

## Santa Clara County CUPA Comments on Proposed UST Regulations Changes

January 2, 2018



### Proposed §2716(b)(3)

Emphasis should be on when required testing is next DUE to be performed, rather than when it was last done (it may have been done late). Modify text as follows: “Review of the testing and maintenance records for the underground storage tank system to verify that all required testing and maintenance have been completed and document the dates by which these activities are next due to be performed~~occurred~~;

### General Comments Applicable to All Appendixes

#### GENERAL COMMENTS REGARDING FORMS

Since the Appendixes in which the forms appear are identified by Roman numerals (e.g., Appendix VIII), the Section headers in the forms should be identified as A, B, C, etc., rather than I, II, III, etc. to avoid confusion.

Change “CERS ID #” to “CERS ID” to be consistent with the California Environmental Reporting System (CERS).

Change “BUSINESS NAME (Same as FACILITY NAME or DBA – Doing Business As.)” to “FACILITY NAME”. [Note: CERS has started moving away from this term. Many regulated facilities are not businesses (e.g., government facilities); and facility name, business name, and DBA are frequently not the same.]

Change “BUSINESS SITE ADDRESS” to “SITE ADDRESS”.

Eliminate “BUILDING #” since it is usually reported in the Facility Name or Site Address fields.

Eliminate Facility Information “ZIP CODE” field since it is not needed.

Use of all uppercase text should be minimized to increase readability and decrease clutter.

Remove from “COMMENTS” sections ruler lines and unnecessary instructions text such as “Provide any additional comments here”, “If directed to use this section...”, etc. to eliminate clutter.

For all code citations, delete, “division 3, chapter 16,” since those are not necessary for code lookup. Example: “California Code of Regulations, Title 23, Section 2637.”

Certification statements should attest to the accuracy and completeness of the information submitted.

### Appendix VI. Monitoring System Certification Form

#### Section II: UNDERGROUND STORAGE TANK SERVICE TECHNICIAN INFORMATION

In addition to “MONITORING SYSTEM TRAINING AND CERTIFICATIONS (List applicable certifications.)” the form should also require reporting of training/certification expiration dates.

#### Section III: RESULTS OF TESTING/SERVICING

“Report” is misspelled in “ALARM HISTORY REPORTT.”

#### Section V: CERTIFICATION

Change Section title to, “CERTIFICATION BY SERVICE TECHNICIAN PERFORMING OR OVERSEEING TESTING”.

Change certification statement as follows: I certify that the equipment identified in this document ~~was has~~ been inspected/serviced in accordance with the manufacturers’ guidelines and California Code of Regulations, Title 23, Section 2638, and that the information contained herein accurate and complete. Attached to this certification is information (e.g., manufacturers' checklists, monitoring system set-up, alarm history report, etc.) necessary to ~~verify that this support the reported~~ information, and a site plan showing the layout of the UST system and monitoring equipment ~~is correct.~~

#### Section VI: INVENTORY OF EQUIPMENT CERTIFIED

“MAKE/MODEL OF MONITORING SYSTEM” should be separate fields: “Monitoring System Manufacturer” and “System Model #.”

Items listed under “Monitoring Method” are not monitoring methods, they are areas monitored.

“DEVICE MODEL #” should be “Sensor Model #”

For most UST systems installed prior to 7/1/2003, fill piping, vent piping, and vapor recovery piping is exempt from monitoring per 2636(a), but this form implies that monitoring is required to be provided and certified.

No field is provided to identify model # of hydrostatic sensors monitoring piping sumps.

#### Section VII: MONITORING SYSTEM AND PROGRAMMING

“IS THE VISUAL AND AUDIBLE ALARM OPERATIONAL?” should be “Are the audible and visual alarms operational?”

#### Section XII: LINE LEAK DETECTORS (LLD) TESTING

Change “WAS A LEAK SIMULATED TO VERIFY LLD PERFORMANCE?” to “Was a 3.0 g.p.h. leak simulated to verify LLD performance?” and eliminate references to 0.1 g.ph. and 0.2 g.p.h. tests (nobody runs such tests).

#### Section XVI: UST MONITORING SITE PLAN

4) should be “sensors monitoring secondary containment for regulated piping” not “sensor monitoring product piping”. Eliminate 5), 6), 7), 8), and 11) and renumber remaining items accordingly.

