



UST Program Update September 2014

Promoting Neighborhood Revitalization

By means of assessment and cleanup, abandoned gas station properties can be beneficial resources for community revitalization in neighborhoods that are impacted by environmental and health hazards. However, due to the high cleanup costs, many of these sites in California have remained vacant or underutilized for years. United States Environmental Protection Agency (EPA) and the California State Water Resources Control Board (Water Board) are working with local agencies, property owners, and community development partners to assess and cleanup these sites to make them available for resale and reuse, thereby bringing businesses and jobs back into these underserved areas. Using CalEnviroScreen data from California's Office of Environmental Health Hazard Assessment (OEHHA), EPA has identified Fresno, Los Angeles, and San Bernardino Counties as priority areas for environmental improvement.

On August 27, 2014, EPA removed three 4,000-5,000 gallon underground storage tanks (USTs) which held gasoline or diesel fuel and one 280 gallon waste-oil underground storage tank from a former gas station in Fresno, California. The site, currently home to American & Foreign auto repair shop, was occupied by a service station from 1937-1982. The USTs used by the service station ceased operating but remained in place. EPA contractors took water and soil samples to evaluate whether the storage tanks had leaked. If the tanks have leaked, EPA and the State and Regional Water Boards will assess the level of environmental cleanup required to revitalize the site and make it available for reuse.

For more information about this event in Fresno, visit the website below.

<http://www.epa.gov/region9/mediacenter/fresno-ust/>

Assessing UST for Earthquake Damage

After a significant earthquake it is important to examine UST systems, as damaged or improperly operating UST systems can pose a high risk to human health, safety, and the environment. Following the August 24, 2014 Napa earthquake, State Water Board staff have prepared a guide titled "UST Earthquake Assessment" which covers the procedures for assessing USTs after an earthquake.

This document was sent via Lyris on August 25, 2014 and can be found under "Hot Topics" on the State Water Board website's UST Program page, http://www.swrcb.ca.gov/water_issues/programs/ust/.

Underground Fuel Storage Tanks Prohibited for Use as Aboveground Fuel Storage Tanks

The California State Fire Marshal has published Information Bulletin 14-005 to inform and advise the public on the prohibited use of converted steel underground storage tanks as aboveground storage tanks storing flammable or combustible liquids.

The Bulletin was sent via Lyris on August 26, 2014 and can also be found at the link below.

<http://osfm.fire.ca.gov/informationbulletin/informationbulletin.php>

For any questions, contact Denise Gibson at denise.gibson@fire.ca.gov or (916) 445-8289.

New Enhanced Vapor Recovery (EVR) Determination Letter

A new EVR determination letter, dated August 26, 2014, has been posted to the State Water Board's EVR Multi-Agency Review Process website below.

http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/workshopfeb282005.shtml

OPW Fueling Containment Systems requested that State Water Board staff review the modifications to their OPW Fueling Containment Systems EVR Phase I system. The modification includes the addition of OPW's 1-2200 Series spill containment and a factory/field installed drain plug on the fill side of the OPW Series 1 spill containment.

For spill containment that does not have a drain valve, the UST facility owner/operator is required the following:

- I. Have a means to keep the spill container empty.
- II. The process, procedures, and equipment (aka the means) to empty the container shall be identified in the monitoring plan required by CCR, title 23, section 2632(d).
- III. Spill buckets should be kept clean and free of liquid (water and fuel) and debris.
- IV. Liquid from the container must be stored and or disposed of in accordance with hazardous waste laws and regulations. More information regarding hazardous waste determination can be found in CCR, title 22, section 66262.11.

Below is a direct link to the EVR determination letter.

http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/docs/evr_determination/opw_082614.pdf

Under Dispenser Containment (UDC) Reminder

Pursuant to California Code of Regulation 2660(h) and 2636(g)(1)(A), UDCs have been required to be retrofitted to existing systems by December 31, 2003 and installed at the time of installation since January 1, 2000, respectively. A “dispenser” means an aboveground or underground device that is used for the delivery of a hazardous substance from an underground storage tank. Dispenser includes metering and delivery devices, and fabricated assemblies located therein. Although a system may not have a traditional dispenser that is found at retail fueling facilities, the system is still subjected to meeting UDC requirements if the system has a metering device.

For any questions, contact Cory Hootman at cory.hootman@waterboards.ca.gov or (916) 341-5668.

UST Technicians with a C61-D40 CSLB License Reminder

When the California State Licensing Board (CSLB) reopened the C61-D40 in January 2001, the exam was revised to only cover leak detection maintenance and not UST install and removal. Therefore, there are currently two types of C61-D40 Service Technicians. Those individuals who were issued a C61-D40 license before January 18, 2001 can install/remove and calibrate leak detection equipment. Those individuals who were issued a license after January 18, 2001 can use their C61-D40 for leak detection equipment calibration only.

Note that the CSLB identifies "calibration" as "including but not limited to the testing and adjustment of leak detection and vapor recovery equipment, such as automatic tank gauges, line leak detectors, vapor recovery lines, and in-station diagnostics." Therefore, service technicians with a license issued after January 18, 2001 cannot perform work that requires removing and replacing equipment that is not functioning properly.

