

**California Code of Regulations**

**Title 23. Waters**

**Division 3. State Water Resources Control Board and  
Regional Water Quality Control Boards**

**Chapter 16. Underground Tank Regulations**



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**State Water Resources Control Board**

**Division of Water Quality**

# California Code of Regulations

## Title 23. Waters

### Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

#### Chapter 16. Underground Storage Tank Regulations

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## Article 1. Definition of Terms, Exclusions, and Recordkeeping

### § 2610. Definitions/Applicability of Definitions.

(a) Unless the context clearly requires otherwise and except as provided by subdivisions (b) through (d), the terms used in this chapter have the same meanings as defined in chapter 6.7 of division 20 of the Health and Safety Code, or in section 2611.

(b) The following terms have the same meanings as defined in section 15110 of title 27 of the California Code of Regulations:

California Environmental Reporting System  
Local Reporting Portal

(c) The following have the same meanings as defined in table 1 of chapter 1 of subdivision 1 of division 3 of title 27 of the California Code of Regulations:

CERS ID  
Facility ID Number

(d) The following have the same meanings as defined in chapter 3 of subdivision 1 of division 3 of title 27 of the California Code of Regulations:

UST Operating Permit Application – Facility Information  
UST Operating Permit Application – Tank Information  
UST Certification of Installation/Modification  
UST Monitoring Plan

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25404 and 25404.1, Health and Safety Code.

### § 2611. Additional Definitions.

Unless the context requires otherwise, the following definitions apply to terms used in this chapter:

**“Abandoned underground storage tank”** means an underground storage tank that:

(a) Has not had a functional release detection system for more than 365 days;

(b) Does not have a current operating permit;

(c) Has not been permanently or temporarily closed in accordance with article 8; and

(d) Is not a decommissioned tank.

**“Abatement”** means any activity necessary to reduce, control, or eliminate the effects of an unauthorized release, including, but not limited to, corrective action. Abatement does not include any of the following activities.

- (a) Implementation of soil, groundwater, or stormwater management or mitigation plans associated with property redevelopment construction or grading activities at a site where an underground storage tank release case has received a uniform closure letter pursuant to section 25296.10 of the Health and Safety Code;
- (b) Detection, confirmation, or reporting of the unauthorized release; or
- (c) Repairing, upgrading, replacing or removing an underground storage tank.

**“ASTM A53”** means the 2024 American Society of Testing and Materials International standard A53, hereby incorporated by reference.

**“ASTM D7467”** means the 2023 American Society of Testing and Materials International standard D7467, hereby incorporated by reference.

**“Best management practice”** means any underground storage tank system operating procedure or management practice that is the most effective and practicable method of preventing or reducing the probability of a release.

**“Buried”** means covered in earthen material or otherwise concealed from visual observation. For emergency tank systems, “buried” does not include piping in a conduit through building walls or ceilings where both sides of the penetration can be visually observed.

**“Cathodic protection tester”** means any individual who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metallic piping and underground storage tank systems. Such an individual must possess a current certificate issued by the National Association of Corrosion Engineers or the International Code Council, demonstrating that the individual has education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried or submerged metallic piping and underground storage tank systems.

**“Clean compactable backfill”** means compactable material used to backfill an excavation for removal of an underground storage tank that is free of vegetation, organic matter, pollutants, and debris that can be used to create a firm, stable foundation.

**“Cleanup Oversight Agency”** means the Board, Regional Board, or local agency that has been certified by the Board to implement the local oversight program pursuant to section 25297.01 of the Health and Safety Code, which is responsible for implementing corrective action requirements at a site, including site investigation, cleanup, abatement, or other actions necessary to remedy the effects of a release of hazardous substances from an underground storage tank.

**“Compatible”** means the ability of two or more substances or materials to maintain their respective physical and chemical properties upon contact with one another until the underground storage tank is closed in accordance with article 8.

**“Connected piping”** means, unless specifically excluded or exempted in chapter 6.7 of division 20 of the Health and Safety Code or this chapter:

- (a) All piping attached to a Type 1 underground storage tank, through which hazardous substances may flow, including valves, elbows, joints, flanges, and flexible connectors.
- (b) All piping attached to a Type 2 or Type 3 underground storage tank, through which hazardous substances may flow, including valves, elbows, joints, flanges, and flexible connectors, and those portions of vent lines, vapor recovery lines, and fill pipes that are beneath the surface of the ground.
- (c) All piping that joins two underground storage tanks should be allocated equally between them.
- (d) All piping that connects an underground storage tank to a tank in an underground area should be allocated as specified in section 2612(l).

**“Continuity”** means the interstitial space within a zone is open and testable, allowing unobstructed flow of hazardous substance.

**“Continuous monitoring”** means a release detection system consisting of equipment that performs required monitoring without interruption.

**“Corrective action”** means any activity necessary to investigate and analyze the effects of an unauthorized release; propose a cost-effective plan to adequately protect human health, safety, and the environment, and to restore or protect current and potential beneficial uses of water; and implement and evaluate the effectiveness of the activities. Corrective action does not include any of the following activities:

- (a) Detection, confirmation, or reporting of the unauthorized release; or
- (b) Repairing, upgrading, replacing, or removing an underground storage tank.

**“Corrective Action Plan”** means mitigation measures and cleanup plans submitted to the Cleanup Oversight Agency that includes an assessment of the impacts, feasibility studies, applicable cleanup levels and goals, and proposed corrective actions. A Corrective Action Plan must include goals to satisfy closure criteria under Board policies, orders, and regulations.

**“Corrosion specialist”** means any individual who, having acquired a thorough knowledge of the physical sciences and the principles of engineering and mathematics through professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metallic piping and underground storage tank systems. Such an individual must possess a current Association for Materials Protection and Performance corrosion specialist certification or be a California registered professional engineer with a current certification or a license

demonstrating education and experience in corrosion control of buried or submerged metallic piping and underground storage tank systems.

**“Cost-effective”** means actions that achieve similar or greater improvement to human health, safety, and the environment at an equal or lesser cost than other corrective actions.

**“Decommissioned tank”** means an underground storage tank rendered inoperable prior to January 1, 1984, by one of the following methods:

- (a) Filling the tank with an inert solid;
- (b) Sealing the fill pipes; or
- (c) Removing the piping.

**“Designated underground storage tank operator”** or **“designated UST operator”** means one or more individuals designated by the owner or operator to have responsibility for training facility employees and conducting visual inspections at an underground storage tank facility. A “designated UST operator” is not considered the “operator” as defined in chapter 6.7 of division 20 of the Health and Safety Code, although the same individual may hold both positions. A designated UST operator must meet the requirements of section 2631.

**“Dispenser”** means any device used for the delivery of a hazardous substance from an underground storage tank.

**“Emergency tank system”** means an underground storage tank system that stores diesel fuel or kerosene solely for use during emergencies by one or more of the stationary devices in accordance with section 25281.5(c) of the Health and Safety Code.

**“Environmental footprint”** means the environmental impacts associated with the implementation of the corrective actions proposed in the Corrective Action Plan. Environmental impacts that must be considered when evaluating the environmental footprint of corrective actions include, but are not limited to, the planned total energy use and renewable energy use, potential generation of air pollutants and greenhouse gas emissions, anticipated water use and impacts to water resources, materials management and waste reduction methods, and land management and ecosystems protection measures.

**“Excavation zone”** means the volume containing the underground storage tank system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the underground storage tank system is placed at the time of installation.

**“Facility employee”** means any on-site individual who is employed at the underground storage tank facility, and may be called upon to respond to spills, overfills, or other problems associated with the operation of the underground storage tank system. A “facility employee” is not considered the “operator” as defined in chapter 6.7 of division 20 of the Health and Safety Code, although the same individual may hold both positions.



**“Fail safe”** means that a release detection system will shut down the pump in the event of a power outage, or when the release detection system fails or is disconnected.

**“Free product”** means a hazardous substance that is present as a non-aqueous phase liquid (i.e., liquid not dissolved in water).

**“GeoTracker”** has the same meaning as “Geotracker” as defined in section 3891 of title 23 of the California Code of Regulations.

**“Groundwater”** means all water beneath the surface of the Earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

**“Independent compliance inspector”** means an individual who performs compliance inspections who is independent of both the facility being inspected and the Unified Program Agency with jurisdiction over the facility being inspected, and who meets the requirements of section 2634(c). An independent compliance inspector includes individuals employed by or who otherwise are acting on behalf of the Board, and individuals under contract with the Unified Program Agency with jurisdiction over the facility being inspected.

**“Independent testing organization”** means an organization which tests products or systems for compliance with industry codes, voluntary consensus standards, or engineering standards. To be acceptable as an independent testing organization, the organization must not be owned or controlled by any client, industrial organization, or any other person or institution with a financial interest in the product or system being tested. For an organization to certify, list, or label products or systems in compliance with voluntary consensus standards, it must maintain formal periodic inspections of production of products or systems to ensure that a listed, certified, or labeled product or system continues to meet the appropriate standards.

**“Independent third party”** means an independent testing organization, consulting firm, test laboratory, not-for-profit research organization, or educational institution with no financial interest in the equipment being tested. The term includes only those organizations which are not owned or controlled by any client, industrial organization, or any other institution with a financial interest in the matter under consideration.

**“Integral secondary containment”** means secondary containment manufactured as part of the underground storage tank.

**“Integrity test”** means a volumetric or non-volumetric test method used to ascertain the physical integrity of any tank or connected piping. The term “integrity test” includes only those test methods that can detect a release of 0.1 gallon per hour for Type 1 underground storage tanks and 0.005 gallon per hour for Type 2 and Type 3 underground storage tanks, with a probability of detection of at least 95 percent and a probability of false alarm of five percent or less.

**“Interstitial space”** means the space between the primary and secondary containment.

**“Line leak detector”** has the same meaning as “automatic line leak detector” as defined in chapter 6.7 of division 20 of the Health and Safety Code.

**“Lining”** means a liquid-tight, non-corrodible material that is bonded firmly to the interior surface of a tank. The lining must be compatible with the hazardous substance stored in the underground storage tank.

**“Maintenance”** means the normal operational upkeep to prevent an underground storage tank system from releasing hazardous substances.

**“Manufacturer”** means any business which produces any item discussed in this chapter.

**“Non-volumetric test”** means an integrity test method that ascertains the physical integrity of an underground storage tank without determining a potential release rate.

**“Petroleum”** means petroleum including crude oil, or any fraction thereof, which is liquid at standard conditions of temperature and pressure, which means at 60 degrees Fahrenheit and 14.7 pounds per square inch absolute.

**“Probability of detection”** means the likelihood, expressed as a percentage, that a test method will correctly identify a release.

**“Probability of false alarm”** means the likelihood, expressed as a percentage, that a test method will incorrectly identify a release.

**“Programming”** means the coded instructions for release detection equipment or electronic overfill prevention equipment.

**“Release detection method”** or **“release detection system”** means a method or equipment used to determine whether a release of a hazardous substance has occurred from an underground storage tank system into the environment or into the interstitial space.

**“Remote monitoring”** means monitoring the underground storage tank from a location separate from the facility.

**“Repair”** means to restore to proper operating condition an underground storage tank system component that had ceased to function properly, causing the underground storage tank system to be out of compliance with chapter 6.7 of division 20 of the Health and Safety Code or this chapter.

**“Responsible party”** means one or more of the following:

- (a) Any person who owns or operates an underground storage tank used for the storage of any hazardous substance;
- (b) In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use;

- (c) Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; and
- (d) Any other person who has or had control over an underground storage tank, or owned the property where the underground storage tank was located, at the time of, or the time following, an unauthorized release of a hazardous substance.

**“Service technician”** means an individual who:

- (a) Performs installations or repairs of underground storage tank system components that do not require excavation or backfill;
- (b) Performs tests on underground storage tank system components; or
- (c) Provides maintenance or service on, or programming, diagnostics, or calibration of, underground storage tank system components.

**“Significant violation”** means a violation, or a combination of violations, of any requirements of chapter 6.7 of division 20 of the Health and Safety Code, or this chapter, not including the corrective action requirements in section 25296.10 of the Health and Safety Code and article 10, that meets one of the following:

- (a) A violation, or a combination of violations, that is causing or threatens to cause an unauthorized release of a hazardous substance from an underground storage tank system, including, but not limited to, the failure of any part of the release detection system, overfill prevention system, spill containment system, or any other release detection or prevention system where the failure is causing or threatens to cause a release to the environment;
- (b) A violation, or a combination of violations, that impairs the ability of an underground storage tank system to detect a release at the earliest possible opportunity or contain a release of hazardous substance in the manner required by law, including, but not limited to, tampering with release detection equipment so that the equipment is no longer capable of detecting a release at the earliest possible opportunity;
- (c) A class II violation, or a combination of violations, that is chronic or committed by a recalcitrant violator. The Unified Program Agency, or the Board in consultation with the Unified Program Agency, must consider whether the violator has engaged in a pattern of disregard to any previous class II violation or order; and
- (d) A violation that causes any underground storage tank not to meet the construction requirements of section 25290.1, section 25290.2, or paragraphs (1) through (6) of section 25291(a) of the Health and Safety Code.

**“Significant violation that poses an imminent threat to human health or safety or the environment”** means a significant violation, or a combination of violations, that creates a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate the actual or potential harm to human health or safety or the environment. The term “significant violation that poses an imminent threat to human

health or safety or the environment” includes any violation specified in subdivision (a), (b), or (d) of the definition of “significant violation.”

**“Submit”** means to electronically transmit required documentation uploaded to, or information entered into, the electronic database specified in subdivision (a) or (b). Except as otherwise directed or approved by the applicable agency, any documentation or information required to be provided to the agency, rather than submitted, may be transmitted by hand-delivery, U.S. mail, electronic mail, or facsimile.

(a) All submittals to the Unified Program Agency must be made through the California Environmental Reporting System or local reporting portal; and

(b) All submittals to the Cleanup Oversight Agency must be made through GeoTracker.

**“Substantially beneath the surface of the ground”** means that at least 10 percent of the underground tank system primary containment volume, including the volume of any connected piping, is below the ground surface or enclosed below earthen materials.

**“Tamper”** means to interfere with, improperly alter or adjust, or intentionally damage any release detection equipment to circumvent any requirement of chapter 6.7 of division 20 of the Health and Safety Code or this chapter.

**“Type 1 underground storage tank”** means an underground storage tank system installed before July 1, 2003.

**“Type 2 underground storage tank”** means an underground storage tank system installed on or after July 1, 2003, and before July 1, 2004.

**“Type 3 underground storage tank”** means an underground storage tank system installed on or after July 1, 2004.

**“Unburied”** means able to be visually observed.

**“Under-dispenser containment”** means a containment sump that is located under a dispenser that is designed to contain an unauthorized release from the dispenser and prevents the unauthorized release from entering the soil or waters of the State.

**“Underground storage tank release case”** has the same meaning as “underground storage tank case” as that term is used in Health and Safety Code section 25296.40 where an unauthorized release has occurred, and a Cleanup Oversight Agency has opened a case to direct corrective action.

**“Underground storage tank system”** has the same meaning as “underground tank system” or “tank system” as defined in chapter 6.7 of division 20 of the Health and Safety Code.

**“Unified Program Agency inspector”** means an individual who is employed by a Unified Program Agency and who is responsible for performing underground storage tank inspections or enforcement

actions, reviewing underground storage tank submittal elements in the California Environmental Reporting System, and reviewing installation, retrofitting, or repair plan checks.

**“Violation classification”** means the classification of violations of requirements of chapter 6.7 of division 20 of the Health and Safety Code, or this chapter, not including the corrective action requirements in section 25296.10 of the Health and Safety Code and article 10, as class I violations, class II violations, or minor violations. Class I violation, class II violation, and minor violation are defined as follows:

(a) **“Class I violation”** means a violation that is a significant violation.

(b) **“Class II violation”** means any of the following:

- (1) A violation, or a combination of violations, for the failure to conduct or pass a test;
- (2) A release detection violation, or a combination of release detection violations, that does not meet the criteria for a class I violation; and
- (3) A minor violation, or a combination of minor violations, that is chronic or is committed by a recalcitrant violator. In determining whether a violation is chronic, or a violator is recalcitrant, the Unified Program Agency, or the Board in consultation with the Unified Program Agency, must consider whether the violator has engaged in a pattern of neglect or disregard with respect to applicable regulatory requirements.

(c) **“Minor violation”** means a violation, or combination of violations, that does not meet the criteria for either a class I violation or a class II violation.

