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## State Water Resources Control Board

November 17, 2023

To: Unified Program Agencies and Other Interested Parties

### **UNDERGROUND STORAGE TANK STATUTORY PROVISIONS OF ASSEMBLY BILLS 1716 AND 1115**

Two recent Assembly Bills (AB) have been signed into law by Governor Newsom and amend Health and Safety Code, division 20 (H&SC) provisions of the Emergency Generator Tank Systems and the Underground Storage Tank (UST) Cleanup Fund. These amendments to H&SC will become effective January 1, 2024.

#### **AB 1716 - Definition of “Emergency Generator Tank System”**

H&SC currently defines an “emergency generator tank system” as a UST system that provides power supply in the event of a commercial power failure. AB 1716 amends and expands the definition of “emergency generator tank system” to “emergency tank system” for use by one or more of the following emergency stationary devices: 1) an emergency generator that provides power supply in the event of a commercial power failure or disruption; 2) a fire suppression system used to extinguish, control, or prevent spreading of fires; and 3) a steam generation pressure tank.

AB 1716 amends H&SC, chapter 6.7, sections 25281.5, 25281.6, and 25284.1. The complete text of AB 1716 can be found at:

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB1716](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1716)

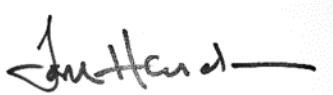
#### **AB 1115 - Extension of the UST Cleanup Fund**

H&SC currently limits the State Water Resources Control Board (State Water Board) from accepting UST Cleanup Fund claim applications after January 1, 2025, and requests for reimbursements of investigation and remediation cost associated with petroleum releases after July 1, 2025. It also prevents UST owners and operators from using the UST Cleanup Fund as a financial responsibility mechanism on or after January 1, 2025. AB 1115 extends the Cleanup Fund and companion programs, including Replacing, Removing or Upgrading (RUST) grants and loans, through January 1, 2035. UST owners and operators will also be able to use the UST Cleanup Fund as a financial responsibility mechanism until December 31, 2034.

AB 1115 amends H&SC, chapters 6.75 and 6.76, sections 25299.32, 25299.41, 25299.43, 25299.50.3, 25299.50.7, 25299.51, 25299.57, 25299.58, 25299.81, 25299.82, and 25299.117. The complete text of AB 1115 can be found at: [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB1115](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1115)

For questions regarding the UST provisions of AB 1716 or 1115, please contact Jenna Hartman at (916) 327-8563 or [Jenna.Hartman@waterboards.ca.gov](mailto:Jenna.Hartman@waterboards.ca.gov).

Sincerely,



Tom Henderson  
UST Leak Prevention Unit and  
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State Water Resources Control Board

cc: [Via email only]

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