



State Water Resources Control Board

December 19, 2023

To: Unified Program Agency Managers and UST Inspectors

Preparation for Enforcement of Single-Walled Underground Storage Tanks Closure Deadline

The State Water Resources Control Board (State Water Board) has fielded numerous questions on the enforcement role of the Unified Program Agency (UPA) in preparation for the [single-walled underground storage tank \(UST\) closure deadline](#).¹ The State Water Board expects UPAs to enforce on all non-compliant single-walled UST facilities within their jurisdiction to ensure that they remain compliant until they are permanently closed. The State Water Board has ordered ample red tag supplies in preparation for the closure deadline and expects UPAs to utilize all enforcement tools available to prepare for and enforce the closure deadline.

The remaining 2,000 single-walled USTs statewide pose an increased threat to human health and the environment due to their construction and advanced age. It is imperative that UPAs prioritize enforcement of single-walled UST requirements now to ensure permanent closure on or before December 31, 2025. State Water Board evaluators have observed that a substantial number of UST inspectors are failing to identify significant violations on single-walled UST systems or are not requiring the facility to return to compliance in anticipation of the USTs being permanently closed before the deadline. Allowing significant violations to continue while a UST system is operational is not acceptable and the State Water Board expects UPAs to apply progressive enforcement until the USTs are returned to compliance or permanently closed. For additional information on compliance requirements for single-walled USTs, the State Water Board encourages UPAs to review the [State Water Board 2023 CUPA Conference training](#)² that is available on the CUPA Forum Learning Management System and the State Water Board website.

¹ https://www.waterboards.ca.gov/ust/single_walled.html

² <https://vimeo.com/847574375>

Progressive Enforcement through December 31, 2025

Owners and operators of single-walled UST facilities out of compliance with the Health and Safety Code, division 20, chapter 6.7 (H&SC) and the California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations) must return to compliance within 60 days as specified in H&SC section 25288(d), regardless of whether the owner or operator has applied, or plans to apply for permanent closure. UPAs cannot exempt single-walled USTs from required repairs, upgrades, or testing, nor can UPAs grant temporary closure because the owner or operator has applied or plans to apply for permanent closure. Additionally, UPAs should not grant temporary closure for any single-walled UST after January 1, 2024.

The State Water Board expects UPAs to apply progressive enforcement until the single-walled UST is returned to compliance or permanently closed. Informal and formal enforcement methods include, but are not limited to, Notice of Violation, Administrative Enforcement Order, referral to the district attorney, red tag application, and assessment of penalties pursuant to H&SC section 25299.

Red Tags

Violations associated with single-walled USTs are often significant and pose an imminent threat to human health, safety, and the environment, as defined in UST Regulations, section 2717. Single-walled USTs in significant violation may have a red tag affixed and be directed to empty all remaining fuel within 48 hours in accordance with H&SC section 25292.3(a)(2). UPAs should note that red tags, as well as other enforcement actions against UST owners and operators, may impact Replacing, Removing, or Upgrading UST (RUST) grant funding availability.

Additionally, a red tag affixed to a single-walled UST emergency tank system may be removed in emergency situations pursuant to UST Regulations, section 2717.3. For single-walled emergency tank systems, the State Water Board encourages UPAs to consider additional formal enforcement methods to include usage of maximum penalties.

Enforcement beginning January 1, 2026

UPAs must ensure that all permits to operate for single-walled UST facilities within their jurisdiction expire on or before December 31, 2025 as operation of single-walled USTs after this date is prohibited. The State Water Board expects UPAs to take enforcement actions on any single-walled USTs that are not permanently closed by December 31, 2025, including assessing penalties of \$500 to \$5,000 per day, per tank, per violation and affixing red tags in accordance with H&SC section 25292.3 and UST Regulations, section 2717.1. When affixing red tags, the UPA also may direct the owner or operator to empty all remaining fuel within 48 hours. UPAs with single-walled UST facilities within their jurisdiction that do not have an approved permanent closure plan in place should provide the UST owner or operator of those systems with notice of

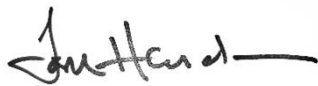
imminent enforcement 30 days prior to December 31, 2025, in accordance with UST Regulations, section 2670(f).

State Water Board Assistance

The State Water Board will continue to reach out to single-walled UST owners and operators reminding them of the impending closure deadline and the arsenal of enforcement options available to the UPAs. Additionally, the UST Leak Prevention Unit will supply UPAs with red tag supplies upon request. UPAs expecting to have difficulties with enforcement of their single-walled UST facilities should reach out to the State Water Board, Office of Enforcement for guidance and assistance when necessary.

For additional details on enforcement of the single-walled UST violations and the closure deadline, contact Jenna Hartman from the UST Leak Prevention Unit or Brian Taylor from the Office of Enforcement.

Sincerely,



Tom Henderson
UST Leak Prevention Unit and
Office of Tank Tester Licensing Manager
State Water Resources Control Board

cc: [Via email only]

Cheryl L. Prowell, P.E.
UST & Site Cleanup Program Manager
State Water Resources Control Board
Cheryl.Prowell@waterboards.ca.gov

Julie M. Osborn, Attorney IV
Office of Chief Counsel
State Water Resources Control Board
Julie.Osborn@waterboards.ca.gov

Bryan Elder, P.E.
Investigation and Technical Assistance Section Manager
State Water Resources Control Board
Bryan.Elder@waterboards.ca.gov

Brian Taylor, PG
UST Enforcement Unit Manager
State Water Resources Control Board
Brian.Taylor@waterboards.ca.gov

UPA Managers and UST Inspectors

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Jenna Hartman, REHS
UST Leak Prevention Unit
State Water Resources Control Board
Jenna.Hartman@waterboards.ca.gov