



UST Program Update September 2020

Underground Storage Tank (UST) Leak Prevention January – December 2019 Annual Report

On August 25, 2020, the State Water Resources Control Board (State Water Board) provided UST stakeholders with the [*California Underground Storage Tank Leak Prevention January – December 2019 Annual Report*](#)¹. This report was developed in collaboration between the United States Environmental Protection Agency (U.S. EPA) and the State Water Board. The California Environmental Reporting System (CERS) and the California GeoTracker database were utilized to obtain report data. A few noteworthy data points include: Unified Program Agencies (UPAs) are meeting inspection targets; UPA inspection and follow-up continues to drive facility compliance; new regulatory requirements are resulting in an increase in the number of certain violations issued by the UPAs; unauthorized release numbers remain low; and the removal of single-walled tanks/piping remains sluggish.

For more information regarding the annual report, contact:
Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

UST Reporting Regulations Effective October 1, 2020

On May 19, 2020, the State Water Board approved amendments to the California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), sections 2713 and 2716, and Appendices VI, VII, VIII, IX, XI and XIII (forms). The adopted amendments modify the reporting requirements of owners and operators, and local agencies. On August 27, 2020, the Office of Administrative Law approved the amendments to UST Regulations and filed the amendments with the Secretary of State. Therefore, the effective date of the amendments is October 1, 2020.

¹https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/cal_ust_rpt_jan_dec_2019.pdf

As amended, UST Regulations, section 2713 modifies the semi-annual reporting requirements (Report 6) to include those items as part of the U.S. EPA technical compliance rate. Additionally, this section adds a reporting requirement for UPAs to report facilities where a compliance inspection has not been performed over that previous calendar year. Section 2716 has been modified to require the UST owner or operator to sign the designated operator visual inspection report within 72 hours of receipt, acknowledging the inspection results.

Several of the forms in regulation have been substantially modified. The communication testing requirement has been removed from the *Monitoring System Certification Form* and the *Secondary Containment Testing Report Form*. Structural changes to the forms were added to simplify use by the UST owners, operators and UPAs, and to ensure the documents were accessible to all users. The new forms are required for use on the effective date of October 1, 2020 and can currently be found on the [Reporting Regulations](#)² web page.

For more information regarding UST Reporting Regulations, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

UST Regulations and Health and Safety Code (H&SC) Are Accessible Online

State Water Board has provided accessible versions of UST Regulations and H&SC, chapter 6.7, sections 25280 through 25299.8. The accessible [UST Regulations](#)³ and [H&SC](#)⁴ can be found on the State Water Board web site. As State Water Board staff are expected to work remotely through the end of this year, printed copies of these documents are currently unavailable. Please use the versions provided online for reference, or printing if hard copies are preferred. Revised accessible UST Regulations will be posted on October 1, 2020, reflecting the latest updates approved on May 19, 2020 (detailed in the section above).

²https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/repregs/index.html

³https://www.waterboards.ca.gov/water_issues/programs/ust/regulatory/docs/CCR_Ch16_10_2018.pdf

⁴https://www.waterboards.ca.gov/water_issues/programs/ust/regulatory/docs/hsc_6_7_01_2019.pdf

For additional information regarding the online UST Regulations and H&SC, contact Mr. Wesley Franks at (916) 319-0742 or Wesley.Franks@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Triennial Enhanced Leak Detection (ELD) Testing for Single-Walled Components within 1,000-Foot Radius of a Public Drinking Water Well

This update serves as a reminder for UPAs to continue to implement and enforce triennial ELD testing during the UST compliance inspection. Triennial ELD testing is required for USTs with single-walled UST components that are within a 1,000-foot radius of a public drinking water well, as required by UST Regulations, section 2644.1(a)(3). When the triennial ELD test is not conducted, violations must be issued during the UST compliance inspection. The correct citation for failure to conduct the required triennial ELD test is section 2644.1(a)(3) of the UST Regulations and the correct violation number from the CERS Violation Library is 2030068⁵.

Wear-and-tear associated with older single-walled UST components pose increased risk and potential to directly release stored product into the environment, threatening public health. Triennial ELD testing was developed to protect public drinking water wells from these releases, so it is imperative that ELD testing is enforced by UPAs. Therefore, UPAs must initiate administrative or formal enforcement measures to obtain compliance when a triennial ELD test is not conducted.

For more information regarding triennial ELD testing, contact Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov, or Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov.

