
State Water Resources Control Board

Local Guidance 202

UNDERGROUND STORAGE TANK PROGRAM INSPECTION AND ENFORCEMENT PLAN REQUIREMENTS

The purpose of this local guidance is to assist Unified Program Agencies (UPAs) in developing their Underground Storage Tank (UST) Program Inspection and Enforcement (I&E) Plans. This guidance supplements the California Environmental Protection Agency's [2025 I&E guidance document](#)¹ by addressing requirements specific to USTs in California Code of Regulations (CCR), title 23, division 3, chapter 16, section 2610 et seq. ([UST Regulations](#)).

Authority

Pursuant to CCR, title 27, section 15200 (27 CCR section 15200), each UPA must develop, adopt, and implement an I&E Plan. The I&E Plan must outline the inspection process and the enforcement procedures and standards for UST owners and operators of noncompliant UST systems.

For the UST program, UPAs have inspection authority under Health and Safety Code ([H&SC](#)) sections 25288 and 25289, and enforcement authority under H&SC sections 25285, 25285.1, 25288, 25292.3, 25299 - 25299.04, and 25404 - 25404.2. During the UPA's performance evaluation, the State Water Resources Control Board (State Water Board) will review the I&E Plan for consistency with the H&SC, 27 CCR section 15200, and the UST Regulations, and review the UPA's adherence to its I&E Plan.

Inspection Plan Requirements

The I&E Plan must include an inspection process for pre-inspection, on-site and off-site inspections, post-inspection, and re-inspections conducted by the Certified Unified Program Agency (CUPA), and if applicable, the CUPA's Participating Agencies (PAs) as required in 27 CCR section 15200. For the UST Program, UPAs must include in their I&E Plan procedures for conducting at least one annual compliance [inspection](#)² and other inspections associated with the installation, modification, repair, and closure of UST [systems](#).³ The inspection procedures are expected to guide UST inspectors on how to conduct inspections, verify and document return to compliance, and implement the UPA's record management policies, including how to document inspections and

¹ <https://calepa.ca.gov/wp-content/uploads/2025/03/CalEPA-IE-Plan-Guidance-Document-2024-3-13-25-Revision.pdf>.

² [H&SC, section 25288\(a\)](#).

³ [UST Regulations, section 2694\(a\)\(1\)\(A\)](#).

violations in the California Environmental Reporting System (CERS) or the UPA's local reporting portal.

Violation Classification

The term "violation classification," including "minor violation," "class II violation," and "class I violation," and the terms "significant violation" and "significant violation that poses an imminent threat to human health or safety or the environment" are defined in UST Regulations, section 2611. The I&E Plan for each UPA must describe how each type of violation will be assessed and the process of elevating the classification of violations. By definition, all class I violations are significant violations. The I&E Plan for each UPA must outline which class I violations pose an imminent threat to human health or safety or the environment in accordance with UST Regulations, section 2611, and when a to affix a red tag pursuant to UST Regulations, section 2694. Each I&E Plan also must document how the UPA will take enforcement action pursuant to section 25299 of the Health and Safety Code or prohibit the operation of a UST system if the owner or operator fails to comply with the construction, monitoring, testing, and reporting requirements of articles 4, 5, 6, and 7 of the UST Regulations.

Inspection of Abandoned USTs

An abandoned UST is defined in section 2611 of the UST Regulations as a UST that has not had a functional release detection system for more than 365 days, does not have a current operating permit, has not been temporarily or permanently closed in accordance with article 8 of the UST Regulations, and is not a decommissioned tank. Pursuant to H&SC section 25288, and UST Regulations, section 2682, UPAs are required to inspect abandoned USTs annually. The I&E Plan for each UPA must include procedures for inspecting abandoned USTs. By definition, abandoned USTs do not meet the requirements set by the United States Environmental Protection Agency (USEPA) as achieving compliance with technical compliance rate (TCR) measures. Therefore, I&E Plans must include procedures for issuing TCR Criteria violations in CERS.

Enforcement Plan Requirements

All enforcement actions initiated by an UPA must be consistent with the UPA's I&E Plan and the requirements in 27 CCR section 15200 and UST Regulations, section 2694. I&E Plans must include procedures for initiating and implementing progressive enforcement actions against non-compliant UST owners and operators, including the UPA's procedures for elevating UST violation classifications. The State Water Board recommends that these procedures discuss all informal and formal enforcement options used by the UPA for the UST program and how the UPA documents those enforcement actions.

Formal Enforcement

Each I&E Plan must include the UPA's procedures for formal enforcement actions applicable to the UST program consistent with UST Regulations, section 2694, including:

- Revoking a UST operating permit;

- Determining whether a significant violation poses an imminent threat to human health, safety, or the environment;
- Red tag application procedures, including affixing and removing the red tag, providing a directive to the owner or operator to empty the UST, and instances when a 7-day red tag notice of significant violation is issued; and
- Determining administrative penalties in accordance with H&SC sections 25299 and 25404.1.1(a)(2). (The minimum penalty is \$500 and the maximum penalty is \$5,000 per UST per day of violation.)

For additional clarification regarding requirements for monitoring UST systems, please contact the [UST Leak Prevention Staff](#).