

**MEMORANDUM OF UNDERSTANDING**

**Between**

**THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**and**

**THE STATE WATER RESOURCES CONTROL BOARD**

**For Settlement of Enforcement Action Seeking Civil Penalties and Injunctive Relief Arising  
Out of Violations of Underground Storage Tank Requirements**

This Memorandum of Understanding ("MOU") is made and entered on January 1, 2018 by and between the California Department of Corrections and Rehabilitation ("CDCR") and the State Water Resources Control Board ("State Water Board") (collectively "the Parties") to settle potential claims for civil penalties and injunctive relief arising out of alleged violations of underground storage tank ("UST") requirements.

**RECITALS**

**WHEREAS**, CDCR currently owns and operates or formerly owned and operated USTs at Mule Creek State Prison, Calipatria State Prison, Centinela State Prison, Pleasant Valley State Prison, Kern Valley State Prison, California Correctional Institution, California Substance Abuse Treatment Facility, High Desert State Prison, California Correctional Center, California State Prison Los Angeles County, Valley State Prison, San Quentin State Prison, Salinas Valley State Prison, California Medical Facility, Ironwood State Prison, California Rehabilitation Center, and Sierra Conservation Center ("CDCR Facility" or "CDCR Facilities");

**WHEREAS**, The State Water Board alleges CDCR is subject to civil penalties and injunctive relief pursuant to sections 25299 and 25299.01 of the Health and Safety Code for alleged violations related to CDCR's construction, operation, and maintenance of its USTs;

**WHEREAS** a dispute has arisen between the parties with respect to the extent of CDCR's liability and the best way to further the State of California's interest in achieving appropriate operation of CDCR's underground storage tanks and avoiding future violations of the regulations governing the operation of such tanks.

**NOW THEREFORE**, the Parties wish to enter into this MOU in order to resolve the dispute.

In consideration for entering into this MOU and in consideration for the promises and respective releases set forth below, the Parties agree as follows:

**1. DEFINITIONS**

1.1. Except where otherwise expressly defined herein, all terms shall be interpreted consistent with Chapter 6.7 of Division 20 of the California Health and Safety Code and, California Code of Regulations, title 23, division 3, chapter 16 ("the UST Regulations").

1.2. "Certified Unified Program Agency" or "CUPA" is an agency certified by the Secretary of the California Environmental Protection Agency pursuant to the requirements of Chapter 6.11 of the Health and Safety Code and California Code of Regulations, title 27, to implement certain State environmental programs within a jurisdiction. As used in this MOU, "CUPA" includes any Participating Agency (as defined at Health and Safety Code section 25501(e)(2)) or Unified Program Agency (as defined at Health and Safety Code section 25501(e)(3)).

1.3. "Covered Facilities" or "Covered Facility" means the UST facilities that are owned and/or operated by CDCR and that are identified in Exhibit A. Pursuant to Paragraph 23, Exhibit A and the Covered Facilities will be amended upon CDCR's notice to the State Water Board that CDCR owns or operates additional UST facilities or USTs, or has sold, transferred to a new owner, or closed a UST facility or UST.

1.4. "Local Agency" means the local agency authorized, pursuant to Health and Safety Code section 25283, to implement certain provisions of Chapter 6.7 of the Health and Safety Code.

1.5. "Immediately" means directly and without undue delay.

1.6. "Promptly" means as soon as reasonably practicable.

1.7. "Suspended Penalty Conduct" shall mean a violation of one or more of the provisions of Paragraph 4, below.

1.8. "The Mediator" shall mean a neutral representative appointed by the Governor's Office, in consultation with the California Environmental Protection Agency, to hear and adjudicate all matters relating to enforcement of the provisions of this MOU in accordance with the procedures described in Paragraph 18, below, including the imposition of suspended penalties.

## **2. PAYMENT AND CONDITIONAL SUSPENSION OF CIVIL PENALTIES**

2.1. Upon entry of this MOU, CDCR is liable for a total of TWO MILLION EIGHT HUNDRED NINETY-SEVEN THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,897,650) in civil penalties to be paid and/or suspended, as set forth in paragraphs 2.2 through 2.7 below.

### **2.2. Cash Civil Penalties:**

CDCR agrees to pay the State Water Board a total of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) in civil penalties under section 25299 of the Health and Safety Code. This payment is due no later than two (2) years from the date of entry of the MOU and shall be

made by check, payable to the State Water Board's "State Water Pollution Cleanup and Abatement Account." CDCR shall send the original signed check to the State Water Board Accounting Office, Attn: UST Enforcement MOU Payment, P.O. Box 1888, Sacramento, CA 95812-1888. A copy of the check shall be sent to David Boyers, State Water Board Office of Enforcement, 801 K, Suite 2300, Sacramento, CA 95814.

**2.3. Enhanced Compliance Actions:**

Of CDCR's total liability of TWO MILLION EIGHT HUNDRED NINETY-SEVEN THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,897,650), ONE MILLION DOLLARS (\$1,000,000) shall be suspended on the condition that CDCR demonstrates, within twenty-four (24) months from the date of entry of the MOU, that it has expended at least ONE MILLION DOLLARS (\$1,000,000) on completing the Enhanced Compliance Actions ("ECAs") described in Paragraphs 2.3.a and 2.3.b, below.