**“Volumetric test”** means an integrity test method that ascertains the physical integrity of an underground storage tank by determining a potential release rate in gallons per hour.

**“Voluntary consensus standards”** means standards that must be developed after all persons with a direct and material interest have had a right to express a viewpoint and, if dissatisfied, to appeal at any point.

**“Zone”** means the interstitial space of underground storage tank component(s) that is monitored as a single unit.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25282, 25283, 25284, 25284.1, 25290.1, 25290.2, 25291, 25292.3, 25296.10, 25296.35, 25297.01, 25296.40, 25299, 25299.5, 25404 and 25404.1, Health and Safety Code; and 40 CFR §§ 280.10 and 280.12.

## **§ 2612. Exclusions and Exemptions from this Chapter**

The following are not subject to the requirements of this chapter because they are excluded from the definition of an “underground storage tank” in section 25281 of the Health and Safety Code or they are exempt from the requirements of this chapter pursuant to the Health and Safety Code:

- (a) A tank containing normal butane, isobutane, propane, or butylene (including isomers) or mixtures composed predominantly thereof in a liquid or gaseous state having a vapor pressure in excess of 40 pounds per square inch absolute at a temperature of 100 degrees Fahrenheit.
- (b) A tank containing steam-refined asphalt that is not liquid at standard temperature and pressure, which means at 60 degrees Fahrenheit and 14.7 pounds per square inch absolute.
- (c) A septic tank designed and used to receive and process or store biological waste.
- (d) A tank designed to treat influent wastewater through physical, chemical, or biological methods and which is located at a public or private facility that treats wastewater and is regulated under section 402 or 307(b) of the Clean Water Act (33 U.S.C. section 1251 et seq.). These tanks include untreated wastewater holding tanks, oil-water separators, clarifiers, sludge holding tanks, filtration tanks, and clarified water tanks that do not continuously contain hazardous substances.
- (e) A depression in the ground which lacks independent structural integrity and depends on surrounding earthen material for structural support of fluid containment.
- (f) Piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except when incidental to conveyance.
- (g) A tank containing radioactive material, such as a spent fuel pool, radioactive waste storage tank, and similar tanks under the Atomic Energy Act of 1954 (42 U.S.C section 2011 et seq.).
- (h) An emergency containment tank kept empty to receive accidental spills that has been approved for such use by the Unified Program Agency.
- (i) A drum, or other portable container, located in a basement or other below-grade structure, that contains 55 gallons or less of a hazardous substance.
- (j) A tank containing hazardous waste as defined in section 25117 of the Health and Safety Code if the Department of Toxic Substances Control has either issued a hazardous waste facilities permit for the tank pursuant to section 25200 of the Health and Safety Code or granted the tank interim status under section 25200.5 of the Health and Safety Code.
- (k) A tank and associated piping located in a vault, basement, or other below-grade structure that meets the requirements of section 25283.5 of the Health and Safety Code.
- (l) A tank in an underground area which meets the requirements of section 25270.2(o) of the Health and Safety Code. For purposes of this chapter, other than containment sumps attached to an

underground storage tank, a tank in an underground area includes any portion of petroleum supply or return piping extending beyond the underground storage tank's tank top fittings, including associated pumps and components, dedicated solely to connecting the underground storage tank to one or more tanks in an underground area.

- (m) A pipeline located in a refinery or in an oil field unless the pipeline is connected to an underground storage tank.
- (n) Unburied fuel delivery piping at marinas if the owner or operator conducts daily visual inspections of the piping and maintains a log of inspection results for review by the Unified Program Agency.
- (o) Unburied fuel piping connected to an emergency tank system if the owner or operator conducts visual inspections of the hazardous substance primary containment piping each time the tank system is operated, but no less than monthly, and maintains a log of inspection results for review by the Unified Program Agency.
- (p) A tank or combination of manifolded tanks located on a farm that holds no more than 1,100 gallons of petroleum which is used for fueling motor vehicles used primarily for agricultural purposes and is not for resale.
- (q) A tank located on a farm or at a personal residence that holds no more than 1,100 gallons of home heating oil solely for consumptive use at the premises where the tank is located.
- (r) A tank containing hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.
- (s) Underground storage tanks that are part of an emergency generator system at nuclear power generator facilities licensed by the Nuclear Regulatory Commission pursuant to appendix A of section 50 of the Code of Federal Regulations.
- (t) Any other tank or structure not listed above that is excluded from the definition of an "underground storage tank" in section 25281 of the Health and Safety Code or exempt from the requirements of this chapter pursuant to the Health and Safety Code.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25117, 25200, 25200.5, 25270.2, 25281, 25281.5, and 25283.5, Health and Safety Code; 40 CFR §§ 280.10, 280.12.

### **§ 2613. Recordkeeping.**

- (a) The owner or operator must submit all the following to the Unified Program Agency:
  - (1) UST Operating Permit Application – Facility Information;
  - (2) UST Operating Permit Application – Tank Information;
  - (3) UST Monitoring Plan;

- (4) Underground storage tank monitoring site plan;
  - (5) UST Certification of installation/modification;
  - (6) Underground storage tank response plan;
  - (7) Certification of Financial Responsibility in accordance with section 2809.1, if applicable;
  - (8) Designated UST Operator Identification (designated UST operator name and International Code Council certification number, consistent with section 2630(b));
  - (9) Statement of Understanding and Compliance Form;
  - (10) Unauthorized release records in accordance with article 7;
  - (11) Approval for a site-specific variance, if applicable; and
  - (12) An agreement between the owner and operator in accordance with section 2691(a), if applicable.
- (b) An updated submittal must be made within 30 days of any change in the information specified in subdivision (a).
- (c) The owner or operator must maintain the following records on site, or off site at a readily accessible location if approved by the Unified Program Agency, for no less than 36 months:
- (1) Designated UST Operator Visual Inspection Reports and attachments;
  - (2) Facility Employee Training Certificates;
  - (3) Spill Containment Testing Report Forms and attachments;
  - (4) Overfill Prevention Equipment Testing Report Forms and attachments;
  - (5) Secondary Containment Testing Report Forms and attachments;
  - (6) Release Detection Equipment Testing Report Forms and attachments;
  - (7) Tank integrity test reports;
  - (8) Line tightness testing reports;
  - (9) Temporary closure tank liquid sampling results;
  - (10) Operation and maintenance records;
  - (11) Visual monitoring inspection logs and records;
  - (12) Impressed current system inspection logs;



- (13) Release detection alarm and response logs and records;
  - (14) Sampling results; and
  - (15) Underground storage tank closure soil and groundwater sample analytical results, including laboratory data sheets and analyses used in accordance with article 8.
- (d) The owner or operator must maintain cathodic protection test results on site, or off site at a readily accessible location if approved by the Unified Program Agency, for no less than 78 months.
- (e) The following records must be maintained by the owner or operator on site, or off site at a readily accessible location if approved by the Unified Program Agency, for the life of the underground storage tank system:
- (1) Installation records including, but not limited to:
    - (A) Installation test results;
    - (B) Manufacturer checklists and manuals; and
    - (C) As-built drawings.
  - (2) Records of repairs, including inspection reports and structural integrity certifications associated with interior lining;
  - (3) Tank calibration charts; and
  - (4) Unauthorized release reports.
- (f) Maintaining documents electronically, so that they are readily accessible on site through electronic means during inspections satisfies a requirement to maintain the records on site.
- (g) The Unified Program Agency may approve an owner or operator maintaining documents off site at a readily accessible location. The Unified Program Agency must document the approval and any conditions of the approval.
- (h) Documents maintained off site must be provided within 36 hours of being requested by the Unified Program Agency, the Board, a special inspector, or an independent compliance inspector.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284, 25284.1, 25286, 25289, 25293, 29295 and 25404, Health and Safety Code; 40 CFR §§ 280.20, 280.22, 280.32, 280.33, 280.34, 280.36, 280.45, 280.245 and 281.32.

## **§ 2614. Test Notification.**

The underground storage tank owner or operator must notify the Unified Program Agency in writing at least 72 hours prior to conducting a test of underground storage tank components or systems unless the notification requirement is waived by the Unified Program Agency.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1, and 25404, Health and Safety Code; and 40 CFR § 280.34.

## **Article 2. Site-Specific Variance Procedures and Additional Construction Standards**

### **§ 2620. Site-Specific Variances.**

- (a) A site-specific variance allows an alternative construction or release detection method which would be applicable at one or more sites within a Unified Program Agency's jurisdiction. A site-specific variance only is available before the installation of alternate components. The site-specific variance, if approved, would apply only to the specific site(s) approved for a variance.
- (b) Prior to commencement of underground storage tank system installation and applying to the Regional Board for a variance, the person must provide complete construction plans and a proposed monitoring plan to the Unified Program Agency. The proposed alternative construction or release detection methods and equipment which may require a variance must be clearly identified. If the Unified Program Agency decides that a variance would be necessary or if the Unified Program Agency does not act within 60 days of receipt of a complete construction and monitoring plan from the person, the person may submit a variance application to the Regional Board with a copy to the Board.
- (c) An application for a site-specific variance must include, but is not limited to:
  - (1) A description of the provision from which the variance is requested.
  - (2) A detailed description of the complete construction and release detection methods and equipment to be used. The proposed alternative program, method, equipment, or process must be clearly identified.
  - (3) Any special circumstances requiring the requested site-specific variance.
  - (4) Documentation that the proposed alternative will adequately protect the soil and the beneficial uses of waters of the State from an unauthorized release.
  - (5) Any environmental information or documentation required for compliance with the California Environmental Quality Act (division 13, commencing with section 21000 of the Public Resources Code).
  - (6) A list including the names and addresses of all persons known to the applicant who may be affected by or may be interested in the variance request.

- (7) An application fee of \$5,500.
- (d) The Regional Board must review all applications submitted and must notify the owner or operator in writing within 30 days of receipt of the application whether the application is complete.
- (e) The Regional Board must hold a hearing on the application in accordance with section 25299.4(b)(2) of the Health and Safety Code.
- (f) The Regional Board must consult with the Unified Program Agency and Board during its review.
- (g) The Regional Board must grant a site-specific variance if it determines all the following:
- (1) There are special circumstances that meet the standards set forth in section 25299.4(b)(4) of the Health and Safety Code such that the proposed underground storage tank system could not be constructed or monitored in accordance with articles 4 and 5, making the site-specific variance necessary; and
  - (2) There is clear and convincing evidence that the proposed alternative will adequately protect the soil and the beneficial uses of waters of the State from an unauthorized release.
- (h) If the Regional Board grants a site-specific variance, the Regional Board must notify the applicant, the Unified Program Agency, and the Board of its decision and the variance must prescribe appropriate additional conditions and must describe the specific alternative system for which the variance is being granted.
- (i) If a site-specific variance is approved, the Unified Program Agency must verify compliance with the site-specific variance before granting or modifying a permit. Any permit issued by the Unified Program Agency must include all conditions set forth in the site-specific variance.
- (j) The Regional Board must do all the following:
- (1) Modify or revoke a site-specific variance upon finding that the proposed alternative no longer adequately protects the soil and the beneficial uses of the waters of the State from an unauthorized release.
  - (2) Not modify nor revoke the variance until it has followed procedures comparable to those prescribed in this section and chapters 1.5 and 6 of division 3 of title 23 of the California Code of Regulations.
  - (3) Notify the Unified Program Agency and the Board of any modification or revocation. The Unified Program Agency must modify or revoke the facility's permit to operate consistent with the Regional Board's action to modify or revoke the site-specific variance.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Section 25299.4, Health and Safety Code.

## **§ 2621. Procedures for Requesting Additional Construction Standards.**

- (a) A Unified Program Agency application for additional design and construction standards must include:
- (1) A description of the proposed design and construction standards which are in addition to those described in articles 4, 5, and 6;
  - (2) Clear and convincing evidence that the additional standards are necessary to protect the soil and beneficial uses of the waters of the State from unauthorized releases; and
  - (3) Any environmental information or documentation required for compliance with the California Environmental Quality Act (division 13, commencing with section 21000 of the Public Resources Code).
- (b) The Board must conduct an investigation and public hearing on the proposed standards and the need to protect the soil and beneficial uses of the water before determining whether to authorize the Unified Program Agency to implement additional standards.
- (c) The Board must modify or revoke a previously issued authorization allowing the implementation of additional standards if it finds that, based on new evidence, the additional standards are not necessary to adequately protect the soil and beneficial uses of the waters of the State from unauthorized releases. The Board will neither modify nor revoke the authorization until it has followed procedures comparable to those in chapters 1.5 and 6 of division 3 of title 23 of the California Code of Regulations.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25299.2 and 25299.4, Health and Safety Code.

## **Article 3. Certification, Licensing, and Training Requirements**

### **§ 2630. Underground Storage Tank Owner and Operator Certification Requirements.**

- (a) Within 30 days of installing an underground storage tank system, or any change to the owner or operator, the owner or operator must submit to the Unified Program Agency a signed "Underground Storage Tank Statement of Understanding and Compliance Form," located in appendix 1, for the facility, indicating that the owner or operator understands and complies with all applicable underground storage tank requirements.

- (b) Within 30 days of installing an underground storage tank system or any change to the designated underground storage tank operator(s), the owner or operator must submit to the Unified Program Agency information identifying the designated underground storage tank operator(s) for the facility. The name of each designated underground storage tank operator listed in the California Environmental Reporting System must be identical to that individual's name as listed on the individual's International Code Council UST System Operator certificate.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1 and 25404, Health and Safety Code; and 40 CFR §§ 280.22 and 280.34.

### **§ 2631. Designated Underground Storage Tank Operator Certification, Facility Training, and Inspection Requirements.**

- (a) Designated underground storage tank operators must possess a current certificate issued by the International Code Council demonstrating that the individual has passed the California UST System Operator exam. The individual must renew the International Code Council certification by passing the California UST System Operator exam every 24 months.
- (b) The designated underground storage tank operator for the facility must train each facility employee in the proper operation and maintenance of the underground storage tank system at least once every 12 months. Facility employee initial training must be conducted before an individual performs any duties of a facility employee.
- (c) All facility employee training must be conducted through a site-specific practical demonstration that provides knowledge for responding to emergencies, release detection system alarms, spills, and overfills associated with operating the underground storage tank system. The facility employee training must include, at a minimum, all the following information and an evaluation of the retention of that information:
  - (1) The operation of the underground storage tank system in a manner consistent with the facility's best management practices;
  - (2) The facility employee's role regarding the release detection system(s) as specified in the facility's UST Monitoring Plan(s);
  - (3) The facility employee's role regarding spills and overfills as specified in the facility's response plan; and
  - (4) The name of the contact person(s) for emergencies and release detection system alarms.
- (d) For facilities that are not staffed during all operating hours, the designated underground storage tank operator must implement a facility employee training program approved by the Unified Program Agency.
- (e) Upon completion of facility employee training, the designated underground storage tank operator must provide to the owner or operator a signed "Facility Employee Training Certificate," located in

appendix 3, identifying the underground storage tank facility, the facility employees trained, and the date of training. The certificates must be maintained on site or off site at a readily accessible location, as approved by the Unified Program Agency, and provided to the Unified Program Agency, the Board, or an independent compliance inspector upon request.

