

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2013-0001**

APPROVES THE UNDERGROUND STORAGE TANK LOCAL OVERSIGHT PROGRAM
PROCEDURES AND CRITERIA FOR CERTIFICATION

WHEREAS:

1. [Resolution Nos. 2009-0042](#) and [2009-0081](#) were adopted by the State Water Resources Control Board (State Water Board) on May 19, 2009, and November 17, 2009, respectively, and directed numerous actions to improve the administration of the Underground Storage Tank (UST) Cleanup Program, finding that UST cleanups are taking too long to complete.
2. [Resolution No. 2012-0016](#) was adopted by the State Water Board on May 1, 2012, adopting the Low-Threat Underground Storage Tank Case Closure Policy (Low-Threat Closure Policy), which is a state policy for water quality control. The Low-Threat Closure Policy became effective on August 17, 2012. Corrective action directed pursuant to Health and Safety Code section 25296.10 must be consistent with state policies for water quality control, including the Low-Threat Closure Policy.
3. [Resolution No. 2012-0062](#) was adopted by the State Water Board on November 6, 2012, approving the Plan for Implementation of the Low-Threat Underground Storage Tank Case Closure Policy and Additional Program Improvements (Plan for Implementation of the Low-Threat Closure Policy), which summarizes the roles, responsibilities and time frames for the implementation of the Low-Threat Closure Policy in the immediate future and summarizes other actions to improve administration of the UST Cleanup Program.
4. Chapter 16 of title 23 of the California Code of Regulations (UST Regulations) contains corrective action requirements for USTs. The UST Regulations require that Corrective Action Plans (CAPs) submitted to Regional Water Quality Control Boards (Regional Water Boards) and local agencies by responsible parties include cost-effective methods for cleanup of unauthorized releases. Regional Water Boards and local agencies shall concur with CAPs that adequately protect human health, safety and the environment, and beneficial uses of water or direct that the CAP be modified. The implementation of the CAP consists of carrying out the cost-effective method for cleanup.
5. Under Health and Safety Code authority, the Regional Water Boards and local agencies, direct corrective actions to remediate soil and groundwater at petroleum UST sites that have had unauthorized releases.
6. Pursuant to Health and Safety Code section 25299.81, the UST Cleanup Fund is scheduled to sunset on January 1, 2016.
7. Assembly Bill No. 1701 (Stats. 2012, ch. 536) revised previous law to state that on and after July 1, 2013, a local oversight program (LOP) may be implemented only by a city or county that has been certified by the State Water Board as qualified to implement a program for the abatement of, and oversight of the abatement of, unauthorized releases of hazardous substances from USTs, and that the State Water Board may enter into an agreement with a certified local agency to implement the LOP.

8. Pursuant to Health and Safety Code section 25297.01, the State Water Board is required to adopt procedures and criteria for certifying and withdrawing certification from cities and counties that implement a LOP. The State Water Board is required to review, at least once every three years, the ability of the certified city or county to carry out the LOP.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the [Underground Storage Tank Local Oversight Program Procedures and Criteria for Certification](#).
2. Directs the Executive Director, or designee, to:
 - a) Certify the local agencies that he or she has determined to be qualified to implement a LOP consistent with the Underground Storage Tank Local Oversight Program Procedures and Criteria for Certification, and inform the State Water Board of this action and of any subsequent determination to certify, deny certification for, or withdraw certification for a local agency.
 - b) Notify the appropriate Regional Water Board before certifying, denying certification, or withdrawing certification of an agency and consider any comments received from the Regional Water Board.
3. Directs State Water Board staff to:
 - a) Distribute this resolution and the Underground Storage Tank Local Oversight Program Procedures and Criteria for Certification to local agencies that have active cases listed in GeoTracker on the date this resolution is adopted.
 - b) Process LOP agency applications for certification and respond to local agencies expeditiously.
 - c) Notify local agencies that have existing LOP contracts that they must submit a proposed budget to the Cleanup Fund Manager within 30 days of adoption of this resolution if they intend to apply for a 2013-2014 fiscal year LOP contract.
 - d) Develop reports based upon data in the GeoTracker System that will evaluate performance of the LOP agencies. These reports shall be consistent with the Plan for Implementation of the Low-Threat Closure Policy and considered during periodic LOP agency certification review.

- e) Review Path to Closure Plans submitted by LOP agencies as required by State Water Board Resolution No. 2012-0062 and re-evaluate certification of the LOP agencies by July 1, 2014.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 8, 2013.

AYE: Chairman Charles R. Hoppin
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Steven Moore
 Board Member Felicia Marcus

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board