



UST Program Update December 2019

Energy Policy Act Certification

On November 8, 2019, the State Water Resources Control Board (State Water Board) issued a letter ([Energy Policy Act Certification](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/energy_policy_act_cert.pdf)) to the Unified Program Agencies (UPAs) detailing the requirements of the underground storage tank (UST) inspection frequency of the Energy Policy Act of 2005 (EPAAct)

(https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/energy_policy_act_cert.pdf). On an annual basis, the State Water Board is required to certify to the United States Environmental Protection Agency (U.S. EPA) compliance with the UST provisions of the EPAAct. One of the EPAAct provisions requires each state to certify an inspection has been conducted for each facility at least once every three years as required by the federal inspection frequency. At the direction of U.S. EPA, the California Environmental Reporting System (CERS) will be utilized to verify each UPA has complied with the federal UST inspection frequency of once every three years.

To verify compliance with the federal UST inspection frequency of once every three years, UPAs should run the *CERS UST Inspection Report* to identify missing inspections and/or inaccurate data. State Water Board staff strongly suggests UPAs run the *CERS UST Inspection Report* now and again in mid-December.

State Water Board staff will run the *CERS UST Inspection Report* on January 6, 2020 and send the results to the UPAs with what appears to be missing inspection data. No later than January 14, 2020, UPAs with missing inspection information are required to return the inspection spreadsheet to Ms. Jessica Botsford confirming the date of the inspection and the data in CERS has been corrected or detail the specific reason the inspection was not performed.

Information on the [Energy Policy Act Certification](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/energy_policy_act_cert.pdf)

(https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/energy_policy_act_cert.pdf) and how to run a [CERS UST Inspection Report](https://www.waterboards.ca.gov/ust/adm_notices/cers_ust_inspection_reports.pdf)

(https://www.waterboards.ca.gov/ust/adm_notices/cers_ust_inspection_reports.pdf) can be found on the [UST Program's web page](https://www.waterboards.ca.gov/ust/) (<https://www.waterboards.ca.gov/ust/>).

For more information about the EPAAct Certification, please contact

Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov, or

Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Notice of Proposed Amendments to Underground Storage Tank Reporting Regulations and Opportunity to Provide Comment

On November 1, 2019, the State Water Board distributed a Lyris email notifying UST stakeholders of proposed amendments to the California Code of Regulations, title 23, division 3, chapter 16, article 3 (UST Regulations) regarding reporting requirements and the opportunity to comment on the amendments. The proposed amendments modify the reporting requirements of owners and operators, and local agencies. The State Water Board also proposes to modify certification, inspection, and testing forms.

The 45-day public comment period for the proposed UST Regulations ends on December 17, 2019, at noon. Any interested person may submit written comments relevant to the proposed UST Regulations to Ms. Jeanine Townsend, Clerk to the Board, by email at commentletters@waterboards.ca.gov, by fax at (916) 341-5620, or by mail or hand delivery addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (by mail); or
1001 I Street, 24th Floor, Sacramento, CA 95814 (by hand delivery).

More information on the rulemaking is available on the UST Program's [Proposed UST Reporting Regulations web page](#) (https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/repregs/index.html).

For additional information regarding the proposed UST Regulations, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

UST Regulation Package for the Storage of Diesel Containing up to 20 Percent Biodiesel Submitted to the Office of Administrative Law for Review

On August 6, 2019, the State Water Board approved amendments to UST Regulations, sections 2631 and 2631.2, to facilitate a more streamlined approach to permitting the storage of diesel containing up to 20 percent biodiesel. On November 6, 2019, the Office of Administrative Law approved the amendments to the UST Regulations and filed the amendments with the Secretary of State. The effective date of the amendments is January 1, 2020.

As amended, UST Regulations, section 2631(m) provides that diesel containing up to 20 percent biodiesel meeting the American Society of Testing and Materials International standard D7467 shall be recognized as equivalent to conventional diesel for the purpose of complying with existing approval requirements for double-walled UST systems, unless any material or component of the UST system has been determined to

not be compatible. In addition, section 2631.2 of the UST Regulations, which provided a temporary variance for biodiesel blends, is deleted from the UST Regulations because the temporary variance has expired and is no longer necessary.

UST owners/operators and UPAs should note the following requirements for changing from conventional diesel or B5 (5 percent biodiesel blend) to biodiesel blends up to and including 20 percent biodiesel (B20):

- **UST Owners/Operators:** The UST owner/operator must notify the UPA ([Local Agency Directory](#)) (<http://cersapps.calepa.ca.gov/public/directory/>) 30 days before any change in the substance stored, including changing from conventional diesel or B5 to diesel containing up to 20 percent biodiesel. The UST owner/operator also must make a new submittal in CERS to reflect the change in substance being stored.
- **UPAs:** UPAs must ensure that CERS has been updated by the UST owner/operator to reflect the change in the stored substance. UPAs also must review the current leak detection equipment installed onsite before the substance stored is changed to ensure it is appropriate for use with increased blends of biodiesel up to B20. Finally, UPAs must ensure UST system components meet the requirements of Health & Safety Code, chapter 6.7, section 25291 and approved for use with conventional diesel.

