



UST Program Update October 2022

Site-Specific Variance Reporting

The State Water Resources Control Board (State Water Board) will request the Unified Program Agencies (UPAs) report the number of site-specific variances (variance) within their jurisdiction as part of the upcoming Semiannual Underground Storage Tank Program Report (Report 6) due March 1, 2023. A site-specific variance allows a facility the use of an alternative method of construction or monitoring due to special circumstances that are not generally applicable to other facilities provided there is clear and convincing evidence that the alternative method will adequately protect the soil and waters of the State. Site-specific variances are requested by the underground storage tank (UST) facility owner through the UPAs and ultimately approved by the Regional Water Quality Control Boards.

As the deadline for permanent closure of single-walled systems approaches, the State Water Board will identify those variances for single-walled components that do not meet the requirements of Health and Safety Code chapter 6.7 (H&SC), section 25291(a)(1-6). Variances for systems not meeting the minimum secondary containment requirements must be revoked and be either permanently closed in accordance with California Code of Regulations title 23, division 3, chapter 16 (UST Regulations) or upgraded to meet the requirements prior to the December 31, 2025 deadline.

For additional information regarding the site-specific variance reporting, contact:
Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Tank Tester License Applications without Manufacturer's Certifications

State Water Board staff have received several incomplete tank tester license applications where the applicant has not provided training certifications from the manufacturer of the test method. Licensees are required to complete manufacturer training prior to using the test method, and to submit a certificate of completion or other proof of training to the Office of Tank Tester Licensing prior to using the test method or equipment per California Code of Regulations, title 23, division 3, chapter 17, section 2771(c). Acceptable test

methods for testing tanks and piping are listed by manufacturer on [Local Guidance 113 \(LG-113\)](#)¹. If a company providing the test method certification is no longer in business, applicants will not be able to receive training, and therefore these test methods are no longer considered valid for use. The State Water Board will not renew licenses for individuals who fail to submit copies of current certificates of completion or other proof of training for test methods on LG-113 as required by these regulations.

For additional information regarding tank tester license applications, contact: Ms. Kaitlin Cottrell at (916) 319-0742 or Kaitlin.Cottrell@waterboards.ca.gov.

UST Facility Compliance Inspection Requirements and the Energy Policy Act of 2005

UST Regulations, section 2713(d) requires the UPAs to report to the State Water Board no later than January 31st each year, the number of UST facilities where a compliance inspection was not performed over the previous calendar year. The State Water Board is required to report annually to the United States Environmental Protection Agency (U.S. EPA) on several performance measures as part of the Energy Policy Act of 2005 (EPAAct). One of the EPAAct performance measures requires states to certify that a UST facility compliance inspection has been conducted at every UST facility at least once during the past three years, thereby meeting the federal inspection frequency. At the direction of U.S. EPA, the California Environmental Reporting System (CERS) will be utilized to verify each UPA has complied with the federal UST inspection frequency.

To assist UPAs in verifying the accuracy of UST facility compliance inspections, the State Water Board and the California Environmental Protection Agency created the [UST Routine Inspection Frequency](#)² search tool. UPAs should utilize this tool early to identify those facilities where a compliance inspection has not been performed during the 2022 calendar year, or to ensure the correct data has been properly uploaded to CERS. This report will assist UPAs in identifying missing inspections and/or inaccurate data. State Water Board staff strongly suggest UPAs run the CERS *UST Routine Inspection Frequency* search now and again in mid-December. As a reminder, virtual or desk audit UST compliance inspections without an on-site element do not satisfy the UST compliance inspection provision of the EPAAct.

For more information regarding compliance inspections reporting requirements, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

¹ https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/misc/test_method_index.shtml

² <https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch/HomePage>

Red Tag Data

The collected results of the July – December 2021 Report 6 are now available on the [UST Leak Prevention webpage](#)³. Additionally, the red tag application data as part of the July – December 2021 Report 6 was updated and depicted on the [UST Red Tag Requirements and Guidance webpage](#)⁴.

For additional information regarding the tag application data, contact:

Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

³ https://www.waterboards.ca.gov/ust/leak_prevention/

⁴ https://www.waterboards.ca.gov/ust/enforcement/red_tag_regs_index.html