



UST Program Update August 2020

Report 6 Due September 1, 2020

The State Water Resources Control Board (State Water Board) recently distributed the Report 6 forms and instructions to all Unified Program Agencies (UPAs) for the reporting period of January 1 through June 30, 2020. UPAs must submit Report 6 to State Water Board staff no later than September 1, 2020.

The United States Environmental Protection Agency (U.S. EPA) revised the underground storage tank (UST) compliance performance measures known as technical compliance rate (TCR), to reflect changes to the 2015 federal UST regulations. Additionally, the U.S. EPA now requires states to provide the number of field constructed tanks (FCT) and airport hydrant systems (AHS) within their jurisdiction. At this time, UPAs will submit only the FCT as part of the Report 6, due September 1, 2020. Any UST where the primary containment was poured, assembled or constructed onsite, or in situ, must be identified and reported as an FCT.

Since reporting AHS data will require collaboration between State Water Board, UPAs, and operating hydrant system owners and operators to determine if an AHS is subject to UST codes and regulations, and therefore also subject to reporting, UPAs will report AHS data as part of Report 6 on September 1, 2021. State Water Board will begin to coordinate with involved stakeholders this summer to gather AHS data.

For more information regarding Report 6 requirements please contact Mr. Steven Mullery at (916) 341-5850 or Steven.Mullery@waterboards.ca.gov, or Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

UST Reporting Regulations

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 UPAs. It is anticipated that the Office of Administrative Law will approve the amendments to the UST Regulations and file the amendments with the Secretary of State in August with an effective date of October 1, 2020.

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 performance measures of TCR. Additionally, to comply with UST reporting provisions of the 2005 Energy Policy Act, this section adds a requirement for UPAs to report the facilities where a compliance inspection has not been performed over that previous calendar year. Section 2716 is amended to require the UST owner or operator to sign all designated operator visual inspection reports within 72 hours from receipt of report from the designated operator. The forms have had substantial changes and will be required for use as of October 1, 2020. Additional guidance is forthcoming. Current information, updates and future guidance on the UST Regulations can be found on the [rulemaking web site](#)¹.

For more information regarding UST 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.

Contractor License Change

It has come to the attention of State Water Board staff that the description for the Limited Specialty contractor license, C-61/D40, [Service Station Equipment and Maintenance Contractor definition](#)² was expanded by the California Contractors State License Board (CSLB). The modified license description includes “*the testing and adjustment of leak detection and vapor recovery equipment, such as automatic tank gauges, leak line detectors, vapor recovery lines, and in-station diagnostics.*” While staff noted the license modification for UST stakeholders any questions or comments in regard to this change must be addressed by the appropriate agency, the CSLB.³

U.S. EPA’s Underground Storage Tank Grant and Program Review

Annually the U.S. EPA conducts a [performance evaluation](#)⁴ of the State Water Board UST Leak Prevention Unit. For State Fiscal Years 2017/2018 and 2018/2019 the U.S. EPA praised California’s efforts at minimizing new releases from existing UST systems. The evaluation highlighted that California’s UST release rate is less than one-sixth of that of the rest of the country with an annual ratio of new releases to operating USTs at 0.17%, compared to 1.06% for the rest of the country. It was also noted that data quality in the California Environmental Reporting System (CERS) improved

¹https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/repregs/index.html

² https://www.cslb.ca.gov/About_Us/Library/Licensing_Classifications/C-61_Limited_Specialty/D-40_-_Service_Station_Equipment_And_Maintenance.aspx

³ https://www.cslb.ca.gov/about_us/contact_cslb.aspx

⁴https://geotracker.waterboards.ca.gov/regulators/library/8090268790/Letter_California_UST_Program_Review_2020.07.06.pdf

significantly, with 48 UPAs meeting CERS requirements for paperless reporting of Report 6. The U.S. EPA also commended California for promptly adopting new federal UST requirements, revising the CERS UST violation library, and reporting new US EPA performance measures in advance of the required effective dates.

