

**Proposed Amendments
to the
California Code of Regulations
Title 23. Waters
Division 3. State Water Resources Control Board
and Regional Water Quality Control Boards
Chapter 16. Underground Tank Regulations**

**INITIAL
STATEMENT OF REASONS**

**November 2024
State Water Resources Control Board
Division of Water Quality**

Chapter 16. UNDERGROUND STORAGE TANK REGULATIONS

The State Water Resources Control Board (State Water Board) proposes to amend the Underground Storage Tank (UST) Regulations located in chapter 16 of division 3 of title 23 of the California Code of Regulations to update the UST Regulations to make them consistent with current technology and operational practices, including deleting deadlines that have passed. The State Water Board further proposes to amend the UST Regulations to implement amendments to the Health and Safety Code, division 20, chapter 6.7 (commencing with section 25280) (Health and Safety Code chapter 6.7) enacted by Chapter 536, Statutes of 2012, Chapter 547, Statutes of 2014, Chapter 721, Statutes of 2018, and Chapter 207, Statutes of 2023.

The State Water Board intends for the amendments to the UST Regulations to go into effect on January 1, 2026. Consequently, the State Water Board proposes to delete any provisions in the regulations regarding those USTs which must be permanently closed on or before December 31, 2025, in accordance with Health and Safety Code section 25292.05 (single-walled USTs). All USTs meeting the definition of single-walled USTs include those USTs that meet the definition of “existing underground storage tank” in the existing regulations and the only USTs that will be permitted to continue in operation will be certain USTs that meet the definition of “new underground storage tanks.” For this reason, these terms will be deleted from the UST Regulations. Instead of classifying USTs as existing or new, the proposed regulations classify USTs as Type 1, Type 2, or Type 3 based on the date they were installed consistent with regulatory requirements in chapter 6.7 of division 20 of the Health and Safety Code and existing regulations.

The State Water Board proposes to significantly reorganize the regulations to rearrange the order in which topics are presented, consistent with the deletion of provisions related to single-walled tanks. Like subjects are grouped and placed together in separate articles for ease of use. In addition, the General Applicability sections in the existing regulations are deleted as these sections are redundant and unnecessary.

The State Water Board also proposes changing terminology uses in the regulations for greater specificity and clarity. Specifically, as defined by Health and Safety Code section 25281(i), there are two types of local agencies, with different roles and responsibilities. Existing regulations use the term “local agency” for both types. To distinguish between these two types of local agencies and to implement amendments to the Health and Safety Code enacted by Statutes 2012, Chapter 536, the term “local agency” is replaced by either “Unified Program Agency” or “Cleanup Oversight Agency” throughout the proposed regulations.

The term “leak” has been replaced with the defined terms “release” or “unauthorized release” throughout the proposed regulations because these terms are the defined terms used in Health and Safety Code chapter 6.7. The term “line leak detector,” however, continues to be used to refer to devices that monitor buried pressurized piping for catastrophic releases because this term is commonly used in industry.

The use of the terms “inspect,” “certify,” and “test” in the existing regulations are largely interchangeable. The proposed regulations use the term “test” exclusively for consistency and accurately describe all the activities required for verifying that UST components are properly functioning and in compliance.

The State Water Board also proposes certain amendments to the California UST Regulations that do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision (e.g., changes without regulatory effect). These amendments without regulatory effect include changes made for purposes of revising structure, syntax, cross-references, grammar, punctuation, capitalization, renumbering or relocating regulatory provisions. For consistency purposes, the citation format for statutory and regulatory references is made consistent throughout the proposed regulations. To the extent that many of these amendments without regulatory effect are non-substantive and their purposes are self-evident or merely editorial, they are not discussed herein. To the extent that many of these amendments without regulatory effect are non-substantive and their purpose is self-evident or merely editorial, they are not discussed herein.

The State Water Board has determined that the proposed amendments to the UST Regulations are not inconsistent or incompatible with existing regulations. The proposed regulations do not duplicate or conflict with any federal law or federal regulation. After conducting a review of any regulations that would relate to or affect this area, the State Water Board has concluded that these are the only regulations that concern USTs.

In Fall of 2022 State Water Board staff hosted a series of focus workgroups via Microsoft Teams and conference calls consisting of State Water Board staff, select UST regulators, and select representatives from the UST industry including UST testers and installers. State Water Board staff also reached out to other members of industry for insight related to the proposed forms and cost of implementing specific actions of the proposed regulations. The State Water Board did not rely on any other technical, theoretical, or empirical studies, reports, or documents in proposing these amendments.

The State Water Board completed an Economic and Fiscal Impact Statement (Form 399) and an Economic Impact Analysis/Assessment prepared pursuant to Government Code section 11436.3, subdivision (b) in proposing these amendments to the UST Regulations. The Form 399 is available on the State Water Board’s website at: https://waterboards.ca.gov/water_issues/programs/ust/leak_prevention/chapter16/std399.pdf

The specific purpose and basis for the State Water Board’s determination of the necessity of each amendment are explained herein.

Consideration of Alternatives

The State Water Board believes that no reasonable alternative to these proposed regulations would be: 1) more effective in carrying out the purpose for which the proposed regulations are proposed; 2) as effective and less burdensome to affected private persons, industry, local governments, and state agencies; or 3) more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The State Water Board has considered the alternatives discussed below. Interested persons may present statements or arguments with respect to alternatives to the proposed amendments during the written comment period or at a hearing scheduled for January 13, 2025. The State Water Board will publicly notice the hearing at least 10 days before the hearing.

Alternative 1

The State Water Board considered only amending them to make them consistent with current technology and operational practices, including deleting deadlines that have passed, and not make them consistent with amendments to the Health and Safety Code enacted by Chapter 536, Statutes of 2012, Chapter 547, Statutes of 2014, Chapter 721, Statutes of 2018, and Chapter 207, Statutes of 2023. This alternative, however, is not reasonable because the UST Regulations will continue to not be consistent with the current language of the Health and Safety Code. If the State Water Board does not amend the UST Regulations to make them consistent with current technology and operational practices, including deleting deadlines that have passed, UST owners and operators and their contractors will not have a clear understanding of the requirements for installing, operating, and maintaining a UST. Additionally, UST regulators may not apply the requirements for installing, operating, and maintaining a UST consistently across the state if they are not specifically set forth in the UST Regulations. Further, it is unclear how the State Water Board could amend the UST Regulations to make them consistent with current technology and operational practices without also making them consistent with the current language of the Health and Safety Code.

Alternative 2

The State Water Board considered only amending the UST Regulations to make them consistent with amendments to the Health and Safety Code enacted by Chapter 536, Statutes of 2012, Chapter 547, Statutes of 2014, chapter 721, Statutes of 2018, and Chapter 207, Statutes of 2023, and not make them consistent with current technology and operational practices, including deleting deadlines that have passed. This alternative, however, is not reasonable because it would not make the UST Regulations consistent with current technology and operational practices, including deleting deadlines that have passed. If the State Water Board does not amend the UST Regulations to make them consistent with the current language of the Health and Safety Code, in particular the requirement in Health and Safety Code section 25292.05

requiring the permanent closure of all single-walled USTs by December 31, 2025, UST owners and operators and their contractors will not have a clear understanding of the requirements for installing, operating, and maintaining a UST. Additionally, UST regulators may not apply the requirements for installing, operating, and maintaining a UST consistently across the state if they are not specifically set forth in the UST Regulations.

Alternative 3

The State Water Board considered making no changes to the UST Regulations. This alternative, however, is not reasonable because it would not make the UST Regulations: 1) consistent with current technology and operational practices, including deleting deadlines that have passed; or 2) consistent with amendments to the Health and Safety Code enacted by Chapter 536, Statutes of 2012, Chapter 547, Statutes of 2014, chapter 721, Statutes of 2018, and Chapter 207, Statutes of 2023. If the State Water Board does not amend the UST Regulations to make them consistent with current technology and operational practices, including deleting deadlines that have passed and the current language of the Health and Safety Code UST owners and operators and their contractors will not have a clear understanding of the requirements for installing, operating, and maintaining a UST. Additionally, UST regulators may not apply the requirements for installing, operating, and maintaining a UST consistently across the state if they are not specifically set forth in the UST Regulations.

ECONOMIC IMPACT ANALYSIS / ASSESSMENT

The State Water Board has prepared this Economic Impact Analysis/Assessment in accordance with Government Code section 11346.3, subdivision (b).

CHAPTER 16: UNDERGROUND STORAGE TANK REGULATIONS

The State Water Board has determined that the proposed regulations will impact about 3,600 businesses. The typical UST business employs less than 500 employees, and it is estimated that 80 percent of affected businesses are small businesses. Individuals affected by the proposed regulations are owners and operators of these businesses. The majority of affected businesses are fueling stations and hospitals and includes other facilities that store hazardous substances in USTs.

Creation or Elimination of Jobs within California

The State Water Board has determined that the proposed regulatory action will have a minimal impact on the creation or elimination of jobs within California because the amendments to the UST Regulations do not create or eliminate a significant enough workload to support the creation or elimination of jobs within California.

Creation of New Businesses or the Elimination of Existing Businesses within California

The State Water Board has determined that the regulation will have a minimal impact on the elimination of existing businesses or the creation or expansion of businesses in the State of California because the amendments to the UST Regulations do not create or eliminate a significant enough workload to support the creation or elimination of businesses within California.

Expansion of Businesses Currently Doing Business with California

The State Water Board estimates that the proposed regulatory action will have minimal impact on the expansion of businesses within California as a result of the proposed amendments because the amendments to the UST Regulations do not create or enough workload to support the expansion of businesses currently doing business within California.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed regulatory action will implement statutory changes and update the UST Regulations to: 1) provide higher standards of UST construction, monitoring, and testing; 2) improve tracking, notification procedures, and clarify agency responsibilities; and 3) update abatement and corrective action procedures and oversight. These amendments decrease the risk of a release of a hazardous substance from a UST and decrease the risks of soil and groundwater contamination in the event of a release of a hazardous substance from a UST, improving the health and welfare of California residents, worker safety, and the State's environment. As a consequence, the proposed regulations will: 1) improve the health and welfare for California residents, worker safety, and the State's environment; 2) result in a savings in cleanup costs to businesses and the UST Cleanup Fund; 3) reduce confusion within the regulated community; and 4) be consistent with the established policy of the State recognizing the human right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Evidence Supporting Finding of No Significant Statewide Adverse Economic Impact Directly Affecting Business

The proposed regulatory actions will not have an adverse economic impact directly affect businesses statewide because amendments to the UST Regulations do not create a significant enough workload to support the creation of a new business, elimination of an existing business, or the expansion of an existing business doing business in California.

Article 1. Definition of Terms, Exclusions, and Recordkeeping

Specific Purpose and Necessity of the Proposed Action

Moves the definitions located throughout the existing regulations to proposed article 1, so that all definitions can be found in a single location. Also, moves the provisions in existing article 2 and the recordkeeping requirements that apply to UST owners and operators in existing article 10 to proposed article 1 for organizational purposes.

Section 2610. Definition/Applicability of Definitions

Specific Purpose and Necessity of the Proposed Action

1. **Section 2610(a)** — Amends cross-references consistent with other changes to the regulations and for clarification purposes
2. **Section 2610(b)** — Deletes existing section 2610(b) because it is not necessary. With the exception of the term “SWEEPs,” all the terms listed in existing section 2610(d) are defined in Health and Safety Code section 25281. The term “SWEEPS” was deleted from Health and Safety Code chapter 6.7 effective January 1, 1996, and this term is not used in either the existing regulations or the proposed regulations.

Moves existing section 2610(c) to proposed section 2610(b) and amends the list of terms. Deletes the definitions of the terms “data collection,” “data element,” “document,” “electronic reporting,” “local information management system,” “signed or signature,” “submittal element,” and “unified program data dictionary.” As defined in section 15110 of title 27 of the California Code of Regulations, these terms are specific to their use in reporting data and information in CERS. The proposed regulations require electronic reporting of certain data and information to CERS and the regulations require electronic reporting of other data and information to GeoTracker. For clarification purposes and to simplify the proposed regulations by reducing the use of any unnecessary terms, the proposed regulations do not use the terms “data collection,” “electronic reporting,” “local information management system,” or “unified program data dictionary.” It should be noted that the term “unified program data dictionary” also is not used in the existing regulations. As used in the proposed regulations, it is not necessary to define the terms “data element” and “submittal element,” because the use of these terms clearly reference the use of those terms in reporting data and information in CERS. As used in the proposed regulations, it also is not necessary to define the terms “document” and “signed or signature,” because the use of these terms is not limited to the meaning as defined in section 15110 of title 27 of the California Code of Regulations. The use of the terms “document” and “signed or signature” are consistent with the commonly understood meaning of these terms.

3. **Section 2610(c)** — Adds a new subdivision to define terms used in electronic reporting in CERS. Specifically, adds a definition of the existing term “CERS ID” for clarification purposes. Also, adds a definition of a new term “Facility ID.” These two terms are necessary to properly identify a facility in CERS.
4. **Section 2610(d)** — Moves existing section 2610(d) to proposed section 2610(d).

Section 2611. Additional Definitions

Specific Purpose and Necessity of the Proposed Action

1. **“Abandoned underground storage tank”** — Adds a definition of a new term “abandoned underground storage tank.” Any UST that was not decommissioned prior to January 1, 1984, when Health and Safety Code chapter 6.7 setting forth the requirements for operation and closure of USTs became effective, must be operated in accordance with Health and Safety Code chapter 6.7 and the proposed regulations unless it has been properly closed in accordance with proposed article 8. The definition of the new term “abandoned underground storage tank,” which is consistent with the existing prohibition on abandoning USTs, is a UST that has been out of operation for at least 365 days, does not have a current operating permit, has not been permanently or temporarily closed, and has not been either decommissioned prior to January 1, 1984. Owners and operators of abandoned USTs are not in compliance with Health and Safety Code chapter 6.7 and the proposed regulations and may be subject to enforcement.
2. **“Abatement”** — Adds a definition of the existing term “abatement.” This definition is necessary to clarify and make specific the term “abatement” as used in Health and Safety Code chapter 6.7, including, but not limited to, sections 25297.01, 25297.1, and 25297.2. The term “abatement” is broader than the term “corrective action” and encompasses all the activities that only may be overseen by a Cleanup Oversight Agency pursuant to proposed section 2709.
3. **“ASTM A53”** — Adds a definition of a new term “ASTM A53.” This new term “ASTM A53” means the 2022 American Society for Testing and Materials (ASTM) A53 standard for black steel, which is incorporated by reference into the proposed regulations. This standard is referenced in proposed section 2641. Incorporation by reference is necessary because it would be cumbersome, unduly expensive, and otherwise impractical to publish this lengthy technical document in the proposed regulations.
4. **“ASTM D7467”** — Moves an existing reference incorporating by reference ASTM D7467 from in existing section 2631(m)(1) to proposed section 2611 for organizational purposes. The 2023 ASTM D7467 is incorporated by reference into the proposed regulations. This standard is referenced in proposed section 2640. Incorporation by reference is necessary because it would be cumbersome, unduly

expensive, and otherwise impractical to publish this lengthy technical document in the proposed regulations.

5. **“Bladder system”** — Deletes the definition of the term “bladder system” because this term is not used in the proposed regulations. Existing regulations allow for single-walled USTs which store motor vehicle fuel to be upgraded by installing a bladder system. All single-walled USTs, including those with bladder systems, must be closed on or before December 31, 2025. Bladder systems no longer will be allowed to be installed on USTs on or after January 1, 2026, the anticipated effective date of the proposed regulations.
6. **“Buried”** — Adds a definition of the existing term “buried.” Existing regulations use multiple terms to describe the location of piping and components relative to the ground surface and visibility, including below grade, buried, concealed, exposed, partially concealed, and underground. The term “buried” replaces all other similar terms throughout the proposed regulations for clarification purposes. The term “buried” is defined to mean covered in earthen material or otherwise concealed from visual observation because the regulatory requirements to reduce the risk of a release of hazardous substance from a UST is the same regardless of the manner in which the UST is concealed from visual observation.
7. **“Cleanup Oversight Agency”** — Adds a definition of a new term “Cleanup Oversight Agency.” As defined by Health and Safety Code section 25281(i), there are two types of local agencies, with different roles and responsibilities. Existing regulations use the term “local agency” for both types. To distinguish between these two types of local agencies and to implement amendments to the Health and Safety Code enacted by Chapter 536, Statutes of 2012, the term “local agency” is replaced by either “Unified Program Agency” or “Cleanup Oversight Agency” throughout the proposed regulations. The term “Cleanup Oversight Agency” is used to refer to the agency responsible for overseeing the corrective action necessary to investigate and clean up a release from an underground storage tank, including the State Water Board, the Regional Water Board, and a local agency that has been certified by the State Water Board to implement the local oversight program pursuant to Health and Safety Code section 25297.01.
8. **“Clean compactable backfill”** — Adds a definition of a new term “clean compactable backfill.” Pursuant to proposed section 2681(d), any compactable material that is imported onto the site for the purpose of backfilling an excavation while closing a UST must be “clean compactable backfill.” To meet the proposed definition of “clean compactable backfill,” compactable backfill must be certified by the supplier that it is free of vegetation, organic matter, pollutants, and debris. This certification ensures that the contaminated compactable backfill posing a risk to human health, safety, and the environment is not brought onto the site. It also ensures that the soil will provide a stable foundation. This certification is standard practice in the industry for imported soil and suppliers provide it upon request.

9. **“Coatings expert”** — Deletes the definition of the term “coatings expert” because it is not necessary. Existing regulations include a liner inspection requirement for single-walled USTs that have been lined to meet upgrade requirements. All single-walled USTs must be closed on or before December 31, 2025. Consequently, the liner inspection requirement is not necessary, and it is not necessary to have requirements for coatings experts who conduct liner inspections.
10. **“Compatible”** — Amends the definition of the term “compatible” to clarify the timeline for which compatibility must apply. Existing regulations specify the length of time as the design life of the UST; however, design life is not defined. As proposed, the definition is amended to clarify that materials and substances must be compatible until the UST is closed in accordance with the proposed regulations.
11. **“Connected piping”** — Amends the definition of the term “connected piping” to clarify that “pipe” that is excluded from regulation as a UST pursuant to Health and Safety Code section 25281.5 due to system installation date is not “connected piping.”
12. **“Continuity”** — Adds a definition of a new term “continuity” to specify the required conditions for a zone in the UST interstitial to be properly monitored and tested. The proposed regulations include a new requirement to test continuity, because the methods used to monitor a release from the primary containment to the secondary containment will not work properly if the flow of hazardous substance in a USTs interstitial space is obstructed. The efficacy of these monitoring methods is necessary to reduce the risk of a release of a hazardous substance to the environment.
13. **“Continuous monitoring”** — Amends the definition of the term “continuous monitoring” to emphasize that monitoring must occur without interruption.
14. **“Corrective Action Plan”** — Adds a definition of the term “Corrective Action Plan” for clarification purposes. The proposed definition is consistent with the common understanding of what is required to satisfy existing requirements for a Corrective Action Plan.
15. **“Corrective action”** — Moves the definition of the term “corrective action” from existing section 2720 to proposed section 2611.
16. **“Corrosion specialist”** — Amends the definition of the term “corrosion specialist” to incorporate the change in the name of the National Association of Corrosion Engineers to the Association for Materials Protection and Performance.
17. **“Cost-effective”** — Moves the definition of the term “cost-effective” from existing section 2720 to proposed section 2611 and amends it to be more inclusive by including all benefits to human health, safety, and the environment, not just water quality benefits.

18. **“Decommissioned tank”** — Amends the definition of the term “decommissioned tank” to clarify that only those USTs rendered inoperable prior to January 1, 1984, are decommissioned USTs. Any UST that was not decommissioned prior to January 1, 1984, when Health and Safety Code chapter 6.7 setting forth the requirements for operation and closure of USTs became effective, must be operated in accordance with Health and Safety Code chapter 6.7 and the proposed regulations unless it has been properly closed in accordance with proposed article 8.
19. **“Designated underground storage tank operator”** — Amends the definition of the term “designated underground storage tank operator” to include a cross reference to proposed section 2631 which specifies the required qualifications for these individuals. The proposed regulations do not amend the existing qualifications for designated UST operators.
20. **“Dispenser”** — Amends the definition of the term “dispenser” for clarification purposes by deleting unnecessary and potentially confusing language.
21. **“Emergency containment”** — Deletes the definition of the term “emergency containment” because this term no longer is used in the proposed regulations. As proposed, section 2612(h) fully defines the applicable exclusion or exemption for a “emergency containment” without the need for a separate term for a “emergency containment” and a definition of that term.
22. **“Emergency tank system”** — Moves the definition of “emergency generator tank system” from existing section 2717.3 to proposed section 2611. Replaces the term “emergency generator tank system” with “emergency tank system” and amends the definition to implement amendments to the Health and Safety Code enacted by Chapter 207, Statutes of 2023. As proposed, the definition of “emergency tank system” is consistent with Health and Safety Code section 25281.5(c).
23. **“Environmental footprint”** — Adds a definition of a new term “environmental footprint.” The proposed regulations explicitly require responsible parties to take the environmental footprint of each corrective action alternative into account when choosing an alternative, and to choose the cost-effective alternative with the smallest environmental footprint, to reduce the environmental impact of corrective action. This requirement and the definition of the term “environmental footprint” is consistent with other statutory and regulatory requirements that apply to cleanup activities.
24. **“Existing underground storage tank”** — Deletes the definition of the term “existing underground storage tank” because the term is not used in the proposed regulations. All USTs meeting the definition of “existing underground storage tank” must be properly closed prior to the anticipated effective date of the proposed regulations, January 1, 2026.
25. **“Farm tank”** — Deletes the definition of the term “farm tank” because this term no longer is used in the proposed regulations. As proposed, section 2612(q) fully

defines the applicable exclusion or exemption for a “farm tank” without the need for a separate term for a “farm tank” and a definition of that term.

