
State Water Resources Control Board

July 30, 2021

To: All Underground Storage Tank Stakeholders

Rescinded Coronavirus 2019 (COVID-19) Public Health and Safety Restrictions

On March 19, 2020, the State Water Resources Control Board (State Water Board) Leak Prevention Unit sent a letter to underground storage tank (UST) stakeholders regarding the COVID-19 restrictions and recommended procedures. While some uncertainty may remain regarding health and safety protocols as new COVID-19 variants arise, the State Water Board is providing the following updated guidance to assist UST owners and operators, and the Unified Program Agencies (UPAs) return UST facilities to compliance as California begins to move beyond the COVID-19 restrictions.

1. Health and Safety:

Adhere to federal, state, and local public health and safety guidelines.

2. UST Facility Operations:

Return to normal operations considering health and safety guidelines.

3. Documentation:

UST Owners and Operators: The State Water Board previously directed UST owners and operators to document the specific circumstances leading to delays in conducting tests, maintenance, and inspections that prevent facilities from being in regulatory compliance during COVID-19 restrictions. That documentation should be used in assisting UST owners and operators in returning facilities to compliance. Any facilities that are out of compliance due to COVID-19 restrictions should be actively working to return to compliance.

UPAs: The State Water Board directed UPAs to document the beginning and end of the period when compliance inspections were not being performed and to be prepared to provide to the State Water Board a list of facilities where the compliance inspections were not routinely performed. UST facilities where annual UST compliance inspections

were not performed because of COVID-19 restrictions should now be prioritized for compliance inspections.

UPAs cannot waive statutory or regulatory requirements, however, UPAs should continue to use enforcement discretion and assist UST owners and operators in returning UST facilities to compliance. UST owners and operators who have provided clear documentation that they acted in good faith to remain in compliance, but were unable to maintain compliance due to COVID-19 restrictions, should be allowed a reasonable opportunity to return to compliance.

UPA documentation of COVID-19 impacts should include:

- Testing, inspections, and cancellation notices received;
- Documented UPA attempts to perform inspections; and
- Documented non-compliance in California Environmental Reporting System.

For additional information regarding implementing UST requirements, please contact me by email at Laura.Fisher@waterboards.ca.gov or Mr. Tom Henderson at Tom.Henderson@waterboards.ca.gov.

Sincerely,



for
Laura S. Fisher
UST Leak Prevention Unit &
Office of Tank Tester Licensing Manager

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