### **Appendix VII. Secondary Containment Testing Report Form**

#### GENERAL COMMENTS

In Section Titles, be consistent and either use the word “TESTING” throughout or don’t use it throughout the document; and eliminate the word “INFORMATION” (it is redundant).

Rather than providing A, B and C “MANUFACTURER” fields, provide a single field in each section titled “Manufacturer Name(s)” to provide more space to enter information.

Training and certifications sections should include reporting of expiration dates.

#### Section III: SUMMARY OF SECONDARY CONTAINMENT TESTING RESULTS

Provide columns to report results for at least four tanks.

Be consistent with the use of “TEST RESULT” and “TEST RESULTS”.

UNDER-DISPENSER CONTAINMENT ID # values should not be pre-populated since not all UST facilities number their dispensers as shown.

#### Section IV: CERTIFICATION OF UST SERVICE TECHNICIAN RESPONSIBLE FOR CONDUCTING THIS TESTING

Change Section title to, “CERTIFICATION BY SERVICE TECHNICIAN PERFORMING OR OVERSEEING TESTING”.

Change certification statement as follows: I ~~hereby~~ certify that the secondary containment ~~was components identified in this document have been~~ tested in accordance with California Code of Regulations, ~~†~~ Title 23, ~~division 3, chapter 16, s~~ Section 2637, and ~~all that~~ the information contained ~~in this report is true and herein is~~ accurate and complete. Attached to this report are test data to support the reported information and details regarding the test method(s) used.

Change “UST SERVICE TECHNICIAN SIGNATURE” to “UNDERGROUND STORAGE TANK SERVICE TECHNICIAN SIGNATURE” to be consistent with Monitoring System certification Form.

#### Section VII: PRODUCT/FILL PIPING SECONDARY CONTAINMENT INFORMATION

If you are referring to remote fill piping, rather than fill risers, as implied by Section XV, title this section “PRODUCT/REMOTE FILL PIPING SECONDARY CONTAINMENT TESTING”.

Communication is misspelled in “COMMUNICATION VERIFICATION METHOD USED”.

#### Section IX: VENT PIPING SECONDARY CONTAINMENT TESTING INFORMATION

Vent lines for most USTs installed prior to July 1, 2003 are exempted from secondary containment testing pursuant to 23 CCR §2636(a)(1). Periodic secondary containment testing is not required for systems installed on or after 7/1/2004 (for those systems, the only testing required is done at time of installation).

Communication is misspelled in “COMMUNICATION VERIFICATION METHOD USED”.

#### Section XI: VAPOR RECOVERY PIPING SECONDARY CONTAINMENT TESTING INFORMATION

Vapor Recovery lines for most USTs installed prior to July 1, 2003 are exempted from secondary containment testing pursuant to 23 CCR §2636(a)(2). Periodic secondary containment testing is not required for systems installed on or after 7/1/2004 (for those systems, the only testing required is done at time of installation).

Communication is misspelled in “COMMUNICATION VERIFICATION METHOD USED”.

#### Section XV: FILL RISER SUMP TESTING INFORMATION

Fill riser pipes for most USTs installed prior to July 1, 2003 are exempted from secondary containment testing pursuant to 23 CCR §2636(a)(1). Periodic secondary containment testing is not required for systems installed on or after 7/1/2004 (for those systems, the only testing required is done at time of installation).

#### Section XVII: VENT/TRANSITION SUMP TESTING INFORMATION

Transition sumps for piping other vent lines should be reported in Section VII.

Vent lines for most USTs installed prior to July 1, 2003 are exempted from secondary containment testing pursuant to 23 CCR §2636(a)(1). Periodic secondary containment testing is not required for systems installed on or after 7/1/2004 (for those systems, the only testing required is done at time of installation).

Section XIX: UNDER-DISPENSER CONTAINMENT TESTING INFORMATION

UDC ID values should not be pre-populated since not all UST facilities number their dispensers as shown.

**Appendix VIII. Spill Container Testing Report Form**

GENERAL COMMENTS

Be consistent with use of “Spill Container” and “Spill Containment” (pick one).

Section II: UNDERGROUND STORAGE TANK SERVICE TECHNICIAN INFORMATION

In addition to “SPILL CONTAINER TESTING TRAINING AND CERTIFICATIONS (List applicable certifications.)” the form should also require reporting of training/certification expiration dates.

