



# UST Program Update March 2015

## Remanufactured Leak Detection Equipment

It has come to the attention of State Water Resources Control Board (State Water Board) staff that remanufactured underground storage tank (UST) leak detection equipment is being offered to California UST owners/operators. California compliant leak detection equipment must be third-party tested, the third part testing must be evaluated by the National Work Group on Leak Detection Evaluations (NWGLDE), and it must be listed by the State Water Board in Local Guidance Letter 113 (LG 113).

Remanufactured equipment may not be identical to the original manufactured equipment. NWGLDE states in their disclaimer that subsequent modifications or changes to the equipment may produce parameters and data values that are significantly different than the listed third-party evaluation parameters and data values. Use of remanufactured leak detection equipment that is not listed in LG 113 could result in the owner/operator of the tank system being in violation and subject to a fine of \$500 to \$5000 per day per violation.

If you have questions regarding this update, contact Laura Fisher at [laura.fisher@waterboards.ca.gov](mailto:laura.fisher@waterboards.ca.gov) or (916) 341-5870.

## Designated Operator Monthly Inspection Form

The designated operator (DO) inspection form is not a form required by regulation. The form was developed as a courtesy to aid in DO monthly inspections. California Code of Regulations, section 2715(c) requires the DO to make monthly site inspections. During these inspections the DO must document the results of each inspection in a monthly inspection report.

The DO is required to provide the owner/operator with a copy of the inspection report to alert the owner operator of any conditions that requires follow-up action. Therefore, if the inspection report includes the dates of any required testing, describes action taken in response to any alarm, and alerts the owner operator of any conditions that requires follow up action, then the requirement to document the inspection is met.

If you have questions regarding this update, contact Cory Hootman at [cory.hootman@waterboards.ca.gov](mailto:cory.hootman@waterboards.ca.gov) or (916) 341-5668.

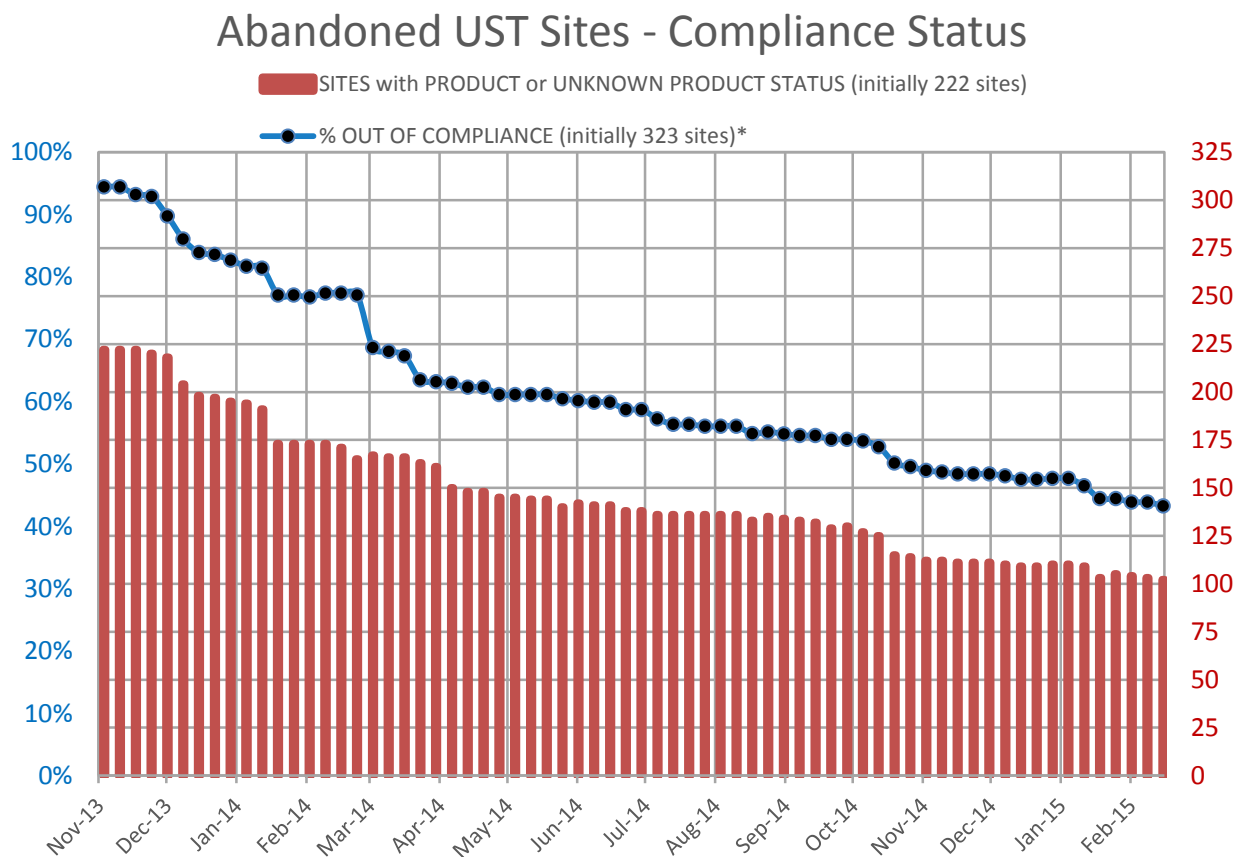
## CERS 3 UST Subcommittee

State Water Board staff is working with Cal/EPA, CUPA representatives, and industry representatives on the upcoming California Environmental Reporting System (CERS) revisions, commonly referred to as CERS 3. CERS 3 is expected to be operational in 2017. Since Cal/EPA is on a strict deadline to implement proposed upgrades, focused working groups have been created to address various parts of CERS. The CERS 3 UST Subcommittee consists of State Water Board staff, members of the UST steering committee, other CUPA representatives, and an industry representative.