26. **“Federal act”** — Moves the definition of the term “corrective action” from existing section 2720 to proposed section 2611.
27. **“Groundwater”** — The term “ground water” is replaced throughout the proposed regulations with the term “groundwater” consistent with existing practice. Also, amends the definition consistent with the common understanding of the term “groundwater” to include all water found beneath the Earth’s surface.
28. **“Hazardous substance”** — Deletes the definition of the term “hazardous substance” because it is not necessary. Proposed section 2610 provides that the terms in the proposed regulations, including “hazardous substance,” have the same meaning as defined in Health and Safety Code chapter 6.7.
29. **“Heating oil tank”** — Deletes the definition of the term “heating oil tank” because this term is not used in the proposed regulations. As proposed, section 2612(r) fully defines the applicable exclusion or exemption for a “heating oil tank” without the need for a separate term for “heating oil tank” and a definition of that term.
30. **“Holiday”** — Deletes the definition of the term “holiday” because this term is not used in the proposed regulations. The State Water Board has determined that existing regulations with prescriptive procedures for installation and testing unnecessarily limit emerging standards, technologies, and test methods. These procedures are replaced in the proposed regulations with a requirement to follow manufacturer procedures.
31. **“Hydraulic lift tank”** — Deletes the definition of “hydraulic lift tank” because this term is not used in the proposed regulations. As proposed, section 2612(s) fully defines the applicable exclusion for a “hydraulic lift tank” without the need for a separate term for a “hydraulic lift tank” and a definition of that term.
32. **“Inconclusive”** — Deletes the definition of “inconclusive” because it is not used in the proposed regulations. Existing regulations only allow for the use of statistical inventory reconciliation as a monitoring method for single-walled USTs. All single-walled USTs must be closed on or before December 31, 2025. Statistical inventory reconciliation no longer will be allowed as a monitoring method on or after January 1, 2026, the anticipated effective date of the proposed regulations. Consequently, it is not necessary to refer to and define inconclusive, which is a term specific to statistical inventory reconciliation.
33. **“Independent compliance inspector”** — Adds a definition of a new term “independent compliance inspector.” Due to staffing resources, a Unified Program Agency may have a need to contract with another agency or an individual to perform a compliance inspection. In addition, the requirements for a State Water Board inspector are not clearly set forth in existing regulations. As proposed, anyone that a Unified Program Agency contracts to perform a compliance inspection and all State

Water Board inspectors are independent compliance inspectors that must comply with the requirements of proposed section 2634(c).

34. **“Integrity test”** — Adds the definition of a new term “integrity test.” The more accurate, broader term “integrity test” replaces the defined term “tank integrity test” for clarification purposes. Also, amends the former definition of “tank integrity test” to clarify that an integrity test may be used to ascertain the physical integrity of a tank or piping and to clarify that the test method used may be either a volumetric or non-volumetric test method. As proposed, the definition of “integrity test” is consistent with the new classification of USTs as Type 1, Type 2, or Type 3 USTs.
35. **“Interstitial liquid level measurement”** — Deletes the definition of the term “interstitial liquid level measurement” because the term no longer is used in the proposed regulations. As used in the existing regulations, the terms “interstitial liquid level measurement” is confusing and not entirely accurate. As proposed, the regulations clearly state the requirements for owners and operators to follow to monitor pressurized secondarily contained piping.
36. **“Leak threshold”** — Deletes the definition of the term “leak threshold” because the term no longer is used in the proposed regulations. In existing regulations, the leak threshold is the standard for testing leak detection equipment on single-walled USTs. All single-walled USTs must be closed on or before December 31, 2025, before the anticipated effective date of the proposed regulations is January 1, 2026. Therefore, the term “leak threshold” is no longer necessary.
37. **“Line leak detector”** — Adds a definition of a new term “line leak detector.” The term “line leak detector” replaces the term “pipeline leak detector” throughout the proposed regulations because “line leak detector” is the more commonly used term.
38. **“Lining”** — Adds a definition of the term “lining” for clarification purposes. Under existing regulations, lining was an allowable method for single-walled motor vehicle fuel tanks to meet December 22, 1998 upgrade requirements. All single-walled USTs, including those with lining, must be closed on or before December 31, 2025. Although lining no longer can be used to upgrade single-walled USTs, the proposed regulations continue to permit lining for other reasons, including repairing a tank that has had a release, so long as the lining is compatible with the hazardous substance stored.
39. **“Liquefied petroleum gas tank”** — Deletes the definition of the term “liquefied petroleum gas tank” because this term no longer is used in the proposed regulations. As proposed, section 2612(a) fully defines the applicable exclusion or exemption for a “liquefied petroleum gas tank” without the need for a separate term for a “liquefied petroleum gas tank” and a definition of that term.
40. **“Liquid asphalt tank”** — Deletes the definition of the term “liquid asphalt tank” because this term no longer is used in the proposed regulations. As proposed, section 2612(b) fully defines the applicable exclusion or exemption for a liquid

asphalt tank” without the need for a separate term for a “liquid asphalt tank” and a definition of that term.

41. **“Manual inventory reconciliation”** — Deletes the definition of the term “manual inventory reconciliation” because it is not used in the proposed regulations. Manual inventory reconciliation has not been an acceptable form of monitoring for USTs in California since December 22, 1998, and this method previously was removed from the existing regulations.
42. **“Membrane liner”** — Deletes the definition of the term “membrane liner” because the term is not used in the proposed regulations. Existing regulations allow for single-walled USTs to be upgraded by installing a membrane liner. All single-walled USTs, including those with membrane liners, must be closed on or before December 31, 2025. Membrane liners no longer will be allowed to be installed on USTs on or after January 1, 2026, the anticipated effective date of the proposed regulations.
43. **“Membrane liner fabricator”** — Deletes the definition of the term “membrane liner fabricators because the term is not used in the proposed regulations. Membrane liners no longer will be allowed to be installed on USTs on or after January 1, 2026, the anticipated effective date of the proposed regulations. Consequently, it no longer is necessary to refer to and define membrane line fabricators.
44. **“Membrane manufacturer”** — Deletes the definition of the term “membrane manufacturer” because this term is not used in the proposed regulations. Membrane liners no longer will be allowed to be installed on USTs on or after January 1, 2026, the anticipated effective date of the proposed regulations. Consequently, it no longer is necessary to refer to and define membrane line manufacturers.
45. **“Month”** — Deletes the definition of the term “month” because it is not necessary to define this term. The term “month” commonly is understood to mean a calendar month.
46. **“Motor vehicle fuel tank”** — Deletes the definition of the term “motor vehicle fuel tank” because this term is not used in the proposed regulations. There no longer will be any alternative construction requirements for USTs storing motor vehicle fuel on or after January 1, 2026, the anticipated effective date of the proposed regulations. Consequently, it is not necessary to refer to and define a motor vehicle fuel tank.
47. **“Motor vehicle”** — Deletes the definition of the term “motor vehicle” because it is not necessary to define this term. Existing regulations include alternative construction requirements and associated monitoring and response plans for single-walled USTs that store motor vehicle fuel. All single-walled USTs, including those storing motor vehicle fuel, must be closed on or before December 31, 2025. There no longer will be any alternative construction requirements for USTs storing motor vehicle fuel on or after January 1, 2026, the anticipated effective date of the proposed regulations. Consequently, the only use of the term “motor vehicle” in the

proposed regulations is in proposed section 2612(r), which provides an exclusion or exemption for a farm tank consistent with Health and Safety Code section 25281(y)(1)(A). It is not necessary to define the term “motor vehicle” as used in proposed section 2612(r) as the term commonly is understood to include any motorized vehicles which may be used primarily for agricultural purposes.

48. **“New underground storage tank”** — Deletes the definition of the term “new underground storage tank” because the term is not used in the proposed regulations. All USTs that do not meet the definition of “new underground storage tank” must be closed prior to the intended effective date of the proposed regulations, January 1, 2026. Instead of classifying USTs as existing or new, the proposed regulations classify USTs as Type 1, Type 2, or Type 3 based on the date they were installed consistent with regulatory requirements in Health and Safety Code chapter 6.7 and existing regulations.
49. **“Non-volumetric test”** — Amends the definition of the term “non-volumetric test” to clarify that a non-volumetric test may be a tank or piping integrity test. Also, amends the definition to more clearly distinguish the difference between a non-volumetric test, which does not determine the potential release rate, and a volumetric test, which does determine a potential release rate.
50. **“Operational life”** — Deletes the definition of the term “operational life.” The term “operational life” is replaced with the term “in operation” throughout the proposed regulations for clarification purposes. The term “in operation” is commonly understood, therefore, it is not necessary to define this term.
51. **“Operator”** — Deletes the definition of the term “operator” because it is not necessary. Proposed section 2610 provides that the terms in the proposed regulations, including “operator,” have the same meaning as defined in Health and Safety Code chapter 6.7.
52. **“Perennial groundwater”** — Deletes the definition of the term “perennial groundwater” because the term no longer is used in the proposed regulations. Existing regulations use this term as part of the requirements for monitoring methods that may only be used for single-walled USTs, which must be permanently closed before January 1, 2026, the anticipated effective date of the proposed regulations.
53. **“Person”** — Deletes the definition of the term “person” because it is not necessary. Proposed section 2610 provides that the terms in the proposed regulations, including “person,” have the same meaning as defined in Health and Safety Code chapter 6.7.
54. **“Pipeline leak detector”** — Deletes the definition of the term “pipeline leak detector” because the term is replaced with the term “line leak detector” throughout the proposed regulations because “line leak detector” is the more commonly used term.

55. **“Probability of false alarm”** — Amends the definition of the term “probability of false alarm” to clarify what qualifies as a false alarm.
56. **“Programming”** — Adds a definition of the term “programming.” Under existing regulations and the proposed regulations, only a service technician can program release detection equipment or electronic overfill prevention equipment. It is necessary to define the term “programming” to clarify the duties that only a service technician can perform to ensure that individuals without sufficient training do not take actions that could increase the risk of a hazardous substance release.
57. **“Qualitative release detection method”** — Deletes the definition of the term “qualitative release detection method” because it is not used in the proposed regulations. The definition of the term “volumetric test method” is amended in the proposed regulations so that the use of the separate term “qualitative release detection method” is not necessary in the proposed regulations.
58. **“Quantitative release detection method”** — Deletes the definition of the term “quantitative release detection method” because it is not used in the proposed regulations. The definition of the term “non-volumetric test method” is amended in the proposed regulations so that the use of the separate term “quantitative release detection method” is not used in the proposed regulations.
59. **“Release detection method or release detection system”** — Amends the definition of the term “release detection method or release detection system” to delete the definition of an “interstitial space” because it is not necessary. The term “interstitial space” is defined in proposed section 2611.
60. **“Remote monitoring”** — Adds a definition of a new term “remote monitoring.” This definition is necessary to describe those facilities that are subject to the alternate monitoring procedures for remote monitoring set forth in proposed section 2650. Remote monitoring is when a UST is monitored from a location separate from the facility.
61. **“Repair”** — Amends the definition of the term “repair” to simplify the definition for clarification purposes. A component that has caused a release is not in proper operating condition. It is not necessary to separately address repairs due to a release from any other conditions that cause a component to not be in proper operating condition. In addition, because UST system is a defined term, it is not necessary to list the various parts of a UST system within the definition of “repair.”
62. **“Responsible party”** — Moves the definition of the term “corrective action” from existing section 2720 to proposed section 2611. Amends the definition to include any other person who owned the property where the UST was located, at the time of, or the time following, an unauthorized release of a hazardous substance as a responsible party. This inclusion is necessary to clarify that past property owners, including intermediate property owners, are responsible parties consistent with applicable State Water Board orders.

63. **“Septic tank”** — Deletes the definition of the term “septic tank” because this term no longer is used in the produced regulations. As proposed, section 2612(c) fully defines the applicable exclusion or exemption for a “septic tank” without the need for a separate term for a “septic tank” and a definition of that term.
64. **“Service technician”** — Amends the definition of the term “service technician” to clarify the scope of work that individuals meeting the certification requirements for service technicians may perform. Specifically, service technicians may perform installations or repairs of UST system components that do not require excavation and backfill. Service technicians also are the only classification of UST personnel who may install, repair, or test release detection equipment. Any installation or repairs that requires excavation or backfill, excluding release detection equipment, must be performed by an individual who meets the requirements for installation in accordance with proposed section 2632.
65. **“Significant violation”** — Moves the definition of “significant violation from existing section 2717(a) to proposed section 2611 and amends the definition as follows.

Subdivision (a), formerly section 2717(a)(1), is amended to include a combination of violations, which together meet the requirements to be a significant violation under this subdivision. In addition, the violations grouped into this subdivision are amended for clarification and greater specificity to avoid any unintentional over-inclusiveness.

Subdivision (b), former section 2717(a)(2), is amended to include a combination of violations, which together meet the requirements to be a significant violation under this subdivision. In addition, this subdivision is amended to include any hazardous substance, rather than being limited to petroleum, as the substance stored does not impact the severity of the violations.

Subdivision (c), formerly existing section 2717(a)(3), is amended consistent with the definition of the new term “violation classification.”

Adds subdivision (d) to the definition of “significant violation” to specify that failure to meet the construction requirements of Health and Safety Code section 25290.1, 25290.2, or 25291(a)(1-6) is a significant violation. All USTs that do not meet the construction requirements of Health and Safety Code section 25290.1, 25290.2, or 25291(a)(1-6), referred to as single-walled USTs, must be closed on or before December 31, 2025. Single-walled USTs will not be allowed in California on or after January 1, 2026, the anticipated effective date of the proposed regulations. Compliance with the single-walled UST removal requirement greatly reduces the risk of a release of a hazardous substance to the environment and by December 31, 2025, UST owners and operators will have had over 10 years to prepare for the removal deadline. Therefore, failure to comply with the single-walled UST removal requirement is a significant violation.

66. **“Significant violation that poses an imminent threat to human health or safety or the environment”** — Moves the definition of the term “imminent threat to human health or safety or the environment” from existing section 2717(b) to proposed section 2611 for organizational purposes and amends this term to be “significant violations that poses an imminent threat to human health or safety or the environment.” As proposed, this definition clearly states that all significant violations pose an imminent threat to human health or safety or the environment except for chronic or recalcitrant violations under proposed subdivision (c) of the definition of “significant violation,” and therefore, may result in an immediate red tag pursuant to proposed section 2694(a).
67. **“Statistical inventory reconciliation provider”** — Deletes the definition of the term “statistical inventory reconciliation provider.” Existing regulations only allow for the use of statistical inventory reconciliation as a monitoring method for single-walled USTs. All single-walled USTs must be closed on or before December 31, 2025. Statistical inventory reconciliation no longer will be allowed as a monitoring method on or after January 1, 2026, the anticipated effective date of the proposed regulations. Consequently, it is not necessary to refer to and define statistical inventory reconciliation providers.
68. **“Storm water or wastewater collection system”** — Deletes the definition of the term “storm water or wastewater collection system” because this term no longer is used in the produced regulations. As proposed, section 2612(f) fully defines the applicable exclusion or exemption for a “storm water or wastewater collection system” without the need for a separate term for a “storm water or wastewater collection system” and a definition of that term.
69. **“Submit”** — Amends the definition of the term “submit” to specify the allowable method for submittal to the Unified Program Agency must be made through the California Environmental Reporting System or local reporting portal and that the allowable method for submittal to the Cleanup Oversight Agency must be made through GeoTracker. For clarification purposes, the definition also provides that any other information or documentation that must be provided to any regulatory agency under the proposed regulations may be provided by hand-delivery, U.S. mail, electronic mail, or facsimile unless otherwise directed or approved by the applicable agency.
70. **“Sump, pit, pond, or lagoon”** — Deletes the definition of the term “sump, pit, pond, or lagoon” because this term no longer is used in the proposed regulations. As proposed, section 2612(e) fully defines the applicable exclusion or exemption for a “sump, pit, pond, or lagoon” without the need for a separate term for a “sump, pit, pond, or lagoon” and a definition of that term.
71. **“Tamper”** — Adds a definition of the existing term “tamper” to specify what activities are considered tampering. This definition is consistent with how the term is used in Health and Safety Code chapter 6.7, the proposed regulations, and existing practice.

72. **“Tank integrity test”** — Deletes the definition of the term “tank integrity test.” The more accurate, broader term “integrity test” replaces the term “tank integrity test” for clarification purposes.
73. **“Type 1 underground storage tank”** — Adds a definition of a new term “type 1 underground storage tank.” Instead of classifying USTs as existing or new, the proposed regulations classify USTs as Type 1, Type 2, or Type 3 based on the date they were installed consistent with regulatory requirements in Health and Safety Code chapter 6.7 and existing regulations. Type 1 USTs are those USTs installed before July 1, 2003.
74. **“Type 2 underground storage tank”** — Adds a definition of a new term “Type 2 underground storage tank.” Instead of classifying USTs as existing or new, the proposed regulations classify USTs as Type 1, Type 2, or Type 3 based on the date they were installed consistent with regulatory requirements in Health and Safety Code chapter 6.7 and existing regulations. Type 2 USTs are those USTs installed on or after July 1, 2003, and before July 1, 2004.
75. **“Type 3 underground storage tank”** — Adds a definition of a new term “Type 3 underground storage tank.” Instead of classifying USTs as existing or new, the proposed regulations classify USTs as Type 1, Type 2, or Type 3 based on the date they were installed consistent with regulatory requirements in Health and Safety Code chapter 6.7 and existing regulations. Type 3 USTs are those USTs installed on or after July 1, 2004.
76. **“Unauthorized release”** — Deletes the definition of the term “unauthorized release” because it is not necessary. Proposed section 2610 provides that the terms in the proposed regulations, including “unauthorized release,” have the same meaning as defined in Health and Safety Code chapter 6.7.
77. **“Unburied”** — Adds a definition of a new term “unburied.” Existing regulations use multiple terms to describe the location of piping and components relative to the ground surface and visibility, including below grade, buried, concealed, exposed, partially concealed, and underground. The term “unburied” replaces all other similar terms throughout the proposed regulations for clarification purposes. The term “unburied” is defined to mean able to be visually observed because the ability to visually observe piping or components reduces the risk of a release of hazardous substance from a UST regardless of the type of construction that allows for visual observation.
78. **“Under-dispenser containment”** — Amends the definition of the term “under-dispenser containment” to further describe the type of secondary containment that qualifies as “under-dispenser containment” and to include the purpose of “under-dispenser containment,” consistent with the definition of “under-dispenser spill containment or control system” in existing section 2611. Secondary containment that is located under a dispenser that is not properly designed to contain an unauthorized release from the dispenser and prevent an unauthorized release from

entering the soil or groundwater does not meet the requirements for under-dispenser containment.

79. **“Under-dispenser spill containment or control system”** — Deletes the definition of the term “under-dispenser spill containment or control system” because this term no longer is used in the proposed regulations. As proposed, the definition of “under-dispenser containment” includes the purpose of “under-dispenser containment,” consistent with the definition of “under-dispenser spill containment or control system” in existing section 2611. Therefore, there is no need for a separate term for “under-dispenser spill containment or control system” and a definition of that term.
80. **“Underground storage tank release case”** — Adds a definition of a new term “underground storage tank release case” to have the same meaning as “underground storage tank case” as defined in Health and Safety Code chapter 6.7 because “underground storage tank release case” is the more commonly used term.
81. **“Underground storage tank system”** — Adds a definition of the existing term “underground storage tank system” to clarify that it has the same meaning as “underground tank system” or “tank system” as defined in Health and Safety Code chapter 6.7.
82. **“Unified Program Agency inspector”** — Adds a definition of a new term “Unified Program Agency inspector.” The term “local agency inspector” is replaced with the term “Unified Program Agency inspector” throughout the proposed regulations consistent with distinguishing between the two types of local agencies, Unified Program Agencies and Cleanup Oversight Agencies. The definition of a “Unified Program Agency inspector” is consistent with the common understanding of the existing term “local agency inspector” and the requirements for being a “Unified Program Agency inspector” are the same as the existing requirements for being a “local agency inspector.”
83. **“Upgrade”** — Deletes the definition of the term “upgrade” because this term no longer is used in the proposed regulations. As used in the existing regulations, this term is used in reference to retrofits to existing USTs that were required to be completed by December 22, 1998. USTs that were upgraded with a lining or a bladder system are single-walled USTs and must be properly closed on or before December 31, 2025.
84. **“Vapor condensate trap or vapor pot”** — Adds a definition of a new term “vapor condensate trap or vapor pot.” This term is necessary to clarify that vapor the regulatory status of these UST system components, not separate USTs. As proposed, this definition and the use of the term is consistent with existing practice.
85. **“Violation classification”** — Adds a definition of a new term “violation classification.” The definition of “violation classification” includes the definitions of the new terms “class I violation,” “class II violation,” and “minor violation” for organizational purposes. Certified Unified Program Agencies are certified by the

California Environmental Protection Agency to regulate multiple program elements, including the UST program element. Health and Safety Code section 25404(a)(3) defines the term “minor violation” for all the program elements. Health and Safety Code section 25110.8.5 defines the terms “class I violation” and “class II violation” for the purposes of the hazardous waste program element. Health and Safety Code chapter 6.7 and existing regulations do not include the terms “class I violation” and “class II violation” for the UST program element, but they do include the term “significant violation” for purposes of affixing red tags to USTs. For standardization purposes and better tracking of violations across all the program elements, it is necessary to classify and define the different types of violations for purposes of the UST program element.

The definition of “violation classification” includes a definition of a new term “class I violation.” A “class I violation” is defined to be a violation that meets the definition of an existing term “significant violation.” This ensures that the new violation classification fits seamlessly with existing red tag provisions for significant violations and is consistent with the seriousness of violations that meet the definition of a “class I violation” for the hazardous waste program element under Health and Safety Code section 25110.8.5.

The definition of “violation classification” includes a definition of a new term “class II violation.” Due to the resulting risk of a release of a hazardous substance, a “class II violation” includes: 1) a violation, or combination of violations, for the failure to conduct or pass a test; and 2) a release detection violation or combination of release detection violations, that does not meet the criteria for a class I violation. A “class II violation” also includes a minor violation, or combination of minor violations, that is chronic or is committed by a recalcitrant violator. This is consistent with the inclusion of a class II violation, or combination of violations, that is chronic or committed by a recalcitrant violator, in the definition of the term “significant violation.” This also is consistent with existing practice emphasizing graduated enforcement when UST owners and operators who repeatedly fail to come into compliance after receiving a notice of violation. As proposed, the definition of the term “class II violation” under the proposed regulations is consistent with the seriousness of violations that meet the definition of a “class II violation” for the hazardous waste program element under Health and Safety Code section 25110.8.5.

