

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 91-39

AMENDMENT OF REGULATIONS GOVERNING STORAGE OF HAZARDOUS SUBSTANCES IN UNDERGROUND STORAGE TANKS TO BE CODIFIED IN CHAPTER 16 OF DIVISION 3 OF TITLE 23 OF THE CALIFORNIA CODE OR REGULATIONS (23 CCR SECTIONS 2610-2714)

WHEREAS:

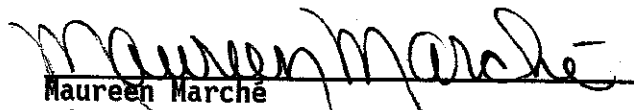
1. Chapter 6.7 of the Health and Safety Code was added to the Code by Chapter 1046 of the Statutes of 1983 (AB 1362, Sher).
2. The State Board adopted proposed regulations governing underground storage of hazardous substances on January 18, 1985 and amended them on June 6, 1985.
3. Chapter 6.7 of the Health and Safety Code has been amended as follows: Chapter 1038/1984 (AB 3565), Chapter 1537/1984 (AB 3447), Chapter 1584/1984 (AB 3781), Chapter 1228/1985 (AB 2239), Chapter 1535/1985 (AB 1755), Chapter 935/1986 (AB 3570), Chapter 1025/1986 (SB 1818), Chapter 1390/1986 (AB 2920), Chapter 1317/1987 (AB 853), Chapter 1372/1987 (AB 1413), Chapter 296/1988 (AB 1571), Chapter 876/1988 (AB 190), Chapter 1431/1988 (AB 4613), Chapter 432/1989 (AB 2031), Chapter 1397/1989 (AB 1030), Chapter 1442/1989 (SB 299), Chapter 1574/1990 (AB 3560).
4. The Federal Environmental Protection Agency has promulgated Underground Storage Tank Regulations (40 CFR, Part 280).
5. Section 25299.7 of the Health and Safety Code was added to Chapter 6.7 of the Health and Safety Code by Chapter 1397 of the Statutes of 1989 (AB 1030, Sher).
6. Section 25299.7(c) of the Health and Safety Code requires the State Board to adopt any regulations necessary to obtain state program approval pursuant to Section 6991(c) of Title 42 of the United States Code.
7. Section 25299.7(c) of the Health and Safety Code further requires the State Board to adopt these regulations as emergency regulations.
8. Staff has prepared proposed amendments to the regulations to bring them in conformity to the federal regulations and the Health and Safety Code as amended.

THEREFORE BE IT RESOLVED:

That the State Board approves amendment of the proposed regulations governing storage of hazardous substances in underground storage tanks to conform to the text attached to this resolution.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 16, 1991.


Maureen Marché
Administrative Assistant to the Board

May 1991

This attachment summarizes the major modifications to the proposed amendments to the regulations since they were last introduced at the Board Workshop on February 6, 1991.

Article 2

Section 2611, (page 1.9)

Proposed amendments modify the definition of "substantially beneath the surface of the ground" from:

"At least 10 percent of the underground storage tank system volume, including the connected piping, is below the ground surface."

To:

"At least 10 percent of the underground storage tank system volume, including the volume of any connected piping, is below the ground surface or enclosed below earthen materials."

The tank in contact with earthen material is subject to corrosion, and it shall comply with underground storage tank regulations. This definition is also consistent with EPA interpretation of underground storage tank.

Article 3

Section 2631(b), (page 3.2)

Proposed amendments have been modified to add the following two items in the labels affixed to exterior surface of underground storage tanks:

- 1) Degree of secondary containment,
- 2) Usable capacity in gallons.

This helps tank purchasers to determine if the tank provides the degree of secondary containment which fulfills the regulatory requirements.

Section 2631(c), (page 3.3)

Proposed amendments have been modified by changing the following language from:

"The plate shall be rolled to the contours of the underground

storage tank and bonded or tack welded in place."

To: "the plate, if under 1/4 inch thick, shall be rolled to the contours of the underground storage tank and all plates shall be bonded or tack welded in place."

This modification allows for cost savings in manufacturing of underground storage tanks. Wear plates over 1/4 inch thick are expensive to roll, and provides adequate wear protection due to its thickness without being rolled.

Section 2631(d)(1)(A), (page 3.4)

Proposed amendments are modified by changing the secondary containment volume requirement from:

"100 percent of the hazardous substance stored in the primary containment where only one primary container is within the secondary containment system."

To: "100 percent of the usable capacity of the primary containment system where only one primary container is within the containment system."

The amount of hazardous substance stored in the tank varies at times. It is more appropriate to relate the secondary capacity requirement to the usable primary volume which is limited by the overflow prevention equipment.

Section 2631(g & h), (page 3.11)

The present language in paragraph "g" is duplicative of the statement in paragraph "h" and is deleted. The previous paragraph "h" is renamed as "g" and a new paragraph "h" is added which reads as follows:

"An underground storage tank which is designed with an integral secondary containment system must provide 100 percent secondary containment unless it is equipped with the overflow prevention system in accordance with Section(c)(2)(C) of this Article. In this case the top portion of the tank, no greater than two feet wide along the length of the tank, may be single-walled."

This provision simplifies tank manufacturing by allowing for installation of pipe openings on the single-walled portion of the tank. However, the single-walled area is limited such that it lies above the highest level that the tank can be filled. This reduces the manufacturing cost and has no environmental risks associated with it.

Section 2632 (c)(1)(D)(iii) (page 3.14)

This paragraph has been modified from:

"immediately remove all hazardous substances from the underground storage tank and the secondary containment system."

To:

"if a leak is confirmed, immediately remove all hazardous substances from the underground storage tank and the secondary containment system."

