

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