**2.3.a. Compliance Management Program:** Development and implementation of an Underground Storage Tank Compliance Management Program, described in Exhibit B, detailing CDCR's Covered Facilities and the procedures and processes in place to meet the UST compliance requirements. As part of the Underground Storage Tank Compliance Management Program, CDCR shall employ and maintain one employee at headquarters who is knowledgeable in Chapter 6.7 of Division 20 of the California Health and Safety Code and other applicable UST laws and regulations ("Environmental Compliance Manager").

**2.3.b. UST Replacement Program:** Commence design and construction of either a closure and/or a closure and replacement to an above ground storage tank of at least one of CDCR's USTs, which shall include, but not be limited to, the USTs at Kern Valley State Prison. The associated estimated costs are \$500,000 to \$600,000 and include design, construction and disposal costs.

**2.4** CDCR shall not receive credit for any action taken to carry out or implement the ECAs if such action(s) is required by Chapter 6.7 of Division 20 of the California Health and Safety Code, the UST Regulations, or any other settlement agreement pertaining to CDCR's UST facilities.

**2.5. Quarterly Reports:** CDCR shall document the progress of implementing, including the expenditure of money, each ECA described in Paragraphs 2.3.a and 2.3.b in a Quarterly Report, as described in Paragraph 3.24, below. Such documentation may include photographs, invoices, receipts, certifications and other materials reasonably necessary for the State Water Board to evaluate the status or completion of each ECA and the costs incurred by CDCR.

**2.6. Final Accounting of ECA Expenditures:** No later than twenty-six (26) months from the date of entry of the MOU, CDCR shall submit to the State Water Board a Final Accounting, verified by a third party auditor, documenting all expenditures made to implement

the ECAs. The costs associated with retaining an independent third party to verify CDCR's expenditures on ECAs shall not be considered an eligible ECA cost. In the event that CDCR does not expend ONE MILLION DOLLARS (\$1,000,000) to implement ECAs, CDCR shall pay to the State Water Board an amount equal to the difference between the amount CDCR expended on ECA costs and ONE MILLION DOLLARS (\$1,000,000). Payment is due no later than forty-five (45) days following receipt of notice by the State Water Board of its determination that payment is due. Payment shall be made in accordance with Paragraph 2.9, below.

2.7. Suspended Penalties:

2.7.a. Suspended Penalties. Of CDCR's total liability of TWO MILLION EIGHT HUNDRED NINETY-SEVEN THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,897,650), ONE MILLION THREE HUNDRED NINETY-SEVEN THOUSAND SIX HUNDRED FIFTY DOLLARS (\$1,397,650) shall be suspended on the condition that: (1) CDCR complies with its payment obligations of cash civil penalties as set forth in Paragraph 2.2.; and (2) CDCR does not engage in any Suspended Penalty Conduct specified in Paragraph 4 for a period of two (2) years, beginning immediately upon entry of the MOU.

2.7.b. Notice of Suspended Penalty Conduct to CDCR. If the State Water Board, during the two (2) year period following the date of entry of this MOU, determines that CDCR or a Covered Facility, as designated in Exhibit A, has engaged in Suspended Penalty Conduct as set forth in Paragraph 4 below, the State Water Board shall provide a Notice of the Suspended Penalty Conduct to the following: (1) the Covered Facility involved, as designated in Exhibit A; and (2) CDCR as provided in Paragraph 16.

2.7.c. The State Water Board will not seek to assess and collect suspended civil penalties and CDCR shall not be assessed a civil penalty if the alleged Suspended Penalty Conduct has been corrected within thirty (30) days from the date of receipt of the Notice of Suspended Penalty Conduct, or within the extended period, as explained in the next sentence. In the event that CDCR is not able to correct the Suspended Penalty Conduct within thirty (30) days of receipt of the Notice of Suspended Penalty Conduct, CDCR shall provide notice to the State Water Board prior to the expiration of the thirty (30) day period, and request an extension regarding correcting the Suspended Penalty Conduct. The notice shall explain the reasons that CDCR could not correct the Suspended Penalty Conduct within thirty (30) days, and shall include a timeline that explains when CDCR reasonably anticipates it will correct the Suspended Penalty Conduct. The State Water Board shall not unreasonably withhold consent to extend the thirty (30) day period consistent with CDCR's submitted timeline. However, the State Water Board may still take enforcement action and seek any appropriate relief for such violations as authorized by law, including but not limited to, the assessment and collection of civil penalties pursuant to Health and Safety Code section 25299.

