

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
SEPTEMBER 30, 2004

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION ADOPTING REGULATIONS THAT REQUIRE ELECTRONIC SUBMITTAL OF INFORMATION FOR GROUNDWATER CLEANUP PROGRAMS

DISCUSSION

On April 22, 2004, the Board adopted the Electronic Submittal of Information regulations. Those regulations were submitted to the Office of Administrative Law (OAL) for approval. After review, on June 8, 2004, OAL disapproved the regulations because some changes had not been made available to the public and because some provisions of the regulations did not comply with the “clarify” standard of the Government Code section 11349.1. Changes were subsequently made to the proposed regulations to clarify certain sections. The proposed regulations were made available to the public for a 15-day comment period. There were no substantive changes made based upon the comments received from the public.

POLICY ISSUE

Should the SWRCB adopt the amendments to the regulations as proposed?

FISCAL ISSUE

The fiscal impact to the SWRCB and Regional Water Quality Control Boards (RWQCBs) is estimated to be \$140,000 over the next five years. The RWQCB and SWRCB staff work associated with or resulting from this action can be accommodated within existing budgeted resources.

State agencies that are responsible for the cleanup of releases from underground storage tanks are estimated to have a total of \$72,800 of additional costs over the next five years.

RWQCB IMPACT

The RWQCB staff who work on site cleanup will have access to analytical data, survey data, maps, and complete reports in electronic format. This will give them immediate access to better quality data that can easily be analyzed resulting in better and faster decisions. The proposed regulations will result in “paperless reporting” starting July 2005, which is expected to save time and money that was previously spent managing and archiving paper files.

STAFF RECOMMENDATION

Staff recommends adoption of a resolution proposing amendments to the regulations to interpret, clarify, and implement legislative changes made pursuant to Assembly Bill No. 2886 (Stats. 2000, ch. 747), and for additional reasons presented in the rulemaking file.

The regulations are available electronically on the program website at <http://www.waterboards.ca.gov/ust>

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2004-0058

AUTHORIZING A RESOLUTION ADOPTING REGULATIONS FOR
ELECTRONIC SUBMITTAL OF INFORMATION FOR GROUNDWATER CLEANUP
PROGRAMS

WHEREAS:

1. The State Water Resources Control Board (SWRCB) along with Regional Boards and local agencies administer cleanup activities at sites with unauthorized discharges of hazardous substances and wastes.
2. In September 2000, the Legislature enacted Assembly Bill No. 2886 (AB 2886) (Status. 2000, Ch.727), which authorized the SWRCB to establish electronic formats for reporting compliance data, and mandates the adoption of a single standard for electronic reporting of analytical data from certified analytical laboratories.
3. On April 26, 2001, the SWRCB adopted emergency regulations to implement AB 2886, adding Article 12 to Chapter 16, Title 23, of the California Code of Regulations (CCR). This article requires electronic submittal to the SWRCB's database of laboratory reports containing soil or water analysis data as well as the locational and survey information. The Office of Administrative Law (OAL) approved the emergency regulations on May 30, 2001.
4. On April 25, 2003 OAL published a notice of proposed rulemaking to implement requirements for electronic submittal of information for groundwater cleanup sites. On June 16, 2003, the SWRCB held a public hearing regarding the proposed regulations.
5. The SWRCB received several written and oral comments. Based on the accepted comments and on SWRCB-initiated changes, the SWRCB revised the proposed regulations and sent them to commenters for further comments during a 15-day comment period. None of the additional comments received during this comment period required further revisions to the proposed regulations. Following the close of the comments periods, the SWRCB initiated several nonsubstantial changes to the regulations. The regulations were submitted to OAL on April 26, 2004.
6. After review, on June 8, 2004, OAL disapproved the regulations because some changes had not been made available to the public and because some provisions of the regulations did not comply with the "clarify" standard of the Government Code section 11349.1. Changes were subsequently made to the proposed regulations to clarify certain sections. The proposed regulations were made available to the public for a 15-day comment period.

7. The SWRCB has determined that it is appropriate and desirable to adopt the underground storage tank regulations identified in the notice of proposed rulemaking, the final proposed text, and the final statement of reasons, and that no revisions to the final proposed text are necessary in light of the final public comments received.

THEREFORE BE IT RESOLVED THAT:

The SWRCB adopts the proposed regulations in Chapter 30, Division 3 of Title 23 of California Code of Regulations (CCR) and in Division 3 of Title 27 of CCR, which will become effective as provided by the California Administrative Procedures Act upon approval by the Office of Administrative Law and filing with the Secretary of State, and directs the Executive Director to submit the proposed regulations to the Office of Administrative Law for approval.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of the resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 30, 2004.