Section III: SPILL CONTAINER TESTING INFORMATION

Provide columns to report results for at least four tanks’ spill containers.

Section III: RESULTS OF TESTING/SERVICING

Delete extra “)” from “(Specify below in section V.)”

Section VI: CERTIFICATION OF UST SERVICE TECHNICIAN RESPONSIBLE FOR CONDUCTING THIS TEST

Change Section title to, “CERTIFICATION BY SERVICE TECHNICIAN CONDUCTING OR OVERSEEING TESTING”.

Change certification statement as follows: I ~~hereby~~ certify that the overfill prevention equipment ~~was identified in this document has been~~ ~~was~~ tested in accordance with California Code of Regulations, ~~§~~Title 23, ~~division 3, chapter 16, s~~Section 2637.2, and ~~that all the~~ information contained ~~in this report is true and herein is~~ accurate ~~and complete~~. Attached to this report are test data to support the reported information and details regarding the inspection method(s) used.

Change “UST SERVICE TECHNICIAN SIGNATURE” to “UNDERGROUND STORAGE TANK SERVICE TECHNICIAN SIGNATURE” to be consistent with Monitoring System certification Form.

**Appendix IX. Overfill Prevention Equipment Inspection Report Form**

Section II: UNDERGROUND STORAGE TANK SERVICE TECHNICIAN INFORMATION

In addition to “OVERFILL PREVENTION EQUIPMENT INSPECTION TRAINING AND CERTIFICATIONS (List applicable certifications.)” the form should also require reporting of training/certification expiration dates.

Section III: OVERFILL PREVENTION EQUIPMENT INSPECTION INFORMATION

Provide columns to report results for at least four tanks’ overfill prevention equipment.

Delete DATE UST SYSTEM INSTALLED (MM/DD/YYYY). This information is readily available to regulators on CERS, but most UST service technicians will simply note, “Unknown” in this section or provide an incorrect date based on guesswork.

Change “OVERFILL PREVENTION EQUIPMENT MANUFACTURER(S)” to “OVERFILL PREVENTION EQUIPMENT MANUFACTURER NAME” and provide one larger space to enter the information rather than two small spaces.

Add a line for “OVERFILL PREVENTION EQUIPMENT MODEL NUMBER(S)”.

Change “ARE FLOW RESTRICTORS IN VENT PIPING INSTALLED?” to “ARE FLOW RESTRICTORS INSTALLED IN VENT PIPING?”.

### Section III: RESULTS OF TESTING/SERVICING

Delete extra “)” from “(Specify below in section V.)”

### Section VI: CERTIFICATION OF UST SERVICE TECHNICIAN RESPONSIBLE FOR CONDUCTING THIS TEST

Change Section title to, “CERTIFICATION BY SERVICE TECHNICIAN CONDUCTING OR OVERSEEING INSPECTION”.

Change certification statement as follows: I ~~hereby~~ certify that the overfill prevention equipment ~~was identified in this document has been~~ was tested in accordance with California Code of Regulations, ~~¶~~Title 23, ~~division 3, chapter 16, s~~Section 2637.2, and ~~that all the~~ information contained ~~in this report is true and herein is~~ accurate and complete. Attached to this report are test data to support the reported information and details regarding the inspection method(s) used.

Change “UST SERVICE TECHNICIAN SIGNATURE” to “UNDERGROUND STORAGE TANK SERVICE TECHNICIAN SIGNATURE” to be consistent with Monitoring System certification Form.

## **Appendix X. Statement of Understanding and Compliance Form**

### GENERAL COMMENTS

Add new Section I containing Facility Information consistent with other forms.

### Section I: OWNER/OPERATOR INFORMATION

Change Section title to, “UNDERGROUND STORAGE TANK OWNER/OPERATOR INFORMATION”.

Change “RELATIONSHIP TO TANK” to “RELATIONSHIP TO TANK(S)”.

Add a field for “STATE” in owner/operator mailing address.

Delete “OWNER/OPERATOR TYPE”. This duplicates information already available in CERS and provides no added value to regulators.

### Section II: CERTIFICATION OF UNDERSTANDING AND COMPLIANCE

Change certification statement as follows: I ~~hereby~~ certify that I understand the underground storage tank requirements of California Health and Safety Code, ~~division 20, e~~Chapter 6.7; ~~California Code of Regulations, ¶~~Title 23; ~~division 3, chapter 16,~~ and any applicable local underground storage tank ordinances, and that the facility ~~identified~~ listed above is in compliance with all applicable underground storage tank requirements.