2.7.d. If the State Water Board moves to assess and collect suspended penalties as provided in Paragraph 18 and the Mediator finds that CDCR has engaged in Suspended

Penalty Conduct that has not been corrected within thirty (30) days or within the extended period pursuant to Paragraph 2.7.c, the Mediator shall impose a civil penalty as follows:

For each thirty (30) day calendar day period that a Suspended Penalty Conduct violation remains uncorrected, subject to any and all extensions pursuant to Paragraph 2.7.c, the Mediator shall impose a mandatory ONE HUNDRED THOUSAND DOLLAR (\$100,000) civil penalty payable to the State Water Pollution Cleanup and Abatement Account. The State Water Board shall have the burden of proof for establishing that CDCR engaged in the alleged Suspended Penalty Conduct, that the State Water Board provided CDCR with the Notice of Suspended Penalty Conduct pursuant to Paragraph 2.7.b, and that CDCR did not correct the Suspended Penalty Conduct in accordance with all applicable laws within thirty (30) days or within the extended time period pursuant to Paragraph 2.7.c.

If the Mediator finds that CDCR has engaged in Suspended Penalty Conduct and that CDCR did not correct the Suspended Penalty Conduct within thirty (30) days of receipt of the Notice of Suspended Penalty Conduct or within the extended period pursuant to Paragraph 2.7.c, the Parties agree that the Mediator shall have no discretion to reduce or otherwise modify the amount of suspended civil penalties to be assessed and awarded to the State Water Board pursuant to this MOU until the entire suspended penalty amount of ONE MILLION THREE HUNDRED NINETY-SEVEN THOUSAND SIX HUNDRED FIFTY DOLLARS (\$1,397,650) is exhausted.

2.7.e. Payment of the suspended penalties awarded by the Mediator pursuant to this paragraph shall be due no later than forty-five (45) days from the date of the Mediator's determination.

2.7.f. If CDCR complies with its payment obligations set forth in Paragraph 2.2, after a period of two (2) years, beginning with the entry of the MOU, the suspension of any remaining penalties not otherwise imposed as herein provided shall become permanent. However, if a motion to assess and collect suspended civil penalties as provided herein is still pending before the Mediator two (2) years after the entry of the MOU, the suspension of penalties proposed in the State Water Board's motion shall not become final until a final determination has been issued and payment of civil penalties to the State Water Board has been made if required by such order; all other remaining suspended penalties not impacted by the State Water Board's motion shall be permanently suspended.

2.8. Late Payments: CDCR shall be liable for a stipulated civil penalty of FIVE THOUSAND DOLLARS (\$5,000) for each day that a payment required pursuant to this MOU is late, unless CDCR demonstrates good cause for failing to make payment on time and the State Water Board agrees to waive the late payment penalty.

2.9. Other than payments made by CDCR to fund ECAs described in Paragraph 2.3., all payments made pursuant to the MOU shall be made by check and delivered to the State Water Board Accounting Office, Attn: UST Enforcement MOU Payment, P.O. Box 1888, Sacramento, CA 95812-1888. A copy of each payment shall also be sent to: State Water Resources Control Board Office of Enforcement, 801 K Street, 23rd Floor, Sacramento, CA 95814, attention David Boyers.

### **3. INJUNCTIVE RELIEF**

Pursuant to the provisions of Health and Safety Code section 25299.01, but subject to the termination Paragraph 17 below, upon entry of the MOU, with respect to the Covered Facilities, CDCR is enjoined to comply with Chapter 6.7 of Division 20 of the Health and Safety Code and the UST Regulations. Specifically, CDCR is enjoined to comply with the following requirements at each of the Covered Facilities:

3.1. CDCR shall, at all times, identify a designated operator for each UST facility owned by CDCR in accordance with the requirements of California Code of Regulations, title 23, section 2715(a).

3.2. Monthly visual UST inspections shall be performed by a designated operator and the results of the monthly inspection shall be recorded in a monthly inspection report, as required by California Code of Regulations, title 23, section 2715(c).

3.3 Training for UST facility employees shall be conducted by the designated operator, as required by California Code of Regulations, title 23, section 2715(f). A list of UST facility employees who have been trained by the designated operator shall be maintained and provided to the local agency upon request, as required by California Code of Regulations, title 23, section 2715(f)(3).

3.4. UST primary containment shall be constructed, operated, and maintained product tight, as required by Health and Safety Code sections 25290.1(c)(1), 25290.2(c)(1) and 25291(a)(1).

3.5 Secondary containment testing shall be conducted in accordance with the requirements of California Code of Regulations, title 23, section 2637.

3.6. UST secondary containment shall be constructed, operated, and maintained (1) product tight; (2) to prevent structural weakening as a result of contact with any released hazardous substances from the primary containment; and (3) to be capable of storing hazardous substances for the maximum anticipated period of time necessary for the recovery of any released hazardous substance, as required by Health and Safety Code sections 25290.1(c)(2), 25290.2(c)(2), 25291(a)(2), and, Health and Safety Code section 25292(e) and California Code of Regulations, title 23, section 2662(b) and (c).

3.7. In the event of a failure of a secondary containment test, where CDCR reasonably determines a release to the environment is not possible, CDCR may continue operation of the

UST for a reasonable period of time, unless otherwise directed by the CUPA. A reasonable period of time within which to repair a secondary containment system is 30 to 120 days, depending on the type and extent of failure, the repairs needed, and the time needed by the CUPA to review any necessary repair applications.

