



UST Program Update October 2020

Amendments to the Underground Storage Tank Regulations

State Water Resources Control Boards' (State Water Board) amendments to the California Code of Regulations, title 23, division 3, chapter 16 (Underground Storage Tank (UST) Regulations), sections 2713 and 2716, and Appendices VI, VII, VIII, IX, XI and XIII (forms) became effective on October 1, 2020. The amendments modify reporting requirements for UST owners and operators, and Unified Program Agencies (UPAs).

As amended, UST Regulations, section 2713, modifies the UPA semi-annual reporting requirements to be included within the United States Environmental Protection Agency (U.S. EPA) technical compliance rate. Additionally, amendments to section 2713 add a requirement for UPAs to report the facilities where a compliance inspection has not been performed over that previous calendar year. Finally, section 2716 has been modified to require the UST owner or operator to sign the designated operator visual inspection report within 72 hours of receipt, acknowledging the inspection results. An accessible version of the amended [UST Regulations¹](#) can be found on the State Water Board web site.

Finally, several of the forms in UST Regulations have been substantially modified. The communication testing requirement has been removed from the *Monitoring System Certification Form* and the *Secondary Containment Testing Report Form*. Structural changes were also added to the forms to simplify use by the UPAs, and UST owners and operators, and to ensure the documents are accessible to all users. The amended forms are required to be in use on and after October 1, 2020.

¹ <https://www.waterboards.ca.gov/ust/regulatory/#regs>

The forms and guidance documents related to these UST Regulations are available on the State Water Board [Reporting Regulations²](#) web page.

For more information regarding amendments to the UST Regulations, contact:
Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or
Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

UST Regulation Amendments and the Energy Policy Act of 2005 Certification

The State Water Board is required to annually certify compliance with the UST provisions of the Energy Policy Act of 2005 (EPAAct). One of these certification provisions requires states to confirm that the federal UST inspection frequency, as outlined in 42 U.S.C. §6991d, subdivision (c)(2), has been achieved. A positive certification to the U.S. EPA requires that all regulated USTs (operational and abandoned) are inspected at least once every three years. Effective October 1, 2020, amendments to title 23, section 2713(d)(1) and (2) modify how the State Water Board receives inspection frequency data from the UPAs.

As amended, UST Regulations, section 2713(d)(1) and (2), requires UPAs to report all regulated USTs that received an inspection at least once in the last three years to the State Water Board no later than January 31 each year. This inspection frequency data shall be generated from the California Environmental Reporting System (CERS), and shall include the following CERS items: CERS ID, Facility Name, UST Reporting Requirement, UST Last Inspection Date, and a written explanation of why an inspection was not performed. The State Water Board will provide detailed instructions for obtaining the data from CERS in the coming weeks.

For more information regarding the UST Regulation Amendments and EPAAct Certification, contact:
Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov, or
Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Assessing Whether Airport Hydrant Systems Meet the Criteria of Underground Storage Tanks

On October 13, 2015, the U.S EPA issued revised regulations for UST systems, and in October 2018 the State Water Board began implementing those provisions. The provisions included the implementation of previously deferred requirements for Airport

² https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/repregs/index.html

Hydrant Systems (AHS). An AHS is a UST if at least ten percent or more of the total capacity of the system is beneath the surface of the ground. The State Water Board, with the assistance of Redhorse Corporation, will begin working with UPAs on assessing whether any AHS in their jurisdiction meet the regulatory definition of a UST. Conducting assessments of whether an AHS meets the regulatory definition of a UST is an essential step before UPAs begin integrating AHS into their UST Program.

Once assessments are conducted, UPAs will need to begin reporting AHS within their jurisdiction. As was the case for field constructed tanks during the most recent *Semi-Annual Underground Storage Tank Program Report* (Report 6), the U.S. EPA requires states to report the number of AHS as a part of Report 6. This is a substantial task that will require close collaboration between state and local agencies, as well as the owners and operators of AHS systems, throughout every stage of the process. More information will be provided in the coming months.

For more information regarding AHS assessments and coordination, contact: Ms. Roshani Dantas at (916) 323-0596 or Roshani.Dantas@Waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Closure Rate of Single-Walled Underground Storage Tanks

California Health and Safety Code, chapter 6.7, section 25292.05, requires the permanent closure of single-walled USTs, which includes tanks and piping, by December 31, 2025. As described in the [California Underground Storage Tank Leak Prevention January – December 2019 Annual Report](#)³, the closure rate of single-walled USTs remains stagnant. To achieve the permanent closure of all 2,800 single-walled USTs, which includes tanks and piping, by December 31, 2025, approximately 560 single-walled USTs must be removed annually.

To increase single-walled UST closure frequency, UPAs should strongly encourage owners and operators to close SW USTs in advance of the December 31, 2025 deadline. Early closures of SW USTs will benefit UST Inspectors by allowing them ample time and resources to process those closures, and limiting the number of abandoned SW USTs remaining in their jurisdiction after January 1, 2026. Further, early closure will benefit owners and operators by preventing the likely bottleneck of available contractors and permitting delays. Finally, loans and grants from the Replacing, Removing, or Upgrading UST Program (RUST) and reimbursements from the UST Cleanup Fund are currently available. The RUST grants and UST Cleanup

³ https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/cal_ust_rpt_jan_dec_2019.pdf

Fund reimbursements are limited year-to-year, therefore, it is best to utilize these resources when available.

For more information regarding the closure of single-walled USTs, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

International Code Council Certification Exams Now Available at Pearson Vue Testing Locations

Pearson Vue testing locations have reopened with limited capacity. Individuals may now schedule appointments to take International Code Council (ICC) UST Inspection, Designated Operator, and/or Service Technician examinations. It is important to note that while individuals may schedule appointments to take these exams, there may be an initial delay before most individuals are able to take the exam. The availability for testing varies at each Pearson Vue testing location as each location is operating at 50 percent capacity due to Covid-19 and social distancing protocols. UPAs and UST Inspection staff may further review test delivery information pertaining to Covid-19 and other related issues on [Pearson Vue's webpage](#)⁴.

For more information regarding Pearson Vue Testing Locations, contact: Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov, or Ms. Wesley Franks at (916) 319-0742 or Wesley.Franks@Waterboards.ca.gov.

⁴ <https://home.pearsonvue.com/Test-takers/Resources.aspx?ot=collapse156>