

**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**

INITIAL STATEMENT OF REASONS

PROBLEM, REQUIREMENT, OR OTHER CONDITION ADDRESSED

These proposed regulations repeal sections 2729 and 2729.1 in Title 23 of the California Code of Regulations (CCR) and replace them with expanded versions in sections 3890, 3891, 3892, 3893, 3894 and 3895 in Title 23 of the CCR. In addition, new data dictionaries (the format for electronic submittals of information) for these regulations are added to Title 27 in coordination with existing Cal/EPA Unified Program data dictionaries, providing a unified cross program structure for electronic reporting of data. The existing Unified Program data dictionaries are moved from their current location as Appendices in Subdivision 4, Division 1 in Title 27 into separate chapters in Subdivision 1 of a new Division 3 in Title 27. The new data dictionaries for electronic submittals are added as new chapters under Subdivision 2, Division 3 in Title 27 of the CCR.

These regulatory changes implement Water Code (WC) sections 13195 through 13198 and expand electronic submittal requirements to all the SWRCB's groundwater cleanup programs. These groundwater cleanup programs require responsible parties to submit reports concerning subsurface investigations or remediation of unauthorized releases of waste or hazardous substances. These changes will also ensure a uniform standard for future electronic reporting requirements that other Cal/EPA programs may utilize.

The amendments to Chapter 30 in Title 23 of the CCR will:

1. Require persons responsible for submitting reports to the State Board, a regional board, or a local agency to submit the reports electronically over the Internet to the State Water Resource Control Board's (SWRCB) Geotracker database.
2. Require electronic submission of reports containing soil, vapor or groundwater data for subsurface investigation and remediation at sites in the leaking Underground Storage Tank (UST); Spills, Leaks, Investigation and Cleanup (SLIC); Department of Defense (DOD); and Land Disposal Programs.

3. Require electronic submittal of laboratory data generated by analysis of soil, vapor and water chemistry.
4. Require electronic submittal of exact latitude and longitude of permanent groundwater monitoring wells or sampling points.
5. Require electronic submittal of the surveyed elevation and depth to water of any groundwater monitoring well sampled.
6. Require separate electronic submittal of the site map, well construction details, remediation information, boring logs and the complete report.

The data dictionary amendments to Division 3 in Title 27 of the CCR will:

1. Relocate the Unified Program data dictionaries that apply to facility, hazardous materials, underground storage tank, hazardous waste, Certified Unified Program Agency (CUPA) reporting and CUPA Forms into this new Division as separate chapters under Subdivision 1 of Division 3.
2. Create new chapters for monitoring and release information required as part of SWRCB electronic submittal requirements into Subdivision 2 of Division 3. These data dictionaries will include: laboratory results, sampling information, surface location, elevation, groundwater depth measurements, well construction data and remediation treatment information.

General Statement of Reasons

These regulations formally implement the requirement in AB 2886 (Ch. 727, Stats. of 2000) requirement for the SWRCB to adopt regulations for electronic submittal of information. They replace the emergency regulations that were adopted on April 26, 2001. The emergency regulations require electronic submittal of reports containing soil or water analysis data required as part of subsurface investigation and cleanup for the Underground Storage Tank (UST) Program. Currently, UST site data are submitted electronically to Geotracker, the SWRCB's Internet-accessible database that was developed pursuant to AB 592 (Kuehl, Ch. 814, Stats. Of 1997) and SB 1189 (Hayden, Ch. 185, Stats. of 1997).

Current regulations require that laboratory and other report data for the UST program sites be submitted in a standardized electronic format capable of transfer directly into Geotracker. This has enhanced the capability of the SWRCB to utilize Geotracker in assessing and monitoring the threat of methyl tertiary butyl ether (MTBE) to drinking water wells and other sources of drinking water, and the health and safety of the public. This has provided decision-makers and stakeholders with more accurate, up-to-date, accessible, and complete statewide information concerning UST cleanup sites. Regulatory agencies (local agencies, regional water quality control boards and the SWRCB) as well as water providers, responsible parties, other stakeholders and the

public, have easy access to the analytical data and can use these data to make better, quicker, and more factually-based decisions. Having accurate and timely soil, vapor and groundwater quality data for UST cleanup sites in Geotracker, allows regulators and other stakeholders to prioritize and manage threats to drinking water supplies more effectively and efficiently.

The need to evaluate spatial and temporal trends of groundwater data is the same at all cleanup sites, regardless of program. Electronic submittal of information is the only viable method of ensuring that data are consistently and reliably entered. Therefore, we are proposing that the regulations be extended to all groundwater cleanup programs at the SWRCB. This will allow the tools now available to the UST program to be used by other programs, greatly enhancing our overall ability to manage groundwater improvement efforts in California. The proposed regulations make permanent the existing electronic submittal requirements for UST cleanup sites, expand information required to be submitted, and extend the scope of sites to include all the SWRCB's groundwater cleanup programs.

