



UST Program Update August 2015

Underground Storage Tank Violations Result in \$1.35M Judgment Against San Francisco Municipal Transportation Agency

The State Water Resources Control Board (State Water Board) has reached a \$1.35 million settlement with the San Francisco Municipal Transportation Agency (SFMTA) for violating leak prevention requirements for hazardous substances at four underground storage tank (UST) facilities in San Francisco. These alleged violations included failure to monitor tank systems, failure to maintain adequate spill containment, failure to perform monthly designated operator inspections and falsifying monthly designated operator reports.

Under the terms of the settlement, the SFMTA will pay \$425,000 in civil penalties to the State Water Board; \$100,000 for the reimbursement of enforcement costs and \$375,000 will be suspended on the condition SFMTA completes several enhanced compliance actions. An additional \$450,000 is suspended on the condition SFMTA maintains compliance with underground storage tank laws and injunctive provisions for a period of five years.

For more information, view a copy of the complaint and settlement agreement at the website below.
http://www.waterboards.ca.gov/water_issues/programs/enforcement/orders_actions.shtml

A copy of the full press release can be found at:
http://www.waterboards.ca.gov/press_room/press_releases/2015/pr072715_muni_enforcement.pdf.

Single-Walled UST Correspondence

On July 7, 2015, the State Water Board issued a notice regarding the new single-walled UST closure requirements. The notice was distributed to all owners and/or operators of single-walled USTs, as identified by the Unified Program Agencies (UPAs). The letter provided information on how to comply with the new requirements, what funding sources are available to assist with compliance, and who to contact for questions or concerns. A copy of this letter can be found at:

http://www.waterboards.ca.gov/ust/single_walled/docs/sw_ust_owner_operator_ltr.pdf.

For more information on the single-walled UST closure requirements, visit the website below.
http://www.waterboards.ca.gov/ust/single_walled/

Compatibility of USTs Storing Gasoline with Ethanol

On June 24, 2015, the State Water Board issued a technical notice outlining the types of documentation that can be used to demonstrate compliance with the compatibility requirements of California's Health and Safety Code. For fiber reinforced plastic (FRP) tanks that store gasoline with ethanol, the technical notice states that a UL 1316 listing/approval which includes "alcohol" or "alcohol mixtures" may satisfy the requirement that the primary containment be compatible with the stored substance. Tanks installed before January 1, 1991 may also, in lieu of a UL approval/listing, use a manufacturer's affirmative statement of compatibility for the specific substance stored to demonstrate compliance. A table is attached to the technical notice to assist in determining what documentation is necessary and available to demonstrate that an FRP tank is in compliance with the primary containment compatibility requirement of California's Health and Safety Code, chapter 6.7, sections 25292.05, 25291, 25290.2, and 25290.1. The table consists of the most common FRP tank manufacturers and what documentation can be used to satisfy the compatibility requirement. The technical document is posted at:

http://www.waterboards.ca.gov/ust/tech_notices/docs/ethanol_tank_compatibility_letter.pdf.

Local Guidance 171

On July 24, 2015 the State Water Board released Local Guidance (LG) 171 - Permanent Closure of Underground Storage Tanks That Do Not Meet Health and Safety Code, Chapter 6.7, Section 25291, Subdivisions (a)(1)-(6). LG 171 summarizes the main provisions of Senate Bill 445 (Stats. 2014, Ch. 547) that apply to UST design and construction. These changes are reflected in Health and Safety Code, section 25292.05. The guidance was drafted in an attempt to make it easier for owners and operators of underground storage tanks (USTs), Unified Program Agency staff, and other interested parties to identify USTs subject to SB445. In addition, LG 171 specifies what actions are necessary if the UST does not comply with Health and Safety Code, chapter 6.7, section 25291(a)(1)-(6). LG 171 is posted at:

http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/docs/lg171.pdf.

Abandoned UST Initiative

Sullivan International, the United States Environmental Protection Agency, and the State Water Board continue to investigate non-compliant sites with abandoned USTs throughout the state of California.

Information regarding the Abandoned UST Initiative can be found at:

http://waterboards.ca.gov/ust/abandoned_storage.shtml.

The latest information regarding the Abandoned UST Initiative can be found in the *July 2015 Abandoned Underground Storage Tank Initiative Progress Report* below.

http://waterboards.ca.gov/ust/docs/abandoned_storage/ab_ust_initprogrpt_072015.pdf

Also, a list of current abandoned USTs, as well as previously abandoned USTs that are now in compliance can be found in the *July 2015 Abandoned UST Inventory* below.

http://waterboards.ca.gov/ust/docs/abandoned_storage/ab_ustandprev_comp.pdf