



# UST Program Update February 2019

## Report 6 Due March 1, 2019

The State Water Resources Control Board (State Water Board) has distributed the Report 6 forms and instructions to all Unified Program Agencies (UPAs) for the reporting period July 1, 2018 - December 31, 2018. For this reporting period, two Report 6 documents must be submitted to State Water Board staff no later than March 1, 2019. Attendance at the 2019 CUPA Conference (February 25-28, 2019) will not excuse late reporting.

**Facilities inspected on or before September 30, 2018** will continue to use the significant operation compliance (SOC) performance measures and the associated Report 6 form. Those UPAs that have been approved for paperless reporting must still run their SOC Report 6 in the California Environmental Reporting System (CERS) to verify their data and submit a certification form to State Water Board staff by the March 1, 2019 deadline.

**Facilities inspected on or after October 1, 2018** will use the new Technical Compliance Rate (TCR) performance measures and the associated Report 6 form. CERS is currently incapable of reporting the TCR Report 6, therefore all UPAs must use the paper TCR Report 6 for this reporting period. Information on the TCR reporting, the Report 6 form and instructions on completing the form can be found here: [https://www.waterboards.ca.gov/ust/leak\\_prevention/report\\_6.html](https://www.waterboards.ca.gov/ust/leak_prevention/report_6.html)

For more information on the Report 6 requirements, please contact Mr. Steven Mullery at (916) 341-5850 or [Steven.Mullery@waterboards.ca.gov](mailto:Steven.Mullery@waterboards.ca.gov).

## City of Glendale to Pay \$653,000 for Violating Consent Judgment in 2014 Underground Storage Tank Case

The City of Glendale has agreed to pay a \$653,000 penalty for violating the terms of a consent judgment related to violations of the underground storage tank (UST) regulations.

The judgment, entered on July 30, 2014 in Los Angeles County Superior Court, resolved violations alleged by the State Water Board's Government Owned and/or Operated Tank (GOT) initiative against the city. The alleged violations included failure to have a designated operator, failure to perform testing in a timely manner and failure to maintain leak detection equipment at eleven UST facilities, many of

which are located at fire and police stations.

Under the terms of the 2014 judgment, the city paid \$192,500 in civil penalties and spent \$192,500 on a supplemental environmental project. An additional \$615,000 in penalties was suspended conditioned on the city maintaining compliance with the UST requirements for a period of five years.

In January 2017, the State Water Board conducted compliance inspections at nine of the city's facilities and identified violations at all nine that triggered imposition of the suspended penalties. The alleged violations included failure to perform annual line leak detection testing and failure to meet designated operator inspection requirements. The city continued to have designated operator issues as they insisted on using their own employees to perform designated operator inspections.

The State Water Board recently reached a settlement agreement with the city regarding the alleged violations. The city will pay \$615,000 in suspended penalties and \$38,000 for reimbursement of enforcement costs. In addition, the city will engage and pay a contract consultant to serve as Designated Operator for all city facilities.

It is important that UPA's are aware of the inherent conflict of using facility, city or county employees to conduct designated operator inspections and is recommended that an outside or third-party consultant or contractor be used. When using facility, city or county employee to perform designated operator inspections, the knowledge is limited to only the tanks at their facilities.

A copy of the settlement can be found on the State Water Board's website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/orders\\_actions.shtml](http://www.waterboards.ca.gov/water_issues/programs/enforcement/orders_actions.shtml)

For more information regarding the City of Glendale settlement please contact Mr. Joe Lovesee at (916) 341-5872 or [Joseph.Lovesee@waterboards.ca.gov](mailto:Joseph.Lovesee@waterboards.ca.gov).

## **Preparing for CERS 3 – Removing Duplicate USTs**

With the upcoming release of CERS version 3.0 (CERS 3), currently scheduled for release March 2019, a new feature is being added to assign a unique identification number to each active UST. To ensure only active USTs are included in CERS 3, all duplicate USTs must be removed from active status.

CalEPA has generated a list of likely duplicate USTs and provided the list via email on January 9, 2019. UPAs are requested to follow the procedure from CalEPA to remove duplicate USTs and provide a monthly update to State Water Board staff on the first Friday of each month until May.

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

## Last Chance Webinar: TCR Report 6

For those that could not attend the webinars last summer on TCR Report 6, State Water Board staff will be presenting one final webinar to clarify changes to the Report 6, TCR criteria, solutions on how to collect required data, and address questions. Webinar details are provided below. Registration is not required.

### Webinar Date:

February 7, 2019, 10:30 a.m. – 12:00 p.m.

Please note, the **State Water Board is now using Skype for webinars**. If you do not have, or have never used Skype, State Water Board staff will be online 15 minutes early to assist, however the webinar will start promptly at 10:30am. Please see your local Information Technology Department prior to the webinar time. This will be the final Report 6 webinar.

Join the webinar at:

<https://meet.lync.com/cawaterboards/tom.henderson/26Z8NZQM>

Join by phone:

+1 (916) 562-0861, 6722213# (Dial-in Number)

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

## Informational Documents on the New Title 23 UST Requirements

State Water Board staff have developed and continue to develop informational documents to assist UST owners, operators, contactors, designated operators, service technicians, and regulators understand the new UST requirements that became effective October 1, 2018. The informational documents are presented in a question and answer format that can be easily updated as new questions arise. It is important to note the content contained in the informational documents in many instances supersedes previous State Water Board guidance documents. At the end of each informational document is a table identifying which State Water Board documents contain superseded content. Informational documents regarding the emergency generator tank system line leak detection, overfill prevention equipment inspection, spill container testing, secondary containment testing, and new construction, upgrade, and compatibility requirements have been distributed through the UST Program's Email Distribution System (known as Lyris) and are posted on the UST Program website 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/).

To receive these informational documents and other important UST Program information, please

subscribe to the UST Program's Lyris email distribution at:

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

For more information regarding the new Title 23 UST requirements, 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).

## **Tanks in an Underground Area**

The upcoming release of CERS 3, includes a simplified process for changing the status of a UST from the UST Program to the Aboveground Storage Tank (AST) Program for those systems meeting the definition of a Tank in an Underground Area (TIUGA). To assist UST owners, operators, and regulators prior to the release of CERS 3, a CERS Frequently Asked Questions (FAQ) titled "Reporting a TIUGA (former UST in CERS) as an AST subject to Aboveground Petroleum Storage Act (APSA)" has been developed and posted on the CERS Central webpage regarding transferring UST systems in CERS. The FAQ dated 12/17/2018, outlines the submittal process to report this change including updating the Business Activities questions, the Hazardous Materials Inventory, the site map, and the UST section to remove this tank from the UST portion of CERS submittals. The FAQ can be found at: <https://cers.calepa.ca.gov/about-cers/help-materials/>.

For more information regarding TIUGA, please contact Mr. Cory Hootman at (916) 341-5668 or [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Ms. Jennifer Lorenzo at (916) 263-1801 or [Jennifer.Lorenzo@fire.ca.gov](mailto:Jennifer.Lorenzo@fire.ca.gov).