



UST Program Update January 2018

Underground Storage Tank Compliance Inspection Data Review

On August 8, 2005, President Bush signed the Energy Policy Act of 2005. Title XV, subtitle B of this act (Underground Storage Tank Compliance Act) contains amendments to subtitle I of the Solid Waste Disposal Act.

The underground storage tank (UST) provisions of the Energy Policy Act of 2005 focus on preventing releases. Among other things, they expand eligible uses of the Leaking Underground Storage Tank Trust Fund, and include provisions regarding inspections, operator training, delivery prohibition, secondary containment and cleanup of releases that contain oxygenated fuel additives.

The State Water Resources Control Board (State Water Board) is required by the Energy Policy Act of 2005 to certify compliance with the provisions of the Act annually. The United States Environmental Protection Agency (US EPA) has directed the State Water Board to utilize the California Environmental Reporting System (CERS) to verify inspection frequency element.

Preparation for the upcoming 2017 calendar year certification, which is transmitted to US EPA in February of 2018, is underway. Unified Program Agencies (UPAs) have been notified of facility and inspection data that would prohibit the State Water Board from making such certification. State Water Board has requested that erroneous and incomplete data be updated by the end of 2017.

State Water Board will be running the final reports mid-January 2018 to verify that all UST facilities have been inspected pursuant to the federal three year inspection frequency. UPAs should run this report proactively in early January 2018 to verify the data shows all facilities that have identified an UST as having an inspection in the last three years. Directions on how to run the report are posted at https://www.waterboards.ca.gov/ust/adm_notices/cers_ust_inspection_reports.pdf.

Underground Storage Tank Leak Prevention Semiannual Report

US EPA in collaboration with the State Water Board has prepared the first *California Underground Storage Tank (UST) Leak Prevention: Semiannual Report* using data collected between January and June of 2017 from CERS and the California GeoTracker database. The use of electronic data sources such as CERS and Geotracker have enabled an increased scope and accuracy for the new EPA semiannual report.

This report was prepared to help those involved in the operation and regulation of USTs gain a broader perspective of the UST Leak Prevention Program, and how having the best available information in CERS can be used to guide and improve California's UST Leak Prevention program. The *California*

Underground Storage Tank (UST) Leak Prevention: Semiannual Report can be found at https://www.waterboards.ca.gov/ust/adm_notices/cal_ust_rpt_jan_jun2017.pdf

Proposed Changes to Underground Storage Tank Regulations

The State Water Resources Control Board (State Water Board) proposes to amend California Code of Regulations, title 23, division 3, chapter 16 (commencing with section 2610) (California UST Regulations) to make the California UST Regulations at least as stringent as part 280 of 40 Code of Federal Regulations (Federal UST Regulations). These proposed amendments are administrative and technical in nature and impose new design and construction, monitoring, notification, testing, inspecting, recordkeeping, training, and reporting requirements. The proposed amendments also include more stringent requirements which are necessary to implement chapter 6.7 of division 20 of the Health and Safety Code and modifies certain existing California UST Regulations to be consistent with the Federal UST Regulations.

The 45-day public comment period for the proposed Title 23 regulations ended on January 2, 2018. A public hearing was not requested. State Water Board staff is currently reviewing the comments received and preparing responses for the rulemaking record. Based on the comments received and necessary revisions to the proposed regulations or the Initial Statement of Reasons, an additional comment period (either 15-day or 45-day) may be necessary.

The proposed rulemaking package is available at:

https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs.

If you have questions regarding this matter, please contact Mr. Cory Hootman at (916) 341-5668 or cory.hootman@waterboards.ca.gov.

Underground Storage Tank Program Evaluation Checklist

In accordance with California Health and Safety Code Section 25404.4 the Secretary for the California Environmental Protection Agency periodically evaluates the ability of each Certified Unified Program Agency (CUPA) to assess whether the CUPA is continually meeting the intent of the law: coordination, consolidation, and consistency by implementation and enforcement of all Unified Program elements.

The CUPA evaluation process is defined in Title 27 of the California Code of Regulations, Article 8, Section 15330 and documented in the CalEPA Evaluation Manual. The State Water Board uses a wide spectrum of performance measures, criteria, and data. The evaluation may include a site visit to the CUPA office to examine local program procedures, program documentation or observation of inspectors in the field during Underground Storage Tank (UST) inspections.

State Water Board developed an internal evaluation checklist for its evaluators to increase the consistency, efficiency and efficacy of the evaluation process. The performance evaluation checklist references the Deficiency Library, statute, regulation, local guidance letters, and State Water Board

correspondence to provide the reader language used for potential deficiencies and the authority for inclusion in the evaluation effort. In some instances, there may also be considerations as part of the evaluation when examining a particular aspect of the CUPA's UST program.

State Water Board has a goal of transparency into the evaluation process and has shared the performance evaluation checklist with CUPA managers, as it may be a useful guidance document for CUPA's in preparation for a performance evaluation or when performing a self-audit for implementation of the Unified Program.

Please note, the evaluation checklist is considered a "living" document and will be amended as Deficiency Library, statute, regulation, local guidance letters, and State Water Board correspondence are revised.

If you have any questions regarding the checklist, please contact Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.