The definition of “violation classification” includes the definition of a new term “minor violation.” As proposed, the definition of “minor violation” is consistent with the definition of “minor violation” in Health and Safety Code section 25404(a)(3).

86. **“Volumetric test”** — Amends the definition of the term “volumetric test” to more clearly distinguish the difference between a volumetric test, which determines a potential release rate, and a non-volumetric test, which does not determine the potential release rate.
87. **“Voluntary consensus standards”** — Amends the definition of the term “voluntary consensus standards” to remove references to a partial list of organizations that

adopt voluntary consensus standards. In existing regulations, this list is incomplete, outdated and would require consistent updating to provide relevant information.

88. **“Wastewater treatment tank”** — Deletes the definition of the term “wastewater treatment tank” because this term no longer is used in the proposed regulations. As proposed, section 2612(d) fully defines the applicable exclusion or exemption for a “wastewater treatment tank” without the need for a separate term for a “wastewater treatment tank” and a definition of that term.
89. **“Zone”** — Adds a definition of a new term “zone.” This term is used in the definition of the new term “continuity.” As proposed, a zone is the interstitial space of a UST that is monitored as a single unit.

Section 2612. Exclusions and Exemptions from this Chapter

Specific Purpose and Necessity of the Proposed Action

1. **Section 2612(a)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for a liquified petroleum gas tank from existing section 2621(a)(4) to proposed section 2612(a). Amends to fully define the applicable exclusion or exemption for a “liquefied petroleum gas tank” without the need for a separate term for a “liquefied petroleum gas tank” and a definition of that term.
2. **Section 2612(b)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for a liquid asphalt tank from existing section 2621(a)(5) to proposed section 2612(b). Amends to fully define the applicable exclusion or exemption for a “liquefied asphalt tank” without the need for a separate term for a “liquefied asphalt tank” and a definition of that term.
3. **Section 2612(c)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for a septic tank from existing section 2621(a)(6) to proposed section 2612(c). Amends to fully define the applicable exclusion or exemption for a “septic tank” without the need for a separate term for a “septic tank” and a definition of that term.
4. **Section 2612(d)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for a wastewater treatment tank from existing section 2621(a)(8) to proposed section 2612(d). Amends to fully define the applicable exclusion or exemption for a “wastewater treatment tank” without the need for a separate term for a “wastewater treatment tank” and a definition of that term.
5. **Section 2612(e)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for a sump, pit, pond, or lagoon from existing section 2621(a)(7) to proposed section 2612(e). Amends to fully define the

applicable exclusion or exemption for a “sump, pit, pond, or lagoon” without the need for a separate term for a “sump, pit, pond, or lagoon” and a definition of that term. Also, not using the term “sump” in the exclusion or exemption avoids confusion with containment sumps, which are regulated as part of a UST. Consequently, existing section 2621(b) is deleted as it no longer is necessary.

6. **Section 2612(f)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for a storm water or wastewater collections system from existing section 2621(a)(10) to proposed section 2612(f). Amends to fully define the applicable exclusion or exemption for a “storm water or wastewater collections system” without the need for a separate term for a “storm water or wastewater collections system” and a definition of that term.
7. **Section 2612(g)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for a tank containing radioactive material from existing section 2621(a)(11) to proposed section 2612(g).
8. **Section 2612(h)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for emergency containment from existing section 2621(a)(12) to proposed section 2612(h). Amends to fully define the applicable exclusion or exemption for a “emergency containment” without the need for a separate term for a “emergency containment” and a definition of that term.
9. **Section 2612(i)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for drums containing 55 gallons or less from existing section 2621(a)(13) to proposed section 2612(i). Amends to clarify that the exclusion or exemption includes those drums containing 55 gallons or less located in a below-grade structure. This exclusion or exemption is consistent with Health and Safety Code section 25281(u), which provides that the term “tank” does not include devices that are not stationary, such as drums containing 55 gallons or less.
10. **Section 2612(j)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for a Department of Toxic Substances Control (DTSC) permitted tank from existing section 2621(a)(14) to proposed section 2612(j). Also, amends to no longer refer to these excluded or exempt tanks as USTs, as a tank that is excluded or exempt from the definition of an “underground storage tank” is not a UST.
11. **Section 2612(k)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for tanks that are exempt pursuant to Health and Safety Code section 25283.5 from existing section 2621(a)(15) to proposed section 2612(k). Amends to clarify that tanks that are exempt pursuant to Health and Safety Code section 25283.5 include tanks located in a below-grade structure. This exclusion or exemption is consistent with Health and Safety Code section 25283.5.

12. **Section 2612(l)** — Existing section 2621(a)(16) is a catch-all provision stating that any structure specifically exempted by Health and Safety Code section 25281(y) is excluded or exempt from the definition of an “underground storage tank.” A tank in an underground area is the only type of structure that is specifically exempted by Health and Safety Code section 25281(y) from the definition of an “underground storage tank” that was not already specified in existing section 2621(a) is a tank. It is easier for regulators and the regulated community to have all the exclusions or exemptions in one place. Therefore, the catch-all provision in existing section 2621(a)(16) is replaced with proposed section 2612(l) specifically excluding or exempting a tank in an underground area from the definition of an “underground storage tank.” This exclusion or exemption is consistent with Health and Safety Code section 25281(y)(1)(E). Proposed section 2612(l) also incorporates existing practice agreed to by the State Water Board and the Office of State Fire Marshall, which regulates tanks in underground areas, regarding where a UST ends and a tank in an underground area begins when a UST is connected to a tank in an underground area.
13. **Section 2612(m)** — Moves exclusion or exemption from the definition of an “underground storage tank” for a refinery or oil field pipeline from existing section 2621(a)(9) to proposed section 2612(m).
14. **Section 2612(n)** — Moves the exclusion or exemption for single-walled vent lines, vapor recovery lines, and fill pipes that are designed to prevent and do not hold standing fluid from existing section 2636(a) to proposed section 2612(n). Amends to clarify that this exemption only applies to Type 1 USTs meeting specific construction and overfill prevention equipment requirements.
15. **Section 2612(o)** — Adds an exclusion or exemption from the definition of an “underground storage tank” for unburied, single-walled piping at marinas that can be visually inspected if it is visually inspected daily, consistent with Health and Safety Code section 25281.5(b)(2). This exemption or exclusion is incorporated into the California UST Regulations because it is easier for regulators and the regulated community to have all the exclusions or exemptions in one place.
16. **Section 2612(p)** — Adds an exclusion or exemption from the definition of an “underground storage tank” for unburied piping connected to an emergency tank system (formerly “emergency generator tank system”) that can be visually inspected if it is visually inspected no less than monthly, consistent with Health and Safety Code section 25281.5(b)(3). Also, implements Chapter 207, Statutes of 2023, which changed the exemption for emergency generator tank systems to be more inclusive to cover all emergency tank systems. This exemption or exclusion is incorporated into the proposed regulations because it is easier for regulators and the regulated community to have all the exclusions or exemptions in one place.
17. **Section 2612(q)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for a farm tank from existing section 2621(a)(1) to proposed section 2612(q). Amends to fully define the applicable exclusion or

exemption for a “farm tank” without the need for a separate term for a “farm tank” and a definition of that term. The provision in existing section 2621(c) regarding the permitting requirements that apply for a change in use of a farm tank that results in loss of the exclusion or exemption is moved to proposed section 2683(e) for organizational purposes.

18. **Section 2612(r)** — Moves the exclusion or exemption from the definition of an “underground storage tank” for a heating oil tank from existing section 2621(a)(2) to proposed section 2612(r). Amends to fully define the applicable exclusion or exemption for a “heating oil tank” without the need for a separate term for a “heating oil tank” and a definition of that term. The provision in existing section 2621(c) regarding the permitting requirements that apply for a change in use of a heating oil tank that results in loss of the exclusion or exemption is moved to proposed section 2683(e) for organizational purposes.

Section 2612(s) — Moves the exclusion or exemption from the definition of an “underground storage tank” for a hydraulic lift tank from existing section 2621(a)(3) to proposed section 2612(s). Amends to fully define the applicable exclusion or exemption for a “hydraulic lift tank” without the need for a separate term for a “hydraulic lift tank” and a definition of that term.

Section 2613. Recordkeeping

Specific Purpose and Necessity of the Proposed Action

1. **Section 2613(a)** — Moves existing sections 2711(a), 2711(d), 2712(a), and 2715(a)(1) to proposed section 2613(a) and combines them and simplifies them consistent with electronic reporting requirements in CERS. Moves existing section 2711(a)(1)-(4) to proposed section 2613(a)(1) and combines the subparagraphs consistent with electronic reporting in CERS. Moves existing sections 2711(a)(5)-(7) and 2711(a)(10) to proposed section 2613(a)(2) and combines the subparagraphs consistent with electronic reporting in CERS. Moves existing section 2711(a)(8) to proposed section 2613(a)(4). Separates and moves existing section 2711(a)(9) into proposed sections 2613(a)(3) and 2613(a)(6) for clarification purposes. Also, deletes references in existing section 2711(a)(9) to those monitoring methods that only may be used for single-walled USTs because all single-walled USTs must be before January 1, 2026, the anticipated effective date of the proposed regulations. Moves provisions of existing section 2635(f) to proposed section 2613(a)(5). Moves provisions of existing section 2711(a)(11) to proposed section 2613(a)(7). Moves provisions of existing section 2715(a)(1)(B) to proposed section 2613(a)(8). Moves provisions of existing section 2715(a)(1)(A) to proposed section 2613(a)(9). Moves provisions of existing section 2712(a) to proposed section 2613(a)(10).

Adds a new requirement in proposed section 2613(a)(11) for site-specific variance approvals to be submitted to the Unified Program Agency. This requirement is

necessary to ensure that the Unified Program Agency can verify compliance with the site-specific variance before granting or modifying a permit consistent with proposed section 2610(j). Also, adds a new requirement that an agreement between the owner and operator in accordance with proposed section 2691(a) be submitted to the Unified Program Agency. This requirement, which is necessary for the Unified Program Agency to ensure compliance with proposed section 2691(a), is consistent with existing practice.

2. **Section 2613(b)** — Moves existing section 2711(b) to proposed 2613(b). Amends to remove confusing language that appeared to allow the Unified Program Agency to allow for a different submittal timeframe. The Unified Program Agency does not have any discretion to change the submittal timeframe.
3. **Section 2613(c)** — Moves provisions in paragraphs (1) and (2) of existing section 2712(b) and existing sections 2672(f), 2715(c)(4), and 2716(f) to proposed section 2613(c) and combines them. Specifically, moves existing section 2716(f) to proposed section 2613(c)(1). Moves existing section 2715(c)(4) to proposed section 2613(c)(2). Moves existing section 2712(b)(1) to proposed section 2613(c)(3) through (14) and amends them to provide greater specificity for clarification purposes. Moves existing section 2672(f) to proposed section 2613(c)(15). Amends the recordkeeping duration for records of the operation and maintenance of the release detection system in existing section 2712(b)(2) from 60 months to 36 months to be consistent with all the recordkeeping requirement for all other operation and maintenance records. It is not necessary to keep release detection system operation and maintenance records for more than 36 months. As proposed, section 2613(d) is consistent with the recordkeeping requirements in the Federal UST Regulations.
4. **Section 2613(d)** — Moves existing section 2712(b)(3) to proposed section 2613(d) for organizational purposes.
5. **Section 2613(e)** — Adds a new requirement in proposed section 2613(e)(1) to maintain UST installation records, including installation test results, manufacturer checklists and manuals, and as-built drawings, for the life of the UST system, which is necessary for proper operation and maintenance of the UST system. Moves existing sections 2660(j) and section 2712(b)(6), with the exception of the provisions regarding upgrades which is a term that is not used in the proposed regulations, to proposed section 2613(e)(2) and combines them for organizational purposes. Adds a new requirement in proposed section 2613(e)(3) to maintain the tank calibration charts for all USTs because these charts are necessary to accurately test and service overfill prevention equipment. Adds a new requirement in proposed section 2613(e)(4) to maintain all unauthorized release records for the life of the system to ensure the availability of the historical records of UST components that have failed over time.
6. **Section 2613(f)** — Moves the provision in existing section 2712(i) regarding electronic records to section 2613(f). Amends to clarify that maintaining electronic

records only satisfies a requirement to maintain records on-site if the documents are readily accessible through electronic means during inspections, consistent with existing practice.

7. **Section 2613(g)** — Moves the provision in existing section 2712(b) regarding approval of maintaining records off-site to proposed section 2613(g). Amends to clarify that the Unified Program Agency must document its approval of off-site record storage and any conditions of the approval to ensure proper recordkeeping and enforcement of any conditions of the approval.
8. **Section 2613(h)** — Moves the provision in existing section 2712(b) regarding making records available to Unified Program Agency and the State Water Board upon request to proposed section 2613(h). Adds special inspectors and the new independent compliance inspector to the list of parties to whom the documents must be provided within 36 hours of making a request.

Article 2. Site Specific Variance Procedures and Additional Construction Standards

Specific Purpose and Necessity of the Proposed Action

Moves the provisions in existing articles 8 and 9 regarding site specific variances procedures and additional construction standards to proposed article 2 for organizational purposes.

The general provisions in existing article 2 are moved to proposed article 1 for organizational purposes.

Section 2620. Site-Specific Variance Procedures

Specific Purpose and Necessity of the Proposed Action

1. **Section 2620(a)** — Moves existing sections 2680(a) and 2681(a) to proposed section 2620(a) and combines them for organizational purposes.
2. **Section 2620(b)** — Moves existing section 2681(b) to proposed section 2620(b).
3. **Section 2620(c)** — Moves existing section 2681(c) to proposed section 2620(c). Amends existing paragraphs (3) and (4) to clarify what documentation and information the applicant must provide. Currently, the application fee for a site-specific variance for a single site is \$2,750 and the application fee for a site-specific variance for more than one site is \$5,500. After taking into consideration the costs of reviewing applications for site-specific variances both for single sites and for more than one site, as well as the wide variation in potential site-specific variance requests, the State Water Board has determined that an application fee of \$5,500 for

all site-specific variance applications would cover the reasonable cost of reviewing the applications. Therefore, as proposed section 2620(c)(7) provides that the site-specific variance application fee is \$5,500 for all applications.

4. **Section 2620(d)** — Moves existing section 2681(d) to proposed section 2620(d).
5. **Section 2620(e)** — Moves existing section 2681(e) to proposed section 2620(e).
6. **Section 2620(f)** — Adds a new subdivision requiring the Regional Water Board to consult with the Unified Program Agency and the State Water Board during its review of the site-specific variance application. This is the only aspect of the UST regulatory program overseen by the Regional Water Boards. All other aspects of the UST regulatory program are overseen by the State Water Board and the Unified Program Agencies. Consequently, the expertise in UST construction and monitoring methods and requirements required to assess a facility for site specific variances, resides with the State Water Board and the Unified Program Agencies. Therefore, it is necessary for the Regional Water Board to consult with the State Water Board and the Unified Program Agencies to ensure that site-specific variances are granted consistent with all statutory and regulatory requirements and to ensure statewide consistency.
7. **Section 2620(g)** — Adds a new subdivision to specify the requirements for the Regional Water Board to grant a site-specific variance pursuant to Health and Safety Code section 25299.4(b)(4) for completeness and clarification purposes. This subdivision is consistent with Health and Safety Code section 25299.4(b)(4).
8. **Section 2620(h)** — Moves existing section 2681(f) to proposed section 2620(h).
9. **Section 2620(i)** — Moves existing section 2681(g) to proposed section 2620(i). Adds a requirement that the Unified Program Agency verify compliance with the site-specific variance before granting or modifying a permit to ensure compliance with the conditions of the site-specific variance.
10. **Section 2620(j)** — Moves existing section 2681(h) to proposed section 2620(j).

Section 2621. Procedures for Requesting Additional Construction Standards

Specific Purpose and Necessity of the Proposed Action

Section 2621 — Moves existing section 2691 to proposed section 2621 and amends subdivision (a)(3) for completeness. Existing section 2691(a) provides that the initial fee is \$5,500 and existing section 2691(b) provides that after the actual costs are determined, the State Water Board will either bill the applicant for additional costs or refund any unused portion of the fee. As a result, applicants currently do not know how much the final fee will be when they file an application under existing section 2691. In addition, existing section 2691(b) unnecessarily increases the accounting and processing costs for both State Water Board staff and the applicant's staff. For these

reasons, and after taking into consideration the wide variation in potential additional construction standards that a Unified Program Agency could propose, the State Water Board has determined that a flat application fee of \$5,500 is appropriate to compensate the State Water Board for its costs to conduct an investigation and public hearing on an application by a Unified Program Agency to impose additional construction standards. Therefore, existing section 2691(b) is deleted.

Article 3. Certification, Licensing, Training

Specific Purpose and Necessity of the Proposed Action

Moves the provisions in existing sections 2715 and 2716 regarding certification, licensing, and training requirements and the designated UST operator visual inspection from existing article 10 to proposed article 3 and separated them into multiple, individual sections focusing on a single topic for organizational purposes.

The design and construction requirements in existing article 3 are moved to proposed article 4 for organizational purposes. The monitoring requirements in existing article 3 are moved to proposed article 5 for organizational purposes. The testing requirements in existing article 3 are moved to proposed article 6 for organizational purposes.

Section 2630. Underground Storage Tank Owner and Operator Certification Requirements

Specific Purpose and Necessity of the Proposed Action

Moves existing section 2715(a) to proposed section 2630 and the requirements are reorganized for ease of use. As reorganized, all requirements relating to submittal of the “Underground Storage Tank Statement of Understanding and Compliance Form” are in proposed subdivision (a) and all requirements relating to submittal of the “Underground Storage Tank Designated UST Operator Identification Form” are in proposed subdivision (b). In addition, the requirements in proposed subdivision (b) for submittal of the “Underground Storage Tank Designated UST Operator Identification Form” are amended to clarify that the name of each designated underground storage tank operator listed on the form must be identical to that individual’s name as listed on the individual’s International Code Council UST System Operator certificate.

Section 2631. Designated Underground Storage Tank Operator Certification, Facility Training, and Inspection Requirements

Specific Purpose and Necessity of the Proposed Action

1. **Section 2631** — References to the “Designated Underground Storage Tank Operator Visual Inspection Report” have been changed throughout this section to

“Designated UST Operator Visual Inspection Report” consistent with the proposed change in the name of this Form.

2. **Section 2631(a)** — Moves existing section 2715(b) to proposed section 2631(a).
3. **Section 2631(b)** — Moves the requirements on how often to train facility employees in existing section 2715(c) to proposed section 2631(b).
4. **Section 2631(c)** — Moves existing section 2715(c)(1) to proposed section 2631(c) and amends this provision to make the requirements for refresher training of facility employees the same as the requirements for initial training. This ensures that all facility employees receive consistent training to protect public health, safety, and the environment. It also simplifies the training requirements for designated UST operators.
5. **Section 2631(d)** — Moves existing section 2715(c)(2) to proposed section 2631(d) and splits the subdivision into two paragraphs for organizational purposes. In addition, proposed paragraph (2) regarding facilities that are not routinely staffed is amended to clarify that this provision only applies to facilities that are not routinely staffed during operating hours.
6. **Section 2631(e)** — Moves existing section 2715(c)(4) to proposed section 2631(e).
7. **Section 2631(f)** — Moves existing section 2716(a) to proposed section 2631(f).
8. **Section 2631(g)** — Moves existing section 2716(b) to proposed section 2631(g) and the requirements are reorganized for ease of use. Amends the provision in proposed paragraph (1) to clarify that the designated UST operator must verify not just that each compliance issue was responded to and documented, but also that the response was appropriate. This is necessary because an improper response may increase the risk of the release of a hazardous substance to the environment.
9. **Section 2631(h)** — Moves existing section 2716(c) to proposed section 2631(h) and amends the paragraphs as follows. Amends proposed paragraph (3) to specify that the copy of the alarm history must be dated to allow for verification that the alarm history was printed on the day of the designated UST operator’s visual inspection. For those monitoring systems that are unable to print a dated alarm history, proposed paragraph (3) allows for the use of a copy of the facility’s alarm log if the monitoring system can produce an alarm log. Amends proposed paragraph (4) to clarify that the designated UST operator only is required to document action taken in response to each release detection alarms, not other types of alarms (e.g., delivery needed alarms, etc.). Amends proposed paragraph (5) to specify that the designated UST operator only needs to list release detection alarms for which there was no documentation of action taken in response to them, not all alarms, such as delivery needed alarms.

Existing paragraph (6) requires a list identifying whether each inspected area is acceptable or needs follow-up action taken. Proposed paragraph (6) is amended to

clarify that it is necessary to identify whether each area meets the requirements of the proposed regulations. Existing paragraph (7) requires the designated UST operator to list the dates that required testing and maintenance has occurred. Depending on whether the testing or maintenance was completed timely and the owner or operator's understanding of the UST requirements, these dates may not be sufficient to notify the owner or operator of the due dates for future testing or maintenance. Therefore, proposed paragraph (7) is amended to require the designated UST operator to list the next due date for each required test or inspection.

10. **Section 2631(i)** — Moves existing section 2716(d) to proposed section 2631(i).
11. **Section 2631(j)** — Moves existing section 2716(e) to proposed section 2631(j).
12. **Section 2631(k)** — Moves existing section 2716(f), with the exception of the acceptable document retention methods, to proposed section 2631(k).

Section 2632. Licensing, Certification, and Training Requirements for Installation

Specific Purpose and Necessity of the Proposed Action

1. **Section 2632(a)** — Adds provision that clarified which UST personnel can install or repair UST components based on their qualifications. As proposed, individuals performing this work must be either service technicians, or individuals meeting the qualifications outlined in proposed section 2632(b). This provision is consistent with the proposed definition of “service technician.”
2. **Section 2632(b)** — Moves existing sections 2715(d) and 2715(e) to proposed section 2632(b), combines them, and reorganizes the requirements for ease of use. As proposed, this section clarifies that the International Code Counsel (ICC) certification requirement applies to all individuals performing a UST system installation or repair with the exception of installation or repair of release detection equipment, which only can be performed by a service technician. Also, amends the provision moved from existing section 2715(d) to proposed section 2632(b)(1) to clarify the individual installer, or the individual's employer, must possess all applicable licenses required by the Contractors State License Board (CSLB). In addition, the term “component” is deleted as unnecessary because “components” are included within the term “underground storage tank system.”
3. **Section 2632(c)** — Adds a new subdivision to clarify that any individuals who install UST systems or perform repair work must provide all applicable licenses and certificates of training required for the work being performed upon request by the Unified Program Agency, the State Water Board, or an independent compliance inspector. This requirement is necessary to ensure that this work is performed only by qualified individuals.

