



# UST Program Update March 2020

## Converting Tank Contents from Conventional Diesel to 20 Percent Biodiesel

As of January 1, 2020, diesel containing up to 20 percent biodiesel (B20) meeting the American Society of Testing and Materials International standard D7467 is now recognized as equivalent to conventional diesel for the purpose of complying with existing approval requirements for double-walled underground storage tank (UST) systems, unless any material or component of the UST system has been determined to not be compatible with B20 (California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), sections 2631 and 2631.2).

Owners or operators are required to notify Unified Program Agencies (UPAs) 30 days prior to changing UST contents and must submit the UST content changes through the California Environmental Reporting System (CERS). If the UST contents are changing from conventional diesel to biodiesel up to B20, UST Regulations provide no provisions for plan check review or assessing associated fees. The State Water Resources Control Board (State Water Board) is taking this opportunity to remind UPAs that release detection equipment for B20, [as noted in LG 113](#), “may be used with all equipment listed for diesel whether or not the fuels are included on individual data sheets”

([https://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lg113/misc/biodiesel\\_eq.shtml](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/misc/biodiesel_eq.shtml)).

For more information regarding converting tank contents from conventional diesel to B20, please contact Ms. Laura Fisher at (916) 341-5870 or [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov).

## Use of Line Leak Detectors on Emergency Generator Tank Systems

State Water Board staff have been notified that some line leak detectors (LLD) used on emergency generator tank systems are not always performing release detection under normal operating conditions. UST Regulations require LLDs to be capable of detecting a 3 gallon per hour (gph) release within one hour on double-walled pipe (UST Regulations, section 2636(f)(2)) or immediately on single-walled pipe (UST Regulations, section 2666(c)).

Electronic LLDs operating under normal conditions perform a 3 gph test each time the turbine shuts off. Emergency generator tank systems turn on the turbine as the associated day tank becomes low and calls for fuel. As the day tank fills and the turbine shuts off, the electronic LLD then would perform a 3 gph test. Inspectors have recently observed electronic LLDs on emergency generator tank systems using an automated signal from the monitoring panel, completely independent from the operation of the turbine pump and day tank, set to operate only on timed intervals. While this set up could be used in addition to normal operation of the turbine, some systems were using the generated signal from the monitoring panel exclusively. This described set up is incapable of performing a 3 gph test during normal operations.

If the LLD test is not associated with the actual operation of the turbine, a potential release from the pipe cannot be detected. Emergency generator tank system owners and operators are required to utilize LLDs that detect a leak under normal operating conditions. The scenario discussed above does not meet LLD requirements and if discovered, UPA inspectors shall issue violation 2030075, *Emergency Generator Tank System Line Leak Detector*.

For more information regarding use of LLDs on emergency generator tank systems, please contact Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov), or Ms. Roya Raheb at (916) 341-5668 or [Roya.Raheb@waterboards.ca.gov](mailto:Roya.Raheb@waterboards.ca.gov).

## **Designated Operator Identification and Statement of Understanding Forms in CERS**

There continues to be a misunderstanding regarding when and how to use forms required by regulation that must be submitted through CERS. The Federal Reconciliation Regulations from 2018 developed several new forms required for use, and two of these forms, the *Designated Underground Storage Tank Operator Identification Form* and the *Statement of Understanding and Compliance Form* are unique in that they must be submitted through CERS when information from the existing documents in CERS is no longer applicable.

The *Designated Underground Storage Tank Operator Identification Form* requirements are explicit that the form needs be submitted to CERS only if a new facility is constructed or a change in designated operator at the facility. Any previously submitted document correctly identifying the designated operator is allowed but would need to be replaced with the regulatory form when the designated operator information changes. Likewise, the *Statement of Understanding and Compliance Form* only needs to be submitted to CERS when a new facility is constructed or when a change in the owner or operator occurs.

Additionally, if a facility submitted a single document to CERS prior to October 2018 that included both the designated operator identification and statement of understanding information, and one of the new forms is now required to be used based on a change at

the facility, the original submittal and the new form would both be required in CERS. For example, an existing facility has changed designated operators but the owner or operator remains unchanged, then the existing statement of understanding is still acceptable, however a new *Designated Underground Storage Tank Operator Identification Form* would need to be used and submitted to CERS.

For more information regarding the new forms in regulation, please contact Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov), or Mr. Sean Farrow at (916) 324-7493 or [Sean.Farrow@waterboards.ca.gov](mailto:Sean.Farrow@waterboards.ca.gov).