Debbie Irvin
Clerk to the Board

TITLE 23: CALIFORNIA CODE OF REGULATIONS - WATERS
DIVISION 3: STATE WATER RESOURCES CONTROL BOARD (SWRCB)
CHAPTER 30: ELECTRONIC SUBMITTAL OF INFORMATION
AND
TITLE 27: CALIFORNIA CODE OF REGULATIONS
ENVIRONMENTAL PROTECTION
DIVISION 3: ELECTRONIC SUBMITTAL OF INFORMATION
SUBDIVISIONS 1 AND 2

TEXT OF THE PROPOSED REGULATIONS

Add Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3890, 3891, 3892, 3893, 3894, and 3895 of the California Code of Regulations to read as follows:

Article 1 – GENERAL PROVISIONS

Section 3890. General Intent, Content, and Applicability of Regulations

- (a) The regulations in this Chapter are intended to provide electronic access to reports, including soil, vapor, and water data, prepared for the purpose of subsurface investigation or remediation of: (1) an unauthorized discharge or deposit of waste as defined in section 13050 of the Water Code, (2) an unauthorized release of a hazardous substance as defined in section 25281 of the Health and Safety Code, or (3) a discharge of waste to land subject to Division 2 of Title 27 or Division 3, Chapter 15, of Title 23 of the California Code of Regulations.
- (b) The regulations in this Chapter require persons responsible for submitting certain reports to the State Board, a regional board, or a local agency to submit these reports electronically over the Internet to the State Board’s Geotracker system.
- (c) The requirements of this Chapter are in addition to, and not superseded by, any other applicable reporting requirements.
- (d) Except as provided in Section 3895(b), the electronic reporting requirements of this Chapter are intended to replace requirements for the submittal of paper copies of reports, beginning July 1, 2005.

Authority cited: Sections 13196 and 13198(c), Water Code.

Reference: Sections 13196 and 13198, Water Code.

Article 2. - ELECTRONIC SUBMITTAL OF INFORMATION

Section 3891. Definition of Terms

“COELT” is the United States Army Corps of Engineers Loading Tool program. It is a relational database application that is designed to run with the Microsoft Windows operating

system. COELT places laboratory data into the standardized Electronic Deliverable Format (EDF). The program can accept data from Laboratory Information Management System (LIMS) or manually entered data. COELT is an optional software application that is intended to help laboratories that require new software to produce the EDF data deliverable. COELT includes a report utility that allows hard copy laboratory reports to be printed that match the actual electronic data. For purposes of the requirements of this chapter, version 1.2a of COELT may be used. The program (coelt12i.exe) and documents (coelt 1.2i manual.zip) for version 1.2i of COELT are available through links provided at <http://www.waterboards.ca.gov/ust>

“CSRS-H” is the California Spatial Reference System-Horizontal, which includes the High Precision Geodetic Network (HPGN), the High Precision Geodetic Network–Densification (HPGN-D) and other geodetic control positions. These control positions have been determined by Global Positioning System survey methods in accordance with first order or better standards and specifications from the Federal Geodetic Control Subcommittee (FGCS) of the [Federal Geographic Data Committee](#). These control positions are published by the National Geodetic Survey, California Spatial Reference Center or its successor.

“EDCC” is the Electronic Deliverable Consistency Checker program, which was developed for the EDF1.2i format, described below. The EDCC program is run upon completion of an EDF report and produces an error report. This error report identifies problems within the given data set based upon the EDF database structure, guidelines, restrictions, and valid values. The error report also indicates the nature of each problem, so that the submitter can correct them. For purposes of the requirements of this chapter, the interactive web-version 1.2i or personal computer version 1.2i of EDCC shall be used. Programs (edcc.zip and edccservicepac1.zip) for version 1.2i of EDCC are available through links provided at <http://www.waterboards.ca.gov/ust>.

“EDF” is the Electronic Deliverable Format, originally developed for the United States Army Corps of Engineers. It is a data standard designed to facilitate transfer of electronic data files from analytical laboratories to end-users. It is a relational database whose files are related to one another through key fields. Laboratories can produce electronic EDF files by using their own LIMS or COELT software. The data components include chain-of custody information, laboratory results, and quality assurance information. For purposes of the requirements of this chapter, version 1.2i of EDF shall be used. Specifications for version 1.2i of EDF (The Electronic Deliverable Format [EDF] Version 1.2i data dictionary are available in Title 27, Division 3, Subdivision 2, Chapter 1 (Laboratory Results) California Code of Regulations, through links provided at <http://www.waterboards.ca.gov/ust>.

“Geotracker” is the State Board’s Internet-accessible database system used by the State Board, regional boards, and local agencies to track and archive compliance data from authorized or unauthorized discharges of waste to land, or unauthorized releases of hazardous substances from underground storage tanks. This system consists of a relational database, on-line compliance reporting features, a geographical information system (GIS) interface and other features that are utilized by the State Board, regional boards, local agencies, regulated industry and the public to input, manage, or access compliance and regulatory tracking data. Geotracker, initially known as the Geographical Environmental Information Management System (GEIMS) database, is available at <http://geotracker.swrcb.ca.gov/>.

“PDF” means Portable Document Format. “PDF” files are self-contained and cross-platform documents. A PDF file will look the same on the screen and in print, regardless of what type of computer or printer a person uses or which software package originally created the file. Although PDF files contain the complete formatting of the original document, including fonts and images, they are highly compressed, allowing efficient transfer of complex information.