Section 2633. Service Technician Licensing, Certification, and Training Requirements

Specific Purpose and Necessity of the Proposed Action

- Section 2633(a)** — Moves existing section 2715(f), with the exception of existing paragraph (2)(E), to proposed section 2633(a), and the requirements are reorganized for ease of use. Specifically, existing paragraph (4) is moved to proposed paragraph (2). Existing paragraph (2)(A) through (D) are moved to proposed paragraph (3)(A) through (D) and reorganized for organizational purposes. Existing paragraph (3) is moved to proposed paragraph (3)(F). Amends paragraph (1) to be consistent with existing guidance by the State Water Board to ensure that service technician requirements do not conflict with CSLB requirements. Specifically, the references to which CSLB license classes are acceptable to perform the work of a service technician, because specific classes of licensees only are permitted to perform the class of work for which the license is issued. In addition, after evaluating typical costs of performing service technician work and in light of the requirement in section 7048 of the Business and Professions Code to possess a CSLB license to perform work that is valued at \$500 or more, for combined labor and materials costs, the provision allowing the use of a tank tester license in lieu of a CSLB license is deleted.

Amends paragraph (3)(D) to delete the ability of service technicians to meet the training requirement for conducting secondary containment from the manufacturer because no secondary containment manufacturers provide this training.

Adds paragraph (3)(E) to clarify that service technicians installing or repairing a UST component not addressed in subparagraphs (A) through (C) must possess a certificate of training from the manufacturer for those components. This catch-all is necessary because it is not possible to list every UST component in section 2633(a).
- Section 2633(b)** — Moves existing section 2715(f)(2)(E) to proposed section 2633(b) and amends this provision to allow a Unified Program Agency to approve an applicable method specified in an industry code or engineering as an additional alternative to meeting the requirements of proposed section 2633(a)(3) where there is no training or certification available. This alternative is necessary to provide sufficient alternatives when there is no training or certification available, while still being sufficiently protective of public health, safety, and the environment.
- Section 2633(c)** — Adds a new subdivision to clarify that any individuals who perform the work of a service technician must provide all applicable licenses and certificates of training required for the work being performed upon request by the Unified Program Agency, the State Water Board, or an independent compliance inspector. This requirement is necessary to ensure that this work is performed only by qualified individuals.

Section 2634. Inspector Certification and Training Requirements

Specific Purpose and Necessity of the Proposed Action

1. **Section 2634(a)** — Moves requirements for local agency inspectors, now referred to as Unified Program Agency inspectors, to existing section 2715(g) to proposed section 2634(a) and this provision is amended to clarify that the 180-day timeframe for ICC certification does not begin until an individual begins to perform any of the duties of a Unified Program Agency inspector. This clarification is necessary because the 180-day grace period allows a Unified Program Agency flexibility to reassign an individual who was initially hired to perform other duties for a Unified Program Agency to performing the duties of a Unified Program Agency inspector. In addition, clarifies that only Unified Program Agency inspectors may approve submittals to the California Environmental Reporting System. Review and approval of these documents are part of the inspection process, and therefore, must be approved by certified inspectors.
2. **Section 2634(b)** — Moves requirements for special inspectors in existing section 2715(g) to proposed section 2634(b) and deletes the ability for a special inspector to renew their ICC certificate by satisfying equivalent criteria approved by the State Water Board's Division of Water Quality UST Program Manager, rather than by passing the ICC California UST Inspector exam. The provision for renewal of an ICC certificate by satisfying equivalent criteria approved by the State Water Board's Division of Water Quality UST Program Manager should be limited to a Unified Program Agency inspector because it is designed for ensuring that Unified Program Agencies have sufficient inspection staff and is geared towards compliance inspections. Special inspectors primarily provide structural certifications of USTs and not compliance inspections.
3. **Section 2634(c)** — Adds a new subdivision to provide the ICC certification requirements for the new category of inspectors, independent compliance inspector. This category of inspectors has been added to allow a Unified Program Agency to address staffing limitations by contracting with another agency or an individual to perform a compliance inspection. This category of inspectors also includes State Water Board inspectors. The ICC certification requirements for independent compliance inspectors are consistent with the ICC certification requirements for a Unified Program Agency inspector, with the exception that there is no provision allowing an independent compliance inspector to begin performing these duties before obtaining ICC certification because there is no similar demonstrated need for a 180-day grace period for independent compliance inspectors.

Article 4. Design, Construction, and Operating Requirements for Underground Storage Tank Systems

Specific Purpose and Necessity of the Proposed Action

Moves the provisions for UST design and construction requirements in existing sections 2630, 2631, 2631.1, 2633, 2635, and 2636 from existing article 3 to proposed article 4. Moves the provisions for repair work in existing sections 2660, 2661, and 2663 from existing article 6 to proposed article 4. Moves the provisions for operating requirements in existing sections 2711, 2712, and 2715 from existing article 10 to proposed article 4.

The design and construction requirements in existing sections 2640 and 2640.1 are deleted because they apply only to single-walled USTs must be closed before the anticipated effective date of the proposed regulations, January 1, 2026. Monitoring requirements that apply to single-walled USTs in existing sections 2641, 2642, 2644, and 2646.1 through 2649 are deleted only to single-walled USTs must be closed before the anticipated effective date of the proposed regulations, January 1, 2026. The monitoring requirements in existing sections 2643 are moved to proposed article 5 for organizational purposes. The testing requirements in existing sections 2643.1 and 2644.1 are moved to proposed article 6 for organizational purposes.

Section 2640. General Construction and Operation Standards for Underground Storage Tanks

Specific Purpose and Necessity of the Proposed Action

1. **Section 2640(a)** — Moves existing section 2631.1(a) and the provision in 2660(m) regarding repairs to proposed section 2640(a).
2. **Section 2640(a)(1)** — Moves provisions in existing subdivisions (b), (j), and (l) of section 2631, with the exception of the provision in existing 2631(j) that provides that an affirmative statement of compatibility cannot be used if it conflicts with a later determination of an independent testing organization or independent third-party evaluation, to proposed section 2640(a)(1). Adds specificity for demonstrating compatibility for primary containment with integral secondary containment, non-integral secondary containment, spill containment, overfill prevention equipment, and ancillary equipment, and release detection equipment. Independent testing organizations are the most rigorous certifications available and these certifications currently are available for USTs with integral secondary containment. These certifications, however, are not necessarily available for other components, which are less likely the cause for unauthorized release. This also provides compatibility documentation flexibility in the allowable methods of demonstrating compatibility for non-integral secondary containment, spill containment, overfill prevention equipment, and ancillary equipment, and release detection equipment. As

proposed, the allowable methods for non-integral secondary containment, spill containment, overfill prevention equipment, and ancillary equipment, and release detection equipment are based on which methods may be available for each category of components.

3. **Section 2640(a)(2)** — Existing regulations require the owner or operator have compatibility documentation for the hazardous substance stored, but do not provide the required retention period. This new paragraph clarifies that the owner or operator maintain compatibility documentation for as long as the system is used to store the hazardous substance, which is consistent with other recordkeeping requirements in existing regulations.
4. **Section 2640(a)(3)** — Moves the provision in existing 2631(j) that provides that an affirmative statement of compatibility cannot be used if it conflicts with a later determination of an independent testing organization or independent third-party evaluation to proposed section 2640(a)(3).
5. **Section 2640(a)(4)** — Moves existing section 2711(c) to proposed section 2640(a)(4).
6. **Section 2640(a)(5) – (a)(6)** — Moves existing section 2631(m) to proposed sections 2640(a)(5) and 2640(a)(6). Deletes the incorporation by reference language for the American Society of Testing and Materials (ASTM) international standard D7467, because this standard is incorporated by reference in the proposed definition for “ASTM D7467.”
7. **Section 2640(b)** — Moves the design and construction requirements for primary and secondary containment from sections 2631, 2635, and 2636 to proposed section 2640(b) and reorganizes these provisions for organizational purposes.
8. **Section 2640(b)(1)** — Moves existing section 2631(a) to proposed section 2640(b)(1).
9. **Section 2640(b)(2)** — Moves the provision in existing section 2631(b) requiring that all primary containment, including any integral secondary containment system, be approved by an independent testing organization to proposed section 2640(b)(2). Amends to clarify that this applies to all other components used to construct the primary containment that may come into contact with the hazardous substance stored, such as special accessories, fittings, coatings or linings, because not everyone realizes that all of these components are part of the primary containment and are subject to this provision.
10. **Section 2640(b)(3)** — Moves existing section 2631(d)(1) through (d)(4) to proposed section 2640(b)(3).

11. **Section 2640(b)(4)** — Moves existing section 2631(g) to proposed section 2640(b)(4). Adds a requirement for secondary containment systems to be constructed, operated, and maintained such that continuity can be readily demonstrated. Continuity, which can be performed while performing secondary containment testing under existing regulations, is a critical component of effective secondary containment monitoring. Demonstrating continuity throughout the interstice is necessary to confirm accurate monitoring of the UST system.
12. **Section 2640(b)(5)** — Moves existing section 2631(f) to proposed section 2640(b)(5).
13. **Section 2640(b)(6)** — Moves existing section 2631(e) to proposed section 2640(b)(6).
14. **Section 2640(b)(7)** — Moves existing section 2635(e)(5) to proposed section 2640(b)(7).
15. **Section 2640(b)(8)** — Moves existing section 2631(h) to proposed section 2640(b)(8). Amends the exemption by replacing the limitation for Type 1 USTs storing motor vehicle fuel with a requirement that the UST store petroleum, which is consistent with other changes limiting references to motor vehicle fuel. Also, makes the exemption more specific by clarifying that the 2 feet wide single-walled strip can be no more than 12 inches away from center line in either direction, which is consistent with how Type 1 USTs using the exemption in the existing regulations were constructed.
16. **Section 2640(b)(9)** — Moves existing section 2636(c)(1) to proposed section 2640(b)(9). Deletes requirements regarding secondary containment because all single-walled piping must be closed before the anticipated effective date of the proposed regulations, January 1, 2026.
17. **Section 2640(b)(10)** — Moves existing 2636(a) to proposed section 2640(b)(10). Also, amends the suction piping inspection requirement in proposed section 2640(b)(10)(C)(iv) to require that documentation of the inspection be maintained and that the inspection method be configured such that compliance with requirements for suction piping can be periodically demonstrated. This requirement is necessary to ensure continued compliance with the requirements for single-walled suction piping, reducing the risk of a release of hazardous substance from the piping.
18. **Section 2640(c)** — Moves existing section 2635(a)(2), with the exception of the testing requirements, to proposed section 2640(c). The testing requirements in existing 2635(a)(2) were moved to proposed section 2661.
19. **Section 2640(d)** — Moves existing section 2631(c) to proposed section 2640(d). Also, amends this provision to remove the requirement to roll the striker plate to the

bottom of the tank as unnecessary because this is standard practice for manufacturers.

20. **Section 2640(e)** — Moves existing section 2635(b) to proposed section 2640(e). Also, amends the provision to require that spill containment collect all spills regardless of when they occur, consistent with Health and Safety Code section 25284.2. In addition, proposed section 2640(e)(3) is amended to simplify the requirement and emphasize the required result, rather than provide a prescriptive means of achieving that result.
21. **Section 2640(f)** — Moves existing sections 2635(c) and 2635(d) to proposed section 2640(f) and combines them. Amends by clarifying that the provision allowing the Unified Program Agency to waive or modify the overfill prevention equipment requirement in paragraph (1) is not available for owners and operators of Type 1 USTs that are utilizing single-walled tank riser piping exemption, consistent with existing practice. These exemptions were not designed to be additive and combining the two exemptions creates an unreasonable risk of a release of a hazardous substance. In addition, adds a provision clarifying that the Unified Program Agency may revoke the overfill prevention equipment exemption if the system fails to prevent overfills. This provision is necessary to prevent releases of hazardous substances from systems where there is a demonstrable need for overfill prevention equipment.
22. **Section 2640(g)** — Adds this new subdivision to require manways be installed in accordance with the tank manufacturer’s written guidelines, nationally recognized industry code, or an engineering standard. This requirement, which is consistent with existing requirements for other parts of the UST system, is necessary to ensure that manways are properly installed to maintain the integrity of the tank’s interstitial space and provide the required containment by keeping liquid and debris out.
23. **Section 2640(h)** — Moves existing section 2636(g) to proposed section 2640(h) and amended consistent with the deletion of the term “under-dispenser spill containment or control system.” Only the term “under-dispenser containment” is used in the proposed regulations.

Section 2641. Additional Design and Construction Standards for Type 2 and Type 3 Underground Storage Tanks

Specific Purpose and Necessity of the Proposed Action

1. **Section 2641** — Adds this new section to more fully implement Health and Safety Code sections 25290.1 and 25290.2, which provide the design and construction requirements for Type 2 and Type 3 USTs.

2. **Section 2641(a)** — Adds this new subdivision to require buried vent, vapor recovery and fill pipes be secondarily contained, which is consistent with Health and Safety Code section 25290.2(j).
3. **Section 2641(b)** — Adds this new subdivision to require USTs installed on or after July 1, 2026, have a code stamp located within the perimeter of the sump collar that contains the manufacturer identification, production location, date of manufacture, maximum burial depth, maximum test pressure, and openings that do not have striker plates. Currently, some of this information is stamped on the tank in an area that is not easily accessible after installation. This requirement is necessary to ensure that this information, which is necessary for proper operation and maintenance of the UST, is accessible after installation.
4. **Section 2641(c)** — Adds this new subdivision to require Type 2 and 3 tanks be constructed, operated, and maintained to prevent water intrusion. This requirement is consistent with Health and Safety Code section 25290.1 and 25290.2. Additionally, this section prohibits backfill material from being added to the secondary containment system as this affects the ability of Type 2 and 3 USTs to detect an unauthorized release.

Section 2642. Installation and Repair Requirements

Specific Purpose and Necessity of the Proposed Action

1. **Section 2642(a)** — Moves existing section 2660(l) to proposed section 2642(a). Amends the provision to allow the materials used in construction or repairs to be applied in accordance with the manufacturer's guidelines because the manufacturer has the expertise to establish appropriate guidelines. In addition, replaces the more restrictive term "nationally recognized engineering practices" with a recognized industry code or an engineering standard, because internationally recognized standards are available and are appropriate standards of expertise to ensure that the materials used in construction or repairs are applied appropriately. These changes provide owners' and operators' contractors with added flexibility, while ensuring that the materials used in construction or repairs are applied in a manner that does not harm the integrity of the UST system, which would increase the risk of a release of hazardous substance.
2. **Section 2642(b)** — Moves existing section 2635(a)(1) to proposed section 2642(b). Adds a requirement that the manufacturer certify the tanks when it tests them to ensure that the manufacturer testing has been completed properly and that the tanks are constructed properly to reduce the risk of a release of hazardous substance. Also, adds a new requirement that the manufacturer provide the owner documentation of continuity for all tanks manufactured on or after July 1, 2026, to ensure that these tanks comply with proposed section 2640(b)(4).

3. **Section 2642(c)** — Moves existing section 2715(e) to proposed section 2642(c). As reorganized, the specific requirements for installers are set forth in proposed section 2632.
4. **Section 2642(d)** — Moves existing section 2636(c)(2) to proposed section 2642(d). Existing section 2636(c)(2) provides that primary piping and secondary containment must be installed in accordance with an industry code of practice developed in accordance with voluntary consensus. As proposed, section 2642(d) requires all piping to be installed in accordance with manufacturer's installation procedures, or if none exists an industry code of practice developed in accordance with voluntary consensus. Manufacturers are in the best position to provide installation procedures that are specific to their own products. Consequently, requiring the use of manufacturer's installation procedures whenever they are available, instead of a more general industry code of practice, will ensure that piping systems are installed properly and reduce the risk of release. Also, adds a requirement for new steel pipe used in UST construction to be made of schedule 40 black steel meeting American Society for Testing and Materials standard A53 to ensure that all steel used meets minimum industry standards, reducing the risk of a release of a hazardous substance to the environment.
5. **Section 2642(e)** — Moves existing subdivisions (a)(6) and (a)(7) of section 2635 to proposed section 2642(e) and combines them for organizational purposes. Amends to replace the term "code of practice developed in accordance with voluntary consensus standards" with the more specific clearer terms "industry codes" and "engineering standards," to ensure installation, operation, and maintenance methods used do not pose an increased risk of a release of hazardous substance to the environment.

Existing section 2635(a)(7) provides that all USTs subject to flotation must be anchored appropriately. The existing requirement is vague and has been subject to each Unified Program Agency's or contractor's interpretation, resulting in statewide inconsistency. In addition, many businesses and UPAs recognize the long-term benefit of adding anchoring to USTs as a preventative measure. In areas of high groundwater, or after storm events where soil becomes saturated, USTs become buoyant and will breach the ground surface, damaging associated piping, fueling areas, and existing utilities. The costs associated with this are similar to a complete, new UST installation, including re-excavation, re-plumbing, paving, and all associated testing. Combined with system down time, the initial cost of anchoring outweighs the potential risk of buoyant tanks, particularly in light of an increase in extreme storm events due to climate change. Therefore, proposed section 2642(e)(1) requires that all tanks installed on or after July 1, 2026, be anchored.

The methods used must be specified by the manufacturer, industry code, or engineering standard to ensure that the design is developed through a rigorous review process. Historically, long, heavy beams of reinforced concrete have been

used to prevent tanks from floating, however, other methods, such as strapping the tank to a concrete pad in the excavation, may be used. As a result of existing regulations, local requirements, and best practices, anchoring currently is used on 60 to 70 percent of new UST installations, therefore, proposed section 2642(e)(1) only impacts approximately 35 percent of new UST installations. The State Water Board estimates that the typical cost of this new anchoring requirement for an owner or operator who would not otherwise use anchors on a new UST installation is \$15,000 per tank or \$45,000 for a typical UST installation that includes three tanks. As shown in more detail in section B(1) and Table 2 of the Supplemental Economic and Fiscal Impact Statement to the Form 399 (SEFIS), the State Water Board estimates that the lifetime cost of this proposed requirement is approximately \$13,320,000.

Adds proposed section 2642(e)(2) to clarify that UST ballast water must be completely removed and properly disposed of to the satisfaction of the Unified Program Agency. This ensures that the UST will be emptied properly and that there is no residual ballast water that will adversely impact fuel quality and prevents proper enhanced leak detection testing. It also ensures that ballast water emptied from the UST is disposed of properly and does not cause the public sewer system to exceed its maximum flow requirements.

6. **Section 2642(f)** — Moves existing section 2635(a)(5) to proposed section 2642(f). As reorganized, the specific requirements for testing methods are set forth in proposed article 6 and the requirements to close a UST system when it cannot be repaired or closed are set forth in proposed article 8.
7. **Section 2642(g)** — Moves existing section 2635(f) to proposed section 2642(g).
8. **Section 2642(h)** — Moves existing section 2661(a) to proposed section 2642(h).
9. **Section 2642(i)** — Moves existing section 2661(b) to proposed section 2642(i) and amends it for clarity.
10. **Section 2642(j)** — Adds this new subdivision to require repairs made to USTs to be done in accordance with the manufacturer's guidelines, industry code, or engineering standard. If there is no specified method of repair, the component or tank must be closed in accordance with the proposed regulations. This requirement ensures that repairs are performed using established standards, reducing the risk of a release of a hazardous substance to the environment after a repair. A UST that cannot be repaired using established standards must be properly closed because it cannot be brought into compliance.
11. **Section 2642(k)** — Adds this new subdivision to require single-walled, direct buried spill containers to be replaced with secondarily contained spill containment when they need to be repaired. Single-walled, direct buried spill containers are the most vulnerable components on USTs and the most likely location an unauthorized

release would occur. Requiring secondary containment on these spill containers will reduce the risk of a release of hazardous substance to the environment. The State Water Board estimates that 7 percent of the approximately 6,500 single-walled, direct buried spill containers require repair annually. This new subdivision will require owners or operators to replace these spill containers with secondarily contained spill containment, which will cost approximately \$13,000 more than replacing the spill container with a new direct-buried spill container. This increased cost is offset, however, by a decrease in future costs. The cost of future repairs is less at facilities with secondarily contained spill containers, because unlike with single-walled, direct buried spill containers, it is not necessary to break concrete or excavate to complete repairs on secondarily contained spill containment. The State Water Board estimates this savings to be \$11,500 per spill containment replacement. Therefore, as shown in more detail in section B(1) and Tables 3 and 4 of the SEFIS, the State Water Board estimates that the lifetime cost of this proposed requirement of \$70,730,112 is outweighed by the lifetime savings of this proposed requirement of \$72,623,381, for a total lifetime savings of \$1,893,270.

12. **Section 2642(l)** — Moves existing section 2663(b) to proposed section 2642(l). Amends to require the owner or operator to provide the structural certification to the Unified Program Agency instead of submitting it through CERS because there is no designated spot for this document in CERS and submitting documents as miscellaneous documents in CERSs can pose tracking and processing issues. Also, deletes the requirement for the special inspector to enter the tank to perform the certification and the requirements specifying the inspection methods dependent on the tank material to provide greater flexibility as new methods and technologies emerge.
13. **Section 2642(m)** — Moves existing section 2660(k) to proposed section 2642(m). Adds that secondary containment repairs be tested to demonstrate continuity within the interstice. Demonstrating continuity within the interstice after repair is necessary to ensure that the repair was done correctly and that the repaired tanks continue to be properly monitored, as any blockages in the interstitial space could mask an unauthorized release. Also, adds a requirement that Unified Program Agency approvals for repairs must be in writing to ensure that there is documentation of the approval.
14. **Section 2642(n)** — Adds this new subdivision to require that any repair of a non-integral secondary containment that uses isolation for corrosion protection includes confirmation of isolation from backfill. Isolation from backfill is necessary to protect metal components after repairs and confirmation of isolation is necessary because isolation from backfill is not always readily visible.