3.8. USTs shall be equipped with a spill container that will collect any hazardous substances spilled during product delivery operations to prevent the hazardous substance from entering the subsurface environment, as required by California Code of Regulations, title 23, section 2635(b)(1).

3.9 The spill containment structure shall be tested annually in accordance with the requirements of Health and Safety Code section 25284.2.

3.10. In the event of a failure of a spill container test, where CDCR reasonably determines a release to the environment is not possible, CDCR may continue operation of the UST for a reasonable period of time, unless otherwise directed by the CUPA. A reasonable period of time within which to repair a spill container is 30 to 60 days, depending on the type and extent of failure, the repairs needed, and the time needed by the CUPA to review any necessary repair applications

3.11. UST monitoring equipment shall be certified annually in accordance with California Code of Regulations, title 23, section 2638.

3.12. Underground pressurized piping that conveys a hazardous substance shall be equipped with a functional automatic line leak detector, as required by Health and Safety Code sections 25290.1(h), 25290.2(g), 25291(f) and 25292(e), and California Code of Regulations section, title 23, 2636(f)(2).

3.13. Automatic line leak detectors shall be monitored in accordance with the requirements of Health and Safety Code section 25293 and California Code of Regulations, title 23, sections 2636(f)(4), 2638(a) and/or 2643(c).

3.14. Emergency generator tank systems that do not have an automatic line leak detector shall have continuous monitoring and a daily inspection log as required by California Code of Regulations, title 23, section 2636(f)(6) and perform an annual 0.1 gallon per hour line tightness test required by California Code of Regulations, title 23, section 2636(f)(4).

3.15. The UST monitoring system shall be capable of detecting the entry of the liquid- or vapor-phase of the hazardous substance stored in the primary containment into the secondary containment and capable of detecting water intrusion into the secondary containment, as required by Health and Safety Code sections 25290.1(d), 25290.2(d), 25291(b) and 25292(a). CDCR shall properly install and place all leak-detecting sensors so that each is capable of detecting a leak at the earliest possible opportunity as required by California Code of Regulations, title 23, including but not limited to section 2630(d). CDCR shall promptly replace or repair any sensor that, for any reason, becomes incapable of detecting a leak at the earliest possible opportunity.

3.16. A tag/sticker shall be affixed to monitoring equipment being certified, as required by California Code of Regulations, title 23, section 2638(f).

3.17. Written monitoring and maintenance records shall be maintained in accordance with the requirements of Health and Safety Code section 25293 and California Code of Regulations, title 23, section 2712(b).

3.18. CDCR shall maintain copies of the approved and updated monitoring plan and/or release response plan on site, as required by California Code of Regulations, title 23, sections 2632(d), 2634(e), 2641(h), 2711(a)(9), and/or 2712(i).

3.19. CDCR shall maintain copies of the operating permit on site, as required by California Code of Regulations, title 23, section 2712(i).

3.20. CDCR shall provide, maintain and update the operating permit application, including the facility and tank information, as required by Health and Safety Code section 25286(a) and California Code of Regulations, title 23, section 2711(a).

3.21. CDCR shall not operate a UST without a valid operating permit, as required by Health and Safety Code section 25284(a).

3.22. Within thirty (30) days of entry of the MOU, CDCR shall maintain two binders of compliance documentation. Each facility will maintain one binder at the fueling garage or generator room, depending on the site. The binder at each facility must be current with all documents the CUPA or State Water Board inspector needs to see at the time of inspection, including: monthly designated operator reports; visual daily logs for required UST systems; three years of most recent annual monitoring certifications; secondary containment test reports; tank and facility information forms; monitoring plan; site plan; release response plan; permit to operate; designated operator employee training; designated operator statement; and any other testing (ELD, repairs, line tightness, etc.) CDCR's Environmental Compliance Manager will maintain the second binder in electronic form at Headquarters. The second binder will be updated quarterly.

3.23. Within thirty (30) days of entry of the MOU, CDCR shall implement a UST compliance management program that includes, at a minimum, the following elements: centralized management responsibility for all of CDCR's USTs with an Environmental Compliance Manager; monitoring of third-party contractors' performance to ensure CDCR's required obligations are met; and creating an electronic tracking system to manage information regarding permitting, certification and maintenance of CDCR's UST systems, including, but not limited to, tracking compliance deadlines and ensuring timely repairs are made.

3.24. Beginning on April 30, 2018, and continuing every three months thereafter, for as long as the MOU remains in effect, CDCR shall provide the State Water Board with quarterly reports ("Quarterly Report"). The Quarterly Report shall include, at a minimum:



- a. A summary of the actions CDCR has taken to implement the ECAs, including any expenditures made;
- b. A summary of any violation(s) identified by the CUPA and the measures taken by CDCR to correct the violation(s);
- c. A summary of, and include as attachments thereto, at least the following: annual monitoring certification, including monitoring panel printouts; secondary containment testing reports; annual 0.1 gallon per hour line tightness test results for applicable UST systems; monthly designated operator reports with complete printout tapes of alarms; any employee training performed by the designated operator; daily logs for pressurized emergency generator systems; and CUPA inspections.

