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State Water Resources Control Board

Division of Water Quality

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Gray Davis
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*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
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March 17, 2003

To: All Interested Parties

REPEAL OF REQUIREMENT FOR UNDERGROUND STORAGE TANK (UST) UPGRADE COMPLIANCE CERTIFICATE AND UPGRADE COMPLIANCE TAG

The purpose of this letter is to inform you that, effective January 1, 2003, UST facilities are no longer required to display an upgrade compliance certificate ("blue sticker") or attach upgrade compliance tags ("blue tags") to UST fill pipes. Health and Safety Code (H&SC) Section 25284(e) formerly required UST upgrade certificates to be affixed in a conspicuous place at facilities in compliance with the December 22, 1998 UST upgrade requirements. Previously, Section 2712.3(b) of the California Code of Regulations (CCR), Title 23, Division 3, Chapter 16 of the UST regulations required a tag to be displayed on the fill pipe of each UST. On January 1, 2003, H&SC Section 25284 was amended to remove the requirement for upgrade certificates, given that the 1998 deadline has long passed (AB 2481, Stats. 2002, Ch. 999). Additionally, the requirement for any person depositing petroleum into a UST system to verify that the system had been issued an upgrade compliance certificate has been repealed.¹ (Former H&SC 25292.3.)

In place of these requirements, AB 2481 authorizes local agencies to issue red tags to UST systems having significant violations. (H&SC Section 25292.3.) The purpose of the red tag is to prohibit deliveries to such USTs. As required by AB 2481, State Water Resources Control Board staff are currently developing regulations to implement this new "red tag" authority.

If you have any questions, please contact Leslie J. Alford, Chief of the UST Enforcement Unit, at (916) 341-5810.

Sincerely,

/Original Signed By/

Elizabeth L. Haven, Manager
Underground Storage Tank Program

¹ The repeal and addition of H&SC Section 25292.3, and the amendment of H&SC Section 25284 to eliminate the requirement to obtain and display an upgrade compliance certificate does not prohibit any action, whether administrative, civil, or criminal, brought for a violation of the law that occurred prior to January 1, 2003. (H&SC 25299.8.)