Section 2643. Operating Requirements for Underground Storage Tanks

Specific Purpose and Necessity of the Proposed Action

1. **Section 2643(a)** — Moves existing section 2712(k) to proposed section 2643(a).
2. **Section 2643(b)** — Adds this new subdivision to clarify that owners and operators must maintain their USTs in accordance with the manufacturer's specifications. This requirement is necessary to ensure that owners and operators comply with best industry practices, reducing the risk of a release of a hazardous substance from a UST.
3. **Section 2643(c)** — Moves existing section 2712(f) to proposed section 2643(c). Amends the compliance deadline to 30 days to 60 days for consistency with Health and Safety Code section 25288(d). Deletes the provisions relating to inspector's recommendations as unnecessarily prescriptive. The owner or operator may use any permissible method to correct a violation consistent with Health and Safety Code chapter 6.7 and these regulations.
4. **Section 2643(d)** — Moves existing section 2715(c)(2) to proposed section 2643(d). As reorganized, the provisions for facilities that are not routinely staffed are set forth in proposed section 2631(d).

Article 5: Monitoring Requirements Underground Storage Tanks

Specific Purpose and Necessity of the Proposed Action

Moves the provisions for UST monitoring requirements in existing sections 2630, 2632, 2636, 2643 from articles 3 and 4 respectively to proposed article 5 for organizational purposes. Moves the change in permit information submittal requirement in existing section 2711(b) from article 10 to proposed article 5 organizational purposes.

The reporting and initial response requirements in existing sections 2650 through 2654 are moved to proposed article 7 for organizational purposes. The free product removal requirements in existing section 2655 of article 5 are moved to proposed article 10 for organizational purposes.

Section 2650. Monitoring and Response Plan requirements for Underground Storage Tanks

Specific Purpose and Necessity of the Proposed Action

1. **Section 2650(a)** — Moves the requirement for owners to maintain a monitoring program in existing section 2632(b) to proposed section 2650(a). Amends to

specifically state that the monitoring program includes a monitoring plan, monitoring site plan, and response plan for clarification purposes. Deletes the provision regarding interstitial monitoring because it is unnecessary. All USTs must be double-walled and have interstitial monitoring on or after January 1, 2026, the anticipated effective date of the proposed regulations.

2. **Section 2650(b)** — Moves existing section 2632(d)(1) to proposed section 2650(b), with the exception of existing paragraph (C), which is moved to proposed section 2650(c). Also, reorganizes the paragraphs for organizational purposes. Amends language in existing paragraph 2632(d)(1)(E) to specify how records must be maintained, and what information remote facilities must document. This addition is consistent with other changes throughout the proposed regulations to provide specific requirements to address the unique issues posed for remote facilities.
3. **Section 2650(c)** — Moves existing section 2632(d)(1)(C) to proposed section 2650(c) for organizational purposes. Existing requirements for permit applications include a scaled diagram indicating the location of the UST (tank, piping, auxiliary equipment) with respect to buildings or other landmarks; and identifying the location(s), as identified on a plot plan, where the monitoring will be performed. Existing requirements for CERS submittals, on the other hand, require submittal of a simpler plot with only the locations where monitoring will be performed. As proposed, section 2650(c) combines these two site maps into the monitoring plan for greater ease and to reduce confusion. Adds a requirement for reporting the locations of spill containment components, overfill components, and vacuum, pressure, or hydrostatic interstitial monitoring zones when applicable. Deletes the specification for design or as-built drawings to be included because these diagrams often contain irrelevant information that can obscure other pertinent information.
4. **Section 2650(d)** — Moves subdivisions (c)(2)(C) and (d)(2) of existing section 2632 to proposed section 2650(d) and combines them for organizational purposes. Adds an option to identify and provide contact information for a continuously staffed emergency operations center to accommodate those facilities that use emergency operations center to authorize response plan actions.
5. **Section 2650(e)** — Moves existing section 2711(b) to proposed section 2650(e). Amends for conciseness. The individual items listed in existing section 2711(a) are included on the monitoring plan, site plan, or response plan, and therefore, they do not need to be listed in proposed section 2650(e).
6. **Section 2650(f)** — Moves provision in existing section 2632(e) requiring an owner or operator to comply with release reporting requirement when implementation of a monitoring program or any other condition indicates an unauthorized release has occurred to proposed section 2650(f). Requirements for replacing, repairing, or closing the system in the event of a release are moved to proposed article 9.

Deletes existing table 3.2 because it is overly prescriptive and removing it will allow for new methods of interstitial monitoring to be developed in the future.

Section 2651. Monitoring Requirements for Underground Storage Tanks

Specific Purpose and Necessity of the Proposed Action

1. **Section 2651(a)** — Adds a new subdivision requiring owners or operators to implement a monitoring program that can detect a release from the UST at the earliest possible opportunity, which is consistent with the existing regulations.
2. **Section 2651(b)** — Adds a new subdivision to clarify that UST systems must be monitored from the time that they become operational until they are properly closed, which is consistent with existing statutes and regulations.
3. **Section 2651(b)(1)** — Adds a new paragraph requiring that release detection equipment must only be disabled during testing, replacement, or repair by a service technician with the approval of the Unified Program Agency. Approval from the Unified Program Agency is necessary to reduce the risk of a release of a hazardous substance to the environment while the monitoring system is offline and ensure that monitoring systems that are taken offline are brought online after the testing or repair is completed.
4. **Section 2651(b)(2)** — Adds a new paragraph requiring the Unified Program Agency to require the owner or operator to implement an alternative monitoring program during release detection equipment repair or replacement that exceeds 12 hours to further protect the soil and groundwater from releases during long repairs, power outages, or similar circumstances. There is an increased risk of a release of a hazardous substance to the environment while the monitoring system is offline. Therefore, the time during which a monitoring system is offline and there is no alternative monitoring method in place must be minimized. After taking into account required and routine testing and maintenance, the State Water Board has determined that it is appropriate to limit the period of time during which a monitoring system may be disabled without having an alternative monitoring method in place to 12 hours.
5. **Section 2651(b)(3)** — Adds a new paragraph requiring that if the release detection system is or is expected to be disabled for more than 72 hours, the owner or operator must meet the requirements for temporary closure. There is an increased risk of a release of a hazardous substance to the environment while the monitoring system is offline. After taking into account typical repairs and the amount of time necessary to prepare contingency plans for long term system outages, the State Water Board has determined that it is appropriate to require owners or operators to either reinstate the monitoring method or place the tank in temporary closure within 72 hours of taking the monitoring system offline.

6. **Section 2651(c)(1)** — Moves the provisions for installing, calibrating, operating, and maintaining release detection equipment in existing section 2630(d) to proposed section 2651(c)(1). The provision in existing section 2630(d) regarding meeting the requirements of existing section 2643(f) is moved to 2651(d) for organizational purposes.
7. **Section 2651(c)(2)** — Adds a new paragraph only allowing the use of remanufactured or rebuilt release detection equipment that was remanufactured or rebuilt by the original manufacturer and that meets the same third-party testing requirements as new equipment. This provision, which is consistent with existing practice, is necessary to ensure that the remanufactured or rebuilt equipment operates properly and the same quality standards as new equipment.
8. **Section 2651(d)** — Moves existing section 2643(f) to proposed section 2651(d). The reporting format requirements in existing paragraph 2643(f)(4) are moved to paragraphs (2) and (3) of proposed section 2651(d) for organizational purposes. Deletes the exception for manual inventory reconciliation and manual tank gauging because these monitoring methods are only available for limited use on single-walled USTs which must be permanently closed before the anticipated effective date of the proposed regulations, January 1, 2026. Also, deletes the reference to appendix IV in existing section 2643(f)(1) consistent with the deletion of this appendix because this list is not necessary.
9. **Section 2651(e)** — Moves subparagraphs (A) and (B) of existing section 2632(c)(2) to proposed 2651(e) and combines them for organizational purposes. Amends to clarify that this provision only applies to Type 1 and Type 2 USTs consistent with the requirement in subdivisions (d) and (e) of section 25290.1 of the Health and Safety Code that all Type 3 USTs use a continuous vacuum, pressure, or hydrostatic interstitial monitoring system.
10. **Section 2651(f)** — Adds a new subdivision specifying that Type 3 USTs must be monitored using a continuous vacuum, pressure, or hydrostatic interstitial monitoring system, consistent with subdivisions (d) and (e) of section 25290.1 of the Health and Safety Code.
11. **Section 2651(g)** — Moves existing section 2632(c)(1) to proposed section 2651(g). Specifies conditions for visual monitoring on Type 1 USTs for clarification purposes. Existing section 2632(c)(1) only applies to those tanks defined as “Type 1 USTs” under proposed section 2610.
12. **Section 2651(h)** — Adds a new subdivision specifying that remote monitoring must provide an immediate notification of a facility employee or service technician. This is necessary to ensure that remote monitoring is at least as protective of public health, safety, and the environment as a monitoring system with an audible and visual alarm at a facility with on-site monitoring.

Section 2652. Additional Monitoring Requirements for Piping

Specific Purpose and Necessity of the Proposed Action

1. **Section 2652(a)** — Moves existing section 2636(f) to proposed section 2652(a). Deletes specific references to underground piping with secondary containment as all piping will be secondarily contained when these regulations go into effect.
2. **Section 2652(a)(1)** — Moves existing section 2636(f)(1) to proposed section 2652(a)(1). Deletes references to under-dispenser containment and under-dispenser spill control or containment systems because it is not necessary to specifically reference certain types of secondary containment.

Adds a new requirement in subparagraph (B) for mechanical release detection equipment used to continuously monitor under-dispenser containment to be replaced with a continuous electronic monitoring method if it fails to function properly during operation or testing. Mechanical release detection equipment is unreliable since components frequently fail because of fouling and improper adjustments. The mechanical release detection needs constant repair, often within weeks of the previous repair. Continuous electronic monitoring is a reliable release detection method with a life span of approximately four to six years, and is therefore preferable to mechanical release detection based on the protection provided to the waters of the State. The cost of installing continuous electronic monitoring is approximately \$450, as opposed to approximately \$100 for installing mechanical release detection. Therefore, the State Water Board estimates this proposed requirement will cost owners or operators an additional \$350 when they need to replace their mechanical release detection because it is not operating properly. As shown in more detail in section B(1) of the SEFIS, the State Water Board estimates the total lifetime cost of this proposed requirement is \$1,882,860.

Adds a new requirement in subparagraph (C) effective July 1, 2026, that all USTs other than emergency tank systems with pressurized piping at facilities that are not routinely staffed to have a continuous monitoring system that stops the flow of hazardous substance when a release is detected or if the monitoring system malfunctions. This requirement is necessary because if a release occurs and a facility employee is not there to stop the flow, a pressurized release will easily exceed the capacity of the secondary containment after which the hazardous substance could enter the environment.

3. **Section 2652(a)(2)** — Moves existing section 2636(f)(2) to proposed section 2652(a)(2).

Moves provisions of existing section 2636(f)(5)(A) to subparagraph (A). Deletes the reference to the effective dates of the provision, October 1, 2018 and

October 13, 2018, because they no longer are necessary. Deletes the existing requirement for daily checks of the monitoring system as these UST systems operate infrequently, they are operated by technical staff capable of identifying and responding to any release, and they are inspected monthly by designated UST operators. Therefore, daily checks are unnecessary.

Subparagraph (B) allows continuous interstitial monitoring using vacuum, pressure, or hydrostatic pressure to be an alternative to the line leak detector requirement. The vacuum, pressure, or hydrostatic pressure monitoring method is more stringent than the current line leak detector requirement to detect a three gallons per hour release at 10 pounds per square inch within one hour. Current UST systems with continuous interstitial monitoring using vacuum, pressure, or hydrostatic pressure are not required to shut off the pump when a release is detected. This alternative method would require pump shut off which is more likely to prevent future releases, but would avoid the annual line leak detector testing cost. Some UST owners currently not required to utilize continuous interstitial monitoring by vacuum, pressure, or hydrostatic pressure, will convert to this substantially better monitoring method for a potential long term cost saving, since the facility would no longer need to perform the annual testing or line leak detector replacement. Line leak detectors have higher repair and testing costs than continuous monitoring systems and they are particularly unreliable in certain weather conditions.

4. **Section 2652(a)(3)** — Moves existing section 2636(f)(3) to proposed section 2652(a)(3). Amends language to specify that this monitoring must be performed on buried, pressurized piping on Type 1 and Type 2 USTs, consistent with Health and Safety Code sections 25291(f) and 25290.2(g). This requirement does not apply to Type 3 USTs under Health and Safety Code section 25290.1(h), because they are required to have continuous vacuum, pressure, and hydrostatic monitoring methods, which is capable of detecting smaller releases than those simulated by the monitoring method described in this paragraph.
5. **Section 2652(a)(4)** — Moves existing section 2636(f)(4) to proposed section 2652(a)(4).
6. **Section 2652(b)** — Adds a new subdivision specifying that buried piping connected to Type 3 USTs must be monitored by a continuous vacuum, pressure, or hydrostatic monitoring interstitial monitoring system in accordance with subdivisions (d) and (e) of section 25290.1 of the Health and Safety Code for completeness.
7. **Section 2652(c)** — Adds new requirements for the configuration of piping with continuous vacuum, pressure, or hydrostatic monitoring for interstitial monitoring systems to facilitate periodic testing, including confirmation of continuity. These requirements are necessary to ensure that the monitoring system is properly monitoring both the primary and secondary containment and is in compliance with subdivisions (d) and (e) of section 25290.1 of the Health and Safety Code.

Article 6: Testing Requirements for Underground Storage Tanks

Specific Purpose and Necessity of the Proposed Action

Moves the provisions for inspection and testing requirements in existing sections 2620(e), 2635, 2637-2638, 2643(g), and 2644.1 from articles 1, 3, and 4 respectively to proposed article 6 for organizational purposes. Replaces the terms “certification” and “inspection” with “testing.” All requirements to test UST components within 30 days of being repaired are moved to proposed section 2660 and combined for clarity and conciseness and for organizational purposes.

Existing regulations require UST components be tested in accordance with the component manufacturer’s guidelines, industry code or standards if there are no manufacturer’s guidelines, or a method developed by a professional engineer if there are no manufacturer’s guidelines or applicable industry codes. This limits the use of new industry standards or test methods developed by a professional engineer if manufacturer’s guidelines exist for a component. As proposed, this testing hierarchy is deleted, allowing greater flexibility. Manufacturer’s guidelines, industry codes, or methods developed by a professional engineer may be used regardless of the availability of other test methods.

The upgrade requirements in existing article 6 are deleted because the effective dates have passed. The repair work requirements in existing sections 2660, 2661, and 2663 are moved to proposed article 4 for organizational purposes. The repair record keeping requirement in existing section 2660(j) is moved to proposed article 1 for organizational purposes.

Section 2660. General Requirements for Testing

Specific Purpose and Necessity of the Proposed Action

7. **Section 2660(a)** — Moves the notification requirements of existing sections 2637(g), 2637.1(f), 2637.2(f), 2638(e), 2644.1(a)(4), and 2643(g), to proposed section 2660(a) and combines them for organizational purposes. Amends the timeframe requirement from 48 hours to 72 hours for notification of testing to prevent situations where a Unified Protein Agency may not receive notification during a weekend when the Unified Program Agency may be closed.
8. **Section 2660(b)** — Moves existing section 2620(e) to proposed section 2660(b). Deletes the reference to the effective date of the provision, October 1, 2018, because it no longer is necessary. Amends to clarify that an early test moves the due date for the next test, which is consistent with existing practice and ensures that testing occurs at least as frequently as required. Also, clarifies that a late test does not change the due date for the next test, which is consistent with existing practice

and ensures that an owner or operator does not gain an economic benefit as a result of a late test by being able to extend the due date for the next test.

9. **Section 2660(c)** — Moves existing requirements to test UST components within 30 days of being repaired from existing sections 2637(a)(1)(B)(i), 2637.1(a)(2), and 2637.2(a)(1)(B) to proposed section 2660(c) and combines them for clarity and conciseness and for organizational purposes. Amends to clarify that testing conducted after repair does not change the periodic test due date.
10. **Section 2660(d)** — Moves existing requirements for owners and operators to submit testing report forms to the Unified Program Agency within 30 days of testing in sections 2637(f), 2637.1(e), 2637.2(e), 2638(d), 2643(g), and 2644.1(a)(5) to proposed section 2660(d) and combines them for clarity and conciseness and for organizational purposes. Amends the deadline for submitting enhanced release detection test results from 60 days to 30 days to be consistent with the timeframe for reporting other test results. Similar to other test results, enhanced leak detection test results typically are available in under 30 days and timely test results are necessary to ensure compliance with the proposed regulations and to reduce the risk of a release of a hazardous substance.
11. **Section 2660(e)** — Adds a new requirement to verify that equipment used to administer a required test must be maintained and calibrated in accordance with manufacturer's standards. If the manufacturer does not provide calibration standards, the test equipment must be calibrated by the National Institute of Standards and Technology. Verifying that the test equipment is in proper operating condition is consistent with existing practice and ensures that the test equipment will provide accurate test results.

Section 2661. Requirements for Cathodic Protection System Testing and Inspection

Specific Purpose and Necessity of the Proposed Action

Moves the cathodic protection system testing requirements in existing section 2635(a)(2)(A) to proposed section 2661 and separates the testing and inspection requirements into separate subdivisions. Deletes the requirement to test cathodic protection systems within six months after installation because it is unnecessary. These systems must be tested at installation and there will not be a change in cathodic protection quality in six months. Deletes the reference to the effective date of the provision, October 1, 2018, because it no longer is necessary.

Section 2662. Requirements for Integrity Testing

Specific Purpose and Necessity of the Proposed Action

Moves the integrity testing requirements in existing sections 2643.1 and the enhanced leak detection requirements in 2644.1(a)(2) to proposed section 2662 and combines them for organizational purposes. Amends to clarify that tank integrity testing must be done in accordance with the manufacturer's written guidelines for clarification purposes. Deletes language specific to volumetric and nonvolumetric tank integrity tests to provide flexibility for emerging test methods. Adds a requirement that enhanced leak detection testing cannot be performed until all ground penetrating work and surfacing has been completed. This is necessary because UST systems can be damaged during these final stages of construction, which may result in a release of a hazardous substance. As proposed, section 2662(b)(1), which applies to Type 1 USTs, is consistent with Health and Safety Code section 25291(h). As proposed, section 2662(b), which applies to Type 2 and Type 3 USTs, is consistent with Health and Safety Code sections 25290.1(j) and 25290.2(i).

Section 2663. Requirements for Release Detection Equipment Testing

Specific Purpose and Necessity of the Proposed Action

1. **Section 2663(a)** — Moves existing sections 2638(a) and 2638(b) to proposed section 2663(a) and combines them for organizational purposes. Existing regulations require installation, calibration, operation, and maintenance in accordance with manufacturer's instructions. As proposed, section 2663(a) clearly states that release detection equipment must be tested after installation and every 12 months thereafter, in accordance with manufacturer's instructions. Post-installation testing and periodic testing is necessary to ensure that release detection equipment is able to detect a release at the earliest possible opportunity in accordance with proposed section 2651(a) and is consistent with existing requirements. Adds a requirement to verify continuity of piping monitored by continuous vacuum, pressure, or hydrostatic interstitial monitoring systems. Periodic verification of continuity is necessary to ensure there are no blockages in the interstice and that the UST's primary and secondary containment is properly monitored.
2. **Section 2663(b)** — Moves existing section 2638(f) to proposed section 2663(b). Deletes the provision requiring the tag/sticker to service technician's contractor's or tank tester's license and replaces it with a requirement for the tag/sticker to include the service technician's International Code Council identification to allow inspectors to readily verify the individual servicing the component has a valid ICC certification as required in proposed section 2633(a)(2).

3. **Section 2663(c)** — Adds a new subdivision requiring testing and repair of systems that utilize an impact shear valve to stop the flow of hazardous substance at the dispenser as part of the under-dispenser containment monitoring. This task currently is completed by some service technicians while performing the monitoring certification, but not all. This new subdivision makes the requirement of testing the shear valve as part of the mechanical monitoring explicit, since the shear valve is the device that closes to meet the existing monitoring requirement of “stops the flow of product at the dispenser.” The increased cost of replacing an impact shear valve is \$250. This additional cost is offset by the benefits of having a functional impact shear valve is the reduced the risk of a release of a hazardous substance and product loss.
4. **Section 2663(d)** — Adds a new subdivision requiring testing of line leak detectors in systems using line leak detectors to perform line tightness testing by simulating a release equivalent to 0.1 gallon per hour. Line leak detectors that are used for line tightness testing must be tested to ensure they can detect such a release. In discussions with industry, while the existing minimum regulatory requirement is being able to detect a three gallon per hour release, electronic line leak detectors currently in use can be tested at the 0.1 gallons per hour precision, therefore the State Water Board does not expect this to incur additional cost.
5. **Section 2663(e)** — Moves existing section 2638(c) to proposed section 2663(e).

Section 2664. Requirements for Spill Container Testing

Specific Purpose and Necessity of the Proposed Action

1. **Section 2664(a)** — Moves subdivision (a) and (c) of existing section 2637.1 to proposed section 2664(a) and combines them for organizational purposes.
2. **Section 2664(b)** — Moves existing section 2637.1(b) to proposed section 2664(b).
3. **Section 2664(c)** — Adds a new subdivision specifying that testing of spill containers must include verifying compliance with the liquid capacity requirement. This clarification, which is necessary to ensure compliance with proposed section 2640(e), will not increase the cost of testing.
4. **Section 2664(d)** — Moves existing section 2637.1(d) to proposed section 2664(d).

Section 2665. Requirements for Overfill Prevention Equipment Testing

Specific Purpose and Necessity of the Proposed Action

1. **Section 2665(a)** — Moves existing sections 2637.2(a) and 2637.2(c) to proposed section 2665(a) and combines them for organizational purposes. Deletes the

reference to the effective date of the provision, October 1, 2018, because it no longer is necessary.

2. **Section 2665(b)** — Moves existing section 2637.2(b) to proposed section 2665(b).
3. **Section 2665(c)** — Moves existing section 2637.2(d) to proposed section 2665(c).

