



UST Program Update December 2022

UST Facility Compliance Inspection Reporting Requirements

On November 18, 2022 the State Water Resources Control Board (State Water Board) issued a letter to the Unified Program Agencies (UPAs) regarding the annual underground storage tank (UST) facility compliance inspection reporting requirements. California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2713(d) requires the UPAs to report to the State Water Board no later than January 31st each year, the number of UST facilities that did not receive compliance inspections during the previous calendar year. The State Water Board utilizes the information submitted by the UPAs to certify compliance with the UST provisions of the Energy Policy Act of 2005 (EPAAct).

The State Water Board recommends that UPAs run the [UST Routine Inspection Frequency Search tool](#)¹ found in California Environmental Reporting System (CERS) to identify which facilities have not had a compliance inspection in the 2022 calendar year and to ensure the data has been properly entered into CERS. Results from this report will assist UPAs in identifying facilities with missing inspections and/or inaccurate data. As a reminder, virtual or desk audit UST compliance inspections that do not have an on-site element do not satisfy the UST compliance inspection requirement.

For more information regarding compliance inspection reporting requirements, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Compatibility Documentation Requirements

Owners, operators, and UPAs have asked questions pertaining to compatibility documentation requirements for UST systems. UST Regulations, section 2631(b) requires independent testing organization approval for compatibility of primary containment including any integral secondary containment, coatings or linings, pipe fittings, monitoring systems, and level controls. If a particular hazardous substance was

¹<https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch>

not part of the independent testing for compatibility, the manufacturer of the containment must provide an affirmative statement of compatibility noting the compatibility of the hazardous substance.

Compatibility documentation applies to other UST elements as well. All other equipment expected to come into contact with the stored hazardous substance, to include spill containment, overfill prevention, and ancillary equipment, requires compatibility documentation from an independent testing organization, the component manufacturer, a California registered professional engineer, or a nationally recognized industry code or engineering standard. Compatibility documentation must be provided to the UPA 30 days in advance of storing or changing hazardous substances. As specified in UST Regulations, section 2631(d), non-integral secondary containment systems must be designed and constructed in accordance with either an engineering specification approved by a state registered professional engineer, or a nationally recognized industry code or engineering standard. Non-integral secondary containment must be constructed of materials with sufficient thickness, density, and corrosion resistance to prevent structural weakening from contact with released hazardous substances. Owners and operators should not send compatibility documents to the Leak Prevention Unit as it does not have the authority to approve or disapprove equipment for compatibility with hazardous substances.

For more information regarding compatibility documentation requirements, contact: Mr. Austin Lemire-Baeten at (916) 327-5612, or Austin.Lemire-Baeten@waterboards.ca.gov.

Sampling and Analysis Methods for Tank Closure

Some UST closure permits being issued by UPAs are requiring incorrect sample analysis. The Regional Water Quality Control Boards have recently required owners or operators of closed UST systems to collect additional samples because incorrect sample analysis was required by the UPA during closure activities. It is essential that UPAs issuing UST closure permits either remove the sample analysis details from the closure permit and direct the UST owner or operator to the appropriate cleanup oversight agency, or ensure the correct analytical methods are utilized. Oftentimes, the cleanup oversight agencies are not aware of a UST closure until the UST has been permanently closed and the soil and groundwater analysis is submitted. If the soil and groundwater analysis is incorrect, for example, if the wrong EPA Method is utilized, additional sampling may be required.

UPAs should reach out to their UST cleanup oversight agency, either the Regional Water Quality Control Board or the Local Oversight Program, and confirm sample collection and analysis methods based on the hazardous substances stored at the

facility. For reference, the State Water Board in December 2015 issued the revised [Leaking Underground Fuel Tank \(LUFT\) Manual](#)² with chapters 15 and 16 describing the analysis requirements for many common hazardous substances. Finally, if the UPA will be closing a UST with an uncommon hazardous substance, please reach out to the UST cleanup oversight agency with jurisdiction for assistance on proper sampling and analysis protocol.

For more information on sampling and analysis methods for tank closure, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

² https://www.waterboards.ca.gov/water_issues/programs/ust/luft_manual/manual_dec2015.pdf