copy of most recent printout of the Emergency Remedial Response Information System. Cost: \$264. Sought by Environmental Risk Assessment Service (USA) Ltd. Approved May 9.

PCB'S. Copy of report, 'Preliminary study and cost effectiveness analysis of alternative regulation for indoor PCB transformers.' (OPTS-62035) Cost: \$37.60. Requested by Rochester Gas & Electric and several other utilities. RIN 1367-84.

PSD/NONATTAINMENT AREAS. Request for maps, if available, showing attainment (PSD) and nonattainment status under the Clean Air Act of each Air Quality Control Region (or by state) for priority pollutants and a list showing status for each AQCR. Requested by Arent, Fox, Kintner, Plotkin & Kahn. RIN 1317-84. Granted May 7.

SUPERFUND. Copy of EPA listing of potentially responsible parties at Superfund sites throughout the U.S. In approving request April 30 EPA said 'this list represents EPA's preliminary findings of the identities of potentially responsible parties. Inclusion on this list does not constitute a final determination concerning the liability of any party for the hazard or contamination at any Cercla site.' Requested by Folger & Levin, San Francisco. Cost: \$75. RIN 1316-84.

LEAD ADDITIVES. Copies of lead additive reports for fifth compliance period under EPA lead phasedown regulations. Request seeks reports for all refiners and importers and all letters sent to refiners and importers by EPA that cite them for exceeding the 1.10 gpl standard for lead content during last half of 1983. Cost: \$32.30. Requested by Herman & Associates, Washington DC. Approved May 4.

ENVIRONMENTAL POLICY ALERT HOTLINE: HOW TO GET STUDIES, ANALYSES, DOCUMENTS

To facilitate requests for more information about data contained in Inside EPA's *Environmental Policy Alert*, a special hotline has been established. Subscribers are invited to call 202-347-5933 and *Environmental Policy Alert* staff will tell you the fastest way to get the information you need.

As an additional service, the staff will provide copies of studies, reports and documents on request. A report that is available is denoted in the documents section with a star (★) at the end of the descriptive item. Photocopying, when applicable, will be charged at \$0.15/page, postage included, with a minimum \$3 charge per order.

For more about the hotline or to use the additional information/reprint service, call 202-347-5933.

STATIONARY SOURCE VIOLATIONS. Request seeks EPA 'quick look report' showing stationary source violations in 16 states. Seeks information in format that shows source name, location, point compliance status and description and SIC code and description. Cost: \$46.50. Requested by Pennsylvania Engineering Corp.'s engineering construction division, Pittsburgh. Approved May 3. RIN 1311-84.

RCRA COMPLIANCE. Request for computer printout of EPA administrative order issued under Resource Conservation & Recovery Act §3008 — civil complaints for civil year 1984. Cost: \$23. Requested by Kaye, Scholer, Washington. Approved May 8. RIN 1286-84.

BULK GASOLINE/CHEMICAL FACILITIES. Request for information on bulk gasoline and liquid chemical loading terminals that have been out of compliance with standards in the last quarter; companies recently seeking new permits to construct such facilities; and list of terminals in the U.S. Included in information sought is compliance status and type of vapor recovery system installed. Cost: \$43.29. Requested by Airco Industrial Gases, Murray Hill, NY. RIN 1270-84.

RCRA PERMIT LIST. Request for RCRA Part A permit application data tape, with location of landfills and hazardous waste dumps. Cost: \$35. Requested by Ireco Chemicals, Salt Lake City. Approved May 2. RIN 1266-84.

ENVIRONMENTAL AGENDA: WHAT'S JUST COME DOWN, WHAT'S COMING UP

RECENT REGULATORY ACTIONS

Drinking water: private sector program. EPA proposes to create a voluntary standard organization to provide private sector assistance in evaluating drinking water additives. Comments due July 2; preproposal conference for potential applicants will be held on July 23 at EPA, Room 3906, 401 M St. SW, Washington DC. Full proposals due Sept. 4. For more information: Arthur H. Perler (202-382-3030); 49 FR 21004, May 17.

Noncompliance penalties. Late in April EPA proposed modifications to its Clean Air Act section 120 noncompliance penalty program by changing calculation procedures. Comments due June 22. For more: Christopher Herman (202-382-7360); also see 49 FR 17041, April 23.

Underground injection control. EPA promulgated final rule governing federally administered underground injection control program under the Safe Drinking Water Act. For judicial review, the regulations are promulgated May 25; For regulatory purposes, the effective date is June 25. For further information: John B. Atcheson (202-382-5530); 49 FR 20138, May 11, 1984.

Mobile source: retrofit devices. EPA promulgated final rule to eliminate confusion about authority to test fuel additives as part of the retrofit device evaluation program under the Motor Vehicle Information & Cost Savings Act. Rule becomes effective May 31. For more information: Merrill W. Korth (313-668-4299); 49 FR 18486, May 1, 1984.

CALENDAR

Particulate NAAQS. Comments due June 18 on proposed revisions to ambient air standards for particulate matter. For more information: John Haines (919-541-5531); also see 49 FR 10408, March 20.

Nitrogen dioxide. Comments due May 23 on proposed retention of existing annual average standard, with continuing EPA analysis of need for short-term standard. For more information: Michael Jones (919-541-5531); also see 49 FR 6866, Feb. 23.

Natural gas processing. Comment extension to June 6 on proposal to control SO₂ emissions and equipment leaks of volatile organic compounds from onshore natural gas pro-

cessing plants. For more information: Gil Wood (919-541-5578) 49 FR 13392, April 4; 49 FR 2656.

Water quality criteria. Extension of comment period to June 6 on 10 water quality criteria documents. For background, see 49 FR 4551, Feb. 7, 1984. For more information, contact Dr. Frank Gostomski, criteria & standards division (WH-585), USEPA, 401 M Street SW, Washington DC 20460. (202-245-3030)

Coal mining effluent limits. Comments due June 4 on proposed revisions to point source effluent limitation guidelines and NSPS originally issued in 1982 (47 FR 45382). Proposed revisions in 49 FR 19240. Comments and further information: William Telliard, effluent guidelines division (WH-552), USEPA, 401 M Street SW, Washington, DC 20460 (202-382-7131).

1,3-Butadiene. Comments due July 16 on advance notice of proposed rulemaking to determine what form of regulation is needed to control exposure to 1, 3 butadiene, a substance that has caused cancer in experimental animals. For more information: Edward A. Klein (800-424-9065 or 202-554-1404)

Pretreatment regulations. Briefs are due to the Supreme Court by June 14. The chief issue in the case is whether the Clean Water Act consent decree infringes EPA's discretion to grant variances for meeting pretreatment standards (p7).

Superfund legislation. Hearings in Senate Environment Committee set for May 22, 23 & 24 on pending legislation to amend Superfund. The Energy & Commerce subcommittee on commerce, transportation & tourism plans markup on H.R. 5640 on May 24 (p8).

Superfund's national priority list. Briefs from the dozen or so petitioners are due May 31 in the court case challenging EPA's national priority list (p10).

Pesticides. Hearings to be held May 24 on H.R. 5495, to provide emergency authority to deal with pesticide contamination

SO₂/Particulates. By June 4 EPA must file a report with the DC Appeals Court regarding documents used to support its SO₂/particulates criteria document (p3).

1. To Walter G. Pettit; From
Edward C. Anton; October 4,
1984; Subject: Result of
Workshops on Subchapter 16

California

Memorandum

Walter G. Pettit
Deputy Director

Date : OCT 4 1984

From : STATE WATER RESOURCES CONTROL BOARD

Subject: SUBCHAPTER 16--RESULTS OF WORKSHOPS

The Subchapter 16 task force has held six workshops since the completion of the public comment version of the regulations. These workshops have been held with the local agencies (cities and counties) who will be responsible for implementing the permit program; with the petroleum retailers and jobbers; with the industrial and business community; and with consultants, equipment suppliers, and contractors who will be providing services to tank owners. Over 150 people have attended these workshops. The only group that did not appear to be adequately represented were small businesses.

The major comments on the draft regulations concerned Articles 3 and 4. In addition, there were comments on specific portions of the regulations that came verbatim from the law (AB 1362) and that could not be changed without legislative action. This situation was clearly pointed out to the commentators.

The most significant comments on Article 3 were as follows:

1. Why were we requiring a continuous sensor between the primary and secondary containment? (Section 2632(e) and (f))
2. The cost and detail of the response plan that would be required for secondary containment facilities where the secondary container is not designated to contain 100 percent of the primary container volume. (Section 2634(f))
3. The fact that the overflow protection criteria only addresses losses due to tank overfill and does not address the small losses that occur during hose uncoupling procedures. (Section 2635(f) and (g))

At this time, we are still considering responses to these comments. We strongly believe that there exists a need to require the response plan described in comment 2 for those tanks that do not provide for full secondary containment in order to provide the water quality protection mandated by the legislation. This situation is only allowed for motor vehicle fuel tanks and most commentators seemed to accept this requirement once its applicability was explained. We

OCT 4 1984

believe the draft regulations are deficient as they relate to comment 3 and propose to add language to the revised regulations in response to this comment.

Article 4 drew the most discussion and comments since it will impact everyone with an existing tank and due to the significant costs of compliance. Comments were centered on the apparent duplication of monitoring required and the general belief that the ground water assurance monitoring was not needed. It was strongly implied that a lesser degree of monitoring would be adequate to detect leaks from existing tanks. Some people questioned the authority under which the regulations require that the monitoring be capable of detecting historic leaks. The requirement for slant drilling as part of the monitoring to detect historic leaks also drew criticism.

Our response to these comments is based on the philosophy behind this Article. The law is clearly intended to protect ground water from contamination from regulated facilities. The only way to accomplish this is to provide a monitoring system which includes detection in the unsaturated zone (the area below the ground surface but above the ground water table) that is effective. It is even more important to assure that the monitoring required does not provide a false sense of security due to the fact that it never indicates a leak yet is incapable of providing reliable leak detection.

Based on our technical review of the monitoring systems available, we believe that they all have some degree of error. In addition, some systems, such as inventory control, are capable of detecting large sudden leaks but, due to the inaccuracy of the measurements involved, are not capable of detecting small leaks. Reliance on this system alone could lead to a false sense of security in the integrity of the tank. Similarly with tank testing, it only provides an indication of the tank integrity at the time the test is performed. Since this type of test would normally be required to be performed yearly, at best, the integrity of the tank over the next 364 days is unknown.

Unsaturated zone monitoring is another method that, within its limitations, provides effective monitoring. The major limitation with this method is its area of coverage. One could place enough detectors to cover the area under the tank, but this would not be economical and would probably never be recommended by a consultant. Therefore, the systems that will be installed will provide some level of detection, but should not be relied on to definitively indicate that no leakage exists.

Assurance ground water monitoring is the only way to verify the effectiveness of the primary monitoring method. It also provides some assurance that, if the primary monitoring methods fail to detect a leak, the contaminants will be detected before the public is exposed to contaminated ground water.



Edward C. Anton, Chief
Division of Technical Services

HSINGER/pjdardis

m. To Walter G. Pettit,
Michael A. Campos, Board
Members; From Edward C. Anton;
November 25, 1984; Subject:
WOGA's Comments on November
19, 1984 Draft of UGT
Regulations

Memorandum

Date : NOV 25 1984

1. Walt Pettit
2. Mike Campos
3. Board Members

From : STATE WATER RESOURCES CONTROL BOARD

Subject: WOGA's Comments on November 9, 1984 Draft of Underground Tank Regulations

Attached is a copy of WOGA's comments on the most recent draft of the Underground Storage Tank regulations. Because they were received early and they are quite extensive, I am sending them to you for your review ahead of the November 27, 1984 public hearing/Board Meeting.

DTS staff has made notes in the margins indicating our response to each of WOGA's comments. We will be prepared to discuss these responses at the public hearing/Board Meeting. If you would like to discuss any issues prior to the public hearing/Board Meeting, please feel free to contact me.



Edward C. Anton, Chief
Division of Technical Services

Attachments

Western Oil and Gas Association

727 West Seventh Street, Los Angeles, California 90017
(213) 627-4865

November 21, 1984

Harold Singer
Division Technical Services
State Water Resources
Control Board
Post Office Box 100
Sacramento, California 94801

Received DTS

NOV 22 1984

Re: Proposed Regulations Regarding Underground
Tank Storage of Hazardous Substances

Dear Mr. Singer:

Enclosed are the comments of the Western Oil and Gas Association ("WOGA") on the draft of the above-referenced proposed regulations dated November 9, 1984. While WOGA appreciates the staff's efforts to respond to our comments on the prior draft of the proposed regulations, we still have a number of concerns with respect to this draft. Those concerns are put forth in the comments that follow, however we have two major points to direct your attention to:

First, additional time for review of these regulations would benefit all those involved with and impacted by the regulations. These regulations will affect numerous facilities including thousands of retail gasoline service stations in the state. Since the last revision became available on November 9, there have been just nine working days to prepare these comments. We believe it is in the interest of the Board, the public and regulated industry to have a coherent, workable set of regulations. However, in order to achieve this, at least one more workshop between the Board's staff and industry is needed. We urge the Board to consider this before it adopts the proposed regulations.

This is probably valid from a technical point of view but legally the Board is within statutory time limits.

Second, with regard to ground water monitoring wells, the statute specifically allows the local agency implementing the regulations to specify "the location, and number of wells, the depth of wells and the sampling frequency." See Cal. Health & Safety Code § 25284.1(b)(2). In many instances, however, the regulations improperly specify these parameters either as minimums or as requirements. The Board should adopt regulations that are consistent with the statute and that allow the local agency to specify these monitoring parameters.

The law states (25284.1(b)) "Alternative methods of monitoring the tank on a monthly, or more frequent basis, may be required by the local agency, consistent with the regulations of the Board. Subsection (2) to the above says "The local agency ... shall approve the location and number of wells ... pursuant to these regulations."

Based on the statutory wording the Board has the authority to specify monitoring frequency, location & number of wells, the proposed regulations specify minimums and allow the local agency to evaluate and operate monitoring programs for each site.

Harold Singer
November 21, 1984
Page Two

Thank you for the opportunity to comment on the proposed regulations. If you have any questions, please call Ralph Edwards at (213) 683-6335.

Very truly yours,

Robert N. Harrison By P.D.

Robert N. Harrison
Assistant General Manager

RNH:cj

Enclosure

COMMENTS

On Behalf Of

THE WESTERN OIL AND GAS ASSOCIATION

Before the

STATE WATER RESOURCES CONTROL BOARD

November 27, 1984

Sacramento, California

Re: Proposed Subchapter 16 Regulations for
Underground Tank Storage of Hazardous
Substances

The Western Oil and Gas Association ("WOGA") is a trade association whose members conduct the majority of the producing, refining, transporting and marketing of petroleum products in the western United States. WOGA wishes to thank the Board for the opportunity to submit comments on the proposed regulations for the underground tank storage of hazardous substances (the "Subchapter 16 regulations") dated November 9, 1984. We appreciate the Board's efforts to address our prior comments in the current draft of the proposed regulations. Nevertheless we still have significant concerns with this draft. As in our analysis of the prior draft of the Subchapter 16 regulations, most of our comments are found in a section-by-section discussion. However, there are several general matters of concern that we will address before the section-by-section discussion.

First, the time allowed for consideration of this second draft of the Subchapter 16 regulations is simply too

short for careful and considered analysis. The revisions introduced in this proposed draft have largely altered the original scope and shape of the proposed regulations and therefore require more than cursory review. We note that although the proposed regulations were available on Friday, November 9, most of our members did not receive a copy until the following week. In addition, one of the weeks included in the review period was limited due to the Thanksgiving holiday. The result is that most individuals reviewing the proposed regulations had a total of just 9 working days to prepare comments. WOGA noted in its prior comments that even the 45 days allowed for consideration of the original proposed regulations was insufficient.

see
cover
letter

WOGA is aware that the Board is required to promulgate regulations by January 1, 1985. However, additional time for review and dialogue with Board's staff would ultimately result in better regulations, both technically and legally.

WOGA's second general comment goes to those proposed regulations that mandate various monitoring well and sampling requirements for existing underground storage tanks. California Health & Safety Code § 25284.1(b)(2) provides that while the Board may promulgate regulations specifying monitoring alternatives, the local agency shall determine "the location and number of wells, the depth of wells, and the sampling frequency, pursuant to these regulations." This statutory requirement has been disregarded in a number of sections in the proposed regulations.

see
cover
letter

In the interest of brevity, WOGA will not comment in the section-by-section analysis on each of the regulations where the statutory language was disregarded. However, we have compiled a partial list below, with a brief description of the impermissible regulatory requirements:

<u>Subsection</u>	<u>Requirement</u>
2640(e)	Section 2641 monitoring alternatives are "minimums."
2641(c)(2)(B)	Continuous or daily vadose zone monitoring.
2641(c)(2)(C) and Table 4.1	Semi-annual ground water well monitoring; Table 4.1 requirement for 100-foot well depth and minimum number of wells.
2641(c)(3)(C)	Continuous or daily vadose zone monitoring.
2641(c)(4)(B)	Monthly ground water well monitoring.
2641(c)(6)(E)	Minimum semi-annual vadose zone monitoring.
2641(c)(6)(F) and Table 4.1	Minimum number of ground water monitoring wells; semi-annual ground water sampling.
2641(d)(1) and (2)	Minimum monthly monitoring for methods other than ground water monitoring.
2647(b)	Ground water monitoring wells must be located as close as possible to UST or tank cluster perimeter.
2647(c)	Minimum ground water well depth.
2648(p)(3)	Depth of exploratory boring.

WOGA believes that each of the above-referenced sections is without statutory authority in that each removes from the discretion of the local agency a decision specifically left to the local agency by the enabling statute.

In addition, the following subsections establishing requirements for new underground storage tanks (as opposed to existing underground storage tanks), although not expressly governed by or subject to Health and Safety Code § 25284.1, also remove discretion from the local agency to specify monitoring parameters:

<u>Subsection</u>	<u>Requirement</u>
2632(c)(1)(B)	Frequency of visual inspections for new tanks.
2632(c)(2)(B)	Frequency of manual monitoring for new tanks.
2634(d)(1)	Frequency of monitoring using a leak detection system for new tanks.

WOGA believes that in order for the regulations to be consistent with the spirit of the statute these subsections should also be amended to give the local agency the discretion to choose the above-referenced frequencies.

WOGA's final general comment is that to the extent any of our prior comments remain unaddressed by the Board in the current draft of the proposed regulations, WOGA hereby incorporates such prior written and oral comments. Throughout the following analysis, we will occasionally refer to prior comments. Such express referral is not meant to preclude the

There is no provision in the Statute for new tanks which gives the local agency the authority to set monitoring standards or frequencies. Section 25284.1 of the Statute directs the Board to develop regulations for the Statutory sections governing new tanks.

incorporation by reference of all other prior written and oral comments which have not been addressed.

We turn now to our comments on specific sections of the proposed regulations.

Section-by-Section Analysis

Article 2

2621. Additional Definitions

"Daily"

WOGA repeats its prior comment that a definition of

"daily" should be included as follows:

"'Daily' means normal operating day."

This term is used throughout the proposed regulations and is still defined too broadly. For example, in subsection 2644(c) "daily" inventory reconciliation would be required even on days when the facility is closed. A typical example of such closings are those service stations with car wash facilities. These stations are usually closed during bad weather yet would be required to continue inventory reconciliation under the regulations.

"Double-walled tank"

For clarity,¹ the second sentence in the definition of "Double-walled tank" should be as follows:

¹ Throughout these comments, where applicable, we will use the criteria set forth in Cal. Gov't Code § 11349.1 for review of state regulations. These include: Necessity, authority, clarity, consistency, reference, and nonduplication.

"The outer shell must provide structural support and must be constructed primarily of non-earthen materials including, but not limited to, concrete, steel, or plastic."

concur, may be non-significant change

Article 3

2630. Applicability

WOGA urges the Board to adopt a new subsection (d) to this section which would exempt piping which does not normally contain liquid substances from the secondary containment requirements of Article 3. It is simply unnecessary to subject such piping to these requirements if they do not normally contain liquids. The exemption could be worded as follows:

"(d) Vent and vapor piping connected to an underground storage tank normally not containing or storing liquid are exempt from the secondary containment requirements of this article."

2633. Construction Standards for New Motor Vehicle Fuel Tanks

This section should contain a subsection which recognizes that double-walled tanks meet the requirements of a primary container and a leak interception and detection system. This would simplify the permitting of such tanks and would avoid the task of requiring that every double-walled tank be shown to meet all of the primary container and leak interception and detection system requirements. Therefore, WOGA proposes that a subsection (h) be added to section 2633 as follows:

"(h) A double-walled tank shall be considered to meet all of the requirements of a primary container and a leak inter-

stuff does not believe this is necessary.
If the piping does not contain a hazardous substance it is exempt from these regulations. The statute defines what is covered, and includes piping.

Sections 2633 & 2634 were based on
Section 25334(c)(7) of the Statute which discusses
a. primary tank with a system to intercept and direct
a leak to a monitoring well. A double wall tank can
meet this intent but so would other all volumetric

Secondary
systems. The
demonstration
required is
obvious for these
secondary facilities.

ception and detection system as specified
in this section."

2634. Monitoring Standards for New Motor Vehicle Fuel Tanks

(1) 2634(a)(3)

This subsection requires hydrostatic tank testing every two years... However, double-walled tanks should be exempt from this requirement since the annular space between the walls can be adequately checked without undertaking a hydrostatic test. For example, the use of a dip stick is a reliable and inexpensive method to test double-walled tanks. This exemption could be accomplished by changing subsection (a)(3) as follows:

"Hydrostatic testing of the tank,
excluding double-walled tanks, every two
years according to the criteria specified
in Section 2643 of Article 4, and. . . ."

(2) 2634(d)(1)

This subsection sets forth the frequency requirements of leak interception and detection system monitoring. We believe such frequency is best left up to the local agency which will be most familiar with the facility as a whole, the substance contained in the underground storage tanks or tanks, and the groundwater to be protected. Therefore, WOGA suggests deleting the first sentence of subsection (1) and beginning as follows:

"(1) Monitoring as required by the local
agency based on an assessment of the
available volume of the leak interception
and detection system, . . ."

(3) 2634(a)(3)

WOGA notes that in subsection 2634(a)(3) a closing parenthesis symbol should be added after the word "days" for clarity.

(4) 2634(f)

This subsection sets forth the steps to be taken if a gain or loss of hazardous substances is observed in excess of specified limits. WOGA believes that gains should not be treated the same as losses since most gains can be readily explained by a check: (1) of delivery records, (2) of the dispensing meters, or (3) for water in the tank. We note that the proposed regulations follow closely the methods for investigating losses (not gains) in American Petroleum Institute, Recommended Practice for Bulk Liquid Stock Control at Retail Outlets (3d ed. 1977).

(5) 2634(f)(3)

This subsection requires the operator to have performed a complete review of all inventory records from the last time a "zero gain or loss condition existed." WOGA suggests that this is impractical since minute gains and losses will almost always be recorded. WOGA suggests that the review should only go back to the prior recorded gain or loss in excess of the amounts specified in subsection (e).

Staff disagrees. An inventory reconciliation gain indicates a problem with the inventory procedure which must be corrected. Under in the tank could be due to a hole in the tank which could allow the release of the hazardous substances.

Inventory records are typically "zeroed out" monthly. Staff agrees with WOGA that we do not want a "historical" review. This section should be clarified.

comment
on 10/1/78

(6) 2634(F)(7)

In subsection 2634(F)(7) WOGA again asks that the Board expressly recognize that double-walled tanks need not be tested in the same manner as other tanks. Monitoring of the annular space alone should be sufficient.

2635. General Construction Standards

(1) 2635(b)(7)

This subsection would require that the annular space in double-walled tanks be monitored using either pressure or vacuum testing. WOGA disagrees and believes that, consistent with its prior comments, the annular space can be adequately monitored using a stick or other methods. In order to recognize this, the final sentence in this subsection should be as follows:

"Double-walled tanks are exempt from the requirements of this section provided that the annular space is monitored."

(2) 2635(b)(8)

This subsection sets forth the requirements for an overflow protection system "when required by the local agency." WOGA believes that the Board is not allowing enough flexibility to the local agency when it establishes an overflow protection system with the detail it has done here. WOGA suggests that the local agency should be given the discretion to tailor the system on a case-by-case basis. This would also recognize that technological changes could occur resulting in an improved system that would not necessarily meet the rigid design defined by the current regulations.

to allow for technological improvements

By adopting a performance standard in lieu of the design standard in the current draft, the Board would be addressing the concerns of the legislature when it adopted Cal. Gov't Code § 11340.1. That section encourages state agencies to adopt performance standards whenever they can be "as effective and less burdensome" than design standards. Therefore, WOGA believes that this subsection should be amended to allow the local agency to specify the elements of the overflow protection system.

(3) 2635(b)(3)(A)

The references in this subsection to "(2) or (3)" should probably be to "(B) or (C)." *concur editing*

(4) 2635(b)(9)(A)

WOGA repeats its prior comment on this subsection which requires visual monitoring and control of filling operations by the operator. We believe that these functions can be performed equally as well by the delivery vehicle operator. Therefore, WOGA recommends the following change:

"Both the fluid level is visually monitored and the filling operation is controlled by the facility or delivery vehicle operator during filling of the underground storage tank."