#### **4. SUSPENDED PENALTY CONDUCT**

The following acts shall constitute Suspended Penalty Conduct for which CDCR will be subject to the Suspended Penalties described in Paragraph 2.7, above.

4.1. Failure to timely submit a complete Quarterly Monitoring Report as outlined in Paragraph 3.24.

4.2. Failure to ensure that monthly UST inspections are performed by a designated operator and the results of the monthly inspection are being recorded in a monthly inspection report, as required by California Code of Regulations, title 23, section 2715(c).

4.3. Failure to ensure that training for UST facility employees is conducted by the designated operator, as required by California Code of Regulations, title 23, section 2715(f) and/or failure to ensure that a list of UST facility employees who have been trained by the designated operator is maintained and provided to the local agency upon request, as required by California Code of Regulations, title 23, section 2715(f)(3).

4.4. Failure to construct, operate, and maintain UST primary containment product tight, in accordance with Health and Safety Code sections 25290.1(c)(1), 25290.2(c)(1) and 25291(a)(1).

4.5. Failure to construct, operate, and maintain UST secondary containment (1) product tight; (2) to prevent structural weakening as a result of contact with any released hazardous substances from the primary containment; and (3) to be capable of storing hazardous substances for the maximum anticipated period of time necessary for the recovery of any released hazardous substance, as required by Health and Safety Code sections 25290.1(c)(2), 25290.2(c)(2), 25291(a)(2), and California Code of Regulations, title 23, section 2662(b) and (c).

4.6. Failure to conduct periodic testing of secondary containment in accordance with the requirements of California Code of Regulations, title 23, section 2637.

4.7. Failure to maintain functional spill containers, as required by California Code of Regulations, title 23, section 2635(b)(1).

4.8. Failure to annually test spill containers, as required by Health and Safety Code section 25284.2.

4.9. Failure to annually certify UST monitoring equipment, as required by California Code of Regulations, title 23, section 2638.

4.10. Failure to equip underground pressurized piping that conveys a hazardous substance with a functional automatic line leak detector in accordance with Health and Safety Code sections 25290.1(h), 25290.2(g), 25291(f) and 25292(e), and California Code of Regulations, title 23, section 2636(f)(2).

4.11. Failure to have a UST monitoring system that is capable of detecting the entry of the liquid- or vapor-phase of the hazardous substance stored in the primary containment into the secondary containment and capable of detecting water intrusion into the secondary containment, as required by Health and Safety Code sections 25290.1(d), 25290.2(d), 25291(b) and 25292(a).

4.12. For emergency generator tank systems that do not have an automatic line leak detector, failure to have continuous monitoring and a daily inspection log as required by California Code of Regulations, title 23, section 2636(f)(6) and/or perform an annual 0.1 gallon per hour line tightness test as required by California Code of Regulations, title 23, section 2636(f)(4).

4.13. Failure to affix a tag/sticker to monitoring equipment being certified, as required by California Code of Regulations, title 23, section 2638(f).

4.14. Failure to maintain monitoring and maintenance records, as required by Health and Safety Code section 25293 and California Code of Regulations, title 23, section 2712(b).

4.15. Failure to provide, maintain or update the operating permit application, including the facility and tank information, as required by Health and Safety Code section 25286(a) and California Code of Regulations, title 23, section 2711(a).

4.16. Failure to maintain copies of the monitoring plan and/or release response plan on site, as required by California Code of Regulations, title 23, sections 2632(d), 2641(h), 2711(a)(9), and/or 2712(i).

## **5. MATTERS COVERED BY THE MOU**

5.1. The MOU is a final and binding resolution and settlement of all claims, violations, penalties and causes of action alleged by the State Water Board and described in detail in Exhibit C regarding the CDCR Facilities, and all claims, violations, penalties and causes of action related to the CDCR Facilities the State Water Board could have asserted based upon the alleged violations, acts, omissions and/or events described in Exhibit C (hereinafter referred

to as "Covered Matters"). The Parties reserve the right to pursue any claim that is not a Covered Matter ("Reserved Claim") and to defend against any Reserved Claim.

5.2. The MOU does not apply to any claims, actions or penalties for the performance, or lack of performance of, cleanup, corrective action, or response action concerning or arising out of actual past or future releases, spills, leaks, discharges or disposal of motor vehicle fuels, hazardous wastes, or hazardous substances caused or contributed to by CDCR at locations at or from the Covered Facilities or any other UST facility owned and/or operated by CDCR. The MOU does not prevent any claims, actions, or penalties by the State Water Board and/or other regulatory entity based upon the actual release of any hazardous substance into the soil and/or groundwater.

5.3. Except as otherwise provided in this MOU, the State Water Board covenants not to sue or pursue any further civil or administrative claims, actions or penalties against CDCR or any of their officers, employees, representatives, agents or attorneys for the Covered Matters.

5.4. CDCR covenants not to sue or pursue any civil or administrative claims against the State Water Board or against any agency of the State of California or against their officers, employees, representatives, agents or attorneys arising out of or related to any Covered Matters.

