



# UST Program Update April 2014

## 2014 CUPA Evaluation Schedule

The 2014 CUPA Evaluation Schedule is posted on the CalEPA website. For more information, visit the website below.

<http://www.calepa.ca.gov/CUPA/Evaluations/2014/default.htm>

## Enhanced Vapor Recovery (EVR) Determination

On March 27, 2014 the State Water Board issued a revised EVR Determination for the Emco Wheaton EMCO Model A1004EVR Spill Containment Series. The revision includes the addition of a factory-installed drain plug on the fill side.

As outlined in the determination this component does not conflict with the requirements of the California Health and Safety Code, however additional compliance information was provided. The EVR Determination is attached, and will be posted to the following website shortly.

[http://www.waterboards.ca.gov/ust/leak\\_prevention/evr\\_determination\\_letters.shtml](http://www.waterboards.ca.gov/ust/leak_prevention/evr_determination_letters.shtml)

## California Department of Industrial Relations Tank Regulations

The California Department of Industrial Relations has transmitted regulations to the Office of Administrative Law requiring underground and aboveground storage tanks located in an area that may be subject to flooding be properly anchored. Underground and aboveground storage tanks installed on or after October 1, 2014 that are located in an area that may be subjected to flooding as defined by the Federal Emergency Management Agency (FEMA), installation shall conform to be in accordance with the provisions of NFPA No. 30-1973, 2012, Chapter 21, Section 21.7.3, Chapter 22, Section 22.5.2.5, and Section 22.14, Chapter 23, Section 23.14, and Annex A.23.14. Underground and aboveground tanks in areas subject to flooding as defined by FEMA, installed prior to October 1, 2014, shall conform to either the foregoing provisions of the NFPA 30-2012 or to the NFPA 30-1973, Appendix B.

Once these regulations are officially adopted into Code, the State Water Board and/or CalEPA will provide further guidance regarding these regulations. Until that time, more information can be found at the website below.

[http://www.dir.ca.gov/oshsb/Tank\\_storage\\_subject\\_to\\_flooding\\_precautionary\\_measures.html](http://www.dir.ca.gov/oshsb/Tank_storage_subject_to_flooding_precautionary_measures.html)

## State Water Board to Issue Notices of Violation for Abandoned Tanks

As a follow up to the Notices of Non Compliance issued as part of the Abandoned Tank Initiative, the State Water Board UST Program will be issuing Notices of Violation to those sites that have not yet complied with the abandonment requirements. Prior to sending out the Notices, we will confirm current compliance status with the Unified Program Agencies.

## Abandoned Underground Storage Tank Initiative

Sullivan, US EPA, and the State Water Board are in the process of investigating non-compliant sites with abandoned USTs. The investigation will allow the assessment of any identified risks, such as leaking fuels, and address them to bring the sites into compliance. USTs are considered abandoned when regulated substances are no longer stored within those USTs and/or when monitoring requirements of the Operating Permit and of Title 23, California Health and Safety Code 25298, are not being implemented. (*Abandoned Underground Storage Tank Initiative Report*, April 2013)

The Abandoned Underground Storage Tank Initiative continues to progress. Below is an updated tracking sheet that summarizes general information regarding the Abandoned Tank Initiative.

| <b>Abandoned UST Site Status in GeoTracker</b>                                   | <b># of Sites</b> | <b>% of Total Sites</b> |
|--|-------------------|-------------------------|
| <b><i>Out of Compliance</i></b>  | <b>208</b>        | <b>64.40%</b>           |
| Out of Compliance - USTs with Product  | 40                | 12.40%                  |
| Out of Compliance - USTs without Product   | 32                | 9.90%                   |
| Out of Compliance - USTs with Unknown Product                                    | 127               | 39.30%                  |
| Out of Compliance - Managed Under LUST Case                                      | 9                 | 2.80%                   |
| <b><i>In Compliance</i></b>  | <b>49</b>         | <b>15.20%</b>           |
| In Compliance - USTs Removed   | 22                | 6.80%                   |
| In Compliance - USTs in Service  | 17                | 5.30%                   |
| In Compliance - USTs Closed in Place   | 2                 | 0.60%                   |
| In Compliance - Temporary Closure  | 8                 | 2.50%                   |
| <b><i>Data Cleanup</i></b>   | <b>75</b>         | <b>23.20%</b>           |
| Unknown - Further Research Needed (Presence of USTs suspected but not confirmed) | 20                | 6.20%                   |
| USTs Closed or Removed Historically  | 34                | 10.50%                  |
| No Evidence of USTs Ever Present   | 21                | 6.50%                   |
| <b>Total</b>   | <b>332</b>        | <b>100%</b>             |