This modification helps avoid unnecessary removal of substances from the tank.

Section 2632(e), (page 3.16)

Existing regulation requires the name or title of the person responsible for performing the monitoring to be included in the monitoring program plan. It also requires the name or title of the person responsible for authorizing the work necessary under the response plan to be included in the emergency response plan. This section has been amended to require that both "the name and the title" to be included in the above mentioned plans.

This modification will provide more complete information on the person in charge.

Section 2635(a)(2), (page 3.33)

Proposed amendments have been modified by deleting the following language:

" Tanks with thin coatings shall be installed with an overlayment cloth to protect the coating along the top portion of the tank during other associated work such as pipeline installation."

The reason for the deletion is that the overlayment cloth left in place may interfere with the cathodic protection system by partially insulating the tank. Deletion of this requirement also simplifies the tank installation.

Section 2635(a)(5), (page 3.34)

The proposed amendments in this paragraph have been modified to include the following language:

" The tank integrity test is not required if the tank is equipped with an interstitial monitor certified to meet the performance standards of a Tank Integrity Test, as defined in Section 2611, in accordance with Section 2643 (g) of these

regulations."

This modification will lead to cost savings for tank owners by allowing them not to duplicate the tests achieving the same performance standards.

Section 2635(b)(4), (page 3.38)

The minimum one hour required duration of pressure testing the tank has been reduced to 30 minutes. The one hour period demands too much time for local agency inspectors to oversee the test. The 30 minute test period provides adequate information on tank tightness while reducing the local agency staff inspection time.

Article 4

Section 2644(a), (page 4.37)

Proposed amendments have been further modified to specifically require that "each qualitative release detection method shall have an independent third party evaluation to certify accuracy and response time of the detection method in accordance with procedures presented in Appendix V."

This modification is made to assure the integrity and reliability of the qualitative release detection method.

Section 2646(b), (page 4.48)

Proposed cut off date for ruling out inventory reconciliation, and any other methods utilizing stick readings for existing underground storage tanks, if ground water is within 20 feet from tank bottom, has been changed from January 1, 1992 to January 1, 1993.

This modification extends the time allowed for affected tank owners to comply with the provisions of the amended regulations.

Section 2646(k)(2), (page 4.53)

This paragraph which specifies that operators shall notify the owners of suspected releases within 24 hours of completion of inventory reconciliation discrepancies, has been deleted.

Underground storage tank regulations hold both owners and operators of the underground storage tanks responsible in assuring compliance of their tank system with the current regulations. The language used in the regulations refers to the subject as "owner or operator", as such it does not regulate mutual agreements and

reporting requirements between the owners and operators of the tanks. Therefore, this paragraph is deleted from the amended regulations. Section 25292.2 of the Health and Safety code discusses the financial responsibilities of both owners and operators and the reporting agreements between them.

Article 5

Section 2652(d), (page 5.9)

Existing regulations require owners or operators to submit reports to local agencies and regional boards during the investigation and cleanup period of underground storage tank leaks. The proposed modification clarifies this statement. The owners or operators are required to submit these reports to the local agency or regional board whichever is overseeing the cleanup. This clarifies that tank operators or owners do not need to submit reports to both agencies.

Article 6

Section 2661(c)(1 & 2), (page 6.4 & 6.5)

These paragraphs have been amended to include the following language:

"The tank shall be vacuum tested at a vacuum of 5.3 inches of Hg for no less than one minute. This vacuum test is not required if the tank is submerged in ground water by more than 50 percent."

The vacuum test requirement was included in Section 2661(n) and is restated in these paragraphs. Tanks which are submerged in ground water by more than 50 percent are exempt from this testing. The change is made because under this circumstances vacuum testing may damage the tank due to the increased combined pressure from the groundwater and the vacuum and the other tests included in the regulations can be used to show if the tank is repairable.

Section 2661(n), (page 6.9)

The following statement is deleted from this section and restated in amended Section 2661(c):

"The tank shall also be vacuum tested at a vacuum of 5.3 inches of Hg for no less than one minute."

Section 2662(b), (page 6.10)

The proposed amendments of this section have been changed from:

"owners of motor vehicle fuel tanks made of steel shall comply with the following upgrade requirements on or before December 22, 1998."

To: "owners of motor vehicle fuel tanks made of steel tanks shall provide both interior lining and cathodic protection on or before December 22, 1998 by complying with the following upgrade requirements."

This was implicitly intended in the amended regulations and this modification explicitly states it.

Section 2663(b), (page 6.13)

The proposed language in this section is changed from:
"Owners or operators must ensure that releases due to spilling or overfilling do not occur."

To: "Owners or operators must use care to prevent releases due to spilling or overfilling."

This modification is made since it is more reasonable to call for use of care to prevent spills, and it may not be possible to ensure that overfilling or spilling will not occur.

Article 10

Section 2711(a)(6), (page 10.3)

This paragraph is modified to state that spill and overflow prevention system construction details shall also be included in the permit application.

This was implicitly intended in the amended regulations (considered an auxiliary equipment) and this modification explicitly includes it.

Section 2711(a)(11), (page 10.5)

This section is amended to require permit applications provide:
"information showing compliance with State and Federal financial responsibility requirements applicable to underground storage tanks containing petroleum."

The financial responsibility requirements are stated in the statutes and the information to show compliance shall be included in the permit application.

Section 2712(b), (page 10.7)

The amendments of this section have been modified to allow 36 hours instead of 24 hours, for owners and operators to make records of monitoring and maintenance available to the local agency or the Board.

This modification allows additional time for owners and operators to show compliance with the regulatory requirements.