



UST Program Update September 2019

Adoption of the Proposed UST Regulations for the Storage of Diesel Containing up to 20 Percent Biodiesel

The proposed underground storage tank (UST) regulations for the storage of diesel containing up to 20 percent biodiesel (B20) were adopted at the August 6, 2019 State Water Resources Control Board (State Water Board) Meeting. The adopted UST regulations amends California Code of Regulations, title 23, division 3, chapter 16, article 3, sections 2631 and 2631.2. The proposed amendment to section 2631 recognizes B20 as an equivalent to diesel stored in double-walled UST systems, unless any material or component of the UST system is determined not compatible with B20. The adopted amendments also delete section 2631.2, which provides a temporary variance for biodiesel blends from June 1, 2009 to June 1, 2012, because it is inoperative. The next step is to submit the completed rulemaking package to the Office of Administrative Law (OAL) for review and approval before being filed with the California Secretary of State. We will provide an effective date once we have been advised by OAL.

A copy of the resolution adopting the proposed biodiesel regulations will be posted on the [State Water Board's 2019 Resolutions webpage](#) shortly.

(https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/res19.html)

More information on the rulemaking package is available on the UST Program's [Proposed Biodiesel UST Regulations webpage](#).

(https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/bio_regs/)

For more information regarding the adopted UST Biodiesel Regulations, please contact Mr. Cory Hootman at (916) 341-5668 or Cory.Hootman@waterboards.ca.gov.

Site-Specific Variances

The State Water Board has recently received several inquiries regarding the applicability of site-specific variances. A site-specific variance permits the use of an alternative method of construction or monitoring at one or more sites because of special circumstances that are not generally applicable to other facilities and where there is clear and convincing evidence that the alternative method will adequately protect the soil and beneficial uses of waters of the State from an

unauthorized release in accordance with Health and Safety Code, division 20, chapter 6.7, section 25299.4(b)(4). Site-specific variances should only be issued during the permitting process for an install or upgrade and not after construction commencement.

Owners and operators requesting a site-specific variance must submit to the local agency complete construction and monitoring plans with the application and associated fee for the variance. All applications are then reviewed by the Regional Water Quality Control Board. Approved applications will be returned with any additional conditions and descriptions of the alternative monitoring methods that must be included in the operating permit conditions. Additional guidance regarding site-specific variances from the State Water Board is forthcoming.

For more information regarding site-specific variances, please contact Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Reviewing and Revising UPA Policies and Procedures

Unified Program Agencies (UPAs) are required to have policies and procedures in place as part of their UPA certification. Occasionally, these policies and procedures will need revisions to stay current with changes to UST program requirements. Recently, there have been changes to UST program requirements such as permitting, overfill inspections, spill container testing, and regulatory forms. UPAs should revise and update their policies and procedures as necessary to ensure policies and procedures are current and consistent with UPA program implementation.

UPAs should keep apprised of all changes to UST program requirements and revise policies and procedures as necessary. One way to keep up with changes to UST program requirements is by [subscribing](#) for the UST program listserv (https://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.html).

For more information regarding updating policies and procedures, or subscribing to the UST program listserv, please contact Mr. Sean Farrow at (916) 324-7493 or at Sean.Farrow@waterboards.ca.gov, Ms. Lisa Jensen at (916) 319-0742 or at Lisa.Jensen@waterboards.ca.gov, or Ms. Jessica Botsford at (916) 341-7338 or at Jessica.Botsford@waterboards.ca.gov.