



State Water Resources Control Board

November 8, 2019

To: Unified Program Agency Managers

UST INSPECTION FREQUENCY CONFIRMATION REQUIRED FOR COMPLIANCE CERTIFICATION WITH THE ENERGY POLICY ACT OF 2005

On an annual basis the State Water Resources Control Board (State Water Board) is required to certify compliance with the Underground Storage Tank (UST) provisions of the Energy Policy Act of 2005 (EPAAct). One of these certification provisions requires states to confirm that the federal UST inspection frequency, as outlined in 42 U.S.C. §6991d, subdivision (c)(2), has been met. A positive certification requires that regulated USTs (operational and abandoned) are inspected at least once every three years.

The State Water Boards' next EPAAct Certification must be completed by February 2020. Consistent with other states and territories, the State Water Board must verify its UST inspection frequency data to make the EPAAct certification. At the direction of U.S. EPA, the California Environmental Reporting System (CERS) will be utilized to verify that each Unified Program Agency (UPA) has inspected all regulated USTs in its jurisdiction at least once in the last three years. Compliance with the federal UST inspection frequency is essential to maintain grant funding from U.S. EPA. This grant funding is a critical element in funding projects that sustain and improve the UST element of the Unified Program including but not limited to projects such as the Abandoned UST Initiative, the Single-Walled UST Closure Initiative, annual and semiannual UST reports, informational public workshops, UPA training, and contractors to assist UPAs with ongoing CERS training and implementation. UPAs who fail to meet the federal UST inspection frequency jeopardize the State Water Boards' ability to make a positive certification and maintain critical grant funding provided by U.S. EPA. For facilities without evidence of an inspection in the last three years, the plan is to redirect U.S. EPA grant funding earmarked for California to hire independent contractors who will review records at CUPA offices and, if necessary, conduct physical inspections. At that time U.S. EPA will make an assessment of the CUPAs ability to maintain required UST inspection frequencies and communicate those findings to the State Water Board and CalEPA.

CERS data will be extracted from CERS by State Water Board staff on January 6, 2020. This report will be used to verify that each facility with a UST reporting requirement set to 'always and applicable' has at least one inspection date between January 1, 2017 and December 31, 2019. Therefore, UPAs must ensure all compliance inspections are uploaded to CERS prior to January 6, 2020 to be captured in the reporting.

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

To ensure the State of California can positively certify to U.S. EPA, all UPAs must have complied with the inspection provision of the Energy Policy Act of 2005. To assist with review and analysis of data and inspection information, two resources are attached:

Instructions on How to Run the *CERS UST Inspection Report*

This report will generate a list of UST facilities or UST facilities that have not been inspected within at least once in the last three years or by the end of the year will need an inspection to remain in compliance with the EPAct. To run this report follow the [step by step instructions](https://www.waterboards.ca.gov/ust/adm_notices/cers_ust_inspection_reports.pdf) (https://www.waterboards.ca.gov/ust/adm_notices/cers_ust_inspection_reports.pdf).

Please note: There are additional facilities that still require an inspection before December 31, 2019. Facilities with closed USTs, unreported closed tanks, or where a submittal does not include the correct type of action or a tank closure date will require a submittal with type of action = Permanent closure in place or tank removal and a tank closure date.

Abandoned USTs

UPAs with abandoned USTs in their jurisdiction may use the *Abandoned UST Compliance Checklist* to complete the compliance inspections.

For questions on how to run the report describe above please contact Mr. Dan Firth at (916) 341-5711 or Daniel.Firth@waterboards.ca.gov. Please direct any questions you may have regarding this letter to Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov.

Sincerely,



Laura S. Fisher, Chief
UST Leak Prevention Unit &
Office of Tank Tester Licensing

cc: [Via email only]

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