

From: Patrick Kanchy
To: [commentletters](#)
Subject: Comment Letter-Proposed UST Regulations
Date: Thursday, November 30, 2017 10:46:51 AM
Attachments: [Proposed Amendments areas onf my concerns.pdf](#)
[Supporting documents for my area of concern.pdf](#)
[Comment Letter.pdf](#)



Hello Mrs. Townsend,

My name is Patrick Kanchy former Tester and elite member of the D.O. profession. I personally worked from Sacramento to Blythe with about 10,000 inspections under my belt. I was one of the First D.O.'s to SHELL Oil U.S. , Bp and personally covered all Flying J truck stops in CA for awhile. I started my business in 2007 at the advice of inspectors (now most retired), March will be 11 years. I do have an area of concern in the new proposal to Oct.2018 and D.O. testing in general for consideration.

For convenience I attached and highlighted areas of my concern.

Respectfully,



Patrick Kanchy
Kanchy Designated Operator Services
D.O. and CERS Lead User
Cell (909) 838-3231
Office/Fax (909) 790-0461

Area of Concern: *Proposed Fill pipe and dust cap inspections.*

11/30/2017

My concern is to the failed visual inspection of defective Phase I equipment (Fill pipe and dust caps) and may fall in this **“Cease to operate”** category. Gaskets often become separated or completely missing from the dust cap, or dust caps are also known to split in half when locked in place with extreme force like delivery driver heel of a work boot or simple theft and vandalism. The inspection of Fill cap by the Designated Operator can leave him/her labeled as the responsible person for knowingly placing defective equipment back in service.

The removal of dust caps for inspection can also flirt to the next step, is proper Fill and Vapor adaptors in place on the proper system per Executive Order permits to construct? I, as a D.O. I have been blamed for another maintenance contractor installing incorrect swivel adaptors on UST systems that occurred between my Monthly Inspections that I was unaware of. The AQMD Inspector at the time influenced the UST Owners that I (Pat Kanchy or D.O.) should have caught that. Consequently I either lost clients or was pressured into covering a portion of the Fines to keep business relationships. Owners can be cheap like that.

The local air District SCAQMD has strict regulations in place that require facilities to have at least (1) employee to conduct “AQMD RULE 461 Daily Inspections”. During this activity, the inspection of dust caps is specified in line item highlighted in attachment. It is also covered during AQMD Periodic Inspections, complaint visits as well as Testing procedures and cycles being annually or Bi-annually.

With that being said this leaves the onus of responsible of “Best O&M Practices” to stations. Also this can bump into ARB jurisdiction, we should swim in our own lane. I have seen that during my Jan 2017 D.O. exam, we are being tested on items not listed on our inspection forms and specified in our duties and responsibilities.

I agree with the inspection for Liquid and Debris in spill containment and any D.O. worth their weight in salt should advise Owner/Operator of obvious defects in the entire system outside of our scope.

My experience and opinion is to leave the action Fill pipe and Dust cap condition inspections to the stations and to the maintenance techs. They have better chances of carrying replacement parts on their work trucks or have a same day return visit from parts supplier.

Respectfully,



Patrick Kanchy
Kanchy Designated Operator Services
D.O. and CERS Lead User
Office/Fax (909) 790-0461

**Proposed Amendments
to the
California Code of Regulations
Title 23. Waters
Division 3. State Water Resources Control Board
and Regional Water Quality Control Boards
Chapter 16. Underground Tank Regulations**

