



State Water Resources Control Board

January 12, 2021

To: Unified Program Agencies

Conducting and Reporting Underground Storage Tank Compliance Inspections during Coronavirus-19 Public Health and Safety Restrictions

The State Water Resources Control Board (State Water Board) is aware that the Coronavirus-19 (COVID-19) public health and safety restrictions present many challenges towards implementation of the Unified Program. Shelter-in-place orders, strict social distancing protocols, and reallocated staff resources have impacted how Unified Program Agencies (UPAs) conduct underground storage tank (UST) compliance inspections. The United States Environmental Protection Agency (U.S. EPA) and the State Water Board, through extensive discussions with UPAs, are aware these challenges prevent some UPAs from performing the required on-site component of the UST compliance inspection and therefore, from meeting the UST compliance inspection requirements of the Energy Policy Act of 2005 (EPAAct).

While the State Water Board appreciates the UPAs efforts to maintain a remote presence during COVID-19 public health and safety restrictions through virtual inspections and desk audits, the State Water Board cannot report virtual inspections or desk audits as UST compliance inspections for the purpose of meeting the UST compliance inspection requirements of the EPAAct. This correspondence is intended to address the importance of, and how to report inspections without the required on-site component in the California Environmental Reporting System (CERS).

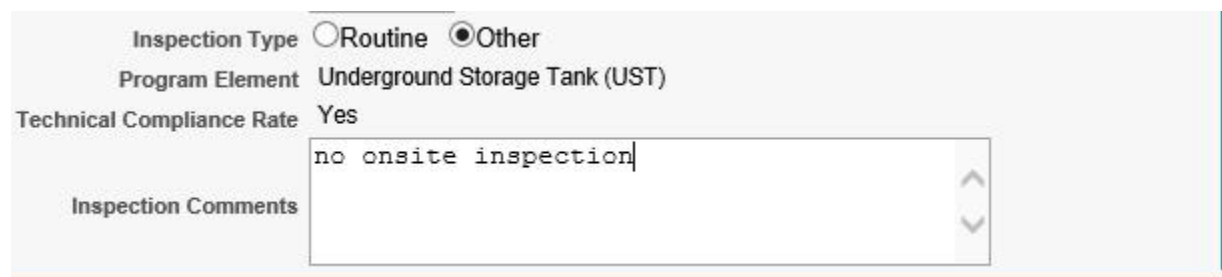
The State Water Board has shared previously that virtual inspections and desk audits without an on-site component are not considered a complete UST compliance inspection (42 United States Code, section 6991d, subdivision (c)(2); see also Health and Safety Code, Chapter 6.7, section 25288, subdivision (a)). While these inspections may not be considered or reported as a UST compliance inspection, it is important that UPAs accurately capture the efforts of virtual inspections and desk audits in CERS.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

How to Report Virtual Inspections and Desk Audits in CERS

To meet state and federal requirements, only inspections with an on-site component pursuant to UST compliance inspection requirements of EPAct shall be reported as a “Routine” inspection in the CERS. All other types of inspections, including virtual inspections and desk audits, are to be reported as “Other” inspections in CERS. Differentiating between inspection types will allow the State Water Board to properly report UST compliance inspections to the U.S. EPA and to identify UST facilities that had no on-site inspection component by UPAs during COVID-19 health and safety restrictions.

To further differentiate virtual inspections and desk audits from all “Other” inspection types, such as follow-up inspections, a specific comment must be included in the “Inspection Comment” section. UPAs must use the comment “*no onsite inspection*” for UST facilities where the UPA did not perform an on-site inspection. Below is a depiction of the CERS inspection report section and what the comment will look like:



The screenshot shows a form with the following fields and values:

- Inspection Type:** Routine Other
- Program Element:** Underground Storage Tank (UST)
- Technical Compliance Rate:** Yes
- Inspection Comments:** no onsite inspection

UPA should train and share this guidance with UST inspection staff to ensure the proper reporting of inspections in CERS. Data Management Procedures, or other applicable procedures, should be updated in tandem with this training to reflect the new reporting steps. By ensuring UST inspection staff follow these steps, the U.S. EPA, the State Water Board, and the UPAs can correctly identify, report, and assess UST compliance activities.

Reconciling the Impacts of the COVID-19 Health and Safety Restrictions on UST Compliance Inspections

During triennial UPA performance evaluations, State Water Board staff will request information necessary to identify UST Program performance prior to, during, and after the COVID-19 public health and safety restrictions. In the letter [Implementation of Underground Storage Tank Requirements During Government Imposed COVID-19 Public Health and Safety Restrictions](https://www.waterboards.ca.gov/ust/docs/covid_letter), dated March 19, 2020 (https://www.waterboards.ca.gov/ust/docs/covid_letter), the State Water Board required UPAs to provide a list of UST facilities that had not conducted a timely UST compliance

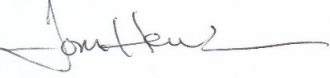
inspection. As part of the performance evaluation, State Water Board staff will consider the impacts of the COVID-19 public health and safety restrictions when reviewing those facilities without an on-site inspection.

The State Water Board will also review the impacts of the COVID-19 public health and safety restrictions on other components of UST compliance inspections, and whether regulatory requirements were maintained. Although COVID-19 public health and safety restrictions may prevent normal UST compliance inspection activities, alternative methods of operation are available and should be implemented. For example, UST compliance inspection reports are required to have a signature from both the UST inspector and the UST facility representative to be considered complete. If the signature cannot be obtained from the UST facility representative due to social distancing protocols, the UPA should still obtain the required signature through other means, such as email, fax, or certified mail. Further, social distancing protocols may create difficulties for UST inspectors to review documentation as part of the inspection, such as Designated UST Operator Inspection Reports. UST inspectors should accommodate social distancing protocols by reviewing documentation outside of the UST facility, away from UST facility staff. These and other alternative methods of operation should be implemented to ensure that UST compliance inspections are completed consistently, correctly, and safely throughout COVID-19 public health and safety restrictions.

The situation regarding COVID-19 health and safety restrictions remains fluid and the State Water Board will continue to advise UPAs as the circumstances or situations change. Updates will be posted on the [State Water Board UST Leak Prevention](https://www.waterboards.ca.gov/water_issues/programs/ust/) website (https://www.waterboards.ca.gov/water_issues/programs/ust/).

For additional information on conducting and reporting UST compliance inspections, and all other inspection types, during COVID-19 public health and safety restrictions, please contact me at Tom.Henderson@waterboards.ca.gov or Ms. Jessica Botsford at Jessica.Botsford@waterboards.ca.gov.

Sincerely,



Thomas Henderson
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State Water Resources Control Board

cc: [via email only]

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