



# UST Program Update May 2017

## **Notice of Amended Requirements for Unified Program Facility Permits to Operate Underground Storage Tanks Effective January 1, 2017**

On April 9, 2017, the State Water Resources Control Board (State Water Board) issued a notice through the Lyris electronic mailing list regarding amendments to the California Code of Regulations, title 23, division 20, chapter 16 (UST Regulations). The amendments, which became effective January 1, 2017, modify the requirements for the contents and maintaining of permits to operate underground storage tanks (USTs). For identification and tracking purposes, the regulations specifying the required permit information has been amended to require the inclusion of the California Environmental Reporting System (CERS) identification number. UST operating permits issued or renewed on and after January 1, 2017 must contain the CERS identification number. In addition, the amended regulations clarify that the facility does not need to retain a paper copy of the permit if an electronic copy of the permit is readily accessible at the facility. UST owners and operators that can produce a copy of the UST operating permit onsite, in either electronic or paper form, meet the requirement that the UST operating permit be readily accessible at the facility. In Unified Program Agency (UPA) jurisdictions where a local ordinance or code for maintaining the UST operating permit is more stringent, such as requiring the posting of the permit, the local ordinance or code supersedes the UST Regulations. A copy of the notice can be found at

[http://www.swrcb.ca.gov/water\\_issues/programs/ust/docs/amend\\_permit\\_cond\\_04\\_07\\_2017.pdf](http://www.swrcb.ca.gov/water_issues/programs/ust/docs/amend_permit_cond_04_07_2017.pdf).

If you have question regarding these amendments, please contact Mr. Sean Farrow at (916) 324 7493 or by email at [sean.farrow@waterboards.ca.gov](mailto:sean.farrow@waterboards.ca.gov) or Ms. Lisa Jensen at (916) 319 0742 or by email at [lisa.jensen@waterboards.ca.gov](mailto:lisa.jensen@waterboards.ca.gov).

## **Monitoring of Underground Piping with Secondary Containment**

Recently the State Water Board has received an increase in requests for clarification of the UST monitoring requirements for monitoring of underground piping with secondary containment. State Water Board staff is providing this update to raise awareness of this topic.

UST Regulations, section 2636, subdivision (f) specifies the requirements that apply to monitoring of underground piping with secondary containment. Paragraph (1) requires that all secondary containment shall be equipped with a continuous monitoring system that either activates an audible and visual alarm **or** stops the flow of product at the dispenser when a leak is detected. This is the minimum requirement for monitoring underground piping with secondary containment and is the UST

owner's and operator's choice to determine how the monitoring system responds when a leak is detected.

In addition to the requirements for monitoring underground piping with secondary containment, with the exception to USTs installed on or after July 1, 2004, underground pressurized piping is required to be annually tightness tested. (Health and Safety Code, div. 20, ch. 6.7, §§ 25290.1(h), 25290.2(g), & 25291(f).) UST Regulations, section 2636, subdivision (f), paragraph (5) provides a provision to satisfy the annual line tightness testing requirement if the monitoring system 1) shuts down the pump or stops the flow of product at the dispenser when a leak is detected in the under-dispenser containment, 2) shuts down the pump when a leak is detected from any product piping other than that contained in the under-dispenser containment, and 3) is fail safe.

While UST Regulations, section 2636, subdivision (f), paragraph (4) requires annual line tightness testing, as stated in Local Guidance 162-3, part D issued March 25, 2008, USTs installed on or after July 1, 2004 are not subject to annual line tightness testing. The UST Regulations has no statutory authority to require annual line tightness testing for USTs installed on or after July 1, 2004.

Unified Program Agencies (UPAs) may not require fail safe or shut down of the pump or stopping the flow at the dispenser when a leak is detected if the UST owner and operator is performing annual line tightness testing or if the USTs is installed on or after July 1, 2004. In Unified Program Agency (UPA) jurisdictions where a local ordinance or code for monitoring underground piping with secondary containment is more stringent, such as requiring the monitoring system to shut off the pump when a leak is detected, the local ordinance or code supersedes the UST Regulations.

If you have questions regarding monitoring of underground piping with secondary containment, please contact Mr. Cory Hootman at (916) 341 5668 or by email at [cory.hootman@waterboards.ca.gov](mailto:cory.hootman@waterboards.ca.gov) or Mr. Tom Henderson at (916) 319-9128 or by email at [tom.henderson@waterboards.ca.gov](mailto:tom.henderson@waterboards.ca.gov).

## **Acceptable Statistical Inventory Reconciliation Monitoring Methods**

The United States Environmental Protection Agency amended 40 Code of Federal Regulations (Federal UST Regulations) in October of 2015. One of the amendments, effective October 13, 2015, defines the requirements specific to statistical inventory reconciliation (SIR) which previously met the monitoring requirements of "other methods." Review of the listed SIR methods on Local Guidance 113 (LG-113) revealed that some SIR methods previously acceptable for monitoring USTs are no longer acceptable. As a courtesy, State Water Resources Control Board staff have identified the SIR methods that do not meet the Federal UST Regulations and have added a California specific comment to each one indicating the reason it does not meet the Federal UST Regulations. The mark appears toward the bottom of each page in **bold** under the "Comments" section. When an unacceptable SIR method in use is discovered by the UPA, such as during the annual file review or monitoring system certification, the UPA should notify the UST owner or operator that the method of leak detection in use does not meet Federal UST Regulations for leak detection. Below is a list of the SIR methods and a link to their LG-113 listing that do not meet the Federal UST Regulations for SIR monitoring.

