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## State Water Resources Control Board

March 13, 2020

TO: Unified Program Agency Managers and Underground Storage Tank Inspectors

### **UNIFIED PROGRAM AGENCY ADVISORY REGARDING STORAGE OF DIESEL CONTAINING UP TO 20 PERCENT BIODIESEL BLENDS**

It has come to the State Water Resources Control Board's (State Water Board's) attention that some Unified Program Agencies (UPAs) are not complying with the requirements of California Code of Regulations, title 23, division 3, chapter 16 (Underground Storage Tank (UST) Regulations), sections 2631 and 2631.2 effective January 1, 2020, and are imposing additional requirements on UST owners/operators for which there is no authority in any other applicable statute, regulation, or ordinance. Failure by UPAs to use the streamlined approach in UST Regulations, sections 2631 and 2631.2 and UPAs imposing additional requirements to store B20 will result in the State Water Board imposing corrective actions upon the UPA.

#### **Background**

On December 6, 2019, the State Water Board issued correspondence to the UPAs and Other Interested Parties informing them about amendments to UST Regulations, sections 2631 and 2631.2 effective January 1, 2020. The State Water Board has reached out to the UPAs through additional means, and on multiple occasions since December 6, 2019, to ensure that all UPAs are aware of these amendments and the new procedures that UPAs must use when a UST owner/operator wishes to store biodiesel up to and including B20.

During this time the State Water Board has discovered some UPAs are requiring fuel sampling and/or testing to verify that B20 meets the ASTM fuel specification and a plan check review to verify compatibility. The State Water Board has not identified any authority under which an UPA may require fuel sampling and/or testing to verify B20 meets the ASTM fuel specification. Further, UPAs who are fire authorities may conduct a plan check review only under fire code authority, and not under the umbrella of the Unified Program or Unified Program Permitting.

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The State Water Board strongly suggests UPA managers check with all UST inspectors and plan check staff to verify only those activities for which the UPA has authority are being exercised. Please contact me directly at 916-341-5870 or [laura.fisher@waterboards.ca.gov](mailto:laura.fisher@waterboards.ca.gov) if you have questions or need further clarification.

Sincerely,



Laura S. Fisher  
UST Leak Prevention Unit &  
Office of Tank Tester Licensing Manager

cc: [Via email only]

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