Omission from August UST Monthly Update Regarding “Updating UST Operating Permits”

The State Water Board wishes to address an important piece of information that was omitted from the “Updating UST Operating Permits” topic in the August 2020 UST Monthly Update.

Monitoring and maintenance records shall be maintained on-site, or off-site at a readily accessible location *if approved by the local agency*. The update omitted the language referencing *if approved by the local agency*. The update should have stated that monitoring and maintenance records can be maintained off site at a readily accessible location *if approved by the local agency*. Therefore, if the local agency has not

⁵CERS Violation Library, fiscal year 2019/2020.

approved off-site storage of monitoring and maintenance records, then those records must be maintained on-site.

For more information regarding UST operating permits, please contact Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov, or Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov.

Approval of Secondary Containment Components

The State Water Board has become aware that UPA plan checks are allowing for the installation of non-integral secondary containment components that have not been designed or constructed to an engineering specification and approved by a California registered professional engineer as defined in UST Regulations, section 2631(d). Specifically, the State Water Board is aware of UPAs allowing the installation of piping penetrations and sump wall components based on an approval process, rather than meeting the requirement of a California professional engineer.

The State Water Board is reminding UPA plan check staff to be diligent and confirm the proper type of approval or certification is provided during plan check and that all required UST components installed have met the required approval or certification.

For more information regarding UPA plan checks, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Proper Labeling of USTs

It has come to the attention of State Water Board that USTs are being sold and installed without indication of approval by an independent testing organization as required by UST Regulations section 2631(b). Section 2631(b) requires the exterior surface of a UST to “bear a marking, code stamp, or label” (collectively referred to as “label”) providing specified information, including identification that the UST has been constructed to specific standards. While UST manufacturers may choose to withhold the required label on tanks it manufactures, tanks without the required label may not be installed as USTs in California.

The State Water Board further understands that tanks have not been labeled because the hazardous substances intended to be stored in the USTs are not part of the compatibility testing protocol used by the independent testing organization. As set forth in UST Regulations, section 2631(j), manufacturers must provide a manufacturer’s statement of affirmative compatibility in addition to the required label for USTs to be used to store hazardous substances not included in the testing by the independent testing organization. Tank manufacturers may choose not to make the affirmative

statement, however, without the affirmative statement the tanks may not be installed as USTs in California.

The State Water Board is reminding UST Inspectors to ensure all USTs are inspected for proper labels at installation. Tanks without proper labeling cannot be installed as USTs and must be rejected and returned to the manufacturer.

For more information regarding proper UST labeling, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Additions to Local Guidance Letter 113

The State Water Board updated [Local Guidance Letter 113](#)⁶ (LG 113) to reflect the latest leak detection certification by an independent third-party testing laboratory as meeting the leak detection requirements equivalent to European leak detection standard EN-13160-2, Part 2, as a Class I leak detection system. Veeder Root has updated the Secondary Containment Leak Detection (SCLD), a continual interstitial line monitoring method, for use with the TLS-450Plus monitoring console. Although the console is not yet available for facilities requiring in-station diagnostics, UPAs should anticipate the use of this leak detection with new installations and facility upgrades, and should obtain training on the new SCLD and console through the manufacturer.

For more information on leak detection equipment listed in LG 113, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Reminder to Review and Update UPA Policies and Procedures

UPAs should routinely take time to review and update policies and procedures to remain current with changes to UST Program amendments. Up-to-date policies and procedures are an essential component of a successful UST Program. Therefore, it is necessary that UPAs are maintaining policies and procedures which reflect current UST Program requirements.

UPAs are required to have policies and procedures in place and, therefore, evaluation staff review these policies and procedures during UPA performance evaluations. By updating UPA policies and procedures, potential deficiencies and incidental findings can be avoided. More importantly, the review and update of policies and procedures

⁶https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lq113/

ensures UPAs implement the UST Program in accordance with UST Regulations and H&SC.

Recent changes to UST Regulations and H&SC regarding provisions of UST red tag requirements, UST operating permit content requirements, and UST operating permit issuance are among amendments that evaluation staff find, where policies and procedures have not been updated. An ideal time to review and update UPA policies and procedures is during the period when an UPA is preparing annual Self-Audit Reports.

To keep apprised of changes to UST Program requirements [subscribe](#)⁷ to the UST Program listserv.

For more information regarding the review and update of UPA policies and procedures, or subscribing to the UST Program listserv, please contact Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov, Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov.

⁷https://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.html