
State Water Resources Control Board

May 7, 2019

To: Unified Program Agencies and Interested Parties

CLARIFICATION ON SECONDARY CONTAINMENT UNDER DISPENSERS

This letter is in response to questions that the State Water Resources Control Board (State Water Board) has received about under-dispenser containment (UDC) and under-dispenser spill containment or control systems. This supplements the December 21, 2007 technical letter issued by the State Water Board, *Clarification of Existing Regulations for Under-Dispenser Containment*, that addressed permissible options for when product piping within the dispenser does not fall entirely over the footprint of the UDC.

All unauthorized releases from product piping within a dispenser must be directed into secondary containment.¹ UDCs and under-dispenser spill containment or control systems are secondary containment. Therefore, they must: 1) contain unauthorized releases from the product piping within the dispenser until it can be detected and cleaned-up; 2) be monitored by a system that will detect the release at the earliest possible opportunity; and 3) be periodically tested unless exempted pursuant to California Code of Regulations, title 23, division 3, chapter 16 (UST regulations), section 2637(a)(2). Under-dispenser spill containment or control systems are alternatives to a UDC, not devices used in combination with a UDC.

The primary difference between a UDC and an under-dispenser spill containment or control systems is the method of approval. Pursuant to UST regulations, section 2631(d), a UDC must be designed and constructed according to an engineering specification approved by a California registered professional engineer or according to a nationally recognized industry code or engineering standard. UST regulations, section 2636(g)(3), requires that under-dispenser spill containment or control systems be approved by the State Water Board's Division of Water Quality Underground Storage Tank Program Manager.²

If a dispenser in combination with a UDC or an under-dispenser spill containment or control system could expose backfill material to an unauthorized release from the product piping within the dispenser, an auxiliary device must be installed within or beneath the dispenser to effectively divert unauthorized releases into monitored secondary containment.³ Auxiliary

¹ "Secondary containment" means the level of containment external to, and separate from, the primary containment. (Health & Saf. Code, § 25281, subd. (q).)

² To receive approval, the manufacturer must provide clear and convincing evidence that the under-dispenser spill containment or control system will protect the soil and beneficial uses of the waters of the state from unauthorized releases. (Cal. Code of Regs., tit. 23, § 2636, subd. (g)(3).)

³ USTs with secondary containment systems shall be so designed and installed so that any loss of a hazardous substance from the primary containment will be detected by an interstitial monitoring device or method. (Cal. Code of Regs., tit. 23, § 2631, subd. (g).)

devices of this type (e.g., deflector plates) are not under-dispenser spill containment or control systems, nor are they required to be periodically tested as part of the secondary containment. The UST owner or operator should consult the appropriate local Unified Program Agency prior to installing any device intended to provide secondary containment. Any unauthorized release from dispensers must be investigated and repaired in a timely manner, and evidence of an unauthorized release must be recorded or reported by the UST owner or operator.

Several under-dispenser spill containment or control systems have been approved by the State Water Board. The State Water Board will be reviewing all approved devices to confirm consistency with UST regulations, section 2636(g)(3). If it is determined that any of those devices are not subject to the requirement to be approved, the State Water Board will notify the manufacturer in writing. Upon completion of its review, the State Water Board will post information regarding all approved under-dispenser spill containment or control systems on the State Water Board's website.

If you have questions regarding secondary containment under dispensers, please contact Mr. Tom Henderson at (916) 319-9128 or tom.henderson@waterboards.ca.gov.

Sincerely,



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