



UST Program Update May 2020

Notice of Modified Proposed Underground Storage Tank Reporting Regulations and Opportunity to Provide Comment

On April 20, 2020, the State Water Resources Control Board (State Water Board) distributed through Lyris, an email notifying underground storage tank (UST) stakeholders of modified proposed amendments to the California Code of Regulations, title 23, division 3, chapter 16, article 3 (UST Regulations) regarding reporting requirements and the opportunity to comment on the amendments. The proposed amendments modify the reporting requirements of owners and operators, and local agencies. The State Water Board also proposes to significantly modify certification, inspection, and testing forms.

The 15-day public comment period for the proposed UST Regulations regarding reporting requirements is currently open and ends at noon, May 6, 2020. Any interested person may submit written comments relevant to the proposed UST Regulations to Ms. Jeanine Townsend, Clerk to the Board, by email at commentletters@waterboards.ca.gov, by fax at (916) 341-5620, or by mail or hand delivery addressed to:

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (by mail); or
1001 I Street, 24th Floor, Sacramento, CA 95814 (by hand delivery).

The proposed rulemaking package and information required to submit comments is available at: [Proposed UST Reporting Regulations webpage](#).¹

For additional information regarding the modified proposed 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.

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

UPDATE: Underground Storage Tank Requirements During Shelter-in-Place Orders

The State Water Board advised UST stakeholders in a [letter dated March 19, 2020](#)², regarding expectations during the health and safety restrictions. The State Water Board advises UST stakeholders follow all health and safety guidance. The letter also acknowledges that UST owners and operators may not be able to keep their USTs in compliance with restrictions in place, however, owners and operators must ensure that critical leak detection, monitoring and cathodic protection systems remain in operation at all times and all leak detection alarms are responded to appropriately. The State Water Board will provide additional guidance here, in UST Program Monthly Update as new information becomes available.

International Code Counsel (ICC) Certificate Holders: ICC testing centers are temporarily closed and as a result, UST Installers/Retrofitters, Service Technicians, and Designated UST Operators are unable to retest. For certifications that expire between March 1 and August 31, 2020, ICC has extended the expiration date to September 1, 2020. UST Regulations, section 2715 describe two requirements for certifications. The certified person must:

- 1) possess a current certification issued by ICC; and,
- 2) have passed the ICC exam every 24 months.

While the certification may be current because of the extension provided by ICC, the process conflicts with UST Regulations since certification holders will not have passed an exam within the 24 months. Should any UST activities be performed by individuals with current ICC certifications without taking an exam in the last 24 months, unified program agencies (UPAs) can implement enforcement discretion on this matter.

UST Regulations on the other hand, provide local agency inspectors with the option of either passing an exam or satisfying equivalent criteria. ICC is currently accepting continuing education for ICC UST Inspector certification renewals.

For additional information regarding implementing UST requirements during public health and safety restrictions, please contact Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov, or Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

² https://www.waterboards.ca.gov/water_issues/programs/ust/docs/covid_letter.pdf

ASTM Testing Method for Sumps and Spill Containment

ASTM International recently published a new standard (E3225-20) for [spill bucket and sump testing](#)³. This test method allows for the hydrostatic test to be performed visually rather than using a quantitative method. Title 40, Code of Federal Regulations, part 280 (40 CFR) require spill prevention and sump testing be performed using a liquid, pressure, or vacuum test method. The United States Environmental Protection Agency recently addressed this test method in their [2015 Technical Compendium](#)⁴ and has determined the E3225-20 method by ASTM International does not meet the requirements of 40 CFR, section 280.35.

For additional information regarding the ASTM E3225-20 method, please 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.

Use of Incorrect UST Components

The State Water Board is aware of UST components being delivered to facilities under construction that do not meet UST regulation requirements. Equipment manufacturers craft a variety of makes and models of UST components, many of which are not acceptable for use in California. Health and safety restrictions have limited the number warehouse and shipping personnel, which have resulted in equipment intended for other states unintentionally delivered to California facilities. Although inspections may be currently limited, in order to prevent additional costly mistakes please ensure the materials delivered to facilities and being installed meet the UST regulation requirements, including proper manufacturing, construction and certifications.

For additional information regarding the UST construction requirements, 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.

Additional Information Required in Report 6

The upcoming Semi-Annual UST Program Report (Report 6) for data collection between January 1, and June 30, 2020 will require additional information not previously requested as part of the Report 6. The Federal UST Regulation change of 2015 requires states to collect and report information on field-constructed tanks (FCT) and airport hydrant systems. A new line item will be added to Report 6 to capture the number of FCTs per jurisdiction. Additionally, the second page of the Report 6, previously used exclusively for red tag information will now also include line items to

³ <https://www.astm.org/Standards/E3225.htm>

⁴ <https://www.epa.gov/ust/underground-storage-tank-ust-technical-compendium-about-2015-ust-regulation>

identify the number USTs per jurisdiction in temporary closure and abandoned USTs. Instructions on the proper methods for collecting and reporting this additional information for both the paper and paperless Report 6 will be forwarded to UPAs later this month.

For additional information regarding upcoming Report 6 additions, please 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.

Maintaining Inspection Integrity

Inspection jurisdictions can be beneficial for UPA inspectors by allowing them to become familiar with UST system construction, building relationships with the owner and operator, knowledge of past violations, etc. However, there are benefits to rotating UPA inspectors to a new area every 12-24 months to ensure the integrity of inspections. Over-familiarization with facilities and facility staff may lead UPA inspectors to overlook some violations.

In addition, owners and operators would benefit from UPA inspector rotation with new perspectives and knowledge of UST Regulations, guidance with CERS requirements, and keeping the facility in compliance.

Successful transitions from one UPA inspector to another includes an initial briefing on UST facilities, thorough review of facility files, including CERS, and keeping policies and procedures up to date with changing UST Regulations.

For additional information regarding improving inspection integrity 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.