

**STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK REGULATIONS
TITLE 23 DIVISION 3, CHAPTER 16
PROPOSED EMERGENCY REGULATIONS
ELECTRONIC SUBMISSION OF LABORATORY DATA FOR UST REPORTS**

FINDING OF EMERGENCY

The State Water Resources Control Board (SWRCB) finds that an emergency exists, and that the foregoing regulation, or amendment to the regulation, is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Specific Facts Showing the Need for Immediate Action

Methyl tertiary Butyl Ether (MTBE) is a fuel oxygenate, that if released into the environment, is slow to break down and travels quickly in groundwater. Because MTBE is commonly used in gasoline, releases from petroleum Underground Storage Tanks (USTs) pose a great risk to California's drinking water wells. To date, MTBE has been detected in groundwater or soil at nearly 7,000 UST sites.

In response to the closure of drinking water wells in Santa Monica representing over 50% of its daily water supply due to UST releases, the Legislature, in 1997, enacted AB 592 (Kuehl) and SB 1189 (Hayden). This legislation required the SWRCB to develop a statewide geographic information system (GeoTracker) that would identify the location of each UST in the state and describe whether a release had occurred in order to better protect drinking water sources from the threat of MTBE contamination.

Currently, detailed analytical and sample location data from monitoring wells for UST leak sites are relatively inaccessible, as they are housed in filing cabinets in over 100 offices throughout the state. These regulations would require that laboratory data for UST reports be submitted in a standard electronic format capable of being transferred into GeoTracker. This, in turn, will enhance the capabilities of the SWRCB to use GeoTracker in assessing and monitoring the threat of MTBE contamination to drinking water wells. Additionally, decision-makers will have more accurate, up-to-date, accessible, and complete statewide information concerning UST sites where there has been a leak. Consequently, all UST regulatory agencies (local agencies, Regional Water Quality Control Boards (RWQCB), and the SWRCB) as well as water providers, responsible parties, and the public, will have access to the analytical data and can use these data to make better and quicker decisions.

The need for immediate action was clearly recognized by the Legislature in section 13197.5 of the Water Code, which provides that "the adoption of any regulations pursuant to this section that are filed with the Office of Administrative Law on or before March 1, 2001, shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, and general welfare."

Authority and Reference Citations

Authority: Section 13197.5 , Water Code

Reference: Section 13195-13198, Water Code

Informative Digest

Existing law requires that reports be submitted in order to comply with certain regulations, directives or orders issued by the SWRCB, a RWRCB, or a local agency under programs administered by the SWRCB. In addition, GeoTracker was set up in response to 1997 laws to better identify and manage the threat to groundwater caused by MTBE releases to the environment.

On September 27, 2000, Assembly Bill 2886 was enacted (Chapter 727, Statutes of 2000). These regulations implement requirements in AB2886 calling for the SWRCB to adopt regulations concerning electronic submission of reports. Specifically, these regulations require the electronic submission of laboratory reports containing soil or water analysis data generated for reports required as part of the UST program in the Electronic Deliverable Format (EDF) developed for the Army Corps of Engineers.

The effect of these regulations is to bring accurate and timely data about MTBE into the GeoTracker program, so that regulators can prioritize and manage threats to drinking water supplies more effectively and efficiently.

Mandate on Local Agencies or School Districts

The SWRCB has determined that the proposed regulations would not impose a mandate on local agencies or school districts nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Fiscal Impact Estimates

The SWRCB and the RWQCBs will incur additional costs as a result of the proposed emergency regulations. The estimated total first-year costs to the state as a result of the proposed regulations are \$225,000 for electronic programming to generate a web-based electronic data file (EDF) infrastructure, SWRCB and RWQCB staff training, and help desk support for EDF and EDCC. The estimated total second-year costs to the state as a result of the proposed regulation are \$150,000 for continued staff training and help desk support. Average ongoing state cost is anticipated at \$115,000 annually for staff training and help desk support. The SWRCB expects that current fiscal year costs will come from surplus money in the UST surcharge fund (task 301) and projected salary savings. Ongoing costs will come from the UST Cleanup Fund and surplus salary savings. These costs represent a minimal level of implementation. Should additional funds become available, the SWRCB would provide additional programming, training and help desk support to enhance implementation of the EDF.

Federal Funding to the State

The SWRCB has determined that the regulation will involve no costs or savings in federal funding to the State.