



UST Program Update August 2014

\$1 Million Settlement with the City of Glendale for Alleged Underground Storage Tank (UST) Violations

The State Water Resources Control Board (State Water Board) has reached a \$1 million settlement with the city of Glendale for alleged violations of regulations concerning storage of hazardous substances in USTs at 11 facilities owned by the city.

This lawsuit is the first enforcement action by the State Water Board's Office of Enforcement under the State Water Board's Government Owned and/or Operated Tank (GOT) initiative that started in 2010 with the assistance of the US Environmental Protection Agency and the second enforcement action by the State Water Board against a public entity for UST violations. The GOT initiative aims to level the playing field with respect to compliance and enforcement between privately and publicly owned and operated USTs. Below are links to the Press Release, Judgment, and Complaint.

Press Release

http://www.waterboards.ca.gov/press_room/press_releases/2014/pr072514_glendale.pdf

Judgment

http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2014/glendale_judgment.pdf

Complaint

http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2014/glendale_complaint.pdf

CA UST Enforcement Articles in EPA UST Newsletter

NEIWPC has recently published the current *LUSTLine*, a nation-wide bulletin on USTs, dated June 2014. This report was distributed via Lyris on July 8, 2014 and is also available at the link below:

http://www.neiwpc.org/lustline/lustline_pdf/lustline_current.pdf

On page 3 is an article on UST cleanup financial fraud written by Kim Sellards of the State Water Board entitled "The Consultant Who Played Foul with the California UST Cleanup Fund."

Also, on page 18 is an article on UST enforcement written by Ben McLernon and Mike Vizzier of San Diego County entitled "Repurposing Penalties to Improve UST Operations."

Revised Unified Program Guidance Letter 14-01

On July 7, 2014, CalEPA published the Unified Program Guidance Letter 14-01 (Revised) – Onsite Maintenance of Required Unified Program Information. The revised letter explains that maintaining required Unified Program information onsite also denotes the option of being readily accessed onsite through electronic means by facility staff and UST inspector.

The revised 14-01 letter was sent out via Lyris on July 8, 2014 and is also available at <http://www.calepa.ca.gov/cupa/Bulletins/2014/July7.pdf>

For UST Program questions regarding this letter, contact Gabe Herrera at (916) 319-9128 or gabriel.herrera@waterboards.ca.gov. For all other Unified Program questions regarding this letter, contact John Paine at (916) 327-5092 or john.paine@calepa.ca.gov.

California Environmental Reporting System (CERS) Frequently Asked Questions (FAQs)

As a follow up to CalEPA's UP Guidance Letter 14-01, two new UST related FAQs were posted to the CERS Business Help section:

- **Are Hard Copies Required to be Kept Onsite?**
(This FAQ also clarifies that hard copy UST permits must be kept onsite.)
- **Which UST Documents Require Uploading?**
(This FAQ also addresses which documents must be signed before they are uploaded to CERS. In addition, it clarifies that testing documents such as annual monitoring certifications and secondary containment tests are required to be uploaded into CERS.)

These FAQs were sent out via Lyris on July 8, 2014 and are also available at the link below:

<https://cersbusiness.calepa.ca.gov/Help>

For questions or concerns regarding the FAQs, contact Gabe Herrera at (916) 319-9128 or gabriel.herrera@waterboards.ca.gov, or Dan Firth at (916) 445-5049 or daniel.firth@calepa.ca.gov.

New Enhanced Vapor Recovery (EVR) Determination Letter

A new EVR determination letter, dated March 27, 2014, has been posted to the State Water Board's EVR Multi-Agency Review Process website below:

http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/workshopfeb282005.shtml

Emco Wheaton Retail Corp. requested that Water Board staff review the modifications to their Emco Wheaton Retail EVR Phase I system. The modification includes the addition of a factory-installed drain plug on the fill side of the Emco Wheaton Retail A1004EVR-X series spill containment.

For spill containment that does not have a drain valve, the UST facility owner/operator is required:

- I. To have a means to keep the spill container empty.
- II. The process, procedures, and equipment (aka the means) to empty the container shall be identified in the monitoring plan required by CCR, title 23, section 2632(d).
- III. Spill buckets should be kept clean and free of liquid (water and fuel) and debris.
- IV. Liquid from the container must be stored and or disposed of in accordance with hazardous waste laws and regulations. More information regarding hazardous waste determination can be found in CCR, title 22, section 66262.11.

Below is a direct link to the EVR determination letter:

http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/docs/evr_determination/emco_wheaton032714.pdf

Reminder: Report 6 due September 1, 2014

Report 6 for the January-June 2014 reporting period must be completed and submitted to gherrera@waterboards.ca.gov by September 1, 2014. For any assistance completing Report 6, contact Gabe Herrera at (916) 319-9128 or at gherrera@waterboards.ca.gov.