5.5. Any claims, violations, or causes of action that are based on acts, omissions or events occurring after the date of entry of the MOU in this matter, except for those matters addressed in Paragraph 2.7 of the MOU, are not resolved, settled or covered by the MOU.

5.6. In any subsequent action that may be brought by the State Water Board based on any Reserved Claims, CDCR agrees that it will not assert that failing to pursue the Reserved Claim as part of this action constitutes claim-splitting, laches, or is otherwise inequitable. This Paragraph does not prohibit CDCR from asserting any statute of limitations defense that may be applicable to any Reserved Claims, or from asserting that any such action alleges Covered Claims rather than Reserved Claims.

## **6. NON-ADMISSION OF LIABILITY**

CDCR does not admit any allegation, finding, determination or conclusion contained, alleged or asserted or described in Exhibit C, CDCR does not admit any issue of law or fact alleged in the MOU and CDCR shall not be construed as admitting the same. Except as otherwise expressly provided in the MOU, nothing in the MOU shall prejudice, waive or impair any right, remedy or defense that CDCR has against any person or entity not party to the MOU.

## **7. STATE WATER BOARD NOT LIABLE**

The State Water Board shall not be liable for any injury or damage to persons or property resulting from acts or omissions by CDCR in carrying out the activities pursuant to the MOU, nor shall the State Water Board be held as a party to or guarantor of any contract entered into by CDCR, its officers, employees, agents, representatives or contractors in carrying out activities required pursuant to the MOU.

**8. EFFECT OF MOU**

Except as expressly provided in the MOU or applicable statutory or common law, nothing in the MOU is intended nor shall it be construed to preclude the State Water Board from exercising its authority under any law, statute or regulation. Except as expressly provided by the MOU, CDCR retains all of its defenses and rights to the exercise of such authority.

**9. APPLICATION OF MOU**

The MOU shall apply to and be binding upon the State Water Board, and upon CDCR, and to each of their respective predecessors, subsidiaries, affiliates, successors and assigns.

**10. REGULATORY CHANGES**

Nothing in the MOU shall excuse CDCR from complying with any more stringent requirements that may be imposed by changes in applicable law. To the extent any future regulatory or statutory changes make the obligations of CDCR less stringent than as provided for in Paragraph 3 of this MOU, the Parties may agree to modify any of the obligations contained in Paragraph 3 hereof and may also modify any corresponding category of Suspended Penalty Conduct in Paragraph 4. If the Parties are unable to reach agreement, CDCR may appeal to the Mediator for modification of any of the provisions contained in Paragraphs 3 and/or 4 hereof.

**11. AUTHORITY TO ENTER MOU**

Each signatory to this MOU certifies that he or she is fully authorized by the Party he or she represents to enter into this MOU, to execute it on behalf of the Party, and legally to bind that Party.

**12. PAYMENT OF LITIGATION EXPENSES AND FEES**

Except as otherwise provided in this MOU, each of the Parties shall bear and pay their own fees and costs.

**13. COUNTERPART SIGNATURES**

This MOU may be executed by the Parties in counterpart.

**14. INTEGRATION**

The MOU constitutes the whole agreement between the Parties. The MOU may not be amended or modified except as provided for in this MOU.

**15. MODIFICATION OF MOU**

The MOU may be amended or modified only upon written consent by the Parties.

**16. NOTICES**

Unless otherwise specified, all notices and submissions required by this MOU shall be sent to the following via personal delivery, overnight mail using a reputable delivery courier, or United States Postal Service mail, certified or registered mail, return receipt requested:

**For SWRCB:** State Water Resources Control Board, Office of Enforcement 801 K St. 23<sup>rd</sup> Floor, Sacramento, CA 95814 Attn: David Boyers & Amantha Henkel

And

**For CDCR:** California Department of Corrections and Rehabilitation, 9838 Old Placerville Rd. Ste. B, Sacramento, CA 95827, Attn: Gregor Larabee, Laurie Perri & Paul Vasquez

Any Party may change the individual or address for purpose of notice to that Party by written notice specifying the new individual or address, but no such change is effective until the written notice is actually received by the Party sought to be charged with its contents.

**17. TERMINATION OF INJUNCTIVE RELIEF, SUSPENDED PENALTIES, AND SUSPENDED PENALTY CONDUCT PROVISIONS**

After the MOU has been in effect for two (2) years: (1) CDCR shall be relieved of any further compliance with Paragraph 3, "Injunctive Relief"; (2) the suspension of any remaining Suspended Penalties shall become permanent; and (3) CDCR shall be relieved of any further compliance with Paragraph 4, "Suspended Penalty Conduct". The termination of the injunctive relief provisions of this MOU, the permanent suspension of Suspended Penalties, and the termination of Suspended Penalty Conduct provisions do not eliminate any of CDCR's continuing obligations to comply with the provisions of the UST Regulations, and any other settlement agreements

**18. MEDIATION**

The State Water Board may submit a written motion (Enforcement Motion) with the Mediator to compel compliance with the terms of this MOU, including the imposition of suspended penalties. CDCR may file an opposition and the State Water Board may file a reply. At least ten (10) days before filing an Enforcement Motion, the State Water Board will meet and confer in good faith with CDCR to attempt to resolve the matter without intervention by the Mediator. Notwithstanding any other provisions in this MOU, the State Water Board may take immediate action as authorized by law in order to respond to an immediate threat to human health or the environment. Any determination by the Mediator regarding the terms of this MOU or whether CDCR has engaged in Suspended Penalty Conduct shall be final for purposes of implementing the MOU. However, any determination by the Mediator shall not be binding on the State Water Board should the State Water Board seek to impose criminal or civil penalties and injunctive relief as provided by law. Except as to Covered Matters between the State Water Board and CDCR, nothing in the MOU shall restrict the authority of any state or local agency to seek criminal or civil penalties and injunctive relief as provided by law.