Section 25204 (c) (statute) states

"Primary tank filling operations of underground storage tanks containing motor vehicle fuels which are visually monitored and controlled by a facility operator satisfy the requirements of this paragraph."

WOGA's concern is that night deliveries would not be able to use this procedure if station is closed. Subsection 2635(b)(3)(B) provides an option for that situation. WOGA is trying to avoid having driver stick the tank before making delivery which would be required in ⁻¹⁰⁻Sec 2635(b)(9)(B). Staff rejects this comment. WOGA altered is not authorized under statute.

(5) 2635(b)(9)(B)

WOGA appreciates the Board's effort to incorporate its earlier comment into this regulation. However, the present language is illogical. As worded, the subsection would require the underground storage tank's capacity to be "at least 103 percent of the entire tank compartment to be delivered or 200 gallons, whichever is less." Obviously, the Board does not mean to require an underground storage tank to have a 200-gallon capacity if the delivery vehicle had a capacity of, say, 2,000 gallons. However, that could be the result under the present language. Therefore, WOGA proposes language similar to that it proposed in its earlier comment:

"The minimum available capacity of the tank to be filled either (1) is determined immediately prior to the filling to be 103 percent of the volume of the product to be delivered as determined by tank gauging, or (2) is 200 gallons plus the volume of product to be delivered, whichever is less."

Article 4

2640. Applicability

(1) 2640(b)

Subsection 2640(b) indicates that the objectives of an existing UST monitoring program are to determine if unauthorized releases are occurring and "to detect unauthorized releases that occur in the future before ground water is affected." Nevertheless, the Board has proposed the alternative of ground water monitoring where ground water levels are relatively shallow. See subsection 2641(c)(4)(1).

The objective in subsection 2640(b) might preclude ground water monitoring if monitoring must detect releases before ground water is "affected." Even a minute incursion of a leaked hazardous substance might "affect" ground water, yet we believe ground water monitoring, where required, is a viable means of monitoring. Therefore, WOGA suggests that the objective in subsection 2640(b) close with the following language:

"to detect unauthorized releases in the future."

(2) Proposed § 2640(g)

Subsection 2640(f) of the prior draft of the proposed regulations has been deleted from this draft. That subsection would have allowed local agencies to approve additional monitoring methods which are "equivalent to or better than the methods specified in the regulations." WOGA believes that the Board should still allow local agencies the flexibility of approving such additional methods. This would provide an incentive for development of such alternatives and would give the local agencies the flexibility to approve monitoring methods on a case-by-case basis. WOGA suggests adding new subsection (g) as follows:

"Additional monitoring methods that are equivalent to or better than the methods specified in this article may be approved by a local agency pursuant to the intent of subsections (b) and (e) of this section"

Staff disagrees. The monitoring alternatives provide sufficient latitude such that if a new method of monitoring were developed it would probably fit under one of the existing monitoring methods such as release monitoring.

2541. Monitoring Alternatives

(1) 2641(c)(3)(A)

This subsection prohibits vadose zone monitoring where the first perennial ground water, including perched ground water, is "less than 100 feet deep" WOGA, in its original technical comments, suggested depths where vadose zone monitoring wells would apply and we refer the Board to those comments again.

(2) 2641(c)(4)(i)

This subsection prohibits ground water monitoring where the perennial ground water "is normally greater than 30 feet deep. . . ." While WOGA understands that ground water monitoring should not be required where the ground water is at great depths, it suggests that a more realistic water depth prohibition would be 30 feet below the tank invert, as noted in WOGA's earlier comments.

(3) 2641(c)(4)(A)(iii)

This subsection, which requires that ground water monitoring wells should be prohibited if they "cannot be screened within the interval 10 feet above the highest perennial ground water to 20 feet below the lowest ground water level," should be deleted. Where the ground water is at a depth of less than 10 feet, this subsection would prohibit ground water monitoring wells. However, it is precisely when ground water is at such shallow depths that this is the most effective and rapid method of leak detection. Such monitoring

Note that no alternative prohibits the use of any monitoring method. However, the regulation prohibits reliance on specific monitoring methods by themselves in certain situations.

should not be prohibited where the ground water depths are shallow.

(4) 2641(c)(5)(B)(ii)-(iii)

These two subsections describe how daily variations in inventory reconciliation should be calculated. WOGA believes that these directions are too confusing and instead should simply be the performance standard set out in subsection 2641(c)(5)(B)(i) (which states that the daily variation in inventory reconciliation shall be the difference between the calculated volume in storage and the actual volume in storage). WOGA believes that the Board should either clarify the language in subsections (ii) and (iii) or delete it.

(5) 2641(c)(5)(V), Table 4.2

In Table 4.2 under this subparagraph, the allowable measurement error for tanks between 4,000 and 8,000 gallons is written as "20 gallons." WOGA believes that this is a typographical error and that the correct figure should be "50 gallons," as reflected in Table 4.1.

(6) 2641(c)(6)

This subsection proposes a monitoring alternative that includes inventory reconciliation, annual underground storage tank testing, pipeline leak detectors, vadose zone or ground water monitoring, and soil testing. WOGA believes that annual tank testing is unnecessary in light of the additional monitoring required under this subsection and would suggest its deletion.

Staff believes that tank testing is an integral part of the alternative. Given the larger allowable inventory reconciliation error and the variable GW or vadose zone monitoring, annual tank testing should be

In addition, alternative 6 refers to alternative 2 for ground water monitoring, which may require monitoring wells for pipelines. Since alternative 6 requires line leak detectors, we do not feel that additional ground water monitoring wells for pipelines are necessary.

(7) 2641(c)(8)(A)

This subsection establishes alternative monitoring methods for: (1) small businesses; owners who are planning to close their underground storage tank facility within three years; and governmental agencies with budget constraints. The alternative monitoring method allows such owners to utilize tank testing and either (1) inventory reconciliation or (2) tank gauging for up to three years before installing other monitoring methods. This subsection is clearly an implicit recognition of the difficulty, if not impossibility, for most owners of underground storage tanks of complying with the July 1, 1985 deadline specified in the statute, Health & Safety Code § 25284.1(a), for implementation of a monitoring system.

WOGA strongly urges the Board to include a fourth category of alternative monitoring methods for all other owners or operators of underground storage tanks. In concept this fourth category will provide a mechanism for the local agency to approve a delayed compliance schedule for installation of the complete set of monitoring requirements for a permit applicant when it is impossible to meet the July 1, 1985 deadline. Such an alternative could include those

(with) change the July 1, 1985 date. Even if the three year period were granted to all owners, many would wait until the last possible time and there would be-15- not be enough drillers etc.

that pipelines, unlike very quiet a long distance, can be monitored with the wells required for the tanks. Leak detectors are only for pressure loss and are not best-practice
This subsection recognizes the economic hardship to small business & tank owners who plan to replace their tanks. Considering the monitoring alternatives now available, many service stations can use inventory reconciliation and will not have to drill wells. Also, the purchase of wells, if needed, has been reduced. Staff believes that additional time should not be granted to everyone unless the legislature wants to (p. 11)

monitoring techniques, such as tank testing or inventory reconciliation, which can be implemented relatively quickly and still provide protection until other alternatives become available. Such a mechanism would go a long way toward solving the problem of compliance by July 1, 1985. Testimony before the Board at the October 23, 1984 public hearing indicated that because of the limited number of contractors, consultants, geologists and hydrogeologists, in addition to the limited quantities of gauges and other mechanical devices necessary to comply with the monitoring alternatives, it is impossible for many to meet the July 1, 1985 deadline. In addition, local agencies will simply not have the resources to process all of the permit applications before July 1, 1985. We believe the Board could alleviate this problem by adding the fourth category just suggested to subsection 2641(c)(8)(A). Further support for this delayed compliance schedule is found in subsection 2712(e) which allows local agencies 18 months to issue permits.

(8) 2641(d)

WCGA believes that this entire subsection should be dropped. It sets forth two criteria which the local agencies are to use to evaluate the proposed monitoring alternatives. Both criteria remove discretion from the local agency that was clearly given to the local agency by the statute.

Subsection 2641(d)(1) requires monthly, other than ground water, monitoring "[w]henever possible." However, Health & Safety Code § 25284.1(b) states that:

See comment on
this section. Staff believe
this comment should be
referred to the Board for
consideration of the
proposed changes to the
statute.

"Alternative methods of monitoring the tank on a monthly, or more frequent basis may be required by the local agency, consistent with the regulations of the Board." (Emphasis added.)

Thus, the regulations remove some of the discretion of the local agency in choosing the frequency of monitoring by requiring it to be monthly whenever possible. The regulations should leave the frequency of monitoring up to the local agency, as directed by the statute.

Subsection 2641(d)(2) also removes discretion given to the local agency by the statute. It requires ground water monitoring in certain situations and is, therefore, contrary to the regulatory scheme authorized by the statute in Health & Safety Code § 25284.1(b) which gives the local agency the discretion to choose the alternative, including ground water monitoring. This subsection would also preclude use of monitoring alternatives 1, 3, 5, 7 and 8 in some cases.

Therefore, subsection 2641(b) should be amended as follows to delete the reference to subsection (d):

"The local agency shall review the monitoring alternative . . . and shall approve the monitoring alternative if they [sic] find. . ."

2642. Visual Monitoring

In our prior comments, WOGA asked that the requirement for the reporting of visual observations of the storage tank in subsection 2642(c)(4) be deleted. We repeat that comment here because it is unrealistic to believe that the local agency will be able to review or process such data. We agree with the Board that visual observations should be

Staff does not intend to require this data to be sent to the local agency. This may be a non-substantive change

recorded, but they should only be reported if requested. We suggest the following language:

"(4) Recordation of the observations made and the liquid level in the tank at the time of the inspection."

2643. Underground Storage Tank Testing

(1) 2643(a)

The word "shall" ought to be included prior to the word "implement" for clarity.

(2) 2643(c)

This subsection sets forth requirements for hydrostatic tank testing. WOGA suggests that the Board require the same kind of hydrostatic testing in this subsection as is required by subsection 2634(f)(6). Those testing methods are in Sections 4.-3.6 and 4.-3.7 of the National Fire Protection Association ("NFPA") publication entitled "Underground Leakage of Flammable and Combustible Liquids," (1983) (NFPA Publication No. 329). In addition, this publication will be cited in the statute (Health and Safety Code § 25284.1(b)(1) and (4)(B) as amended by AB 3781 which will be in effect on January 1, 1985) as the authority for tank testing.

(3) 2643(d)

This subsection governs frequency of tank testing. The prior draft regulations set forth a schedule for tank testing frequency which depended upon the material used to construct the tank. WOGA believes that the schedule set forth in the prior draft, as modified according to WOGA's prior

comments, is far more practical than the one-year frequency suggested by WOGA (for a relatively new fiberglass tank) is not advisable.

Discourage the requirement for implementing tank testing is in Section 2641

Concur

WLF disagrees with this comment. The previous draft required tank testing as a part of a more comprehensive monitoring program. The monitoring alternatives now proposed rely on tank testing, when required, as a primary monitoring method for monitoring alternative tank testing or up to 15 yrs. 200

set forth in alternatives 5, 6 and 7 of subsection 2641(c). The schedule originally proposed required an initial test within one year of permit issuance and then annual retesting after 10 years for unprotected steel tanks or after 15 years for FRP or protected tanks. It simply makes no sense, and the Board has not demonstrated the need, to require all tanks to be tested annually. Therefore, WOGA asks that the prior proposed schedule, as modified by WOGA's comments, be adopted instead of the one-year requirement.

(4) 2643(h)

This subsection should be changed consistent with our comment under subsection 2643(c). Thus, instead of requiring that underground storage tanks or pipelines containing flammable or combustible liquids shall not be pressure tested using air or other gases, a simple reference to NFPA Publication No. 329 will suffice:

"Underground storage tanks containing flammable or combustible liquids shall be tested according to the provisions in NFPA 329, 'Recommended Practice for Handling Underground Leakage of Flammable and Combustible Liquids,' as amended."

Once again, this change is consistent with Health & Safety Code § 25284.1(b)(1) and (4) (as amended by AB 3781).

2644. Inventory Reconciliation

(1) 2644(d)(6)

The reference to "Subsection (6)" should probably be changed to "Subsection (5)" for clarity.

any comments on this section by reference of other laws or regulations. Staff rejects this comment

concur non-substantiated

(2) 2644(f)

This subsection requires the "owner or operator" to submit: (1) a statement to the local agency under penalty of perjury that it has reviewed the inventory reconciliation data; and (2) a list of any variations in excess of the allowable variations. WOGA has two concerns with this subsection:

First, since the operator will almost always be the person charged with inventory reconciliation, it makes no sense to require the owner to submit the statement. If the owner is also the operator, then simply requiring the operator to submit the statement will achieve the desired result. This change is also consistent with the statute, which only requires inventory reconciliation "by the operator," not the owner. See Health & Safety Code § 25284.1(b)(3).

Second, there is no statutory requirement that such a statement be submitted to the local agency. Instead, the statute simply requires review of the records. WOGA believes that the requirement to submit a quarterly sworn statement will only increase the amount of paper submitted to the local agency without achieving any real benefit. It appears unlikely that local agencies will have the resources to review and process such statements. Finally, requiring a statement to be filed upon penalty of perjury goes beyond the Board's authority because it essentially provides an enforcement mechanism (conviction of perjury for not reviewing records) which was not set forth in the statute. See Health & Safety

Code § 25287 for the statutory enforcement methods. WOGA urges the Board to delete this subsection.

2645. Soil Testing

(1) 2645(g)

This subsection requires soil samples to be "of sufficient volume" to perform specified analyses. In practice, because of soil characteristics, it may be impossible to extract samples of sufficient volume to satisfy this requirement. WOGA asks that the Board recognize this by inserting the words "if feasible" as follows:

"Soil samples shall be of sufficient volume, if feasible, to perform the designated analyses including soil vapor and soil extract analyses and to provide replicate analyses, if specified."

(2) 2645(j)

This subsection requires that each soil sample be analyzed by field or laboratory methods "that provide quantitative results." In WOGA's prior comments, we suggested that in the case of hydrocarbons, such as those in motor vehicle fuels, a simple visual and odor test would provide an initial indication of contamination which would be reliable. The ability of the human nose to detect very small concentrations of hydrocarbons is well-documented and should be recognized in the regulations by allowing such a qualitative test prior to requiring more expensive and time-consuming laboratory analysis.

Staff changes - see last comment given in 12/1/80. Consistent with not being stored could adversely affect the possibility of future monitoring and therefore should be included.

(3) 2645(n)

This subsection requires that soil samples be analyzed for constituents that have been, but no longer are, stored in the underground storage tank. Consistent with our earlier comments, WOGA does not believe that these regulations are the proper vehicle for the Board to seek evidence of historic unauthorized releases of hazardous substances. This was an objective in the prior draft of the regulations (See the prior version of subsection 2640(a)) which was dropped from this draft. WOGA asks that the Board make this subsection consistent with that change and only require analysis of soil samples for constituents which are in the underground storage tank.

deleted language

Therefore, WOGA proposes the following:

"Samples shall be analyzed for one or more of the most persistent constituents that are stored in the underground storage tank. If the hazardous substance is known to degrade or transform to other constituents in the soil environment, the analysis shall include these degradation and/or transformation constituents."

(4) 2645(m)

For clarity, WOGA believes that this subsection amended with the underlined language as follows:

"If soil analysis indicates that an unauthorized release from an underground storage tank has occurred, the permittee shall report the release pursuant to Article 5 of this Subchapter and shall repair or abandon the underground storage tank pursuant to Article 6 or 7 of this Subchapter."

Staff comments: The regulations make the owner liable for contamination of contaminated soils or for any release due to a release from a previous owner. WOGA proposed using the term owner to make that determination and not report if he believes that the contaminated soil was from someone other than a release. Burden of demonstrating lack of leakage when contamination is described should be placed by back on owner/leaseholders.

2646. Vadose Zone Monitoring

Regarding subsection 2646(f)(1), WOGA wishes to repeat its prior comment:

"We propose that this section be rewritten to provide for a single demonstration of a vapor monitoring system for multiple tank installations where a common product is stored and a similar backfill material is used."

(See WOGA Comments, dated October 23, 1984, at 34).

We, again, urge the Board to adopt the language suggested in our earlier comments.

2647. Ground Water Monitoring

Subsection 2647(d) requires that monitoring well casings "shall extend to the bottom of the boring and be factory perforated from a point 5 feet above the bottom cap to a point 10 feet above the highest anticipated ground water level." We believe this is impractical for two reasons: First, the requirement for factory perforations 5 feet above the bottom cap is only necessary for water-producing wells, not monitoring wells. Second, if ground water is less than 10 feet from the surface, there will be no perforated well casing extending 10 feet from the surface. (See our comments under subsection 2641(c)(4)(A)(iii).)

We propose that this subsection be worded as follows:

"Ground water monitoring well casings shall extend to the bottom of the boring and be factory perforated from a point approved by the person specified in Section 2648(t) to the bottom cap."

2648. General Construction and Sampling Methods

(1) 2648(h)

The subsection requires that ground water monitoring wells be developed until the discharge water "contains less than 10 ppm solids." This requirement is cumbersome and unnecessary. Laboratory tests establishing the concentrations of solids may take up to two days and, in some cases, the water being sampled may naturally contain solids in concentrations greater than 10 ppm. WOGA suggests that the Board simply require that "wells shall be appropriately developed."

(2) 2648(p)

Subsection 2648(p) sets forth a method for determining the existing and historic high ground water levels. Both methods require a survey of existing or recorded ground water level measurements over a large area surrounding the facility. WOGA believes that the method used for determining these ground water levels should be left up to a professional geologist, civil engineer, or engineering geologist (see, e.g., the list in subsection 2648(t)). The extensive review specified in the regulation may simply be unnecessary if ample data already exists or the specialist has first-hand experience with the surrounding area. In order to make the suggested change, the last sentence in paragraph (p) should be deleted, paragraphs (p)(1)-(3) should be deleted, and the second sentence in paragraph (p) should read as follows:

"Historic high ground water levels and existing ground water levels shall be determined by a professional geologist, civil engineer, or engineering geologist"

who is registered or certified by the
State of California."

Alternatively, if the Board chooses to leave
paragraphs (p)(1)-(4) in the regulations, which we would
oppose, it should, at the least, amend (p)(1) as follows:

"The exploratory boring shall be directed
downgradient if possible and as near as
possible to the tank within the boundaries
of the property encompassing the facility,
but no further than 500 feet from the
tank."

Article 5

2651. Unauthorized Release Requiring Recording

Subsection (a)(3) requires that a copy of any
hazardous waste manifest used be submitted with an operator's
report of an unauthorized release. WOGA objects to this
requirement on the grounds of necessity. Since such a
manifest must be sent to the Department of Health Services
anyway, this requirement is simply a duplication of effort.
WOGA asks that this requirement be dropped.

2652. Unauthorized Releases Requiring Reporting

(1) 2652(c)(4)

For the same reasons stated in the comments under
the prior section, WOGA objects to the hazardous waste
manifest information required in this subsection.

(2) 2652(c)(3)

WOGA believes that the requirement in this sub-
section that the "approximate cost" of any clean-up be
reported should be deleted. Such costs can rarely be

Regulations cannot require
drilling of wells on contaminated
property. No change needed.

The manifest is the only way of knowing the
the contaminated material was taken to an authorized
disposal site. Even the State of Davis computer system
staff believes that this should be retained. No significant
duplication of effort was noted. If the manifest must be prepared in any event.

Approximate cost refers to
cost expended, not
future costs. Staff believes
this information will be
valuable in determining
total clean-up
costs and
result of this
portion of the
cleanup project.
business
no / these
costs

WHERE IN THE LAW

approximated in advance and WOGA sees no need for the Board or local agency to have such approximate costs.

Article 6

2661. Repair Evaluation

Subsection (c) sets forth criteria which must be satisfied before a tank may be repaired. These criteria are used to determine if the tank repair can be effectively accomplished. In other words, if one of the listed conditions exists, then repair to the tank will not be considered sufficient. WOGA believes that these criteria are simply unworkable. For example, one criterion which would prohibit tank repair is "more than ten (10) small perforations." However, there is no definition of "small perforation." Another criterion is "any failure or opening within six inches of any seam or wall." It is unclear whether the cylindrical sides of a tank are "walls" or not.

In order to alleviate the uncertainty in such criteria, WOGA suggests that the Board adopt the same criteria set forth in American Petroleum Institute, Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks, Publication 1631 § 7.2 (1st ed. 1983). Those criteria are:

"1. A tank having an open seam or split no longer than three (3) inches; or

2. A tank having a perforation no larger than one and one-half (1-1/2) inches in diameter except under the gauging opening where the perforation may

be no larger than two and one-half (2-1/2) inches in diameter; or

3. A tank with less than five (5) perforations (none larger than one-half inch in diameter) in any one square foot area.

4. A tank with less than twenty (20) perforations (none larger than one-half inch in diameter) in a five hundred (500) square foot area.

Tanks that exceed any of the above should not be interior lined unless approved by the [local agency]."

2662. Repair Methodology

Subsection (d) requires use of repair materials and lining process which are listed or certified by a "nationally recognized independent testing organization." The draft regulation goes on to state that: "The requirement shall become effective one year after the effective date of these regulations or one year after a listing or certification procedure is available." WOGA suggests that the language "whichever is later" be added to this last sentence since it makes no sense to require listed or certified repair materials and lining process if such listing and certification is not available.

2663. Primary Container Monitoring

(1) 2663(a)

This subsection requires vacuum testing of tanks which have undergone repair. WOGA believes that vacuum testing to 5.3 inches of Hg for one minute will not effectively test the bond of an interior liner and could

*Vacuum testing is part of
it's requirement for approval and
listing a repair procedure using interior feet lining
we believe it should be
included.*

collapse the tank. WOGA therefore suggests that this requirement be dropped from subsection (a).

(2) 2663(b)

WOGA notes that the reference to Appendix I for acceptable procedures for pressure testing is incorrect since Appendix I contains no pressure testing procedures.

Article 7

2671-2672. Temporary and Permanent Closure

WOGA suggests that both of these sections should reference NFPA, [title and edition to be supplied], instead of setting forth separate temporary and permanent closure requirements. The NFPA closure requirements have been accepted by most local jurisdictions and are standard procedures for many. They are proven, safe and effective means of closure.

(1) 2672(d)

This subsection requires that a number of soil samples be taken, in certain circumstances, when an underground storage tank is closed. WOGA notes that requirement (1) of this subsection could result in an excessive number of soil samples being taken when a typical motor vehicle fuel storage tank is closed. WOGA suggests that this is an area best left to the discretion of the local agency. This could be accomplished by changing subsection (d) to:

"The owner of an underground storage tank being closed pursuant to this Section shall demonstrate to the satisfaction of

the local agency that no unauthorized
release has occurred."

and deleting the rest of the language in the subsection.

Conclusion

WOGA appreciates this opportunity to comment on the Board's proposed regulations governing underground storage tanks.

n. To Walter G. Pettit; From
Edward C. Anton; November 30,
1984; Subject: Regulation of
Underground Storage Tanks
(RUST)

Walter G. Pettit
Deputy Executive Director

NOV 30 1984

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REGULATION OF UNDERGROUND STORAGE TANKS (RUST)

On November 9, 1984 the President signed into law the 1984 Solid Waste Disposal Act. Subtitle I of this act contains the RUST. The major areas that will need State legislation in order to bring State law into compliance with the new Federal law are:

- o Tank owners must maintain evidence of financial responsibility for taking corrective action caused by unauthorized releases of hazardous substances.
- o Tank owners must notify the designated State agency of operational and nonoperational tanks. This includes tanks taken out of service after January 1, 1974 (Cortese AB 2013 does not contain this language).
- o Fines for illegal releases of hazardous substances may need to be looked at since RCRA and Porter-Cologne differ in this area.

EPA, Washington is now gearing up to start on proposed regulations to implement Subtitle I. John Hefelfinger of EPA's Office of Solid Waste should be contacted at (202) 332-7923 regarding California's early policy input to this process.

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

cc: OLPA

RJOHNSON/bmoreno
11/27/84

Control # ECA-93

SURNAME

11-28-84
R. Johnson

o. To Walter G. Pettit;
Michael A. Campos, Board
Members; From Edward C. Anton;
December 2, 1984; Subject:
Policy Issues- Subchapter 16
Regulations

1. Walter G. Pettit
2. Michael A. Campos
3. Board Members

December 2, 1984

Policy Issues--Subchapter 16 Regulations

At the November 27, 1984 hearing, it became obvious that a number of cleanup changes must be made to the proposed regulations. As part of this, staff believes that there are three policy issues that must be resolved. This memorandum will discuss: the motor vehicle fuel tank definition, ground water monitoring in recharge areas, and the applicability of monitoring alternative number 3 to all tank owners.

In addition, we will discuss the staff position on the authority of the State Board to adopt regulations which list monitoring alternatives and to specify the details of monitoring methods. Staff would like to have feedback from the State Board Members on these issues prior to our preparing a revised draft of the proposed regulations for 15-day review. Please advise me if you agree with the recommended alternative or if you prefer any other approach including approaches not included in this discussion.