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| Strategy to Obtain/Confirm Compliance                | # of Sites | % of Total Sites |
|--|------------|------------------|
| State Water Board Notice of Non-Compliance (NONC)    | 167        | 51.70%           |
| Local Oversight                                      | 6          | 1.90%            |
| Local Enforcement                                    | 15         | 4.60%            |
| File Review/ Conduct Research to Confirm UST Status* | 21         | 6.50%            |
| No Work Needed                                       | 123        | 38.10%           |
| <b>Total</b>   | <b>332</b> | <b>100%</b>      |

**Note:** There were **originally 323 Abandoned UST sites** reported by the UPAs. Nine additional sites were reported after the issuance of NONCs was underway.

\*Includes sites which have GeoTracker cases, sites with complicated ownership issues, and sites for which USTs are suspected but not confirmed. No further work may need to be conducted.

| Status on State Water Board NONC Strategy (for 166 Sites)                                       | # of Sites | % of Sites to Receive NONC |
|---|------------|----------------------------|
| State Water Board NONCs issued week ending 03/16/14 (7 NONCs reissued to alternative addresses) | 1          | 0.60%                      |
| State Water Board NONCs issued since 7/23/13 (18 NONCs reissued to alternative addresses)       | 167        | 100.00%                    |
| NONCs that remain to be issued (for this phase)   | 0          | 0.00%                      |
| <b>Total</b>  | <b>167</b> | <b>100%</b>                |

| Responses to NONC                                  | # of Sites | % of Sites Issued NONC |
|--|------------|------------------------|
| Responses received                                 | 79         | 47.30%                 |
| Owners willing to comply                           | 36         | 21.60%                 |
| Owners claiming no USTs present or closed in place | 13         | 7.80%                  |
| Owners claiming financial hardship                 | 27         | 16.20%                 |
| Dispute/ Owner claiming not responsible            | 3          | 1.80%                  |
| No responses received                              | 88         | 52.70%                 |
| Undeliverable - No good address found              | 31         | 18.60%                 |
| NONC delivered - Return receipt signed             | 50         | 29.90%                 |

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| <b>Assistance Provided to Owners and/or Agencies</b>                           | <b>Cumulative # of Sites</b> | <b>% of Total Sites</b> |
|--|------------------------------|-------------------------|
| At least one type of assistance provided                                       | 31                           | 9.60%                   |
| Site inspection, geophysical survey, and tank gauging conducted                | 5                            | 1.50%                   |
| Administrative/technical guidance  | 30                           | 9.30%                   |
| Facilitated entry into funding program (USEPA Brownfields and LUST Trust Fund) | 4                            | 1.20%                   |
| Product removed from USTs  | 0                            | 0.00%                   |
| Fieldwork conducted (environmental data collected)                             | 1                            | 0.30%                   |
| No assistance provided   | 301                          | 93.20%                  |
| <b>Total</b>   | <b><u>332</u></b>            | <b><u>100%</u></b>      |

**Note:** One site can receive more than one type of assistance, so there is overlap in the subcategories of assistance provided.

\*Administrative/technical guidance includes explaining regulatory requirements to owners; screening sites for funding program eligibility; coordinating with local agencies to provide them with site information, funding program options for specific sites, and tools (e.g. Ability to Pay Form, Owner Interview Questionnaire)