

Executive Officer's Report

Yucca Mountain, Nevada

A meeting was held on December 14, 1999, at the California Energy Commission (CEC) to discuss California's unified response to the Department of Energy's (DoE) *Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*. Attendees included representatives from the following California agencies: Highway Patrol, State Water Resources Control Board, Lahontan Regional Water Quality Control Board, Department of Health Services, Energy Commission, Department of Transportation, Department of Mines and Geology, Public Utilities Commission, and the Department of Fish and Game. Andrew Remus from Inyo County attended and gave a presentation on Inyo County's concerns.

California is concerned with repository principally because the regional aquifer below Yucca Mountain is thought to discharge (as springs) on the eastern side of Death Valley. Potential transportation impacts along Highway 127 (identified by DoE as a potential transportation corridor) are also of concern. The purpose of the meeting was to organize the review effort, review the potential impacts of the repository to California, identify any other major areas of potential impacts that should be evaluated, and establish a schedule for submission of review comments to the Energy Commission for compilation and submittal to DoE. California's Official position is neither for or against the repository but wants to ensure that enough data are available to determine if Yucca Mountain is suitable for a high-level repository.

Commenting agencies are to send their comments to the CEC by January 9, 2000. The CEC will compile the comments and return the complete comment package to the agencies for review on January 16, 2000. Agencies are to provide the CEC with final comments by January 23, 2000. The CEC will prepare the final comment package by February 1, 2000 for submittal to DoE before the February 9, 2000, deadline.

Senate Bill 989 (Sher)

Senate Bill 989 (Sher) is effective on January 1, 2000. Some of the provisions that will affect the State and Regional Boards are:

This bill requires the State Water Resources Control Board, on or before June 1, 2000, to initiate a specified research program to quantify the probability and environmental significance of releases from petroleum underground storage tank systems that meet certain upgrade requirements. The board is required, by January 1, 2001, to adopt specified regulations and to require tanks to be fitted with under-dispenser containment or a spill containment or control systems approved by the board, as specified, and to review existing enforcement authority. The bill requires a local agency to inspect every tank system at least once every year, thereby creating a state-mandated local program by imposing new duties upon local agencies. The bill requires the holder of a permit for an underground storage tank, within 60 days after receiving a specified inspection or compliance report, to file a plan to implement the compliance report or make a specified demonstration. The bill provides for the imposition of civil liability upon an operator of an underground storage tank who tampers with, or disables, automatic leak detection devices and imposes criminal penalties upon a person who intentionally takes such an action, thereby imposing a state-mandated local program by creating a new crime. The bill requires the board, in consultation with the State Department of Health Services, to develop guidelines for the investigation and remediation of MTBE and other ether-based oxygenates in groundwater and appropriate cleanup standards.

This bill increases the amount of a corrective action claim to \$1,500,000 per occurrence, revises the requirements for claims for regulatory assistance, and increases the amount to \$1,500,000 for joint claims.

The bill extends the operation of the act until January 1, 2011, thereby imposing a state-mandated local program by continuing the imposition of duties upon the local agencies that implement the act.

The bill authorizes the Secretary for Environmental Protection to prohibit the use of MTBE in motor vehicle fuel prior to December 31, 2002, on a subregional basis in the Bay Area Air Basin, or in any other air basin in the state, if the secretary makes specified findings. The bill requires the commission, if it determines that specified studies do not adequately assess the ongoing supply and availability of gasoline for the state's consumers associated with the phase out of MTBE, to submit a report to the Legislature and the Governor by July 1, 2000, concerning the impact of that phase out on the supply and availability of gasoline.

This bill allows a person performing an environmental cleanup study under order from a regulatory agency to obtain a [well driller's] report with regard to specified wells.

The bill requires the board to transfer \$5,000,000 from the Underground Storage Tank Cleanup Fund to the drinking water fund, if the department makes a specified determination that a public drinking water well has been contaminated by an oxygenate and there is substantial evidence that the contamination was caused by a release from an underground storage tank. Payments to public water systems are for the costs of treating contaminated ground and surface water for drinking water purposes, investigating contamination, acquiring alternate drinking water supplies, and for conducting research into treatment technologies.

Under existing law, funds in the Petroleum Underground Storage Tank Financing Account in the General Fund are continuously appropriated to the agency, without regard to fiscal year, for making loans to small businesses to upgrade, replace, or remove petroleum underground storage tanks to meet applicable local, state, or federal standards and to take corrective actions. Existing law specifies that the maximum amount of a loan is \$750,000, but provides that, if at least \$6,500,000 is not transferred to the account each fiscal year, the maximum amount of a loan is \$350,000 an applicant is restricted to one loan at any one time. This bill deletes the contingency provision thereby decreasing the maximum amount of a loan and restricting an applicant to one loan at any one time. The bill additionally authorizes the agency to conduct a grant program to assist small businesses to comply with the new requirements imposed by the bill on petroleum underground storage tanks and tanks with single-walled components that are located, as specified. The bill specifies eligibility requirements for grant applicants and the maximum amount of those grants. The bill requires the agency, on or before April 1, 2001, to submit a report to the Legislature detailing the status of the grant program.