Motor Vehicle Fuel Tank Definition

The motor vehicle fuel tank definition, as included in the proposed regulations, allows the owner of a tank which is used to fuel motor vehicles to utilize certain construction and monitoring standards which are not available to other tank owners. The staff's intent is to allow this definition to be used for tanks which are used to fuel motor vehicles but also have other uses. Some clarification of the regulations would be needed to assure that the staff's intent is reflected in the proposed regulations.

At both the October 23, 1984 and November 27, 1984 hearings, numerous commenters indicated that they believed that the proposed definition was too restrictive. They propose that the definition be broadened to allow the use of the special construction and monitoring standards by owners of tanks which store a motor vehicle fuel regardless of its use.

Staff believes that the proposed definition is supportable from both a technical and legal basis. Attachment 1 is the discussion of this issue which was included in the November 2 workshop materials. There are four alternatives available to resolve this issue:

- A. Retain the current definition and clarify the language to assure that tanks which contain motor vehicle fuels and are used, at least minimally, to fuel a motor vehicle are included in this definition.

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- B. Modify the definition to include all tanks which store a substance which is intended for use to fuel an engine in a domestic, commercial, industrial, or agricultural use.
- C. Modify the definition to include all tanks which store a substance which is a motor vehicle fuel. This would include a listing of motor vehicle fuels to prevent a broad interpretation of the definition which could include substances such as nitrobenzene (which is used in drag racers). The list would include gasoline, diesel fuel, and other substances normally used to fuel a motor vehicle.
- D. Modify the definition to include all tanks which store a substance which could be used as a motor vehicle fuel. This could allow substances such as nitrobenzene to be stored in tanks which would be subject to the special monitoring requirements for motor vehicle fuel tanks.

Alternative B would satisfy many commentors since it would allow the use of the special construction and monitoring provisions in situations where tanks which store a typical motor vehicle fuel (e.g., gasoline, diesel) but the substance is used to fuel a stationary engine (e.g., generator) rather than a motor vehicle engine. This definition would require that the substance in the tank actually be used to fuel an engine. This would eliminate the problem associated with claims, as described in the discussion of alternative D, that the substance could be used to fuel a motor vehicle since this definition would require that the substance in the tank actually be used to fuel an engine. It appears that this definition would be supportable but would provide for the inclusion of more tanks in the category which allows the use of special construction and monitoring methods.

Alternative C raises concerns regarding our interpretation of what substances are and are not a motor vehicle fuel. It will be very difficult to develop a comprehensive list which could include fuels normally used to fuel cars, trucks, boats, ships, trains, and airplanes. It may be more difficult to justify, based on the statute, the exclusion of other substances which could be used to fuel the above motor vehicles but only in specific situations. This definition, if used, could raise OAL's concern regarding our interpretation of the statute.

Alternative D raises concerns regarding adequate protection of water quality. The users of substances which have chemical properties significantly different than gasoline and other typical motor vehicle fuels could justifiably argue that the substance could fuel a motor vehicle and therefore should be allowed to use the special construction and monitoring provisions. We believe this is not something the Legislature envisioned or that the regulations should allow.

In conclusion, the November 9, 1984 proposed regulations would allow tanks storing fuels specifically for use in fueling cars, trucks, trains, boats, ships, and airplanes to utilize the special construction and monitoring provisions. (This is less restrictive than the original proposed regulations

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which limited it to highway vehicles.) Furthermore, we propose clarification to assure that owners of tanks which store substances to fuel the above motor vehicles and other machines, such as chain saws, generators, or pumps, would be allowed to use the special construction and monitoring provisions. Additionally, the proposed regulations allow for the use of tank gauging for standby generator fuel tanks provided the gauging system assures a reliable degree of accuracy. Based on the prior discussion, staff believes that the definition described in alternative A should be retained.

Ground Water Monitoring

The concern for ground water monitoring for existing tanks was initially raised at the October 23, 1984 hearing, due to the fact that ground water monitoring was required for most tanks. Based on this and a number of other comments, the revised proposed regulations contained monitoring alternatives, some of which did not require ground water monitoring. Additionally, the situations which required ground water monitoring were narrowed and, when required, the number of wells was reduced (see Attachment 2). However, commenters suggested, at the November 27, 1984 hearing, that the requirement for ground water monitoring in recharge areas when the ground water is less than 100 feet deep was unnecessary.

Staff believes that the only way to assure that ground water is not contaminated is to monitor ground water. This is based on the belief that other monitoring methods have some inherent degree of error, either due to what is known about the method or because it is a new method with no proven record. Therefore, it becomes a policy decision as to the unquantifiable degree of risk the State Board is willing to accept versus the need for ground water monitoring.

Significant testimony was received at the hearings and workshop on inventory reconciliation practices. We believe the testimony supports the position that inventory reconciliation will detect large leaks, but small leaks may escape detection by this procedure. Similar concerns exist for vadose zone monitoring methods. Significant data is available on vadose zone pore liquid samplers used agriculture; however, little is known regarding their application in hazardous substance sampling. Furthermore, the sphere of influence for these monitoring methods may render this method unreliable unless numerous monitors are installed at large expense. Vapor monitors are relatively new for this application. Initially they show promise; however, little data exists to demonstrate their effectiveness. Staff does not believe that this technology should be tested in a manner which could result in contamination of the State's ground water in the event this monitoring method does not prove effective.

Based on the above, staff believes that in those important ground water areas of the State where ground water is shallow, is recharged from the surface, and has actual or potential beneficial uses, some ground water monitoring is

1. Walter G. Pettit
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essential. The regulations should be clarified to give the local agencies working with water supply agencies the authority to specify the number and location of the required well(s) in these situations. This could permit tanks at adjacent facilities to be monitored with one properly placed well. Additionally, the demonstration required for ground water levels and gradients should be made less onerous.

In conclusion, staff recommends that this requirement and the 100-foot depth to ground water be retained as this is a breakpoint for drilling costs. However, this is a policy decision. The shallower the cutoff depth to ground water, the higher the risk involved because more tanks will be without ground water monitoring.

Alternative B

This alternative was developed to address the fiscal impact to small business by allowing them more time to achieve compliance. In addition, it was provided as an option to any tank owner who committed to eliminate the tank or replace it with a new secondary contained tank within three years. This was done to eliminate the double cost to those tank owners of providing the required monitoring in the near-term and then closing or replacing the tank within three years.

Comments were received which encouraged the State Board to provide this alternative of delaying the implementation of more reliable monitoring for all tank owners. The impetus behind this is industries' belief that the July 1, 1985 statutory date for installation of required monitoring is impossible to meet.

Staff believes that, due to the development of monitoring alternatives (some of which do not require drilling or added equipment), the July 1, 1985 date is not that unreasonable. It is probable that not everyone will comply with this time schedule; however, we believe that the regulations should not provide a loophole for many tank owners to delay the implementation of reliable monitoring for up to three years. We believe it would be more appropriate to allow the Legislature to adjust this date since they established it with the belief that monitoring could be put in place within the time allowed.

State Board Authority

Lastly, we want to discuss our interpretation of the statute which gives the State Board the authority to establish monitoring alternatives and minimum standards for monitoring methods. Two sections of the statute are as follows:

- A. Section 25284.1(b) "...Alternative methods of monitoring the tank on a monthly or more frequent basis, may be required by the local agency, consistent with the regulations of the board."

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- B. Section 25284.1(b)(2) "...The board shall develop regulations specifying monitoring alternatives. The local agency, or any other public agency specified by the local agency, shall approve the location and number of wells, the depth of wells and the sampling frequency pursuant to these regulations.

We believe the statute is clear that the local agency may require and shall approve the specifics of any monitoring alternative pursuant to the regulations developed by the State Board. The proposed regulations make it clear that the monitoring specifics in the regulations are minimums and are subject to approval by the local agency.

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

Attachments

MSINGER/pjdardis

FILE: UGT Regulations--General Correspondence

Issue No. 2: Definition of Motor Vehicle Fuel Tanks

Issue

Subsection 25284.1(b)(3) of the Health and Safety Code allows the use of inventory control as an alternative leak detection monitoring method for "tanks containing motor vehicle fuels." Other alternatives to visual monitoring are available for all underground storage tanks, but these would require more onerous and, from our perspective, reliable monitoring methods (e.g. well drilling to sample ground water or vapors in the vadose zone). The draft regulations define "motor vehicle fuel tanks" as tanks containing a product primarily intended to fuel motor vehicles (i.e. self-propelled devices for highway transportation, specifically excluding rail vehicles). This narrow definition is admittedly a strict interpretation of the statutory language and clearly eliminates many tanks that contain motor fuels but are used to fuel stationary engines such as stand-by generators. Several commenters have objected to this restrictive interpretation of the Legislature's intent with reference to the above definitions.

Discussion

Objecting commenters propose that tanks which are used for the storage of substances suitable for use as motor vehicle fuels be treated as motor vehicle fuel tanks regardless of the uses being made of the stored substances (e.g., fuel for stationary motors, diesel oil used for weed suppression, etc.). They argue that the physical characteristics of the stored substances and the risks to water quality associated with the tanks are identical to the physical characteristics and risks associated with tanks used to store substances actually used to propel motor vehicles.

The Sher bill (AB 1362, Stats. 1983, Chapter 1046) does not provide a definition for "motor vehicle fuel" as that term is used in Sections 25284 and 25284.1. Those terms are already defined in the Vehicle Code. (See Vehicle Code sections 415, 670).

The regulations reflect those statutory definitions. The fact that the Sher bill specifically refers to "aviation fuel" as well as motor vehicle fuel confirms this interpretation. Absent a restrictive definition of "motor vehicle" there would be no reason to identify aviation fuel in addition to motor vehicle fuel as being entitled to exception in Subsection 25280(m)(3) of the Health and Safety Code. Statutes should be construed in ways which give effect

to all provisions of the statute. Furthermore, this definition is consistent with the apparent intent of the Legislature to accomodate service stations, which account for a majority of the tanks subject to regulation under the Sher bill, and at which inventory control procedures are already in place. The definition includes tanks used by refineries, distributors, jobbers and consumers, so long as the fuel is used primarily for motor vehicles.

The Board could choose to adopt a less restrictive definition for motor vehicle fuel tanks based on the physical and chemical characteristics of the fuel rather than the intended use of the fuel as suggested by the commenters. Such a definition would include physically and chemically analogous substances such as kerosene, jet fuel, crude oil, and petroleum-based lubricants. However, it is conceivable that an industrial user of nitrobenzene could argue that underground tanks containing that substance qualify as motor vehicle fuel tanks because nitrobenzene is suitable for use in some motor vehicles (i.e., drag racers). Legal and policy considerations favor a more restrictive interpretation. The Sher bill is intended to address serious problems of ground water contamination as a result of leakage from numerous underground storage tanks. Exceptions from the regulatory provisions of the bill should be narrowly construed in order to promote greater protection for ground water quality. Therefore, staff recommends that the definitions contained in the draft regulations be retained.

Alternatively, the Board could modify the regulations to provide that "'motor vehicle' means a self propelled device by which any person or property may be propelled, moved or drawn." Deletion of the condition relating to highway transportation would broaden the applicability of the motor vehicle fuel tank provisions of the regulations. Fuel tanks at marinas and airports, and fuel tanks for railroad trains could qualify for the special consideration available to motor vehicle fuel tanks.

COMPARISON OF REQUIRED GROUND WATER MONITORING

August 23, 1984
Proposed Regulations

November 9, 1984
Proposed Regulations

When Required?

Whenever ground water is less than 200 feet deep.

Alternatives 2, 4, & 6 (ground water or vadose) or when ground water is less than 100 feet deep, has beneficial uses, and tank is in recharge area.

Number of Wells

1. Ground water less than 100 feet deep: 3 wells per tank or tank cluster at a spacing of no greater than 30 feet.

2. Ground water between 100 & 200 feet deep: 1 well per tank or tank cluster.

For alternatives 2, 4, & 6:

1. Ground water less than 50 feet deep:

- a. 1 well per single small tank.
- b. 2 wells per single large tank.
- c. 3 wells per 3 tank cluster.
- d. 4 wells per 4 or more tank clusters.

2. Ground water between 50 & 100 feet deep:

- a. 1 well per single tank.
- b. 3 wells per multiple tank cluster.

For recharge area: unspecified, but above number is implied.

p. To Roger Johnson, Edward C.
Anton, Harold Singer; From
Mike Falkenstein; December 5,
1984; Subject: Ground water
Monitoring near Underground
Tanks

UG -014
12/5/84

To: Roger Johnson, Ed Anton and Harold Singer
Subject: Ground Water Monitoring near Underground Tanks
From: Mike Falkenstein

~~D-16~~

After listening to hours of public comments, and upon reviewing the December 2, 1984 Policy Issues Memo, I have a suggestion regarding the ground water monitoring requirement.

In many cases it would be more practical to have a public agency install monitoring wells and monitor the ground water.

This has several advantages:

- (1) The public agency has insurance that the ground water monitoring well is properly installed.
- (2) Monitoring is done uniformly and in a timely manner by the public agency.
- (3) Private property owners do not always have the option of installing ground water monitoring wells where they may be needed (down gradient), usually someplace off the tank owners property.
- (4) The cost of installing and monitoring the wells could be spread more evenly over all tank owner and in most cases fewer wells probably would be needed, thus lower costs further.

I suggest the following wording that is consistent with the law:

Owners may petition the local agency to install ground water monitoring wells inlieu of individual owner installed wells. The costs associated with installation, maintenance and monitoring shall be born by the individual owners named in the approved petition. The costs shall be apportioned based on the number of tanks and tank capacity.

As an alternative to the above wording, the local agency on its own motion, might elect to install ground water monitoring wells and use permit fees to offset the cost.

q. To Walter G. Pettit,
Michael A. Campos, Board
Members; From Edward C. Anton;
December 20, 1984; Subject:
Subchapter 16 - Results of
Board Members' Briefings

DEC 20 1984

Walt Pettit
Mike Campos
Board Members

Subchapter 16--Results of Board Members' Briefings

Staff believes that there is general consensus among the Board on the latest draft of the Underground Tank Regulations. However, we would like to clarify one issue to assure that you understand the modification that we propose to make. This involves the requirement for "daily" inventory reconciliation for motor vehicle fuel tank monitoring.

Section 2644(c) (page 4.31) requires that inventory reconciliation be performed at least five days per week. This minimum may be reduced by the local agency "in situations where environmental conditions make it impracticable, physically impossible, or life threatening" (Section 2640(f)). Staff believes that you would like to give the local agencies some flexibility to reduce this amount of monitoring in situations where facilities are not open at least five days per week. We propose to modify the regulations to allow this provided that inventory reconciliation is performed no less frequently than once every three days. This would allow owners of facilities that are only open on weekends to monitor the tank on the weekend and on Wednesday. Further clarification would be added to assure that local agencies could not reduce the frequency of monitoring when a facility is open for business at least five days per week and that the reduction in monitoring frequency would be no less than the number of days that the facility is open or staffed.

Based on the discussions we have had with you, we project that the draft regulations as modified will be sent to reproduction on December 24 and will be available no later than January 2, 1985. This draft will be mailed to the nearly 1,500 interested persons shortly thereafter. This will enable you to hold a hearing on January 18, 1985 to consider adoption of the regulations. If you adopt the regulations, we should be prepared to submit the rulemaking file to the Office of Administrative Law within a few days of your adoption.

If you have any comments or questions on this, please contact me as soon as possible.

ORIGINAL SIGNED BY

Edward C. Anton, Chief
Division of Technical Services

HSINGER/hsinger

r. To Gordon Duffy; From
Michael A. Campos; May 8,
1985; Subject: Office of
Administrative Law (OAL)
Denial of Underground Tank
Regulations

Memorandum

IV. B. 2. r.

To : Gordon Duffy
Secretary of Environmental Affairs
1102 Q Street
Sacramento, CA 95814

Date : May 8, 1985

From : STATE WATER RESOURCES CONTROL BOARD

Subject: OFFICE OF ADMINISTRATIVE LAW'S (OAL) DECISION ON UNDERGROUND STORAGE TANK REGULATIONS

Attached is OAL's letter dated April 2, 1985, disapproving the regulations and summarizing deficiencies in the regulations and in the rulemaking file. Following are specifics and what we are doing to resolve these deficiencies. In assembling the rulemaking file, 35 pages of the statement of Reasons (SOR) were typed but inadvertently not included in the final rulemaking file transmitted to OAL. This oversight impacts Items 1 and 3 below.

Item 1 in OAL's letter indicates that the State Board failed to summarize and respond to 300 comments. A note that accompanied the specific comments said this number has been reduced. Our own count shows that out of approximately one thousand comments received, only about 60 were not responded to. There were about another 80 that were responded to but not numbered or were part of the 30 missing SOR pages. See attached summary of comments.

Item 2 in OAL's letter identifies 15 instances in the regulations which lack clarity because we did not define such terms as "nationally recognized independent testing organization", "standard EPA methods", etc. Most of the clarification questions will be resolved by including a new definition of a nationally recognized independent testing organization in Article 2 and by explaining what "acceptable testing methods" means.

Item 3 in OAL's letter identifies 13 subsections for which the SOR did not show necessity. Justification for most of these subsections is found in the 30 missing SOR pages. We believe OAL's concerns will be satisfied when these pages are restored to the file. The SOR will be bolstered to provide the necessary justification where missing.

Item 4 in OAL's letter notes that an explanation for rejecting certain alternatives that would lessen the impact on small businesses is lacking and Item 5 notes that the determination of whether the regulations impose a mandate on local agencies is lacking. The statement of local mandate which appeared in the State Board's August 24, 1984 Notice will satisfy Item 5 when reproduced in final SOR. Text will be added to the SOR to satisfy Item 4.

Item 6. The government code requires that the rulemaking file include a sworn statement that the file is complete and specifying the date upon which the record closed. The statement was included in the rulemaking file transmitted to OAL, but an unsigned copy rather than the signed copy was inadvertently included.

We believe that the changes proposed in this memorandum will satisfy OAL's concerns and that the rulemaking file will be approved by OAL as resubmitted. The only OAL objections to the regulations were regarding clarity and necessity. As per above, these objections are substantially insignificant and will be resolved with minimal changes to the regulations.

The Administrative Procedures Act requires only a 15-day comment period when there are no substantive policy and technical issues which would justify a longer comment period and hearing. The changes in the regulations as a result of OAL's review will be minor and can be handled with a 15-day comment period prior to adoption by the Board. The rulemaking file will be revised and re-submitted to OAL as soon as possible.

Michael A. Campos
Executive Director

Attachments (2)

C. Other State Board Documents

1. Staff Report - Discussion of Significant Issues Raised During Subchapter 16 Public Comment Period

I.C.I. 1/17

STAFF REPORT

DISCUSSION OF SIGNIFICANT ISSUES RAISED DURING

SUBCHAPTER 16 PUBLIC COMMENT PERIOD

The written and oral comments received on the proposed Subchapter 16 regulations have raised a number of significant issues that must be addressed. Guidance from the State Board is essential at this time in order to allow the Board staff to redraft the proposed regulations in a form that would be responsive to the comments and acceptable to the Board. This report will discuss each significant issue, propose alternatives for addressing each issue along with the pros and cons of each alternative and recommend a certain course of action.

Six significant issues are covered in detail in this report. Staff recommendations on each issue are summarized below.

Issue No. 1: Definition of "Underground Storage Tank"

Staff recommends that the definition of underground storage tank be broadened to include all tanks having at least 10 percent or more of the tank volume below the ground surface.

Issue No. 2: Definition of "Motor Vehicle Fuel Tank"

Staff recommends that the definition in the proposed regulations be retained.

Issue No. 3: Continuous Monitoring for New Tanks

Staff believes that the proposed regulations allow for cyclic monitoring as a form of continuous monitoring. Staff proposes to modify the proposed regulations to clarify this position and to allow the use of daily visual or manual monitoring of the space between the primary and secondary containment as an alternative to continuous monitoring.

Issue No. 4: Monitoring Existing Tanks

Staff is recommending significant changes to Article 4 which will address the following:

(1) Monitoring Alternatives

Staff recommends that the proposed regulations be modified to specify numerous alternative monitoring

methods each of which will include one or more types of monitoring. Staff is proposing several alternatives in addition to the three alternate methods provided for in the Health and Safety Code.

(2) Local Agency Flexibility

Staff recommends that the proposed regulations be modified to give local agencies the flexibility to require specific alternative monitoring methods based on differing site conditions but according to specified criteria.

(3) Background Monitoring

Staff recommends that the proposed regulations be modified to eliminate the requirement for background monitoring except where background data is essential to evaluate the applicability and effectiveness of proposed monitoring methods.

(4) Slant Borings

Staff recommends that collection and analysis for soil samples only be required as part of the installation of ground water or vadose zone monitoring, unless required to determine background as described above. Staff recommends that the use of slant borings for soil samples be retained provided the proposed ground water or vadose monitoring can be easily installed and operated in the slant boring. However, staff recommends that the proposed regulations be modified to provide additional exceptions which would allow the use of vertical boring in lieu of slant borings.

(5) Requirements for Ground Water Monitoring

The modifications proposed in items (1) and (2) above would eliminate the requirement for ground water monitoring for every tank and would specify the circumstances when ground water monitoring is required. Staff recommends that the proposed regulations be modified to reduce the number of wells required and the maximum required depth of the wells when ground water monitoring is required.

Issue No. 5: Economic Impact of Compliance

The proposed modifications to the regulations discussed in Issue No. 4 will reduce the costs of compliance.

Additionally, staff recommends that small businesses and individuals be given three years to install the required monitoring provided that some minimal level of monitoring is conducted during this period. This minimal level of monitoring would also be available to tank owners who commit to properly close or replace their tanks with secondarily contained tanks (i.e. new tanks) by the end of the three year period.

Issue No. 6: Variance Fees

Staff has evaluated six alternative methods of establishing fees for variances and is recommending that the proposed regulations be modified to require fees based on actual costs for categorical and local agency variances and flat fees for site-specific variances. The alternatives evaluated included, fixed fees (similar to proposed regulations), actual costs, lower fixed fees, no variances, inclusion of fees in the surcharge, and establishing two fees for different types of site specific variances.

Issue No. 1: Definition of "Underground Storage Tank"

Issue

Subsection 25280(a) of the Health and Safety Code defines "underground storage tanks" as tanks which are "substantially or totally beneath the surface of the ground." The draft regulations define "substantially beneath the ground surface" to mean that at least 50 percent of the surface area of the tank which can be in contact with the stored hazardous substance is below the ground surface. Assemblyman Sher and others commented that this definition would exclude a number of tanks and that new federal law contains a broader definition. Therefore, the issue is: should the definition of "substantially" be made more restrictive (i.e. reduce the percentage) to include more tanks?

Discussion

The word "substantially" in the law must be defined in order to provide clear guidance to local agencies and to tank owners subject to these regulations. The Federal Solid Waste Disposal Act Amendments of 1984 contain a section on the regulations of underground storage tanks. These amendments would eventually require a similar degree of containment and monitoring as is proposed by the regulations. The Federal Act does not use the term "substantially" but instead defines an underground tank as having 10 percent or more of the tank volume including connected piping beneath the ground surface.

As with many federal environmental regulations this Act allows states to assume the regulatory responsibility in lieu of EPA, provided the state has an equivalent program. With this in mind and considering the comments regarding tank exclusions it would seem appropriate and staff recommends that the Federal definition of underground tanks be used for the purpose of these regulations. It should be noted that this definition should not be interpreted to include tanks that rest on the ground surface behind built-up dikes.

Issue No. 2: Definition of Motor Vehicle Fuel Tanks

Issue

Subsection 25284.1(b)(3) of the Health and Safety Code allows the use of inventory control as an alternative leak detection monitoring method for "tanks containing motor vehicle fuels." Other alternatives to visual monitoring are available for all underground storage tanks, but these would require more onerous and, from out perspective, reliable monitoring methods (e.g. well drilling to sample ground water or vapors in the vadose zone). The draft regulations define "motor vehicle fuel tanks" as tanks containing a product primarily intended to fuel motor vehicles (i.e. self-propelled devices for highway transportation, specifically excluding rail vehicles). This narrow definition is admittedly a strict interpretation of the statutory language and clearly eliminates many tanks that contain motor fuels but are used to fuel stationary engines such as stand-by generators. Several commenters have objected to this restrictive interpretation of the Legislature's intent with reference to the above definitions.

Discussion

Objecting commenters propose that tanks which are used for the storage of substances suitable for use as motor vehicle fuels be treated as motor vehicle fuel tanks regardless of the uses being made of the stored substances (e.g., fuel for stationary motors, diesel oil used for weed suppression, etc.). They argue that the physical characteristics of the stored substances and the risks to water quality associated with the tanks are identical to the physical characteristics and risks associated with tanks used to store substances actually used to propel motor vehicles.

The Sher bill (SB 1762, Stats. 1983, Chapter 1086) does not provide a definition for "motor vehicle fuel" as that term is used in Sections 25284 and 25284.1. Those terms are already defined in the Vehicle Code. (See Vehicle Code sections 415, 670).

The regulations reflect those statutory definitions. The fact that the Sher bill specifically refers to "aviation fuel" as well as motor vehicle fuel confirms this interpretation. Absent a restrictive definition of "motor vehicle" there would be no reason to identify aviation fuel in addition to motor vehicle fuel as being entitled to exception in Subsection 25280(n)(3) of the Health and Safety Code. Statutes should be construed in ways which give effect

to all provisions of the statute. Furthermore, this definition is consistent with the apparent intent of the Legislature to accommodate service stations, which account for a majority of the tanks subject to regulation under the Sher bill, and at which inventory control procedures are already in place. The definition includes tanks used by refineries, distributors, jobbers and consumers, so long as the fuel is used primarily for motor vehicles.

