



# UST Program Update

## December 2024

### Notice of Proposed Underground Storage Tank Regulation Rewrite and Opportunity to Provide Comment

On November 22, 2024, the State Water Resources Control Board (State Water Board) notified underground storage tank (UST) stakeholders of proposed amendments to the California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations) through the [UST GovDelivery subscription list](#)<sup>1</sup>. The proposed amendments are a complete rewrite of UST Regulations.

The 45-day public comment period for the proposed UST Regulations rewrite is now open and ends on January 7, 2025 at 12:00pm. Individuals may submit written comments relevant to the proposed regulatory action to the State Water Board's Clerk to the Board by email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov), by fax at (916) 341-5620, or by mail or hand delivery to:

Courtney Tyler, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812-2000 (by mail)  
1001 I St, 24th Floor, Sacramento, CA 95814 (by hand delivery)

The proposed rulemaking files and an unofficial crosswalk reference document can be found at the following link on the UST Leak Prevention website:  
[https://waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/chapter16/rewrite.html](https://waterboards.ca.gov/water_issues/programs/ust/leak_prevention/chapter16/rewrite.html).

For more information regarding the proposed UST Regulations rewrite, contact Tom Henderson at (916) 319-9128 or [Tom.Henderson@Waterboards.ca.gov](mailto:Tom.Henderson@Waterboards.ca.gov).

### Public Hearing on Proposed UST Regulation Rewrite

The State Water Board will hold a public hearing on the proposed UST Regulations rewrite rulemaking. The public hearing will occur at the following time and location:

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<sup>1</sup> <https://public.govdelivery.com/accounts/CAWRRCB/subscriber/new?qsp=ust>

**Monday January 13, 2025, 1:00 to 4:00 p.m.**

Cal-EPA Headquarters Building,  
Sierra Hearing Room  
1001 I Street - 2<sup>nd</sup> Floor  
Sacramento, California 95814

The Cal-EPA Headquarters Building is accessible to people with disabilities.

The hearing can also be accessed remotely through **Zoom** at:

<https://waterboards.zoom.us/j/98471200195>

Meeting ID: 984 7120 0195

Oral comments will only be accepted at the public hearing. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed UST Regulations rewrite rulemaking. The State Water Board requests that people making oral comments at the hearing also submit a written copy of their testimony at the hearing. Please note, comments provided after the hearing will not be accepted by the State Water Board.

For more information regarding the UST Regulations rewrite public hearing, contact: Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

## **Facility Compliance Inspection Reporting**

UST Regulations, section 2713(d) requires the Unified Program Agencies (UPA) to report to the State Water Board by January 31st each year the number of 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 on several performance measures as part of the Energy Policy Act of 2005 (EPA Act). One of the EPA Act performance measures requires states to certify that all UST facilities have complied with the federal UST inspection frequency requirement.

To assist UPAs in verifying the accuracy of UST facility compliance inspections, UPAs should use the [UST Routine Inspection Frequency](#)<sup>2</sup> search tool in the California Environmental Reporting System (CERS). The State Water Board sent a [letter to UPA managers on October 18, 2024](#)<sup>3</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 2024

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<sup>2</sup><https://cersregulator2.calepa.ca.gov/Account/SignIn?ReturnUrl=%2fReports%2fUSTRoutineInspectionFrequencySearch>

<sup>3</sup> <https://www.waterboards.ca.gov/ust/docs/ust-compliance-inspection.pdf>

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 EPCRA.

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).