## **State Water Board UST Leak Prevention Unit Honors John Elkins**

Every year State Water Board staff are privileged to work with dedicated members of the UST community. Over the past 20 years, John Elkins was exceptional in both the time and effort provided to State Water Board projects and was recognized during the 2020 Unified Program Training Conference for his contribution.

John has been heavily involved in providing intensive and energized UST training to thousands of inspectors and stakeholders. His efforts have directly improved UST program knowledge and improved UST operations and compliance statewide. The State Water Board UST program is appreciative of John's effort and commitment to the protection of ground water quality. We are very proud to have worked with John and his contributions reflect well on him and his various organizations.

## **Energy Policy Act Certification**

On an annual basis the State Water Board is required to certify compliance with the UST provisions of the Energy Policy Act of 2005 (EPAct). One of these certification provisions requires states to confirm that the federal UST inspection frequency, as outlined in 42 U.S.C. §6991d, subdivision (c)(2), has been met. A positive certification to the United States Environmental Protection Agency (U.S. EPA) requires that all regulated USTs (operational and abandoned) are inspected at least once every three years.

The U.S. EPA directed the State Water Board to utilize CERS to the extent possible to verify that UPAs are meeting the federal minimum 3-year facility inspection frequency. In January of 2020, State Water Board staff reviewed inspection data in CERS for calendar year 2019. Where inspection information was not available in CERS, State Water Board staff requested the information from the UPAs to document compliance. On February 20, 2020 State Water Board staff provided the U.S. EPA with a list of all UST systems requiring inspections, and their corresponding inspection dates. The final certification was presented to the U.S. EPA in February 2020. State Water Board staff appreciates UPAs conducting all necessary inspections as well as the timely responses to requested CERS review and updates. The UPAs diligent efforts made the EPAct certification possible.

For more information regarding the EPA Act Certification please contact Ms. Jessica Botsford at (916) 341-7338 or [Jessica.Botsford@waterboards.ca.gov](mailto:Jessica.Botsford@waterboards.ca.gov), or Ms. Laura Fisher at (916) 341-5870 or [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov).

## **22<sup>nd</sup> Annual Unified Program Training Conference Session Presentations**

The 22<sup>nd</sup> Annual Unified Program Training Conference was held in Burlingame in early February of 2020. The State Water Board offered a number of training opportunities and participated in collaborative trainings with other state and local agencies. The presentations can be found on the [California CUPA Forum web page](https://calcupa.org/conference/index.html) (<https://calcupa.org/conference/index.html>).

State Water Board thanks all participants for sharing their knowledge and educating attendees at this year's Unified Program Training Conference. Sessions provided timely and diverse subject matter and provided attendees the opportunity to ask questions in a friendly environment. State Water Board staff look forward to seeing everyone again next year.

Below are brief summaries of sessions State Water Board staff participated in:

### ***Fast Track to UST Program Awareness***

Laura Fisher presented an informational summary of program and release data, noting specifically the ridiculously low number of releases in comparison to other states and how annual inspections are the driving force for compliance. Also presented was information on ongoing programs such as the Energy Policy Act of 2005 Certification, Single-Walled Tank Initiative and B20 regulation implementation.

### ***An Ounce of Leak Prevention***

Jessica Botsford and Tom Henderson presented a session focusing on the implementation of the UST regulations and updates from 2019 including temporary closure, required site plans, satellite dispensers, among other topics.

### ***Tanks in Underground Areas***

Jennifer Lorenzo of the Office of the State Fire Marshal, Sande Pence of San Diego's Department of Environmental Health, and Tom Henderson of the State Water Board provided an overview and update of the Aboveground Petroleum Storage Act (APSA) program as it relates to Tanks in Underground Areas (TIUGAs), including an in-depth discussion on the piping requirements for TIUGAs per the fire code.

## ***Single Wall Tank Removal from Start to Finish***

Hannah Thompson of the Redhorse Corporation, on behalf of the State Water Board, and Grant Miner of the Fullerton Fire Department presented on what is currently being done as part of the single-walled UST closure requirements. The presentation also included discussion on important deadlines to remember, UST removal best management practices, and how to develop enforcement strategies for single-walled UST's not permanently closed by the December 31, 2025 deadline.

## **New RUST Staff**

The State Water Board Replacing, Removing, or Upgrading Underground Storage Tank (RUST) Program has many new faces to assist with grants and loans for UST removals and upgrades. Listed below are the new RUST staff and their contact information.

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