The Board could choose to adopt a less restrictive definition for motor vehicle fuel tanks based on the physical and chemical characteristics of the fuel rather than the intended use of the fuel as suggested by the commenters. Such a definition would include physically and chemically analogous substances such as kerosene, jet fuel, crude oil, and petroleum-based lubricants. However, it is conceivable that an industrial user of nitrobenzene could argue that underground tanks containing that substance qualify as motor vehicle fuel tanks because nitrobenzene is suitable for use in some motor vehicles (i.e., drag racers). Legal and policy considerations favor a more restrictive interpretation. The Sher bill is intended to address serious problems of ground water contamination as a result of leakage from numerous underground storage tanks. Exceptions from the regulatory provisions of the bill should be narrowly construed in order to promote greater protection for ground water quality. Therefore, staff recommends that the definitions contained in the draft regulations be retained.

Alternatively, the Board could modify the regulations to provide that "'motor vehicle' means a self propelled device by which any person or property may be propelled, moved or drawn." Deletion of the condition relating to highway transportation would broaden the applicability of the motor vehicle fuel tank provisions of the regulations. Fuel tanks at marinas and airports, and fuel tanks for railroad trains could qualify for the special consideration available to motor vehicle fuel tanks.

Issue No. 3 - Continuous Monitoring of New Tanks

Issue

Subsection 25281(b) of the Health and Safety Code requires that "new" underground storage tanks be equipped to detect unauthorized releases into the space between the primary and secondary containers. The proposed regulations would require "continuous" monitoring of this space. Several commenters have objected to the requirement for continuous monitoring, requested a flexible interpretation which would allow periodic monitoring, and questioned the omission of visual monitoring.

Discussion

Continuous monitoring systems were required in the proposed regulations to minimize the exposure time of the secondary container with any hazardous substance released from the primary container. Some commenters argued that monitoring should be less frequent since certain secondary containers, because they are made of similar materials as the primary container, could withstand contact with the hazardous substance. Staff believes that it was not the intent of the statute to authorize prolonged containment of the hazardous substance in the secondary container. Therefore, the contact time should be minimized. Furthermore, once a leak from the primary container occurs the secondary container becomes the primary container. However, no monitoring is required outside of the secondary container. Thus, the integrity of the secondary container must be ensured to the greatest extent possible in order to prevent leakage into the environment.

Part of the problem associated with what numerous commenters referred to as the "restrictive nature" of the proposed regulations, was that the regulations did not provide a definition for "continuous monitoring." Staff proposes that continuous monitoring be defined to include any type of monitoring using automatic equipment which routinely checks the secondary container on a periodic or cyclical basis throughout each day. This definition provides flexibility to the regulations and will allow the use of a variety of monitoring devices to comply with the proposed regulations.

Staff review of the comments and available monitoring methods leads us to conclude that something other than continuous monitoring could be acceptable provided that the monitoring is frequent. We propose the following alternatives for monitoring secondary containers constructed according to the

standards provided in Article 3 for the storage of any hazardous substances. We strongly oppose any proposal to allow less than daily monitoring since, as was previously discussed, it was not the intent of the law to allow the secondary container to become and act as the primary container for any length of time as a result of a release from the primary container.

Visual Monitoring

This form of monitoring was not included in the proposed regulations, but is a viable method of monitoring the primary container when located in a vault, basement, or other enclosure where visual monitoring (as described in Section 2641) is feasible for the entire tank. As required in Article 4, the visual inspection shall be performed on a daily basis. This would permit visual monitoring only at locations where properly trained personnel are at the facility seven days per week.

Monitoring Within the Secondary Container

Staff recommends that the permit applicant be allowed the option of installing continuous monitoring devices connected to an audial/visual alarm system or monitoring the secondary container manually on a daily basis. A monitoring plan shall be developed by the permit applicant detailing the methods and scheduling for detecting any unauthorized release of hazardous substances from the primary container. Section 2632 of the proposed regulations provides levels of fluid detection which must be achieved by the permit applicant in order to satisfy the monitoring standards. Numerous comments referred to these "fluid levels" as being too restrictive and eliminating the use of alternative methods of detection. In response to these comments Table 1 was developed which eliminates specific reference to levels of accuracy and allows alternative methods of detecting the unauthorized release of a hazardous substance into the secondary container.

The permit applicant must demonstrate to the satisfaction of the local agency that the proposed method of monitoring is appropriate for the hazardous substance stored in the primary container and that the applicant is able to remove the unauthorized release from the secondary container within the time consistent with the ability of the secondary liner to contain the hazardous substance. Daily, manual monitoring will be permitted only at locations where the facility is operated seven days per week or the permit applicant (or a designated representative) is present to perform the manual monitoring on those days when the facility is not operated.

Table 1. Methods of Monitoring for Hazardous Substances in the Secondary Container Backfill

Condition of Secondary System	Type of Product Stored in Primary Container	Method of Monitoring			
		Liquid Level Indicator*	Hazardous Substance Sensor*	Vapor Monitor	Suction Lysimeter
Dry	Volatile	x	x	x	x
Dry	Non Volatile	x	x		x
Liquid present	Volatile		x	x	x
Liquid present	Non Volatile		x		x
* mechanical, electronic or "sticking"		** analytical or visual observation			

Monitoring of the Annular Space of a Double Walled Tank

No changes are recommended for the monitoring requirements for the annular space between the walls of a double-walled tank as presented in the proposed regulations. A continuous monitoring system is required which can either detect a loss of pressure or vacuum within the pressurized annular space or detect the presence of a released hazardous substance based on conductivity, thermal conductivity, or other detectable properties (including vapor).

Motor Vehicle Fuel Tanks

For motor vehicle fuel tanks constructed according to the standards presented in Section 2633, it is recommended that the permit applicant have the option of installing a continuous monitoring system connected to an audial/visual alarm system or daily, manual monitoring of the leak interception and detection system (secondary container). The permit applicant must develop a monitoring and response plan for an unauthorized release of the hazardous substance from the primary container as provided in Section 2634(f).

The monitoring plan must demonstrate to the satisfaction of the local agency that the proposed method of monitoring (including the performance capability of any equipment or methods used) and the response plan will preclude the contact of any unauthorized release with ground water. Acceptable methods of monitoring include: (1) fluid level indicators (depending on the volumetric capacity of the leak interception and removal system) in conjunction with sampling to detect the presence of the hazardous substance; (2) sensors capable of detecting the presence of the hazardous substance; and (3) a vapor monitoring system. With the allowance of daily, manual monitoring the response plan must also include the accuracy of the proposed monitoring method and the volumetric rate of an unauthorized release which could go undetected under the proposed inventory control method. Daily, manual monitoring will be permitted only at locations where the facility is operated seven (7) days per week or the permit applicant (or a designated representative) is present to perform the manual monitoring on those days when the facility is not normally in operation.

Issue No. 4: Monitoring Existing Tanks

Issue

Article 4 of the proposed regulations pertain to the monitoring required for existing underground tanks. Comments received during the comment period raised concerns about the positions taken in the proposed regulations regarding: (a) the requirement that all alternatives be used in each case; (b) the fact that local agencies were not given any latitude to require a specific monitoring alternative based on differing site conditions; (c) the magnitude of the costs of the monitoring required; and, (d) some of the technical details of specific monitoring requirements. Thus, the issue is: should Article 4 be revised to provide monitoring alternatives and give local agencies authority to specify monitoring alternatives? These revisions would probably result in modified monitoring methods resulting in lower monitoring costs and possible reduced monitoring effectiveness.

Discussion

Initial Interpretation/Objectives

The draft regulations were based on the staff's interpretation of Section 25284.1 of the Health and Safety Code. Our interpretation was that the regulations adopted by the Board should specify the monitoring methods required in situations where visual monitoring of the entire tank could not be performed. Based on technical review of various monitoring methods, staff believed that multiple monitoring methods including ground water monitoring were needed to assure a reliable monitoring alternative.

The monitoring requirements prescribed in the proposed regulations were predicated on the following rationale:

1. The primary objective of the Statute is to prevent contamination of the soils and waters of the state as a result of unauthorized releases from hazardous substance underground storage tanks (Section 1(a)(2) and (3) of Chapter 1046, Statutes of 1983).
2. Effective monitoring of existing underground storage tanks must be capable of achieving the following objectives:
 - a. Determining background conditions of the soil and ground water which would be indicative of the

conditions that future monitoring would have to take into account. This determination may incidentally reveal any past unauthorized releases.

- b. Determining if the underground storage tank is currently leaking.
 - c. Providing the earliest possible detection of any future unauthorized releases.
 - d. Directly measuring the quality of the ground water to be protected on a periodic basis to provide corroborative assurance that the leak detection system is working.
- 3. The reliability of existing inventory and tank testing methods to detect a leak is too uncertain to depend solely on these methods for leak detection.
 - 4. There is no single monitoring method that is capable of meeting these monitoring objectives; therefore, monitoring systems employing multiple techniques would be needed to provide adequate protection.

Based on this rationale, tank testing was seen as a method for detecting leaks greater than 0.05 gallons per hour and for testing the structural integrity of the tank at the time the test is performed. Inventory reconciliation, which is routinely performed at retail gasoline stations, was seen as a currently used and inexpensive, but somewhat uncertain, means of detecting moderate to large leaks. The purpose of soils sampling was to determine if background conditions in the environment around the tank would adversely impact appropriateness and effectiveness of vadose zone or ground water monitoring methods. Vadose zone monitoring and shallow ground water monitoring could provide early detection of future leaks. Deep ground water monitoring would provide assurance that leaks were not evading detection by the indirect and inferential techniques described above and that overall ground water protection was being provided.

Staff was particularly wary of monitoring systems that depend solely on inventory reconciliation or vadose zone monitoring. Many new techniques for measuring liquid levels in tanks and for detecting leaks in the vadose zone are being or have only recently been developed. Although some of these methods show promise in theory under laboratory conditions or at specific sites with known field conditions, few have been adequately tested under the wide variety of conditions that would be encountered throughout the state over long-term. Additionally, it is still to be proven whether vadose zone

monitoring techniques that have been used traditionally in agriculture to measure vadose zone water can perform in a comparable manner when attempting to detect exotic organic liquids or highly corrosive and aggressive liquids that are vastly different in character from agricultural water. Finally, staff believes that ground water monitoring is the best, if not the only, means of assuring that the indirect leak detection methods employed are adequate. Some direct corroboration is necessary to avoid a false sense of security that the tank being monitored is not leaking.

Monitoring Alternatives

As a result of the comments received staff has re-evaluated the multiple monitoring requirements in the proposed regulations. Staff now believes that Section 25284.1(b) of the Health and Safety Code allows local agencies to select among the three alternatives specified when visual monitoring is not possible. The Code also allows the State Board to specify additional monitoring alternatives. To conform with this interpretation of the intent of Section 25284.1, staff recommends revisions to Article 4 of the proposed regulations to provide local agencies with the flexibility to select alternative monitoring methods that can be used when visual monitoring is not possible. These monitoring alternatives will include the three methods specified in the Code and alternatives developed by the Board staff to supplement these alternatives. It will then be up to the local agency to specify the appropriate monitoring alternative to effectively monitor each tank. The proposed monitoring alternatives are described in the last section of this issue.

Local Agency Flexibility and Ground Water Monitoring

In addition to the monitoring alternatives, staff propose that the regulations contain specific criteria that local agencies must use in evaluating the acceptability of any monitoring alternative. These criteria will take into account the reliability of the monitoring method proposed and the possible risk of contamination of either soils, ground or surface waters if leakage is not detected by the installed monitoring alternative.

The key aspect of these criteria will be the requirement for some form of ground water monitoring in situations where the risk of adverse impacts to water quality and beneficial uses is high in the event of an undetected leak. This would obviously be the case where the tank is in a ground water recharge area and the ground water has an actual or potential beneficial use (i.e. municipal, industrial or agricultural supply). In these situations the cost associated with this

higher degree of monitoring are warranted considering the impacts of an undetected leak.

Commenters have raised the concern that numerous ground water wells would provide conduits for more rapid vertical migration of contaminants than would occur in the absence of such wells. We believe this concern has some justification if wells are improperly designed or installed. The proposed regulations specify a significant number of wells which are required in a short period. This situation could lead to numerous wells installed in a short period by poorly trained, less experienced drillers without proper supervision. Therefore, staff proposes to reduce the total number of wells by eliminating the requirement for wells at sites where ground water is greater than 100 feet deep and by minimizing the number of wells at sites where ground water monitoring is required. However, this reduction in the number of wells could reduce the reliability of monitoring unless local agencies specify additional monitoring in critical ground water basins.

An additional concern has been raised regarding the "puncturing" of low permeability clay layers with the required monitoring wells. As was previously stated, there is some risk of forming vertical conduits by constructing wells through clay zones. However, the proposed regulations do not require construction of wells through a clay layer if the layer is below the water table. Wells drilled through clay layers to monitor the first ground water encountered can be constructed to reduce the risk of downward contaminant migration. These wells should be required when there are beneficial uses associated with this aquifer and either the contaminants are known to penetrate clays, the clay layer is not thick or demonstrated to be continuous over a large area, or the area may have poorly constructed, older, or abandoned wells. These situations pose a higher risk of allowing vertical migration than a properly constructed monitoring well which could provide early leak detection.

Background Monitoring

Many of the public commenters disagreed with the idea that the detection of historic leaks should be included as an objective in the monitoring rationale. The basis for their opposition ostensibly stems from the fact that the statutes do not explicitly require that the monitoring systems be capable of determining whether previous leaks have occurred.

Staff's position is that it does not consider the detection of historic leaks as a primary objective. Staff does believe, however, that it is necessary to determine

background conditions in order to detect the presence of contaminants in the soil and ground water adjacent to or under the tank could mask an active leak or could prevent the rational interpretation of future monitoring results. Additionally, the presence of substances in the soil and/or the ground water, other than those currently stored in the tank, could interfere with the analytical procedures used for detecting the currently stored substances. Furthermore, these other substances could react with the currently stored substances as a result of a leak and form other compounds, thereby complicating and possibly precluding the selection of appropriate analytical methods to test whether the tank is leaking.

From the tone of the comments, it appears that the more fundamental concern of the tank owners is that if historic leaks are discovered, the owner will be held liable. There seems to be little doubt that many active and historic leaks will be discovered. Infact, the technical spokesman for the California Independent Oil Marketers Association stated that most of the tanks investigated by his firm have been found to be leaking. This corresponds with the experience of our regional boards that have implemented leak detection programs and are now involved with the implementation of local agency ordinances for underground storage tanks. Nevertheless, the possibility of incidentally discovering past unauthorized releases should not be justification for elimination of a key component of the underground storage tank monitoring strategy from the regulation. To do so would not only severely cripple the effectiveness of the underground tank program but would perpetuate the existence of conditions that constitute an actual or potential threat to water quality.

Based on the law (AB 1362) staff believes that requiring background monitoring in situations where it is not needed to determine the appropriateness or effectiveness of proposed monitoring alternatives would be outside of the scope of these regulations. However, given the above discussion regarding potential for leakage and protection of water quality and the Board's existing authority under the California Water Code we believe that it would be appropriate for the Board, as opposed to the local agencies, to require background monitoring at those sites where it is not being required as part of this underground tank regulation program.

Where background monitoring is needed to demonstrate the appropriateness and effectiveness of proposed monitoring we recommend that it be required. The most commonly used technique for determining background conditions is soil sampling; however, other methods, including those to be used for actual leak detection monitoring may provide equivalent

results.

Soils Sampling

Comments were received expressing opposition to the use of slant drilling instead of vertical drilling as the preferred technique for obtaining soil samples from beneath underground storage tanks. The proposed regulations encourage the use of slant drilling if it is possible but allows vertical borings if slant drilling is not possible.

The opposition to slant boring is based primarily on the following factors:

1. Slant drilling is more difficult than vertical drilling.
2. Slant drilling is more expensive than vertical drilling.
3. There are substantially fewer drilling rigs capable of slant drilling available for use.
4. In some cases vertical drilling would provide more representative samples.

Staff acknowledges that there is merit to each of these factors. Additionally, the Health and Safety Code Section 25284.1(b)(2) appears to require soil sampling at the time of installation of wells for ground water or vapor monitoring. Based on this staff believes that soil borings should not be separate borings but that soil samples shall be taken from borings intended for ground water or vapor monitoring. Therefore, staff recommends that the proposed regulations be modified to only require the collection and analysis of soil samples as part of the installation of ground water or vadose zone monitoring or when required to establish background conditions as discussed in the previous section.

Proposed Monitoring Alternatives

The Health and Safety Code provides for three monitoring alternatives. Staff proposes the following monitoring alternatives, the first three being those specified in the Code.

Alternative 1

Pressure test, vacuum testing or hydrostatic testing of the piping systems or underground storage tanks.

Pressure testing is limited to tanks which have not contained a flammable substance and pipelines. Vacuum testing is not

widely accepted and has limited application. Hydrostatic testing can either involve the tank and piping or just the tank. A version of hydrostatic testing which is accepted by industry is known as the "precision test" as defined by the National Fire Protection Association (NFPA). The precision test requires that the testing method used be capable of detecting a leak of 0.005 gallons per hour or greater and requires that specific variables be considered in the test.

The major drawbacks to system testing are: the results are only indicative of the tank system containment ability during the period prior to and at the time of testing; due to the cost of the test and down-time necessary to perform the test it is not practicable to require the test to be performed frequently; and, the test cannot predict nor monitor the integrity of the tank system at any time between tests. For these reasons staff does not believe that this form of testing alone should be allowed as a monitoring alternative. However, since it is provided for in the law, staff would recommend that the regulations contain a performance specification that would require a degree of accuracy equivalent to the precision test (this is specified in the current draft regulations). In addition, it is recommended that a minimum frequency of testing be specified as monthly, consistent with the Code, in order to limit the period during which no monitoring for leakage will occur.

The result of implementing the above will probably result in the limited use of this alternative. The costs involved are estimated at \$4800 per year not including cost of downtime. It should be pointed out that this monitoring method on a more reasonable frequency coupled with another simpler and more frequent monitoring method(s) would probably be an acceptable monitoring alternative and is included in this list of alternatives.

Alternative 2

This alternative as specified in the Code would require groundwater monitoring downgradient and adjacent to the underground storage tank, vapor analysis where appropriate, and analysis of soil samples at the time of well installation.

If all three monitoring methods (groundwater, vapor and soils) were implemented and monitored frequently this would be a very effective monitoring alternative. This would provide background monitoring in the form of soils analysis, leak detection monitoring using either; frequent vapor monitoring in the vadose zone and periodic groundwater monitoring; or, more frequent ground water monitoring if

vadose monitoring can not be installed. If vapor monitoring cannot be installed then ground water must be shallow for this to be an approved monitoring alternative. Staff recommends, at a minimum, the following key performance standards as part of this monitoring alternative.

A. General

1. This monitoring alternative shall not be allowed if vapor monitoring pursuant to the performance standards cannot be installed and either:
 - a. perennial ground water is greater than 30 feet deep; or,
 - b. the first ground water encountered is hydraulically connected to ground water suitable for domestic, municipal, agricultural or industrial purposes; or,
 - c. the ground water wells cannot be screened or perforated for a distance 10 feet above the highest anticipated seasonal water table (or the ground surface if it occurs within the 10 foot distance) due to local codes or ordinances.

B. Soils Sampling

1. Vertical or slant borings are acceptable, subject to the requirements for installation of vadose zone or ground water monitoring and to the discretion of the local agency.
2. Soil samples shall be collected from each boring needed to install vadose zone or ground water monitoring. Additional borings shall be installed where needed to determine background conditions.
3. Minimum depth of borings shall be no greater than that required for the installation of vadose zone or ground water monitoring. Samples shall be taken at intervals of not greater than five feet. Borings for the purpose of soils sampling need not extend below encountered groundwater or unweathered competent bedrock. Additional depths may be required by the local agency in permeable materials (i.e. sands or gravels) or for low viscosity (compared to water) substances.
4. Samples shall be analyzed by laboratory or field

techniques that provide quantitative results. EPA approved methods or other methods of similar accuracy and approved by the local agency shall be used.

5. Borings shall be drilled and sampled by techniques that do not introduce liquids into the borehole and that are capable of allowing the detection of perched or perennial groundwater zones.
6. Borings shall be logged in detail and described using the Unified Soil Classification System on appropriately trained professional working under the supervision of a geologist, civil engineer, engineering geologist or hydrogeologist who shall be either registered or certified in his/her field by the State of California.

C. Vadose Zone Vapor Monitoring

1. The monitoring devise shall be placed in a fully perforated boring (with the exception of a surface seal) that is either in or in contact with the tank backfill.
2. Since this is the primary leak detection method monitoring shall be no less than daily and preferably continuous.
3. This method shall not be used if the vapor characteristics of the stored substance are not susceptible to detection with the monitoring system used.
4. This method shall not be used if high groundwater could limit the movement or detection of the vapor phase of any leaked stored substance.

D. Ground Water Monitoring

1. Ground water monitoring shall be utilized as a primary monitoring method (subject to the limitations in A. above) if, vadose zone vapor monitoring cannot be utilized and ground water is no greater than 30 feet below the ground surface. The presence or absence of hazardous substance in or on the groundwater shall be determined at least once every seven days by appropriate visual or analytical methods.
2. Ground water monitoring shall be utilized as an assurance method of monitoring if vadose zone vapor

monitoring is installed and perched or perennial ground water is no greater than 100 feet deep. The presence or absence of the hazardous substance in or on the ground water shall be determined at least semi-annually by appropriate visual or analytical methods.

3. If perched or perennial water zones have not been determined by soils borings then techniques equal to those required for soils borings shall be used to complete the well.
4. Wells shall be completed at least 10 feet below the lowest anticipated perennial ground water level and shall have screens or perforations extending from the bottom to a point 10 feet above the highest anticipated seasonal water level. Seals shall extend from the ground surface to a depth no greater than two feet above the top of the screens or perforations.
5. The minimum number of monitoring wells shall be as follows:
 - a. Primary Monitoring (no vadose monitoring, shallow ground water)
 - . single tank (<1000 gal) - one well downgradient
 - . single tank (>1000 gal) - two wells, one of which shall be downgradient
 - . multiple tanks - one well per tank up to four wells uniformly distributed around tank cluster, at least one-half the number of wells shall be downgradient
 - b. Assurance Monitoring (vadose monitoring installed)
 - . groundwater less than 50 feet deep-same as for primary monitoring
 - . groundwater between 50 and 100 feet deep:
 - . single tank - one downgradient well
 - . multiple tanks or closely spaced tank excavations - three wells uniformly distributed

Alternative 3

The Code specifies that this alternative is for monitoring tanks containing motor vehicle fuels. This alternative includes daily tank volume gauging and inventory reconciliation, hydrostatic tank testing provided that all

pipng is pressurized and is monitored by leak detection devices.

The key issue in this alternative is the accuracy of the inventory control method which is being totally relied on for daily leak detection between the less frequent (typically annual) hydrostatic tank testing. The Board has the authority to address this issue by imposing performance standards on the inventory control method. The primary measurements that impact the accuracy of inventory control are: tank input and output measurements, tank liquid level measurements and conversion to liquid volumes and possible temperature correction.

The state-of-the-art (considering economics and application problems) input and output measuring devices (meters) are used where resale, either wholesale or retail, of the hazardous substance occurs (e.g. service stations). This type of metering is certified to a specific accuracy by county departments of weights and measures basis. Therefore, staff recommends that any inventory control monitoring method shall include a requirement that tank input and output be metered and that the meters used shall be certified by the appropriate county department.

The effectiveness and reliability of inventory control as a leak detection method is primarily dependent on the accuracy of liquid level measurements and conversion of the level to liquid volumes. Liquid level determinations using mechanical means (dip stick or tape gauge) have lesser degrees of accuracy than more automated methods. This lower degree of accuracy causes larger variations in the inventory reconciliation. Commenters have indicated that daily variations of up to 100 gallons per day should be allowed when mechanical measurements are used. This low degree of accuracy would significantly mask any small leak making it difficult to detect for long periods of time or until a sufficient amount of hazardous substance was released. Simulations of inventory control using automated equipment for liquid level measurement would indicate that variations in the order of 15 gallons per day are possible which is significantly less than the 50 gallons per day limit imposed in the draft regulations.

Given that tank gauging techniques do exist which are capable of minimum periodic variations in inventory reconciliation and that this alternative relies almost exclusively on daily inventory controls for leak detection staff recommends that a performance standards be included in this alternative. This performance standard would be on the amount of daily, weekly and periodic reconciliation variation that would be allowed

before other leak detection methods are required. The imposition of this standard would, in effect, require the use of more accurate tank gauging methods. Failure to implement these methods would probably result in frequent exceedances of the allowable variation requiring the immediate implementation of other, more reliable, leak detection methods. The performance standard recommended is:

- . daily variation - 30 gallons per day;
- . seven day variation - 2 percent of throughput;
- . greater than 30 day; variation - one-half of one percent of throughput.

