



# UST Program Update October 2018

## **Amendments to the UST Regulations**

Amendments to California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations) became effective on October 1, 2018. This is the most substantial change to regulations in a decade. The amendments include changes to designated underground storage tank (UST) operator inspections; overfill prevention equipment inspections; testing and inspecting equipment after a repair; demonstrating compatibility; training of employees, and line leak detection of piping connected to emergency generator tank systems. A full version of the UST Regulations can be found here:

[https://www.waterboards.ca.gov/ust/regulatory/docs/CCR\\_Ch16\\_10\\_2018.pdf](https://www.waterboards.ca.gov/ust/regulatory/docs/CCR_Ch16_10_2018.pdf)

### ***Local Guidance Letters and Informational Documents***

The State Water Resources Control Board (State Water Board) is currently revising local guidance (LG) letters regarding compliance with the UST regulations. Additionally, State Water Board staff are drafting instructional documents in a question and answer format addressing UST requirements. These informational documents are targeted for all stakeholders. All new and updated guidance will be announced and distributed through the Lyris email distribution and posted on the UST Program website. The informational documents can be found under “Staying Connected” at:

[https://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/fed\\_rec\\_regs/](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs/)

### ***New and Revised Forms Required for Use as of October 1, 2018***

As of October 1, 2018, the UST Regulations requires specific forms to be used to record testing and inspection results, training of facility employees, owner or operator statement of understanding, and designated UST operator identification. The forms can be found in a PDF and Word fillable format at:

[https://www.waterboards.ca.gov/water\\_issues/programs/ust/forms/](https://www.waterboards.ca.gov/water_issues/programs/ust/forms/).

For more information regarding the adopted amendments to the UST Regulations, please contact Mr. Cory Hootman at (916) 341-5668 or [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

## Informative Webinars on UST Regulations and Report 6

State Water Board staff will be presenting several series of webinar as described below, designed to assist the various stakeholders with the changes to regulation and reporting. Please note, there is a limited number of video and call in connections available for each webinar. State Water Board staff encourage participants to be on time as we have been at capacity for past webinars. If you are able, we highly recommend calling in or joining the video as a group. All webinars will use the same web link, call in and pass codes shown here:

<https://stateofcaswrcbweb.centurylinkccc.com/CenturylinkWeb/LauraFisher>

**Telephone:** 1-877-820-7831      **Participant pass code:** 683375#

Attendees may pose written questions during the webinar. To ask a question, click on the Q&A icon located at the top of the page. Questions will be addressed at the end of the webinar.

### *Regulated Community – UST Regulations*

State Water Board staff have presented several webinars to the regulated community beginning in July 2018. Because of the overwhelming demand, staff will be presenting additional informational webinars on the new UST Regulations. These webinars are to assist the regulated community in complying with the regulations for testing, inspection, compatibility, upgrades and training.

Webinar dates and times for the regulated community on new regulations are:

<b>Webinar Information:</b>	
Date: October 12, 2018 Time: 9:00 a.m. – 12:00 a.m.	Date: October 24, 2018 Time: 9:00 a.m. – 12:00 a.m.
Date: November 7, 2018 Time: 9:00 a.m. – 12:00 a.m.	Date: November 21, 2018 Time: 9:00 a.m. – 12:00 a.m.

The notice for the webinars for the regulated UST community can be found at:

[https://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/fed\\_rec\\_regs/reg\\_own\\_web.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs/reg_own_web.pdf)

### *UPAs - UST Regulations*

The webinars for Unified Program Agencies (UPAs) are to provide information to assist UST regulators in verifying that UST owners and operators are complying with the amended regulations and includes, but is not limited to, the review of the California Environmental Reporting System (CERS) submittals, required forms, compatibility documentation, workplans for installation, replacement, and repairs of UST components, and how the annual inspection is affected by the amendments to the UST regulations.

Webinar dates and times for UPAs on new regulations are:

<b>Webinar Information:</b>	
Date: October 19, 2018 Time: 9:00 a.m. – 12:00 a.m.	Date: October 31, 2018 Time: 9:00 a.m. – 12:00 a.m.
Date: November 14, 2018 Time: 9:00 a.m. – 12:00 a.m.	Date: November 27, 2018 Time: 9:00 a.m. – 12:00 a.m.

The notice for the webinars for the regulated UST community can be found at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/fed\\_rec\\_regs/reg\\_cup\\_web.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs/reg_cup_web.pdf)

### ***UPAs – Report 6 and Technical Compliance Rate***

The State Water Board has provided detailed guidance to the UPAs on Report 6 and Technical Compliance Rate (TCR) through an updated LG letter. The updated LG-164 explains the new inspection and reporting criteria. LG letters can be found here:

[https://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lgs/](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/)

Additionally, State Water Board staff has been hosting informative webinars to clarify changes to Report 6, TCR criteria and to address questions. Upcoming webinar dates and times are provided below:

Webinar dates and times for UPAs on Report 6 are:

<b>Webinar Information:</b>	
Date: October 11, 2018 Time: 9:00 a.m. – 12:00 a.m.	Date: October 23, 2018 Time: 9:00 a.m. – 12:00 a.m.