The list of proposed enhancements can be viewed at <https://cersbusiness.calepa.ca.gov/Enhancement>. For questions regarding this update, contact Gabriel Herrera at [gabriel.herrera@waterboards.ca.gov](mailto:gabriel.herrera@waterboards.ca.gov) or (916) 319-9128.

## Abandoned UST Initiative

Sullivan International, US EPA, and the State Water Board continue to investigate non-compliant sites with abandoned USTs throughout the state of California. The latest information regarding the Abandoned UST Initiative can be found in the graph and table below, dated March 1, 2015.



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<b>Abandoned UST Site Status in GeoTracker</b>	<b># of Sites</b>	<b>% of Total Sites</b>
<b><i>Out of Compliance</i></b>	<b>148</b>	<b>43.3%</b>
Out of Compliance - USTs with Product	33	9.6%
Out of Compliance - USTs without Product	42	12.3%
Out of Compliance - USTs with Unknown Product	69	20.2%
Out of Compliance - Managed Under LUST Case	3	0.9%
Unknown - Further Research Needed (Presence of USTs suspected but not confirmed)	1	0.3%
<b><i>In Compliance</i></b>	<b>194</b>	<b>56.7%</b>
In Compliance - USTs Removed	55	16.1%
In Compliance - USTs in Service	33	9.6%
In Compliance - USTs Closed in Place	5	1.5%
In Compliance - Temporary Closure	16	4.7%
In Compliance - State Exempt USTs	9	2.6%
USTs Closed or Removed Historically	50	14.6%
No Evidence of USTs Ever Present	26	7.6%
<b><u>Total</u></b>	<b><u>342</u></b>	<b><u>100%</u></b>

<b>Current Owner Cooperation Category</b>	<b># of Sites Out of Compliance</b>	<b>% of Sites Out of Compliance</b>
Responses received	110	74.3%
Owners stating they plan to comply	17	11.5%
Compliance in progress	12	36.4%
Owners claiming no USTs present or closed in place	6	4.1%
Owners claiming financial hardship	51	34.5%
<i>Funding programs in process of addressing site</i>	11	---
Dispute/ not accepting responsibility/ selling property	24	16.2%
No responses received	38	25.7%
No good address found	10	6.8%
Return receipt signed for NONC or NOV	28	18.9%
<b><u>Total</u></b>	<b><u>148</u></b>	<b><u>100%</u></b>

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<b>Current Site Strategy for Out of Compliance Sites</b>	<b># of Sites</b>	<b>% of Sites Out of Compliance</b>
State Water Board Lead	95	64.2%
Notice of Non-Compliance (NONC) - 60 days not passed, undelivered, or unconfirmed status	5	3.4%
Notices of Violation (NOV) - 60 days not passed, undelivered, or unconfirmed status	6	4.1%
Courtesy Follow-Up Letter	75	50.7%
GOT Follow-Up	7	4.7%
State Enforcement	2	1.4%
LUST Case	3	2.0%
Local Oversight	18	12.2%
Local Enforcement	32	21.6%
Research Needed to Determine Approach*	0	0.0%
<b>Total</b>	<b>148</b>	<b>100%</b>

<b>Access Granted: Right-of-Entries (ROEs) Signed</b>	<b># of Sites</b>	<b>% of Sites issued ROE</b>
ROEs issued during reporting period	0	0.0%
Right-of-Entries issued since 5/9/2014	137	100%
Right-of-Entries signed	19	15.8%

<b>Notices of Non-Compliance (NONC) Issued</b>	<b># of Sites</b>	<b>% of Sites to Receive NONC</b>
State Water Board initial NONCs issued during reporting period ( <i>1 NONC issued to alternative contacts</i> )	0	0.0%
State Water Board initial NONCs issued since 7/23/2013 ( <i>94 NONCs reissued via FedEx, hand delivery, and alternative contacts</i> )	189	100%
NONCs remaining to be issued	0	0.0%

<b>Notices of Violation Issued</b>	<b># of Sites</b>	<b>% of Sites to Receive NOV</b>
State Water Board initial NOVs issued during reporting period ( <i>0 NOVs reissued via FedEx, hand delivery, and alternative contacts</i> )	0	0.0%
State Water Board initial NOVs issued since 5/9/2014 ( <i>25 NOVs reissued to alternative contacts or via FedEx</i> )	128	100.0%
NOVs remaining to be issued	0	0.0%

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<b>Courtesy Follow-up Letters Issued</b>	<b># of Sites</b>	<b>% of Sites to Receive Courtesy Letter</b>
Courtesy Letters issued during reporting period	1	0.8%
Courtesy Letters issued since 10/31/2014	125	100.0%
Courtesy Letters remaining to be issued	0	0.0%

<b>Tank Removal/Closure Tally</b>	<b># of Sites</b>	<b># of USTs</b>
USTs Removed	56	127
USTs Closed in Place	5	9
<b><u>Total</u></b>	<b><u>61</u></b>	<b><u>136</u></b>

**Note:** The initial Abandoned UST site inventory in April 2013 was 323 sites. As of November 2013, Out of Compliance sites had already fallen to 305 sites. Nineteen (19) additional sites were reported by UPAs in 2013/2014 for a total of 342 sites--UPAs report additional sites as inspectors discover evidence of USTs, or after tank owners allow permits to lapse without seeking closure. The 19 "new" Out of Compliance sites reported make up 5.6% of the total site inventory tracked (342 sites).

\*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.