



# UST Program Update

May 2024

## RUST Applications

The State Water Resources Control Board (State Water Board) processes a limited number of Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) applications per year. Currently, there are approximately 800 single-walled underground storage tank (UST) facilities required to be permanently closed by December 31, 2025. With current resources, the State Water Board may be able to process approximately 100 RUST applications prior to the removal deadline.

During review of RUST applications, the State Water Board analyst often observes incorrect or missing facility information, such as missing property owner information, an operator incorrectly listed as also being the UST owner, or a missing owner/operator when it is required pursuant to California Code of Regulations, title 23, chapter 16 (UST Regulations), section 2620(b). Incorrect or missing owner and operator information may delay RUST application processing.

UST owner and operator information and the owner/operator agreement must be submitted in the California Environmental Reporting System (CERS) per UST Regulations, section 2711(a). When reviewing CERS submittals, Unified Program Agencies (UPAs) should ensure that the owner and operator information is accurate and that an owner/operator agreement is submitted, if applicable. Additionally, to keep the UPAs informed regarding the RUST application process, the RUST analyst reviewing the grant or loan application will include UPA personnel in all nonconfidential correspondence.

For additional information regarding RUST applications, contact:  
Johnny Wales at (804) 852-7274 or [Johnny.Wales@redhorsecorp.com](mailto:Johnny.Wales@redhorsecorp.com) or  
Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov)

## Designated UST Operator Responsibilities

The Designated UST Operator (DO) must identify and document compliance issues which cause the UST system to be out of compliance during the visual inspection,

including reviewing testing and maintenance records to verify they have been completed in accordance with UST Regulations, section 2716(b)(3). All testing and maintenance compliance issues must be documented for testing and maintenance in section 10 of the Designated UST Operator Visual Inspection Report.

When reviewing testing and maintenance records, the DO must verify if testing and maintenance was completed within the timeframe required in UST Regulations and Health and Safety Code, division 20, chapter 6.7 (H&SC). Testing or maintenance is considered “complete” when all components are tested, regardless of whether a component fails or requires replacement during the test or maintenance. If the DO finds the test or maintenance was conducted, but components failed or required replacement, the DO should mark “Yes” for the test or maintenance in section 10 and note the failed or replaced component in section 3. If the DO finds the test was not completed within the required timeframe, the DO should mark “No” for the test or maintenance in section 10 and describe this compliance issue in section 3.

During the compliance inspection, UPAs should review the Designated UST Operator Visual Inspection Report for compliance with UST Regulations. Compliance issues that are not addressed or appropriately documented in the Designated UST Operator Visual Inspection Report should be cited as violations in the UPA’s inspection report.

For additional information regarding DO responsibilities, contact:  
Jenna Hartman at (916) 327-8563 or [Jenna.Hartman@waterboards.ca.gov](mailto:Jenna.Hartman@waterboards.ca.gov).

## **Enhanced Leak Detection Testing for New UST Construction**

Enhanced Leak Detection (ELD) testing determines the integrity of a UST system through detection of both vapor and liquid phase releases at 0.005 gallons per hour from any portion of the UST system primary containment with a probability of detection of at least 95 percent and a probability of false alarm no greater than 5 percent per UST Regulations, section 2644.1. H&SC section 25290.1(j) and 25290.2(i) requires ELD testing to be performed before a newly installed UST system is placed in use.

As a reminder to UPA inspectors, ELD testing may be performed only on a newly installed UST system after all ground penetrating work or surface installation atop or immediately adjacent to the buried UST primary containment components are completed, which includes, but is not limited to, backfilling, asphalt and concrete work, and any beautification requirements adjacent to UST components.

For additional information regarding ELD testing, contact:  
Jenna Hartman at (916) 327-8563 or [Jenna.Hartman@waterboards.ca.gov](mailto:Jenna.Hartman@waterboards.ca.gov).