**INITIAL
STATEMENT OF REASONS**

**November 2017
State Water Resources Control Board
Division of Water Quality**

3. **Section III** – This proposed section requires the designated UST operator performing the visual inspection provide an explanation for any answer of “no” or “not applicable” and is necessary to assist both the UST regulated community and UPAs identify the compliance issues discovered during the inspection.
4. **Section IV** – This proposed section requires the designated UST operator performing the visual inspection to certify the results of the inspection and is consistent with existing California UST Regulations for reporting third party inspections.
5. **Section V** – This proposed section requires the UST owner or operator to provide a description of corrective action for all compliance issues discovered during the visual inspection and is necessary to assist both the designated UST operator and UPA verify that the appropriate corrective action is implemented.
6. **Section VI** – This proposed section requires the UST owner or operator to acknowledge the compliance issues and that follow up actions is required and is necessary to be at least as stringent as Federal UST Regulations, sections 280.36(a)(1)(i)(A) & (ii)(A), which require issues to be addressed immediately when discovered.
7. **Section VII** – This proposed section requires the designated UST operator performing the inspection to review the previous “Designated Underground Storage Tank Operator Visual Inspection Report” and provide documentation verifying that all follow up action items have been corrected and is necessary to assist both the UST regulated community and UPAs verify that all items discovered during any visual inspection are corrected. (Proposed California UST Regulations, § 2716(b)(1).)
8. **Section VIII** – This proposed section requires the designated UST operator performing the visual inspection to: 1) review the alarm history since the previous inspection; 2) provide a copy of the alarm history; and 3) provide documentation of the response to each alarm and is necessary to assist both the UST regulated community and UPAs verify that all alarms have been corrected. (Proposed California UST Regulations, §§ 2716(b)(2) & (c)(2) & (3).)
9. **Section IX** – This proposed section requires the designated UST operator performing the visual inspection to inspect for damage, debris, water, or hazardous substances in: 1) spill containers; 2) under-disperser containment; and 3) containment sumps that have had an alarm and have not been responded to and is necessary to assist the UPA verify compliance with proposed California UST Regulations, sections 2716(b)(5), (8), and (9). In addition, this proposed section requires the designated UST operator performing the visual inspection to verify that there are no obstructions in the fill pipe and the fill cap is securely on the fill pipe and is necessary to assist the UPA verify compliance with proposed California UST Regulations, sections 2716(b)(6) and (7).
10. **Section X** – This proposed section requires the designated UST operator performing the visual inspection to review testing and maintenance records for the facility and is necessary to assist both the UST regulated community and UPAs track compliance deadlines for required testing and maintenance. (Proposed California UST Regulations, § 2716(b)(3).)
11. **Section XI** – This proposed section requires the designated UST operator performing the visual inspection to review the facility employee training record and is necessary to assist both the UST regulated community and UPAs verify individuals performing the duties of a

**UNDERGROUND STORAGE TANK
DESIGNATED UNDERGROUND STORAGE TANK OPERATOR VISUAL INSPECTION REPORT (Page 2 of 2)**

VII. INSPECTION HISTORY

HAS EACH FOLLOW-UP ACTION OF SECTION III. FROM THE PREVIOUS INSPECTION BEEN COMPLETED APPROPRIATELY?
(Attach documentation verifying appropriate service to this report.)

	Y	N	
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VIII. ALARM HISTORY

Attach a copy of the alarm history report/log to this report.

IS THE MONITORING SYSTEM POWERED ON AND IN PROPER OPERATING MODE?

	Y	N	NA
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HAS EACH LEAK DETECTION ALARM SINCE THE PREVIOUS INSPECTION BEEN RESPONDED TO APPROPRIATELY?
(Attach documentation verifying appropriate service to this report.)

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HAVE ALL CONTAINMENT SUMPS, THAT HAVE HAD A LEAK DETECTION ALARM SINCE THE PREVIOUS INSPECTION, BEEN RESPONDED TO BY A QUALIFIED UST SERVICE TECHNICIAN?
(List below, all containment sumps that have had a leak detection alarm since the previous inspection and have **not** been responded to by a qualified UST service technician.)

--	--	--	--

<u>SUMP LOCATION (By tank number, stored product, sump type, etc.)</u>	<u>SUMP LOCATION (By tank number, stored product, sump type, etc.)</u>
a.	d.
b.	e.
c.	f.

Only the containment sumps listed above require a visual inspection for damage, water, debris, hazardous substance, and proper sensor location. The results of the visual inspection must be recorded in section VIII.

IX. UNDERGROUND STORAGE TANK SYSTEM INSPECTION

IS THE CONTAINMENT SUMP FREE OF DAMAGE, WATER, DEBRIS, AND HAZARDOUS SUBSTANCE?

<u>SUMP LOCATION</u>	Y	N	<u>SUMP LOCATION</u>	Y	N
a.			d.		
b.			e.		
c.			f.		

ARE ALL SENSORS IN CONTAINMENT SUMPS INSPECTED LOCATED TO DETECT A LEAK AT THE EARLIEST OPPORTUNITY?

IS THE SPILL CONTAINER FREE OF DAMAGE, WATER, DEBRIS, AND HAZARDOUS SUBSTANCE?

<u>TANK ID #</u>	<u>A.</u>			<u>C.</u>				
	<u>B.</u>			<u>D.</u>				

IS THE FILL PIPE FREE OF OBSTRUCTIONS?

<u>TANK ID #</u>	<u>A.</u>			<u>C.</u>				
	<u>B.</u>			<u>D.</u>				

IS THE FILL CAP SECURELY ON THE FILL PIPE?

<u>TANK ID #</u>	<u>A.</u>			<u>C.</u>				
	<u>B.</u>			<u>D.</u>				

IS THE UNDER-DISPENSER CONTAINMENT FREE OF DAMAGE, WATER, DEBRIS, AND HAZARDOUS SUBSTANCE?