More information on the rulemaking is available on the UST Program's [Proposed Biodiesel UST Regulations web page](#) (https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/bio_regs/).

For more information regarding these UST regulatory amendments please contact Ms. Laura Fisher at (916) 341-5870 or at Laura.Fisher@waterboards.ca.gov.

Public Records and Red Tag Information Web Pages

In addition to the UST inspection frequency certification above, the EPA Act requires states to make public a summary of the number of current UST facilities, systems, inspections performed, and available data on unauthorized release sources and causes. On November 1, 2019, the State Water Board updated the [Public Records Summary Information of Underground Storage Tanks web page](#) (https://www.waterboards.ca.gov/ust/leak_prevention/public_record_sum_info.html). The reporting period for the summary is July 1, 2018, through June 30, 2019, and includes the percentage of UST systems in compliance during the first nine months using the U.S. EPA's new technical compliance rate performance measures.

Additionally, the State Water Board has created a [Red Tag Data and Regulations web page](#) (https://www.waterboards.ca.gov/ust/enforcement/red_tag_regs_index.html), which depicts the total number of red tags applied per year and the breakdown of the significant violations for which the red tags were affixed. This information will be updated annually and analyzed for significant violation trends.

For additional information regarding the public records and red tag web pages, please contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Steven Mullery at (916) 341-5508 or Steven.Mullery@waterboards.ca.gov.

Office of Tank Tester Licensing – List of Licensed Tank Testers

The Office of Tank Tester Licensing updates the list of licensed tank and pipe integrity testers monthly, and can be found on the [Licensed Tank Testers and Tank Testing Companies web page](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/105_12.html) (https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/105_12.html).

For more information regarding licensed tank and pipe integrity testers, please contact Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Enhanced Leak Detection Testing for Brine Filled USTs

USTs installed after July 1, 2003, are required to perform an enhanced leak detection (ELD) test at the completion of construction. A new third party evaluated ELD test method for brine filled UST interstices, MCLeak by Leak Detection Technologies, completed evaluation on July 3, 2019. This ELD method is exclusively for USTs with brine filled interstices and requires the USTs being tested have no fluids added or removed to the tank primary or interstice for 72 hours prior to testing. State Water Board staff have completed their review and this ELD test method is now included in the *List of Leak Detection Equipment and Methods for Underground Storage Tanks* ([Local Guidance \(LG\) 113](#)) (https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/vendors/leak_detection_technologies_mc.shtml).

State Water Board staff are currently working to update *Installation and Monitoring Requirements for Underground Storage Tanks Installed On or After July 1, 2003* (LG 162), and other documents that reference ELD test methods. Additionally, staff from the Office of Tank Tester Licensing or the UST Leak Prevention Unit may visit test facilities to observe testing procedures.

For more information regarding ELD test methods, please contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Adding Fluid to Hydrostatic Monitored Systems

Hydrostatic monitoring is a release detection method used to monitor the integrity of both the primary and secondary containment by continuously monitoring the liquid level within the interstitial space. Static fluid level and correct fluid type is essential for

hydrostatic monitoring to be effective in monitoring UST components, therefore:

- Adding fluid to hydrostatically monitored components for maintenance or calibration must only be performed by a UST service technician as described in section 2715(f). (UST Regulations, §2638(b).);
- UST service technicians must maintain training by the manufacturer to add fluid, when required (UST Regulations, §2715(f)(2));
- UST service technicians must always add fluid in accordance with the manufacturer's recommendations (UST Regulations, §2638(a)); and
- UST service technicians must ensure the correct type of monitoring fluid is used as adding the incorrect fluid type could adversely affect the operation of the monitored component (UST Regulations, §2638(a)).

Adding hydrostatic fluid in response to an alarm condition always requires a UST service technician to determine and document the cause of the alarm. Adding hydrostatic fluid to prevent the release detection system from alarming is considered tampering and is subject to a fine of not less than five thousand dollars or more than ten thousand dollars, by imprisonment in the county jail for not more than one year, or both in accordance with Health and Safety Code, chapter 6.7, section 25299(f)(2).

For more information regarding hydrostatic monitoring, please contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

AC'CENT Environmental Services Dri-sump Containment Tightness Test Method

Once again, it has been brought to the attention of State Water Board staff that the Dri-sump Containment Tightness Test (Dri-sump Test) by AC'CENT Environmental Services is being discussed as a secondary containment testing method available in California. At this time, State Water Board staff has concluded that the Dri-sump Test does not meet any of California's secondary containment testing requirements.

As outlined in previous UST Monthly Updates, the requirements regarding methods used for secondary containment testing must meet one of the following, in the following order: 1) the method is included in the manufacturer's published guidelines or standards for testing the secondary containment component; 2) if there are no manufacturer's published guidelines or standards for testing the secondary containment component and the test method is specified in industry code or engineering standards; or 3) there are no published manufacturer's guidelines or standards for testing the secondary containment component, there are no applicable industry codes or engineering standards for testing the secondary containment component, and the test method is approved by a California registered professional engineer for testing the secondary containment component.

For more information regarding secondary containment testing methods, please contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.