
State Water Resources Control Board

May 29, 2015

To: Unified Program Agencies, Service Technicians, Equipment Suppliers, Owners/Operators, and Other Interested Parties

REMANUFACTURED UNDERGROUND STORAGE TANK LEAK DETECTION EQUIPMENT

It has come to our attention that remanufactured underground storage tank (UST) leak detection equipment is being offered to California UST owners/operators, service technicians, and equipment suppliers. This letter is to inform you that remanufactured leak detection equipment does not meet California UST regulatory requirements.

California compliant leak detection equipment must be evaluated by an independent third party testing laboratory. [California Code of Regulations, title 23, chapter 16, section 2643(f).] These evaluations are then reviewed by the National Work Group on Leak Detection Evaluations (NWGLDE) to determine if each evaluation was performed in accordance with an acceptable leak detection test method protocol and ensure that the leak detection equipment meets the United States Environmental Protection Agency's and/or other regulatory performance standards. Leak detection equipment that has successfully completed this process is listed by the State Water Resources Control Board (State Water Board) in Local Guidance Letter 113 (LG113).¹

Upon review of these regulations, policies, and procedures, State Water Board staff has determined that remanufactured leak detection equipment is not compliant for use in California for the following reasons:

1. Performance certifications for leak detection equipment only can be obtained by the original equipment manufacturer. [California Code of Regulations, title 23, chapter 16, section 2643(f).] Remanufacturers are not the original equipment manufacturer of the leak detection equipment, and therefore are unable to comply with this requirement.
2. The NWGLDE states in its disclaimer, as do we in LG113, that subsequent modifications or changes to the equipment may produce parameters and data values that are significantly different than the listed third-party evaluation parameters and data values. State Water Board staff considers remanufacturing leak detection equipment a change that would produce such parameter and data value variations, therefore we conclude

¹ Information regarding NWGLDE can be found at www.nwglde.org and LG 113 at www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lq113/index.shtml

that remanufactured leak detection equipment is not covered by the original equipment manufacturers LG113 listing.

Please be advised, leak detection equipment that has been remanufactured, rebuilt, or refurbished by someone other than the original equipment manufacturer is not acceptable for use in California. Furthermore, we consider selling remanufactured leak detection equipment for use in California an unfair business practice. [Business and Professions Code, section 17203.] As such, we've advised remanufacturers that by June 8, 2015 all remanufactured leak detection equipment sold in California must be labeled or otherwise marked as "not compliant for use in California with USTs."

Several UST inspectors have asked State Water Board staff how to identify remanufactured leak detection equipment in the field. Though disassembly of the equipment can reveal remanufactured components, State Water Board staff has found no obvious external distinguishing features to assist with identification of remanufactured leak detection equipment previously installed. As we learn more we will provide additional information.

When remanufactured leak detection equipment is discovered on an UST (for example by a service technician during inspection and maintenance activities), the owners/operators of the UST must replace the remanufactured leak detection equipment with appropriate LG113 listed leak detection equipment. Use of leak detection equipment not listed in LG113 will result in the owner/operator of the UST being in violation and subject to a fine of \$500 to \$5000 per day per violation.

If you have questions regarding remanufactured leak detection equipment please contact me at (916) 341-5870 or laura.fisher@waterboards.ca.gov or Cory Hootman at (916) 341-5668 or cory.hootman@waterboards.ca.gov.

Sincerely,



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