Section 2666. Requirements for Secondary Containment Testing

Specific Purpose and Necessity of the Proposed Action

1. **Section 2666(a)** — Moves existing sections 2637(a)(1), with the exception of subparagraph (B)(ii), and (d) to proposed section 2666(a) and combines them for organizational purposes. Deletes the references to the respective effective dates of the provisions, October 1, 2018, and December 22, 1998, because they no longer are necessary.
2. **Section 2666(b)** — Moves subdivisions (a)(1)(B)(ii) and (a)(2) of existing section 2637 to proposed section 2666(b) and combines them for organizational purposes. Amends the provision regarding discontinuation of the periodic secondary containment system testing exemption consistent with the requirement that all Type 3 UST systems must have continuous vacuum, pressure, or hydrostatic monitoring pursuant to Health and Safety Code section 25290.1. The continuous vacuum, pressure, or hydrostatic monitoring system cannot be discontinued on Type 3 UST systems.
3. **Section 2666(c)** — Moves existing section 2637(c) to proposed section 2666(c).
4. **Section 2666(d)** — Adds a new subdivision requiring secondary containment testing on buried piping to verify continuity between the most distant points in each zone to the extent practical as approved by the Unified Program Agency. Periodically verifying continuity ensures the interstitial space is not blocked and is therefore adequately monitored.
5. **Section 2666(e)** — Moves existing section 2637(e) to proposed section 2666(e). Deletes the reference to the effective date of the provision, October 1, 2018, because it no longer is necessary.

Article 7. Unauthorized Release Reporting and Initial Response Requirements

Specific Purpose and Necessity of the Proposed Action

Moves the provisions in existing sections 2650 through 2653 regarding release reporting and initial response requirements from existing article 5 to proposed article 7 and reorganizes them for organizational purposes.

The provisions in existing article 7 regarding UST closure requirements are moved to proposed article 8 for organizational purposes.

Section 2670. Recording Requirements for Unauthorized Releases

Specific Purpose and Necessity of the Proposed Action

1. **Section 2670(a)** — Moves the provisions in subdivisions (b) and (c) section 2650 and existing section 2651(a) regarding recording a release to proposed section 2670(a) and combines them for organizational purposes. Deletes one provision for USTs with only primary containment and another for USTs with secondary containment, because all single-walled USTs must be closed before the anticipated effective date of the proposed regulations, January 1, 2026. Also, amends this provision to provide a cross reference to the specific section of the Health and Safety Code that is applicable to the requirement to record an unauthorized release from primary containment for ease of use.
2. **Section 2670(b)** — Moves existing section 2651(b) to proposed section 2670(b). The cross-reference in proposed section 2670(b)(5) is amended to cross-reference the implementing regulation, instead of the Health and Safety Code for greater specificity. Provisions in existing section 2651(b)(5) and (6) were combined and moved to proposed section 2670(b)(5) for organizational purposes.
3. **Section 2670(c)** — Moves existing section 2651(c) to proposed section 2670(c). Amends proposed paragraph (1) to limit this provision to non-integral secondary containment because integral secondary containment must be compatible with the hazardous substance stored pursuant to proposed section 2640(a), therefore, it only is necessary to specifically review the non-integral secondary containment in this instance.
4. **Section 2670(d)** — Moves existing section 2651(d) to proposed section 2670(d). Deletes examples of unanticipated facts because whether a condition is unanticipated depends on the specific circumstances under which the condition arose.
5. **Section 2670(e)** — Moves existing section 2651(e) to proposed section 2670(e). Deletes references to permit to avoid redundancy and potential conflict with permit requirements. Also, deletes the provision in existing section 2651(e) stating that the Unified Program Agency may inspect the underground storage tank because it is unnecessary. The Unified Program Agency already has the authority to inspect the underground storage tank at any time.
6. **Section 2670(f)** — Moves the provision in existing section 2650(f) as it applies to requirements for recordable releases to proposed section 2670(f).

Section 2671. Reporting, Investigation, and Initial Response Requirements for Unauthorized Releases

Specific Purpose and Necessity of the Proposed Action

1. **Section 2671(a)** — Moves the provisions in existing section 2650(e) regarding requirements for reportable releases and existing section 2652(a) to proposed section 2671(a) and combines them and amends them for clarity and organizational purposes. Amends for consistency with requirement that all USTs be double-walled and names the required report to the Unified Protection Agency a “preliminary written report” for clarity and ease of use. The provisions in existing section 2650(e) moved to proposed section 2671(a) are inclusive of the provisions in existing section 2650(d), and therefore, existing section 2650(d) is not separately moved to the proposed regulations.
2. **Section 2671(b)** — Moves existing section 2652(b), with the exception of the reference to the State Office of Emergency Services, and existing section 2653 to proposed section 2671(b) and combines them for organizational purposes. Amends proposed paragraph (4) to replace the terms “site investigation” and “abatement activities” with the more appropriate term “response activities” for clarification purposes. The report that must be provided to the Unified Program Agency within 24 hours of detecting an unauthorized release must include a description of any response activities that have been taken to address and stop an unauthorized release or condition. Any necessary abatement or corrective action, including site investigation, cannot be undertaken without the oversight of the Cleanup Oversight Agency.
3. **Section 2671(c)** — Moves existing section 2652(c) to proposed section 2671(c). Adds a new requirement in paragraph (2) to include the facility address and Facility ID Number on the preliminary written report for purposes of identification and tracking releases. Also, deletes the provision regarding compliance with Health and Safety Code section 25286 because it is duplicative of the notification requirement for a change in the hazardous substance stored in proposed section 2640(a)(4) and may create confusion.
4. **Section 2671(d)** — Adds a new subdivision to require the Unified Program Agency to submit all preliminary written reports and any sample analyses or other data subsequently received to the Cleanup Oversight Agency with jurisdiction of site with unauthorized release within 60 days of receipt. This provision is necessary because only the Cleanup Oversight Agency has authority to determine whether there has been an unauthorized release that requires corrective action, and the Cleanup Oversight Agency is unable to make this determination without this information and documentation.
5. **Section 2671(e)** — Under existing law, Cleanup Oversight Agencies must issue a Uniform Closure Letter to close an open UST release case, which provides a level of certainty to the responsible parties and assists the property owner in selling or

financing the property. There is no requirement, however, for the Cleanup Oversight Agency to timely review information and documentation regarding the reported unauthorized release and affirmatively state in writing that no corrective action is necessary in those instances where the Cleanup Oversight Agency never opens an UST release case. This leaves the property owner and owner and operator of the UST unsure whether they will be required to perform corrective action at some point in the future and may make it difficult for the property owner to sell or finance the property. In addition, because there is no requirement to timely review information and documentation regarding the reported unauthorized release the public health, safety, and environmental risks related to the reported unauthorized release may not be timely addressed.

This subdivision is added to require the Cleanup Oversight Agency to determine whether corrective action is necessary within 30 days of receiving a preliminary written report and any sample analyses or other data subsequently received and to either open a UST release case or affirmatively state in writing that no corrective action is necessary. If the Cleanup Oversight Agency determines that further investigation or corrective action is necessary, the Cleanup Oversight Agency must pursuant to proposed paragraph (1) open a UST release case, update GeoTracker, and notify the responsible parties. If the Cleanup Oversight Agency determines that no further investigation or corrective action is required, the Cleanup Oversight Agency must pursuant to proposed paragraph (2) notify the property owner and owner and operator of the UST when it determines that corrective is not necessary and update GeoTracker accordingly. Together, proposed paragraphs (1) and (2) ensure that the Cleanup Oversight Agency takes timely action, that the action is provided to all applicable regulated parties in writing, and that GeoTracker records are kept up to date. In addition, proposed paragraph (3) requires the Cleanup Oversight Agency to provide a copy of its notification under paragraph (1) or (2) to the Unified Program Agency so that the Unified Program Agency can properly carry out its duties.

6. **Section 2671(f)** — Moves the portion of existing section 2652(e) regarding corrective action requirements to proposed section 2671(f). Amends to clarify that this provision applies to all responsible parties, not just owners and operators.
7. **Section 2671(g)** — Moves the provision in existing section 2650(f) as it applies to requirements for reportable releases and the reference in existing section 2652(b) to the State Office of Environmental Services to proposed section 2671(g).

Article 8: Closure Requirements

Specific Purpose and Necessity of the Proposed Action

Moves the provisions in existing article 7 regarding UST closure requirements to proposed article 8 for organizational purposes.

The provisions in existing article 8 regarding site specific variance procedures are moved to proposed article 2 for organizational purposes.

Section 2680. Temporary Closure Requirements

Specific Purpose and Necessity of the Proposed Action

1. **Section 2680(a)** — Moves the provisions establishing the allowable purpose for temporary closure and time-period for the initial temporary closure approval in existing section 2670(b) to proposed section 2680(a). Requirements for a site-assessment to be performed in the case of extending temporary closure another 12 months are moved to proposed section 2680(h) for organizational purposes.
2. **Section 2680(b)** — Moves the provision in existing section 2670(f) regarding applying for approval for temporary closure to proposed section 2680(b) and clarifies that the owner or operator must obtain the Unified Program Agency's approval for temporary closure prior to placing the UST in temporary closure. This includes continuing to comply with all construction, monitoring, testing, and permitting requirements of the proposed regulations prior to approval for temporary closure is granted.
3. **Section 2680(c)** — Moves existing section 2670(g) to proposed section 2680(c). Amends to replace the term "unauthorized release" with the term "release" because existing language is too restrictive for double-walled USTs. It is not necessary to prohibit temporary closure where there has been an unauthorized release from the primary containment to the secondary containment. By replacing "unauthorized release" with "release," this provision only prohibits temporary closure where there has been a release to the environment.
4. **Section 2680(d)** — Moves provisions in existing section 2671(b) to proposed section 2680(d), with the exception of the requirement to maintain corrosion protection, which is moved to proposed section 2680(e) for organizational purposes. Deletes the provision requiring the Unified Program Agency to consider the need to maintain monitoring to detect unauthorized releases that may have occurred during the time the UST was used that have not yet been detected, which only applies to a method of monitoring single-walled USTs through installation of monitoring wells or drilling other borings. This provision is not necessary because all single-walled USTs must be closed before the anticipated effective date of the proposed regulations, January 1, 2026.
5. **Section 2680(e)** — Moves existing section 2671(e) and the provision in existing section 2671(b) requiring maintenance of corrosion protection to proposed section 2680(e) for organizational purposes. Deletes references to new and existing USTs since these terms will be outdated when the proposed regulations go into effect.

6. **Section 2680(f)** — Moves existing section 2671(a) to proposed section 2680(f). Deletes references to new and existing USTs since these terms will be outdated when the proposed regulations go into effect. Amends to provide Unified Program Agencies discretion to determine whether inerting a UST that contained a potentially hazardous substance is necessary because it is not always necessary to protect public health, safety, and the environment. This amendment will result in minor cost savings in those instances when the Unified Program Agency determines it is not necessary to inert the UST that is being put into temporary closure. Deletes the provision for concrete plugs on fill and access locations and piping as locking caps are more secure. Amends the provision regarding maintaining electrical power to equipment that is not closed for clarification purposes and to provide the Unified Program Agencies with more authority to specify which essential equipment must remain in service.
7. **Section 2680(g)** — Moves existing section 2671(c) to proposed section 2680(g). Adds a new requirement to verify temporarily closed tanks are inerted to prevent accidental fires if applicable. In addition, adds a new requirement to document the results of the inspection so that the Unified Program Agency can verify compliance with the inspection requirements. Deletes the provisions regarding concrete plugs as locking caps are more secure.
8. **Section 2680(h)** — Moves the provision for allowing a 12-month extension of the approval for temporary closure in existing section 2670(b) to proposed section 2680(h). Amends to clarify that the maximum period of time that a UST may be in temporary closure is 24 consecutive months. This is the maximum period permitted under the Federal UST Regulations. Existing section 2670(b) provides that a site assessment that must be conducted before approval of the 12-month extension must be in accordance with provisions in existing section 2672(d) for permanent closure. As proposed, section 2680(h) strengthens the sampling process in accordance with proposed section 2681(g).
9. **Section 2680(i)** — Moves provisions from existing section 2671(d) to proposed section 2680(i). Amends for clarification purposes and to be consistent with the organization of the proposed regulations.
10. **Section 2680(j)** — Adds a new subdivision to require the owner or operator to update the Type of Action data elements in the Tank Information pages in the California Environmental Reporting System within 72 hours of the beginning and end of the temporary closure period for proper tracking of temporarily closed USTs to assist in the enforcement of the temporary closure requirements and reduce the risk that temporarily closed USTs are abandoned.

Section 2681. Permanent Closure Requirements

Specific Purpose and Necessity of the Proposed Action

1. **Section 2681(a)** — Moves existing section 2670(f) and the provisions in existing section 2670(e) regarding permanent closure to proposed section 2681(a) and combines them for organizational purposes. Existing section 2670(e) provides that closure must be completed within a reasonable time period as determined by the Unified Program Agency (formerly referred to as the local agency). The State Water Board has determined that it is not reasonable to take more than 365 days to complete the closure process. Therefore, this provision is amended to closure must be completed within a reasonable time as determined by the Unified Program Agency, not to exceed 365 days.
2. **Section 2681(b)** — Moves existing section 2670(h) to proposed section 2681(b) for organizational purposes.
3. **Section 2681(c)** — Moves existing section 2672(a) to proposed section 2681(c) for organizational purposes. Restructures for clarification purposes.
4. **Section 2681(d)** — Adds a new subdivision to require that any compactable material that is imported onto the site for the purpose of backfilling an excavation while closing a UST be “clean compactable backfill.” This requirement is necessary to ensure that contaminated compactable backfill posing a risk to human health, safety, and the environment is not imported to the site and it also ensures that the ground is suitable for a stable foundation. This certification is standard practice in the industry and suppliers provide it upon request. In addition, this requirement does not extend the time necessary to complete the closure. Therefore, the State Water Board has determined that this requirement would not increase the cost of a UST closure.

The State Water Board has determined that it would not be appropriate to impose a similar requirement for: 1) non-compactable backfill brought onto the site; 2) non-compactable backfill reused on the site; or 3) compactable material reused on the site. In making this determination, the State Water Board has weighed standard industry practices, the relative risk posed by contaminated non-compactable backfill compared to contaminated compactable backfill, and the time and cost of analyzing non-compactable backfill or compactable material for reuse while a business must remain closed, against the risk to public health, safety, and the environment and the cleanup costs that may result from contaminated backfill.

5. **Section 2681(e)** — Moves existing section 2672(b), with the exception of the reuse provision in section 2672(b)(4), to proposed section 2681(e). Existing section 2672(b)(4) is moved to proposed 2683(b) for organizational purposes.
6. **Section 2681(f)** — Moves existing section 2672(c) to proposed section 2681(f).

7. **Section 2681(g)** — Moves existing section 2672(d) to proposed section 2681(g). Deletes language requiring the owner or operator to demonstrate to the satisfaction of the local agency that an unauthorized release has not occurred because it is confusing and unnecessary. The Unified Program Agency will review the closure documentation to verify that the owner or operator has complied with the closure requirements and then submit it to the Cleanup Oversight Agency, which will determine if an unauthorized release that requires corrective action has occurred. Amends the soil and groundwater sampling requirements to complete the UST closure to better identify whether there has been an unauthorized release from the UST system. Specifically, proposed section 2681(g) includes additional sampling requirements for tanks over 12,000 gallons in size and requires samples to be taken under each dispenser, which contain several piping connections that are prone to unauthorized releases. These additional requirements are necessary to ensure detection and confirmation of any unauthorized release of hazardous substance from the UST system. Also, deletes the authority to waive the requirement to analyze of all constituents, breakdown, or transformation products when key constituents that pose a significant threat to water quality can be identified for analysis to further ensure that the Cleanup Oversight Agency has sufficient data and information to determine if there has been an unauthorized release.
8. **Section 2681(h)** — Adds a new subdivision for soil and groundwater samples to be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program for all previously stored hazardous substances and their breakdown or transformation products. This is consistent with the intent of the existing regulations and will ensure that samples are properly analyzed and determine whether cleanup is necessary.
9. **Section 2681(i)** — Moves the provision in existing section 2672(d) requiring the owner or operator to provide a closure report to the Unified Protection Agency to proposed section 2681(h). Existing section 2672(d) requires the owner or operator to demonstrate that an unauthorized release has not occurred and provides sampling requirements without specifying what needs to be in the closure report submitted to the Unified Protection Agency. As proposed, section 2681(i) specifies the data and information required to be included with the closure report consistent with the sampling requirements in proposed section 2681(g).
10. **Section 2681(j)** — Moves existing section 2672(e) to proposed section 2681(j) and updates the language for clarification purposes.
11. **Section 2681(k)** — Adds a new subdivision to specify that Unified Program Agencies are required to issue Underground Storage Tank Closure Letters to the owner or operator that confirms permanent closure was completed properly, consistent with existing State Water Board requirements. This ensures proper tracking of compliance with the permanent closure requirements. This documentation, along with the documentation that the Cleanup Oversight Agency must provide under proposed section 2684(c), also improves transferability of the property or business.

12. **Section 2681(l)** — Moves existing section 2672(f) to proposed section 2681(l). Deletes the reference to the effective date of the provision, October 1, 2018, because it no longer is necessary.
13. **Section 2681(m)** — Moves existing section 2670(i), with the exception of language defining a decommissioned tank, to proposed section 2681(l). The definition of a “decommissioned tank” is moved to proposed section 2611.
14. **Section 2681(n)** — Adds a new subdivision to require the owner or operator to update the “Type of Action” data elements within the tank information pages in CERS within 72 hours of removal of the UST, or certification of the UST as non-hazardous if closed in place. This is necessary to close out the active UST record in CERS and to track properly closed UST.

Section 2682. Abandoned Underground Storage Tanks

Specific Purpose and Necessity of the Proposed Action

1. **Section 2682** — Adds a new section to set forth the requirements for abandoned USTs, which are more specific than existing practices.
2. **Section 2682(a)** — Prohibits abandoned USTs from being placed into temporary closure consistent with proposed section 2680. Also, requires abandoned USTs to be permanently closed, except as provided in subdivision (c). This prohibition is necessary because an abandoned UST has not been properly maintained and monitored for more than 365 days, which creates a significant risk of a release of a hazardous substance from the UST.
3. **Section 2682(b)** — Clarifies that abandoned USTs, just like all other USTs, must be annually inspected by the Unified Program Agency.
4. **Section 2682(c)** — Provides an exception to the prohibition in subdivision (a) against returning an abandoned UST to operation if the UST if it meets the same monitoring requirement as a newly installed UST and passes enhanced leak detection testing before returning to operation. It is necessary for an abandoned UST to meet these requirements before being returned to operation to ensure that return to operation does not create an increased risk of a release of a hazardous substance as a result of the period of abandonment during which the UST was not properly maintained and monitored.

Section 2683. Underground Storage Tank Reuse and Reinstallation Requirements

Specific Purpose and Necessity of the Proposed Action

1. **Section 2683** — Moves provisions in existing section 2672(b)(4) to subdivisions (a) and (b) of proposed section 2684 and separates out and expands on the requirements for UST reuse and reinstallation. As used in the proposed regulations, reuse is the use of a former UST for any purpose other than as a regulated UST in California. A reinstalled UST is a UST that is reinstalled in another location either on the same property or on another property within California to once again be a regulated UST in California. This distinction is necessary to address the risk of a release of a hazardous substance from a reinstalled UST.
2. **Section 2683(a)** — Moves provisions in existing section 2672(b)(4) relating to reusing a former UST for any purpose other than as a regulated UST in California. Amends to require the Unified Program Agency to review the intended reuse and provide approval before the system can be reused. Under existing regulations, owners and operators are required to notify the Unified Program Agency that they will be reusing a former UST for non-hazardous storage, but the Unified Program Agency cannot reject the proposal. As a result, some owners and operators are circumventing proper closure procedures by proposing unrealistic tank reuse options as an inexpensive alternative to proper tank closure. It is necessary to provide Unified Program Agencies authority to reject reuse proposals to prevent circumvention of proper closure procedures with unrealistic reuse proposals that can pose risks to public health, safety, and the environment.
3. **Section 2683(b)** — Moves provisions in existing section 2672(b)(4) relating to reinstallation of a UST at another location either on the same property or on another property within California to once again be a regulated UST in California. Adds a requirement for USTs that are installed in another Unified Program Agency's jurisdiction to receive approval from the receiving Unified Program Agency for the UST to be reinstalled. This requirement ensures the receiving Unified Program Agency verifies the reinstalled UST is recertified properly before reinstallation.
4. **Section 2683(c)** — Adds a requirement for that all USTs must be certified by the manufacturers and an independent testing organization no more than 30 days before reinstallation to demonstrate that they continue to meet minimum requirements of the proposed regulations. The UST's independent testing organization label must be updated to include the original manufacture date and recertification date. USTs constructed before July 2004 also must be retrofitted to meet the requirements of Health and Safety Code section 25290.1 before reinstallation. It is necessary for a reinstalled UST to meet the same requirements as any other UST before installation to ensure that reinstallation does not create an increased risk of a release of a hazardous substance.

5. **Section 2683(d)** — Moves existing section 2621(c) to proposed section 2683(d). Amends to be inclusive of all tank exemptions and exclusions.

Section 2684. Cleanup Oversight Agency Notification and Review

Specific Purpose and Necessity of the Proposed Action

1. **Section 2684** — Adds a new section to standardize and simplify the process for Unified Program Agencies to submit closure documentation to Cleanup Oversight Agencies and the establish procedures for Cleanup Oversight Agencies to process that documentation by either notifying the owner, operator, and property owner that no further investigation or corrective actions are required or opening a new UST release case. The procedures set forth in this section ensure the timely review of closure documentation by the Cleanup Oversight Agency and timely written notification of the owner, operator, and property owner of whether there has been a release of a hazardous substance from the UST that they are responsible for investigating and cleaning up. These procedures also ensure proper tracking of this entire process through GeoTracker.
2. **Section 2684(a)** — Existing regulations require Unified Program Agencies to submit reports of unauthorized releases to Cleanup Oversight Agencies, but do not require Unified Program Agencies to submit reports on the permanent closure of all USTs to Cleanup Oversight Agencies. Releases often are not discovered until a UST is permanently closed and Unified Program Agencies do not have the expertise or authority to analyze the data obtained during the permanent closure process and determine if there has been an unauthorized release. Therefore, this subdivision is added to require Unified Program Agencies to submit reports on the permanent closure of all USTs to Cleanup Oversight Agencies.