Another variable which can be taken into account is temperature variation. Many of the liquids being stored are subject to temperature fluctuation during the time they are in the tank. If the tank operator was to convert all input and output metering and tank readings to a common temperature it would improve the inventory accuracy and would reduce the variations seen in reconcillation. This is not being required but would probably be necessary to achieve the variation limits cited above.

Staff also recommends that a summary of the inventory reconcillation be submitted quarterly to the local agency by the permittee under penalty of perjury. Additionally, the permittee should be subject to performing a precision test if the local agency or the Board finds that inventory reconcillation records are not being maintained.

Alternative 4

The previous alternative utilized inventory control as a principle leak detection method without any frequent verification method. This alternative would allow inventory control with a larger variation permitted provided that an additional verification method be utilized on a periodic basis.

For this alternative we recommend that inventory variations which would trigger additional actions be set at:

daily variation	100 gallons
seven day variation	5 percent of throughput
greater than 30 day variation	one-half of one percent of throughput

The other part of this alternative would involve a verification monitoring method utilizing one or more of the methods specified in Alternative 2. However, the frequency of monitoring would be significantly less: on the order of

monthly or quarterly depending on the method used and the resource being protected.

Alternative 5

This alternative would be similar to Alternative 2 with the primary difference being that numerous forms of vadose zone monitoring would be allowed instead of strictly vapor monitoring as required in Alternative 2.

Alternative 6

This alternative would be applicable only in situations described in the discussion of the economic impact (Issue 5). These situations would allow for minimal monitoring during a three year time period during which time either; a more appropriate monitoring is installed (reserved for small business and individuals) or, the tank is closed or the tank is replaced with a secondary containment facility.

The alternative monitoring involves some form of inventory control and periodic tank testing utilizing a precision test. The inventory control accuracy would be similar to that required in Alternative 4. In addition, owners of tanks which do not have daily additions or withdrawals would be allowed to demonstrate tank integrity by monitoring the liquid level during periods of no input or withdrawal. General conditions on this procedure would be proposed as follows:

1. The tank shall be capable of being secured to prevent unauthorized inputs or withdrawals.
2. There shall be three periods of no input or withdrawal per each week, each lasting at least 12 hours.
3. Tank liquid level measurements shall be taken at the beginning and end of three roughly equally spaced intervals during the week during which inputs and withdrawals shall not occur. The measurements at the beginning and end of each period shall be made by the same person.
4. Any difference of more than one-half of an inch in liquid levels during these periods shall require additional leak detection which shall initially be a repeat of the level measurement monitoring over the next 24 hour period.
5. Tank testing utilizing a precision test shall be performed yearly at a minimum.

MONITORING ALTERNATIVES

Alternative No.	Method	Monitoring Frequency	Comments
1	Tank Testing	Monthly	Pressure, vacuum or hydrostatic testing
2	a. Soil sampling and b. Vapor/ground water monitoring or c. Ground water monitoring	One time Daily/semi-annual Weekly	This alternative is not applicable if vadose monitoring is not implemented and either: a) ground water is greater than 30 ft. deep, or; b) ground water has a beneficial use; or c) wells cannot be screened at least 10 ft. above highest water table level. Ground water greater than 100 ft. deep is not required to be monitored.
3	a. Inventory control and b. Tank testing and c. Pressure pipeline leak detectors	Daily Annually Continuous	Maximum inventory variations: daily - 30 gal weekly - 2% of throughput >30 days - 0.5% of throughput Pipelines must be pressurized and have leak detectors
4	a. Inventory control and b. Pressure pipeline leak detectors and c. Vapor monitoring or d. Ground water monitoring	Daily Variable Variable	4a. will be performed with 4b. or 4c. Maximum inventory variation: daily - 100 gal weekly - 5% of throughput >30 days - 0.5% of throughput
5	a. Soil sampling and b. Vadose/ground water monitoring or c. Ground water monitoring	One time Daily/semi-annual Weekly	See Alternative 2
6	a. Precision testing and b. Inventory control or c. Tank gaging	Yearly Daily 3 times weekly	6a. will be performed with 5b. or 5c. Limited term - 3 yrs. This alternative is only for: a) small businesses that will implement Alts. 1, 2, 3, 4 or 5 within 3 yrs; or b) tank owners who will close or replace tank within 3 yrs. Inventory control - see 4a. Tank gaging - for tanks that can be locked-out

Issue 5

Issue

A significant number of comments were received concerning the economic impact of compliance with the regulations. These comments mainly addressed compliance with the monitoring requirements for existing tanks and the potential impacts to small businesses and individuals. The issue is: is the cost of compliance significant and, if so, can it be reduced, specifically for small business without jeopardizing protection of water quality?

Discussion

We generally agree with the commenters that the costs of compliance with the monitoring requirements of the draft regulations is significant, especially to small businesses and individuals. The redrafting of Article 4 (monitoring requirements for existing tanks) will reduce these costs. However, even these costs could be significant.

Staff does not believe that further reductions in the monitoring requirements would be justified in order to reduce compliance costs. Monitoring alternatives now take into account the site specific conditions. Where resources are identified as being important, a minimum level of monitoring is necessary to assure reliable leak detection. In these situations one must compare the costs of compliance with the costs of clean-up and the unquantifiable costs to society of contaminated groundwater if an undetected leak occurs.

One way of reducing the economic impact of compliance is to allow a phase-in of the required monitoring. We believe this may be an appropriate alternative for small businesses and individuals where they can implement some level of leak detection monitoring as outlined in the last alternative in the discussion of Issue 4. A reasonable compliance period would be three years.

For purposes of defining the businesses which will be considered "small" and could qualify for the phase-in monitoring requirements and extended compliance period, staff chose to use the definition of "small business" contained in Section 11342(e) of the Administrative Procedure Act. The definition is provided below:

"Small business" means:

(a) A business activity, unless excluded in paragraph (b),

that is all of the following:

- (1) Independently owned and operated.
 - (2) Not dominant in its field of operation.
 - (3) Not exceeding the following annual gross receipts...
in the categories of:
 - (A) Agriculture, one million dollars (\$1,000,000).
 - (B) General construction, nine million five hundred thousand dollars (\$9,500,000).
 - (C) Special trade construction, five million dollars (\$5,000,000).
 - (D) Retail trade, two million dollars (\$2,000,000).
 - (E) Wholesale trade, nine million five hundred thousand dollars (\$9,500,000).
 - (F) Services, two million dollars (\$2,000,000).
 - (G) Transportation and warehousing, one million five hundred thousand dollars (\$1,500,000).
 - (4) A manufacturing enterprise not exceeding 250 employees.
 - (5) A health care facility not exceeding 150 beds or one million five hundred thousand dollars (\$1,500,000) in annual gross receipts.
 - (6) Generating and transmitting electric power not exceeding 4,500,000 kilowatts.
- (b) The following professional and business activities shall not be considered a small business for purposes of this act:
- (1) Financial institutions including banks, trusts, savings and loan associations, thrift institutions, consumer and industrial finance companies, credit unions, mortgage and investment bankers, and stock and bond brokers.
 - (2) Insurance companies, both stock and mutual.
 - (3) Mineral, oil, and gas brokers; subdividers and developers.
 - (4) Landscape architects, architects, and building designers.
 - (5) Entities organized as nonprofit institutions.

- (6) Entertainment activities and productions including motion pictures, stage performances, television and radio stations, and production companies.
- (7) All utilities, water companies, and power transmission companies, except electrical power generating transmission companies providing less than 4.5 kilowatts.
- (8) All petroleum and natural gas producers, refiners and pipeliners.

(Added by Stats. 1979, c. 567, 1, operative July 1, 1980.
Amended by Stats. 1982, c. 1083, 2, operative January 1, 1983.
Amended by Stats. 1983, c. 1080, 1, operative January 1, 1984.)

This phase-in time period could also be used by tank owners who have evaluated the economics of providing the required monitoring and the associated liabilities of a possible leak and compared those costs with the costs of either eliminating the tank or replacing the existing single wall tank with a secondary containment facility (i.e. new tank). Tank owners that opt for either closure or replacement could be allowed a similar three year period to raise the necessary capital for such work without implementing a costly monitoring system provided that some minimum level of leak detection monitoring is performed during the three year period and a thorough evaluation of possible leakage is performed at the time of closure or replacement. This option should be closely controlled and monitored by the local agencies to assure that tank owners are financially able to carry-out the commitment at the end of this short time period.

Issue No. 6: Variance Fees

Issue

Several commenters questioned the high fees required for the categorical, site-specific and local agency variances. The Health and Safety Code states: "Applicants for action under this section shall pay a fee determined by the State Water Quality Control Board to be reasonable in covering costs in considering the application." Given the Code and the high costs estimated in the draft regulations, the issue is: Are there other ways to address this legal requirement?

Discussion

Staff agrees that the costs estimated and included in the draft regulations are extreme and would probably deter anyone, including local agencies, from submitting requests for variances. We have reviewed the basis for the cost estimates in the proposed regulations and have modified some of the costs. In addition, we have proposed six alternative means to address this issue. Alternatives 1 through 4 are for all the variance fees. Alternative 1 is similar to the draft regulations (i.e., fixed fee) but with revised cost estimates. Alternative 5 would only apply to local agency requests, and Alternative 6 would only apply to site-specific variances.

Alternative 1: Fixed Fees

This alternative would retain the fees as proposed in the draft regulations which are based on the average costs to the Board for the technical review of the application and conducting the public hearing(s). The Division of Administration has estimated that public hearings cost between \$5,000 and \$10,000. Based on this, staff originally estimated the public hearing portion of the total costs at:

Site-specific variance	\$5,000
Categorical variance	\$7,500
Local agency variance	\$6,000

The differing costs for the public hearings are due to the fact that each variance covers different geographical areas with different hearing requirements. For example, a site-specific variance is for a specific facility or within one local agency jurisdiction while a categorical variance would apply statewide and requires two hearings in different areas of the State.

The technical review time was estimated with respect to other similar duties at the State and Regional Boards. The technical review for site-specific variances was estimated at 0.05 staff years (SY), categorical variances at 0.2 SY, and local agency variances at 0.1 SY. Based on these estimates and the above hearing costs, staff proposed the following costs in the draft regulations:

Site-specific variance	\$ 7,750
Categorical variance	\$26,000
Local Agency Variance	\$11,500

Costs for similar programs are as follows:

Waste discharge requirements	\$100- \$ 10,000
NPDES permits	\$100- \$ 10,000
Hydroelectric water right permits	\$1,000-\$600,000

We have reevaluated the costs and believe the fees could be lowered if the public hearing could be part of a regularly scheduled meeting. This could cover all the public hearings except for the second hearing as part of the categorical variance. If the Board were to consider this option of absorbing the hearing costs by merging these required hearings with already scheduled regular meetings, then the fee schedule would be as follows:

Site-specific variance	\$ 2,250
Categorical variance	\$18,500
Local agency variance	\$ 5,500

This new fee schedule would considerably lower the fees for site-specific variances and local agency variances and, in our opinion, would not deter variance requests as much as the previously proposed fees.

Alternative 2: Fees on Actual Costs

The variance fees could be the actual cost of the public hearings and staff time. This alternative is currently used by the Division of Water Rights for application fees for small hydroelectric projects. The schedule devised by Water Rights is complex, to say the least.

The Water Rights' fee requires \$1,000 front money with several adjustments as costs incurred exceed the initial front money paid. Applicant's major objection to this fee schedule is not knowing the final cost at the time they file their application. Many applicants express a desire for flat fees based on an average cost.

Objections to actual cost fees by staff include: the time

for reviewing fees and calculating adjustments; the cost for accounting time to bill and process payments; and the time required to keep a record of staff time spent on specific projects. In comparison with a flat fee, the costs may be higher due to the additional administrative costs. The benefit to an actual cost fee is an appropriate fee is levied with respect to the magnitude of the application review.

Alternative 3: Lower Proposed Fees

The variance fees could arbitrarily be lowered below the fees described in Alternative 1, which are calculated to be average State and Regional Boards' costs. This alternative would require the Board to obtain other funding to process the variances. We believe the legislature wanted the program to be self-sufficient with respect to costs and would not approve funding from other sources to make up any short-comings in the fee structure.

The Board could absorb the costs by redirecting staff from other programs. However, this is a detriment to those programs which lose staff and the Board may be open to criticism for failure to complete other funded programs due to this redirection.

Alternative 4: No Variances

The Board could consider taking no action on requested variances. No fee schedule would need to be established. However, the legislature specifically provided for variance requests. In order to take this position, the Board would have to request a change in the existing legislation.

Staff doesn't believe that this is a viable alternative based on existing legislation and obvious legislative intent. Denying individuals an opportunity to have newly developed construction and monitoring systems approved would seriously limit development of new systems which may be more effective and efficient.

Alternative 5: Local Agency's Variances

The proposed regulations require local agencies requesting design and construction standards, in addition to those set forth in Article 3, to pay an application fee of \$11,500. If the public hearing could be a regularly scheduled hearing, the costs could be lowered to \$5,500. Local agency variance fees could be absorbed and spread out among all the tank owners in California by including it in the surcharge. This would require a change in legislation.

The surcharge is based on the costs for the State and Regional Boards to perform the Underground Tank Program over five years. This cost is divided by the estimated number of tanks which will be operating under a permit. The surcharge is adjusted annually by the legislature to accommodate different costs and number of tanks.

Based on recent estimates, the surcharge will be approximately \$28 per tank. Estimating that the Board may review ten local agency variances over the five-year period, the surcharge would be increased to \$28.50 per tank.

Alternative 6: Site-Specific Variances

Site-specific variances can be either a variance at one specific site or several sites within one local agency's jurisdiction. The new proposed fee of \$2,250 for site-specific variances was based on a variance at one site. Staff time for processing a variance for several different locations is estimated at .10 SY versus .05 SY for one location. The .1 SY is the same for local agencies' variances because both variances cover the same geographical area. In fairness to everyone requesting a variance, there should be two fee schedules to accommodate the additional investigations for more than one site. The estimated fee for a site-specific variance located at more than one facility would be \$4,500.

Recommendation

Based on the public comments and the previously discussed alternatives, we recommend that categorical variances should be based on actual costs. The initial application fee should be \$11,000 for a categorical variance. At the time the variance is to go to a public hearing, the person requesting the variance should decide whether to pursue or to withdraw the variance based on staff's recommendation as to whether or not to grant a variance. At that time, the fee should be adjusted according to staff time expended. Should the person requesting the variance want to continue with the public hearing, the estimated costs for the public hearing should be developed and an additional adjustment and payment made, if necessary. After the public hearing, a final adjustment should be made on the actual costs with a request for payment or refund to the permittee.

In summary, the person requesting a variance would pay an initial fee based on estimated costs for reviewing the variance as described in Alternative 1. Two adjustments would be made on the fee if the variance proceeds to a public hearing. One adjustment would be made if the variance does

not proceed to a public hearing.

The local agency variance fees will eventually be passed on to tank owners through permit application fees. Based on current law, we recommend that the variance fees for local agencies be as described in Alternative 2 (i.e., actual fees). The Board may want to suggest that the Legislature review this issue to determine if they would like to see this cost provided for in some other means. Possible methods would be as described in Alternative 5 to spread the cost to tank owners statewide or to have the Board request appropriate budget changes to provide this service.

We recommend the flat fee schedule for site-specific variances. This fee is \$2,250 for site-specific variances located at one facility and \$4,500 for site-specific variances located at more than one facility. The reasoning for going with the flat fee is a) this fee is considerably lower than previously proposed and is consistent with other fees charged by the board; and b) accounting for staff time in actual cost fees has proven to be difficult and inaccurate in small-hydro water right applications. We feel we can more closely account for staff time for categorical and local agency requests since there will be fewer requests and specific staff will be working on the requests. Whereas many more site-specific variances at the regional boards are expected. It is anticipated that the area engineers which handle all problems within a specific area will handle the variances as one additional task. This system makes it very difficult to account for time on one specific variance request.

PROSPROPOSED FLAT FEES

1. Fees lower than in proposed draft.
2. Fees are known to applicant.

ACTUAL COST FEES

1. Applicants pay actual costs.
2. Comments received on fees indicates a desire to use actual costs.

LOWER PROPOSED FLAT FEES

1. More variance requests.

NO VARIANCES

1. No fees.

LOCAL AGENCY VARIANCE
FEES INCLUDE IN
SURCHARGE

1. More requests for more stringent requirements.
2. Increase to surcharge minimal.

TWO FLAT FEES FOR SITE-
SPECIFIC VARIANCES

1. Fees are proportionate to the magnitude of the variance.

CONS

1. Fee structure based on average costs.
2. Simple variance requests subsidize complicate variances.

1. Costs will increase due to additional administrative costs.
2. Costs to applicant are not known.

1. Violates intent of legislation.
2. Redirects staff.
3. May result in cut positions.

1. Requires change in legislation.
2. Not consistent with similar Board programs.

1. Requires change in legislation.
2. Fee subsidized by other tank owners not affected.
3. Costs to pass on to affected tank owners is not great.

1. None.

2. Proposed Modifications to the Statute- Underground Storage Tanks

IV. C. 2

PROPOSED MODIFICATIONS TO THE STATUTE
UNDERGROUND STORAGE TANKS

SEC. 1. Subdivision (g) of Section 25281 of the Health and Safety Code is amended to read:

(g) "Owner" means:

(1) In the case of an underground storage tank which has stored a hazardous substance since January 1, 1984, any person who owns the underground storage tank.

(2) In the case of an underground storage tank that has not stored a hazardous substance since December 31, 1983, any person who owned the underground storage tank immediately before the discontinuation of its use to store a hazardous substance.

SEC 2. Section 25283 of the Health and Safety Code is amended to read:

25283. Every county shall implement this chapter pursuant to the regulations adopted by the board. A city may, by ordinance, assume responsibility for the implementation of this chapter pursuant to the regulations adopted by the board and, if so, shall have exclusive jurisdiction within the boundary of the city for the purposes of carrying out this chapter. A city which assumes responsibility for implementation of this chapter shall provide notice of its program and consult with the county in which the city is located. A county shall designate a department, office, or other agency of that county as the local agency responsible for administering and enforcing this chapter, and a city which assumes responsibility for implementing this chapter shall also make a similar designation. In lieu of the designations described above, a county or city may contract with a responsible agency such as an adjacent county, water district, or regional board to administer and enforce this chapter.

SEC 3. Subdivision (c) and (d) of Section 25286 of the Health and Safety code are amended to read:

(c) As a condition of any permit to operate an underground storage tank, the permittee shall complete an annual report form, prepared by the board, which will detail any changes in the usage of any underground storage tanks, including the storage of new hazardous substances, changes in monitoring procedure, and unauthorized release occurrences, as defined in Sections 25294 and 25295. The local agency shall, through the permit, specify as to whether the permit applicant shall submit this annual report directly to the board or to the local agency who will transmit the data to the board. The requirements for the board to provide computer storage and management of the data generated by the application forms specified in subdivision (b) also apply to information generated by the annual reports.

(d) If a permittee stores in an underground storage tank or tanks a hazardous substance which is not listed in the application, as required by paragraph (2) of subdivision (b), the permittee shall apply for a new or amended permit at least 30 days prior to commencing the storage of that hazardous substance.

SEC. 4. Subdivision (c) is added to Section 25286 of the Health and Safety Code to read:

(c) The board may, as part of the permit application, require a demonstration that the owner is maintaining financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden unauthorized releases arising from the storage of a hazardous substance in the underground storage tank. If the board requires such a demonstration then the permit issued by the local agency shall require that the owner maintain the financial responsibility until the underground storage tank is closed pursuant to the regulations of the board. Financial responsibility may be established by any one or combination of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer.

SEC. 5. Subdivision (b) of Section 25284 of the Health and Safety Code is amended to read:

(b) This fee shall include a surcharge, the amount of which shall be determined by the Legislature annually to cover the costs of the board in carrying out its responsibilities under this chapter. The surcharge shall be transmitted to the board by the local agency and deposited in the Underground Storage Tank Fund hereby created in the General Fund. If a local agency fails to transmit the surcharge within six (6) months of its receipt, the board may request the State Treasurer to withhold state reimbursements to local agencies in the amount equal to the surcharge that has not been transmitted. The money in this account is available, upon appropriation by the Legislature, to the board for the purpose of implementing this chapter.

SEC. 6. Subparagraphs (D) and (E) of paragraph (7) of subdivision (a) of Section 25291 of the Health and Safety Code are amended to read:

(D) The monitoring is in accordance with the alternative method identified in paragraph (4) of subdivision (b) of Section 25292.

(E) Pressurized piping systems connected to underground storage tanks used for the storage of motor vehicle fuels and monitored in accordance with paragraph (4) of subdivision (b) of Section 25292 provided that the underground storage tank meets the conditions of subparagraphs (A) to (D), inclusive.

SEC. 7. Subdivision (d) of Section 25292 of the Health and Safety Code is amended to read:

(d) Two or more primary containers shall not be permitted within the same secondary container if the primary containers store substances that in combination may cause a fire or explosion, or the production of flammable, toxic or poisonous gas, or the deterioration of a primary or secondary container.

SEC. 8. Subdivision (a) of Section 25292 is amended to read:

(a) On or before January 1, 1986, the owner shall outfit the facility with a monitoring system capable of detecting unauthorized releases of any hazardous substance stored in the facility, and thereafter, the operator shall monitor each facility, based on materials stored and the type of monitoring installed.

SEC. 9. Paragraph (3) and (4) of subdivision (b) of Section 25292 of the Health and Safety Code are amended to read:

(3) A leak detection and alarm system which is located in borings or ground water monitoring wells adjacent to an underground storage tank and which is approved by the local agency consistent with the regulations of the board. The leak detection system shall either be continuous or daily.

(4) For monitoring underground storage tanks containing motor vehicle fuels, daily gauging and inventory reconciliation by the operator, if all of the following requirements are met:

(A) Inventory records are kept on file for at least one year.

(B) The tank is tested, using the precision test as defined by the National Fire Protection Association Pamphlet 329, "Recommended Practice for Handling Underground Leakage of Flammable and Combustible Liquids," as amended, for proving the integrity of an underground storage tank at time intervals specified by the board and whenever there is an inventory reconciliation shortage greater than the amount which the board shall specify by regulation.

(C) If pressurized piping is connected to the underground storage tank, then the piping shall have a leak detection device to monitor for leaks in the piping.

SEC. 10. Subdivision (c) of Section 25296 is amended to read:

(c) The board shall, by regulation, require that monitoring systems be installed when a repair is made pursuant to this section. For purposes of this subdivision, "monitoring system" means the alternative described in paragraph (3) of subdivision (b) of Section 25292.

SEC. 11. Paragraph (5) is added to subdivision (b) of Section 25299 of the Health and Safety Code to read:

(5) Failure to register by September 1, 1985 an underground storage tank that has not been used to store hazardous substances since January 1, 1984 and was not registered pursuant to Section 1317 $\frac{1}{3}$ of the Water Code.

SEC. 12. Section 25299.1 of the Health and Safety Code is amended to read:

25299.1 (a) Any city, county, or city and county which prior to January 1, 1984, has adopted an ordinance which, at a minimum meets the requirements set forth in Sections 25291 and 25292, providing for double containment, monitoring of underground storage tanks, and under which permits are

issued therefore is exempt from the provisions of this chapter so long as the ordinance, as it may be amended, continues to meet the requirements of Sections 25291 and 25292. A city, county, or city and county which meets this criteria shall have ninety (90) days from the effective date of this statute to amend its ordinance to make it consistent with any amendments to Sections 25291 and 25292.

Those local agencies which are exempted from this chapter pursuant to this subdivision shall submit to the board the application form and annual information specified by Section 25286 and shall submit a written report of any unauthorized release from an underground storage tank to the Office of Emergency Services within ten (10) working days from the time the local agency is notified of the unauthorized release. Every local agency exempted from this chapter, except a county of the fifth class and the cities within that county, shall collect and transmit to the board the surcharge specified in subdivision (b) of Section 25287.

(b) This chapter shall not be construed to limit or abridge the authority of any city, county, or city and county to adopt an ordinance requiring information, conducting investigations, inspections, or implementing and enforcing this chapter.

SEC. 13. Subdivision (b) of Section 25299.3 of the Health and Safety Code is amended to read:

(b) Until the board adopts regulations, any city or county may implement Section 25291 with regard to permits. Any tank or facility so permitted shall be deemed to be in compliance with the regulations of the board implementing that section. Any underground storage tank installed within a city or county which has not implemented Section 25291 prior to the adoption of regulations by the board shall be subject to the same requirements of this chapter as an underground storage tank installed prior to January 1, 1984.

Every county and every city that assumed responsibility for implementation of this chapter pursuant to Section 25283 shall, without undue delay, undertake its regulatory responsibilities under this chapter after the board adopts its regulations pursuant to subdivision (a). Every county and every city that assumed responsibility for implementation of this chapter pursuant to Section 25283 shall implement this chapter by no later than July 1, 1985. Implementation of this chapter shall be demonstrated by a permit program for all new underground storage tanks and a permit program and implementation time schedule for all existing underground storage tanks which will provide for the issuance of permits to all existing underground storage tanks by January 1, 1987. The county and city may issue provisional permits which allow the continued use of existing underground storage tanks for the period up to January 1, 1987.