One other feature of these new regulations is to provide a unified cross-program structure for electronic reporting. New data dictionaries (the format for electronic data submissions) for these regulations are added to Title 27 in coordination with existing Cal/EPA Unified Program data dictionaries. The existing Unified Program data dictionaries are moved from their current location as Appendices in Subdivision 4, Division 1 in Title 27 into separate chapters in Subdivision 1 of a new Division 3 in Title 27. The new data dictionaries for electronic submittal are added as new chapters under Subdivision 2, Division 3 in Title 27 of the CCR. This is in accordance with directive by the Legislature in 2000 to establish "... an electronic geographical information management system capable of receiving all data collected by the Unified Program Agencies, and to make all non-confidential data available on the Internet." Section 25404(e)(2) states clearly that this responsibility shall be carried out by the Unified Program. The Unified Program Electronic Data Dictionary, as developed, was the first of its kind in the state. The dictionary was developed as an appendix to Title 27, CCR. However, as the use of electronic environmental data reporting from businesses and local agencies to state and national agencies increases, the use of data dictionaries is also increasing. It makes sense that environmental data dictionaries should be in the same location in the California Code of Regulations, facilitating access by the public and stakeholders.

EFFORT TO AVOID DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Based on careful review of the federal underground storage tank statutes and regulations, the SWRCB has determined that none of the proposed regulations conflict with or duplicate federal rules. The SWRCB proposes to adopt these regulations, which are different from federal regulations, because these differing state regulations are authorized by Water Code sections 13195 through 13198.

ALTERNATIVES CONSIDERED

The SWRCB has considered alternatives to these regulations within the scope allowed by Water Code sections 13195 through 13198. These alternatives are discussed below in the Detailed Statement of Reasons. The SWRCB has determined that no alternative to these regulations would be more effective or as effective and less burdensome to the affected industry, local governments, and state agencies than the proposed regulations.

DETAILED STATEMENT OF REASONS

The specific reason for each regulation is summarized below.

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

This section is added to provide an overview of the regulations. The regulations require persons responsible for submitting reports to also submit the reports electronically over the Internet to the SWRCB's Geotracker database. This is intended to provide regulatory agencies and the public ready access to statewide soil, vapor and groundwater quality data in one single, accessible format to better assess and monitor the contamination or threatened contamination of waters of the state.

Section 3891. Definition of Terms

This section defines the terminology used in Chapter 30. The definitions are needed to implement Water Code section 13196, which required the electronic submission of laboratory reports for the UST program beginning on September 1, 2001, in addition to the expanded electronic information and programs required March 1, 2004 in these regulations, in response to Water Code section 13198(c).

Section 3892. Scope

This section details the scope of reports subject to the requirements of this new chapter. Subsection 3892 (a) is in response to Water Code section 13196 which allows the SWRCB to require that certain data in reports from leaking UST sites be submitted electronically.

Subsections 3892 (b) through (h) are in response to Water Code section 13198(c), which allows the SWRCB to require electronic submission of reports for programs in addition to the UST program. These programs include the Spills, Leaks, Investigation and Cleanup (SLIC), Department of Defense (DOD), and Land Disposal Programs. Data from reports submitted for subsurface investigations and cleanup of sites in these programs will also be submitted electronically. This provides a broad coverage of threats to California's groundwater and the health and safety of Californians.

Section 3893. Electronic Submittal of Reports

Section 3893 is proposed in response to Water Code sections 13196 and 13198(c), which allow the SWRCB to adopt regulations requiring the electronic submission of reports. The requirement for electronically submitted information includes laboratory analytical results, groundwater well locations and elevations, depth to water in wells sampled, site map, contaminant mass removal, well construction details and boring logs. The purpose of these regulations is to bring accurate and timely data about MTBE and other contaminants in groundwater into Geotracker. This will allow regulators to prioritize and manage threats to drinking water supplies more effectively and efficiently. In addition, stakeholders and the public can easily access important information about threats to drinking water in the State of California.

Section 3894. Additional Reporting Requirements

Subsection 3894 requires the electronic submission of the complete copy of any report submitted as part of a leaking UST program site investigation or cleanup. This is added pursuant to Water Code Section 13196.

Section 3895. Timing

Subsection 3895(a) requires that UST reports and data required by the emergency regulations originally effective beginning September 1, 2001, to continue to be reported electronically. The reports subject to the UST program reporting requirements consist of the laboratory data, groundwater well location and elevation data, depth to groundwater data, and site map. This is pursuant to Water Code section 13196.

Subsection 3895(b) requires that all other data required by these regulations pursuant to Water Code section 13198(c) be submitted electronically beginning no later than March 1, 2004.

Title 27, Division 3, Subdivision 1. Unified Program Data Dictionaries.

The existing Unified Program data dictionaries are moved to Title 27, Division 3, Subdivision 1, Chapters 1 through 6. This provides a centrally located, unified structure for the electronic reporting of information for the Unified Program. The proposed regulations provide that all of the environmental data dictionaries should be located in the same site in the California Code of Regulations, providing easy access to the public and stakeholders.

Title 27, Division 3, Subdivision 2. SWRCB Electronic Submittal Requirements Data Dictionaries.

New data dictionaries are added to Title 27, Division 3, Subdivision 2, Chapters 1 and 2 for the electronic submittals of laboratory, well and site information. This provides a centrally located, unified cross-program structure for the electronic reporting of information for groundwater cleanup sites. The proposed regulations provide that all of the environmental data dictionaries should be located in the same site in the California Code of Regulations, providing easy access to the public and stakeholders.