In addition, proposed section 2684(a) standardizes and simplifies the process for Unified Program Agencies to submit closure documentation to Cleanup Oversight Agencies through GeoTracker. Unified Program Agencies will not need to have a GeoTracker account to submit tank closure documentation to the Cleanup Oversight Agency. Unified Program Agencies will be able to make the submit the documentation through the GeoTracker Public Portal. If there is existing CERS data for the UST, the Unified Program Agency may enter the CERS ID to have the Tank Owner and Facility information auto-populated within GeoTracker. The remainder of the tank closure page will need to be filled out by the Unified Program Agency. This will require Unified Program Agencies to provide the tank information, sampling information, and attach any documentation or reports available. When the Unified Program Agency submits the documentation, a GeoTracker Non-Case Information page will be created with a unique ID and a notification email will be sent to the Cleanup Oversight Agency.

3. **Section 2684(b)** — Requires the Cleanup Oversight Agency to review the closure submittal within 30 days to determine if further investigation or corrective actions are

required. Timely review of the closure submittal is necessary to reduce the risk of any release of a hazardous substance and to provide owners, operators, and property owners with information regarding their potential liability for any release of a hazardous substance from the closed UST.

4. **Section 2684(c)** — Requires for the Cleanup Oversight Agency to notify the owner, operator, and property owner in writing if it determines that no further investigative or corrective action is required. The notification will be provided automatically by email through GeoTracker once a Cleanup Oversight Agency has determined if corrective action is required. This notification is necessary to ensure proper tracking of the environmental risk at all former UST sites. This documentation, along with the documentation the Unified Program Agency must provide under proposed section 2681(k), also improves transferability of the property or business.
5. **Section 2684(d)** — Requires for the Cleanup Oversight Agency to open an UST release case and notify the responsible parties when the Cleanup Oversight Agency determines that more investigation or corrective action is required. The notification will be provided automatically by email through GeoTracker once a Cleanup Oversight Agency has determined if corrective action is required. These requirements, which are consistent with existing practice, are necessary to provide owners, operators, and property owners that there has been a release of a hazardous substance from the UST that they are responsible for investigating and cleaning up and to facilitate the timely investigation and cleanup of the contamination from the release. This provision also ensures proper tracking of the environmental risk at those former UST sites that have had an unauthorized release.

Article 9. Permit Application, Unified Program Agency Requirements, Trade Secrets, and Red Tag Requirements

Specific Purpose and Necessity of the Proposed Action

Moves the provisions in existing sections 2711 through 2714 regarding permit requirements, permit conditions, Unified Agency Program reporting requirements, and trade secret from existing article 10 to proposed article 9 for organizational purposes. Moves the provisions in existing article 10.5 regarding red tag authority to proposed article 9 for organizational purposes. Also, amends the permit requirements, permit conditions, and red tag authority provisions to implement amendments to the Health and Safety Code enacted by Chapter 721, Statutes of 2018.

The provisions for requesting additional construction standards in existing article 9 are moved to proposed article 2 for organizational purposes.

Section 2690. Application for Permit to Operate an Underground Storage Tank

Specific Purpose and Necessity of the Proposed Action

1. **Section 2690(a)** — Moves existing section 2711(a) to proposed section 2690(a) and combines and reorganizes the paragraph's provisions for organizational purposes. Amends consistent with the UST information required by CERS pursuant to the Unified Program and for clarification purposes.

Specifically, amends the provisions in proposed paragraphs (1) and (3) to add additional contact methods so that the Unified Program Agency can contact the owner and operator expediently. Deletes subdivisions (a)(4) and (a)(13) of existing section 2711 regarding name, contact info, and signature requirements for a permit applicant as unnecessary because the person submitting the permit is identified in CERS and that person must electronically sign application through CERS. Adds proposed subdivision (a)(4) to require name of the property owner and the property owner's contact info, consistent with existing practice, because the Unified Program Agency needs this information, and the tank owner is not always the property owner. Amends proposed paragraph (5), previously existing section 2711(a)(11) for greater specificity to clarify which financial responsibility documentation is required to be submitted as part of the application and what documentation just needs to be maintained and available upon request. Combines paragraphs (5), (6), and (7) of existing 2711(a) into proposed paragraph (6) to be more inclusive of all the UST information required by CERS pursuant to the Unified Program and for clarification purposes. Amends proposed paragraph (7), previously existing section 2711(a)(10), for clarity and consistency with existing requirements.

Also, moves existing section 2711(a)(8) and (9) to proposed paragraph (8) and combines them for clarity and conciseness. Deletes existing subparagraphs (A) through (F) listing specific monitoring methods because this list is unnecessary. The monitoring plan required by proposed paragraph (8)(A) must include the approved monitoring method(s). As proposed, paragraph (8) requires submittal of the facility's monitoring program, including the monitoring plan consistent with existing section 2711(a)(9), the monitoring site plan consistent with existing section 2711(a)(8), and the facility's response plan consistent with existing section 2711(a)(9).

2. **Section 2690(b)** — Adds this new subdivision to clarify that compartmented tanks, those that share an internal bulkhead, require a separate permit for each compartment, which is consistent with the existing regulations.
3. **Section 2690(c)** — Adds this new subdivision to require a permit holder to apply for permit renewal at least 30 days prior to the permit expiration date, by submitting all the information identified in section 2690(a). This requirement, which is consistent with existing regulations and existing practice, is necessary to provide the Unified Program Agency sufficient time to review the submittal before issuing a new permit.

Section 2691. Operating Permit

Specific Purpose and Necessity of the Proposed Action

1. **Section 2691(a)** — Moves the provision in existing section 2620(b) regarding a written agreement between the owner and operator when the operator is not the owner to proposed section 2691(a).
2. **Section 2691(b)** — Moves existing section 2712(c) to proposed section 2691(b). Amends to implement amendments to the Health and Safety Code enacted by Chapter 721, Statutes of 2018 reducing the reasons for which a Unified Program Agency may refuse to issue a permit. As proposed, proposed section 2691(b) is consistent with Health and Safety Code section 25285. Deletes the requirement for the Unified Program Agency to inspect the UST before issuing or renewing a permit because it no longer is permissible for a Unified Program Agency to deny a permit for any reason unless there is an enforcement action that meets the requirements of Health and Safety Code section 25285(b) or the owner or operator has not paid the permit fee.

Also, amends the information required to be on permits for conciseness and to ensure that permits are issued consistent with Health and Safety Code chapter 6.7 and section 25404 by specifying which the statutes and regulations apply to permits. Specifically, deletes the requirement to include monitoring requirements as unnecessary and redundant of information found in CERS for the facility. In addition, adds requirements to include the facility name and address, owner name, operator name, and permit issuance date to ensure proper tracking and enforcement of permit requirements.

3. **Section 2691(c)** — Moves existing section 2712(d) to proposed section 2691(c). Amends for clarifications purposes.
4. **Section 2691(d)** — Moves existing section 2712(i) to proposed section 2691(d).
5. **Section 2691(e)** — Moves the permit fee requirement in existing section 2711(d) to proposed section 2690(b).

Section 2692. Unified Program Agency Requirements

Specific Purpose and Necessity of the Proposed Action

1. **Section 2692(a)** — Moves existing section 2713(c) to proposed section 2692(a). Amends for specificity and clarification purposes.
2. **Section 2692(b)** — Moves existing section 2713(d) to proposed section 2692(b).
3. **Section 2692(c)** — Moves existing section 2713(e) to proposed section 2692(c).

4. **Section 2692(d)** — Adds a new subdivision to require that Unified Program Agencies ensure abandoned USTs are reported in CERS. This is necessary to properly track abandoned USTs and assist in ensuring that these USTs are inspected annually until these USTs are properly closed.

Section 2693. Trade Secrets

Specific Purpose and Necessity of the Proposed Action

1. **Section 2693(a)** — Moves existing section 2714(a) to proposed section 2693(a). Amends to apply to any information or documentation submitted or provided pursuant to Health and Safety Code chapter 6.7 or the proposed regulations to ensure that all potential trade secret situations are addressed.
2. **Section 2693(b)** — Moves existing section 2714(b) to proposed section 2693(b). Amends usage of the term “agency” for clarification purposes. As proposed, the term “agency” is used throughout proposed section 2693 to refer to the specific agency that has received the request for trade secret protection.
3. **Section 2693(c)** — Moves existing section 2714(c) to proposed section 2693(c).
4. **Section 2693(d)** — Moves existing section 2714(d) to proposed section 2693(d).
5. **Section 2693(e)** — Moves existing section 2714(e) to proposed section 2693(e).
6. **Section 2693(f)** — Moves existing section 2714(f) to proposed section 2693(f).
7. **Section 2693(g)** — Moves existing section 2714(g) to proposed section 2693(g).
8. **Section 2693(h)** — Moves existing section 2714(h) to proposed section 2693(h).

Section 2694. Enforcement, Violations Classification, and Red Tag Applications

Specific Purpose and Necessity of the Proposed Action

1. **Section 2694** — Moves the provisions in existing sections 2717.1 regarding red tag applications to proposed section 2695 for organizational purposes. Amends to implement amendments to the Health and Safety Code enacted by Chapter 721, Statutes of 2018, and for clarity, including replacing the term “petroleum” with the term “hazardous substance” and replacing the term “local agency” with “agency” because both the Unified Program Agency and the State Water Board are authorized to affix red tags. As proposed, section 2694 is consistent with Health and Safety Code section 25292.3.
2. **Section 2694(a)** — Adds a new subdivision to require Unified Program Agencies and the State Water Board develop Inspection and Enforcement Program Plans to

ensure consistent enforcement against owners and operators. This is an existing requirement for Unified Program Agencies under section 15200 of title 27 of the California Code of Regulations. As proposed, section 2694(a) requires Unified Program Agencies to comply with the requirements under section 15200 of title 27 of the California Code of Regulations. It also requires both Unified Program Agencies and the State Water Board to provide procedures in their Inspection and Enforcement Program Plans that for making sure inspections are completed timely, return to compliance is timely verified and documented, and progressive enforcement is initiated against owners and operators of noncompliant USTs. This will promote effective detection, abatement, and deterrence of violations, improved tracking and effective communication with owners and operators, and clear and consistent treatment of recalcitrant violators, which together serve to reduce noncompliance.

3. **Section 2694(b)** — Moves existing section 2712(g) to proposed section 2694(b). Adds the containment requirements of proposed article 4 to the list of violations that require an enforcement action to ensure consistent enforcement of containment requirements, which are essential for preventing releases of hazardous substances to the environment.
4. **Section 2694(c)** — Adds a new subdivision requiring UST inspectors to classify violations they cite as either minor, Class II, or Class I consistent with the regulations and their agency's Inspection and Enforcement Plan. This requirement, which is consistent with other requirements within the Unified Program, ensures clear and consistent enforcement and improves tracking of those violations.
5. **Section 2694(d)** — Moves existing section 2717.1(a), with the exception of the 24-hour notification requirement, to proposed section 2694(d).
6. **Section 2694(e)** — Moves provisions of existing section 2717.1(b) to proposed section 2694(e). Amends the term "seven business days" to delete the word "business" for consistency with Health and Safety Code section 25292.3(b) and with the proposed regulations which delete the modifiers "business" or "calendar" in front of "days."
7. **Section 2694(f)** — Adds a new subdivision to implement amendments to the Health and Safety Code enacted by Chapter 721, Statutes of 2018 by providing the red tag affixing agency authority to direct the owner or operator to empty the UST when affixing the red tag. This provision, which is consistent with Health and Safety Code section 25292.3(a)(2), provides that the UST cannot be emptied through the dispenser to prevent owners and operators of noncompliant facilities from benefiting monetarily during the noncompliance period.
8. **Section 2694(g)** — Adds a new subdivision to implement amendments to the Health and Safety Code enacted by Chapter 721, Statutes of 2018 by requiring the State Water Board consult with the Unified Program Agency having jurisdiction if applying a red tag to a noncompliant facility. This provisions, which is consistent with Health

and Safety Code section 25292.3(d), ensures coordination with the Unified Program Agency and ensures proper tracking of the enforcement action.

9. **Section 2694(h)** — Move existing sections 2717.1(c) and 2717.2(b) to proposed section 2694(h) and combines them for organizational purposes. Adds a requirement to document the level of hazardous substance immediately before complying with a requirement to empty a red tagged tank to ensure compliance with the red tag. Also, amends to allow the level of hazardous substance to be documented by the State Water Board, instead of the Unified Program Agency, consistent with the State Water Board’s authority to affix a red tag.
10. **Section 2694(i)** — Moves the notification requirements in existing section 2717.1(a) to proposed section 2694(i).
11. **Section 2694(j)** — Moves existing section 2717.1(e) to proposed section 2694(j). Amends the language consistent with proposed section 2695(c) which allows the red tag affixing agency to authorize the owner or operator to remove the red tag.
12. **Section 2694(k)** — Adds a new subdivision requiring Unified Program Agencies to expedite review of approvals required to correct violations necessary for red tag removal. Expedited approvals reduce the amount of time that USTs are in significant violations and reduce the risk of a release of a hazardous substance to the environment.
13. **Section 2694(l)** — Adds a new subdivision to allow the State Water Board to request the Unified Program Agency with jurisdiction over the facility remove red tags affixed by the State Water Board. This provides flexibility for State Water Board staff to ensure that that red tags are removed more expediently, allowing the UST to resume operation as soon as possible.
14. **Section 2694(m)** — Adds a new subdivision requiring the red tag affixing agency notify the owner in writing if the Board or Unified Program Agency determines the significant violation for which the red tag was applied was corrected. This notification provision ensures proper tracking and efficient communication with the owner, who may not be aware of issues that normally are handled by the operator.
15. **Section 2694(n)** — Moves existing section 2717.1(d) to proposed section 2694(n).

Section 2695. Removal of Red Tags

Specific Purpose and Necessity of the Proposed Action

1. **Section 2695** — Moves the provisions in existing sections 2717.1, 2717.2, and 2717.3 regarding removal of red tags to proposed section 2695 for organizational purposes. Amends these provisions to implement amendments to the Health and Safety Code enacted by Chapter 721, Statutes of 2018 and for clarity, including replacing the term “petroleum” with the term “hazardous substance and replacing the

term “local agency” with “agency” because both the Unified Program Agency and the State Water Board are authorized to affix red tags. As proposed, section 2695 is consistent with Health and Safety Code section 25292.3.

2. **Section 2695(a)** — Moves existing section 2717.1(g) to proposed section 2695(a). Deletes language modifying this provision to specifically address making the tag illegible because it is not necessary.
3. **Section 2695(b) – (c)** — Moves existing section 2717.2(a) to subdivisions (b) and (c) of proposed section 2695, splitting these provisions into two subdivisions for organizational purposes. Also, amends the term “five business days” to delete the word “business” for consistency with Health and Safety Code section 25292.3(d) and the proposed regulations which delete the modifiers “business” or “calendar” in front of “days.”
4. **Section 2695(d)** — Moves existing section 2717.2(b) to proposed section 2695(d).
5. **Section 2695(e)** — Moves existing section 2717.3 to proposed section 2695(e). Deletes language defining an “emergency generator tank system” because it is no longer necessary. The term “emergency tank system” (formerly “emergency generator tank system”) is defined in proposed section 2611.
6. **Section 2695(f)** — Moves existing section 2717.2(c) to proposed section 2695(f). Amends the term “five business days” to delete the word “business” for consistency with the proposed regulations which delete the modifiers “business” or “calendar” in front of “days.”

Section 2696. Content of Red Tags

Specific Purpose and Necessity of the Proposed Action

1. **Section 2696(a)** — Moves existing section 2717.6(a) to proposed section 2696(a).
2. **Section 2696(b)** — Moves existing section 2717.6(b) to proposed section 2696(b). Amends the language in each red tag pursuant to paragraph (2) to implement amendments to the Health and Safety Code enacted by Chapter 721, Statutes of 2018, including replacing the term “petroleum” with the term “hazardous substance.” As proposed, section 2696(b) is consistent with Health and Safety Code section 252992.3(c).

Article 10. Corrective Action Requirements

Specific Purpose and Necessity of the Proposed Action

Moves the provisions in existing section 2655 regarding free product removal from existing article 5 to proposed article 10 for organizational purposes. Moves the provisions in existing sections 2721 through 2728 regarding corrective action from existing article 11 to proposed article 10 for organizational purposes.

The permit requirements, permit conditions, Unified Program Agency reporting requirements, and trade secret provisions in existing article 10 are moved to proposed article 9 for organizational purposes. The recordkeeping and notification requirements that apply to UST owners and operators in existing article 10 are moved to proposed articles 1 and 4 for organizational purposes. The certification, licensing, and training requirements and the designated UST operator visual inspection requirements in existing sections 2715 and 2716 in existing article 10 are moved to proposed article 3 and separated into multiple, individual sections each focusing on a single topic for organizational purposes. The change in permit information submittal requirement in existing section 2711(b) is moved from existing article 10 to proposed article 5 organizational purposes.

Section 2709. Authority to Oversee Abatement

Specific Purpose and Necessity of the Proposed Action

Adds a new section to implement amendments to the Health and Safety Code enacted by Chapter 536, Statutes of 2012, and to clarify which agencies have authority to oversee “abatement” as defined in proposed section 2611.

As proposed, section 2709 clarifies that only Cleanup Oversight Agencies have authority to oversee the abatement of unauthorized releases of hazardous substances from USTs, including corrective action and post-closure abatement. Proposed section 2709 is consistent with Health and Safety Code sections 25283, 25297.01, and 25297.1.

Section 2710. Scope of Corrective Action

Specific Purpose and Necessity of the Proposed Action

1. **Section 2710(a)** — Moves existing section 2721(b) to proposed section 2710(a). Deletes the reference to article 4 of chapter 6.75 of the Health and Safety Code, because it is unnecessary and potentially confusing.
2. **Section 2710(b)** — Moves existing section 2722(a) to proposed section 2710(b). Adds Corrective Action Plan Development Phase and Closure Preparation Phase to

be consistent with current industry and regulatory practices, which ensures an orderly and cost-effective remediation of the contamination through case closure.

3. **Section 2710(c)** — Moves existing section 2722(b) to proposed section 2710(c). Existing language provides that interim remedial actions can occur concurrently with any phase of corrective actions. As proposed, section 2710(c) provides that interim remedial actions only may occur concurrently with the Preliminary Site Assessment Phase, the Soil and Water Investigation Phase, and the Corrective Action Plan Development Phase, which is consistent with existing practice. Once the Corrective Action Plan is being implemented, all remedial actions must occur as part of the Corrective Action Plan.
4. **Section 2710(d)** — Moves existing section 2722(c) to proposed section 2710(d). Deletes the provision regarding what to do if no regulatory agency has assumed responsibility for overseeing corrective action, because it is unnecessary. Also, deletes the limitation on the requirement for a responsible party to submit a work plan to the Cleanup Oversight Agency only if directed to do so because Health and Safety Code section 25296.10(c)(1) requires responsible parties to prepare a workplan for any corrective action directed by a Cleanup Oversight Agency.
5. **Section 2710(e)** — Moves existing section 2722(d) to proposed section 2710(e). Amends to clarify that a responsible party must modify and re-submit the workplan if directed to do so by the Cleanup Oversight Agency, which is consistent with existing practice.
6. **Section 2710(f)** — Moves existing section 2722(e) to proposed section 2710(f). Amends language to be consistent with proposed 2710(e).

Section 2711. Preliminary Site Assessment Phase

Specific Purpose and Necessity of the Proposed Action

1. **Section 2711(a)** — Moves existing section 2723(a) to proposed section 2711(a).
2. **Section 2711(b)** — Moves existing section 2723(b) to proposed section 2711(b).

Section 2712. Free Product Removal Requirements

Specific Purpose and Necessity of the Proposed Action

1. **Section 2712(a)** — Moves existing section 2655(a) to proposed section 2712(a). Deletes unnecessary and potentially confusing language regarding continuing to take any actions required under regulatory provisions.
2. **Section 2712(b)** — Moves existing section 2655(b) to proposed section 2712(b).

3. **Section 2712(c)** — Moves existing section 2655(c) to proposed section 2712(c). Amends to clarify the objective of free product removal.
4. **Section 2712(d)** — Moves existing section 2655(d) to proposed section 2712(d).
5. **Section 2712(e)** — Moves existing section 2655(e) to proposed section 2712(e).

Section 2713. Soil and Water Investigation Phase

Specific Purpose and Necessity of the Proposed Action

1. **Section 2713(a)** — Moves existing section 2724 to proposed section 2713(a).
2. **Section 2713(b)** — Moves existing section 2725(a) to proposed section 2713(b). Amends to clarify the objective of the Soil and Water Investigation Phase, including clarifying that the cleanup and closure must be consistent with applicable state policies for water quality control, which is consistent with existing practice.

Section 2713.1. Corrective Action Plan Development Phase

Specific Purpose and Necessity of the Proposed Action

1. **Section 2713.1(a)-(c)** — Moves existing sections 2725(b) and 2725(c) to proposed section 2713.1(a) through (c) and reorganizes them for organizational purposes. As proposed, subdivision (a) clarifies that a responsible party only must submit a Corrective Action Plan if directed to do so by the Cleanup Oversight Agency, if the Cleanup Oversight Agency determines that further corrective action is necessary, which is consistent with existing practice. Also, adds a requirement to proposed subdivision (a) that a proposed Corrective Action Plan must not just be cost-effective, but also must cause the smallest environmental footprint practicable to reduce the environmental impact of corrective action. Adds a required timeframe in proposed subdivision (b) for the Cleanup Oversight Agency to respond to the Corrective Action Plan to ensure a timely response to a responsible party. Amends the provision in proposed subdivision (c) to clarify that a responsible party must modify and re-submit the Corrective Action Plan if directed to do so by the Cleanup Oversight Agency, which is consistent with existing practice.
2. **Section 2713.1(d)** — Moves subdivisions (d)-(g) in existing section 2725 to proposed section 2713.1(d) and combines them for organizational purposes. Amends proposed section 2713.1(d) to clarify that the Corrective Action Plan must be designed to achieve closure consistent with all applicable state policies for water quality control, which is consistent with existing practice. Adds a requirement to the provision in proposed paragraph (2) to evaluate feasibility study alternatives not just for cost-effectiveness, but also for relative size of environmental footprint to reduce the environmental impact of corrective action.

