

---

## State Water Resources Control Board

December 6, 2019

To: Unified Program Agencies and Other Interested Parties

### **Underground Storage Tank Biodiesel Regulations**

On August 6, 2019, the State Water Resources Control Board approved amendments to the California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), article 3, sections 2631 and 2631.2, to facilitate a more streamlined approach to permitting the storage of diesel containing up to 20 percent biodiesel. On November 6, 2019, the Office of Administrative Law approved the amendments to the UST Regulations and filed the amendments with the Secretary of State. The effective date of the amendments is January 1, 2020.

As amended, UST Regulations, section 2631(m) provides that diesel containing up to 20 percent biodiesel meeting the American Society of Testing and Materials International standard D7467 shall be recognized as equivalent to conventional diesel for the purpose of complying with existing approval requirements for double-walled UST systems, unless any material or component of the UST system has been determined to not be compatible. In addition, section 2631.2 of the UST Regulations, which provided a temporary variance for biodiesel blends, is deleted from the UST Regulations because the temporary variance has expired and is no longer necessary.

UST owners/operators and Unified Program Agencies (UPAs) should note the following requirements for changing from conventional diesel or B5 (5 percent biodiesel blend) to biodiesel blends up to and including 20 percent biodiesel (B20):

- **Owners/Operators:** The owner/operator must notify the UPA ([Local Agency Directory](#)) 30 days before any change in the substance stored, including changing from conventional diesel or B5 to diesel containing up to 20 percent biodiesel. The owner/operator also must make a new submittal in California Environmental Reporting System (CERS) to reflect the change in substance stored.
- **UPAs:** UPAs must ensure that CERS has been updated by the owner/operator to reflect the change in the stored substance. UPAs also must review the current leak detection equipment installed onsite before the substance stored is changed to ensure it is appropriate for use with increased blends of biodiesel up to and including B20. Finally, UPAs must ensure UST system components meet the requirements of Health & Safety Code section 25291 and approved for use with conventional diesel.

---

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

More information on the rulemaking is available on the [UST Program's Proposed Biodiesel UST Regulations web page](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/bio_regs/) ([https://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/bio\\_regs/](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/bio_regs/)).

Please contact me at (916) 341-5870 or at [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov) with questions regarding these UST regulatory amendments.

Sincerely,

A handwritten signature in black ink that reads "Laura Fisher". The signature is written in a cursive, flowing style.

Laura S. Fisher, Chief  
UST Leak Prevention Unit &  
Office of Tank Tester Licensing  
State Water Resources Control Board