



UST Program Update November 2020

UST Compliance Inspection Requirements and the Energy Policy Act of 2005

The United States Environmental Protection Agency (U.S. EPA) has informed the State Water Resources Control Board (State Water Board) that virtual or desk audit underground storage tank (UST) compliance inspections without an on-site element do not satisfy the UST compliance inspection provision of the Energy Policy Act of 2005 (EPAAct) (42 U.S.C. 6991d, subsection (c)(2)). The U.S. EPA further notes in previously issued guidance that desk audits, self-certifications, information request letters, and similar activities do not fulfill the on-site UST compliance inspection provision, however, they may be used in conjunction with an on-site UST compliance inspection to meet the inspection provision. As you already know, California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations) and Health & Safety also requires on-site inspections.

This topic of on-site UST compliance inspections plays an important role in State Water Board reporting to U.S. EPA. For the State Water Board to satisfy the UST compliance inspection provision of EPAAct for calendar year 2020, every regulated UST should have had an on-site UST compliance inspection conducted during calendar year 2018, 2019 or 2020. UPAs that performed a virtual or desk audit UST compliance inspection during the 2020 COVID-19 Health and Safety emergency, without an on-site component, should ensure those regulated USTs had an on-site UST compliance inspection in either calendar year 2018 or 2019. If no on-site UST compliance inspection has been performed during calendar year 2018, 2019 or 2020, UPAs have between now and December 31, 2020 to complete an on-site UST compliance inspection.

Lastly, for your reference, you may have noted a reduction of UST compliance inspections reported to the U.S. EPA for the Report 6 period of January 2020 – July 2020. State Water Board reached out to representative Unified Program Agencies (UPAs) to determine a date range where virtual or desk audits were performed in lieu of on-site UST compliance inspections resulting from the COVID-19 Health and Safety emergency. Using the dates provided by these UPAs, the State Water Board

determined an average virtual or desk audit inspection date range of March 23, 2020 to May 11, 2020, whereby 1,300 UST compliance inspections were conducted. Therefore, the State Water Board reduced the Report 6 inspection numbers statewide to reflect UST compliance inspections that may have been conducted without the on-site component.

For more information regarding UST compliance inspections and EPA Act, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov.

Incorrect Operation 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 performing release detection under normal operating conditions as required. The State Water Board originally discussed this issue in the [March 2020 UST Program Update](#)¹, however, the problem has persisted. UST Regulations, sections 2636(f)(2) and 2666(c) require LLDs to be capable of detecting a 3 gallon per hour (gph) release within one hour on double-walled pipes or immediately on single-walled pipes.

Electronic LLDs, under normal operating conditions, perform a 3 gph test each time the turbine shuts off. As the fuel level drops in the day tank of emergency generator tank system, that system then signals for fuel which turns on the UST turbine. As the day tank refills and signals for the turbine to shut off, the electronic LLD performs a 3 gph test. Inspectors and testing contractors continue to observe electronic LLDs on emergency generator tank systems sending automated signals from the monitoring panel, set to operate only on timed intervals, completely independent from the operation of the turbine pump and day tank. While this system 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 system 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

¹ https://www.waterboards.ca.gov/water_issues/programs/ust/cupa/updates/docs/2020_march_ust.pdf

discovered, UPA inspectors shall issue violation 2030075, *Emergency Generator Tank System Line Leak Detector*.

For more information regarding use of LLDs, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, Mr. Wesley Franks at (916) 319-0742 or Wesley.Franks@waterboards.ca.gov.

Manufacturer Training of Service Technicians

State Water Board staff is aware of a recent trend by UPAs to incorrectly require service technicians to possess a manufacturer training not just for components being installed, but also for connecting components. Service technicians are only required to be trained by the manufacturer of components being replaced, devices used to perform testing, and all equipment otherwise being inspected or certified. For example: If a service technician is replacing a turbine pump, the service technician is required to be trained by the manufacturer of that turbine pump. The service technician would not, however, be required to receive manufacturer training on the tank where the turbine pump is installed. Likewise, if a penetration boot fitting is installed in a sump, a service technician is required to receive manufacturer training on the penetration boot fitting installation, *not* on the sump unless the sump itself is also being modified or the sump manufacturer specifically requires the training. When a permit for work is submitted, please carefully review and require only the appropriate training certifications.

For more information on certificates of manufacturer training, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Wesley Franks at (916) 319-0742 or Wesley.Franks@waterboards.ca.gov.

Reconciling the Status of Abandoned USTs

State Water Board staff is compiling a comprehensive inventory identifying the status of abandoned USTs throughout the state. This information will be used to develop program parameters designed to prevent UST abandonment and to determine how the State Water Board can assist UPAs with enforcement. Information on abandoned UST submitted by the UPAs as part of the most recent Report 6 is being combined with the list of remaining abandoned USTs at the conclusion of that *Abandoned Underground Storage Tanks Initiative* (Initiative) in April 2017. While most Report 6 data from the UPAs appears to be consistent with the information collected as part of the Initiative, there are inconsistencies between the number of facilities with abandoned USTs reported in the final list of the Initiative, information on permanently closed UST reported in the California Environmental Reporting System, and information reported by the UPAs. State Water Board staff will be reaching out to select UPAs to identify the status of previously identified abandoned USTs.

For more information on the comprehensive inventory of abandoned USTs, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Steven Mullery at (916) 341-5850 or Steven.Mullery@waterboards.ca.gov.

Recently Updated Informational Web Pages

State Water Board has updated several web pages to include the data from the most recent Report 6 submittals. The [Public Record Summary Information of Underground Storage Tanks](#)² is required by federal law to be updated annually by the State Water Board to include UST compliance inspection and unauthorized release data. Additionally, the State Water Board has provided summarized data from the [January through June 2020](#)³ Report 6 and updated information from [red tag](#)⁴ applications, each on their respective web pages.

For more information regarding the updated web pages, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Steven Mullery at (916) 341-5850 or Steven.Mullery@waterboards.ca.gov.

² https://www.waterboards.ca.gov/ust/leak_prevention/public_record_sum_info.html

³ https://www.waterboards.ca.gov/ust/leak_prevention/docs/qtrlydata/r6tcr_janune2020.pdf

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