SEC. 14. Paragraph (3) of subdivision (a) of Section 25299.4 of the Health and Safety Code is amended to read:

(3) The board shall issue a categorical variance from these sections if it determines, after investigation and at least one public hearing held in the area that would be impacted by the categorical variance request, that

the applicant has demonstrated by clear and convincing evidence that the proposed alternative will adequately protect the soil and the beneficial uses of water of the state from an unauthorized release. The board shall hold at least two public hearings in different areas of the state, as selected by the board, when the categorical variance request could impact more than one-third of the state's population or area.

SAC. 15. Paragraph (1) of subdivision (c) of Section 25299.4 of the Health and Safety Code is amended to read:

(1) The regional board shall hold a public hearing 120 days after completion of any documents required by the California Environmental Quality Act (Division 13 [commencing with Section 21000] of the Public Resources Code).

~~SEC. 16. Section 25300 is added to the Health and Safety Code to read:~~

Section 25300. All owners of underground storage tanks which have not been used to store hazardous substances since January 1, 1984 and have not been registered pursuant to Section 13173 of the Water Code, shall register the underground storage tank with the board by September 1, 1985, on a form provided by the board. The registration shall include a fee of ten (10) dollars per tank or five (5) dollars per tank if the underground storage tank is/was located at a retail motor vehicle fuel outlet.

3. Underground Tank Program

LEGISLATIVE ACTION

Only two years ago, we discovered evidence that leaking underground tanks were polluting ground water in several areas of California. The evidence indicated the major source of contamination was industrial chemicals and gasoline leaking from underground storage tanks. In conjunction with local agencies, the Legislature enacted legislation to detect leaking tanks and to regulate installation of new tanks. Meanwhile, the Legislature passed two bills, AB 2011 and AB 1352, to inventory and regulate underground tanks. These bills were signed by the Governor and are now law. The main provisions of the laws are:

Inventory (AB 2011)

- o Inventory of all underground tanks containing hazardous substances.
- o Tank owners must file inventory information by July 1, 1984 (one form per tank).
- o Fee = \$10 per tank; except tanks located at gasoline stations, which are \$5 per tank.
- o Failure to file and pay fee by January 1, 1985 subjects the owner to fines of \$500 to \$5,000 per day.
- o Submission of false information is subject to fines of \$2,000 to \$20,000 per day.

Regulatory (AB 1352)

- o This bill provides for a regulation program that is administered by the counties and cities.
- o The State is required to develop regulations for the program by January 1, 1985.
- o The local agencies issue permits for underground containers good for five years.
- o Local agencies inspect tanks periodically - at least once every three years.
- o All new tanks installed after the regulations become effective must provide for secondary containment. (Motor vehicles are exempt from special requirements.)
- o The Regional Boards will establish and enforce regulations necessary to enforce and administer the anti-leakage program. (The boards will also establish design, construction and testing standards for the tanks.)

The intent of the legislation is to prevent degradation of ground water from leaking underground tanks. One of the objectives of the regulatory program aimed at accomplishing this objective are:

- o All new tanks installed must provide for double containment. This generally means either double-wall tanks or tanks set in concrete vaults.
- o All tanks, both existing and new, must have a monitoring system to detect leaks. Any evidence of a leak must be reported to the authorities.

It is estimated that California has well over 100,000 underground tanks storing hazardous substances, including gasoline, and it may be as many as one-half million.

Controversies and Confusion:

1. Duplication - Three of the Regional Boards have previously compiled an underground tank inventory, and many local governments have also begun inventories. For the following reasons, the State Board has decided to continue the statewide inventory:
 - o Some information required by law was not included in the Regional Board surveys. The State Board needs to collect the fees for these tanks in order to sustain the program and, in some cases, the information would have to be hand transferred to other forms, requiring considerable staff time.
 - o Statutory deadlines must be met. Civil penalties apply to tank owners who do not file inventory statements with the State Board. Some counties and cities have the authority to inventory underground tanks while others do not; and a change in legislation would be required.
2. Escape Clause - AB 1362 provides local governments with an opportunity to develop their own tank construction and monitoring regulations by enacting an ordinance before January 1, 1984. There has been much confusion as to where tank owners should turn for guidance and permits. The State Board is now compiling a list of all county agencies which will be administering the program and whether or not an ordinance is enacted by January 1, 1984. A partial cities list is also being compiled.

4. Underground Tank Program - Status Report-April 19, 1984

Environmental Health Program

Status: Review

Cortese - AB 2013

Over 50,000 Hazardous Substance Reporting Statements (HSRS) required by the Cortese Bill have been printed by the State Board. Another 500,000 are being printed at General Services. The forms are reviewed by State Board staff, Regions 2, 4 and 7 staff; local health officials; a tank rental firm; the report of companies; and is currently being reviewed for compatibility with local health computer data bases by the Department of Health Services.

The HSRS forms will be distributed by making them available through the Regional Board offices and County offices. Making lists of hazardous substances and waste haulers have been obtained from the Department of Public Services (DPS), and we are requesting haulers distribute HSRS forms to their customers.

An informational flyer, describing the law, penalties, and requirements was drafted by OPA and distributed with a copy of the law to appropriate trade associations. Articles are being placed in the local press regarding the law and the Cortese Bill will be sent to local newspapers for publication and the subject of press releases. An informational brochure is being developed and will be placed in service soon.

The Data Management office has been notified of the law and is developing the HSRS form and is expanding the data base to accept underground tank data. Under review is the possibility of programming the nine digit zip code into the data base which will allow a reasonable map of the state.

Sher - AB 1961

The regulatory task force which is studying the law, has been working with State agencies, Bud Taylor, and other agencies to develop a regulatory plan. A departmental working draft is being developed and will be submitted soon.

The permit application under the local health officer will be reviewed and generated turnaround document, which will be submitted to the local health officer being permitted will be on the application for a permit from the permitting agency.

Several mailing lists have been developed and are being distributed to local health officers. There have been numerous requests for information regarding the law. After surveying all environmental health officials, regional supervisors, local health chiefs and city managers, we are planning to submit a final report to the agency.

General

An EPA 105 application was submitted to the EPA for the State of California Tank Program. It has been approved and the EPA has agreed to provide technical assistance.

Underground Tank Program
Status Report
April 19, 1984

For Region 4's Early Action Program in R. 4, the Technical Services' position is to develop the regulations and temporary health orders for the program.

The RCR is moving through the regulatory process.

The Technical Services staff has made arrangements to meet with health officers and fire chiefs to describe the RCR and the program. These meetings have been scheduled, and presentations will be made if requested. Presentations have been made to the Board of Health and Board of Fire Members.

An information package which includes a copy of the RCR, popular questions and answers, suggestions for handling the RCR, and a coordination plan to January 1, 1984 and a copy of the RCR have been distributed to all Regional Boards. A similar package has been distributed to the City Council, the Board of Supervisors, and the Board of Health.

Problems

The major problem has been the lack of information and the lack of answering numerous telephone calls. The RCR has been distributed, and the information hot line has been established. The RCR will be eliminated this winter. The RCR has been eliminated.

5. Questions- Informal Survey of Counties, February 21, 1984

Questions

<u>County</u>	<u>1</u>	<u>2</u>	<u>3</u>
Alameda	no	5000	Rafat Shahid (415)874-6434
Contra Costa	yes	2000	Bruce Benike (415)372-2286
Fresno	no	3000	Larry Oberti (209)445-3357
Imperial	no	500-1000	Tom Woolf (619)339-4203
Merced	no	500-1000	Jeff Palsgaard (209)385-7391
Orange	no	6000-8000	Stephen Wong (714)834-7690
Solano	yes(12/20/83)	800-900	Dave Ubanks (707)553-5251
Riverside	no	2000	Judy Iversen (714)787-6543

Elaine-

Here's the informal survey of some counties we thought did not have an underground tank ordinance. Column #1 is whether or not there was an ordinance passed, Column #2 is the estimated number of tanks (this is just an estimate!) and Column #3 is the contact person and telephone number. The total number of tanks within counties without ordinances is about 20,000. Perhaps this number could be extrapolated for other counties we believe did not enact an ordinance. Let me know if you need anything else.

Kathy
5-7769

6. To Santa Clara County
Intergovernmental Council and
Management Association; From
Thomas F. Lewcock Sunnyvale
City Manager; October 18,
1984; Subject: Status Report
Hazardous Material Storage
Ordinance

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OCT 15 1984

QUALITY CONTROL BOARD

**CITY OF SUNNYVALE
CALIFORNIA
October 8, 1984**

TO: Santa Clara County Intergovernmental Council
Santa Clara County City Management Association

FROM: Thomas F. Lewcock, City Manager

SUBJECT: Status Report, Hazardous Material Storage Ordinance

Introduction

Slightly over a year ago, the majority of cities in Santa Clara County adopted the uniform Hazardous Materials Storage Ordinance which had been under study and discussion for a lengthy period of time. During the summer of 1984, the Santa Clara County City Management Association decided it was appropriate to determine the status of implementation of that ordinance. Shortly thereafter, the Intergovernmental Council expressed a desire to be similarly updated. As a result, a survey was undertaken in hopes of gaining greater insight as to ordinance implementation and some of the problems related to it.

Discussion

Exhibit I outlines the survey results. In reviewing the data, several factors should be taken into account. First, although most cities adopted the Uniform Ordinance at approximately the same time, the various ordinances did not provide for uniform timetables of implementation. For example, the dates for filing of inventory statements were not uniform, the dates for filing hazardous material management plans were not uniform, and the final dates for final permitting were not uniform. For the most part the lack of activity under questions #4 and #5 for certain cities are a result of implementation timetables. Second, the survey information should not be read in the context of dealing with underground storage facilities only. In that the Uniform Ordinance dealt with storage above ground and below ground, the survey results combine statistical information for both. Third, the Ordinance provides for provisional permits, many of which have been issued. Exhibit I includes final permits only. Finally, the unique procedures of each agency also have a bearing on the statistics outlined in Exhibit I. For example, certain communities began their implementation process by surveying all known industrial and commercial businesses within their city. From this survey they alerted those companies who would have to comply with the Ordinance. In other cities, greatest reliance was placed on reviewing existing business licenses or other forms of permits. Permittees were then sent application material and were asked to respond. Clearly, the two different techniques could easily result in a difference as to the number of estimated locations requiring permits. This issue will be discussed more fully later within this memorandum.

Perhaps more important is the commentary that most agencies supplied, along with their survey information. What is evident from the survey results is the fact that implementation of the Hazardous Materials Storage Ordinance is a massive undertaking, will take sizable resources and time to complete, and provides substantial information as to the hazardous materials storage exposures which are present in the Santa Clara Valley.

16

Issues

1. Determining locations requiring permits

As Exhibit I reflects, differing procedures and techniques are being followed to isolate those businesses and locations which may require a permit. As noted earlier, those procedures vary from mailing information and requirements to those businesses believed to store hazardous material based on existing permit and license information to full field survey of all businesses and industries in a community. Clearly the second procedure is one which will insure knowledge of a high percent of storage locations. Massive resources, however, have to be committed to this second process. For those agencies which routinely inspect commercial and industrial facilities for Fire Code purposes, over time more locations can be found, even if the first procedure had initially been used. If routine fire prevention inspections do not occur, or if inspectors are not trained to look for hazardous material storage, it is possible that a substantial number of locations will not be regulated.

2. Education

Several of the agencies embarked on comprehensive education campaigns. It was found that in those communities which did so, there was better understanding by industry as to the purpose of the Ordinance and the steps which they would have to take to comply with it. It was striking that many of the survey returns did indicate that a number of businesses, particularly small ones, were unaware of the potential hazards of the materials they were utilizing.

3. Permit Issuance

Most agencies reported that the volume of information required to be processed, particularly where hazardous material management plans were required, was enormous. Again, this has meant a very substantial resource allocation in reviewing the information, requesting corrections, and in the end, issuing permits. Substantial problems were noted in the capability to store and manipulate the vast volume of data which is accumulating under the Ordinance's requirements.

4. Enforcement Issues

Due to the different timetables in the various ordinances, it is not possible at this time to analyze across the board enforcement problems or issues. Those agencies which had earlier timetables, report that while the greatest percent of businesses and industries are being cooperative, a number are failing to meet the requirements by filing the necessary inventory statement or short or long form Hazardous Material Management Plan. As deadlines are reached for permit issuance, this may mean that significant litigation will be required in order to gain ordinance compliance.

5. Monitoring

For the most part agencies adopted identical ordinances. Those ordinance provided for approval by reference of monitoring standards. Again, for the most part, uniform monitoring guidelines have also been enacted. It is apparent, however, that the interpretation of those monitoring guidelines differs from agency to agency. Underground storage tank monitoring varies from some agencies who insist upon vapor wells or groundwater monitoring wells to those who will accept pressure testing. There is much debate as to what monitoring systems are in fact acceptable. There are also significant

cost differences between the various monitoring systems. This is a crucial issue, in that much of the emphasis in the Ordinance focuses upon the ability to quickly ascertain when a leak is occurring. If certain monitoring systems can do this with reasonable accuracy, and others cannot, then a large gap may be present in meeting the overall objectives of the Ordinance.

6. Intergovernmental Issues

The Underground Storage Ordinance fits within an overall intergovernmental milieu involving many agencies. Jurisdiction around direct enforcement of the Ordinance falls to those local government units which have adopted it. When a local agency demands, for example, vapor or monitoring wells, permits must be gotten for this purpose from the Santa Clara Valley Water District. When leaks are found, notification needs to be made to various other agencies, with the Regional Water Quality Control Board taking chief jurisdiction in regard to groundwater contamination abatement efforts. Certainly there are other governmental jurisdictions involved as well. Survey comments frequently indicated problems in this intergovernmental network. The recently established Santa Clara County Underground Water Contamination Task Force is presently working to isolate these problems and make recommendations in regard to them.

7. Resource Issues

As noted in earlier sections of this report, resource requirements for implementation of this Ordinance are consistently reported at a very high level. To a certain degree, the amount of resources required is dependent upon the procedural approaches taken toward Ordinance implementation. The method of locating businesses which will require permits, the monitoring requirements placed on businesses, and finally the long term inspection plans for Ordinance compliance all contribute greatly to the capability to meet the Ordinance objectives. The effort going into each of these steps also has a substantial bearing on the total amount of resources a given agency will have to commit to the effort.

A second resource issue is at this time unknown, but mentioned in several commentaries as a critical concern. Most agencies do believe that as monitoring systems go into place, additional underground tank leaks will be found. They question the resource capability of the Regional Water Quality Control Board to effectively deal with abatement if a large number of additional leaks are found.

8. Ordinance Successes

Although the earlier sections of this report give ample evidence that Ordinance implementation has some way to go and although there are remaining issues in need of resolution, survey comments also reflect significant progress and success. Several agencies reported that once businesses truly understood the purpose of the ordinance and the nature of the problem, they were not only willing to comply, but began to take steps beyond Ordinance requirements. Several survey comments noted that chemical inventories for some businesses were either reduced or eliminated. Other businesses and industries came up with new storage and control techniques. Finally, all agencies reported a very high level of cooperation once applicable businesses and industries were

fully informed of the purpose of the Ordinance and its requirements. As noted earlier, the statistical survey results are not necessarily a good indicator of Ordinance compliance, due to the varying timetables in the various ordinances. Further, because the ordinance does provide for provisional permits during the time that a final permit is being processed, a large number of businesses and industries are operating under provisional permits even though the final permit has not been granted.

Conclusion

Obviously, neither IGC nor the Santa Clara County City Managers' Association has the authority to standardize implementation procedures or methodology. Further, the survey information does indicate that various different approaches do seem to be successful. It is hoped that this report serves the purpose of a status update on Ordinance implementation and that both elected officials and chief executive officers can use this as a basis in future Ordinance implementation.



Thomas F. Lewcock
City Manager
City of Sunnyvale

Exhibit

TFL:gl

HAZARDOUS MATERIALS STORAGE ORDINANCE SURVEY

EXHIBIT 1

AGENCIES:	Campbell	Cupertino	Gilroy	Los Gatos	Morg. Hill	Mt. View	Palo Alto	San Jose	Santa Clara ⁵	S.C. Cnty.*	Sunnyvale	Milpitas	
<u>SURVEY QUESTIONS</u>													
1. Estimate of Locations requiring permits	272	130	155	170	195	500	350	1700	580	1089	923	400	Los Altos and Los Altos Hills did not adopt Ord.
2. Method to determine locations ⁶	A1,B2		A1	A1	A1	B2	A1		A1,B2	A1	B2	A1,B2	*Includes Monte Sereno, Saratoga, Los Altos Hills
3. # of Estimated Locations who have filed Inventory Statements	272	83	155	155	190	210	196	1530	522	838	772	200	Los Altos Implementing under State Law
4. # of Permits Issued ³	83	7	0	0	0	0	0	0	0	1089	265	0	
5. % of Hazardous Material Management Plans Filed compared to Required (estimated)	NR ⁴	55%	0	0	1%	0	15%	0	40%	76%	57%	3%	

FOOTNOTES:

1. Potential permittees determined through mailings based on previous permits, business licenses, water and sewer billings, etc.
2. Permittees determined through field inspection
3. Does not include provisional permits which are allowed during the time that permit is under study
4. No response
5. A HAZMAT ordinance existed before the model ordinance was adopted.
6. This question was not asked in the questionnaire, however certain respondents included it.

RESOLUTION OF THE COUNCIL OF THE CITY
OF GILROY ADOPTING GUIDELINES AND FEES
FOR THE ADMINISTRATION OF THE HAZARDOUS
MATERIALS STORAGE ORDINANCE IN THE CITY
OF GILROY

WHEREAS, after study and public hearing, the

Fire Chief has recommended adopting guidelines and fees

for the administration of the Hazardous Materials Storage

Ordinance in the City of Gilroy, and

WHEREAS, the Intergovernmental Council has approved

the Guidelines attached as Exhibit "A",

NOW, THEREFORE, BE IT RESOLVED that the Council

of the City of Gilroy approves the Guidelines for Administration

of the Hazardous Materials Storage Ordinance attached hereto

as Exhibit "A", and hereby adopts said Guidelines to apply to

the City of Gilroy.

BE IT FURTHER RESOLVED that the following permt

fees for storage of hazardous materials be approved to defray

costs of administration commencing July 20, 1983:

1. Service stations--\$90 per year.
2. Storage and dispensing of flammable liquids
from an underground tank--\$90 per year.
3. Hazardous materials storage permits:
 - a. up to and including 500 pounds for solids,
55 gallons for liquids, and 200 cubic feet
at SIF for compressed gases--\$75 per year.
 - b. more than 500 pounds for solids, 55 gallons
for liquids and 200 cubic feet at SIF for
compressed gases--\$150 per year.

PASSED AND ADOPTED this 5th day of July, 1983,
by the following vote:

AYES: COUNCILMEMBERS: GAGE, HUGHAN, LINK,
TAYLOR, VALDEZ and GOEDRICH
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: ALBERT

APPROVED:

Norman B. Goodrich
Mayor

ATTEST:

Doranne E. Steinmetz
City Clerk

RESOLUTION NO. 83-53

Exception: The fire safety instruction fee does not apply to public schools or to public community colleges. Fire safety instruction programs for such public schools will be provided at no cost.

- 2.080 Special inspections in response to emergency situations will be charged at the standard inspection fee rate.
- 2.090 Fire Prevention inspections mandated by state law will be charged at the standard inspection fee rate.
- 2.100 A Project Consultation fee will be charged for project consultations at the rate of Fifty Dollars (\$50) for the first hour or fraction thereof; thereafter the charge will be Twenty-five Dollars (\$25) per half hour or fraction thereof.

2.110 Hazardous Materials Storage Permit Fee

Fee Schedule Formula

Hazardous Materials (Hazmat) Storage Fee = Permit Fee + Inspection Fee

Permit Fee: Permit fee depends on the complexity of a company: the amount of staff-time spent in reviewing all submitted forms and statements, guideline preparation, responding to spills, and performing other clerical and administrative activities. Permit Fee is calculated by means of the following formula:

$$\text{Permit Fee} = \sum_{i=1}^n \sum_{j=1}^m k_j Q_{ij}$$

i = facility

n = total number of facilities

j = hazard class (see page 14a)

m = total number of hazard classes

k = cost factor for hazard class j = \$40

Q = Quantity range for hazard class j at facility i (see page 14b). Quantities of chemicals (in lbs., gals., and cu. ft.) are summed in each hazard class, then the corresponding quantity range is determined from this total quantity.

Inspection Fee

\$50.00 per hour

HAZARD CLASSES AND LEGENDS FOR HAZARDOUS MATERIALS

<u>Hazard Classes</u>	<u>HAZMAT</u>	<u>DOT</u>
1. <u>Explosives</u>		
Explosives A	EXP A	Exp A
Explosives B	EXP B	Exp B
Explosives C	EXP C	Exp C
Blasting Agents	BLST	BA
2. <u>Gases</u>		
Flammable Gas	FG	FG
Non-Flammable Gas	NFG	NFG
Poison A (Gas)	POIS G	Pois A
(Pyrophoric Gas)	PYRO G	FG
3. <u>Flammable/Combustible Liquids</u>		
Flammable Liquids	FL	FL
Combustible Liquids	CL	CL
4. <u>Flammable Solids/Substances</u>		
Flammable Solid	FS	FS
Spontaneous Comb.	PYRO S	FS
Water Reactive	-W-	-W-
5. <u>Oxidizing Substances</u>		
Oxidizers Solid	OXY S	OXY
Oxidizers Liquid	OXY L	OXY
Oxidizers Gas	OXY G	OXY
Organic Peroxides Solid	PEROX S	OP
Organic Peroxides Liquid	PEROX L	OP
Organic Peroxides Gas	PEROX G	OP
6. <u>Poisonous/Infectious Substances</u>		
Poison Solid	POIS S	Pois B
Poison Liquid	POIS L	Pois B
Irritant	IRR	IRR
Infectious Substances (Etiologic Agents)	ETI	ETI
7. <u>Radioactive</u>	RAD	RAD
8. <u>Corrosive</u>		
Corrosive Solid	CORR S	CORR
Corrosive Liquid	CORR L	CORR
Corrosive Gas	CORR G	

Hazard ClassesHAZMATDOT9. Cryogenics

Non-Flammable Cryogenics
Flammable Cryogenics

CRYO
CRYO

10. Other Regulated Material

Solid
Liquid
Gas

ORM S
ORM L
ORM G

ORM
ORM
ORM

QUANTITY RANGES FOR REPORTING HAZARDOUS MATERIALSRANGEDESCRIPTION

1

Solids: 500 lbs.
Liquids: 55 gals.
Gases: 200 cu. ft. STP

2

Solids: 500 - 5,000 lbs.
Liquids: 55 - 550 gals.
Gases: 200 - 2,000 cu. ft. STP

3

Solids: 5,000 - 25,000 lbs.
Liquids: 550 - 2,750 gals.
Gases: 2,000 - 10,000 cu. ft. STP

4

Solids: 25,000 - 50,000 lbs.
Liquids: 2,750 - 5,000 gals.
Gases: 10,000 - 20,000 cu. ft. STP

5

Solids: 50,000 lbs.
Liquids: 5,500 gals.
Gases: 20,000 cu. ft. STP

EXHIBIT "A"

FIRE PREVENTION
ANNUAL PERMIT AND FEE SCHEDULE
FISCAL YEAR 1983-84

<u>SECTION</u>		<u>FEE</u>
4.101 UFC	To operate or maintain a tire recapping/ rebuilding plant.	\$ 50 Annual
4.101 UFC	To conduct/maintain an auto wrecking yard; junk yard or waste material handling plant.	\$ 50 Annual
4.101 UFC	To conduct bowling pin and bowling alley refinishing involving flammable liquids.	\$100 Each Occurrence
4.101 UFC	To store, keep or have on hand, more than 25# of nitrate motion picture film.	\$ 50 Each Occurrence
4.101 UFC	To handle, use or display nitrate motion picture film.	\$ 50 Each Occurrence
4.101 UFC	To manufacture articles of or using cellulose nitrate plastic in the manufacturing or assembling.	\$100 Annual
4.101 UFC	To store or handle over 100 cubic feet of com- bustible fibers.	\$100 Each Occurrence
4.101 UFC	To store, handle, or use more than 2000 cubic feet of flammable or 6000 cubic feet of non- flammable compressed gas.	\$100 Annual
16.52.060 MC 4.102 UFC Chapter 5 NFPA Standard 56F	To install any fixed flammable anesthetic gas system and any non-flammable medical gas system over 200 cubic feet capacity.	\$ 70 Each Installation
4.101 UFC	To operate: A <u>grain elevator</u> ; flour starch or feed <u>mill</u> or <u>plant</u> pulverizing dust producing materials.	\$100 Each
<u>EXPLOSIVES AND BLASTING AGENTS:</u>		
77.101 UFC 1565.1 Title 19 CAC	- To manufacture, process, store, sell or other- wise dispose of, transport, operate a terminal for handling, deliver or receive at a terminal between sunset and sunrise or to transport blasting caps in the same vehicle with.	\$100 Annual

SECTIONFEE

4.101 UFC	To store, transport or handle hypergolic materials or pyrophoric materials.	\$150 Annual
4.101 UFC	To store or handle more than one microcurie of radium not in a sealed source; or one millicurie of radium or other radioactive material in a sealed source or any amount of material requiring NRC license.	\$ 50 Annual
4.101 UFC	To install or maintain any LPG gas container over 120 gallon water capacity; To operate any tank vehicle used to transport LPG.	\$ 70 Each Tank \$ 50 Annual
4.101 UFC	To store over 100,000 board feet of lumber.	\$ 50 Annual
4.101 UFC	To melt, cast, heat treat, machine or grind more than 10# of magnesium per day.	\$100 Annual
4.101 UFC	To manufacture matches.	\$100 Annual
4.101 UFC	To store more than 864,000 matches.	\$100 Annual
4.101 UFC	To operate industrial baking and drying oven(s) which, during operation contain flammable vapors or are heated by gas or oil as fuel.	\$100 Each
4.101 UFC	To operate, maintain or use a place of assembly.	\$ 25 Annual
11.203(a) UFC	To store more than 2500 cubic feet of combustible materials/cases, boxes, barrels, similar containers, rubber or cork or similar materials.	\$ 50 Annual
4.101 UFC	To operate a refrigeration unit or system containing 20# of refrigerant.	\$ 50 Each
4.101 UFC	To erect, operate or maintain a tent or air-supported structure over 200 sq ft in area.	\$ 25 Each
4.101 UFC	To operate motion picture projection machine using electric arc and nitro cellulose film.	\$ 50 Each Projection
4.101 UFC	To use a building, shed or enclosure as a hangar or for service or repair of aircraft.	\$100 Annual

SECTION

20.08.010MC
20.32.010 MC
4.101 UFC

To store or handle any regulated materials in
the following Department of Transportation
Hazard Categories:

PROPOSED
FEE

Blasting Agents	\$100 Annual
Class "A" Explosives	\$100 Annual
Class "B" Explosives	\$100 Annual
Class "C" Explosives	\$100 Annual
Combustible Liquids	\$100 Annual
Flammable Gas	\$100 Annual
Non-Flammable Gas	\$100 Annual
Corrosives	\$150 Annual
Etiological Agent	\$100 Annual
Flammable Solid	\$100 Annual
Irritating Material	\$100 Annual
Organic Peroxide	\$150 Annual
Other Regulated material	\$100 Annual
Oxidizer	\$150 Annual
Poison "A"	\$150 Annual
Poison "B"	\$150 Annual
Radioactive Materials	\$100 Annual

RE-INSPECTION FEE:

(Assessed pursuant to standards of 16.12.260 MC)

\$ 25 Each
Inspection

LATE APPLICATION FEE:

(Upon failure to obtain required permit or
failure to renew annual permit; applicable
- 30-days after violation or delinquency notice)

Double Other
Applicable
Fees

FEE SCHEDULE FOR HAZARDOUS MATERIAL STORAGE PERMIT

Pursuant to Resolution No. 3841, adopted 7 June, 1983, and Ordinance 217, Section 302-4.01, adopted 17 May, 1983.