<u>UNDER-DISPENSER ID #</u>	Y	N	NA	<u>UNDER-DISPENSER ID #</u>	Y	N	NA
<u>1/2</u>				<u>9/10</u>			
<u>3/4</u>				<u>11/12</u>			
<u>5/6</u>				<u>13/14</u>			
<u>7/8</u>				<u>15/16</u>			

ARE ALL SENSORS IN UNDER-DISPENSER CONTAINMENT LOCATED TO DETECT A LEAK AT THE EARLIEST OPPORTUNITY?

X. TESTING AND MAINTENANCE

	Y	N	NA	<u>DATE LAST PERFORMED</u>
HAS THE MONITORING SYSTEM CERTIFICATION BEEN COMPLETED WITHIN THE PAST 12 MONTHS?				
HAS THE SPILL CONTAINER TESTING BEEN COMPLETED WITHIN THE PAST 12 MONTHS?				
HAS THE OVERFILL PREVENTION EQUIPMENT INSPECTION BEEN COMPLETED WITHIN THE PAST 36 MONTHS?				
HAS THE SECONDARY CONTAINMENT TESTING BEEN COMPLETED WITHIN THE PAST 36 MONTHS?				
HAS THE TANK TIGHTNESS TESTING BEEN COMPLETED WITHIN REQUIRED TIMEFRAMES?				
HAS THE LINE TIGHTNESS TESTING BEEN COMPLETED WITHIN THE REQUIRED TIMEFRAMES?				
OTHER REQUIRED TESTING/MAINTENANCE WAS COMPLETED WITHIN REQUIRED TIMEFRAME. (List test/maintenance items below.)				
<u>TEST/MAINTENANCE:</u>				

XI. FACILITY EMPLOYEE TRAINING

HAVE ALL INDIVIDUALS PERFORMING FACILITY EMPLOYEE DUTIES RECEIVED THE REQUIRED FACILITY EMPLOYEE TRAINING WITHIN THE PAST 12 MONTHS?

	Y	N
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Note: Any answer of "N" or "NA" should be explained in section III. on the previous page, and may require follow-up action

Y = Yes, N = No, NA = Not Applicable

DESIGNATED UNDERGROUND STORAGE TANK OPERATOR VISUAL INSPECTION REPORT (Page 1 of 2)

I. FACILITY INFORMATION

CERS ID #

DATE OF FACILITY INSPECTION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As.)

BUSINESS SITE ADDRESS

CITY

ZIP CODE

II. INSPECTING DESIGNATED UNDERGROUND STORAGE TANK OPERATOR INFORMATION

NAME OF DESIGNATED UST OPERATOR (As shown on the ICC certification.)

PHONE ()

ICC CERTIFICATION #

ICC CERTIFICATION EXPIRATION DATE

III. COMPLIANCE ISSUES

Any answer of "N" or "NA" in sections VII. through XI. should be explained in this section and may require follow-up action.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

There is not enough room for comments or list alarms. Especially for complicated VPH and ISD sites.

IV. DESIGNATED UNDERGROUND STORAGE TANK OPERATOR CERTIFICATION

I hereby certify that the information provided herein is true, accurate, and the visual inspection was performed in full compliance with California Code of Regulations, title 23, division 3, chapter 16, section 2716.

DESIGNATED UNDERGROUND STORAGE TANK OPERATOR SIGNATURE

V. OWNER/OPERATOR DESCRIPTION OF FOLLOW-UP ACTIONS

Note: Each item listed in section III. above, must have a description of the action taken to correct the issue.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

Detailed D.O. notes are vital to CUPA inspectors to understand behavior of UST system and operator's adherence to regulations.

VI. OWNER/OPERATOR ACKNOWLEDGMENT OF COMPLIANCE ISSUES

I have reviewed section III. "ITEMS REQUIRING FOLLOW-UP ACTION" and have provided a description of the action taken or to be taken to correct the issues discovered.

