



AT&T Services, Inc.
Environment, Health & Safety
308 S. Akard St. Room 1700
Dallas, TX 75202

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Original via e-mail on 12/21/17
commentletters@waterboards.ca.gov

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812



Comment Letter – Proposed UST Regulations

Dear Ms. Townsend:

Upon review of the proposed amendments to California’s UST Regulations, AT&T Services, Inc. would like to submit comments for review in regard to Secondary Containment Testing, Section 2637 (a) and (g). These sections reference the frequencies at which testing will be conducted, and the timeframe for which agencies must be notified prior to testing.

AT&T EH&S would like to propose clarifying an underlying lack of specification in regards to secondary containment components, as they relate to six month secondary containment testing cited in 23 CCR, Chapter 16, Section 2637 (a). The current and proposed regulations state that testing shall be conducted “upon installation, six months after installation, and at least once every 36 months thereafter.” There is industry confusion that arises from installations and repairs, in relation to the interpretation of what a secondary containment component is. We would like to clearly differentiate repairs from installations to secondary containment, and what components these entail. In order to accomplish this, a definition of an installation, further expansion of the repair definition, and a more concise description what constitutes a secondary containment component is needed. The definitions in the regulations, along with the cited section, do not outline what constitutes a secondary containment component, as there are no definitions for “component,” “secondary containment,” or “secondary containment component,” or a way to make a determination of what these components are. The below is an excerpt from the proposed regulations.

“2637. Secondary Containment Testing.

(a) Secondary containment components shall meet one of the following:

- (1) ~~Test for tightness at all of the following times: Secondary containment systems installed on or after January 1, 2001 shall be tested~~
(A) upon Upon installation, 6 six months after installation, and at least once every 36 months thereafter. ~~Secondary containment systems installed prior to January 1, 2001 shall be tested by January 1, 2003 and at least every 36 months thereafter.~~”

Over the course of the last year, our California testing program has seen some variations in what components each CUPA is expecting six month retests for. For example, we have spoken to certain CUPA's that do not require six month retests for sump penetration replacements, whereas others do. This could be due to the ambiguity of what an install versus a repair is, alongside with what a secondary containment component is. It would be beneficial for all underground storage tank operators if secondary containment components, installations, and repairs were more clearly differentiated and defined in relation to six month secondary containment testing.

We would also like to request the State Water Resources Control Board's view of 23 CCR, Chapter 16, Section 2637 (g), in regards to CUPA's requests that differ from the state's requirement. This section specifies that a 48 hour testing notification be provided to the local agency. Certain local agencies have requested notifications at 72 hours rather than 48 hours, which we have obliged in the past. Differing timeframes for notification can become cumbersome for scheduling and vendor-dispatch purposes. In the spirit of consistency, we would like to request an interpretation and review of this 72 hours request from the Los Angeles County Department of Public Works. They have no mention of a 72 hour notification requirement in their local ordinances, but have requested that we do so anyway. Complying with the 48 hour requirement across the state would allow UST operators to avoid late notifications, and the resulting penalties with certain CUPA's. Added vendor costs and jurisdictional enforcement would be avoided if the 48 hour timeframe was made uniform across the state.

AT&T Services, Inc. would be most appreciative of your review and consideration of this request, and your clarification regarding these issues. We look forward to your responses via e-mail ss155w@att.com.

Sincerely,

Sean T. Sanders
Manager – EH&S – Tanks
Tel: 214 741 0478
Email: ss155w@att.com

cc: Robert Pickens, Manager – EH&S - Tanks
Cherrie Fisher, Area Manager – EH&S – Tanks