- (f) All underground storage tank systems must have a visual inspection performed by a designated underground storage tank operator at least once every 30 days.
- (g) The designated underground storage tank operator visual inspection must identify compliance issues which cause the underground storage tank system to be out of compliance with chapter 6.7 of division 20 of the Health and Safety Code or this chapter and must include, at a minimum, all the following:
  - (1) Review the previous "Designated UST Operator Visual Inspection Report Form" to verify that each compliance issue identified by the designated underground storage tank operator during the previous visual inspection was responded to appropriately and documented;
  - (2) Review the release detection alarm history since the previous visual inspection to verify that each alarm condition was documented and responded to appropriately;
  - (3) Review the testing and maintenance records for the underground storage tank system to verify that all required testing and maintenance have been completed;
  - (4) Review the facility employee training records to verify that all facility employees have been trained in accordance with section 2631(c);
  - (5) Inspect spill containment to check for damage and for the presence of any hazardous substance, water, or debris;
  - (6) Inspect fill pipes to check for obstructions and verify the fill caps are securely in place;
  - (7) Inspect under-dispenser containment for damage and for the presence of any hazardous substance, water, or debris and verify that the release detection equipment in these areas is located in the proper position to detect a release at the earliest possible opportunity; and
  - (8) Inspect containment sumps that have had an alarm since the previous visual inspection and for which there is no record of a service technician visit to check for damage and for the presence of any hazardous substance, water, or debris and verify that the release detection equipment in these containment sumps is located in the proper position to detect a release at the earliest possible opportunity.
- (h) The results of the designated underground storage tank operator visual inspection must be recorded on the "Designated UST Operator Visual Inspection Report Form" located in appendix 4. The report must include, at a minimum, all the following:
  - (1) A copy of documentation demonstrating each action taken in response to each compliance issue identified in the "Designated UST Operator Visual Inspection Report Form" documenting the previous visual inspection;

- (2) A list identifying each compliance issue identified by the designated underground storage tank operator during the previous visual inspection for which there is no record of any action to correct the issue;
  - (3) A copy of the dated release detection alarm history generated by the release detection system since the previous visual inspection, or if the release detection system cannot generate such a report, a copy of the facility's alarm log;
  - (4) A copy of documentation demonstrating action taken in response to each release detection alarm since the previous visual inspection;
  - (5) A list identifying each release detection alarm since the previous visual inspection for which there is no documentation demonstrating any action taken in response;
  - (6) A list identifying each area inspected and whether each area inspected meets the requirements of this chapter or needs follow-up action taken; and
  - (7) A list identifying the next due date for each required test in accordance with section 2660(b).
- (i) Within 48 hours of the completion of the designated underground storage tank operator visual inspection, the designated underground storage tank operator must sign and provide to the owner or operator a copy of the "Designated UST Operator Visual Inspection Report Form."
  - (j) Within 72 hours of being provided a signed copy of the "Designated UST Operator Visual Inspection Report Form," the owner or operator must sign and date the report, acknowledging the results of the inspection, and provide a description of each follow up action taken, or that will be taken, to correct each of the compliance issues identified in the report. The description must be provided on the copy of the "Designated UST Operator Visual Inspection Report Form" signed by the designated underground storage tank operator.
  - (k) Owners or operators must maintain a copy of the "Designated UST Operator Visual Inspection Report Form" and all attachments for 36 months in accordance with section 2613.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1 and 25404, Health and Safety Code; and

40 CFR §§ 280.20, 280.22, 280.34, 280.36, 280.40, 280.42, 280.240, 280.242, 280.243 and 280.245.

## **§ 2632. Licensing, Certification, and Training Requirements for Installation.**

- (a) Any individual performing underground storage tank system installation or repairs, excluding release detection equipment, must:
  - (1) Possess or be employed by a person who possesses all applicable licenses and certifications required by the Contractors State License Board.
  - (2) Possess or work under the direct and personal supervision of an individual physically present at the work site with a current underground storage tank system installer certificate issued by the International Code Council, demonstrating that the individual has passed the International

Code Council UST Installation/Retrofitting exam. The individual must renew the International Code Council certification, by passing the International Code Council UST Installation/Retrofitting exam, every 24 months; and

(3) Possess a certificate of training issued by the manufacturer(s) of the underground storage tank system components. Manufacturer certifications must be renewed by completion of manufacturer's refresher training at the time interval recommended by the manufacturer, or every 36 months, whichever is shorter.

(b) Any individual performing an underground storage tank system installation or repair work must provide all applicable licenses and certificates of training required pursuant to subdivision (a) for the work being performed upon request by the Unified Program Agency, the Board, or an independent compliance inspector.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1 and 25404, Health and Safety Code.

### **§ 2633. Service Technician Licensing, Certification, and Training Requirements.**

(a) Any individual performing installations or repairs of underground storage tank system components that do not require excavation or backfill, must:

(1) Possess or be employed by a person who possesses all applicable licenses and certifications required by the Contractors State License Board;

(2) Possess or work under the direct and personal supervision of a service technician physically present at the work site with a current California UST Service Technician certificate issued by the International Code Council demonstrating the individual has passed the California UST Service Technician exam. The individual must renew the certificate by passing the California UST Service Technician exam every 24 months; and

(3) Possess training and certification from the manufacturer of the underground storage tank component or test equipment as follows:

(A) Before performing work on release detection equipment, including conducting testing pursuant to section 2663, obtain training and certification from the manufacturer of the release detection equipment.

(B) Before performing work on spill containment, including conducting testing pursuant to section 2664, obtain training and certification from the manufacturer of the spill containment being tested or through the developer of the testing equipment or test method being used in accordance with section 2664(b).

(C) Before performing work on overfill prevention equipment, including conducting testing pursuant to section 2665, obtain training and certification from the manufacturer of the overfill prevention equipment being tested or through the developer of the test method being used in accordance with section 2665(b).



- (D) Before conducting secondary containment testing pursuant to section 2666, obtain training and certification through the developer of the testing equipment or test method being used in accordance with section 2666(c).
  - (E) Before installing or repairing underground storage tank system components not identified in subparagraphs (A) through (D), possess a certificate of training issued by the manufacturer(s) of the underground storage tank system components.
  - (F) Renew all training and certifications issued by the manufacturer, through completion of a manufacturer's refresher course, at the time interval recommended by the manufacturer, or every 36 months, whichever is shorter.
- (b) In the event that no training or certification exists that would satisfy the requirements of subdivision (a)(3), the Unified Program Agency may approve comparable alternate training, certification, or an applicable method specified in an industry code or engineering standard.
  - (c) Any individual performing the work of a service technician must provide all applicable licenses and certificates of training required pursuant to subdivision (a) for the work being performed upon request by the Unified Program Agency, the Board, or an independent compliance inspector.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1 and 25404 Health and Safety Code.

#### **§ 2634. Inspector Certification and Training Requirements.**

- (a) (1) Within 180 days from the date that an individual begins to perform any of the duties of a Unified Program Agency inspector, the individual must possess a current inspector certificate issued by the International Code Council demonstrating the individual has passed the International Code Council California UST Inspector exam.
  - (2) Unified Program Agency inspectors must renew the California Inspector certificate every 24 months, either by passing the International Code Council California UST Inspector exam or satisfying equivalent criteria as approved by the Division of Water Quality Underground Storage Tank Program Manager.
  - (3) Only Unified Program Agency inspectors and independent compliance inspectors working on behalf of a Unified Program Agency with a current inspector certificate issued by International Code Council may approve submittals to the California Environmental Reporting System.
- (b) Before performing a compliance inspection on an underground storage tank system, a special inspector must possess a current California UST Inspector certificate issued by the International Code Council demonstrating the individual has passed the International Code Council California UST Inspector exam. Special inspectors must renew the California inspector certificate every 24 months by passing the International Code Council California UST Inspector exam.
  - (c) (1) Before performing any of the duties of an independent compliance inspector, an inspector must possess a current California UST Inspector certificate issued by the International Code

Council demonstrating the individual has passed the International Code Council California UST Inspector exam. Except as provided in paragraph (2), independent compliance inspectors must renew the California inspector certificate every 24 months by passing the International Code Council California UST Inspector exam.

- (2) Notwithstanding paragraph (1), an independent compliance inspector who currently is employed by the Board or as a Unified Program Agency inspector may renew the California inspector certificate every 24 months by satisfying equivalent criteria as approved by the Division of Water Quality Underground Storage Tank Program Manager.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1 and 25404, Health and Safety Code.

#### **Article 4. Design, Construction, and Operation Requirements for Underground Storage Tank Systems**

##### **§ 2640. Design and Construction Standards for All Underground Storage Tank Systems.**

- (a) **Compatibility** – Underground storage tank systems must be constructed of or lined with materials compatible with the stored hazardous substance. Materials used in construction or repairs must be compatible with the materials used to construct the underground storage tank system and must not be subject to deterioration due to contact with hazardous substances stored.

- (1) Owners or operators must demonstrate compatibility using the following documentation:

**(A) Primary containment and integral secondary containment:**

- (i) An independent testing organization approval for compatibility with the hazardous substances stored; or
- (ii) An independent testing organization approval and a manufacturer's affirmative statement of compatibility with the hazardous substances if those substances are not listed by the independent testing organization.

**(B) Non-integral secondary containment:**

- (i) An independent testing organization approval for compatibility with the hazardous substances stored;
- (ii) An independent testing organization approval and a manufacturer's affirmative statement of compatibility with the hazardous substances if those substances are not listed by the independent testing organization;
- (iii) An engineering specification approved by a California registered professional engineer demonstrating compatibility with the hazardous substances stored; or

- (iv) An industry code or engineering standard demonstrating compatibility with the hazardous substances stored.

**(C) Spill containment, overfill prevention equipment, and ancillary equipment:**

- (i) An independent testing organization approval for compatibility with the hazardous substances stored;
- (ii) A manufacturer's affirmative statement of compatibility with the hazardous substances stored;
- (iii) Approval by a California registered professional engineer; or
- (iv) An industry code or engineering standard demonstrating compatibility with the hazardous substances stored.

**(D) Release detection equipment:**

- (i) An independent third party approval for compatibility with the hazardous substances stored; or
- (ii) A manufacturer's affirmative statement of compatibility with the hazardous substances stored.

- (2) Documentation of the underground storage tank system's compatibility with the hazardous substance stored must be maintained for as long as the system is used to store the hazardous substance.
- (3) An affirmative statement of compatibility made by a manufacturer will no longer satisfy the compatibility requirements of paragraph (1) if it conflicts with a later determination by an independent testing organization or independent third party evaluation on the compatibility of the hazardous substance stored or to be stored.
- (4) At least 30 days before beginning to store or changing the hazardous substance currently stored, the owner or operator must demonstrate compliance with this section by notifying the Unified Program Agency in writing. The notification must identify the substance to be stored, the earliest date storage of the substance may begin, and include, for all components used to construct the underground storage tank system and which may come into contact with the hazardous substance, the documentation specified in paragraph (1).
- (5) Except as provided in paragraph (6), diesel containing up to 20 percent biodiesel meeting ASTM D7467, is recognized as equivalent to diesel for purposes of satisfying this subdivision; paragraphs (2), (3), and (4) of subdivision (b); and section 2651(c)(1) for all underground storage tank systems.
- (6) The exception in paragraph (5) may not be used for any material or component of the underground storage tank system which the applicable approver has determined not compatible with diesel containing up to 20 percent biodiesel meeting ASTM D7467.

(b) **Containment** – Underground storage tanks must have primary and secondary containment that meets the requirements of this section.

- (1) Primary containment must be product tight. Secondary containment may be manufactured as an integral part of the primary containment or constructed as a separate containment system. Secondary containment must be designed and constructed such that the secondary containment can be monitored in accordance with sections 2651 and 2652, and tested in accordance with section 2666.
- (2) The design and construction of all primary containment, including any integral secondary containment and all other components used to construct the primary containment that may come into contact with the hazardous substance stored, such as special accessories, fittings, coatings or linings, must be approved by an independent testing organization.
- (3) Secondary containment which is not an integral part of primary containment must be constructed, operated, and maintained in accordance with an engineering specification approved by an independent testing organization or approval by a California registered professional engineer. The engineering specification must include the construction, testing, and maintenance procedures. Materials used to construct the secondary containment must have sufficient thickness, density, and corrosion resistance to prevent structural weakening or damage to the secondary containment as a result of contact with any released hazardous substance. The following requirements apply to non-integral secondary containment:
  - (A) The secondary containment must be constructed to contain at least the following volumes:
    - (i) One hundred percent of the usable capacity of the primary containment where only one primary container is within the secondary containment.
    - (ii) In the case of multiple primary containers within a single secondary containment, the secondary containment must be large enough to contain 150 percent of the volume of the largest primary container within it, or 10 percent of the aggregate internal volume of all primary containers within the secondary containment, whichever is greater. When all primary containers are completely enclosed within the secondary containment, the restrictions of this subparagraph do not apply.
  - (B) If the secondary containment is open to rainfall, it must be constructed, operated, and maintained to accommodate the volume of precipitation which could enter the secondary containment during a 24-hour, 25-year storm in addition to the volume specified in subparagraph (A).
  - (C) If backfill material is placed in the secondary containment, the volumetric requirements for the pore space must be equal to the requirement in subparagraph (A). The available pore space in the secondary containment backfill must be determined using standard engineering methods and safety factors. The specific retention and specific yield of the backfill material, the location of any primary container within the secondary containment, and the proposed method of operation for the secondary containment must be considered in determining the available pore space.

- (D) The secondary containment must be equipped with a collection system to accumulate, temporarily store, and allow removal of any liquid within the system.
- (4) Secondary containment must be constructed, operated, and maintained so that any loss of liquid hazardous substance from the primary containment will be detected by an interstitial monitoring device or visual monitoring method and readily demonstrate continuity within a zone.
  - (5) Underground storage tanks with integral secondary containment which satisfies the construction requirements of subdivision (b)(2) fulfill the volumetric requirements for secondary containment specified in subparagraph (b)(3)(A).
  - (6) Laminated, coated, or clad materials are single-walled and do not fulfill the requirements of both primary and secondary containment.
  - (7) Two or more primary containment systems must not use the same secondary containment if the primary containment systems store materials that in combination may cause a fire or explosion, or the production of a flammable, toxic, or poisonous gas, or the deterioration of any part of the primary or secondary containment.
  - (8) An underground storage tank constructed with integral secondary containment must provide 100 percent secondary containment. The tank may be single-walled up to 12 inches away from the top center line of the tank if it is equipped with overfill prevention equipment such that the hazardous substance cannot contact any portion of the single-walled construction.
  - (9) All piping secondary containment must be sloped so that all releases will flow to a containment sump located at the low point of the secondary containment.
  - (10) All connected piping must be secondarily contained except unburied fuel delivery piping at marinas exempt pursuant to section 2612(n), unburied fuel piping connected to an emergency tank system exempt pursuant to section 2612(o), and the following:
    - (A) Vent and tank riser piping attached to Type 1 underground storage tanks, provided the tank is equipped with overfill prevention equipment meeting the requirements specified in subparagraph (B) or (C) of subdivision (f)(1);
    - (B) Vapor recovery piping attached to Type 1 underground storage tanks if constructed to not contain liquid-phase hazardous substance; and
    - (C) Suction piping attached to Type 1 underground storage tanks that meets all the following:
      - (i) The piping operates at less than atmospheric pressure;
      - (ii) The piping is sloped so that the contents of the pipe will drain back into the tank if the suction is released;
      - (iii) No valves or pumps are installed in the suction line other than one check valve located directly below and as close as practical to the suction pump; and

(iv) An inspection has demonstrated, as approved by the Unified Program Agency, compliance with clauses (i) through (iii), and documentation of the inspection is maintained in accordance with section 2613. The inspection method must be configured such that compliance with clauses (i) through (iii) can be periodically demonstrated.

(c) **Corrosion Protection** – The outer surface of an underground storage tank system constructed of steel must be protected from corrosion through cathodic protection or isolation from the backfill. Field-installed cathodic protection systems must be designed and certified as adequate by a corrosion specialist. Criteria used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed in accordance with voluntary consensus standards.

(d) **Striker Plates** – The primary containment of the tank must have wear plates (striker plates) installed, center to center, below all accessible openings. The plates must be made of steel or other appropriate material. The width of the plates must be at least eight inches on each side or must be equal to the area of the accessible opening or guide tube, whichever is larger. The thickness of the steel plates must be at least 1/8 inch and those made of other materials must be of sufficient thickness to provide equivalent protection. A drop tube-mounted bottom protector meets this requirement.

(e) **Spill Containment** – Each tank fill point must be equipped with spill containment to collect any hazardous substances spilled and prevent the hazardous substance from escaping to the environment when the tank is filled. The spill containment must:

- (1) Be protected from galvanic corrosion;
- (2) Have a minimum capacity of five gallons (19 liters); and
- (3) Have a means to keep the spill containment empty.

(f) (1) **Overfill Prevention Equipment** – All underground storage tanks that do not meet paragraph (2) must be equipped with overfill prevention equipment that does not allow for manual override and meets one of the following requirements:

- (A) Alert the transfer operator when the tank is at 90 percent of capacity by restricting the flow into the tank or activating an audible and visual alarm;
- (B) Restrict delivery of flow to the tank at least 30 minutes before the tank overfills, provided the restriction occurs when the tank is filled to no more than 95 percent of capacity; and alert the transfer operator by activating an audible alarm at least five minutes before the tank overfills;
- (C) Provide positive shut-off of flow to the tank when the tank is filled to no more than 95 percent of capacity; or
- (D) Provide positive shut-off of flow to the tank so that none of the fittings located on the top of the tank are exposed to hazardous substance due to overfilling.