“Permanent monitoring well” means any artificial excavation by any method made for the purpose of monitoring fluctuations in groundwater levels, the quality of groundwater, or the concentration of contaminants in groundwater and which is used for at least thirty days.

“Report” means any document or item that is required for submittal in order for a person to comply with a regulation, directive, or order issued by the State Board, a regional board, or a local agency, including but not limited to, any analysis of material by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code.

Authority cited: Sections 13196 and 13198 (c), Water Code.

Reference: Sections 13195 (b) and 13196, Water Code.

Section 3892. Reports

The following reports are subject to the requirements of this Chapter, when those reports are required for the purpose of subsurface investigation or remediation of: (1) an unauthorized discharge or deposit of waste as defined in section 13050 of the Water Code, (2) an unauthorized release of a hazardous substance as defined in section 25281 of the Health and Safety Code, or (3) a discharge of waste to land subject to Division 2 of Title 27 or Division 3, Chapter 15 of Title 23 of the California Code of Regulations.

- (a) Reports submitted pursuant to Division 3, Chapter 16, Article 11 of Title 23 of the California Code of Regulations.
- (b) Reports submitted pursuant to Division 2 of Title 27 or Division 3, Chapter 15 of Title 23 of the California Code of Regulations.
- (c) Reports submitted pursuant to section 13304 of the Water Code.
- (d) Reports submitted pursuant to section 13267 of the Water Code.
- (e) Reports submitted pursuant to any order or directive of the State Board, a regional board or a local agency.
- (f) Reports submitted pursuant to the Two-year Joint Cooperative Agreement Execution Plans under the Defense / State Memorandum of Agreement and Navy Cost Recovery Cooperative Agreement, for the State of California.

Authority cited: Sections 13196 and 13198 (c), Water Code.

Reference: Sections 13196 (a) and 13198 (c), Water Code.

Section 3893. Electronic Submittal of Reports

- (a) Persons responsible for submitting reports pursuant to this Chapter shall submit the following information described in subdivision (b) electronically over the Internet to the State Board's Geotracker system in conformance with data dictionaries found in Title 27, Division 3, Subdivision 2 (Monitoring and Release Information) and specifications contained in the State Water Resources Control Board EDF Guidelines and Restrictions (version 1.2i) and Survey XYZ Guidelines and Restrictions (Version 6). These data dictionaries and documents are available through links provided at <http://www.waterboards.ca.gov/ust>.
- (b) Data generated after the effective date of the regulations by chemical analysis of soil, vapor, or water samples (including surface water, groundwater and influent/effluent water samples from remediation systems), shall be submitted in EDF format. All data submitted in EDF format shall be checked for errors prior to and during submittal using the EDCC software consistency-checking tool. All data submitted in EDF format must pass this error-checking tool as well as meet normal regulatory requirements in order to be considered valid data. In addition, when required for reports subject to this Chapter, the following shall also be submitted electronically:
 - (1) The latitude and longitude of any permanent monitoring well for which data is reported in EDF format, accurate to within 1 meter and referenced to a minimum of two reference points from the California Spatial Reference System (CSRS-H), if available.
 - (2) The surveyed elevation relative to a geodetic datum of any permanent monitoring well.
 - (3) The elevation of groundwater in any permanent monitoring well relative to the surveyed elevation.
 - (4) A site map or maps showing the location of all sampling points referred to in the report.
 - (5) The depth to the screened interval and the length of screened interval for any permanent monitoring well.
 - (6) Boring logs, in PDF format.
 - (7) A complete copy of the report, in PDF format, which includes the signed transmittal letter and professional certification.
- (c) All deadlines and timeframes for submittals of reports are applicable to the information submitted electronically pursuant to this Chapter.

Authority cited: Sections 13196 and 13198 (c), Water Code.

Reference: Sections 13196 and 13198 (c), Water Code.

Section 3894. Timing of Electronic Reporting Requirements

- (a) Electronic submittals of information for sites subject to the requirements of Title 23, Division 3, Chapter 16, Article 11 of the California Code of Regulations, shall begin on December 16, 2004.
- (b) Unless otherwise specifically noted, all other electronic submittals required pursuant to this Chapter shall begin January 1, 2005.
- (c) Until July 1, 2005, the electronic reporting requirements of this Chapter are in addition to any existing paper or other reporting requirements.

Authority cited: Sections 13196 and 13198 (c), Water Code.

Reference: Sections 13196 (a) and 13198 (c), Water Code.

Section 3895. Submittal of Alternate Forms of Reports

- (a) Beginning July 1, 2005, the successful submittal of electronic information in accordance with this Chapter shall replace the requirement for the submittal of a paper copy, except as provided in subdivision (b).
- (b) In addition to the electronic submittal of reports required pursuant to this Chapter, a regulatory agency may require the submittal of a report, or portions thereof, in diskette, compact disc or other form if the agency determines that the alternative form is necessary. The burden, including cost, of these alternative forms shall bear a reasonable relationship to the need for alternative form and benefits to be obtained from the alternative form.

Authority cited: Sections 13196 and 13198 (c), Water Code.

Reference: Sections 13196 (a) and 13198 (c), Water Code