**Horner Products, Inc., SIR PRO 1 Versions 1.0, 2.0**

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lg113/vendors/horner\\_products\\_a.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/vendors/horner_products_a.shtml)

**Syscorp, Inc., Store Vision Version E.2**

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lg113/vendors/syscorp.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/vendors/syscorp.shtml)

**Veeder-Root (originally listed as Entropy Limited), Precision Tank Inventory Control System Version 90**

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lg113/vendors/vr\\_entropy\\_limited\\_a.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/vendors/vr_entropy_limited_a.shtml)

**Veeder-Root (originally listed as Ustman Industries, Inc.), USTMAN YES SIR 90**

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lg113/vendors/vr\\_ustman\\_a.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/vendors/vr_ustman_a.shtml)

**EnviroSIR LLC, EnviroSIR Version 1.0**

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lg113/vendors/envirosir.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/vendors/envirosir.shtml)

**TotalSIR, TotalSIR Version 1.0**

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lg113/vendors/totalsir\\_products\\_a.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/vendors/totalsir_products_a.shtml)

**Veeder-Root (originally listed as Ustman Industries, Inc.), USTMAN SIR Versions 95.2, 95.2A, 95.2B**

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lg113/vendors/vr\\_ustman\\_d.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/vendors/vr_ustman_d.shtml)

If you have questions regarding acceptable SIR monitoring methods, please contact Mr. Cory Hootman at (916) 341 5668 or by email at [cory.hootman@waterboards.ca.gov](mailto:cory.hootman@waterboards.ca.gov) or Mr. Tom Henderson at (916) 319-9128 or by email at [tom.henderson@waterboards.ca.gov](mailto:tom.henderson@waterboards.ca.gov).

## **Underground Storage Tank Program Data Mining in the California Environmental Reporting System**

Data mining CERS is one tool the CUPAs have at their disposal to look for inaccurate or incomplete UST submittals as well as information on inspections and violations. State Water Board provides assistance understanding the tools and techniques for effective CERS data mining with Advanced CERS Review workshops. State Water Board provided three statewide webinars in 2016 with a CERS data mining overview as part of the State Water Board Assessment of UST Program Element as Part of the CalEPA Unified Program Evaluation.

In addition, State Water Board has provided more than fifteen (15) focused training events for CUPAs on Advanced CERS Use. The focused trainings includes downloading the CUPA's own CERS reports to mine the CUPA's data identifying existing issues, the tools used to quickly identify problem areas, and discussion of the types of queries which may be used during State Water Board data mining. For more information, please contact Ms. Lisa Jensen at [lisa.jensen@waterboards.ca.gov](mailto:lisa.jensen@waterboards.ca.gov) or (916) 319-0742.

## **Abandoned Underground Storage Tank Initiative and UPA Reporting Requirements**

The State Water Board and United States Environmental Protection Agency (U.S. EPA) closed out the Abandoned Underground Storage Tank Initiative in November 2016. The Initiative in collaboration with the UPAs prevented contamination at out-of-compliance abandoned UST sites throughout California.

UPAs reported 327 sites during the course of the Initiative. Through collective action, compliance was achieved at 208 of the sites. Additional accomplishments include:

- 212 USTs properly removed or closed at 91 sites
- 142 USTs gauged for product at 48 sites
- 45 USTs pumped and sealed at 16 sites

The responsibility for addressing out-of-compliance abandoned UST sites continues to lie with the UPAs. In a letter dated April 27, 2017 to the UPAs, the State Water Board has provided guidance outlining the expectations and requirements for existing and future abandoned USTs. The letter from the State Water Board to the UPAs, the abandoned UST closeout summary report, and additional resources for addressing abandoned USTs can be found on the Abandoned Underground Storage Tanks Initiative web page found at [http://www.swrcb.ca.gov/ust/abandoned\\_storage.shtml](http://www.swrcb.ca.gov/ust/abandoned_storage.shtml). Updated abandoned UST reporting information can also be found on the CERS FAQ pages found at <http://cers.calepa.ca.gov/help-faq's>.

For more information, please contact Mr. Tom Henderson at [tom.henderson@waterboards.ca.gov](mailto:tom.henderson@waterboards.ca.gov) or (916) 319-9128.

## **March 2017 Quarterly CERS UST Status Report**

The March 2017 Quarterly UST Status Report was submitted to the U.S. EPA on April 17, 2017. The report outlines the status, by UPA, of the effort to enter UST related business and compliance, monitoring, and enforcement data into CERS. The report details continued progress by many UPAs. [http://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/updates/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/updates/index.shtml).

For more information, please contact Mr. Dan Firth at [daniel.firth@calepa.ca.gov](mailto:daniel.firth@calepa.ca.gov) or (916) 445-5049.