For more information regarding the upcoming webinars, please contact Mr. Cory Hootman at (916) 341-5668 or [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

## **Lyris Distribution**

The State Water Board UST Leak Prevention Unit uses Lyris email distribution for all announcements and document distribution. State Water Board staff continues to find members of both the UPAs and regulated community who have not heard about the Lyris system. Consequently, the regular updates provided by the State Water Board may go unseen. State Water Board staff will continue to encourage Lyris participation at meetings, technical advisory groups, and regional gathering, but it is not enough. We request your assistance, UPA managers to assist staff, and designated operators and service technicians to assist owners and operators, in signing up for the Lyris emails.

Subscribe to the UST Program’s Lyris email distribution list here:

[https://www.waterboards.ca.gov/resources/email\\_subscriptions/ust\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.html).

## **CalEPA Fuels Guidance Document**

The updated CalEPA Fuels Guidance Document provides guidance to fuel producers and users about regulations affecting the storage and dispensing of various motor vehicle fuels. This guidance document is a collaborative effort between the California Air Resources Board, the California Department of Food and Agriculture - Division of Measurement Standards, the California Department of Forestry and Fire Protection - Office of the State Fire Marshal and the State Water Resources Control Board to assist with

current and future planning of motor vehicle fuel storage and dispensing.

The updated CalEPA Fuels Guidance Document can be found here:

<https://www.arb.ca.gov/fuels/calepafuelsguidance100218.pdf>

For more information regarding the CalEPA Fuel Guidance Document, please contact Laura Fisher at (916) 341 5870 or [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov).

## Enhanced Leak Detection Testing for Hydrostatically Filled USTs

State Water Board recently became aware that hydrostatically filled USTs installed on or after July 1, 2003 have not been tested using an independent third party evaluated enhance leak detection (ELD) test method. A third party evaluated ELD test method is now available for hydrostatically filled USTs. Hydrostatically filled USTs installed on or after September 14, 2018 shall use the appropriate third party evaluated ELD test method. The technical guidance for the new ELD method can be found here: [www.waterboards.ca.gov/ust/docs/hydrostatic\\_ELD\\_letter.pdf](http://www.waterboards.ca.gov/ust/docs/hydrostatic_ELD_letter.pdf)

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

## CERS UST Data Accuracy – A Continuous Improvement Effort

### Why do we collect, store and use data?

1. To inform data-driven management and planning activities – performance report cards, evaluation of program effectiveness, workplans, resource assignment, along with many other examples;
2. To inform critical decision making regarding the State Water Board mission and water management responsibilities – including water quality planning and policy, water allocation and use, permitting, program prioritization, etc.; and
3. To provide transparency to the many partners and stakeholders for their use, interests and purposes.

### What are the Guiding Principles for State Water Board Data Management?

**Data Accessibility** – State Water Board values transparency and strives to make all critical data in CERS available to UPAs through Excel reports downloadable from CERS. State Water Board explains the different data by providing information about each piece of data (metadata) as part of the data dictionary.

**Understanding Data Quality and Integrity** – State Water Board data are thoughtfully planned, of a known and useful quality, with specific practices to protect data integrity using standards and protocols.

**Data Used to Govern** – State Water Board uses data to govern or make decisions that are in the best

interest of the mission of preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses.

**Data Governance** – our organization takes proactive steps to develop effective data and information technology management practices to ensure data flows to where it is needed in a timely manner while complying with data sharing policies.

The use of CERS has increased and improved since inception which provides an opportunity to look closely at areas of improvement available to us. As a result, State Water Board has identified some issues with data quality which need to be addressed. With this update we focus on two pieces of data (the number of active USTs and submittal status) and provide information about a tool to assist UPAs with UST construction and monitoring data correctness and completeness.

For more information about these issues, please contact Ms. Lisa Jensen at (916) 319-0742 or [Lisa.Jensen@waterboards.ca.gov](mailto:Lisa.Jensen@waterboards.ca.gov).

## **CERS – Duplicate Tank Cleanup**

The State Water Boards' review of the California Environmental Reporting System (CERS) data finds there are 1,422 USTs which may be either duplicate tanks or tanks without a closure date. When CERS 3 is placed into service in early 2019, each active UST in CERS will automatically be assigned a unique CERS tank identifier. Before that happens, State Water Board encourages all Unified Program Agencies (UPAs) to close duplicate tanks and ensure all closed tanks have an accepted submittal that includes a tank closure date. Duplicate USTs and USTs which have not been properly closed in CERS will end up receiving a CERS Tank identifier and unnecessarily remove that identifier from use for any future UST. For duplicate tanks, even if subsequently an accepted tank closure submittal is made, the duplicate tank will remain permanently in the CERS master tank database as a real, closed tank and only through a review of the submittal 'additional information' field could it be identified as a duplicate tank closure.

