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## State Water Resources Control Board

March 19, 2020

To: All UST Stakeholders

### **Implementation of Underground Storage Tank Requirements During Government Imposed Coronavirus 2019 (COVID-19) Public Health and Safety Restrictions**

Many counties and cities are under shelter-in-place orders, and occupants of these and other areas are subject to imposed restrictions associated with travel and gathering. The State Water Resources Control Board (State Water Board) understands the hardship this creates for the entire underground storage tank (UST) community, and is aware that non-compliance with regulatory requirements will occur due to these public health and safety restrictions.

In areas where public health and safety restrictions are in effect the State Water Board recommends the following:

1. Health and Safety:

Closely adhere to all federal, state, and local public health and safety guidelines.

2. Secure the UST Facility:

The State Water Board mission remains to protect the waters of the state. While releases to the environment are infrequent, a release from an unmanned facility or a facility that no longer has access to service personnel could become both costly and dangerous. To minimize these risks, critical UST leak detection, monitoring, and cathodic protection equipment must remain on and monitored. In addition, leak detection and monitoring alarms should be responded to appropriately.

3. Documentation:

*UST Owners and Operators:* Document the specific circumstances leading to any delay in conducting tests, maintenance, and inspections that prevent facilities from being in regulatory compliance. Document that all critical UST leak detection, monitoring, and cathodic protection equipment remain operational and all leak detection and monitoring alarms have been responded to appropriately. It is necessary to document these efforts to assist governing agencies in determining UST owners and operators took all

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appropriate actions given the circumstances. Additionally, this documentation is critical in assisting UST owners and operators in returning these facilities to compliance once the COVID-19 public health and safety restrictions have been rescinded.

UST owners and operators must maintain documentation demonstrating the reason(s) compliance could not be achieved. Documentation should include, but not limited to:

- Communication with designated operators and service technicians;
- Cancellations and the reasons associated;
- Records of public closures or restrictions; and
- Any other relevant information showing the efforts made to maintain compliance to the extent possible.

*ICC Certification for UST Installer/Retrofitter, Service Technician, Designated UST Operator, and UST Inspector:* International Code Counsel (ICC) testing centers are temporarily closed effective March 17, 2020. As a result of ICC testing center temporary closings, UST Installers, Service Technicians, Designated UST Operators, and UST Inspectors with certifications that have expired or expire in the near future are unable to retest. Owners and operators should attempt to locate and utilize alternate installers, service technicians, or designated operators with current certifications. Should any of these activities be performed by individuals with expired certifications during this public health and safety emergency, governing agencies could consider using enforcement discretion.

*Unified Program Agencies (UPAs):* Document the beginning and end of the period when compliance inspections are not being performed and be prepared to provide a list of facilities where the compliance inspections were not timely conducted to the State Water Board. UPAs should advise UST owners and operators that properly notified testing and certifications should be performed in the event the UPA inspector cannot be on site to observe.

Additionally, UPAs should prepare to assist UST owners and operators and their contractors in returning UST facilities to compliance after the COVID-19 restrictions are lifted. UST owners and operators who provide clear documentation that they have acted in good faith to remain in compliance, but have been unable to maintain compliance due to COVID-19 restrictions, should be allowed a reasonable opportunity to return to compliance after the restrictions are lifted. UPAs cannot waive statutory or regulatory requirements. UPAs can, however, use enforcement discretion.

UPA documentation should include:

- Testing, inspections, and cancellation notices received;
- Document UPA attempts to perform inspections; and
- Document all noncompliance in CERS.

This situation remains fluid and the State Water Board will continue to advise UST stakeholders as the circumstances or situations change. Updates will be posted on the [State Water Board UST Leak Prevention website](#).

([https://www.waterboards.ca.gov/water\\_issues/programs/ust/](https://www.waterboards.ca.gov/water_issues/programs/ust/)) UST Leak Prevention staff are working remotely, so for additional information regarding implementing UST requirements during COVID-19 public health and safety restrictions, please contact me by email at [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov) or Mr. Tom Henderson at [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

Sincerely,



Laura S. Fisher  
UST Leak Prevention Unit &  
Office of Tank Tester Licensing Manager

cc: Julie M. Osborn, Attorney IV  
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