

Labeled Remanufactured Leak Detection Equipment

On May 29, 2015, the State Water Resources Control Board (State Water Board) issued a notification stating that remanufactured, rebuilt, or refurbished underground storage tank (UST) leak detection equipment is not acceptable for use in California. The notification is posted at the website below.

http://waterboards.ca.gov/water_issues/programs/ust/tech_notices/remanufacturedld.pdf

Additionally, the State Water Board has notified manufacturers that are offering remanufactured UST leak detection equipment to California that their remanufactured leak detection equipment do not meet California UST regulatory standards. As a compliance measure, the State Water Board has required these manufacturers to properly label their remanufactured leak detection equipment as not compliant for use with USTs in California. These manufacturers have been asked to provide photographic evidence of their labeled products. As seen in the photos below, the fixed labels indicate that this leak detection equipment may not be used for USTs in California.



Please be advised that if leak detection equipment labeled as such is found in UST systems, then it must be replaced with proper equipment that meets UST regulatory standards.

For question or concerns regarding remanufactured leak detection equipment, please contact Cory Hootman at cory.hootman@waterboards.ca.gov or 916-341-5668, or contact Gabriel Berzamina at gabriel.berzamina@waterboards.ca.gov or 916-341-5385.

June 2015 CERS UST Status Report

The State Water Board has recently published the latest quarterly status reports intended for tracking progress towards entering all UST related business and compliance, monitoring and enforcement (CME) data into the California Environmental Reporting System (CERS). The “June 2015 CERS UST Status Report” can be found at the website below.

http://waterboards.ca.gov/water_issues/programs/ust/adm_notices/qtrly_cersrpt_2015jun.pdf

The report shows 93% of UST sites are now in CERS. Since the first report in May 2014, there has been an increase from 33% to 56% of UST facilities that now have an accepted UST submittal and an increase from 9% to 64% that now have CME data. The report includes a breakdown by Unified Program Agency (UPA). The next quarterly status report will be in June 2015.

Reporting Violations per UST

The State Water Board’s Office of Chief Counsel (OCC) recently created a legal analysis that determined all UST violations must be linked to specific USTs or UST systems, and not simply the facility. This determination was partially based on statutory requirements to ensure each tank system complies with applicable statute and regulations (section 25288) and penalties that are based on each tank for each day of violation (section 25299). Violations noted on inspection reports should clearly reference the UST system where the violation occurs. Violations are not required to be linked to a UST system in CERS since CERS is a reporting tool and is not intended to be used for enforcement purposes. The State Water Board issued a letter to the UPAs regarding this matter and it can be found at the website below.

http://waterboards.ca.gov/water_issues/programs/ust/adm_notices/reporting_violations.pdf

For questions, contact Gabriel Herrera at (916) 319-9128 or gabriel.herrera@waterboards.ca.gov.

Report 6

June 30 marks the end of the first 2015 UST reporting cycle. Report 6 submittals are due by September 1, 2015. It has become clear that deficiencies in CERS will not allow full electronic reporting of Report 6 data, and fixes won’t be available until CERS v3 (est. 2017). Please use the “paper” version of Report 6 until instructed otherwise. For more information, contact Gabriel Herrera at (916) 319-9128 or gabriel.herrera@waterboards.ca.gov.

Proposed CUPA UST Regulation Changes Comments and Input

The State Water Board is seeking input on what changes/updates Certified Unified Program Agencies (CUPAs) perceive should or need to be made to the UST Regulations (not including CERS updates). On June 9, 2015, the State Water Board invited each CUPA region to propose changes they deemed should be applied to the UST regulations. A form was distributed to the UST Steering Committee, which will be used to gather suggested revisions/updates in this preliminary process.

Each suggestion shall be accompanied by a statement which clarifies the need for revision, the benefit to the revision, regulatory section number(s), and statutory authority. Consideration can only be given to suggestions that have statutory authority pursuant to Chapter 6.7 of the California Health and Safety Code.

Do not send individual proposals to the State Water Board. CUPAs shall submit their suggested revisions/updates to their designated UST Steering Committee coordinator and in turn, each regional UST Steering Committee coordinator shall submit their compiled list of suggested revisions/updates to the State Water Board. Each CUPA region may have an earlier deadline to gather submittals from individual CUPAs, therefore check with your regional UST Steering Committee coordinator for details. Below is a list of the UST Steering Committee coordinators by region.

UST Steering Committee Region	Coordinator	Email
Northern	Jason Boetzer	jboetzer@co.calaveras.ca.us
Bay Area	Kasey Foley	kfoley@sjcehd.com
Central	Kerri Gibbons	kgibbons@co.merced.ca.us
Southern	Eric Binder	eric.binder@smgov.net

The UST Steering Committee coordinators shall submit their completed forms to laura.fisher@waterboards.ca.gov by August 6, 2015.

New Federal UST Requirements

In June 2015, US EPA issued its revised UST regulations. This is the first major revision to the federal UST regulations since 1988 and it strengthens federal UST regulations by increasing emphasis on properly operating and maintaining UST equipment. Visit the website below for more information.

<http://www.epa.gov/oust/fedlaws/revregs.html>

Below is a comparison of the 1988 federal UST regulations and the new 2015 federal UST regulations.

<http://www.epa.gov/oust/fedlaws/regs2015-crosswalk.pdf>

The State Water Board currently is reviewing these new federal UST regulations and will evaluate the need to adopt federal requirements that are more stringent than current California standards. Please note that some of these new UST regulations become effective immediately and UST owners and operators are required to comply with them under federal law. However, UPAs do not have the authority to enforce these new federal UST regulations. UPAs only are authorized to implement California Health and Safety Code, Chapter 6.7 and California Code of Regulations, Title 23, not 40 Code of Federal Regulations parts 280 and 281. US EPA does, on the other hand, have the authority to enforce these new requirements and may cite violations under federal law.

If you have questions regarding this update, contact Laura Fisher at 916-341-5870 or laura.fisher@waterboards.ca.gov.