(2) The Unified Program Agency may waive or modify the requirement for overfill prevention equipment where the tank inlet is located in an observable area, the tank is filled by transfers of no more than 25 gallons at one time, and the owner or operator is not utilizing the single-walled vent or tank riser piping exemption for Type 1 underground storage tanks in subdivision (b)(10)(A). The Unified Program Agency may revoke an exemption if the system fails to prevent overfills.

(3) On or after October 1, 2018, flow restrictors on vent piping cannot be installed or repaired to meet the requirement of this subdivision.

(g) **Manways** – All tank entries must be through a manway. If a manway must be installed, the manway must be installed in accordance with the tank manufacturer's written guidelines, an industry code, or an engineering standard.

(h) **Under-dispenser containment** – All dispensers must be fitted with under-dispenser containment that is designed, constructed, and monitored pursuant to sections 2642(a), 2642(f), and 2652(a).

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1, 25290.1, 25290.2, 25291, 25292.1 and 25299, Health and Safety Code; 40 CFR §§ 280.20, 280.32 and 280.40 - 280.45.

#### **§ 2641. Additional Design and Construction Standards for Type 2 and Type 3 Underground Storage Tanks.**

(a) Underground storage tanks installed on or after July 1, 2026, must bear a marking, code stamp, or label, located within the perimeter of the sump collar, including the following:

(1) Manufacturer identification;

(2) Production location;

(3) Date of manufacture;

(4) Maximum burial depth;

(5) Maximum test pressure in pounds per square inch gauge; and

(6) Openings not equipped with a striker plate (if any).

(b) Secondary containment for Type 2 and Type 3 underground storage tanks must be constructed, operated, and maintained to prevent water intrusion. Backfill material must not be added to secondary containment.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1, 25290.1, 25290.2 and 25291, Health and Safety Code; 40 CFR §§ 280.20, 280.32 and 280.40 - 280.42.

## **§ 2642. Installation and Repair Requirements.**

- (a) Materials used in construction or repairs for an underground storage tank system must be applied in accordance with the manufacturer's written guidelines, an industry code, or engineering standard.
- (b) All tanks must be tested and certified by the manufacturer before installation to demonstrate that the tanks were constructed in accordance with the applicable sections of the industry code or engineering standard under which they were built. For all tanks manufactured on or after July 1, 2026, the manufacturer must provide the owner with documentation confirming that the manufacturer has verified continuity within the tank interstice.
- (c) Underground storage tank systems must be installed by persons meeting the requirements of sections 2632 and 2633, as applicable.
- (d) All piping must be installed in accordance with manufacturer's installation procedures, or an industry code of practice developed in accordance with voluntary consensus standards if requirements are not specified by the manufacturer. Notwithstanding paragraphs (1) and (3) of section 2640(b), steel piping installed on or after January 1, 2026, must be constructed of a minimum factory coated black steel meeting ASTM A53, with minimum schedule 40 thickness if used for primary containment and minimum schedule 10 thickness if used for secondary containment.
- (e) Underground storage tank systems must be installed, operated, and maintained in accordance with the manufacturer's specifications, industry codes, and engineering standards.
  - (1) Tanks installed on or after January 1, 2027, must be anchored to prevent flotation using methods specified by the manufacturer, an industry code or engineering standard, or in accordance with an engineering specification approved by a state registered professional engineer.
  - (2) Water used to ballast an underground storage tank during construction must be completely removed and properly disposed of to the satisfaction of the Unified Program Agency.
- (f) Newly installed or repaired components must be tested in accordance with article 6. Underground storage tank systems that fail testing must be repaired or closed in accordance with article 8.
- (g) Within 30 days of an inspection by the Unified Program Agency or special inspector of an installation, the owner or operator must certify the installation of tanks and piping by submitting to the Unified Program Agency in the "UST Certification of Installation/Modification" data elements a certification that installation of the underground storage tanks and piping, including containment sumps, meets all the following conditions:
  - (1) The installer has met the requirements set forth in section 2632;
  - (2) The tank, any primary piping, and any secondary containment, was installed in accordance with applicable voluntary consensus standards and any manufacturer's written installation instructions;



- (3) All work listed in the manufacturer's installation checklist has been completed; and
- (4) The installation was inspected and approved by the Unified Program Agency, or if required by the Unified Program Agency, inspected and certified by a special inspector meeting the requirements of section 2634 with experience inspecting underground storage tank system installations.
- (h) The owner or operator must comply with applicable release reporting requirements of article 7 before repairing an underground storage tank system.
- (i) The owner or operator must determine whether the proposed repair is isolated to one component or is a global repair throughout the underground storage tank system. Before the repair is conducted, it must be demonstrated to the satisfaction of the Unified Program Agency that the repair will prevent releases due to structural failure or corrosion for the operational life of the system. An underground storage tank system must be repaired only after approval from the Unified Program Agency.
- (j) Repairs to underground storage tank systems must be performed in accordance with the tank manufacturer's written guidelines, an industry code, or an engineering standard. If there is no specified method of repair, the component or tank must be properly closed as soon as practical in accordance with article 8.
- (k) Single-walled spill containment structures in direct contact with backfill which require replacement must be replaced with secondarily contained spill containment.
- (l) The Unified Program Agency only may approve a repair if it can be demonstrated that the underground storage tank is structurally sound, and the method of repair will prevent unauthorized releases due to structural failure or corrosion while the underground storage tank system is operational. Unified Program Agency approvals of any repair to the primary containment must be in writing.
- (m) For non-integral secondary containment components using isolation for corrosion protection, if any portion of the isolation component has failed or is compromised, any repair must include confirmation of isolation from the backfill.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: 25284.1, 25290.1, 25290.2, 25291, 25292.1, 25296 and 25404, Health and Safety Code; and 40 CFR §§ 280.20, 280.21, 280.33 and 280.40-280.45.

### **§ 2643. Operating Requirements for Underground Storage Tanks.**

- (a) Owners and operators must use care to prevent releases due to spilling or overfilling. Before hazardous substance is delivered, owners, operators, or their agents must ensure that the space available in the tank is greater than the volume of hazardous substance to be transferred to the tank and must ensure that the transfer operation is monitored constantly to prevent overfilling and spilling.

- (b) All underground storage tanks must be operated and maintained to manufacturer's specifications.
- (c) For each minor violation issued by the Unified Program Agency or the Board, the owner or operator must correct the violation in accordance with section 25404.1.2 of the Health and Safety Code.
- (d) For all other violations issued or recommendations contained in an inspection report by the Unified Program Agency, the Board, or a special inspector, the owner or operator must correct the violation, implement the recommendation, or demonstrate why the recommendation should not be implemented in accordance with section 25288 of the Health and Safety Code.
- (e) Except as provided in section 2631(d), at least one facility employee with current training must be on site at the underground storage tank facility during all operating hours.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1 and 25292.1, Health and Safety Code; and 40 CFR §§ 280.30, 280.241 and 281.32.

## **Article 5: Monitoring Requirements for Underground Storage Tanks**

### **§ 2650. Monitoring and Response Plan Requirements for Underground Storage Tanks.**

- (a) **Monitoring Program** – Owners or operators must maintain a monitoring program consisting of a monitoring plan, monitoring site plan, and response plan submitted to and approved by the Unified Program Agency.
- (b) **Monitoring Plan** – Owners or operators must submit a monitoring plan for approval by the Unified Program Agency which establishes:
  - (1) The frequency of performing the monitoring;
  - (2) The release detection methods and release detection equipment, identified by name and model, to be used for performing the monitoring;
  - (3) The records to be maintained in accordance with section 2613. Owners or operators utilizing remote monitoring must document in the facility's monitoring records when the alarm was received and when a response action was taken;
  - (4) The preventive maintenance schedule for the release detection equipment. The maintenance schedule must be in accordance with the manufacturer's written instructions;
  - (5) A description of the training necessary for the operation of both the underground storage tank system and the release detection equipment; and

- (6) The name(s) and title(s) of the person(s) responsible for performing the monitoring and/or maintaining the release detection equipment.
- (c) **Monitoring Site Plan** – Owners or operators must submit a monitoring site plan for approval by the Unified Program Agency. The monitoring site plan must include, but is not limited to, the following:
- (1) A scaled diagram indicating the layout of the tank(s) and piping to the extent known, including containment sumps;
  - (2) Locations of all release detection equipment; and
  - (3) If applicable, each vacuum, pressure, or hydrostatic interstitial monitoring zone.
- (d) **Response Plan** – Owners or operators must submit a response plan to the Unified Program Agency which demonstrates, to the satisfaction of the Unified Program Agency, that any unauthorized release will be removed from the secondary containment as soon as practical. This must be within a time consistent with the ability of the secondary containment to contain the hazardous substance but must not exceed 30 days. The response plan must include, but is not limited to, the following:
- (1) A description of the proposed methods and equipment to be used for removing and properly disposing of any hazardous substances, including the location and availability of the required equipment if not permanently on site, and an equipment maintenance schedule for the equipment located on site.
  - (2) For methods of monitoring where the presence of the hazardous substance in the interstitial space cannot be determined directly, for example, where liquid level measurements are used as the basis for determination, the response plan must specify the proposed method(s) for determining the presence or absence of the hazardous substance if the indirect method indicates a possible unauthorized release of hazardous substance.
  - (3) The name(s), title(s) and emergency contact information of the person(s) responsible for authorizing any work necessary under the response plan or, if applicable, identify that there is a continuously staffed emergency operations center authorized to coordinate such a response and provide a 24-hour phone number for that center.
- (e) Owners or operators must submit to the Unified Program Agency a revised monitoring plan, site plan, or response plan within 30 days of any change to the information therein.

- (f) When implementation of the monitoring program or any other condition indicates that an unauthorized release may have occurred, the owner or operator must comply with the requirements of article 7.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25290.1, 25290.2, 25291, 25293 and 25404 Health and Safety Code; 40 CFR §§ 280.34, 280.41 and 280.45.

## **§ 2651. Monitoring Requirements for Underground Storage Tanks.**

- (a) Owners or operators must implement a monitoring program capable of detecting an unauthorized release from any portion of the underground storage tank system at the earliest possible opportunity.
- (b) Underground storage tank systems must be monitored once the system is operational until the system is permanently closed in accordance with article 8.
  - (1) Except as provided in paragraph (2), release detection equipment must only be disabled during testing, replacement, or repair by a service technician with notification to the Unified Program Agency.
  - (2) The Unified Program Agency must require the owner or operator to implement an alternative monitoring program if interstitial monitoring release detection equipment is or is expected to be non-functional for more than 24 hours. The alternative monitoring program must include physical monitoring of the secondary containment for releases of hazardous substances from the primary containment at a frequency determined by the Unified Program Agency, but no less than once every 24 hours. Each time alternative monitoring is performed, the results must be recorded in the facility's monitoring records.
  - (3) If the release detection system is or is expected to be non-functional for more than 30 days, the owner or operator must meet the requirements for temporary closure as specified in article 8.
- (c)
  - (1) Release detection equipment used to monitor underground storage tanks must meet the requirements of subdivision (d) and be installed, calibrated, operated, and maintained in accordance with manufacturer's specifications.
  - (2) Release detection equipment must only be remanufactured or rebuilt by the original manufacturer of the device. Remanufactured equipment is subject to third party testing pursuant to subdivision (d).
- (d) Release detection methods and equipment must be certified as in compliance with the performance standards specified in this section and will be subject to any limitations specified in

the certification. This certification must be obtained by the equipment manufacturer following one of the following evaluation procedures:

- (1) An independent third party testing laboratory must evaluate and approve the method using the appropriate EPA method for release detection equipment;
  - (2) An independent third party testing laboratory must evaluate and approve the method using a voluntary consensus standard that is intended for the method being evaluated. The evaluation results must contain the same information and must be reported following the same general format as the EPA standard results sheet for any corresponding EPA method; or
  - (3) An independent third party testing laboratory must evaluate and approve the method using a procedure deemed equivalent to an EPA method. Any resultant certification must include a statement by the association or laboratory that the conditions under which the test was conducted were at least as rigorous as those used in the EPA method. This certification must contain the same information and must be reported following the same general format as the EPA standard results sheet for any corresponding EPA method, and must contain statements that:
    - (A) The method was tested under various conditions that simulate interferences likely to be encountered in actual field conditions which are no less rigorous than the environmental conditions used in the corresponding EPA method;
    - (B) Each condition under which the method was tested was varied over a range expected to be encountered in 75 percent of the normal test cases;
    - (C) All portions of the equipment or method evaluated received the same evaluation;
    - (D) The amount of data collected and the statistical analysis are at least as extensive and rigorous as the data collected and statistical analysis used in the corresponding EPA method and are sufficient to draw reasonable conclusions about the equipment or method being evaluated;
    - (E) The full-size version of the release detection equipment was physically tested; and
    - (F) The experimental conditions under which the evaluation was performed and the conditions under which the method was recommended for use have been fully disclosed and that the evaluation was not based solely on theory or calculation.
- (e) Except as provided in subdivision (g), secondary containment of Type 1 and Type 2 underground storage tanks must be monitored using a continuous interstitial release detection system which meets the requirements of subdivision (d). The continuous release detection system must

activate an audible and visual alarm when a release is detected and be approved by the Unified Program Agency.

- (f) Interstitial spaces of Type 3 underground storage tanks must be monitored using a continuous vacuum, pressure, or hydrostatic interstitial release detection system which meets the requirements of subdivision (d). The continuous release detection system must activate an audible and visual alarm when a release is detected and be approved by the Unified Program Agency.
- (g) Notwithstanding subdivision (e) and subparagraph 2652(a)(1)(A), monitoring of secondary containment for Type 1 underground storage tanks may be performed using visual monitoring if all the following conditions are met:
  - (1) All exterior surfaces of the underground storage tank, and the surface of the secondary containment directly beneath the underground storage tank, must be able to be visually observed either directly or by using mirrors or cameras.
  - (2) Visual inspections must be performed at least once each day, except on weekends and recognized state or federal holidays. Monitoring may be more frequent if required by the Unified Program Agency. The Unified Program Agency may reduce the frequency of visual monitoring to not less often than once every seven days in cases where facility employees are not normally present at the facility and when inputs to and withdrawals from the underground storage tank are infrequent. The inspection schedule must consider the minimum anticipated time during which the secondary containment is capable of containing any unauthorized release and the maximum length of time any hazardous substance released from the primary containment will remain observable on the surface of the secondary containment. The inspection schedule must be such that monitoring will occur on a routine basis when the liquid level in the tank is at its highest. The inspection frequency must be such that any unauthorized release will remain observable on the exterior of or the surface immediately beneath the underground storage tank between visual inspections. The evaluation of the length of time the hazardous substance remains observable must consider the volatility of the hazardous substance and the porosity and slope of the surface immediately beneath the underground storage tank.
  - (3) If any liquid is observed around or beneath the primary containment, the owner or operator must have the liquid analyzed using a method approved by the Unified Program Agency to determine if an unauthorized release has occurred.
  - (4) If necessary to determine whether the primary containment is no longer product tight, the owner or operator must have an integrity test conducted.
  - (5) The inspection results and the liquid level in the tank at the time of each inspection must be recorded in the facility's monitoring records.

(6) If an unauthorized release is confirmed, the owner or operator must comply with the applicable provisions of articles 4 and 7.

(h) Remote monitoring must provide an immediate notification of a facility employee or service technician.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25290.1, 25290.2, 25291, 25293 and 25404, Health and Safety Code; 40 CFR §§ 280.40-280.45.

## **§ 2652. Additional Monitoring Requirements for Piping.**

(a) Piping must be equipped and monitored as follows:

(1) (A) Except as provided in section 2651(g), piping secondary containment must be equipped with a continuous interstitial release detection system that either activates an audible and visual alarm, or stops the flow of hazardous substance at the dispenser when a release from the piping is detected.

(B) Mechanical release detection equipment used to continuously monitor under-dispenser containment, including an impact shear valve, which fails to function properly at any time, cannot be repaired and must be replaced with continuous electronic release detection equipment to meet the requirements of this subdivision.

(C) On or after July 1, 2026, at facilities that are not routinely staffed, underground storage tank systems with pressurized piping that are not emergency tank systems must have a continuous interstitial release detection system that shuts off the flow of hazardous substance through the piping when it detects a release from the piping or the release detection system malfunctions.

(2) Line leak detectors must be installed on buried pressurized piping and must be capable of detecting a three gallons per hour release rate at 10 pounds per square inch within one hour with a probability of detection of at least 95 percent and a probability of false alarm no greater than five percent and must restrict or shut off the flow of hazardous substance through the piping when it detects a release.

