



# UST Program Update June 2015

## Remanufactured Underground Storage Tank Leak Detection Equipment

It has come to the State Water Resources Control Board's (State Water Board) attention that remanufactured underground storage tank (UST) leak detection equipment is being offered to California UST owners/operators, service technicians, and equipment suppliers. However, remanufactured leak detection equipment does not meet California UST regulatory requirements for the following reasons:

1. Performance certifications for leak detection equipment only can be obtained by the original equipment manufacturer. [California Code of Regulations (CCR), title 23, chapter 16, section 2643(f).] Remanufacturers are not the original equipment manufacturer of the leak detection equipment, and therefore are unable to comply with this requirement.
2. California compliant leak detection equipment must be evaluated by an independent third party testing laboratory. [California Code of Regulations, title 23, chapter 16, section 2643(f).] Modifications or changes to the equipment may produce parameters and data values that are significantly different than the original parameters and data values. Remanufactured leak detection equipment is therefore not covered by the original equipment manufacturer's evaluation and listing.

Leak detection equipment that has been remanufactured, rebuilt, or refurbished by an entity other than the original equipment manufacturer is not acceptable for use in California. Moreover, selling remanufactured leak detection equipment for use in California is an unfair business practice. [Business and Professions Code, section 17203.] The State Water Board has advised remanufacturers that by June 8, 2015 all remanufactured leak detection equipment sold in California must be labeled or otherwise marked as "not compliant for use in California with USTs." When remanufactured leak detection equipment is discovered on an UST (for example by a service technician during inspection and maintenance activities), the owners/operators of the UST must replace the remanufactured leak detection equipment with appropriate leak detection equipment that is listed in the Local Guidance Letter 113 (LG-113). Below is a link to the LG-113 document.

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lg113/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/index.shtml)

A State Water Board letter regarding this issue was published on May 29, 2015 and will be posted at the at the Technical UST Program Notifications webpage below.

[http://www.swrcb.ca.gov/water\\_issues/programs/ust/tech\\_notices.shtml](http://www.swrcb.ca.gov/water_issues/programs/ust/tech_notices.shtml)

For questions or concerns regarding remanufactured leak detection equipment, contact Cory Hootman at (916) 341-5668 or [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov).

## **New CERS FAQ - Citations for Failure to Report Unified Program Information**

A new CERS FAQ regarding what code citations should be used to cite failure to electronically report required Unified Program information has been posted in the General Regulator Help Section of CERS, <https://cersregulator.calepa.ca.gov/Help>. Unified Program Agencies (UPAs) should be citing “Reporting” violations based on each applicable program element requirement for reporting information. In addition, UPAs should be using the penalties established within each program elements’ governing statute and regulation. Reporting violations are not electronic reporting or CERS reporting related violations, but rather violations of the requirements established for each program element to report information. In general, penalties for the various program elements are found in state law as follows:

<b>HMBP</b>	<b>HSC, Sections 25515 and 25515.2</b>
<b>UST</b>	<b>HSC, Section 25299</b>
<b>HWG</b>	<b>HSC, Sections 25188 and 25190</b>
<b>CalARP</b>	<b>HSC, Section 25540</b>

More information can be found in the [FAQ document regarding this topic](#). For questions about this FAQ, contact Gabe Herrera at (916) 319-9128 or [Gabriel.Herrera@waterboards.ca.gov](mailto:Gabriel.Herrera@waterboards.ca.gov).

## **New CERS FAQ - How to Report Multi-Day Inspections in CERS**

A new CERS FAQ regarding how inspections that take more than one day to complete should be reported in CERS has been posted in the General Regulator Help Section of CERS, <https://cersregulator.calepa.ca.gov/Help>. Inspections that take days, or weeks, or months should be reported as one inspection regardless of the number of days needed to complete the inspection. Violation dates reported in CERS may not be the same date as the inspection date reported in CERS as violations may be observed at any time during a multi-day inspection. If appropriate, a comment may be entered referring the reader to the full inspection record maintained by the UPA.

More information can be found in the [FAQ document regarding this topic](#). For questions about this FAQ, contact Gabe Herrera at (916) 319-9128 or [Gabriel.Herrera@waterboards.ca.gov](mailto:Gabriel.Herrera@waterboards.ca.gov).