Additionally, as State Water Board staff evaluates an individual UPAs' tank data for consideration of paperless reporting, any duplicate USTs or closed USTs without closure dates in the UPA's jurisdiction would be considered as part of that evaluation.

For more information about removing duplicate tanks or ensuring USTs have tank closure dates, please review two related FAQs: [How a changed UST Tank ID should be handled](#) and [Can or should I change a UST Tank ID Number?](#) For further information contact Mr. Daniel Firth at (916) 341-5711 or [Daniel.Firth@waterboards.ca.gov](mailto:Daniel.Firth@waterboards.ca.gov).

## **CERS – UST Submittal Status: 'Not Acceptable' or 'Not Applicable'**

Accepted submittals are required for UST facility and tank data to be included in CERS UST Facility/Tank Data Download Report and in electronic reporting of the Semi-Annual CERS Report 6. Some submittals are being incorrectly set to a status of "Not Applicable." This creates problems for reporting the Semi-

Annual CERS Report 6 and for annual Energy Policy Act of 2005 (EPACT) certification.

A submittal status of “Not Applicable” is for use under one of two conditions:

- A submittal is received from a facility that was never regulated under the UST program element;  
or
- A submittal is received from a facility that is no longer regulated under the UST program element.

Any facility data included in a submittal with a status of “Not Applicable” is not included in the CERS UST reports. Do not use this submittal status for any submittal made by a facility that is regulated under the UST program element or has any active tanks. Do not use this submittal status when the facility owner/operator includes a UST tank closure date for the first time.

When a facility closes, or removes, all underground tanks an “Accepted” submittal is required to document the tank(s) closure and must include the tank closure dates. Only after such a submittal is received and given a submittal status of “Accepted” by the UPA is the tank(s) considered closed. Only then, and after the Reporting Requirement for the Submittal Element for Underground Storage Tanks of the facility is changed to “Not Applicable,” would a subsequent UST submittal from the business, be set to a status of “Not Applicable.”

A submittal status of “Not Accepted” is intended for UST submittals from facilities that are regulated under the UST program element and include inaccurate or incomplete UST information. The submittal is considered too deficient to be “Accepted” or accepted with conditions. Any facility data included in a submittal which is “Not Accepted” will not be included in the CERS UST reports.

UPAs may run a report in CERS to obtain a list of all submittals with a status of “Not Applicable.” It is recommended UPAs run this report and verify a submittal status of “Not Applicable” is used only as indicated above. To run this report in CERS go to the Submittal tab, select the appropriate Regulator name, Status = “Not Applicable,” and Element = “Underground Storage Tanks.”

For more information regarding CERS submittal status, please contact Mr. Daniel Firth at (916) 341-5711 or [Daniel.Firth@waterboards.ca.gov](mailto:Daniel.Firth@waterboards.ca.gov).

## **CERS – Data-Mining, Training Update**

State Water Board staff offers training to UPAs to dig deep into their CERS data using the available CERS reports and Excel. Beginning early in 2016 trainings were piloted as part of oversight inspections, today an agency can obtain training via a webinar, at their facility, or with a group of UPAs. As of September 1, 2018, thirty-four different UPAs and 145 individuals have received data-mining training. The feedback has been positive, and the State Water Board has seen significant improvement in the UST tank monitoring and construction data in CERS as a direct result of training.

Sacramento County Environmental Health Management CUPA has taken the manual process of reviewing CERS data to a new level with a semi-automated tool. The CUPA is working with State Water Board staff to release the tool for use by all CUPAs for reviewing monitoring and construction data in

CERS. At the upcoming CUPA conference, Ms. Jennea Monasterio and Ms. Lisa Jensen will offer a session dedicated to the rollout of this semi-automated CERS data-mining tool.

For more information about obtaining CERS data-mining training, please contact Ms. Lisa Jensen at (916) 319-0742 or [Lisa.Jensen@waterboards.ca.gov](mailto:Lisa.Jensen@waterboards.ca.gov).

## **Enhanced Leak Detection, Request for Reconsideration – Conditional Approval**

A UST facility owner/operator who has been notified to perform enhanced leak detection (ELD) due to well-proximity may submit a Request for Reconsideration (RFR) to the State Water Board. The request will be reviewed and the well location and operational status will be verified. Following the review process the facility owner/operator will receive a letter indicating the status of their request. The three possible outcomes of the review are Denied, Approved, or a Conditional Approval.

A conditional approval for RFR means the facility owner/operator does not need to perform an ELD test if the public drinking water well conditions have changed by either becoming inactive or closing. In the event a facility receives a conditional approval for their RFR, UPAs must monitor changes in the well status. Water purveyors may drill new public drinking water wells in the same location, in which case ELD testing would be required for UST systems within 1,000 feet. The UPA must notify the facility owner/operator and the State Water Board, if an ELD test is required. Test results must be submitted to the State Water Board.

For more information regarding conditional approvals, please contact Ms. Jessica Botsford at (916) 341 7338 or [Jessica.Botsford@waterboards.ca.gov](mailto:Jessica.Botsford@waterboards.ca.gov).