(A) Piping connected to an emergency tank system may use a line leak detector as described in paragraph (2), which activates an audible and visual alarm in lieu of shutting off or restricting flow through the piping when a release from the piping is detected or the line leak detector or release detection system malfunctions.

(B) A continuous vacuum, pressure, or hydrostatic interstitial release detection system that shuts off the flow of hazardous substance through the piping when a release from the

piping is detected or the release detection system malfunctions satisfies the line leak detector requirement.

(C) Piping connected to an emergency tank system may use a vacuum, pressure, or hydrostatic interstitial release detection system as described in subparagraph (B), which activates an audible and visual alarm in lieu of shutting off flow through the piping when a release from the piping is detected or the release detection system malfunctions.

(3) Tightness testing must be conducted on buried pressurized piping connected to Type 1 and Type 2 underground storage tanks at least once every 12 months using a release detection method or equipment capable of detecting a release equivalent to 0.1 gallon per hour at 150 percent of the normal piping system operating pressure, with at least a 95 percent probability of detection and not more than a five percent probability of false alarm.

(4) Continuous release detection systems as described in paragraph (1) satisfy the tightness testing requirement of paragraph (3) if both the following conditions are met:

(A) The release detection system shuts down the pressure pump or stops the flow of hazardous substance at the dispenser when a release is detected in the under-dispenser containment; and

(B) The release detection system for all buried pressurized hazardous substance piping other than that contained in the under-dispenser containment is fail safe and shuts down the pressure pump when a release from the piping is detected.

(b) Piping connected to Type 3 underground storage tanks must be monitored by a continuous vacuum, pressure, or hydrostatic interstitial release detection system in accordance with subdivisions (d) and (e) of section 25290.1 of the Health and Safety Code.

(c) Piping monitored by continuous vacuum, pressure, or hydrostatic interstitial monitoring must:

(1) Be configured to facilitate testing required pursuant to section 2663(a); and

(2) Be configured so that continuity can be confirmed for each zone to the extent practical as approved by the Unified Program Agency during testing required pursuant to sections 2642(f) and 2663(a).

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25281.5, 25290.1, 25290.2, 25291 and 25404, Health and Safety Code; 40 CFR §§ 280.40 - 280.42 and 280.44.



## **Article 6. Testing Requirements for Underground Storage Tanks**

### **§ 2660. General Requirements for Testing.**

- (a) **Notification** – The underground storage tank owner or operator must notify the Unified Program Agency of upcoming testing in accordance with section 2614.
- (b) **Periodic Testing Frequency** – The frequency of periodic testing must not exceed the number of months prescribed in this article. Owners and operators must complete the required test during the calendar month due. Owners and operators can move their periodic test date forward by completing the test in an earlier month. Testing performed late does not change the periodic test due dates.
- (c) **Repairs** – Components must be tested within 30 days of repair. Testing conducted after repair does not change the periodic test due date.
- (d) **Test Results** – Underground storage tank owners or operators must submit completed test results to the Unified Program Agency within 30 days of performing the test.
- (e) **Test Equipment** – All equipment used to administer a test must be maintained and calibrated in accordance with manufacturer's standards. If there are no manufacturer standards available, the equipment must be calibrated by the National Institute of Standards and Technologies or replaced. Documentation demonstrating the test equipment is in proper operating condition must be available upon request of the Unified Program Agency.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1, and 25404, Health and Safety Code; and 40 CFR §§ 280.20, 280.33 and 280.34.

### **§ 2661. Requirements for Cathodic Protection System Testing and Inspection.**

- (a) Cathodic protection systems must be tested by a cathodic protection tester within six months of installation or repair and at least every 36 months. The criteria that are used to determine that cathodic protection is adequate must be in accordance with a code of practice developed in accordance with voluntary consensus standards.
- (b) Impressed-current cathodic protection systems must also be inspected no less than once every 60 days in accordance with the manufacturer's instructions or industry or engineering standard to ensure that the system is in proper working order. The underground storage tank owner or operator must maintain a log of inspection results for review by the Unified Program Agency.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281 and 25284.1, Health and Safety Code; and 40 CFR § 280.31.

## § 2662. Requirements for Integrity Testing.

- (a) Underground storage tank system integrity testing must meet the requirements of section 2651(d) and must be performed by a licensed tank tester in accordance with the manufacturer's written guidelines. Integrity test methods must account for the effects of thermal expansion or contraction, vapor pockets, primary containment deformation, evaporation or condensation, and the presence of liquid outside of the primary containment.
- (b) Integrity testing must be performed after installation, replacement, or repair of underground storage tank primary containment components requiring excavation to access. Integrity testing must be performed prior to the system becoming operational:
  - (1) **Standard Integrity Test** – Type 1 underground storage tanks are subject to integrity testing capable of detecting a liquid release of 0.1 gallon per hour from any portion of the underground storage tank system primary containment with a probability of detection of at least 95 percent and a probability of false alarm no greater than five percent.
  - (2) **Enhanced Leak Detection Test** – Type 2 and Type 3 underground storage tanks are subject to integrity testing capable of detecting both vapor and liquid phase releases of 0.005 gallon per hour from any portion of the underground storage tank system primary containment with a probability of detection of at least 95 percent and a probability of false alarm no greater than five percent. The enhanced leak detection test cannot be performed until all ground penetrating work and surfacing has been completed.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1, 25291, 25290.1, 25290.2, 25292.4, Health and Safety Code; 40 CFR §§ 280.43 and 280.44.

## § 2663. Requirements for Release Detection Equipment Testing.

- (a) Release detection equipment must be tested in accordance with manufacturer's instructions upon installation and at least once every 12 months for proper operating condition, programming, and calibration by a service technician meeting the requirements of section 2633. Testing of continuous vacuum, pressure, or hydrostatic interstitial release detection systems for piping must include verification of continuity to the extent practical as approved by the Unified Program Agency.
- (b) Service technicians testing release detection equipment must affix a tag/sticker in a readily visible location on each release detection equipment component that is being tested. The tag/sticker must include the date the underground storage tank component was tested and the service technician's International Code Council identification number.
- (c) Testing of systems that utilize an impact shear valve to stop the flow of hazardous substance at the dispenser as part of the under-dispenser containment monitoring must verify proper function of mechanical release detection equipment and the impact shear valve to confirm that hazardous substance will not dispense when the impact shear valve is closed. If the impact shear valve does not completely shut off dispensing, or if a system of this type fails to function properly at any time,

the valve and any other non-functional under-dispenser containment release detection equipment must be replaced in accordance with section 2652(a)(1)(B) prior to resuming dispensing from the dispenser monitored by the inoperable equipment.

- (d) Testing of line leak detectors that perform monitoring in accordance with section 2652(a)(3) as required by the facility's monitoring program must be done by simulating a release equivalent to 0.1 gallon per hour defined at 150 percent of the normal operating pressure.
- (e) The results of the release detection equipment test must be recorded on the "Release Detection Equipment Testing Report Form" located in appendix 5.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1, 25291, 25290.1 and 25290.2, Health and Safety Code;  
40 CFR §§ 280.20, 280.40-280.45.

#### **§ 2664. Requirements for Spill Containment Testing.**

- (a) Spill containment must be tested for tightness upon installation, and at least once every 12 months by a service technician meeting the requirements of section 2633.
- (b) Spill containment tests must be conducted using a testing procedure that demonstrates that the spill containment can contain the stored substance until it is detected and cleaned up. These tests must be performed in accordance with manufacturer's guidelines, an applicable method specified in an industry code or engineering standard, or if approved by the Unified Program Agency, a test method developed by a state registered professional engineer.
- (c) The spill containment volume must be tested to confirm the liquid capacity is no less than five gallons.
- (d) The results of the spill containment test must be recorded on the "Spill Containment Testing Report Form" located in appendix 6.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1 and 25284.2, Health and Safety Code; and 40 CFR §§ 280.30 and 280.35.

#### **§ 2665. Requirements for Overfill Prevention Equipment Testing.**

- (a) Overfill prevention equipment must be tested upon installation and at least once every 36 months by a service technician meeting the requirements of section 2633.
- (b) Overfill prevention equipment testing must be conducted using a test procedure that demonstrates that the overfill prevention equipment will activate when the tank is filled to no more than the liquid level specified in section 2640(f). These tests must be performed in accordance with manufacturer's guidelines, an applicable method specified in an industry code or engineering

standard, or if approved by the Unified Program Agency, a test method developed by a state registered professional engineer.

- (c) The results of the overfill prevention equipment test must be recorded on the "Overfill Prevention Equipment Testing Report Form" located in appendix 7.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1 and 25284.2, Health and Safety Code; and 40 CFR §§ 280.30 and 280.35.

#### **§ 2666. Requirements for Secondary Containment Testing.**

- (a) Except as provided in subdivision (b), secondary containment must be tested for tightness upon installation and at least once every 36 months by a service technician meeting the requirements of section 2633.
- (b) (1) Secondary containment components monitored using continuous vacuum, pressure, or hydrostatic interstitial monitoring are exempt from periodic secondary containment testing requirements.  
  
(2) Secondary containment components of Type 1 and Type 2 underground storage tank systems must be tested within 30 days of discontinuing continuous vacuum, pressure, or hydrostatic interstitial monitoring of the primary and secondary containment, and at least once every 36 months.
- (c) Testing of secondary containment must be conducted using a test procedure that demonstrates that the system performs at least as well as it did upon installation. For example, if the secondary containment was tested upon installation by using a test method that applied a pressure of five pounds per square inch, then the periodic test must be conducted using a method that tests the system at an equivalent pressure. These tests must be performed in accordance with manufacturer's guidelines, an applicable method specified in an industry code or engineering standard, or if approved by the Unified Program Agency, a test method developed by a state registered professional engineer.
- (d) Testing of piping secondary containment must include verification of continuity between the most distant points in the zone to the extent practical as approved by the Unified Program Agency.
- (e) The results of the secondary containment test must be recorded on the "Secondary Containment Testing Report Form" located in appendix 8.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1, 25291, 25290.1 and 25290.2, Health and Safety Code; 40 CFR §§ 280.20 and 280.40 - 280.45.

## **Article 7. Unauthorized Release Reporting and Initial Response Requirements**

### **§ 2670. Recording Requirements for Unauthorized Releases.**

- (a) The owner or operator must record any unauthorized release from primary containment that is described in section 25294 of the Health and Safety Code in accordance with this section.
- (b) The operator's monitoring records, as required under section 2613(c), must include:
  - (1) The operator's name and telephone number;
  - (2) A list of the types, quantities, and concentrations of hazardous substances released;
  - (3) A description of the actions taken to control and clean up the release;
  - (4) The method and location of disposal of the released hazardous substances (the monitoring record must indicate whether a hazardous waste manifest was or will be used); and
  - (5) A description of the actions taken to repair the underground storage tank to bring the underground storage tank back into compliance and to prevent future releases, including a description of the actions taken to resume interstitial monitoring after the primary containment is repaired.
- (c) The integrity of the secondary containment must be reviewed for possible deterioration under the following conditions:
  - (1) Hazardous substance in contact with the non-integral secondary containment is not suited for long-term exposure to the material used for secondary containment;
  - (2) The secondary containment is prone to mechanical damage from the mechanical equipment used to remove or clean up the hazardous substance collected in the secondary containment; or
  - (3) Hazardous substances, other than those stored in the primary containment, are added to the secondary containment to treat or neutralize the released hazardous substance and the added substance or resulting substance from such a combination is not compatible with the secondary containment.
- (d) If a recordable unauthorized release becomes a reportable unauthorized release due to initially unanticipated facts, the release must be reported pursuant to section 2671.
- (e) Whenever the Unified Program Agency reviews the operator's monitoring reports and finds that recordable unauthorized releases have occurred, the Unified Program Agency must review the information included in the monitoring records pursuant to subdivision (a), review the permit, and as necessary, inspect the underground storage tank, to determine if construction and monitoring requirements of article 4 or 5 still can be met. If the Unified Program Agency finds that the construction and monitoring requirements of article 4 or 5 can no longer be met, the Unified Program Agency must require the owner or operator to cease operation of the underground

storage tank system until appropriate modifications are made to comply with the requirements of article 4 or 5, as appropriate.

- (f) The recording requirements of this section are in addition to any reporting requirements in section 13271 of the Water Code, and any other applicable laws and regulations.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25290.1, 25290.2, 25291 and 25294, Health and Safety Code; 40 CFR § 280.52.

#### **§ 2671. Reporting, Investigation, and Initial Response Requirements for Unauthorized Releases.**

- (a) The owner or operator must record and provide a preliminary written report to the Unified Program Agency for any unauthorized release that escapes from the secondary containment, any unauthorized release from the primary containment that is described in sections 25295 and 25295.5 of the Health and Safety Code, and any of the following conditions in accordance with this section:
- (1) Any unauthorized release recorded under section 2670 that the owner or operator is unable to stop and clean up, or which remains under investigation eight hours after detection;
  - (2) The discovery by the owner or operator, Unified Program Agency, or others of released hazardous substances at the site of the underground storage tanks or in the surrounding area. This includes the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface or drinking waters;
  - (3) (A) Except as provided in subparagraph (B), unusual operating conditions observed by the owner or operator including erratic behavior of hazardous substance dispensing equipment, the sudden loss of hazardous substance from the underground storage tank, or an unexplained presence of water in the tank;  
  
(B) The owner or operator is not required to submit a preliminary report to the Unified Program Agency if the condition described in subparagraph (A) is determined to be the result of defective equipment, the condition did not result in an unauthorized release, the defective equipment is immediately repaired or replaced, and any liquid in the interstitial space not used as part of the interstitial release detection method is immediately removed.
  - (4) Monitoring results from a release detection method required under article 5 that indicate an unauthorized release may have occurred, unless the release detection equipment is found to be defective, the defective equipment is immediately repaired or replaced, and additional monitoring does not confirm the initial results.
- (b) Within 24 hours after an unauthorized release or condition has been detected, or should have been detected, the owner or operator must notify the Unified Program Agency in writing and must investigate the unauthorized release or condition and take all the following immediate measures to stop any unauthorized release:

- (1) Remove as much of the hazardous substance from the underground storage tank as practical to prevent further release to the environment.
  - (2) Visually inspect any above ground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils and groundwater.
  - (3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the underground storage tank excavation zone and entered into subsurface structures, such as sewers or basements.
  - (4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation and response activities. If these remedies include treatment or disposal of soils, the owner or operator must comply with all applicable State and local requirements.
  - (5) Determine the possible presence of free product. If free product is present, begin removal thereof in accordance with section 2712 and notify the Cleanup Oversight Agency within 24 hours.
  - (6) If necessary, or if required by the Unified Program Agency or the Cleanup Oversight Agency, the owner or operator must remove the remaining stored substance from the underground storage tank to prevent further releases to the environment or to facilitate corrective action.
- (c) Within five days of detecting a reportable unauthorized release, the owner or operator must provide to the Unified Program Agency a preliminary written report, including, but not limited to, all the following information to the extent that the information is known at the time of filing the preliminary written report:
- (1) Owner's or operator's name and telephone number;
  - (2) Facility address and the CERS ID Number;
  - (3) A list of the types, quantities, and concentrations of hazardous substances released;
  - (4) The approximate date of the release;
  - (5) The date on which the release was discovered;
  - (6) The date on which the release was stopped;
  - (7) A description of the actions taken to control or stop the release;
  - (8) A description of the actions, including investigations which were undertaken and will be conducted to determine the nature and extent of soil, groundwater, or surface water contamination due to the release;
  - (9) The method(s) of cleanup implemented to date, if any, proposed cleanup actions, and a time schedule for implementing the proposed actions;

- (10) The method and location of disposal of the released hazardous substance and any contaminated soils, groundwater, or surface water, including copies of any hazardous waste manifests for off-site transport of these media;
  - (11) A description of the proposed method(s) of repair or replacement of the primary and secondary containment; and
  - (12) A description of additional actions taken to prevent future releases.
- (d) The Unified Program Agency must submit all preliminary written reports and any sample analyses or other data subsequently received to the Cleanup Oversight Agency with jurisdiction over the site within 60 days of receipt.
- (e) Upon submittal of a preliminary written report pursuant to subdivision (d), the Cleanup Oversight Agency must review all documents and information submitted by the Unified Program Agency within 30 days of receipt to determine whether any further investigative or corrective action is required.
- (1) If the Cleanup Oversight Agency determines that further investigation or corrective action is required, the Cleanup Oversight Agency must open an underground storage tank release case, convert the GeoTracker case record to the appropriate site type, and notify the responsible parties.
  - (2) If the Cleanup Oversight Agency determines that no further investigation or corrective action is required, the Cleanup Oversight Agency must notify the owner, operator, and property owner in writing and change the GeoTracker case status accordingly.
  - (3) The Cleanup Oversight Agency must transmit a copy of the notification issued pursuant to paragraph (1) or (2) to the Unified Program Agency and upload a copy to GeoTracker.
- (f) If the Cleanup Oversight Agency opens an underground storage tank release case, the responsible parties must comply with all Cleanup Oversight Agency directives consistent with article 10.
- (g) The reporting requirements of this section are in addition to any reporting requirements in section 13271 of the Water Code, State Office of Environmental Services requirements, and any other applicable laws and regulations.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25286, 25295, 25295.5, 25296.35 and 25404, Health and Safety Code; 40 CFR §§ 280.52, 280.53 and 280.61-280.63.



