



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

Summary of Concept Draft Regulations ELECTRONIC SUMITTAL OF INFORMATION (ESI)

This document summarizes the proposed concept draft regulations. Please refer to the regulations and incorporated documents for a more precise understanding of the requirements under the conceptual regulations.

The Department of Toxic Substances Control (DTSC) developed conceptual regulations, which would require persons submitting to DTSC various documents, such as reports, workplans, schedules, notices, requests, or applications and data through DTSC's EnviroStor Database. The regulations propose electronic submittal of information (ESI) requirements for DTSC's Brownfields and Environmental Restoration (Cleanup) program and other programs, including but not limited to DTSC's Office of Permitting (Permitting). DTSC intends the regulations to provide a comprehensive and uniform electronic reporting process regarding operational activities at remediation sites and hazardous waste facilities permitted by DTSC. The regulations would provide electronic formats for submitting documents and data for those programs. DTSC is proposing to build on the same standards currently used by the State Water Resources Control Board (SWRCB's) GeoTracker System.

DTSC anticipates that the electronic submission of reports and data will make the transmittal of information more efficient, cost-effective, and allow for more timely access to information by DTSC and the public. Over time, the public will see the benefits from a reduction in paper and costs associated with processing and converting data. Electronic submissions make the transmittal and transfer of information more efficient and cost-effective. It permits for timelier access to that information by allowing information to be analyzed and posted on the Internet shortly after it is received. Further, it allows DTSC staff to use time otherwise used to reconcile incompatible formats, transcribe information from paper formats, or create electronic copies of paper documents to work on other projects. Adopting these standards will take DTSC to an advanced technological level for serving the public and promote consistency within Cal/EPA's Boards, Departments, and Offices by utilizing standards for electronic submission of technical documents already in use by the SWRCB.

I. Background on EnviroStor

EnviroStor is DTSC's data management system for managing information about environmental cleanup and permitted facilities. DTSC's EnviroStor system manages data and documents for over 12,000 cleanup sites and hazardous waste facilities throughout California. These hazardous waste facilities and cleanup sites include military, federal superfund, state response, voluntary cleanup, corrective action, schools, and those with land use restrictions in place. EnviroStor holds over 190,000 documents related to specific activities. Additional data elements describing the site, risk, and background are also tracked and reportable. The EnviroStor system provides increased transparency with high quality data access for environmental professionals and all members of the public.

Features

EnviroStor consists of both a secure (internal) portal and a public website. The EnviroStor public website is available free of charge and is easily accessible through DTSC's website. The EnviroStor public website assists the public, DTSC staff, the Legislature, federal, state, and local agencies, by providing a brief history of cleanup activities, contaminants of concern, planned cleanup activities at sites and Permitting information of hazardous waste facilities that are authorized to treat, store, dispose or transfer hazardous waste. The EnviroStor website provides the public with an online search and Geographic Information System (GIS) tool for viewing site location maps along with surrounding properties. Public users can search for sites using basic or detailed project information. They can view final documents, data and other information related to the sites. The website provides an easy-to-use Google maps GIS interface to view data in relationship to streets/roads, satellite imagery, terrain map views and other geographically referenced information. EnviroStor's public website allows users to export data for additional manipulation and storage.

The secure (internal) EnviroStor portal enables staff within DTSC to track project activities and manage project documents. Documents and data are uploaded to EnviroStor by Cleanup and Permitting staff. Staff use EnviroStor project management tools to inform others of project status and use document management to ensure the appropriate documents are accessible to staff. For example, documents involved in land use controls, risk information and groundwater data are shared through this system. DTSC project managers schedule deliverables and track when those deliverables are due from responsible parties, project proponents, and DTSC support staff.

EnviroStor ESI Portal

The EnviroStor system accommodates electronic submittal of information. DTSC has developed a secured portal in EnviroStor (EnviroStor ESI Portal) for the electronic submission of reports and data. The secured portal allows DTSC's regulated community to create secured EnviroStor accounts to submit documents, analytical data,

and site maps electronically into EnviroStor for DTSC review and processing. Instructions and guidance documents on how to electronically create secured EnviroStor accounts, submit documents and upload reports and data are located under the “Electronic Submittal of Information” section of the EnviroStor public website. (<http://www.envirostor.dtsc.ca.gov/public/esi.asp>). DTSC requires a secure account in EnviroStor to be created to manage electronic access sites or facilities. The draft concept regulations proposed utilizing existing EnviroStor secured portal for the electronic submission of reports and data.

