State Water Resources Control Board

October 22, 2021

To: Unified Program Agency Managers

UNDEGROUND STORAGE TANK FACILITY COMPLIANCE INSPECTION REPORTING REQUIRED BY JANUARY 31, 2022

California Code of Regulations, title 23, division 3, chapter 16 (Underground Storage Tank (UST) Regulations), section 2713(d), requires the Unified Program Agencies (UPAs) submit to the State Water Resources Control Board (State Water Board) a list of UST facilities where an annual UST compliance inspection was not performed during the previous calendar year. UPAs must generate UST facility compliance inspection data using the California Environmental Reporting System (CERS) and report the following CERS elements in the submittal to the State Water Board: CERS ID; Facility Name; UST Reporting Requirement; UST Last Inspection Date; and a written explanation of why the UST compliance inspection was not performed. UPAs only need to report facilities where a UST compliance inspection was not performed during the calendar year 2021. A report to the State Water Board is not required for facilities where a UST compliance inspection was performed during the calendar year 2021. UST compliance inspections are required for all facilities with regulated USTs, to include temporarily closed and abandoned USTs. As a reminder, virtual or desk audit UST compliance inspections without an on-site element do not satisfy the UST compliance inspection requirement. The UST compliance inspection report is due to the State Water Board no later than January 31, 2022.

The State Water Board is reaching out early to allow UPAs time to review their UST compliance inspection data. To assist UPAs in verifying UST compliance inspection of the accuracy of their UST compliance inspection data, the State Water Board with the California Environmental Protection Agency created the UST Routine Inspection Frequency search tool. UPAs should utilize this tool early to identify those facilities where a UST compliance inspection has not been performed in 2021 and inaccurate data. State Water Board staff strongly suggests UPAs run the CERS UST Routine Inspection Frequency search tool now, and again in mid-December. Common reasons for not having completed an inspection include: facilities incorrectly marked as “applicable” in CERS (abandoned USTs and temporarily closed USTs must be marked

1 https://cersregulator.calepa.ca.gov/Account/SignIn?ReturnUrl=%2fReports%2fUSTRoutineInspectionFrequencySearch

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR
as “applicable”); facilities have been improperly closed in CERS, or newly installed UST facilities not yet required to have a UST compliance inspection.

The State Water Board utilizes the information submitted by the UPAs to certify compliance with the UST provisions of the federal Energy Policy Act of 2005 (EPAct). The EPAct certification requires states to confirm that the federal UST facility compliance inspection frequency of once every three years, as outlined in 42 U.S.C. §6991d, subdivision (c)(2), has been met. If an UPA discovers a facility in CERS where a UST compliance inspection has not been performed over the last three years, UPAs must complete a UST compliance inspection no later than December 31, 2021. Virtual or desk audit UST compliance inspections without an on-site element do not satisfy the UST compliance inspection provision of EPAct.

Compliance with the federal UST inspection frequency of once every three years is essential to maintain grant funding from the United States Environmental Protection Agency (U.S. EPA). This grant funding is a critical element in funding projects that sustain and improve the UST element of the Unified Program including but not limited to projects such as the Abandoned UST Initiative, the Single-Walled UST Closure Initiative, annual and semiannual UST reports, informational public workshops, UPA training, and contractors to assist UPAs with ongoing CERS training and implementation. UPAs which fail to meet the federal UST inspection frequency jeopardize the State Water Boards’ ability to make a positive certification and maintain critical grant funding provided by U.S. EPA.

Please reference the Enclosure for the instructions on how to extract the information from CERS using the UST Routine Inspection Frequency search tool. UPAs should extract the inspection data from CERS now to identify any missed inspections, misreporting, or other errors to be addressed.

For questions on UST facility compliance inspection reporting requirements, contact Johnny Wales at (804) 852-7274 or Johnny.Wales@waterboards.ca.gov or myself at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Sincerely,

Thomas Henderson, Engineering Geologist
UST Leak Prevention Unit
State Water Resources Control Board

Enclosure – Routine Inspection Report Instructions

cc: next page

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2 Virtual UST facility compliance inspections are only acceptable for abandoned UST facilities with limited site access.
cc: [via email only]

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Routine Inspection Report Instructions

Download Excel spreadsheet from CERS for jurisdiction. Report found here:

https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch

1. Select the jurisdiction from the “Regulator” drop down
2. Export file to Excel

3. Select Row 8 and turn on filter
4. Filter out 2021 (deselect year 2021). The remaining list of facilities do not have a compliance inspection listed in CERS. Please confirm the data then use the “Comment” section to explain why a compliance inspection was not performed for each facility listed.

5. Once completed, submit the final Excel Report to the State Water Resources Control Board, no later than January 31, 2022 at DWQ-UST-EPACT@Waterboards.ca.gov