## **Article 8. Underground Storage Tank Closure Requirements**

### **§ 2680. Temporary Closure Requirements.**

- (a) The temporary closure requirements of this section apply to underground storage tanks where the storage of hazardous substances has ceased but the underground storage tank will be used for the storage of hazardous substances again within the 12 consecutive months after temporary closure begins.
- (b) At least 30 days prior to temporary closure, or within a shorter period of time if directed by the Unified Program Agency, an owner or operator who intends to temporarily close an underground storage tank system must provide to the Unified Program Agency for approval a proposal for compliance with this section. The owner or operator must receive approval for temporary closure from the Unified Program Agency prior to initiating temporary closure. Until temporary closure has been approved, the owner or operator must continue to meet the applicable construction, monitoring, testing, and operating permit requirements of articles 4, 5, 6, and 9.
- (c) An underground storage tank that has had a release does not qualify for temporary closure unless the owner or operator has demonstrated to the satisfaction of the Unified Program Agency that appropriate authorized repairs have been made which make the underground storage tank capable of storing hazardous substances in accordance with this chapter.
- (d) Monitoring required pursuant to the operating permit may be modified during the temporary closure period with approval by the Unified Program Agency.
- (e) The owner or operator of an underground storage tank system in temporary closure must continue to comply with corrosion protection requirements, repair and recordkeeping requirements, release reporting and investigation requirements, and release response and corrective action requirements specified in this chapter and chapter 6.7 of division 20 of the Health and Safety Code.
- (f) The owner or operator must comply with all the following requirements to qualify for temporary closure:
  - (1) All residual liquid, solids, and sludge must be removed and handled in accordance with the applicable provisions of chapters 6.5 and 6.7 of division 20 of the Health and Safety Code.
  - (2) If the underground storage tank contained a hazardous substance that could produce flammable vapors at standard temperature and pressure, if required by the Unified Program Agency, it must be inerted as often as necessary to levels that will preclude an explosion or to lower levels as required by the Unified Program Agency.
  - (3) The underground storage tank may be filled with a noncorrosive liquid that is not a hazardous substance. Before removal of such liquid from the underground storage tank at the end of the temporary closure period, the liquid must be tested, and the test results must be provided to the Unified Program Agency.

- (4) Except for required venting, all fill and access locations and piping must be sealed using locking caps.
- (5) Power service must be disconnected from all pumps associated with the use of the underground storage tank. The power supply to equipment that the Unified Program Agency requires to remain in service during temporary closure, such as release detection equipment, or an impressed-current cathodic protection system, must remain connected.
- (g) The underground storage tank must be inspected by the owner or operator at least once every 90 days to verify that the temporary closure requirements in subdivision (f) still are in place. The inspection must include, but is not limited to, the following:
  - (1) Visual inspection of all locked caps;
  - (2) At least one locked cap must be removed to determine if any liquids or other substances have been added to the underground storage tank or if there has been a change in the quantity or type of liquid added pursuant to subdivision (f)(3);
  - (3) If applicable, verifying that the tank is inerted; and
  - (4) Documenting the results of the inspection. Documentation must be made available within 36 hours at the request of the Unified Program Agency.
- (h) At the end of 12 consecutive months, the Unified Program Agency may approve an extension of the temporary closure period for a maximum additional period of 12 months. The maximum consecutive period of time an underground storage tank system may be in temporary closure is 24 months. The Unified Program Agency only may grant an extension for temporary closure if the conditions for temporary closure specified in subdivisions (f) and (g) remain in effect and the owner or operator performs sampling in accordance with section 2681(g).
- (i) At the end of temporary closure, the owner or operator may put the underground storage tank system back into operation only if it meets the requirements of chapter 6.7 of division 20 of the Health and Safety Code and the construction, monitoring, and testing requirements of articles 4, 5, and 6
- (j) The owner or operator must update all applicable data elements in the California Environmental Reporting System or local reporting portal within 30 days of the beginning and the end of the temporary closure period in accordance with section 2613(b).

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Section 25298 and 25404, Health and Safety Code; 40 CFR §§ 280.70 and 281.36(a).

#### **§ 2681. Permanent Closure Requirements.**

- (a) At least 30 days prior to closure, or within a shorter period of time as permitted by the Unified Program Agency, an owner or operator who intends to permanently close an underground storage tank system must provide to the Unified Program Agency for approval a proposal for compliance

with this section. During the time between cessation of hazardous substance storage and completion of permanent closure in accordance with this section, the applicable construction and monitoring requirements of articles 4 and 5 continue to apply. The time between cessation of hazardous substance storage and application for permanent closure must not exceed 90 days. Closure must be completed within a reasonable time as determined by the Unified Program Agency, but not to exceed 365 days from the date of approval by the Unified Program Agency.

- (b) An underground storage tank system that has had an unauthorized release and that cannot be repaired must be permanently closed pursuant to the requirements of this section.
- (c) For all portions of the underground storage tank, the owner or operator of an underground storage tank system subject to permanent closure must comply with subdivision (e) for underground storage tank removal or subdivision (f) for closure in place. It is not essential that all portions of an underground storage tank system be permanently closed in the same manner; however, all closure actions must be conducted in accordance with this section.
- (d) Any compactable material that is imported onto the site for the purpose of backfilling an excavation while closing an underground storage tank must be clean compactable backfill.
- (e) The owner or operator of an underground storage tank system subject to permanent closure must comply with applicable provisions of chapter 6.5 of division 20 of the Health and Safety Code and the following requirements:
  - (1) All residual liquid, solids, and sludge must be removed and handled as hazardous wastes or recyclable materials.
  - (2) If the underground storage tank contained a hazardous substance that could produce flammable vapors at standard temperature and pressure, it must be inerted to levels that will preclude an explosion or to lower levels as required by the Unified Program Agency.
  - (3) When an underground storage tank system is disposed of, the owner or operator must document to the Unified Program Agency that proper disposal has been completed by providing the disposal documentation specified in subdivision (i)(4).
- (f) The owner or operator of an underground storage tank system subject to closure in place must comply with the applicable provisions of chapters 6.5 and 6.7 of division 20 of the Health and Safety Code and the following requirements:
  - (1) All residual liquid, solids, and sludge must be removed and handled as a hazardous waste or recyclable materials.
  - (2) If the underground storage tank contained a hazardous substance that could produce flammable vapors at standard temperature and pressure, it must be inerted to levels that will preclude an explosion or to lower levels as required by the Unified Program Agency.
  - (3) All piping connected to the underground storage tank must be removed and disposed of properly, or if removal might damage structures or other pipes that are being used and that are contained in a common trench, the piping must be closed by emptying it of all contents and capping it at each end.

- (4) The underground storage tank, except for piping that is closed in accordance with paragraph (3), must be completely filled with an inert solid, unless the owner intends to reuse or reinstall the underground storage tank in accordance with section 2683.
- (g) The owner or operator of an underground storage tank system being permanently closed pursuant to this section must perform soil sample analysis, and if water is present in the excavation, groundwater analysis. Sampling must be performed as follows:
  - (1) Soil and groundwater samples must be analyzed as required by the Cleanup Oversight Agency for all hazardous substances previously stored in the underground storage tank(s). Soil samples must be collected a minimum of two feet into native soil, immediately beneath:
    - (A) Each end of the tank;
    - (B) The midpoint of each tank with a capacity greater than 12,000 gallons;
    - (C) Each internal bulkhead of compartmented tanks;
    - (D) All hazardous substance piping at 20 linear-foot intervals, with additional samples collected at each change in direction for rigid piping; and
    - (E) Each dispenser.
  - (2) Soil sample collection must be performed immediately after removal of the tank or hazardous substance piping from the excavation. Groundwater sample collection must be done immediately after the water enters the excavation or is otherwise encountered.
  - (3) Locations and collection methods for all required samples must be approved by the Unified Program Agency.
- (h) Soil and groundwater samples must be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program for all constituents of previously stored hazardous substances and their breakdown or transformation products.
- (i) Within 30 days of removal of the tank or piping, or collection of required soil or groundwater samples, the owner or operator must provide to the Unified Program Agency:
  - (1) The laboratory reports containing the sample analytical results, chain-of-custody, quality assurance/quality control data, and any commentary or notes from the laboratory;
  - (2) Information, such as site maps or drawings identifying the location at the facility, depth below grade and date of collection for each sample taken;
  - (3) Boring logs, if applicable; and
  - (4) Documentation demonstrating proper disposal of the tank, pipe, and any hazardous wastes generated as a result of closure activities.

- (j) The detection of any release requires compliance with the applicable requirements of articles 7 and 10.
- (k) Within 60 days of receipt of all the documentation in subdivision (i) and the submittal pursuant to subdivision (n), the Unified Program Agency must issue an Underground Storage Tank Closure Letter to the owner or operator that confirms that the underground storage tank system has been permanently closed in accordance with this section and includes all the following:
  - (1) CERS ID, if applicable;
  - (2) Facility name;
  - (3) Facility address;
  - (4) Owner name;
  - (5) Operator name;
  - (6) Date the underground storage tank was closed;
  - (7) Type of closure (removed or closed in place);
  - (8) CERS tank ID of each underground storage tank closed, if applicable; and
  - (9) Name of the Cleanup Oversight Agency having jurisdiction.
- (l) The owner or operator of an underground storage tank system that is permanently closed must maintain the analytical results of all soil and groundwater samples as specified in subdivision (g) for at least 36 months after the underground storage tank system is properly closed.
- (m) The owner of a decommissioned tank does not need to comply with the closure requirements in this section unless the Cleanup Oversight Agency determines that there is evidence of an unauthorized release or a threat of an unauthorized release. The owner of a decommissioned tank must comply with requirements to report an unauthorized release in accordance with section 2671 and must comply with the corrective action requirements in article 10.
- (n) The owner or operator must update all applicable data elements in the California Environmental Reporting System or local reporting portal within 30 days of removal of the underground storage tank from the excavation or, for closure in place, certification of the tank as non-hazardous after on-site cleaning, in accordance with section 2613(b).

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25298 and 25404, Health and Safety Code; 40 CFR §§ 280.71, 280.72, 280.73, 280.74 and 281.36(b).

## **§ 2682. Abandoned Underground Storage Tanks.**

- (a) Abandoned underground storage tanks cannot be placed into temporary closure. Except as provided in subdivision (c), abandoned underground storage tanks must be permanently closed in accordance with section 2681.
- (b) Abandoned underground storage tanks must be inspected annually by the Unified Program Agency in accordance with section 25288 of the Health and Safety Code and the Unified Program Agency's Inspection and Enforcement Plan.
- (c) Notwithstanding subdivision (a), an abandoned underground storage tank may return to operation if it is monitored pursuant to section 2651(f) and passes testing required by section 2662(b)(2) before returning to operation.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25290.1, 25292.1 and 25298, Health and Safety Code; 40 CFR §§ 280.70, 280.71 and 281.36.

## **§ 2683. Underground Storage Tank Reuse and Reinstallation Requirements.**

- (a) An underground storage tank intended to be reused to store a non-hazardous substance, or to be moved from its current location to be reused for any purpose, must be permanently closed in accordance with section 2681 prior to being moved or reused, if approved by the Unified Program Agency. The owner or operator must provide the following information to the Unified Program Agency, within the timeframe specified by that agency:
  - (1) The name(s) of the new owner and new operator, if applicable;
  - (2) The location of intended use;
  - (3) The nature of intended use; and
  - (4) Approval from the Unified Program Agency where the underground storage tank will be reinstalled.
- (b) If a tank will be reused to store a hazardous substance, an underground storage tank that has been relocated must be tested, inspected, and certified by the manufacturer and by an independent testing organization no more than 30 days before reinstallation and meet the requirements of section 25290.1 of the Health and Safety Code, and articles 4, 5, and 6, before reuse. The independent testing organization label must be updated to include both the original manufacture date and the recertification date.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25290.1, 25292.1 and 25298, Health and Safety Code; 40 CFR §§ 280.71 and 281.36(b).

**§ 2684. Cleanup Oversight Agency Notification and Review.**

- (a) Within 30 days of receipt of the closure documentation specified in section 2681(i), the Unified Program Agency must submit to the Cleanup Oversight Agency all the following:
- (1) Unified Program Agency name and contact information;
  - (2) CERS ID, if applicable;
  - (3) Facility name;
  - (4) Facility address;
  - (5) Owner name;
  - (6) Operator name;
  - (7) CERS tank ID of each underground storage tank closed, if applicable;
  - (8) Date the underground storage tank was closed;
  - (9) Volume of each underground storage tank closed;
  - (10) Previously stored hazardous substances of each underground storage tank closed;
  - (11) Date, location at the facility, and depth of samples collected;
  - (12) Inspection reports associated with the underground storage tank closure;
  - (13) Laboratory analytical reports; and
  - (14) Additional information provided by the owner or operator pursuant to section 2681(i).
- (b) Within 30 days of receipt of the closure submittal from the Unified Program Agency, the Cleanup Oversight Agency must determine if further investigation or corrective actions are required in accordance with section 2671(e).
- (c) If the Cleanup Oversight Agency determines that no further investigation or corrective action is required, the Cleanup Oversight Agency must notify the owner, operator, and property owner in writing that all actions necessary to demonstrate compliance with or section 2681 and section 25298 of the Health and Safety Code have been taken, that no further investigation or corrective actions are required, and that the underground storage tank is closed pursuant to section 2681.

- (d) If the Cleanup Oversight Agency determines that further investigation or corrective actions are required, the Cleanup Oversight Agency must open an underground storage tank release case, convert the GeoTracker case record to the appropriate site type, and notify the responsible parties.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code

Reference: Sections 25295, 25296.35 and 25298, Health and Safety Code; 40 CFR §§ 280.71 and 281.36(b).

## **Article 9. Permit Application, Unified Program Agency Requirements, Trade Secrets, and Red Tag Requirements**

### **§ 2690. Operating Permit Applications for Underground Storage Tanks.**

- (a) An application for an operating permit must be submitted to the Unified Program Agency by the owner or operator. The application must include the following information, to the extent such information is known to the applicant:
- (1) Tank Owner — The name, mailing address, telephone number, and email address of the owner.
  - (2) Facility Information — The name, California Department of Tax and Fee Administration number, location, mailing address, and telephone number of the facility where the underground storage tank is located, and type of business involved, if any.
  - (3) Tank Operator — The name, mailing address, telephone number, and email address of the operator and 24-hour emergency contact telephone number.
  - (4) Property Owner — The name, mailing address, telephone number, and email address of the property owner.
  - (5) Financial Responsibility Mechanisms — Identification of mechanisms used to demonstrate compliance with financial responsibility requirements for petroleum underground storage tanks as specified in sections 25292.2 and 25299.31 of the Health and Safety Code, the federal act, and regulations adopted pursuant to the federal act, or specify that the facility is exempt from the requirements. If required to demonstrate financial responsibility, the owner or operator must submit a current Certification of Financial Responsibility and maintain all applicable supporting mechanisms available for review by the Unified Program Agency or the Board upon request, or as otherwise required by the federal act.
  - (6) Underground Storage Tank Information — A description of the underground storage tank system including the date of installation or discovery, tank construction material, tank capacity, and details regarding construction and installed components.
  - (7) Tank Use and Contents — The type of use and the hazardous substance stored in the underground storage tank.



(8) Monitoring program in accordance with section 2650 including the facility:

(A) Monitoring plan;

(B) Monitoring site plan, and;

(C) Response plan.

(9) If the owner or operator of the underground storage tank is a public agency, the application must include the name of the supervisor of the division, section, or office that operates the underground storage tank.

(b) Tanks that share an internal bulkhead, often referred to as compartmented or split underground storage tanks, require a separate permit for each compartment.