**19. FORCE MAJEURE EVENT**

19.1. It is not a breach of CDCR's obligations under Paragraph 3 if CDCR is unable to perform due to a *Force Majeure Event*. Any event due to acts of God, acts of war or circumstances beyond the control of CDCR that prevents the performance of such an obligation despite CDCR's timely and diligent efforts to fulfill the obligation is a *Force Majeure Event*. A *Force Majeure Event* does not include financial inability to fund or complete any work, any failure by CDCR's suppliers, contractors, subcontractors or other persons contracted to perform the work for or on behalf of CDCR (unless their failure to do so is itself due to a *Force Majeure Event*), nor does it include circumstances which could have been avoided if CDCR had complied with preventative requirements imposed by law, regulation or ordinance.

19.2. If CDCR claims a *Force Majeure Event*, it shall notify the State Water Board in writing within three (3) business days of when CDCR learns that the event will prevent performance of an obligation in Paragraph 3. Within fourteen (14) calendar days thereafter, CDCR shall provide the State Water Board a written explanation and description of the reasons for the prevention of performance, all actions taken or to be taken to prevent or mitigate the nonperformance, the anticipated date for performance, and explanation of why the event is a *Force Majeure Event*, and any documentation to support CDCR's explanation. Within fourteen (14) calendar days of receipt of such explanation, the State Water Board will notify CDCR in writing whether the State Water Board agrees or disagrees with CDCR's assertion of a *Force Majeure Event*. If the Parties do not agree that a particular delay or lack of performance is attributable to a *Force Majeure Event*, either Party may petition the Mediator to resolve the dispute.

19.3. The time for performance of the obligations under Paragraph 3 of this MOU that are affected by a *Force Majeure Event* will be extended for such time as is necessary to complete those obligations. An extension of time for performance of the obligations affected by the *Force Majeure Event* shall not, of itself, extend the time for performance of any other obligation.

## **20. NO WAIVER OF RIGHT TO ENFORCE**

The failure of the State Water Board to enforce any provision of the MOU shall neither be deemed a waiver of such provision nor in any way affect the validity of the MOU. The failure of the State Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of the MOU. Except as expressly provided in the MOU, CDCR retains all defenses allowed by law to any such later enforcement. No oral advice, guidance, suggestions or comments by employees or officials of any Party regarding matters covered in the MOU shall be construed to relieve any Party of its obligations under the MOU.

## **21. NECESSITY FOR WRITTEN APPROVALS**

All approvals and decisions of the State Water Board under the terms of the MOU shall be communicated to CDCR in writing. No oral advice, guidance, suggestions or comments by employees of or officials of the State Water Board regarding submissions or notices shall be construed to relieve CDCR of its obligation to obtain any final written approval required by the MOU.

**22. ABILITY TO INSPECT AND COPY RECORDS AND DOCUMENTS**

Subject to CDCR safety and security requirements, and upon at least 48 hours prior notice, CDCR shall permit any duly authorized representative of the State Water Board to inspect and copy CDCR's UST records and related documents, and to enter and inspect CDCR's facilities to determine whether CDCR is in compliance with the terms of the MOU. Such documents include, but are not limited to; monthly designated operator reports; visual daily logs for required UST systems; three years of most recent annual monitoring certifications; secondary containment test reports; tank forms A/B, monitoring plan, site plan, response plan (if not in CERS); permit to operate; designated operator employee training; designated operator statement; and any other testing (ELD, repairs, line integrity, etc.). Nothing in this Paragraph is intended to require access to or production of any documents that are protected from production or disclosure by the attorney-client privilege, attorney work product doctrine or any other applicable privilege afforded to CDCR under law.