1. Existing Facilities: Fees due after approval of Hazardous Material Inventory Statement
2. New Facilities:
 - a. Storage fee - due prior to issuance of full term permit.
 - b. Plan check/inspection fees - due upon submittal of plans.
3. New, renewed, and provisional permit fees are computed from the same fee schedule.
4. Fees are subject to a 10% penalty for each month delinquency after the due date, up to double fees.
5. Amending the permit is subject to a charge of 10% of the original permit fee or if the amendment increases the range, the difference between ranges is charged in lieu of the 10%.
6. Range amounts for a facility (defined as a building or discrete storage area) are determined by the total aggregate quantity of stored hazardous material. Ranges are defined below:

<u>Range Number</u>	<u>Solid (pounds)</u>	<u>Liquid (gallons)</u>	<u>Gas (Cu. Ft. STP)</u>
1	Up to 500	Up to 55	Up to 200
2	500 - 5,000	55 - 550	200 - 2,000
3	5,000 - 25,000	550 - 2,750	2,000 - 10,000
4	25,000 - 50,000	2,750 - 5,000	10,000 - 20,000
5	More than 50,000	More than 5,000	More than 20,000

7. Plan check and inspection fees for new installations:

Tanks

Plan check (each)	\$50
Inspection, above ground (each)	\$30
below ground (each)	\$60

Above Ground Storage Systems

	<u>Plan Check</u>	<u>Inspection</u>
Range 1 & 2	\$ 25.00	\$ 20.00
Range 3	50.00	30.00
Range 4	75.00	40.00
Range 5	100.00	50.00

8. Annual storage permit fee:

Underground Tanks

Range 1 & 2	\$50.00
3	125.00
4	200.00
5	275.00

Above Ground Storage Systems

Range 1	\$ 50.00
2	100.00
3	200.00
4	300.00
5	400.00

Temporary storage (30 days): \$30.00

RESOLUTION NO. 1984-4

RESOLUTION ESTABLISHING A FEE SCHEDULE FOR
PERMITS FOR THE STORAGE OF HAZARDOUS MATERIALS

WHEREAS, Town Code Section 35.080.060 provides that the Town Council shall establish fees sufficient to recover the costs in administering Chapter 35 relating to storage of hazardous materials;

IT IS HEREBY RESOLVED by the Town Council of the Town of Los Gatos, State of California, as follows:

The following fee schedule is established for permits for the storage of hazardous materials:

SHORT FORM (Hazardous Materials Management Plan)
Town Code Section 35.040.015)

Initial Permit Fee	\$ 75.00
Hourly Inspection Rate	30.00
Annual Renewal	50.00

LONG FORM (Hazardous Materials Management Plan)
Town Code Section 35.040.010

Initial Permit Fee	\$150.00
Hourly Inspection Rate	30.00
Annual Renewal	100.00

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 3rd day of January, 1984 by the following vote:

AYES: COUNCILMEMBERS Joanne Benjamin, Eric D.
Carlson, Terrence J. Daily, Brent N. Ventura
and Mayor Thomas J. Ferrito

NOES: COUNCILMEMBERS None

ABSTAIN: COUNCILMEMBERS None

ABSENT: COUNCILMEMBERS None

SIGNED: /s/ Thomas J. Ferrito
Mayor of the Town of Los Gatos

ATTEST:

/s/ Rose E. Aldag (seal)
Clerk of the Town of Los Gatos

SANTA CLARA FIRE DEPARTMENT

PERMIT FEES (Renewable annually)

1. Automobile Wrecking Yard	\$30.00
2. Bowling Pin Refinishing	30.00
3. Cellulose Nitrate Storage	30.00
4. Combustible Fiber Storage	30.00
Combustible Liquids:	
5. Inside (over 25 gallons)	40.00
6. Outside (over 60 gallons)	30.00
Compressed Gases:	
7. Non-Flammable (over 6,000 cubic feet)	30.00
8. Flammable (over 2,000 cubic feet)	50.00
9. Dry Cleaning Plant	30.00
10. Dust Producing Operation	30.00
11. Explosives or Blasting Agents	30.00
Flammable Liquids:	
12. Inside (over 5 gallons)	50.00
13. Outside (over 10 gallons)	40.00
14. Fruit Ripening	30.00
15. Garages (repair)	30.00
16. Hazardous Chemicals:	
17. Ammonium Nitrate (over 1,000 lbs)	50.00
18. Corrosive Liquids (over 55 gallons)	50.00
19. Cryogenics (any amount)	50.00
20. Highly Toxic Materials (any amount)	50.00
21. Hypergolic Materials (any amount)	50.00
22. Nitromethan (over 500 lbs)	50.00
23. Organic Peroxides (over 10 lbs)	50.00
24. Oxidizing Materials (over 500 lbs)	50.00
25. Poison Gas (any amount)	50.00
26. Pyrophoric Materials (any amount)	50.00
27. High Piled Combustible Stock	30.00
28. Liquefied Petroleum Gas (over 120 water gallons)	30.00
29. Lumber Yard (over 100,000 board feet)	30.00
30. Magnesium Working	30.00
31. Matches	30.00
32. Medical Gas System	30.00
33. Model Rockets	30.00
34. Nitrate Film	30.00
35. Organic Coatings	30.00
36. Ovens (Industrial, Baking and Drying)	30.00
37. Places of Assembly	30.00
38. Public Fireworks Display	90.00
39. Radium	30.00
40. Refrigeration Equipment	30.00
41. Spraying or Dipping	30.00
State Required Inspections: Institutions	
42. 7 to 50	30.00
43. 50 or more	90.00
44. Tire Recapping	30.00
45. Waste Material Handling Plant	30.00
OCCUPANCY PERMITS:	
1. Light Hazard Occupancy	15.00
2. Ordinary Hazard Occupancy	30.00
3. Extra Hazard Occupancy	60.00

Person Contacted: _____

Business Name: _____

City License Number: _____ Expiration Date: _____

Type of Business: _____

Business Address: _____ Zip: _____

Inspector: _____ Date: _____

Inspection Area: Station: _____ Zone: _____

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA IMPOSING
HAZARDOUS MATERIALS PERMIT/INSPECTION FEES

IT IS HEREBY RESOLVED, pursuant to Santa Clara County ordinance code section R11-308.12, that Hazardous Materials Permit/Inspection fees required by Chapter IX of division B11 of said code, to be paid for each facility by a person in order to store hazardous materials in accordance with said ordinance division under the jurisdiction of the County Health Officer, shall be as follows:

- (a.) Annual permit fee:
For each hazard class of materials stored: the quantity range of the sum of all materials in the class multiplied by \$40.00.
- (b.) Inspection fee: \$40.00 per hour. One hour minimum, computed portal to portal.
- (c.) Monitoring well abandonment permit \$50.00/well.
- (d.) Underground tank abandonment permit \$50.00/tank.
- (e.) Construction permit - Vadose zone wells and ground water monitoring wells \$50.00 for single well and \$25.00 for each additional well per facility.

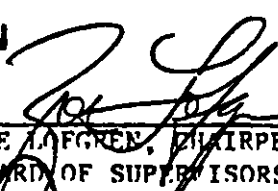
PASSED AND ADOPTED by the Board of Supervisors
of the County of Santa Clara, State of California on

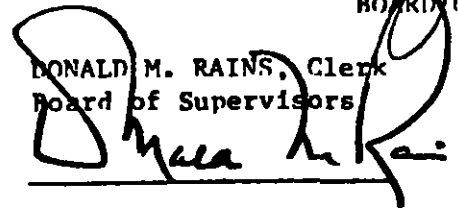
FEB 07 1984 by the following vote:

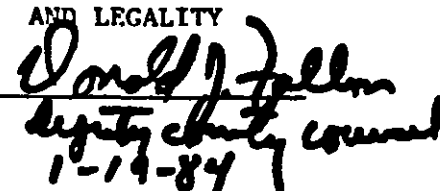
AYES: Supervisors **DIRIDON, LEGAN, LOFGREN, ~~MORGAN~~ WILSON**

NOES: Supervisors **NONE**

ABSENT: Supervisors **MORGAN**


ZOE LOFGREN, CHAIRPERSON
BOARD OF SUPERVISORS

ATTEST: DONALD M. RAINS, Clerk
Board of Supervisors


APPROVED AS TO FORM
AND LEGALITY

1-14-84

ORIGINAL

FEB 07 1984



CITY OF MOUNTAIN VIEW

FIRE PREVENTION BUREAU

1000 Villa Street

Mountain View, CA 94041

(415) 966-6378

FACILITY PERMIT FEE WORKSHEET

(see back of sheet for instructions)

Official Use Only

ID

Business Name

(1)

Date

(2)

Facility Street Number

Street Name

DOT
CLASS
(3)

Aggregate Quantity
(Cu Ft) (Gal) (Lbs)
(4)

Quantity Range and Fees
1 2 3 4 5
(5)

DOT Class
Abbreviations
(6)

DOT CLASS (3)	Aggregate Quantity (Cu Ft) (Gal) (Lbs) (4)	1	2	3	4	5	DOT Class Abbreviations (6)
Blasting Agent		50	75	100	150	200	BLST
Combustible Liquid		25	50	75	100	125	CL
Corrosive Liquid		25	100	125	150	200	CORR-L
Corrosive Solid		25	100	125	150	200	CORR-S
Etiologic Agent		*	*	*	*	*	ETI
Explosives A		150	200	200	200	200	EXPA
Explosives B		100	150	200	200	200	EXPB
Explosives C		75	100	150	200	200	EXPC
Flammable Gas		25	100	125	150	200	FG
Flammable Liquid		25	50	75	100	125	FL
Flammable Solid		25	50	100	150	200	FS
Irritant - Liquid		25	50	75	100	125	IRR-L
Irritant - Solid		25	50	75	100	125	IRR-S
Nonflammable Gas		25	50	75	100	125	NFG
Organic Peroxide - Liquid		150	200	200	200	200	PEROX-L
Organic Peroxide - Solid		150	200	200	200	200	PEROX-S
Other Reg Mats - Liquid		100	150	175	200	200	ORM-L
Other Reg Mats - Solid		100	150	175	200	200	ORM-S
Oxidizer - Liquid		25	50	100	150	200	OXY-L
Oxidizer - Solid		25	50	100	150	200	OXY-S
Poison A - Gas		50	100	150	200	250	POIS-G
Poison A - Liquid		50	100	150	200	250	POIS-L
Poison B - Liquid		50	100	150	200	250	POIS-L
Poison B - Solid		50	100	150	200	250	POIS-S
RADIOACTIVE		*	*	*	*	*	RAD
CRYOGEN		25	50	75	100	200	CRYO

(7) Total Fee Due \$ _____ + _____ + _____ + _____ + _____ = \$ _____

*Contact Fire Prevention Bureau for additional reporting requirements and fees

7. Agenda Item 8 and Draft
Resolution No. 84- for
November 27, 1984 Public
Hearing

STATE WATER RESOURCES CONTROL BOARD PUBLIC HEARING/BOARD MEETING
SACRAMENTO, CALIFORNIA
NOVEMBER 27, 1984

ITEM: 8

SUBJECT: HEARING ON CONSIDERATION OF ADOPTION OF REGULATIONS GOVERNING
UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES TO BE CODIFIED IN
SUBCHAPTER 16 OF CHAPTER 3, TITLE 23, CALIFORNIA ADMINISTRATIVE
CODE (23 CAC §2510-2648)

DIS- The State Board held a public hearing on the proposed regu-
CUSSION: lations on October 23, 1984. Based on the oral testimony and
written comments, State Board staff proposed conceptual changes to
the regulations which were discussed at the November 2, 1984
workshop. The proposed regulations, as modified to incorporate the
changes, were made available to the public on November 9, 1984.

Some minor editorial changes have been made in the November 9,
1984 proposed regulations. An errata sheet has been prepared
listing these changes, none of which change the intent or substan-
tive regulatory effect of the November 9, 1984 draft of the
proposed regulations. These changes would not prevent the State
Board from adopting these regulations at this meeting.

State Board staff is prepared to brief the State Board on the
issues raised in the written comments received on the modified
regulations. In addition, the State Board should accept testimony
from the public at this hearing prior to considering any possible
action on these proposed regulations.

POLICY The State Board has three possible actions that can be taken on
ISSUE: these proposed regulations:

1. The State Board may adopt these regulations as proposed and
direct that the regulations and the rulemaking file be sent to
the Office of Administrative Law.
2. The State Board may decide that further substantial changes
need to be made in the proposed regulations and direct staff
to further modify the text of the proposed regulations. The
modified text would have to be made available to the public
for 15 days before the State Board could consider adoption.
3. The State Board may defer action on either of the above
alternatives and may either close the record or leave the
record open to receive additional comments before making a
decision.

Should the State Board approve the proposed regulations or defer action?

FISCAL The fiscal impact of adopting these regulations is provided
IMPACT: for by budgeted resources for the underground tank program.

STAFF Staff believes that all of the significant public comments and
RECOMMEN- State Board concerns have been addressed in the proposed
DATIONS: regulations. Furthermore, these regulations, if approved, will
 have to be re-evaluated in 1985 to consider statutory amendments
 made in 1984 and possible conformance with the Resource
 Conservation and Recovery Act. Therefore, unless significant
 issues are raised during the hearing which the State Board
 believes warrant further modifications, staff recommends that the
 State Board approve the resolution adopting the proposed regula-
 tions.

Policy Issue *[Signature]*
Legal Issue *[Signature]*
Fiscal Issue *[Signature]*

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 64-

ADOPTION OF REGULATIONS COVERING STORAGE OF HAZARDOUS
SUBSTANCES IN UNDERGROUND STORAGE TANKS TO BE CODIFIED
IN SUBCHAPTER 16 OF CHAPTER 3 OF TITLE 23, CALIFORNIA
ADMINISTRATIVE CODE (13 CAL SECTIONS 25234-25236)

WHEREAS:

1. Chapter 6.7 (commencing with Section 25234) was added to Division 20 of the Health and Safety code by Chapter 1046 of the Statutes of 1983 (AB 1362, Shan).
2. Chapter 6.7 establishes standards for construction, repair, closure, and monitoring of underground storage tanks used for storage of hazardous substances and requires reporting of unauthorized releases.
3. Section 25238.2 of the Health and Safety code (added by Chapter 1046 of the Statutes of 1983) directs the State Board to "develop regulations implementing the standards of Sections 25234, 25234.1, 25234.3, 25234.4, 25234.5, 25236, and 25238.3" by January 1, 1985.
4. Section 25238.2 of the Health and Safety code authorizes the State Board to develop regulations implementing Sections 25234.2, 25234.3, and 25234.6.
5. A Notice of Proposed Rulemaking describing proposed regulations governing underground storage tanks was published in the California Administrative Notice Register on August 24, 1984. Over 3,000 copies of the notice and over 2,000 copies of the proposed regulations, and Initial Statement of Reasons were distributed to interested persons and organizations.
6. Staff held a series of informal workshops in August and September 1984 to solicit input from the regulated community.
7. The State Board held a public hearing on October 23, 1984 and a workshop on November 2, 1984 to hear testimony and discuss the comments of interested persons. Over 150 persons submitted written comments and 36 persons testified at the hearing.
8. The text of the proposed regulations, as modified to reflect many of the comments received, were made available to the public on November 9, 1984 and additional comments solicited. The modifications are sufficiently related to the text made available to the public in the Notice published of August 24, 1984 that there was adequate notice to the public that the modifications could have resulted from the original proposed regulations through the rulemaking process.
9. The State Board held a second public hearing on November 27, 1984.

10. Staff has made non-substantive editorial changes in the text of the proposed regulations made available on November 9, 1934. A list of these changes was made available at the public hearing held on November 27, 1934.

THEREFORE BE IT RESOLVED:

1. That the proposed regulations governing storage of hazardous substances in underground storage tanks, as modified and attached to this resolution as Attachment 1, be adopted and codified as Subchapter 16 of Chapter 3 of Title 23 of the California Administrative Code (23 CAC Sections 2610-2714, together with Appendix I).
2. That the Executive Director transmit the proposed regulations as adopted, to the Office of Administrative Law, together with the final Statement of Reasons and a copy of the State Board's rulemaking file.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control 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 November 27, 1934.

Michael A. Campos
Executive Director

8. Estimate of Number of Tanks
in California Subject to
Assembly Bill 1362, January
1985

ESTIMATE OF NUMBER OF TANKS IN CALIFORNIA SUBJECT TO

ASSEMBLY BILL 1362

Number of Tanks on Data Base Subject to

Assembly Bill 1362⁽¹⁾

56,000 Tanks

Estimated Number of Registration Forms

Received By January 1985 Not Yet on
Data Base⁽²⁾

84,500 Forms

Estimated Number of Additional

Registration Forms Being Received
Per Week in January 1985⁽²⁾

2,000 Forms/week

Number of Weeks Additional

Registration Forms Anticipated⁽²⁾

10 weeks

Estimated Total Number of Additional

Registration Forms Not on Data Base.

104,500 Forms

Percentage of Forms Received for

Registration of Tanks Subject

To Assembly Bill 1362⁽¹⁾

90%

Estimated Additional Number of Tanks

in California Subject to

Assembly Bill 1362.

94,050 Tanks

Estimated Total Number of Tanks in California

Subject to Assembly Bill 1362.

150,050 Tanks Total

or approximately 150,000 tanks

(1) Reference Number 3

(2) Personal Communication with Terry Brazell, Chief,
Hazardous Substances Environmental Unit, Division
of Water Quality, Water Resources Control Board
January 17, 1985 .

9. Summary of Existing Underground Storage Tanks at State Owned Facilities, August 1984

712-5-9

SUMMARY OF EXISTING UNDERGROUND STORAGE TANKS AT
STATE OWNED FACILITIES

<u>California Agency</u>	<u>Number of Underground Tanks</u>
California Conservation Corps	20
California Department of Transportation	1000
California Highway Patrol	110
California Youth Authority	37
Department of Corrections	58
Department of Health Services	55
Department of Food and Agriculture	1
Department of Motor Vehicles	2
Department of Parks and Recreation	160
Department of Water Resources	54
Division of Forestry	465
General Services	22
Maritime Academy	2
Military Department	165
Office of Emergency Services	1
State College System	50
State University System	264
Veteran's Home (Yountville)	<u>4</u>
Total Number of Underground Storage Tanks at State Owned Facilities	2470

10. Summary of Existing
Underground Storage Tanks at
Selected Local Government
Facilities in California,
August 1984

SUMMARY OF EXISTING UNDERGROUND STORAGE TANKS AT SELECTED LOCAL
GOVERNMENT FACILITIES IN CALIFORNIA

1. County Owned Tanks

<u>County</u>	<u>Population</u>	Number of <u>Underground</u> <u>Storage Tanks</u>	<u>Ratio (Persons/Tank)</u>
Kings	78,000	10	7,800
Lake	41,100	15	2,740
Los Angeles	7,700,000	586	13,140
Mendocino	69,900	12	5,825
Monterey	305,100	15	20,340
Santa Clara	1,331,600	94	14,200
San Bernardino	<u>971,100</u>	<u>100</u>	9,710
TOTAL	10,496,800	832	

As indicated above the most populous counties considered (e.g. Los Angeles, Santa Clara, San Bernardino, Monterey) had the highest ratio of population per underground storage tank (average of 14,350 persons per tank), while the least populous counties (e.g. Kings, Lake, Mendocino) had the lowest ratio of population per underground storage tank (average of 5,450 persons per tank). Assuming the 45 percent of the state population is located in the more populous counties (i.e. exceeding 1,000,000 population) and 55 percent in the less populous counties (i.e. less than 1,000,000) the average county value is approximately 9,500 person

per tank.

Total number of county tanks = 25,415,000 people = 2,675 tanks = 2,700 tanks
9,500 persons per tank

2. City Owned Tanks

<u>City</u>	<u>Population</u>	Number of <u>Underground</u> <u>Storage Tanks</u>	<u>Ratio (Persons/Tank)</u>
Campbell	31,702	12	2,642
Fremont	136,344	10	13,634
Milpitas	39,135	10	3,914
Montclair	24,601	6	4,100
San Jose	658,366	60	10,973
<u>Santa Clara</u>	<u>87,709</u>	<u>26</u>	<u>3,373</u>
TOTAL	977,857	124	6,440 (average value)

Assume that the average value calculated is representative for all incorporated cities throughout the State. From Reference 2, the incorporated cities in California have a total population of 18,785,350. Consequently, for the total number of underground storage tanks owned by incorporated cities:

Total number of city tanks = 18,785,350 people = 2917 tanks = 2,900 tanks
6,440 persons per tank

11. Summary of Existing
Underground Storage Tanks at
Selected School District
Facilities in California,
August 1984

SUMMARY OF EXISTING UNDERGROUND STORAGE TANKS AT SELECTED SCHOOL
DISTRICT FACILITIES IN CALIFORNIA

I. School Districts (Kindergarden Through High School)

<u>School District</u>	<u>Student Population</u>	<u>Number of Tanks</u>
San Juan	44,500	6
Woodland	6,400	3
Los Angeles	<u>556,865</u>	<u>118</u>
TOTAL	607,765	127

Number of persons per tank

in selected sample = 607,765 students = 4,786 student per tank
127 underground storage tanks

Total kindergarten (k) through high school student population = 4,065,486
(Reference 7)

Estimated number of K-12 school district tanks = 4,065,486 ÷ 4,786 = 850 tanks

II. Community Colleges

<u>College</u>	<u>Student Population</u>	<u>Number of Tanks</u>
Foothill	42,000	22
<u>Los Rios</u>	<u>40,432</u>	<u>21</u>
TOTAL	82,432	43

Number of persons per tank in selected sample for

Community Colleges = $\frac{82432}{43} = 1917$

43

Total Community College Population in California = 1,242,734

(Reference #8)

Estimated Number of Community College Owned Tanks = $\frac{1,242,734}{1917} = 648$ Tanks

Total number of School District Owned Tanks = 850 tanks

+ 648 tanks = 1498 tanks $\approx$ 1,500 tanks

12. Summary of Fee Structure for Permitting and Annual Inspection of Underground Storage Tanks by Selected Local Agencies

T.C. 12

SUMMARY OF FEE STRUCTURE FOR PERMITTING AND ANNUAL INSPECTION OF
UNDERGROUND STORAGE TANKS BY SELECTED LOCAL AGENCIES

1. Estimated City Costs

From information provided by the City of Campbell, Chico, and Long Beach, the following table was developed for the initial underground storage tank permitting fee:

Facility <u>Volume (gallons)</u>	Number <u>of Tanks</u>	<u>Permitting Fee</u>	
		<u>Fee Range</u> <u>(dollars)</u>	<u>Average Fee</u> <u>(dollars)</u>
0-550		50-75	60
550-2750	1	125-200	165
2750-5500	2	200-300	250
>5500	3	275-350	315

For the annual inspection fee the range was from \$50 to \$80 per tank with an average value of \$60.