(c) The permit holder must apply for renewal of the permit by submitting the information specified in subdivision (a) at least 30 days prior to the permit expiration date.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25286, 25292.2, 25296.35, 25299.31 and 25404, Health and Safety Code; and 40 CFR §§ 280.90 and 280.93

#### **§ 2691. Operating Permit.**

(a) If the owner is not the operator, then the owner must enter into a written agreement with the operator requiring the operator to ensure the underground storage tank system is in compliance with chapter 6.7 of division 20 of the Health and Safety Code, this chapter, and the operating permit.

(b) An operating permit issued by the Unified Program Agency must be issued in accordance with the Health and Safety Code and this chapter. It must identify the Unified Program Agency issuing the permit, be effective for no more than 60 months, and require compliance with articles 1 through 9, sections 25280 through 25296 and 25298 through 25299.6 of the Health and Safety Code, and all permit conditions. The permit must include, at a minimum, the:

(1) CERS ID;

(2) Facility name;

(3) Facility address;

(4) Owner name;

(5) Operator name;

(6) Permit issuance date;

(7) Permit expiration date; and

(8) CERS Tank ID number(s).

(c) An owner may transfer an operating permit to a new owner if:

(1) The new owner provides the form prepared by the Unified Program Agency in accordance with section 25284(b) of the Health and Safety Code; and

(2) The transfer is reported to the Unified Program Agency by submitting the information specified in subdivision (a) of section 2690 within 30 days of the change in ownership. Transferred permits must expire on and be renewed by the original expiration date. The Unified Program Agency may review, modify, or terminate the underground storage tank operating permit upon receiving an ownership transfer request.

(d) A paper or electronic copy of the permit and all conditions and attachments, including the monitoring program, must be readily accessible at the facility.

(e) Owners and operators must pay all applicable local government fees and state surcharge fees.

(f) An owner or operator of a tank that is excluded or exempt from this chapter pursuant to section 2612 must obtain a valid operating permit and comply with section 25290.1 of the Health and Safety Code before any change in tank use or other condition occurs that results in the tank losing its exclusion or exemption.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284, 25285, 25285.1, 25296.35, 25404 and 25404.5, Health and Safety Code.

## **§ 2692. Unified Program Agency Reporting Requirements.**

(a) On a semi-annual basis, each Unified Program Agency must send to the Board information pertaining to local underground storage tank program implementation and enforcement activities. This information must be submitted using the California Environmental Reporting System, and must include, but not be limited to, the number of:

(1) Underground storage tank systems subject to regulation;

(2) Regulated facilities;

(3) Facility inspections conducted;

(4) Inspected facilities in compliance with all applicable release detection, spill prevention, overfill prevention, corrosion protection, designated operator training and inspection requirements, and financial responsibility; and

(5) Underground storage tanks that received a red tag pursuant to section 2694, including:

- (A) The name and CERS ID of the facility at which the underground storage tank is located;
  - (B) The red tag's identification number;
  - (C) The date the red tag was affixed to the underground storage tank;
  - (D) The specific violation(s) for which the underground storage tank received the red tag; and
  - (E) The date the red tag was removed from the underground storage tank, if applicable.
- (b) (1) No later than January 31 of each year, each Unified Program Agency must report to the Board all underground storage tank facilities in the California Environmental Reporting System with the underground storage tank reporting requirements identified as "Applicable + Always" which have not had a compliance inspection performed during the previous year and specify the reason for which no inspection was performed.
- (2) The report must include the following California Environmental Reporting System items:
- (A) CERS ID;
  - (B) Facility Name;
  - (C) UST Reporting Requirement;
  - (D) UST Last Inspection Date; and
  - (E) Written explanation why the compliance inspection was not performed.
- (c) Each Unified Program Agency must report through the California Environmental Reporting System all formal and informal enforcement actions, including the specific violation for which the Unified Program Agency took the enforcement action, as specified in section 15290 of title 27 of the California Code of Regulations.
- (d) The Unified Program Agency must ensure that abandoned underground storage tanks are reported in the California Environmental Reporting System.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25288, 25289, 25292.3, 25296.35 and 25404, Health and Safety Code.

### **§ 2693. Trade Secrets.**

- (a) Any person who asserts a trade secret when submitting or providing any information or documentation pursuant to chapter 6.7 of division 20 of the Health and Safety Code or this chapter must provide all information which the person believes is a trade secret along with a legal justification for the request for confidentiality. Information which must be provided includes, but is not limited to:

- (1) Identification of those portions of the information which are believed to be trade secrets;
  - (2) The length of time this information should be treated as confidential;
  - (3) Measures that have been taken to protect this information as confidential; and
  - (4) A discussion of why this information is subject to trade secret protection, including references to statutory and case law as appropriate.
- (b) If the Unified Program Agency, Regional Board, or the Board receives a request for trade secret protection that it determines is clearly valid, the agency must give the trade secret protection as discussed in subdivision (f).
  - (c) If the Unified Program Agency, Regional Board, or the Board receives a request for trade secret protection that it determines is clearly frivolous, the agency must send a letter to the applicant stating that the information will not be treated as a trade secret unless the agency is instructed otherwise by a court within 10 working days of the date of the letter.
  - (d) If the validity of the request for trade secret protection is unclear, the Unified Program Agency, Regional Board, or the Board will inform the person claiming trade secrecy that the burden is on the applicant to justify the claim. The applicant must be given a fixed period of time to submit the additional information as the agency may request. The agency must then evaluate the request on the basis of the definition of "trade secrets" contained in section 25290 of the Health and Safety Code and must issue its decision. If the agency determines that the information is not a trade secret, it must act in accordance with subdivision (c).
  - (e) All information received for which trade secrecy status is requested must be treated as confidential as discussed in subdivision (f) until a final determination is made.
  - (f) Information which has been found to be confidential, or which is being reviewed to determine if confidentiality should exist, must be immediately filed in a separate "confidential" file. If a document or portion of a document is placed in a confidential file, a notation must be included in the file indicating that further information is in the confidential file.
  - (g) Information contained in confidential files must only be disclosed to authorized representatives of the applicant or other governmental agencies in connection with the Unified Program Agency's, Regional Board's, or the Board's responsibilities pursuant to chapter 6.7 of division 20 of the Health and Safety Code or division 7 of the Water Code.
  - (h) Nothing contained herein will limit an applicant's right to prevent disclosure of information pursuant to other provisions of law.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25290, 25296.35 and 25404, Health and Safety Code.

## **§ 2694. Enforcement, Violation Classification, and Red Tag Application.**

- (a) To promote the effective detection, abatement, and deterrence of violations, the Unified Program Agency and the Board must initiate enforcement actions against owners and operators of noncompliant underground storage tank systems consistent with an Inspection and Enforcement Plan developed and implemented consistent with this section.
  - (1) Each Inspection and Enforcement Plan must include procedures for the following:
    - (A) Compliance inspections and other inspections associated with the installation, modification, repair, and closure of underground storage tank systems;
    - (B) Verifying and documenting return to compliance based on information provided or submitted by or on behalf of the owner or operator, by conducting follow-up inspections, or by a combination of those methods; and
    - (C) Progressive enforcement actions to be initiated against owners and operators, including procedures for elevating minor violations to Class II violations and Class II violations to Class I violations.
  - (2) A Certified Unified Program Agency's Inspection and Enforcement Plan must be adopted pursuant to section 15200 of title 27 of the California Code of Regulations.
- (b) The Unified Program Agency and the Board must take enforcement action pursuant to section 25299 of the Health and Safety Code or prohibit the operation of an underground storage tank system if the owner or operator fails to comply with the construction, monitoring, testing, and reporting requirements of articles 4, 5, 6, and 7.
- (c) When performing any underground storage tank inspection, the Unified Program Agency or the Board must classify each violation cited as minor, Class II, or Class I, pursuant to this chapter and consistent with the applicable Inspection and Enforcement Plan.
- (d) If the Unified Program Agency or the Board determines that an underground storage tank system is in significant violation and poses an imminent threat to human health or safety or the environment, the Unified Program Agency or the Board may immediately affix a red tag to the fill pipe of the non-compliant underground storage tank system using a tamper resistant strap or straps, fill pipe bag, or any combination thereof so that the tag is visible to any person attempting to deliver, deposit or input a hazardous substance into, or withdraw a hazardous substance from, the underground storage tank.
- (e) Upon the discovery of a significant violation that does not pose an imminent threat to human health or safety or the environment, the Unified Program Agency or the Board may issue a notice of significant violation to the owner and operator identifying the significant violation(s). If the owner or operator fails to correct the significant violation within seven days from receipt of the notice, the Unified Program Agency or the Board may affix a red tag to the fill pipe of the non-compliant underground storage tank using a tamper-resistant strap or straps, fill pipe bag, or any combination thereof so that the tag is visible to any person attempting to deliver, deposit, or input

a hazardous substance into, or withdraw a hazardous substance from, the underground storage tank.

- (f) The Unified Program Agency or the Board has the authority to direct the owner or operator to empty an underground storage tank to which a red tag has been affixed within a timeframe determined by the Unified Program Agency or the Board, as applicable, not to exceed 48 hours from when the red tag is affixed. The underground storage tank system must not be emptied through the dispenser.
- (g) The Board must not affix a red tag to an underground storage tank without consulting and coordinating with the Unified Program Agency having jurisdiction. If the Board takes any action pursuant to this section:
  - (1) The Board must notify the Unified Program Agency having jurisdiction in writing within 24 hours; and
  - (2) The Board must continue to consult with, and coordinate with, the Unified Program Agency until the red tag has been removed or the underground storage tank has been properly closed in accordance with article 8.
- (h) The Unified Program Agency or the Board must document the level of stored hazardous substance in the tank immediately before:
  - (1) Affixing a red tag to the fill pipe of an underground storage tank; and
  - (2) Emptying of a red tagged tank as ordered by the Unified Program Agency or the Board.
- (i) After affixing a red tag, the Board or the Unified Program Agency, whichever affixed the red tag, must notify the owner and operator in writing, immediately if present on site, or within 24 hours if not on site, of the significant violation(s) for which the red tag was issued.
- (j) An owner or operator must not allow the delivery, depositing, or inputting of a hazardous substance into, or withdrawal of a hazardous substance from, an underground storage tank that has a red tag affixed to its fill pipe without written authorization from the Board or the Unified Program Agency, whichever affixed the red tag.
- (k) If approval is required by the Unified Program Agency to correct one or more significant violations identified pursuant to this subdivision, the Unified Program Agency must, to the extent feasible, expedite its review and issuance of such approval.
- (l) If the Board affixed the red tag, the Board may request that the Unified Program Agency perform any required inspections and authorization duties in accordance with section 2695(c).
- (m) If a red tag is removed to facilitate the emptying of a non-compliant underground storage tank or facilitate necessary repairs, the Unified Program Agency or the Board must reaffix the red tag to the fill pipe of the tank immediately after the tank is emptied or if the repairs are complete and the tank remains in significant violation.

- (n) Upon making a determination that a significant violation has been corrected to the satisfaction of the Board or the Unified Program Agency, whichever affixed the red tag, the Board or the Unified Program Agency must notify the owner or operator in writing of its determination.
- (o) Upon request, the Board must provide red tags, fill pipe bags, and tamper-resistant straps made of nylon or other durable, damage resistant material to the Unified Program Agency. Only Board provided red tags, fill pipe bags, and tamper-resistant straps may be used.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25299, 25292.3 and 25404.1.1, Health and Safety Code.

#### **§ 2695. Removal of Red Tags.**

- (a) Except as otherwise provided in this section, no owner or operator, or person acting on their behalf, may remove, deface, alter, or otherwise tamper with a red tag.
- (b) If, upon inspection, the Board or the Unified Program Agency, whichever affixed the red tag, determines that the system is no longer in significant violation and it has not already authorized removal of the red tag, the Board or the Unified Program Agency must immediately remove the red tag.
- (c) Upon notification by the owner or operator documenting, to the satisfaction of the Board or the Unified Program Agency, whichever affixed the red tag, that the significant violation has been corrected, the Board or Unified Program Agency may provide written authorization to the owner or operator to remove the red tag. The Board or the Unified Program Agency must inspect the underground storage tank system within five days of notification to determine whether the system continues to be in significant violation, regardless of whether the Board or the Unified Program Agency has authorized removal of the red tag by the owner or operator.
- (d) Upon removing a red tag from an underground storage tank system, the Board or the Unified Program Agency must document the level of stored hazardous substance in the tank. If the owner or operator removes a red tag pursuant to written authorization by the Board or the Unified Program Agency, the owner or operator must document the level of stored hazardous substance in the tank immediately after removing the red tag.
- (e) Notwithstanding any other provision of this article, the Unified Program Agency or the Board may remove or authorize the removal of the red tag from an emergency tank system before a significant violation has been corrected if the Unified Program Agency or the Board determines that an emergency situation exists requiring operation of the system and the delivery of hazardous substances is necessary for the continued operation of the system.

- (f) A red tag that has been removed by the owner or operator must be returned to the Board or the Unified Program Agency, whichever affixed the red tag, within five days. The owner or operator must provide documentation of the level of stored hazardous substance in accordance with subdivision (d) when returning the red tag.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281.5 and 25292.3, Health and Safety Code.

#### **§ 2696. Content of Red Tags.**

- (a) A red tag must be red in color and 3 inches wide by 5 inches long and made of plastic or other durable and damage resistant material.
- (b) Red tags must bear the following information on both sides of the tag:
  - (1) The following wording, printed in white at the top of the tag in all capital letters in at least 36-point bold-faced type: "DELIVERY PROHIBITED!"
  - (2) The following wording, printed in white below the wording described in paragraph (1) in at least 16-point type: "Delivering or withdrawing any hazardous substance may result in liability of up to \$5,000 per day per UST."
  - (3) Printed below the wording described in paragraph (2), the following wording in at least 16-point type: "If you have questions, please contact:"
  - (4) Following the wording described in paragraph (3), there must be a blank area at least 1/2 inch wide by three inches long in which the Board or the Unified Program Agency, whichever affixed the red tag, must write legibly in permanent ink its name and telephone number.
  - (5) In the lower left-hand corner, a unique identification number imprinted mechanically at the time of production.
  - (6) In the lower right-hand corner, a graphic comprised of a blue background, the letters "SWRCB" in black, and white wavy lines depicting water.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Section 25292.3, Health and Safety Code.



## **Article 10. Corrective Action and Post-Closure Abatement Requirements**

### **§ 2709. Oversight Authority.**

Only Cleanup Oversight Agencies have authority to oversee the abatement of unauthorized releases of hazardous substances from underground storage tanks, including corrective action and post-closure abatement.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25283, 25297.01 and 25297.1, Health and Safety Code.

### **§ 2710. Scope of Corrective Action.**

(a) A responsible party must take corrective action in compliance with the following requirements:

- (1) All applicable waste discharge requirements or other orders issued pursuant to division 7, commencing with section 13000, of the Water Code;
- (2) All applicable state policies for water quality control adopted pursuant to article 3 (commencing with section 13140) of chapter 3 of division 7 of the Water Code;
- (3) All applicable water quality control plans adopted pursuant to article 3 (commencing with section 13240) of chapter 4 of division 7 of the Water Code;
- (4) All applicable requirements of chapter 6.7 (commencing with section 25280) of the Health and Safety Code and the regulations promulgated thereto; and
- (5) All applicable requirements of the Federal act.

(b) Corrective action includes one or more of the following phases:

- (1) Preliminary Site Assessment Phase;
- (2) Soil and Water Investigation Phase;
- (3) Corrective Action Plan Development Phase;
- (4) Corrective Action Plan Implementation Phase;
- (5) Verification Monitoring Phase; and
- (6) Closure Preparation Phase.