EnviroStor ESI Portal is set up to preserve and maintain the integrity of an electronic document or data submitted electronically to DTSC. Documents and data submitted to EnviroStor are maintained as separate records. EnviroStor does not allow electronic document or data to be altered *without detection* during transmission or at any time after receipt. If any alterations occur to an electronic document, EnviroStor fully documents those alterations as a separate record or copy of a record. EnviroStor requires users to confirm that the electronic document or data was submitted knowingly or not by accident. Additionally, the secure portal process allows the opportunity to review and repudiate copy of record.

ESI Pilot test 2010-2013

In a pilot test of the ESI process in EnviroStor, volunteer sites participated in uploading documents through the EnviroStor ESI portal. From this test, DTSC observed that there were many benefits to the regulated community to using the EnviroStor ESI Portal, including but not limited to the following:

- Timely confirmation that the report and data was submitted to EnviroStor;
- Reduced coordination with DTSC project manager as to whether a report or data was submitted properly;
- Document revisions do not require significant work to replace previous submittals; and
- Reduction in cost as DTSC staff no longer had to scan and upload information after receiving a paper document.

The pilot test also provided DTSC with significant benefits, including:

- Reduced staff time scanning, uploading documents and transcribing data;
- Quicker distribution of documents to subject matter experts;
- Quicker confirmation that data support submitted evaluation;
- Integrity of submissions preserved within EnviroStor; and
- Records are uploaded and associated with project facility and organized as part of EnviroStor database records.

The ESI pilot test participants were volunteers. DTSC is now considering requiring persons submitting reports or data for DTSC’s Cleanup and Permitting programs to submit the report in an electronic format through the EnviroStor.

II. Authority and Proposed Standards:

Health and Safety Code section 57013 authorizes DTSC to adopt regulations that require a person submitting certain reports or data to DTSC in an electronic format (AB 2144, Ch. 562, Stats. 2006). In addition, Health and Safety Code Section 57013 requires DTSC to adopt standards that include electronic formats for the submission of reports including analytical and environmental compliance data. DTSC is required to consider electronic formats that meet specified criteria. DTSC developed its conceptual regulations to propose the electronic formats for ESI.

The regulations propose the following electronic formats to be used to submit documents and data to DTSC's EnviroStor data management system:

Electronic Report Requirement: PDF

The regulations require a complete copy of the document to be submitted to EnviroStor as a PDF file. This uploaded PDF file may include the signed transmittal letter, professional certification and data.

Lab Data: Electronic Deliverable Format (EDF)

The regulations require laboratory analytical data, including geochemical data, for all soil, vapor and water samples collected, to be submitted in specified Electronic Deliverable Format (EDF). Groundwater, soil and vapor samples include: monitoring well samples, borehole samples, gas and vapor samples, groundwater grab samples, piezometer samples, stockpile samples, sediment samples and samples from drinking water wells. The draft concept regulations require that the submitted data be in conformance with specifications contained in the Electronic EDF Guidelines, Restrictions document (version 1.2i), and the EnviroStor Survey XYZ Guidelines and Restrictions document (Version 6.1). DTSC has incorporated formats set forth in the SWRCB GeoTracker System, (Title 23, Division 3, Chapter 30) and the electronic dictionaries developed by the Secretary for Environmental Protection into referenced guidance documents.

Boring Logs and Well Screen Intervals: GEO_BORE

The regulations require that boring logs be submitted as PDF file(s). The regulations also require for all wells reported on, the screen depth and interval must be reported. The requirements are outlined in the GEO_BORE, GEO_REPORT and Field Point Guidelines & Restrictions document (Version X.1).

Depth to Water Data: GEO_WELL

The regulations require the depth-to-water groundwater monitoring well information to be reported in the GEO_WELL file whether or not the well is sampled during the sampling event. Drinking water wells generally do not need to have the depth to water reported unless they are surveyed as permanent sampling points. A permanent sampling point is defined as a point that is sampled for more than a 30-day period. The requirements are outlined in the

EnviroStor Geo_Bore, Geo_Report, and Field Point /Well Construction Guidelines and Restrictions document (Version X.1).