OWNER/OPERATOR SIGNATURE

DATE

South Coast

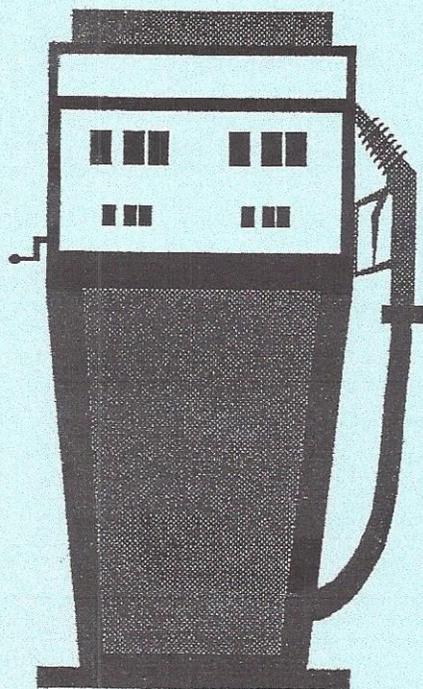
AIR QUALITY MANAGEMENT DISTRICT

21865 Copley Drive, Diamond Bar, Ca. 91765

RULE 461

GASOLINE TRANSFER AND DISPENSING

Daily Maintenance Inspections



Phase II Vapor Recovery

Phase II gasoline vapor recovery collects displaced vapors from vehicle refueling operations at gasoline dispensing facilities. The vapors are recovered at the vehicle/fillpipe interface by the fuel dispensing/vapor collection nozzle passing them into a vapor hose and then through the plumbing system to the facility's storage tank. Rule 461 (c)(2) specifies that gasoline must not be transferred into any mobile fueler of greater than 120 gallons (454 liters) capacity or any motor vehicle fuel tank of greater than 5 gallons (19 liters) capacity unless the following conditions are met:

- The dispensing unit used to transfer the gasoline from the stationary storage tank or mobile fueler to the mobile fueler or motor vehicle fuel tank is equipped with a CARB-certified vapor recovery system.
- The vapor recovery system and associated components are operated and maintained in a vapor-tight and liquid-tight manner in accordance with the manufacturer's specifications and the applicable CARB certification.
- The equipment subject to this rule is operated and maintained with no major defects as defined in section 94006, Title 17 of the California Code of Regulations. (See Inspection Protocol section for a copy of Title 17)
- Other requirements as specified in Rule 461 (c)(2).

Self-Compliance Program (For Retail Facilities)

One of the measures included in Rule 461 requires the owner/operator of a retail gasoline transfer and dispensing facility to implement a District-approved self-compliance program. The self-compliance program includes:

- Daily maintenance inspections of vapor recovery equipment conducted in accordance with the protocol specified in Attachment B of Rule 461.
- Periodic compliance inspections conducted in accordance with the protocol specified in Attachment C of Rule 461.

Facilities/companies can submit their own self-compliance training programs to the District for equivalency approval or use the District-developed program.

Persons conducting the daily maintenance inspections must have completed a District-approved general training program.

A person conducting the periodic compliance inspection must have completed a District-approved training program in the inspection and maintenance of vapor recovery systems and received a certificate issued by the District.

Testing/Notification Requirements (All Gasoline Dispensing Facilities)

New requirements in the amended Rule 461 specify frequency of testing, training for testers, and notifications to the District for testing and backfilling within specific time frames. Testing must be conducted by persons who have attended a District orientation class. Also, test results must be submitted to the District in a timely manner.

Gasoline dispensing facilities that fail a performance test are required to cease operating until a passing test is achieved. {Rule 461 (e)(5)}

Facilities that have a “drive-off” must now replace the affected equipment with new components, or perform testing to insure that the equipment is still in good working condition. Testing that is equivalent to a performance test must be approved by SCAQMD.

Operation & Maintenance Manual (For Retail Facilities)

Another new requirement of Rule 461 states that each owner/operator of a retail gasoline dispensing facility shall implement a maintenance program and document the program in an operation and maintenance (O&M) manual for the vapor recovery system. The manual must be kept at the facility and made available to operators, inspectors, testers, and repairmen. This requirement became effective on November 1, 2000.

Additional Requirements

In addition to the above requirements, Rule 461 contains other provisions, such as recordkeeping, posting of signs, and installation of pressure/vacuum valves on the gasoline storage tank vent pipes, related to the operation of a gasoline transfer and dispensing facility. Details are found in the complete text of the rule, including a revised definition section.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

February 25, 2005

It is the stations responsibility to
have at least (1) employee AQMD
Daily inspection Certified to conduct
Daily inspections.

PAT KANCHY
DELTA ENVIRONMENTAL
3164 GOLD CAMP DRIVE, SUITE 200
RANCHO CORDOVA, CA 95670

This letter acknowledges your participation in the SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (AQMD) training class for **Rule 461 Daily Inspections** of retail gasoline dispensing facilities held at AQMD headquarters on February 25, 2005.

Effective immediately, you are approved to conduct daily inspections and maintain inspection and repair records at the retail gasoline dispensing facility identified above.

Please keep this acknowledgment of your attendance with your maintenance and repair records to verify your training status during future AQMD inspections of your facility.

Thank you for your commitment to clean air.

Sincerely,

Benjamin W. Shaw
Senior Enforcement Manager
Engineering & Compliance

I received mine when I was a Tester
at Tanknology 2003 and again when
launching D.O. program with Delta
Env.

BWS:mm