



Site Closure Petition Process

UNDERGROUND STORAGE TANK PROGRAM

FACT SHEET

Background

Any underground storage tank or residential tank owner or operator, or other responsible party may petition the State Water Resources Control Board (SWRCB) for a review of their case if they feel corrective action for their site has been satisfactorily implemented, but closure has been denied.

The SWRCB has determined under Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304," that a site may be closed even if the requisite level of water quality has not been attained. However any alternative level of water quality less stringent than background must be consistent with the maximum benefit to the people of the state, must not unreasonably affect current and anticipated beneficial use of affected water or public health and safety, and must not result in water quality less than that prescribed in the Water Quality Control Plan, for the basin within which the site is located.

The timeframe to achieve Water Quality Objectives may be different for different site-specific circumstances. Each closure decision is based on site-specific information relative to each particular case (e.g. adequately characterized, remediated to the most practicable extent, Regional Water Quality Control Board Basin Plan water quality objectives to be achieved within a reasonable timeframe, etc.)

The following list of web addresses will take you to SWRCB Orders, and regulations adopted regarding individual petitions. They have been posted on the SWRCB's website and may aid in understanding some of the technical and regulatory aspects of the petition process. Visit our website at: www.swrcb.ca.gov/ust/

- Regulations regarding Petitions for Site Closure (Cal. Code of Regs., tit. 23, §§2814.6-2814.8) can be found at; www.swrcb.ca.gov/cwphome/ustcf/docs/regulations/ustcfregs1100.pdf
- A list of SWRCB Water Quality Orders can be found at; http://www.swrcb.ca.gov/cwphome/ust/pubs/closure_orders.html

How to Petition

Prior to petitioning the SWRCB for review, an underground storage tank or residential tank owner or operator or other responsible party must do both of the following:

1. Remove free product to the maximum extent practicable; and
2. Request and be denied closure from the regulatory agency that is overseeing corrective action at the site. The denial must be signed by the appropriate Regional Water Quality Control Board or local regulatory agency personnel. If the petitioner filed a request for closure, and if within 60 days of the date of the request for closure the regulatory agency neither acts on the request nor informs the petitioner of when the regulatory agency will act, the inaction of the regulatory agency will be deemed to constitute a denial of the request.

Petitions to the SWRCB requesting review of an underground storage tank case must include the following information:

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

While the closure petition is pending, you should continue ongoing monitoring at the site. You may, however, wish to ask the regulatory agency to either postpone or discontinue additional investigation or remediation until the closure petition is resolved.

Every effort is made to resolve petitions informally and at the lowest staff level possible. In the event that effort fails, the petition will be either dismissed or presented to the SWRCB for consideration. You will be notified with the date, time and location of any SWRCB meeting. If you have any questions about the petition process or would like more information, please contact George Lockwood at (916) 341-5752 or GLockwood@waterboards.ca.gov

You may send your petition package to:

George Lockwood
State Water Resources Control Board
Division of Water Quality
P.O. Box 2231
Sacramento, CA 95812