



Site Closure Petition Process

UNDERGROUND STORAGE TANK PROGRAM

FACT SHEET

BACKGROUND

Any underground storage tank (UST) or residential tank owner or operator or other responsible party who believes that the corrective action plan for the site has been satisfactorily implemented, but who has not been granted closure of the site's case, may petition the State Water Resources Control Board (State Water Board) for review of the case. ([Cal. Code Regs., tit. 23, §2814.6.](#))

Before filing a petition, please be aware that State Water Board staff will automatically review all UST cases that have been denied UST case closure. The State Water Board adopted [Resolution 2012-0062](#) directing State Water Board staff to review all denied UST case closure requests. Responsible parties will be informed of the results of this review. Denied Requests for Closure (RFCs) are tracked at this website: https://geotracker.waterboards.ca.gov/closure_denial_report.asp. Follow the link for a [Flow Chart](#) of the denied UST case closure review process.

However, if the State Water Board staff review does not result in UST case closure and one wishes to file a petition for review by the State Water Board, then prior to petitioning for case closure, a UST 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 case closure from the regulatory agency that is overseeing corrective action at the site. Request for closure should be addressed to the regional board's Executive Officer or, if a local agency is overseeing corrective action, to 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. (All closure requests must be uploaded to GeoTracker).

HOW TO FILE A PETITION

A petition to the State Water Board requesting review of an underground storage tank or residential tank case must include the following:

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 the reasons why the petitioner believes the case should be reviewed.

Note: Petitions should include the name and address of the current owner of any property affected by contaminant migration and any interested party.

The State Water Board adopted Resolution 2012-0016, "[Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closure](#)." This is a state policy for water quality control and applies to petroleum UST cases. The policy sets the criteria to be met for closing low-threat petroleum UST cases. State Water Board Resolution 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304" is another state policy for water quality control that is applicable to hazardous substance UST cases.

While the case closure petition is pending, responsible parties must continue ongoing monitoring at the site. However, one may request the regulatory agency to either postpone or discontinue additional investigation and/or remediation until the closure petition is resolved.

Following review of the petition, actions taken by the State Water Board are based on site-specific information relative to each particular case and may require the responsible party to follow regulatory agency directives or close the case. Framework for the review will closely follow the "Low-Threat Underground Storage Tank Case Closure Policy," as applicable.

Petitions for closure are typically heard before the State Water Board. All parties will be notified with the date, time, and location of the State Water Board meeting. Follow the link for a [Flow Chart](#) on the petition process.

If there are any questions, please contact: Matthew Cohen (916) 341-5751 or Matthew.Cohen@waterboards.ca.gov. Save paper and file petitions electronically. If hard copy is filed, mail or hand deliver to the following address:

State Water Resources Control Board
Underground Storage Tank Program
1001 "I" Street, 15th Floor
Sacramento, CA 95814
Fax: 916-341-5808
Attn: Matthew Cohen (916) 341-5751

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