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## State Water Resources Control Board

November 29, 2016

### When to Review Underground Storage Tank (UST) Records

To Unified Program Agencies (UPAs):

The Purpose of this letter is to clarify when UST records<sup>1</sup> (submitted via the California Environmental Reporting System (CERS) or other method) should be reviewed by the UPA. Though there is no specific timeframe for UST records to be reviewed in the statute or regulations, all facility information is required to be reviewed for completeness and accuracy during the annual inspection (Health and Safety Code, Chapter 6.7, § 25288 (a)). This makes the deadline for reviewing UST records the same as the annual inspection date, and under no circumstances longer than one year.

In practice, though, reviewing UST records only during the annual inspection is less than desirable for two reasons. First, this practice may allow violations to persist which can pose a threat to water quality. Even though UST owners and operators are obligated to maintain compliance at all times, often problems are not corrected until the violation is identified by the UPA. For example, if a third-party test (secondary containment, tank or pipe integrity, etc.) shows a possible leak, and the UPA does not review the report and compel correction until the next annual compliance inspection, the UST system may be operating in a manner that can cause harm to the waters of the state.<sup>2</sup> However, if the UPA timely reviews the test results and a leak is indicated, it can act quickly to compel compliance through issuance of a red tag or other enforcement action. Second, reviewing UST records only during the annual inspection undercuts the value of the UST records. Statute and regulations require facilities to submit certain information in a timely manner with the assumption that it will be reviewed and acted on within a reasonable time frame by the UPA. If the UST records are not reviewed, then it is reasonable to question why they are required in the first place. The answer is not simply that it is required by law. The answer is that a prompt review can protect the waters of the state from possible contamination.

**For these reasons, the State Water Resource Control Board expects; UST testing and maintenance records to be reviewed as soon as possible, but no later than 30 days after the submittal date, and all other records be reviewed for completeness and accuracy, though not necessarily field verified, as soon as possible, but no later than 60 days after the submittal date.**

The CERS Frequently Asked Questions (FAQ) titled, "Setting Accepted Submittal Status" explains how to use the available CERS status indicators ("Under Review," "Accepted," "No Accepted," and "Not Applicable"). The CERS FAQ titled, "When Can a UST Operating Permit be Issued?" discusses

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<sup>1</sup> UST records include all information relating to a UST system, e.g. CERS data fields, CERS document uploads, third party testing documents, third party certification

<sup>2</sup> If a tank report showed a 0.1 gallon per hour leak when it was tested in January, but the report wasn't reviewed until the annual compliance inspection in July, an additional 432 gallons would have been released to the environment.

options available to regulators when reviewing CERS submittals for completeness and accuracy. Since any "Accepted" submittal can later be changed to "Not Accepted" if the information is found to be wrong, both of these FAQs discuss the option of accepting complete submittals on the condition that they will be field-verified during the annual compliance inspection.

If you have any questions regarding this letter please contact Ms. Lisa Jensen at (916) 319-0742 or [Lisa.Jensen@waterboards.ca.gov](mailto:Lisa.Jensen@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Laura S. Fisher". The signature is written in a cursive style with a large, stylized "L" and "F".

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

cc: Julie M. Osborn, Attorney III  
Office of Chief Counsel  
State Water Resources Control Board

John Paine, Manager  
Unified Program  
California Environmental Protection Agency