Abandoned UST Initiative

Sullivan International, US EPA, and the State Water Board continue to investigate non-compliant sites with abandoned USTs. The latest information regarding the Abandoned UST Initiative can be found in the August 2014 Fact Sheet at the website below.

http://www.waterboards.ca.gov/water_issues/programs/ust/abandoned_storage.shtml

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The following tables summarize the data gathered regarding the Abandoned UST Initiative.

Abandoned UST Site Status in GeoTracker	# of Sites	% of Total Sites
<i>Out of Compliance</i>	190	56.00%
Out of Compliance - USTs with Product	40	11.80%
Out of Compliance - USTs without Product	42	12.40%
Out of Compliance - USTs with Unknown Product	96	28.30%
Out of Compliance - Managed Under LUST Case	6	1.80%
Unknown - Further Research Needed (Presence of USTs suspected but not confirmed)	6	1.80%
<i>In Compliance</i>	149	44.00%
In Compliance - USTs Removed	36	10.60%
In Compliance - USTs in Service	26	7.70%
In Compliance - USTs Closed in Place	3	0.90%
In Compliance - Temporary Closure	11	3.20%
In Compliance - State Exempt USTs	4	1.20%
USTs Closed or Removed Historically	43	12.70%
No Evidence of USTs Ever Present	26	7.70%
<u>Total</u>	<u>339</u>	<u>100%</u>

Current Site Strategy	# of Sites	% of Total Sites
State Water Board Lead	128	37.80%
Notice of Non-Compliance (NONC) - 60 days has not passed or CUPA has not confirmed compliance status	36	10.60%
Notices of Violation (NOV) - Received NONC and still out of compliance after 60 days (confirmed by CUPA)	92	27.10%
Local Oversight	12	3.50%
Local Enforcement	16	4.70%
File Review/ Research Needed to Determine Approach*	14	4.10%
No Work Currently Needed**	169	49.90%
<u>Total</u>	<u>339</u>	<u>100%</u>

Note: There were originally 323 Abandoned UST sites reported by the UPAs. Sixteen (16) additional sites were reported after the initial Abandoned UST Inventory was created in April 2013.

*Includes sites which have GeoTracker cases, sites with complicated ownership issues, and sites for which USTs are suspected but not confirmed. No further work may need to be conducted.

**Includes sites in the process of coming into compliance.

Notice of Non-Compliance (NONC) Strategy (for 183 Sites)	# of Sites	% of Sites to Receive NONC
State Water Board initial NONCs issued week ending 8/10/2014	0	0.00%
State Water Board initial NONCs issued since 7/23/2013 (75 NONCs reissued via FedEx, hand delivery, and alternative contacts)	183	100.00%
NONCs remaining to be issued	0	0.00%
Responses to NONCs	# of Sites	% of Sites Issued NONC
Responses received	118	64.50%
Compliance obtained	21	11.50%
Owners stating they plan to comply	40	21.90%
Owners claiming no USTs present or closed in place	11	6.00%
Owners claiming financial hardship	39	21.30%
Dispute/ Owner claiming not responsible	7	3.80%
No responses received	65	35.50%
No good address found	5	2.70%
NONC delivered - Return receipt signed	57	31.10%
Delivery status unknown - in transit	3	1.60%
Notice of Violation Strategy (for 107 Sites)	# of Sites	% of Sites to Receive NOV
State Water Board initial NOVs issued week ending 8/10/2014	3	2.80%
State Water Board initial NOVs issued since 5/9/2014 (17 NOVs reissued to alternative contacts or via FedEx)	95	88.80%
NOVs remaining to be issued	12	11.20%
Responses to NOV	# of Sites	% of Sites Issued NOV
Responses received	33	34.70%
Compliance obtained	4	4.20%
Owners stating they plan to comply	9	9.50%
Owners claiming no USTs present or closed in place	3	3.20%
Owners claiming financial hardship (11 Right-of-Entry forms signed)	14	14.70%
Dispute/ Owner claiming not responsible	3	3.20%
No responses received	62	65.30%
NOV returned	1	1.10%
NOV delivered - Return receipt signed	47	49.50%
Delivery status unknown - in transit	14	14.70%

Assistance Provided to Owners and/or Agencies	Cumulative # of Sites	% of Total Sites
At least one type of assistance provided	45	13.30%
Site inspection, geophysical survey, and tank gauging conducted	5	1.50%
Administrative/technical guidance*	45	13.30%
Facilitated entry into funding program (USEPA Brownfields and LUST Trust Fund)	7	2.10%
Product removed from USTs	3	0.90%
Fieldwork conducted (environmental data collected)	2	0.60%
No assistance provided	294	86.70%
<u>Total</u>	<u>339</u>	<u>100%</u>

Note: One site can receive more than one type of assistance, so there is overlap in the subcategories of assistance provided.

*Administrative/technical guidance includes explaining regulatory requirements to owners; screening sites for funding program eligibility; coordinating with local agencies to provide them with site information, funding program options for specific sites, and tools (e.g. Ability to Pay Form, Owner Interview Questionnaire).