



Site Closure Petition Process

UNDERGROUND STORAGE TANK PROGRAM **FACT SHEET**

Background

Changes in legislation (Senate Bill 562) allow any underground storage tank or residential tank owner or operator, or other responsible party, to petition the State Water Resources Control Board (the Board) for a review of their case if they feel corrective action for their site has been satisfactorily implemented, but closure has been denied.

Between January 1997 and September 2000, 90 petitions have been received. Of this total, 17 petitions were either denied or withdrawn, 7 were closed by formal Board Order, 44 were closed by the local regulatory agency without formal Board Order, and 22 are pending Board action.

For those cases that were closed by Board Order, the Board determined under Resolution 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304, that a site may be closed even if the requisite level of water quality has not been attained. However any alternative level of water quality less stringent than background must be consistent with the maximum benefit to the people of the state, must not unreasonably affect current and anticipated beneficial use of affected water or public health and safety, and must not result in water quality less than that prescribed in the Water Quality Control Plan, for the basin within which the site is located.

The timeframe to achieve Water Quality Objectives may be different for different site-specific circumstances. Each closure decision was based on site-specific information relative to each particular case (e.g. adequately characterized, remediated to the most practicable extent, Regional Board Basin Plan water quality objectives to be achieved within a reasonable timeframe, etc.)

The following is a list of State Water Board orders and regulations that the Board has adopted regarding individual petitions. They have been posted on the Board's website and may aid in understanding some of the technical and regulatory aspects of the petition process:

- <http://www.swrcb.ca.gov/resdec/wqorders/1998/wqo98.html>
(see WQO 98-03, 98-04, 98-08, 98-09, 98-10, 98-12, and 98-13)
- <http://www.swrcb.ca.gov/resdec/wqorders/1999/wqo1999.htm>
(see WQO 99-04 and 99-010)
- <http://www.swrcb.ca.gov/cwphome/ustcf/rrrstuf.htm>
(see Cal. Code of Regs., tit. 23, §§2814.6-2814.8)

How To Petition

Prior to petitioning the Board for review, an underground storage tank or residential tank owner or operator or other responsible party must do both of the following:

1. Remove free product to the maximum extent practicable; and
2. Request and be denied closure from the regulatory agency that is overseeing corrective action at the site. The denial must be signed by the regional board's Executive Officer or, if a local agency is overseeing corrective action, by the Environmental Health Director, or equivalent. If the petitioner filed a request for closure, and if within 60 days of the date of the request for closure the regulatory agency neither acts on the request nor informs the petitioner of when the regulatory agency will act, the inaction of the regulatory agency will be deemed to constitute a denial of the request.

Petitions to the State Board requesting review of an underground storage tank case must include the following information:

1. The name and address of the petitioner;
2. The address of the site;
3. The name and address of the current owner of the site and of the owners of adjacent property including properties that are across the street from the site;
4. The name, address, and telephone number of all responsible parties;
5. A copy of the decision denying case closure by the regulatory agency overseeing corrective action at the site or a copy of the petitioner's request to the regulatory agency for closure accompanied by a statement that the regulatory agency failed to act within 60 days of the request; and
6. A statement of reasons why the petitioner believes the case should be reviewed.

While the closure petition is pending, you should continue on-going monitoring at the site. You may, however, wish to ask the regulatory agency to either postpone or discontinue additional investigation or remediation until the closure petition is resolved.

Every effort is made to resolve petitions informally and at the lowest staff level possible. In the event that effort fails, the petition will be either dismissed or presented to the State Board for consideration. You will be notified with the date, time and location of any Board meeting. If you have any questions about the petition process or would like more information, please contact Kevin Graves at (916) 341-5782.

You may send your petition package to:

Mr. Kevin Graves
State Water Resources Control Board
Division of Clean Water Programs
1001 "I" Street, 17th Floor
Sacramento, CA 95814