Underground Storage Tank Program
August 2025 Update

Unburied Hazardous Substance Pipe

The proposed Title 23, chapter 16 (Underground Storage Tank (UST) Regulations) rewrite has raised several questions regarding unburied hazardous substance (product) piping. Many of these questions suggest a misunderstanding of existing requirements for proper construction, monitoring, and testing. Specifically, many facilities are incorrectly utilizing visual monitoring without the required secondary containment on unburied product piping or are conducting visual monitoring on systems where continuous interstitial monitoring is required.

Unburied Pipe Construction Requirements

Unburied emergency tank and marina primary pipe if visually inspected and the visual inspections are logged, is not included in the definition of underground storage tank and is excluded from pipe requirements of Health and Safety Code, chapter 6.7 (H&SC 6.7).[1] This means that visually inspected unburied emergency tank and marina pipe do not require secondary containment or monitoring.

Unburied product pipe connected to a UST installed between July 1, 1987, and July 1, 2003, must have secondary containment unless it meets the emergency tank system or marina piping exclusion, or the safe suction exemption.[2] *Secondary containment may include*[3] *a secondary pipe, concrete basement, vault, lined trench, or an engineered method designed to prevent the product from reaching soil or groundwater.* Motor vehicle fuel product piping (buried or unburied) connected to a double-walled UST installed before July 1, 1987 (hybrid system) that does not meet the exclusions or exemptions above must be secondarily contained or permanently closed by December 31, 2025.[4]

For USTs installed on and after July 1, 2003, both primary and secondary containment must be product tight and impervious to the liquid and vapor of the substance

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[1] See Health and Safety Code (H&SC), chapter 6.7, section 25281.5(b)
[2] See California Code of Regulations, title 23, division 3, chapter 16, (UST Regulations), section 2636(a)(3)
[3] See H&SC 6.7, section 25291(a)(1) through (6) and UST Regulations, section 2636(c) or (d)
[4] See H&SC 6.7, section 25292.05(a)(1)

contained. There are no exemptions from secondary containment requirements for USTs installed on or after July 1, 2003.[5]

Summary of Unburied Piping Construction Requirements by UST Installation Year

- **January 1, 1984 – Present**
  - All unburied product piping connected to emergency tank or marina systems may be excluded from the definition of UST if the primary pipe is visually inspected. Unburied vent, vapor recovery, or fill pipes that are designed to prevent fluid in the pipes or lines are not required to have secondary containment.
- **January 1, 1984- June 30, 1987**:
  - Unburied product piping for motor vehicle fuel is not currently required to be secondarily contained but must be either permanently closed or upgraded with testable secondary containment by December 31, 2025.[6]
- **July 1, 1987- June 30, 2003**:
  - Unburied product piping must be secondarily contained and undergo secondary containment testing every 36 months, except:
    - Safe suction piping.[7]
- **July 1, 2003 – Present:**
  - Unburied product piping must be secondarily contained.

Visual Monitoring

Visual monitoring may only be performed on product piping installed before July 1, 2003. Specifically, all exterior surfaces of the product pipe and the surface of the floor directly beneath must be observable by direct viewing and visually monitored daily for any unauthorized release on the surface of the secondary containment.[8]

Visual monitoring cannot be performed on piping connected to USTs installed after July 1, 2003, due to the design, construction, and monitoring requirements in H&SC, 6.7 25290.2 and 25290.1. To clarify, visual monitoring is an approved monitoring method for only certain piping constructions where both the primary and secondary containment can be observed. *Visual inspection* is permitted exclusively for emergency tank and marina systems. The individual performing the inspection must be able to visually observe the primary pipe. The State Water Resources Control Board (State Water Board) strongly encourages all facilities to utilize continuous release detection to ensure the earliest possible detection of a release.

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[5] See H&SC 6.7, sections 25290.1 and 25290.2
[6] See H&SC 6.7, section 25292.05(a)(1)
[7] See UST Regulations, section 2636(a)(3)
[8] See UST Regulations, section 2632(c)

Finally, some components of the UST system do not qualify for visual monitoring, such as under dispenser containments (UDCs). In accordance with UST Regulations, section 2636(g), UDCs cannot be visually monitored and must utilize a continuous monitoring system that either activates an audible and visual alarm or shuts off the flow of product at the dispenser when a release is detected.

