State Water Resources Control Board

September 24, 2021

LOCAL GUIDANCE 167-2
QUALIFICATIONS AND SCOPES OF WORK FOR UNDERGROUND STORAGE TANK INSTALLERS AND SERVICE TECHNICIANS

To: Unified Program Agencies and Other Interested Parties

The purpose of this local guidance letter is to: 1) clarify licensing, certification, and training requirements for individuals installing, repairing, upgrading, maintaining, testing, and inspecting underground storage tank (UST) systems or equipment thereof; and 2) provide guidance on those additional tasks not specifically addressed in the applicable statutes and regulations that only should be conducted by qualified UST installers and service technicians.

The licensing, training and certification requirements of qualified persons are pursuant to Health and Safety Code, division 20, chapter 6.7 (H&SC), sections 252854.1(a)(4) and (5) and California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), sections 2715(d), (e), and (f). To determine if an individual is qualified to perform those tasks not specifically addressed in statute or regulations, it is essential to recognize that training and certification requirements are used to ensure that the individuals working with UST systems are adequately trained and have the required knowledge to conduct the work meeting industry established training standards. At least one individual on site must meet the certification and training requirements as a qualified individual.

Contractors State License Board Requirements

UST Regulations, section 2715(d) requires any person installing UST equipment (UST Installer) be licensed by the Contractors State License Board (CSLB). UST Regulations, section 2715(f) provides that a UST Service Technician must be employed by a person that possesses a current license issued by the CSLB or a Tank Tester License issued by the State Water Resources Control Board (State Water Board).

In a letter to stakeholders dated June 20, 2017[1], the State Water Board clarified that holding a Tank Tester License does not relieve any individual of the requirement to

[1] https://www.waterboards.ca.gov/ust/docs/lic_req_work_usts_061717.pdf

comply with all CSLB license requirements for performing work on UST systems. The Business and Professions Code, division 3, chapter 9, article 4, section 7048 prohibits any person from performing work that is valued at $500 or more, for combined labor and materials costs, without a current license issued by the CSLB. Individuals with a current Tank Tester License may perform UST work; however, these provisions do not supersede the CSLB license requirement for work greater than $500 in value. Individuals with a current Tank Tester License must have a CSLB license to perform any work that exceeds $500. Please note that project work may not be broken down into smaller scopes of work that cost less than $500 in an attempt to meet the less than $500 exemption.

[References cited: H&SC, § 25284.1; UST Regulations, §§ 2715(d) & (f).]

UST Installer Scope of Work and Qualifications

Scope of Work

Work associated with the installation of UST equipment, including work requiring excavation or backfilling of any portion of the UST system, must be completed by a UST Installer. This includes, but is not limited to, installing, repairing, upgrading, or lining of buried tanks, piping, sumps, or under-dispenser containment where excavation is required to conduct the repair. Also, UST Installers can replace equipment (excluding release detection and monitoring equipment) located within sumps and under-dispenser containment.

Certification and Training Requirements

A qualified UST Installer must be on site while the work is being performed and possess a current International Code Council (ICC) UST Installation/Retrofitting certification and all required manufacturer training for the equipment being installed, repaired, upgraded or lined. An individual performing UST installation work as described above must meet all the following requirements of UST Regulations, sections 2715(d) and (e):

1) Possess or be employed by a person that possesses the license authorized for UST installation work issued by the CSLB;
2) Possess or work under the direct supervision of an individual physically present on site who possesses the UST Installation/Retrofitting certificate issued by the ICC. This certification must be renewed by passing the ICC Installation/Retrofitting exam at least once every 24 months; and
3) Possess a current certificate of training from the manufacturer(s) of the tank(s) or equipment being installed, repaired, upgraded, or lined. Re-certification is required at the time interval recommended by the manufacturer, but not to exceed 36 months.

[References cited: UST Regulations, §§ 2715(d) & (e).]

UST Service Technician Scope of Work and Qualifications

Scope of Work

Work associated with release detection and monitoring equipment, including installing, repairing, maintaining, calibrating, and conducting regulatory certifications, periodic testing, and inspections must be performed by a UST Service Technician. Repair and maintenance work includes, but is not limited to, replacing equipment (including spill buckets, overfill prevention equipment, and ancillary piping equipment like flex connectors, penetration fittings, etc.) located within sumps and under-dispenser containment. Additionally, repairs or maintenance work on operating UST systems must be conducted by a UST Service Technician, provided the work can be accomplished without breaking surface materials (concrete or asphalt) or excavation, as excavation or backfilling must be conducted by a UST Installer. The completed work should not require any modification to the most current monitoring site plan in the California Environmental Reporting Services portal (CERS), as these modifications would likely be a function of the work performed by a UST Installer (UST Regulations, section 2634(d)(2)). Changes made to the site layout will require an updated monitoring site plan resubmitted to the appropriate Certified Unified Program Agency (CUPA) through CERS as part of the permit to operate application package.

Certification and Training Requirements

A qualified UST Service Technician must be on site while the work is being performed and possess a current ICC California UST Service Technician certification and all required manufacturer training for the equipment being installed, repaired, maintained, calibrated, and for conducting regulatory certifications, periodic testing, and inspections. An individual performing UST Service Technician work as described above must meet all the following requirements of UST Regulations, section 2715(f):

1) Possess or be employed by a person that possesses the correct license issued by the CLSB and approved for UST service work, or a Tank Tester License issued to the individual by the State Water Board if the value of the work is less than $500;
2) Possess or work under the direct and personal supervision of an individual physically present on site who possesses a current California UST Service Technician certificate issued by the ICC. This certification must be renewed at least once every 24 months; and
3) Possess a current certificate of training from:
   - The manufacturer(s) of the equipment being installed, repaired, maintained, calibrated, tested, or inspected (If no training or certification exists, the local agency may approve comparable alternate training or certification.)
   - The developer of the testing equipment or test method used for secondary containment testing.

- Re-certification is required at the time interval recommended by the manufacturer or developer of the testing equipment, but not to exceed 36 months.

[References cited: H&SC, § 25285.1; UST Regulations, §§ 2632(d)(1)(C), 2634(d)(2), 2711(a) & (b) & 2715(f).]

Qualified Individuals and Combining Certifications

Current UST Installers or Service Technicians performing UST work may not combine licenses and training certifications with other on-site individuals to meet the above requirements. UST Installers or UST Service Technicians must hold an ICC certification(s), hold or work directly for a person possessing a current license issued from the CSLB, and hold manufacturer training certifications for the equipment being installed, repaired, upgraded, maintained, tested, or inspected. Only the UST Installer or UST Service Technician can sign any documentation required by regulations, such as leak detection and monitoring equipment certifications or testing reports.

Individuals working under the direct supervision of a qualified UST Installer or UST Service Technician must, at a minimum, be employed by a person with the CSLB license and possess all manufacturers' certificates of training for those equipment on which they are installing, repairing, upgrading, maintaining, testing, or inspecting.

For additional clarification regarding contractor licensing requirements, please visit the CSLB website at www.cslb.ca.gov or contact CLSB by phone at (800) 321-2752 or by email at classifications@cslb.ca.gov. For questions regarding qualifications or scope of work, please contact the UST Leak Prevention Staff.

Sincerely,

Laura S. Fisher
UST Leak Prevention Unit and
Office of Tank Tester Licensing, Manager