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## State Water Resources Control Board

June 24, 2020

To: Unified Program Agencies and Other Interested Parties

### **Regulatory Deadlines for Overfill Prevention Equipment Inspection**

The State Water Resources Control Board (State Water Board) has received numerous inquiries regarding the regulatory deadline (deadline) for the periodic overfill prevention equipment inspection (overfill inspection). Specifically, the State Water Board has been asked to clarify the deadline to complete the next periodic overfill inspection for those underground storage tank (UST) owners or operators who did not meet the October 13, 2018 deadline for the initial overfill inspection. Additionally, the State Water Board has been asked to address the possibility of service technician and equipment availability issues in anticipation of numerous UST owners or operators required to complete overfill inspections in October 2021.

California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2637.2(a) requires overfill inspections to be completed no later than October 13, 2018, at installation, upon repair, and every 36 months thereafter. Additionally, in accordance with UST Regulations, section 2620(e), all periodic overfill inspections must be completed no later than the last day of the month during which the overfill inspection is required. Therefore, those overfill inspections completed before the October 2018 deadline must be completed no later than 36 months after the initial overfill inspection (e.g., An overfill inspection performed in August 2018, must complete the periodic overfill inspection no later than August 31, 2021.).

Referencing these same regulations above, UST owners or operators that failed to meet the October 2018 deadline for the initial overfill inspection must complete the periodic overfill inspection on or before the last day of the month required. Since the initial overfill inspection was required by October 13, 2018, the periodic overfill inspection deadline for all late overfill inspections is October 31, 2021.

A substantial number of initial overfill inspections were performed late and as a result, the State Water Board anticipates a large number of UST owners or operators will attempt to perform the overfill inspection in October 2021. UST owners or operators will

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E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

again experience limited service technician and overfill equipment availability, which will result in violations for failure to complete the overfill inspection on or before October 31, 2021, as required. Penalties for failing to comply with the overfill inspection requirements, pursuant to Health and Safety Code section 25299 are \$500 to \$5,000 dollars per tank, per violation, per day until the violations have been corrected. The Unified Program Agencies (UPA) should be prepared to use graduated enforcement at facilities that miss the overfill inspection deadline.

To avoid the risk of violations and to reduce the possibility of service technician and equipment constraints now and in the future, the State Water Board encourages UST owners or operators to complete the overfill inspection early. UST owners or operators may also obtain cost savings by completing the overfill inspection with the secondary containment testing or the annual monitoring system certification. In accordance with UST Regulations, section 2620(e), completing the overfill inspection early moves the deadline forward, so that the next overfill inspection will be due at the end of the 36<sup>th</sup> month following the overfill inspection, rather than October 2024, when service technician and overfill equipment availability again is expected to be limited.

Consistent with all other required testing and inspections, the UST owner or operator must notify the UPA within 48-hours of a scheduled overfill inspection. Contact information for the applicable UPA can be found on the [Unified Program Regulator Directory](http://cersapps.calepa.ca.gov/public/directory/) (<http://cersapps.calepa.ca.gov/public/directory/>). Within 30 days after the overfill inspection is completed, the UST owner or operator must submit an Overfill Prevention Equipment Inspection Report Form to the applicable UPA. A copy of the Overfill Prevention Equipment Inspection Report Form can be found in UST regulations (Appendix IX).

More information regarding overfill inspections is located on the State Water Board's website at: [Overfill Prevention Equipment Inspection Requirements](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs/overfill_inspect.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/fed\\_rec\\_regs/overfill\\_inspect.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs/overfill_inspect.pdf)) website or by contacting the [UST Program Staff](https://www.waterboards.ca.gov/water_issues/programs/ust/contacts/contact.html) ([https://www.waterboards.ca.gov/water\\_issues/programs/ust/contacts/contact.html](https://www.waterboards.ca.gov/water_issues/programs/ust/contacts/contact.html)).

Sincerely,



Laura S. Fisher  
UST Leak Prevention Unit &  
Office of Tank Tester Licensing Manager

cc: Julie M. Osborn, Attorney IV  
Office of Chief Counsel  
[Julie.Osborn@waterboards.ca.gov](mailto:Julie.Osborn@waterboards.ca.gov)