The evaluation also highlighted some of our program challenges moving forward and asked for prioritization of specific items. California's requirement for closure of all single-walled USTs by 2025 may cause undo strain on the program, so the U.S. EPA recommended that California incentivize early closure of single-walled UST systems by updating the eligibility requirements for the State's Replacing, Removing, or Upgrading UST (RUST) program and pursuing enforcement on non-compliant single-walled UST facilities.

For more information regarding the US EPA's UST program review, contact: Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

International Code Council Record Verification

It has come to the attention of State Water Board staff that the International Code Council (ICC) has received inquiries regarding the verification of ICC California certificates for California UST Inspector (UI), UST System Operator (Designated) (UC), and California UST Service Technician (UT). The inquiries are from UPA UST inspectors who are unable to verify whether an ICC certificate for UI, UC, or UT is valid using the [ICC verification web page](#)⁵.

ICC has identified multiple reasons why an ICC certificate record may not be found when using the ICC verification web page. Examples include, but are not limited to, the following:

Retaking an Exam – When retaking the ICC UI exam in lieu of using continuing education, the unique record number associated with the individual's original certification may change. In addition, when individuals retake their UC or UT exam, the unique record number associated with the individual's original certification may change. Therefore, UPA UST Inspectors may need to contact ICC to verify UI, UC, or UT certificates.

Expiration Dates – The ICC verification web page incorrectly identifies ICC UI, UC, and UT certificate expiration dates by two days for individuals taking ICC Exams between September 2017 and January 2019. Therefore, UPA UST inspectors may need to contact ICC to verify UI, UC, or UT certificates.

⁵ <https://www.iccsafe.org/verify/>

If UPA UST inspectors find the ICC verification web page returns a message of “Member was not found, please try your search again”, “No Certifications On Record For this Member”, or other similar message, please contact Ms. Mary Barnett of ICC. Ms. Barnett will aid with finding appropriate ICC records and combine ICC records if applicable, allowing for appropriate use of the ICC verification web page for future ICC certificate verifications.

For more information regarding ICC verification, please contact Ms. Mary Barnett at 1 (888) 422-7233 ext. 3219 or MBarnett@iccsafe.org, or Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov.

Updating UST Operating Permits

UST operating permits (permits) are required to be issued by UPAs pursuant to Health and Safety Code, Chapter 6.7 (HSC), Section 25284. Both HSC, Section 25285 and UST Regulations, Section 2712 includes the requirements for permit issuance, permit terms, and fees, as well as other permit conditions. UST permits are reviewed as part of the triennial CUPA Performance Evaluations and State Water Board staff have identified several CUPA permits and permit conditions are not consistent with UST Regulations and HSC. Included below are some of the more common areas of inconsistencies:

- Permit conditions indicate UST owners or operators shall notify the CUPA of changes in substance stored within 30 days, while the regulatory requirement is to notify the CUPA 30 days *prior* to any change in substance stored.
- Permit conditions indicate hard copies of UST operating permits shall be maintained on-site, while the regulatory requirement is for permits to be maintained as a hard copy on-site, or electronically.
- Permit conditions indicate monitoring and maintenance records shall be maintained on-site, while the regulatory requirement is for these records to be maintained on-site or off-site at a readily accessible location.
- Permit conditions indicate the permit is to be displayed in a conspicuous location, while, absent of a local ordinance, this is not required by regulation.
- Permit conditions indicate that facility information and documentation be submitted to the CUPA, while the regulatory requirement is for such documentation to be submitted via CERS or local agency portal.
- Omission of CERS IDs from permits, while the regulatory requirement is to include them on permits.

To ensure permits and permit conditions meet regulatory requirements, State Water Board staff suggest reviewing permits and permit conditions in advance of the CUPAs permit issuance cycle and/or before issuing new permits.

For more information regarding updating 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.