Using the average facility characteristics developed in Article 3 (e.g. 2.9 underground storage tanks of 9,600 gallons) the average permitting cost was \$120.

2. Estimated County Costs

From information provided by the Counties of Contra Costa, Los Angeles, Mendocino, and San Mateo the following table was developed for the initial permitting fee and annual inspection fee for the average characteristics developed in Article 3:

<u>County</u>	<u>Initial Permitting Fee (dollars)</u>	<u>Annual Inspection Fee (dollars)</u>
Contra Costa	300	145
Los Angeles	220	107
Mendocino	289	176
San Mateo	221	167
Average value per facility	258	149
Average value per tank	89	51

Therefore, for the fiscal impact statement the initial permitting fee was estimated at \$100 per underground storage tank and the annual inspection fee was estimated at \$50 per underground storage tank.

13. Underground Tank Project, Percentage Breakdown of Tanks (computer printout)

STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND TANKS PROJECT
PERCENTAGE BREAKDOWN OF TANKS

EC-27-17 C-100026

61175 TOTAL TANKS 4143 TOTAL FARM TANKS 49141 MOTOR FUEL TANKS 6581 NON MOTOR FUEL TANKS 1030 UNKNOWN

TANKS USED FOR AGRICULTURE

5.77 %

TANKS USED TO STORE MOTOR FUEL

50.30 %

1 TANK UNDER 1000 GALS.	1 TANK OVER 1000 GALS.	2 TANKS	3 TANKS	4 TANKS
4.51 %	5.55 %	15.77 %	22.57 %	19.15 %
5 TANKS	6 TANKS	7 TANKS	8 TANKS	9 TANKS
11.00 %	5.55 %	2.44 %	2.20 %	1.06 %
10 TANKS	LESS THAN 20 TANKS	LESS THAN 50 TANKS	LESS THAN 100 TANKS	MORE THAN 100 TANKS
0.92 %	5.55 %	1.24 %	0.72 %	1.23 %

TANKS USED TO STORE SOMETHING OTHER THAN MOTOR FUEL

11.24 %

1 TANK UNDER 1000 GALS.	1 TANK OVER 1000 GALS.	2 TANKS	3 TANKS	4 TANKS
9.59 %	9.27 %	10.95 %	9.55 %	7.35 %
5 TANKS	6 TANKS	7 TANKS	8 TANKS	9 TANKS
5.03 %	5.32 %	3.46 %	3.60 %	2.62 %
10 TANKS	LESS THAN 20 TANKS	LESS THAN 50 TANKS	LESS THAN 100 TANKS	MORE THAN 100 TANKS
2.33 %	11.39 %	12.35 %	3.53 %	1.26 %

TANKS THAT WE WERE UNABLE TO CATEGORIZE

1.03 %

Motor Vehicle Fuel Tanks 49141

Non-Motor Vehicle Fuel Tanks 6581

Tanks Subject to RFS, 50,000

14. Underground Tank Program Administering Public Agency List

01/13/83

STATE WATER RESOURCES CONTROL BOARD
 UNDERGROUND TANK PROGRAM
 AT COOPERATING PUBLIC AGENCY

PAGE 1

- 1/11

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ADDITIONAL CONTACTS TO THE BOARD

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CALIFORNIA DEPARTMENT OF HEALTH SERVICES

CALIFORNIA DEPARTMENT OF HEALTH SERVICES

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GRAND TOTAL 50

15. Major Issues and Changes from November 9, 1984 Proposed Regulations to December 29, 1984 Proposed Regulations

UNDERGROUND TANK REGULATIONS
SUBCHAPTER 16

MAJOR ISSUES AND CHANGES FROM NOVEMBER 9, 1984 PROPOSED
REGULATIONS TO THE DECEMBER 29, 1984 PROPOSED REGULATIONS

1. Motor Vehicle Fuel Tank Definition

The motor vehicle fuel tank definition, as included in the November 9, 1984 proposed regulations, allows the owner of a tank which is used to fuel motor vehicles to utilize certain construction and monitoring standards which are not available to other tank owners. The staff's intent is to allow this definition to be used for tanks which are used to fuel motor vehicles but also have other uses.

Commentors propose that the definition be broadened to allow the use of the special construction and monitoring standards by owners of tanks which store a motor vehicle fuel regardless of its use. The definition of motor vehicle fuel tanks has been modified to include all tanks which store a substance which is intended for use to fuel an engine in a domestic, commercial, industrial, or agricultural use.

2. Visual Monitoring for New Tanks

The visual monitoring alternative has been changed to exclude weekends and holidays as part of daily monitoring. Local agencies have been given the discretion to require more frequent monitoring or less frequent monitoring with a minimum frequency of at least once a week.

3. Corrosion Protection

In response to comments, the proposed regulations have been modified to require cathodic protection for all steel underground storage tanks except for those clad with glass fibre reinforced plastic.

4. Monitoring of New Motor Vehicle Fuel Tanks and Pressurized Piping

As mandated in Section 25291(a)(7)(D) and (E) of the Health and Safety Code (Assembly Bill 3781), underground tanks and connected pressurized piping which are constructed using the criteria reserved for motor vehicle fuel tanks must be monitored as specified in Section 25292(b)(3) of the Health and Safety Code. The underground storage tanks and connected pressurized piping must be monitored using "a continuous leak detection and alarm system located in monitoring wells adjacent to the underground storage tank." This monitoring is in addition to the monitoring of the leak interception and detection system and replaces the requirements for inventory reconciliation, periodic tank testing, and the use of leak detectors on pressurized piping in previously proposed regulations.

5. State Board Authority

Commentors questioned our interpretation of the statute which gives the State Board the authority to establish monitoring alternatives for existing tanks and minimum standards for monitoring methods.

The statute clearly states that the local agency may require and shall approve the specifics of any monitoring alternative pursuant to State Board regulations. The proposed regulations are minimums and subject to approval by the local agency. Therefore, the proposed regulations have not been changed in response to the questioning of the State Board authority to identify monitoring alternatives.

6. Monitoring Alternative 8 for Existing Tanks

This alternative was developed to address the fiscal impact to small businesses by allowing them more time to achieve compliance. In addition, it was provided as an option to any tank owner who committed to eliminate the tank or replace it with a new secondary contained tank within three years.

Commentors requested the State Board to provide this alternative of delaying the implementation of more reliable monitoring to all tank owners. The regulations have not been modified in response to this comment.

7. Ground Water Monitoring

Arguments were presented at the November 27, 1984 meeting suggesting that the requirement for ground water monitoring in recharge areas where the ground water is less than 100 feet deep is unnecessary. The regulations have been changed to give the local agency the discretion to require ground water monitoring in recharge areas if it deems it necessary to assure the protection of beneficial uses.

8. Underground Storage Tank Repair

The proposed regulations have been modified to provide greater detail to the section on tank repair evaluations. Certification of tank integrity by a special inspector prior to repair is required to be based on specific criteria including: tank material, thickness, compression, seam splits, perforations, tension, etc.

**16. State Water Resources
Control Board Meeting Agenda
Item 22 for Resolution No. 85-
6, January 18, 1985 (missing)**

**17. State Water Resources
Control Board Meeting Agenda
Item 22 for Resolution No. 85-
37, June 6, 1985 meeting**

MAY 28 1985

IV.C. 17

STATE WATER RESOURCES CONTROL BOARD MEETING
SACRAMENTO, CALIFORNIA
JUNE 6, 1985

ITEM: 22

SUBJECT: CONSIDERATION OF AMENDMENT OF REGULATIONS GOVERNING STORAGE OF
HAZARDOUS SUBSTANCES IN UNDERGROUND STORAGE TANKS TO BE CODIFIED IN
SUBCHAPTER 16 OF CHAPTER 3, TITLE 23, CALIFORNIA ADMINISTRATIVE CODE
(23 CAC SECTIONS 2610-2714).

DIS- On January 18, 1985, the State Board adopted regulations governing
CUSSION: underground storage of hazardous substances pursuant to a Notice of
Proposed Rulemaking published in the California Administrative Notice
Register on August 24, 1984.

The proposed regulations are intended to protect waters of the State
from discharges of hazardous substances from underground storage
tanks based on requirements set forth in the Health and Safety Code.

The Office of Administrative Law (OAL) disapproved the proposed
regulations citing procedural deficiencies in the proposed
regulations and in the rulemaking file.

Staff proposes that the attached changes be made in the proposed
regulations to correct the deficiencies identified by OAL. The
proposed changes were made available to the public on May 14, 1985.

The proposed regulations as modified are sufficiently related to the
original text described in the Notice published on August 24, 1984
that the public was adequately placed on notice that the modified
text could result from the original rulemaking proposal. The
proposed changes do not significantly alter the substantive impact of
the proposed regulations (as adopted on January 18, 1985) on the
regulated community.

POLICY Should the State Board amend the proposed regulations governing
ISSUE: underground storage of hazardous substances as proposed to correct
the procedural deficiencies identified by OAL?

FISCAL The fiscal impact of adopting these regulations is provided for
IMPACT: by budgeted resources for the underground tank program.

18. Senate Bill No. 150- Chapter III - Appropriation

Senate Bill No. 150

CHAPTER 111

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1985, Filed with
Secretary of State June 28, 1985]

I object to the following appropriations contained in Senate Bill No. 150:

Item 0250-001-001—For support of Judiciary. I reduce this item from \$68,310,939 to \$68,160,939 by reducing:

(c) 30—Judicial Council from \$13,356,456 to \$13,206,456.

I am reducing this item by \$150,000 for judicial education related to the handling of child abuse victims. Funding for this purpose should be included in the pending legislation that would authorize the establishment of this program.

Item 0630-495—For support of the Governor's Office of Special Health Care Negotiations.

I support reversion of the unexpended balance of the 1982 appropriation provided by Chapter 328, Statutes of 1982 for the Governor's Office of Special Health Care Negotiations. The responsibilities of this office to negotiate Medi-Cal hospital contracts has been completed. However, I do not believe that the reappropriation of these funds, added by the Legislature, to the California Medical Assistance Commission for a pilot capitation program for educational and technical assistance to disproportionate provider physicians is appropriate. Such a program is not presently a function of the commission and I believe adding this type of activity would detract from the commission's effectiveness in its primary concern.

I am also revising the language in this item as follows:

"Reversion, Governor's Office of Special Health Care Negotiations. As of June 30, 1985 the unencumbered balance of the appropriation provided in Chapter 328, Statutes of 1982, shall revert to the unappropriated surplus of the General Fund. The amount reverted pursuant to this item is hereby reappropriated for transfer by the State Controller to the California Medical Assistance Commission for the purpose of establishing a pilot capitated health program to provide educational and technical assistance to disproportionate health provider physicians and surgeons."

Item 0820-001-001—For support of Department of Justice. I reduce this item from \$121,479,572 to \$117,923,000 by reducing:

(a) 11.01—Executive-Administration from \$37,255,000 to \$36,418,000,

(b) 11.02—Distributed Executive-Administration from —\$37,255,000 to —\$36,418,000,

(c) 40—Criminal Law from \$31,486,000 to \$28,712,000,

(f) 45—Public Rights from \$16,417,000 to \$15,893,000, and

(g) 50—Law Enforcement from \$97,187,572 to \$96,929,000.

I am reducing \$358,572 and 5 positions for the expansion of staff in the forensic services laboratories. Recognizing the important role of the laboratories in the criminal justice system, I have included in the budget \$1,200,000 for 5 new positions, additional overtime, and new equipment. This action represents the first phase of a three-year effort to upgrade the laboratory system to one of the most modern in the nation. The program currently includes \$10.4 million and 178.7 personnel years. Additional staffing needs will be monitored as workload trends and efficiencies due to the new equipment are evaluated.

I am reducing the legislative augmentation of \$524,000 and 8.8 positions from the Public Rights Program for the Diablo Canyon Rate Case. Participation in this case by

Item	Amount
9690-101-001—For local assistance, state-mandated local programs, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or of Section 2231 of the Revenue and Taxation Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, State Controller	109,842,000
Schedule:	
(a) 02.50.015.878—Court interpreters	10,000
(ab) 02.50.074.378—Judicial arbitration	1,765,000
(b) 02.50.126.278—Victim's statements	567,000
(ba) 02.50.135.576—Justice court judges	24,000
(c) 02.50.139.976—Custody of minors	952,000
(d) 02.56.088.981—Lis pendens	5,000
(e) 02.50.158.084—Judges' per diem ..	184,000
(f) 02.50.164.084—Juror compensation ..	9,500,000
(fa) 06.90.103.280—Deaf teletype equipment	21,000
(fb) 08.20.046.278—Dental examinations	40,000
(fc) 08.20.095.276—Marijuana records ..	99,000
(g) 08.20.101.184—Juvenile court records	21,000
(h) 08.20.156.284—Firearms	25,000
(i) 08.90.007.778—Absentee ballots	2,370,000
(ia) 08.90.045.474—Filing fees	28,000
(j) 08.90.049.479—Handicapped voter access	15,000
(ja) 08.90.070.475—Registration by mail	793,000
(jb) 17.30.023.874—Substandard housing	9,000
(k) 19.00.139.874—Unused sick leave credit	1,300,000
(l) 19.00.117.078—Increased pension ..	7,184,000
(m) 19.00.103.679—Increased pension ..	1,656,000
(n) 19.00.079.980—Increased benefit ..	354,000
(na) 21.80.094.175—Health care plans ..	4,000
(o) 22.40.114.380—Regional housing needs	68,000
(oa) 37.20.133.076—Local coastal plans ..	400,000
(p) 39.40.999.001—Underground storage tanks	11,400,000

Item	Amount
(pa) 41.40.085.476—Health planning ..	307,000
(pb) 42.60.045.374—Sudden infant death syndrome	6,000
(q) 42.60.116.381—Medi-Cal beneficiary death notices	75,000
(qa) 43.00.049.877—Coroners	45,000
(qb) 43.00.064.480—Judicial proceeding	55,000
(qc) 43.00.069.475—Attorney fees	70,000
(qd) 43.00.125.380—MR Representation	63,000
(qe) 43.00.130.480—Conservatorship ..	58,000
(qf) 44.40.103.678—MDSO Recommendations	80,000
(qg) 44.40.106.177—Short-Doyle	3,602,000
(r) 51.80.010.281—Alternative medical coverage	79,000
(s) 51.80.999.001—Treatment of loans ..	4,000
(t) 51.80.999.002—Employment related expenses	10,000
(u) 51.80.999.003—EED-ES registration	4,000
(v) 51.80.999.004—Food stamp verification	60,000
(w) 51.80.999.005—AFDC Social Security validation	134,000
(wa) 61.00.028.279—School Crossing Guards	3,000
(xa) 61.00.047.282—Rubella records	539,000
(xb) 61.00.089.477—Pupil basic skills ..	3,520,000
(xc) 61.00.096.175—Collective bargaining	11,446,000
(xd) 61.00.096.577—Discipline	609,000
(xe) 61.00.117.677—Immunization records	1,240,000
(xf) 61.00.125.375—Disciplinary procedures	1,000
(xg) 61.00.134.780—Scoliosis screening ..	553,000
(xh) 63.00.008.974—Unused Sick Leave Credit	18,718,000
(y) 63.00.103.679—Benefit increase	23,004,000
(z) 63.00.128.680—Benefit increase	8,092,000
(za) 81.70.135.776—Guardianship/conservatorship	4,300,000
(zb) 81.75.112.377—Victims of crimes ..	320,000
(zc) 83.50.102.173—Reduced waiting period	6,950,000

19. Budget Change Proposal, Fiscal Year 85-86

BUDGET CHANGE PROPOSAL (Cont'd)

DATE

UNDERGROUND TANKS LOCAL MANDATE

BCP NO.

IV. SUBSTANTIATION OF EXISTING BASE PROGRAM

A. DETAIL ANALYSIS NOT REQUIRED

1. Reasons:

Written Analysis

- ☐ FPA--Department of Finance
- ☐ PEU--Department of Finance
- ☐ LAO
- ☐ AG
- ☐ Senate OR
- ☐ Assembly OR

Legislative Action

- ☒ Recent Legislation
- ☐ Legislative Augmentation
- ☐ Other--Explain

Administrative Action

- ☐ Reorganization Plan
- ☒ Other--Explain

Federally Mandated

- ☐ Federal Catalog Number

2. EXPLANATION WHY FURTHER ANALYSIS IS NOT REQUIRED

Chapter 1046 Statutes of 1983 (AB 1362, Sher) requires the State Water Resources Control Board to adopt regulations for implementation of the Underground Tanks Program by January 1, 1985. The Fiscal Impact Statement for the Underground Tanks Program Regulations (Subchapter 16) imposes new requirements on units of local government. Sections 2200 et. seq. of the Revenue and Taxation Code and the State Constitution require the State to reimburse local agencies for any costs they are required to incur as a result of legislation or regulation.

UNDERGROUND TANKS LOCAL MANDATE

V. DETAIL OF PROPOSED CHANGES

A. Problem

Chapter 1046, Statutes of 1983 (AB 1362, Sher) mandate the State and Regional Boards and local agencies to perform certain activities to locate and permit all underground storage tanks in the state. This legislation requires the State Water Resources Control Board to adopt regulations for implementation of the Underground Tanks Program by January 1, 1985. The proposed Subchapter 16 Underground Tanks Regulations and the Fiscal Impact Statement (attached) for these regulations identify new and additional program requirements on units of local government. Sections 2200 et. seq. of the Revenue and Taxation Code require the State to reimburse local agencies for any costs they are required to incur as a result of legislation or regulations which either mandate a new program or implements or interprets a State statute and, in so doing, increases program levels above the levels required previously.

In addition, Article XIII B, Section 6 of the State Constitution, as added by Proposition 4 (the Gann Initiative), contains the following requirement:

"Section 6. Whenever the Legislature or any State agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse such local government for the costs of such program or increased level of service . . ."

When a regulation involves reimbursable costs under the SB 90 Law, it "shall be accompanied by a bill appropriating funds therefor or, alternatively, an appropriation for such funds shall be included in the Budget Bill for the next following fiscal year . . ." (Section 2231, Revenue and Taxation Code.) Use of the second alternative has received prior approval of the Department of Finance.

This BCP is necessary to provide an appropriation for reimbursement of local agency costs for implementing the Underground Tanks Program.

B. Reason Why Problem Not Being Met with Current Level

Currently there is no provision to reimburse local governments for the cost incurred in implementing this State-mandated program. The impact of these regulations on local government is significant and can be expected to continue indefinitely.

C. Program Objectives

Chapter 1046, Statutes of 1983 (AB 1362, Sher) was signed by the Governor on September 23, 1983. This legislation establishes a local agency permit program for underground tanks. This legislation:

- . Prohibits ownership and operation of underground tanks containing hazardous substances without a permit.
- . Requires the State Board to conduct a study of exempted tanks and structures for possible future regulation.

UNDERGROUND TANKS LOCAL MANDATE

- . Requires every county, or city assuming local jurisdiction, to implement a permit and inspection program.
- . Provides for a fee surcharge to cover State Board costs.
- . Requires local agency inspection of tanks every three years and review of permits whenever there is an unauthorized release.
- . Establishes at the State Board a statewide data base of underground tanks, which includes the owner/operator name, location, tank characteristics and stored substances, that is updated via annual reports from tank owners on usage changes and unauthorized releases and follow-up actions.
- . Authorizes local agencies to request investigative and enforcement action by Regional Boards.
- . Allows permit holders to apply to the State and Regional Boards for variances.
- . Mandates the State Board to issue regulations covering implementation of this program.

The proposed Subchapter 16 Underground Tanks Regulations are intended to protect waters of the state from discharges of hazardous substances from underground tanks. In summary, the applicability of the proposed regulations to existing and new underground tanks used for the storage of hazardous substances is provided. New underground storage tanks must be constructed with primary and secondary levels of containment with monitoring of the secondary container. Owners of existing underground storage tanks are required to monitor the tank and maintain appropriate records, report unauthorized releases, repair the tank as applicable and properly close the tank as required by the permit.

The Fiscal Impact Statement for Proposed Subchapter 16 Regulations - Underground Tank Storage of Hazardous Substances is attached. The Fiscal Impact Statement provides a detailed estimate of the fiscal effect the regulations will have on private industry, the State of California, city government, county government and school districts. This document provides a summary of the regulation, and the assumptions, working data and calculations necessary to provide an estimate of the fiscal effect of the regulations.

The objective of this BCP is to provide a reasonable first-year appropriation to reimburse local agencies for the costs they will incur in implementing the Underground Tank Regulations in accordance with statutory and constitutional requirements.

D. Analysis of Alternative Means of Solving Problem

The Department of Finance considered a number of alternatives before they approved inclusion of an appropriation for the local-mandated costs in the FY 1985-86 Governor's Budget. These included:

UNDERGROUND TANKS LOCAL MANDATE

- 1) Attribute any local-mandated costs to a result of the statute rather than to the regulation. This option did nothing to alleviate the significant funding problem.
- 2) Return the regulations to the Board and recommend that they be amended to exempt local government from the program (and possibly the State). This option might have required a statute change and could subject the State to criticism from environmentalists.
- 3) Require the Board to seek funding in separate legislation. This option would require the Legislature to appropriate funding separate from the Budget Act. Local government could incur program expenditures in anticipation of funding without assurance of legislative approval of such funding.

E. Recommendations

The Department of Finance is recommending approval of the Fiscal Impact Statement and notification to the Office of Administrative Law that the Administration intends to include an appropriation for the local-mandated costs in the FY 1985-86 Governor's Budget.

F. Implementation

The Fiscal Impact Statement for Proposed Subchapter 16 Underground Tank Regulations is attached. This document includes assumptions, working data and calculations needed to estimate the fiscal impact of each article contained in the regulations, and as such represents an integral element of this BCP.

The costs identified in the Fiscal Impact Statement are summarized below in four categories. These categories are:

1) Initial costs.

Even though program compliance is mandated by January 1, 1985, it will probably take five years before all monitoring systems are in place and the program is fully operational. Therefore, it is reasonable to assume that only one-fifth of these costs will be incurred in each of the next five years.

2) Annual Costs - Existing Tanks.

These costs would be incurred after the initial testing and permitting of an existing underground tank. Assuming it takes five years for the program to be fully operational, it is reasonable to assume that an additional one-fifth of the total annual cost identified would be needed in each of the next five fiscal years.

3) Annual Costs - Incurred Immediately.

These are annual costs for aspects of the program independent of monitoring and permitting existing tanks. This applies to additional costs for new tanks and for closure of existing tanks.

4) Annual Costs for Repermitting.

Since each underground tank is to be repermited every five years, these costs will not be incurred during the first five years.

As detailed in the Fiscal Impact Statement, the FY 1985-86 Governor's Budget should include a General Fund appropriation of \$11,400,000 to reimburse local governments for their cost in implementing the Underground Tank Program.

BCP Number: _____
Date: _____

1985-86
BUDGET CHANGE PROPOSAL
FISCAL DETAIL
(Dollars in Thousands)

Port Title of Proposed Change: UNDERGROUND TANK LOCAL MANDATE

	Personnel Years		Current Year	Budget Year
	CV	BY		
TOTAL SALARIES AND WAGES ^{2/}			\$	\$
Partial Year Adjustments			XXXXXXXXXXXXXX	XXXXXXXXXXXXXX
Salary Savings				
NET TOTAL SALARIES AND WAGES			\$	\$
Staff Benefits ^{6/}	XXXXXX	XXXXXX		
TOTAL PERSONAL SERVICES			\$	\$
OPERATING EXPENSES AND EQUIPMENT				
General expense				
Printing				
Communications				
Postage				
Insurance				
Travel--In-State				
Travel--Out-of-State				
Training				
Facilities Operations				
Utilities				
Cons. & Prof. Svcs: Interdept'l				
Collective Bargaining				
Cons. & Prof. Svcs: External				
Consolidated Data Centers				
Health and Welfare Data Center				
Stephen P. Teale Data Center				
Data Processing				
Central Administrative Services:				
Prorata				
SWCAP				
Equipment				
Other Items of Expense (Specify Below)				
TOTAL OPERATING EXPENSES AND EQUIPMENT			\$	\$
SPECIAL ITEMS OF EXPENSES/ <u>Legislative Mandates</u>			\$	\$
			\$	\$ 11,400,000
TOTAL EXPENDITURES			\$	\$ 11,400,000
Source of Funds				
General Fund			\$	\$ 11,400,000
Special Funds			\$	\$
Federal Funds			\$	\$
Other Funds			\$	\$
Reimbursements			\$	\$

^{1/} Items on the reverse side by classification as in Salaries and Wages Supplement.

^{2/} Items on the reverse side by classification as in Salaries and Wages Supplement.

^{3/} Items on the reverse side by classification as in Salaries and Wages Supplement.

^{4/} Items on the reverse side by classification as in Salaries and Wages Supplement.

^{5/} Items on the reverse side by classification as in Salaries and Wages Supplement.

^{6/} Items on the reverse side by classification as in Salaries and Wages Supplement.