Section 2714. Corrective Action Plan Implementation Phase

Specific Purpose and Necessity of the Proposed Action

1. **Section 2714(a)** — Moves existing section 2726(a) to proposed section 2714(a).
2. **Section 2714(b)** — Moves existing section 2726(b) to proposed section 2714(b).
3. **Section 2714(c)** — Moves existing section 2726(c) to proposed section 2714(c). Amends to emphasize that a responsible party must comply with any public notification requirements that may be set by the Cleanup Oversight Agency.
4. **Section 2714(d)** — Adds a new subdivision to require a responsible party to notify the Cleanup Oversight Agency if the Corrective Action Plan is no longer cost-effective and to recommend modifications to or suspension of the Corrective Action Plan. This ensures that responsible parties, including those receiving funding from the State Water Board's UST Cleanup Fund or its companion programs, do not continue with a Corrective Action Plan after it has been shown not to be cost-effective.
5. **Section 2714(e)** — Moves existing section 2726(d) to proposed section 2714(e).

Section 2715. Verification Monitoring Phase

Specific Purpose and Necessity of the Proposed Action

1. **Section 2715(a)** — Moves existing section 2727(a) to proposed section 2715(a).
2. **Section 2715(b)** — Moves existing section 2727(b) to proposed section 2715(b). Adds a requirement to sample and monitor soil vapor during the verification monitoring phase consistent with existing practice and applicable state policies for water quality control.
3. **Section 2715(c)** — Moves existing section 2727(c) to proposed section 2715(c).

Section 2716. Closure Preparation Phase

Specific Purpose and Necessity of the Proposed Action

1. **Section 2716** — Adds a new section to require specified closure processes for hazardous substance UST release cases to ensure statewide consistency in closure processes for all hazardous substance UST release cases, including both petroleum and non-petroleum releases. As proposed, section 2716 is consistent with Health and Safety Code sections 25296.10, 25296.20, and 25297.15 and the actions

required for the closure of a petroleum UST release case under the existing policy for water quality control, the Low-Threat Underground Storage Tank Case Closure Policy (adopted by State Water Board Resolution 2012-0016).

2. **Section 2716(a)** — Specifies that the Closure Preparation Phase is the phase between the Cleanup Oversight Agency's notification to a responsible party that the UST release case is eligible for closure and the Cleanup Oversight Agency's issuance of a closure letter for the case, which is consistent with Health and Safety Code sections 25296.20 and 25297.15 and with existing procedures.
3. **Section 2716(b)** — Requires the Cleanup Oversight Agency to complete a minimum 60-day public notification and participation process prior to issuing a closure letter. Health and Safety Code section 25296.20 requires the Cleanup Oversight Agency to provide notice to current record owners of fee title to the site of the release, and to consider the input and recommendations of the landowner prior to considering closure proposals, issuing a closure letter, or determining that no further action is required. Health and Safety Code section 25297.15, on the other hand, places responsibility for public notification on the primary or active responsible party. This subdivision is necessary to place primary responsibility for public notification and participation on the Cleanup Oversight Agency and to ensure consistency in closure processes, for all UST release cases, with the Low-Threat Underground Storage Tank Case Closure Policy, which requires notice to the full range of specified stakeholders rather than just to the owners of the site of the release. The Cleanup Oversight Agency, not a responsible party, is in the best position to ensure compliance with public notification and participation requirements.
4. **Section 2716(c)** — Adds a required timeframe for the Cleanup Oversight Agency to notify a responsible party if the site is still eligible for closure or if additional work is needed following completion of the public participation process. This is necessary to ensure a timely response to a responsible party and to ensure compliance with Health and Safety Code sections 25296.20 and 25297.15.
5. **Section 2716(d)** — Requires a responsible party notified that the UST release case remains eligible for closure pursuant to proposed section 2716(c) to perform specified actions to complete the closure process and to submit a report to the Cleanup Oversight Agency following their completion. These actions include destroying any wells, borings, and excavations associated with the corrective action, properly disposing of facilities and waste, and (if directed to do so by the Cleanup Oversight Agency) attaching and recording any necessary conditions or restrictions on the title to the property. These requirements are necessary to protect public health, safety, and the environment; are consistent with Health and Safety Code section 25296.10, Water Code section 13304, and State Water Board Resolution 92-49; and ensure consistency in closure processes for all hazardous substance UST release cases with the Low-Threat Underground Storage Tank Case Closure Policy.

Section 2717. Closure Denial Petitions and Closure Reviews

Specific Purpose and Necessity of the Proposed Action

1. **Section 2717** — Adds a new section to better implement section 25296.40 of the Health and Safety Code. As proposed, section 2717 clarifies that the closure denial petition process and closure review process apply to all UST release cases, including both petroleum and non-petroleum releases. Together, these processes are necessary to ensure statewide consistency.
2. **Section 2717(a)** — Provides that a responsible party may petition the State Water Board for review of the denial of a UST release case closure request pursuant to section 25296.40 and article 6 of chapter 18 of division 3 of title 23 of the California Code of Regulations to ensure that responsible parties know their petition rights.
3. **Section 2717(b)** — Adds a provision to clarify that the State Water Board may review any UST release case regardless of whether a petition has been submitted or not and may close the UST release case if conditions are found to comply with subdivisions (a) and (b) of section 25296.10 of the Health and Safety Code and this article. This is necessary to ensure statewide consistency as some responsible parties may not understand that they may petition the State Water Board when they disagree with a closure denial or may not take full advantage of the closure denial petition process. As proposed, section 2717(b) is consistent with Health and Safety Code sections 25296.10, 25299.7, and 25299.39.2.

Section 2718. Closure

Specific Purpose and Necessity of the Proposed Action

1. **Section 2718(a)** — Adds a new subdivision to clarify that the Cleanup Oversight Agency must grant closure consistent with all applicable state policies for water quality control adopted pursuant to article 3 of chapter 3 of division 7 of the Water Code beginning with section 13140 and the conditions under which a Cleanup Oversight Agency may require a land use restriction as a condition of closure. Adopted applicable state policies include State Water Board Resolution 92-49, State Water Board Resolution 88-63 (Sources of Drinking Water), State Water Board Resolution 68-16 (Antidegradation Policy), and the Low-Threat Underground Storage Tank Case Closure Policy (for petroleum UST release cases). Proposed paragraph (1) clarifies that a Cleanup Oversight Agency only may require a land use restriction as a condition of closure of a petroleum UST release case if it is a requirement of the least restrictive standards available. This is consistent with State Water Board Resolution 92-49 and the Low-Threat Underground Storage Tank Case Closure Policy and is necessary to clarify that a land use restriction is not appropriate if a petroleum UST release case otherwise meets less restrictive criteria under the Low-Threat Underground Storage Tank Case Closure Policy. Proposed paragraph (2) clarifies that a Cleanup Oversight Agency only may require a land use

restriction as a condition of closure of for a non-petroleum UST release case if the Cleanup Oversight Agency determines it is necessary for the protection of public health, safety, or the environment. This is consistent with Water Code section 13307.1 and with State Water Board Resolution 92-49.

2. **Section 2718(b)** — Moves existing section 2721(d) to section 2718(b). Adds a reference to Health and Safety Code section 25296.10 for clarification purposes.

Section 2718.1. Post-Closure Abatement

Specific Purpose and Necessity of the Proposed Action

1. **Section 2718.1** — Adds a new section to implement amendments to the Health and Safety Code enacted by Chapter 536, Statutes of 2012, and to clarify the post-closure abatement requirements. As proposed, section 2718.1 ensures that if there is any change in the basis and assumptions for closure of a hazardous substances UST release case, or any additional abatement is needed, that only an agency authorized and qualified to reassess the closure determination, and potentially re-open the case, makes that assessment, and oversees any needed additional abatement. This is necessary to avoid any confusion that any agency not authorized and qualified to make the reassessment, or to perform oversight of abatement, may do so. Proposed section 2718.1 is consistent with Health and Safety Code sections 25283, 25296.10, 25297.01, and 25297.1.
2. **Section 2718.1(a)** — Requires an owner of a property where an unauthorized release of hazardous substance from a UST has occurred to notify the Cleanup Oversight Agency immediately when additional abatement may be necessary for the protection of public health, safety, or the environment, including in circumstances where the owner becomes aware after closure of a hazardous substance UST release case at the site that information about the release that had been provided to the Cleanup Oversight Agency was inaccurate or not representative of site conditions, if site conditions change, or if actual or anticipated uses of area groundwater change. As proposed, section 2718.1(a) ensures that if there is any change in the basis and assumptions for closure of a hazardous substance UST release case, or any additional abatement is needed, that only an agency authorized and qualified to reassess the closure determination, and potentially re-open the case, makes that assessment, and oversees any needed additional abatement, and to avoid any confusion that any agency not authorized and qualified to make the reassessment, or to perform oversight of abatement, may do so.
3. **Section 2718.1(b)** — Requires the Cleanup Oversight Agency to notify the owner of a property where an unauthorized release of a hazardous substance from a UST has occurred whether the Cleanup Oversight Agency finds that additional site abatement is necessary within 30 days of receiving notification pursuant to subdivision (a). This is necessary to provide a timeline for Cleanup Oversight

Agency response and greater certainty for property owners whether additional abatement will be necessary.

4. **Section 2718.1(c)** — Requires the owner of a property where an unauthorized release of a hazardous substance from a UST has occurred to perform any abatement activities directed by the Cleanup Oversight Agency if the Cleanup Oversight Agency determines that additional site abatement is necessary, to ensure that only an agency authorized to oversee such abatement does so. The owner of the property where additional abatement is directed by the Cleanup Oversight Agency must reimburse all reasonable and necessary oversight costs incurred by the Cleanup Oversight Agency in overseeing any abatement. As proposed, section 2718.1(c) clarifies and makes specific section 25297.1 of the Health and Safety Code, which provides for recovery of oversight costs, and is necessary to reimburse the Cleanup Oversight Agencies for the cost incurred in providing oversight.

Section 2719. Public Participation

Specific Purpose and Necessity of the Proposed Action

1. **Section 2719(a)** — Moves existing section 2728(a) to proposed section 2719(a).
2. **Section 2719(b)** — Moves existing section 2728(b) to proposed section 2719(b).
3. **Section 2719(c)** — Moves existing section 2728(c) to proposed section 2719(c).
4. **Section 2719(d)** — Moves existing section 2728(d) to proposed section 2719(d). Amends to clarify that public notice always must be given upon completion of corrective action, not just in certain instances.
5. **Section 2719(e)** — Moves existing section 2728(e) to proposed section 2719(e).

Appendices

Specific Purpose and Necessity of the Proposed Action

Deletes existing tables A and C of appendix I and appendices II and III as unnecessary because they are specific to single-walled USTs, which must be closed before the anticipated effective date of the proposed regulations, January 1, 2026. Deletes table B of appendix I because it is not necessary for a list of organizations that adopt voluntary consensus standards and their contact information to be in regulation. Deletes appendix IV because it is not necessary to provide a list of evaluation procedures that meet regulatory requirements for leak detection equipment in regulation. In addition, table B of appendix I and appendix IV are out of date as this is the type of information

that changes more frequently than regulations, and therefore, these appendices are not useful. Existing appendix V is unnecessary because it is blank, reserved for future use.

Deletes existing appendix XI. As part of a system-wide update, the CERS database will require the data fields currently required as part of the existing Designated UST Operator Identification Form to be entered electronically in CERS, making the existing form redundant. Entering electronic data will allow tracking of designated operators as the current scanned version of the form makes it difficult to search for specific designated operators.

Moves the remaining forms in appendices VI through X and XII and XIII to proposed appendices 1 through 7. To improve readability, formatting has been updated and the proposed appendices use Arabic numerals, instead of Roman numerals. As proposed, the appendices are consistent with the proposed regulations, including amending regulatory references and replacing “inspection” and “certification with “test,” “monitoring equipment” with “release detection equipment,” “turbine” with “pressure supply pump,” and “tightness test” with “test.” Also, introductory language, facility information sections, and other sections that are in multiple appendices are made consistent across the different appendices. In addition, amends contact information fields to add email addresses as applicable to improve communication and delete unnecessary contact information fields to provide more space for necessary fields. Adds continuation appendices to certain sections of the appendices to accommodate larger facilities. Amends to make the appendices more user-friendly, including moving instructions in comment sections to footers, which provides more space to write comments.

Deletes fields for tank tester license numbers, because these fields are unnecessary and potentially confusing. Regardless of whether a person has a tank tester license, a person cannot contract for the work covered by the forms without a Contractor State Licensing Board (CSLB) license if the work costs more than \$500, and the cost of the work covered by the forms costs more than \$500. Therefore, a person completing the work must have a CSLB license and the person is not required to have a tank tester’s license.

Appendix 1. Statement of Understanding and Compliance Form

Specific Purpose and Necessity of the Proposed Action

1. **Appendix 1** — Moves appendix X to proposed appendix 1 for organizational purposes. As proposed, appendix 1 is consistent with proposed section 2630(a).
2. **Section 3** — Adds a new requirement to include name and title of the person signing the Form to make it easier to identify the signatory and ensure that the signatory is the owner or operator or has authority to sign on behalf of the owner or operator.

Appendix 2. Facility Employee Training Certificate

Specific Purpose and Necessity of the Proposed Action

1. **Appendix 2** — Moves existing appendix XII to proposed appendix 2 for organizational purposes. As proposed, appendix 2 is consistent with proposed section 2631.
2. **Section 2** — Adds asterisks to clarify that the Designated UST Operator's name on the Certificate must match the individual's name on the individual's ICC certification and that a new Certificate must be started when the Designated UST Operator's is renewed. These clarifications are necessary to ensure compliance with the facility employee requirements in subdivisions (b) and (d) of proposed section 2631.
3. **Section 3** — Deletes the requirement for including the initial date of training and the date the individual assumed the duties of facility employee. This information is not necessary, and it is not useful for inspectors. Consistent with proposed section 2631(e), proposed section 3 requires the name of the individual trained, the date training was performed, and a signature from the designated UST operator providing the training. Adds language to attach copies of appendix 2.1 to accommodate larger facilities.

Appendix 2.1. Facility Employee Training Certificate Continuation Page

Adds a new appendix as a continuation page proposed appendix 2 to accommodate larger facilities.

Appendix 3. Designated UST Operator Visual Inspection Report Form

Specific Purpose and Necessity of the Proposed Action

1. **Appendix 3** — Moves existing appendix XIII to proposed appendix 3 for organizational purposes. As proposed, appendix 3 is consistent with proposed section 2631.
2. **Section 9** — Adds language to attach copies of appendices 3.1, 3.2, and 3.3 for additional containment sumps, spill containment, and under-dispenser containment.
3. **Section 10** — Amends the columns to be consistent with proposed section 2631(h)(7) by replacing the "Date last performed" with "Due Date," which will improve tracking and compliance with testing requirements. Deletes the row for tank tightness testing because the proposed regulations do not include this periodic testing requirement. Adds a row for cathodic protection system testing to clarify that this testing must be completed periodically.

Appendix 3.1. Designated UST Operator Visual Inspection Report Containment Sump Inspection Continuation Page

Adds a new appendix as a continuation page to the containment sumps subsection of section 9 of proposed appendix 3 to accommodate larger facilities.

Appendix 3.2. Designated UST Operator Visual Inspection Report Spill Containment Inspection Continuation Page

Adds a new appendix as a continuation page to the spill containment subsection of section 9 of proposed appendix 3 to accommodate larger facilities.

Appendix 3.3. Designated UST Operator Visual Inspection Report Under-Dispenser Containment Inspection Continuation Page

Adds a new appendix as a continuation page to the subsection for under-dispenser containment subsection of proposed appendix 3 to accommodate larger facilities.

Appendix 4. Release Detection Equipment Testing Report Form

Specific Purpose and Necessity of the Proposed Action

1. **Appendix 4** — Moves existing appendix VI to proposed appendix 4 for organizational purposes. Amends the name of the form from Monitoring System Certification Form to Release Detection Equipment Testing Report Form to be consistent with proposed section 2663(e). As proposed, appendix 4 is consistent with proposed section 2663.
2. **Section 5** — Amends language for clarification purposes. Additionally, adds a question requiring the service technician to confirm that any piping classified as single-walled safe suction piping is verified to be safe suction piping during the test. Existing single-walled safe suction piping cannot use interstitial monitoring methods because they are not secondarily contained. Additionally, safe suction piping cannot be monitored with a line leak detector because line leak detectors require pressurized piping.
3. **Section 6** — Adds language to attach copies of appendix 4.1 for additional sensors. Adds requirement for systems using VPH monitoring to confirm continuity between the most distant points in the interstitial space, consistent with proposed section 2663(a). The structure of this section is updated to reflect this change, testing sensors for functionality, and the interstitial spaces they monitor for continuity.

4. **Section 7** — Amends language for clarification purposes. Adds language to attach copies of appendix 4.2 for additional line leak detectors. Deletes the option for testing line leak detectors at a 0.2 gallon per hour release rate, because proposed section 2663(d) requires all line leak detectors to be tested at a 0.1 gallon per hour release rate. Adds language to only list the line leak detectors tested for consistency with proposed section 6.
5. **Section 8** — Deletes existing section 8 for in-tank gauging testing, because this monitoring method is only permitted for single-walled USTs, which will be prohibited from operation when the proposed regulations become effective. Moves existing section 9 to proposed section 8. Adds clarification that the service technician must include that replacement or repair of release detection equipment includes cleaning or adjustment, consistent with the definition of “repair” in proposed section 2611.
6. **Section 9** — Moves existing section 10 to proposed section 9. Deletes the blank space for users to illustrate the monitoring site plan and provides instruction for attaching a site plan. This will allow for both hand-illustrated and computer-illustrated site plans to be attached and make the Form easier to use. Adds a requirement to display VPH monitoring zones as applicable on the site plan because demonstrating continuity between zones, consistent with proposed section 2633(a).
7. **Footer** — Adds clarification that the service technician must include that replacement or repair of release detection equipment includes cleaning or adjustment consistent with proposed section 8.

Appendix 4.1. Release Detection Equipment Testing Report Form Sensor Continuation Page

Adds a new appendix as a continuation page to the sensors subsection of section 6 of the proposed appendix 4 to accommodate larger facilities.

Appendix 4.2. Release Detection Equipment Testing Report Form Line Leak Detector Continuation Page

Adds a new appendix as a continuation page to the line leak detectors subsection of section 7 of proposed appendix 4 to accommodate larger facilities.

Appendix 5. Spill Container Testing Report Form

Specific Purpose and Necessity of the Proposed Action

1. **Appendix 5** — Existing appendix VIII is moved to proposed appendix 5 for organizational purposes. As proposed, appendix 5 is consistent with proposed section 2664.
2. **Section 6** — Adds language to attach copies of appendix 5.1 for additional spill container testing.
3. **Section 8** — Amends the comment box regarding spill containers for clarification purposes.

Appendix 5.1. Spill Container Testing Report Form Continuation Page

Adds a new appendix as a continuation page to the spill container subsection of section 6 of proposed appendix 5 to accommodate larger facilities.

Appendix 6. Overfill Prevention Equipment Testing Report Form

Specific Purpose and Necessity of the Proposed Action

1. **Appendix 6** — Moves appendix IX to proposed appendix 6 for organizational purposes. As proposed, appendix 6 is consistent with proposed section 2665.
2. **Section 5** — Adds a requirement to attach UST calibration charts. It is necessary to refer to the tank calibration charts for the installed tank to verify that the overfill prevention equipment is set to the proper height.
3. **Section 6** — Adds checkboxes for the service technician to identify which test method is being used to test the overfill prevention be consistent with other testing report forms and the requirements in proposed section 2665(b). Adds language to attach copies of appendix 6.1 for additional overfill prevention equipment. Adds fields for tank manufacturer, tank capacity, and tank inside diameter which are used in determining if the overfill prevention equipment is set to the proper level within UST. Adds checkboxes for verifying that the audible or visual alarms are audible or visible from the tank's fill point to ensure that they will alert the owner or operator in the event of an overfill.
4. **Footer** — Amends the instructions for proposed section 8, which are moved to the footer, to clarify that any repairs made during the test must be described in the comments to ensure compliance with the testing requirements of proposed section 2665.

Appendix 6.1 Overfill Prevention Equipment Testing Report Form Continuation Page

Adds a new appendix as a continuation page to the overfill prevention equipment details subsection of section 6 of proposed appendix 6 to accommodate larger facilities.

Appendix 7. Secondary Containment Testing Report Form

Specific Purpose and Necessity of the Proposed Action

1. **Appendix 7** — Moves existing appendix VII to proposed appendix 7 for organizational purposes. As proposed, appendix 7 is consistent with proposed section 2666.
2. **Section 1** — Deletes the checkbox for secondary containment testing six-month after installation consistent with proposed section 2666(a), which no longer requires testing six months after installation.
3. **Section 6** — Adds language to attach copies of appendices 7.1 for additional tanks.
4. **Section 7** — Adds language to attach copies of appendices 7.2 for additional piping runs.
5. **Section 8** — Adds language to attach copies of appendices 7.3 for additional sumps or under-dispenser containment.
6. **Footers** — Amends language in page footers for clarification purposes, conciseness, and to be consistent with other changes to the Form.

Appendix 7.1 Secondary Containment Testing Report Form Tank Test Continuation Page

Adds a new appendix as a continuation page to the tank test subsection of section 6 of proposed appendix 7 to accommodate larger facilities.

Appendix 7.2 Secondary Containment Testing Report Form Pipe Test Continuation Page

Adds a new appendix as a continuation page to the pipe test subsection of section 6 of proposed appendix 7 to accommodate larger facilities.

Appendix 7.3 Secondary Containment Testing Report Form Containment Sump and UDC Continuation Page

Adds a new appendix as a continuation page to the containment sump and UDC subsection of section 6 of proposed appendix 7 to accommodate larger facilities.