



# UST Program Update December 2023

## Facility Compliance Inspection Reporting

California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2713(d) requires the Unified Program Agency (UPA) to report to the State Water Resources Control Board (State Water Board), no later than January 31st each year, the number of underground storage tank (UST) facilities where a compliance inspection was not performed over the previous calendar year. The State Water Board is required to report annually to the United States Environmental Protection Agency (U.S. EPA) on several performance measures as part of the Energy Policy Act of 2005 (EPAAct). One of the EPAAct performance measures requires states to certify that a UST facility compliance inspection has been conducted at every UST facility at least once during the past three years, thereby meeting the federal inspection frequency. At the direction of U.S. EPA, the California Environmental Reporting System (CERS) will be used to verify each UPA has complied with the federal UST inspection frequency.

To assist UPAs in verifying the accuracy of UST facility compliance inspections, UPAs should use the [UST Routine Inspection Frequency](#)<sup>1</sup> search tool in CERS. The State Water Board sent a [letter to UPA managers on October 25, 2023](#)<sup>2</sup> which included instructions on how to use the UST Routine Inspection Frequency search tool. UPAs should use this tool early to identify facilities where a compliance inspection has not been performed during the 2023 calendar year, or to ensure the correct data has been properly uploaded to CERS. This report will assist UPAs in identifying missing inspections or inaccurate data. State Water Board staff strongly suggest UPAs run the CERS UST Routine Inspection Frequency search now and again in mid-December. As a reminder, virtual or desk audit UST compliance inspections without an on-site element do not satisfy the UST compliance inspection provision of the EPAAct.

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

<sup>2</sup> <https://www.waterboards.ca.gov/ust/docs/ust-compliance-inspection-2024.pdf>

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

## **Assembly Bills 1716 and 1115**

Assembly Bills (AB) 1716 and 1115 have been signed by Governor Newsom and amend Health and Safety Code, division 20 (H&SC) provisions of the Emergency Generator Tank Systems and the UST Cleanup Fund, effective January 1, 2024. On November 17, 2023, the State Water Board distributed [a letter to the UPAs and UST community](#)<sup>3</sup> that outlines the amended provisions and provides a link to the complete text of AB 1716 and 1115. The amended version of H&SC, effective January 1, 2024, is currently available on the [State Water Board website](#).<sup>4</sup>

For more information regarding AB 1716 and 1115, contact: Jenna Hartman at (916) 327-8563 or [Jenna.Hartman@waterboards.ca.gov](mailto:Jenna.Hartman@waterboards.ca.gov).

## **UST Regulations Rewrite Website**

The State Water Board created the [UST Regulations Rewrite website](#)<sup>5</sup> to keep UPAs, owners, operators, and contractors updated on the regulation drafting process. The September 2023 informational webinars will be made available on the website in English, Spanish and Hindi. State Water Board staff will update the website as new information arises. The formal rulemaking process will begin in fall 2024, to include a 45-day comment period and public hearing.

For more information regarding the draft regulation website, contact: Austin Lemire-Baeten at (916) 327-5612 or [Austin.Lemire-Baeten@waterboards.ca.gov](mailto:Austin.Lemire-Baeten@waterboards.ca.gov).

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<sup>3</sup> <https://www.waterboards.ca.gov/ust/docs/2023/ust-statutory-provisions-ab-1716-and-ab-1115.pdf>

<sup>4</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/ust/regulatory/docs/final-hsc-2024-access.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/regulatory/docs/final-hsc-2024-access.pdf)

<sup>5</sup> [https://www.waterboards.ca.gov/ust/leak\\_prevention/chapter16.html](https://www.waterboards.ca.gov/ust/leak_prevention/chapter16.html)