Locational Data: GEO_XY

If samples from the permanent sampling locations are included in a report, these sampling points must be surveyed. This would typically include any groundwater or similar monitoring points at the site or any drinking water wells that are included in the report. The surveyed locational information for these sampling points should be submitted using the Geo_XY file. The locational coordinates for transient or one-time sampling points (e.g. direct push technologies, piezometers, or grab samples often used for rapid site characterization, stockpile sampling points and permanent influent/effluent sampling locations.) should be recorded using an approved sub-meter accuracy Geographical Positioning System (GPS), and do not need to be professionally surveyed. A transient sampling point is a point that is sampled for less than 30 days. The requirements are outlined in the EnviroStor Survey XYZ Guidelines and Restrictions document (Version 6.1).

Elevation Data: GEO_Z

Elevation measurements to the top of groundwater well casings are required for all wells where groundwater elevation data will be submitted as part of the GEO_Z file. The requirements are outlined in the EnviroStor Survey XYZ Guidelines and Restrictions document (Version 6.1).

Site Map: GEO_MAP

An electronic generalized site plan map is required to be submitted into the EnviroStor database (GEO_MAP). A site map should display structures, site features, tank locations, potential release locations and features, streets bordering the site/facility, and sampling locations for all soil, water, air, and soil vapor samples. The site map is a stand-alone document that may be submitted in various formats. Additional updated site maps may be submitted at any time.

Groundwater Contour Map Data: GEO_GWCONTOUR

Groundwater contour maps must be prepared under the direct supervision of an appropriately registered professional and are required to be submitted in an open data format in conformance with EnviroStor Geo GWContour Guidelines & Restrictions document (Version X.1)

Isoconcentration (Plume) Map Data: GEO_PLUME

Isoconcentration maps should be submitted in an open data in conformance with EnviroStor Geo Plume Guidelines & Restrictions document (Version X.1).

Sample Depth Data: GEOSAMPLEDEPTH

Depth to sample measurements are required for all transient samples (soil, air, vapor, sediment, etc.) submitted as part of the EDF file. The requirements are outlined in the EnviroStorEnviroStor GEO_SAMPLEDEPTH Guidelines and Restrictions document (Version X.1).

Types of Documents

The draft concept regulations identify reports, workplans, schedules, notices, requests, applications or other documents or data that would be subject to the electronic submittal requirements. Importantly, the draft conceptual regulations require electronic submittals of documents already required to be submitted to DTSC. The proposed regulations do not require additional documents to be developed and submitted. Examples of the type of documents that are proposed to be required to be submitted to EnviroStor include the following:

- Preliminary Endangerment Assessment
- Sampling and Analysis Workplan
- Site Characterization Report
- Feasibility Study
- Removal Action Workplan (RAW)
- Remedial Action Plan (RAP)
- Removal Action Completion Report (RACR)
- Remedial Design and Implementation Plan
- Operation and Maintenance Plan
- Current Conditions Report
- Interim Measures (IM) Workplan, IM Operation and Maintenance Plan and IM Plans and Specifications
- Facility Investigation
- Risk Assessment
- Corrective Measure Study
- Corrective Measures Implementation (CMI) Workplan
- Corrective Measures Completion Report
- Health and Safety Plan
- Community Profile
- Public Participation Plan
- Quality Assurance/Quality Control (QA/QC) Plan
- Phase I environmental site assessment
- Loan application
- Closure Plans including Closure Cost Estimates
- Closure Certification for permitted Facilities
- Permit application (Part A and Part B)
- Post Closure Permit Application
- Permit Maintenance Submittals
- Request for permit modification

The draft concept regulations also exclude specified documents from the requirements of electronic submittal through EnviroStor. Some of the documents that are proposed to be excluded from the draft concept regulations include:

- Manifests
- Disclosure Statements
- Biennial and Annual Reports
- Financial Assurance Mechanisms
- Enforcement related documents
- PBR notifications (TTU and FTU)
- Applications for variances
- Safer Consumer Products (Chapter 55 of Division 4.5 of title 22 of California Code of Regulations)
- Emergency Permit Application

Submittal of electronic information in accordance with the proposed draft concept regulations will not replace the requirements to submit a paper copy. DTSC is still requiring the submittal of paper documents. The ESI requirements are in addition to any existing paper or other reporting requirements.