

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