(c) A responsible party must take or contract for interim remedial actions, as necessary to abate imminent threats to human health or the environment from an unauthorized release. Before taking interim remedial action, a responsible party must notify the Cleanup Oversight Agency of the proposed action and must comply with any requirements that are established by the Cleanup Oversight Agency. Interim remedial actions can occur concurrently with the Preliminary Site

Assessment Phase, the Soil and Water Investigation Phase, and the Corrective Action Plan Development Phase. Interim remedial actions include, but are not limited to, the following:

- (1) Removal of free product;
  - (2) Enhanced biodegradation to promote bacterial decomposition of contaminants;
  - (3) Excavation and disposal of contaminated soil;
  - (4) Excavation and treatment of contaminated soil;
  - (5) Vacuum extraction of contaminants from soil or groundwater; and
  - (6) Pumping and treatment of groundwater to remove dissolved contaminants.
- (d) A responsible party must submit a workplan to the Cleanup Oversight Agency under each of the following conditions:
- (1) For proposed activities during the Preliminary Site Assessment Phase; and
  - (2) Before initiating any work in accordance with this article.
- (e) The workplan must include the proposed actions and a proposed schedule for completion. If directed by the Cleanup Oversight Agency to modify the workplan, a responsible party must submit a modified workplan to the Cleanup Oversight Agency before implementing the workplan.
- (f) In the interest of minimizing environmental contamination and promoting prompt cleanup, a responsible party may begin implementation of the workplan 60 days after submitting the workplan to the Cleanup Oversight Agency and before it has received Cleanup Oversight Agency concurrence, unless the responsible party is directed in writing by the Cleanup Oversight Agency to modify the workplan. Before beginning these activities, the responsible party must:
- (1) Notify the Cleanup Oversight Agency of the intent to initiate the proposed actions included in the workplan submitted; and
  - (2) Comply with any conditions set by the Cleanup Oversight Agency, including mitigation of adverse consequences from cleanup activities.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25296.10, 25296.15 and 25296.35, Health and Safety Code; Section 13267, Water Code; 40 CFR §§ 280.60, 280.61, 280.62, 280.63, 280.64, 280.65 and 280.66.

#### **§ 2711. Preliminary Site Assessment Phase.**

- (a) The Preliminary Site Assessment Phase includes, at a minimum, initial site investigation, initial response actions, and initial site characterization in accordance with section 2671, and may include interim remedial actions taken in accordance with section 2710(c).

- (b) Implementation of any of the interim remedial actions or any of the activities included in the Preliminary Site Assessment Phase constitutes initiation of corrective action.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25296.10 and 25296.15, Health and Safety Code; 40 CFR §§ 280.61, 280.62 and 280.63

## **§ 2712. Free Product Removal Requirements.**

- (a) At sites where investigations made pursuant to section 2671 indicate the presence of free product, a responsible party must comply with the requirements of this section. A responsible party must remove free product to the maximum extent practicable, as determined by the Cleanup Oversight Agency.
- (b) Free product must be removed in a manner that minimizes the spread of contamination into previously uncontaminated areas by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site. The free product removal process must result in proper treatment, discharge, or disposal of recovery byproducts in compliance with applicable local, state, and federal regulations.
- (c) At a minimum, the objective of the free product removal system must be abatement of free product migration.
- (d) Flammable products must be handled in a safe manner consistent with state and local requirements.
- (e) A responsible party must submit to the Cleanup Oversight Agency a free product removal report within 45 days of release confirmation, including at a minimum:
  - (1) The name of the person(s) responsible for implementing the free product removal measures;
  - (2) The estimated quantity, type, and thickness of free product observed or measured in wells, boreholes, and excavations;
  - (3) The type of free product recovery system used;
  - (4) Whether any discharge will take place on site or off site during the recovery operation and, if so, where this discharge will be located;
  - (5) The type of treatment applied to, and the effluent quality expected in, any discharge;
  - (6) The steps that have been or are being taken to obtain necessary permits for the discharge; and
  - (7) The means of disposal or proposed disposition of the recovered free product.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code

Reference: Sections 25296.10, 25296.15 and 25296.35 Health and Safety Code; 40 CFR § 280.64.

### **§ 2713. Soil and Water Investigation Phase.**

- (a) A responsible party must conduct an investigation of the unauthorized release, the source area, and the surrounding area possibly affected by the unauthorized release, if any of the following conditions exist:
  - (1) There is evidence that surface water or groundwater has been or may be affected by the unauthorized release;
  - (2) Free product is found at the site where the unauthorized release occurred or in the surrounding area;
  - (3) There is evidence that contaminated soils are or may be in contact with surface water or groundwater; or
  - (4) The Cleanup Oversight Agency directs an investigation, based on the actual or potential effects of contaminated soil or groundwater on nearby surface water or groundwater resources or based on the increased risk of fire or explosion.
- (b) The Soil and Water Investigation Phase includes the collection and analysis of data necessary to assess the full nature and vertical and lateral extent of the unauthorized release and to determine a cost-effective method of cleanup for the purpose of promoting prompt cleanup and closure consistent with all applicable state policies for water quality control adopted pursuant to article 3 (commencing with section 13140) of chapter 3 of division 7 of the Water Code.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25296.10 and 25296.15, Health and Safety Code; 40 CFR § 280.65.

### **§ 2714. Corrective Action Plan Development Phase.**

- (a) If the Cleanup Oversight Agency determines that further corrective action is necessary, a responsible party must submit to the Cleanup Oversight Agency a Corrective Action Plan based on the data collected during the Soil and Water Investigation Phase. The Corrective Action Plan must consist of those corrective actions determined to be cost-effective while causing the smallest environmental footprint practicable.
- (b) The Cleanup Oversight Agency must concur with, or direct changes to, the Corrective Action Plan, and upload the concurrence or directive to GeoTracker, within 60 days of its submittal. The Cleanup Oversight Agency must concur with the Corrective Action Plan if the Cleanup Oversight Agency determines that implementation of the Corrective Action Plan will adequately protect human health, safety, and the environment and will restore or protect current or potential beneficial uses of water.
- (c) If directed by the Cleanup Oversight Agency to modify the Corrective Action Plan, a responsible party must submit a modified Corrective Action Plan to the Cleanup Oversight Agency before implementing the workplan.

(d) A Corrective Action Plan must be designed to achieve closure consistent with all applicable state policies for water quality control adopted pursuant to article 3 (commencing with section 13140) of chapter 3 of division 7 of the Water Code and include all the following:

(1) An assessment of the impacts, including, but not limited to;

(A) The physical and chemical characteristics of the hazardous substance or its constituents, including their toxicity, persistence, and potential for migration in water, soil, and soil vapor;

(B) The hydrogeologic characteristics of the site and the surrounding area where the unauthorized release has migrated or may migrate;

(C) The proximity and quality of nearby surface water or groundwater, and the current and potential beneficial uses of these waters; and

(D) The potential effects of residual contamination on nearby surface water and groundwater.

(2) A feasibility study that evaluates the alternatives for remedying or mitigating the actual or potential adverse effects of the unauthorized release. Each alternative must be evaluated for cost-effectiveness and the relative size of its environmental footprint and be designed to mitigate nuisance conditions and risk of fire or explosion. A responsible party must propose to implement the most cost-effective corrective action that has the smallest environmental footprint practicable and still achieves the remedial objectives; and

(A) For sites where the unauthorized release affects or threatens waters with current or potential beneficial uses designated in water quality control plans, the feasibility study must identify and evaluate at least two feasible alternatives to the proposed approach for restoring or protecting these beneficial uses;

(B) For sites where the unauthorized release affects or threatens waters with no current or potential beneficial uses designated in water quality control plans, the feasibility study must identify and evaluate at least one feasible alternative to the proposed approach to mitigate nuisance conditions and risk of fire or explosion.

(3) Applicable cleanup levels for ground or surface waters affected or threatened by the unauthorized release, in compliance with the requirements of section 2710(a) and the following:

(A) For waters with current or potential beneficial uses for which numerical objectives have been designated in water quality control plans, the responsible party must propose at least two alternatives to the proposed approach to achieve these numerical objectives;

- (B) For waters with current or potential beneficial uses for which no numerical objectives have been designated in water quality control plans, the responsible party must recommend target cleanup levels for long-term corrective actions to the Cleanup Oversight Agency for concurrence. Target cleanup levels must be based on the impact assessment prepared in accordance with paragraph (1).

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25296.10, 25296.15 and 25296.35, Health and Safety Code; 40 CFR § 280.66.

#### **§ 2715. Corrective Action Plan Implementation Phase.**

- (a) The Corrective Action Plan Implementation Phase consists of carrying out the most cost-effective alternative with the smallest anticipated environmental footprint that is selected during the Corrective Action Plan Development Phase for remediation or mitigation of the actual or potential adverse effects of the unauthorized release.
- (b) Upon the Cleanup Oversight Agency's concurrence with the Corrective Action Plan or as directed by the Cleanup Oversight Agency, a responsible party must implement the Corrective Action Plan. A responsible party must monitor, evaluate, and submit the results of implementation of the Corrective Action Plan on a schedule agreed to by the Cleanup Oversight Agency.
- (c) A responsible party may begin implementation of the Corrective Action Plan before it has received agency concurrence, if at least 60 days has passed since submittal to the Cleanup Oversight Agency and the responsible party is not otherwise directed in writing by the Cleanup Oversight Agency. Before beginning this cleanup, a responsible party must:
- (1) Notify the Cleanup Oversight Agency of its intention to begin cleanup; and
  - (2) Comply with any conditions set by the Cleanup Oversight Agency, including notification of the public and mitigation of adverse consequences from cleanup activities.
- (d) If a responsible party determines that the Corrective Action Plan is no longer cost-effective, a responsible party must notify the Cleanup Oversight Agency and recommend modifications to or suspension of cleanup activities.
- (e) A responsible party must modify or suspend cleanup activities if directed to do so by the Cleanup Oversight Agency.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25296.10, 25296.15, 25296.35 and 25297.15, Health and Safety Code; 40 CFR § 280.66.

#### **§ 2716. Verification Monitoring Phase.**

- (a) The Verification Monitoring Phase includes any activities required to verify implementation of the Corrective Action Plan and evaluate its effectiveness.

- (b) If the Cleanup Oversight Agency directs a responsible party to perform cleanup, a responsible party must verify satisfactory implementation of the Corrective Action Plan through sampling or other monitoring of soil, water, and soil vapor for the period of time and at the intervals agreed to by the Cleanup Oversight Agency. Using the monitoring results obtained pursuant to this section, and any other relevant data obtained pursuant to this article, a responsible party must evaluate the effectiveness of the site work.
- (c) A responsible party must submit monitoring data and an evaluation of the results of such monitoring on a schedule and for a duration agreed to by the Cleanup Oversight Agency.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25296.10, 25296.15 and 25296.35, Health and Safety Code; 40 CFR § 280.66.

### **§ 2717. Closure Preparation Phase.**

- (a) The closure preparation phase includes those activities that a responsible party and the Cleanup Oversight Agency must complete after the Cleanup Oversight Agency notifies a responsible party that the underground storage tank release case is eligible for closure and before the Cleanup Oversight Agency issues a closure letter pursuant to section 25296.10 of the Health and Safety Code.
- (b) The Cleanup Oversight Agency must complete a minimum 60-day public notification and participation process by providing notice of the proposed case closure and the opportunity to comment to municipal and county water districts, water replenishment districts, special act districts with groundwater management authority, agencies with authority to issue building permits for land affected by the release, occupants of property impacted by the release, and the owners and occupants of all parcels adjacent to the impacted property, in addition to all current record owners of the site pursuant to section 25296.20 of the Health and Safety Code.
- (c) Within 60 days of completion of the public participation process set forth in subdivision (b), the Cleanup Oversight Agency must notify a responsible party if a site is still eligible for closure, or if further corrective action is required.
- (d) A responsible party for a site, who has been notified pursuant to subdivision (c) that the site remains eligible for closure, must do all the following:
  - (1) Properly destroy all groundwater monitoring wells, remediation wells, recovery wells, vapor wells, borings, and excavations associated with corrective action at the site in accordance with applicable state and local regulations, unless a property owner or another responsible party certifies that the wells or borings will be kept and maintained in accordance with applicable local or state requirements.
  - (2) Properly dispose of or recycle all facilities, hardware, and wastes related to corrective action at the site pursuant to applicable state and local regulations.
  - (3) If a land use covenant is a necessary condition to meet closure criteria, properly attach and record any necessary conditions or restrictions on the title to the property.

- (4) Submit a report to the Cleanup Oversight Agency that certifies a responsible party's compliance with paragraphs (1) through (3).

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25296.10, 25296.20, 25296.35 and 25297.15, Health and Safety Code; 40 CFR § 280.67.

#### **§ 2718. Closure Denial Petitions and Closure Reviews.**

- (a) Any responsible party who believes that the Corrective Action Plan for the site has been satisfactorily implemented, but the Cleanup Oversight Agency has not issued a closure letter, may petition the Board for a review of the case pursuant to section 25296.40 of the Health and Safety Code and article 6 of chapter 18 of division 3 of title 23 of the California Code of Regulations.
- (b) Regardless of whether a petition has been submitted, the Board may review any underground storage tank release case and may close that case if conditions are found to comply with all the requirements of subdivisions (a) and (b) of section 25296.10 of the Health and Safety Code and this article.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25296.10, 25296.15, 25296.40, 25299.39.2 and 25299.7, Health and Safety Code.

#### **§ 2719. Closure.**

- (a) The Cleanup Oversight Agency must grant closure consistent with all applicable state policies for water quality control adopted pursuant to article 3 (commencing with section 13140) of chapter 3 of division 7 of the Water Code.
- (1) The Cleanup Oversight Agency only may require recording of a land use restriction as a condition of closure of an underground storage tank release case for a release of petroleum if recording of a land use restriction is a requirement of the least restrictive standards available for closure under all applicable state policies for water quality control adopted pursuant to article 3 (commencing with section 13140) of chapter 3 of division 7 of the Water Code.
- (2) The Cleanup Oversight Agency only may require recording of a land use restriction as a condition of closure of an underground storage tank release case for a release of a hazardous substance that is not petroleum if the Cleanup Oversight Agency determines that a land use restriction is necessary for the protection of public health, safety, or the environment.
- (b) Upon completion of required corrective action, the Cleanup Oversight Agency must inform all responsible parties in writing that no further work is required for the case at that time, consistent with section 25296.10 of the Health and Safety Code.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25296.10, 25296.15, 25296.40 and 25299.7, Health and Safety Code.



## **§ 2720. Post-Closure Abatement.**

- (a) After case closure, an owner of a property where an unauthorized release of a hazardous substance from an underground storage tank has occurred must notify the Cleanup Oversight Agency immediately if the owner of a property where an unauthorized release of a hazardous substance from an underground storage tank has occurred becomes aware that information about the release that had been provided to the Cleanup Oversight Agency was inaccurate or not representative of site conditions, if site conditions change, if actual or anticipated uses of area groundwater change, or if any additional abatement may be necessary for the protection of public health, safety, or the environment.
- (b) The Cleanup Oversight Agency must notify the owner of a property where an unauthorized release of a hazardous substance from an underground storage tank has occurred if the Cleanup Oversight Agency finds that additional site abatement is necessary within 30 days of receiving notification pursuant to subdivision (a), or otherwise receiving notice that information about the release that had been provided to the Cleanup Oversight Agency was inaccurate or not representative of site conditions, that site conditions have changed, that actual or anticipated uses of area groundwater have changed, or that any additional abatement may be necessary for the protection of public health, safety, or the environment.
- (c) If the Cleanup Oversight Agency determines that additional site abatement is necessary, the owner of a property where an unauthorized release of a hazardous substance from an underground storage tank has occurred must perform any abatement activities as directed by the Cleanup Oversight Agency. The owner of a property where an unauthorized release of a hazardous substance from an underground storage tank has occurred must reimburse all reasonable and necessary oversight costs incurred by the Cleanup Oversight Agency in overseeing any abatement.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25283, 25296.10, 25297.01 and 25297.1, Health and Safety Code.

## **§ 2721. Public Participation.**

- (a) For each confirmed unauthorized release that requires a Corrective Action Plan, the Cleanup Oversight Agency must inform the public of the proposed activities contained in the Corrective Action Plan. This notice must include at least one of the following:
  - (1) Publication in a Cleanup Oversight Agency meeting agenda;
  - (2) Public notice posted in a Cleanup Oversight Agency's office;
  - (3) Public notice in a local newspaper;
  - (4) Block advertisements;

- (5) A public service announcement;
  - (6) Letters to individual households; or
  - (7) Personal contacts with the affected parties by Cleanup Oversight Agency staff.
- (b) The Cleanup Oversight Agency must ensure that information and decisions concerning the Corrective Action Plan are made available to the public for inspection upon request.
  - (c) Before concurring with a Corrective Action Plan, the Cleanup Oversight Agency may hold a public meeting when requested by any member of the public, if there is sufficient public interest in the proposed Corrective Action Plan.
  - (d) Upon completion of corrective action, the Cleanup Oversight Agency must give public notice that complies with subdivision (a).
  - (e) The Cleanup Oversight Agency must comply with all applicable provisions of the California Environmental Quality Act, Public Resources Code, commencing with section 21000.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25296.20 and 25297.15, Health and Safety Code; 40 CFR § 280.67.