Secondary Containment Testing

Secondary containment that is not monitored by a continuous vacuum, pressure, or hydrostatic interstitial release detection system must be tested at least once every 36 months. The proposed UST Regulations specifically state that secondary containment must be tested.

The current UST Regulations require testing to be performed in accordance with the manufacturer's guidelines or standards. If manufacturer's guidelines or standards do not exist, testing must be conducted using an applicable method specified in an industry code or engineering standard. If manufacturer's guidelines, industry codes, or engineering standards do not exist, a test method approved by a state registered professional engineer must be used.[9]

The proposed UST Regulations conditionally expand the secondary containment testing options by allowing UST owners to utilize any of the above methods, provided the test procedure demonstrates that the system performs at least as well as it did upon installation. Operators performing visual monitoring are still required to perform secondary containment testing every 36 months.

Enforcement

UST systems that are inconsistent with the construction or monitoring requirements outlined above must be repaired immediately. Unified Program Agencies (UPAs) should apply progressive enforcement to owners and operators of facilities that remain out of compliance with construction, testing, and monitoring requirements.

Single-walled hybrid systems must be modified or permanently closed by December 31, 2025. These systems are considered single walled in accordance with H&SC 6.7, section 25292.05 and like single walled USTs, must be red tagged in January 2026.

For additional information regarding unburied hazardous substance pipe, please contact Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

[9] See UST Regulations, section 2637(c)

Report 6 Due September 1, 2025

The State Water Board recently distributed the Report 6 forms and instructions to all UPAs for the reporting period of January 1 through June 30, 2025. UPAs must submit the completed Report 6 no later than September 1, 2025.

If inaccurate Report 6 data is submitted, it will be returned to the UPA for corrections. Corrected Report 6 submissions must also be received by the September 1, 2025, deadline to avoid being considered late.

Consistent with the last several reporting periods, UPAs will continue to report field constructed tanks, facilities with USTs that have received red tags, and facilities that have abandoned or temporarily closed USTs.

For more information regarding Report 6 requirements please contact:
Magnolia Busse at (916) 341-5870 or Magnolia.Busse@waterboards.ca.gov.

Chapter 16 Rewrite Update

The State Water Board will decide whether to adopt the proposed amendments to the UST Regulations as part of the September 3, 2025, Board Meeting. If adopted, a copy of the proposed UST Regulations will be available soon after the meeting. The rulemaking will then be submitted to the Office of Administrative Law for approval and is expected to take effect on January 1, 2026.

For additional information regarding the Chapter 16 rewrite, please contact
Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Overfill Prevention Equipment Methods on Hybrid USTs

Hybrid systems, which are double-walled USTs with single-walled product piping installed before July 1, 1987, are required to upgrade or permanently close the single-walled piping before the December 31, 2025, closure deadline.[10] Currently, these USTs may utilize any of the overfill prevention equipment methods, regardless of whether the vent or fill piping is secondarily contained, as noted in Local Guidance 150.[11]

If the owner or operator upgrades the hybrid system but continues to utilize the single-walled vent or fill piping exclusions specified in H&SC 6.7, section 25281.5, the UST may only utilize the overfill prevention equipment methods described in UST Regulations, section 2636(a). Alternatively, if the hybrid system is upgraded, and the

[10] See H&SC, chapter 6.7, section 25292.05(a)(1)
[11] https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/docs/150-3.pdf

vent or fill piping is secondarily contained, the UST may utilize any of the overfill prevention equipment methods listed in UST Regulations, section 2635(c)(1).

For additional information regarding single-walled or hybrid systems, please contact Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

UST Certification of Installation/Modification - California Environmental Reporting System

In accordance with UST Regulations, sections 2635(f) and 2636(c), the UST Certification of Installation/Modification submittal element must be completed whenever a tank or piping installation occurs. It is the UPA's responsibility to ensure that the California Environmental Reporting System (CERS) submittal includes this element before accepting the submittal.

Evaluation staff will review whether the UST Certification of Installation/Modification is being properly utilized and will document this as an observation during evaluations. Beginning January 1, 2026, owners and operators must submit the UST Certification of Installation/Modification form within 30 days of a tank, piping, or containment sump installation inspection. UPAs that do not correctly utilize the UST Certification of Installation/Modification submittal element may be issued a deficiency or incidental finding.

For questions regarding the UST Certification of Installation/Modification submittal element in CERS, please contact: Michelle Suh at (916) 323-0878 or Michelle.Suh@waterboards.ca.gov