Add spaces for “NAME OF PERSON SIGNING” and “TITLE OF PERSON SIGNING”. [Note: Many persons’ signatures are illegible.]

## Appendix XI. Designated Underground Storage Tank Operator Identification Form

### Section II: DESIGNATED UNDERGROUND STORAGE TANK OPERATOR(S) INFORMATION

Change Section title to, “DESIGNATED UNDERGROUND STORAGE TANK OPERATOR INFORMATION”.

Change “DESIGNATED UNDERGROUND STORAGE TANK OPERATOR ADDRESS” to “MAILING ADDRESS”.

## Appendix XII. Facility Employee Training Certificate

### Section III: FACILITY EMPLOYEE INFORMATION

Modify text as follows: “Check this box if a list of the individual(s) trained is appended to this form in addition to or instead of being listed below. The appended list must, at a minimum, ~~must~~ contain the names of the individuals trained, the initial training date of the individual, and the date the individual assumed the responsibilities of a “facility employee” as defined by California Code of Regulations, Title 23, Section 2611.”

### Section IV: CERTIFICATION OF DESIGNATED UST OPERATOR RESPONSIBLE FOR CONDUCTING TRAINING

Change Section title to, “CERTIFICATION BY DESIGNATED UST OPERATOR WHO CONDUCTED TRAINING”.

Change certification statement as follows: “I certify that ~~†~~the facility employees listed above, through a practical demonstration, have completed the required training in accordance with California Code of Regulations, ~~†~~title 23, ~~division 3, chapter 16, s~~Section 2715(c) and that all the information contained in this certification is true and provided herein is accurate and complete.”

Change “DATE” to “TRAINING DATE” since it is otherwise unclear on what date any training other than initial training occurred.

## Appendix XIII. Designated Underground Storage Tank Operator Visual Inspection Report

### GENERAL COMMENTS

Change “SUMP LOCATION” to “SUMP ID” throughout the document.

Delete arbitrary field IDs throughout (i.e., a through f; A through D).

### Section III: COMPLIANCE ISSUES

Change Section title to, “REQUIRED FOLLOW-UP ACTION”.

Modify text as follows: “Any answer of “N” or “NA” in sections VII- through XI- ~~must should~~ be explained in this section and may require follow-up action.”

Eliminate the lines and numbers (1 – 14) to provide more room for writing and increase readability (much too cluttered).

### Section IV: DESIGNATED UNDERGROUND STORAGE TANK OPERATOR CERTIFICATION

Change Section title to, “CERTIFICATION BY DESIGNATED UST OPERATOR WHO CONDUCTED INSPECTION”.

I ~~hereby~~ certify that ~~the information provided herein is accurate, and the this~~ visual inspection was performed in full compliance with California Code of Regulations, ~~†~~title 23, ~~division 3, chapter 16, s~~Section 2716 and that information provided herein is accurate and complete.

### Section V: OWNER/OPERATOR DESCRIPTION OF FOLLOW-UP ACTIONS

Modify text as follows: “Note: Each item listed above, in ~~s~~Section III, ~~above~~, must have a description of the action(s) taken to correct the issue.”

Eliminate the lines and numbers (1 – 14) to provide more room for writing and increase readability (much too cluttered).

#### Section VI: OWNER/OPERATOR ACKNOWLEDGEMENT OF COMPLIANCE ISSUES

Change Section title to, “OWNER/OPERATOR CERTIFICATION”.

Modify text as follows: “I certify that I have reviewed ~~s~~Section III, above, ~~“ITEMS REQUIRING FOLLOW-UP ACTION” and~~ have provided a description of the action(s) taken or to be taken to correct all the issues requiring follow-up, and that information provided herein is accurate and completed~~discovered~~.

#### Section IX: UNDERGROUND STORAGE TANK SYSTEM INSPECTION

UNDER-DISPENSER CONTAINMENT ID # values should not be pre-populated since not all UST facilities number their dispensers as shown. Change “UNDER-DISPENSER ID #” to “DISPENSER ID”.

#### Section X: TESTING AND MAINTENANCE

Change “DATE LAST PERFORMED” to “DATE DUE”. [Note: The due date is the important thing to track. Dates tests were performed are readily available from test reports.]