**23. COVERED FACILITIES AND CHANGE OF OWNERSHIP OR OPERATION**

The Parties agree that Exhibit A, which as of the effective date of the MOU shall identify the current Covered Facilities, shall be a living document that CDCR shall keep current as herein required. Commencing on the effective date of the MOU in this matter, CDCR shall promptly provide written notice to the State Water Board in accordance with Paragraph 16 whenever any Covered Facility listed on Exhibit A, as amended, is sold, transferred to a new owner or operator, or closed. CDCR shall also promptly provide written notice to the State Water Board in accordance with Paragraph 16 whenever any additional UST facilities or USTs come to be owned and/or operated by CDCR. Upon CDCR's notice to the State Water Board, Exhibit A will be modified to reflect new facilities. Also upon CDCR's notice to the State Water Board, facilities that CDCR has sold, transferred, or closed shall be removed from Exhibit A. The facilities listed on Exhibit A shall be considered "Covered Facilities" for purposes of this MOU. Accordingly, CDCR agrees that all requirements of this MOU that are applicable to the current "Covered Facilities" shall also be applicable to each additional UST facility or UST that comes to be owned and/or operated by CDCR after the effective date of the MOU. Following CDCR's notice to the State Water Board that CDCR has sold, transferred, or closed a UST or UST facility, that UST facility or UST will no longer be subject to the terms of this MOU. The sale, transfer or closure of a UST does not relieve CDCR of any potential liability described herein during the period in which CDCR owned and/or operated the UST.

**24. JOINT LETTER TO CUPAS**

CDCR and the State Water Board agree that in order for the CDCR Environmental Compliance Manager to remain fully apprised of any alleged violation at the Covered Facilities, the CUPAs, in addition to providing notice to the pertinent CDCR Facility, should provide a copy of any notice of violation, and any other communication, to CDCR, pursuant to Paragraph 16. In order to implement this agreement, CDCR and the State Water Board agree that within five (5) days from the date of entry of the MOU, the parties will send the letter attached as Exhibit D to each CUPA that governs the Covered Facilities. The letter directs each CUPA to

provide a copy of all communications sent to the Covered Facilities to CDCR, pursuant to Paragraph 16.



**IT IS SO STIPULATED**

FOR THE CALIFORNIA STATE WATER  
RESOURCES CONTROL BOARD:

Dated: \_\_\_\_\_, 2017

\_\_\_\_\_  
By: Eileen Sobeck  
Executive Director  
State Water Resources Control Board

FOR CDCR:

Dated: Dec 18, 2017

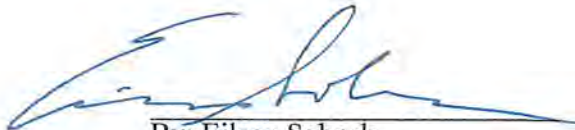
  
\_\_\_\_\_  
By: Deborah Hysen  
Director, Facility Planning,  
Construction and Management  
California Department of Corrections  
and Rehabilitation



**IT IS SO STIPULATED**

FOR THE CALIFORNIA STATE WATER  
RESOURCES CONTROL BOARD:

Dated: Dec. 11, 2017



By: Eileen Sobeck  
Executive Director  
State Water Resources Control Board

FOR CDCR:

Dated: \_\_\_\_\_, 2017

By: Deborah Hysen  
Director, Facility Planning,  
Construction and Management  
California Department of Corrections  
and Rehabilitation

**EXHIBIT A**

<b>FACILITY NAME</b>	<b>STREET ADDRESS</b>	<b>FACILITY CITY</b>
Calipatria State Prison (CAL)	7018 Blair Road	Calipatria
California Correctional Center (CCC)	711-045 Center Road	Susanville
California Correctional Institution (CCI)	24900 Highway 202	Tehachapi
Centinela State Prison (CEN)	2302 Brown Road	Imperial
California Medical Facility (CMF)	1600 California Drive	Vacaville
California Rehabilitation Center (CRC)	5th Street	Norco
High Desert State Prison (HDSP)	475-750 Rice Canyon Road	Susanville
Ironwood State Prison	19005 Wiley's Well Road	Blythe
Kern Valley State Prison	3000 W Cecil Avenue	Delano
Mule Creek State Prison (MCSP)	4001 Highway 104	Ione
Pleasant Valley State Prison (PVSP)	24863 W Jayne Avenue	Coalinga
California Substance Abuse Treatment Facility (SATF)	900 Quebec Avenue	Corcoran
Sierra Conservation Center (SCC)	5100 O'Byrnes Ferry Road	Jamestown
Salinas Valley State Prison (SVSP)	31625 Highway 101	Soledad
San Quentin State Prison (SQ)	1 Main Street	San Quentin

Valley State Prison (VSP)	21633 Avenue 24	Chowchilla
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**EXHIBIT B**

**Compliance Management Program**

# California Department of Corrections and Rehabilitation



## UNDERGROUND STORAGE TANK COMPLIANCE MANAGEMENT PROGRAM

November 2017





CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

**Appendix Revision Log**

<b>Revision #</b>	<b>Date</b>	<b>Section, Paragraph, page, subject</b>

Live Appendix Revision Log is located here:  
<http://teamsite/team/Admin/fmb/ECS/REG/UST%20Compliance%20Program/F-USTCMP%20Appendix%20Revision%20Log-15SEP17.docx>

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

TABLE OF CONTENTS

I. Purpose	Page 1
II. Scope	Page 1
III. Authority	Page 2
IV. Definitions	Page 2
V. Procedures	Page 3
VI. List of Appendices	Page 11

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

## I. PURPOSE

The Underground Storage Tank Compliance Management Program (USTCMP) addresses compliance with applicable laws, regulations and standards of underground storage tank systems (UST) at multiple California Department of Corrections and Rehabilitation (CDCR) facilities.

The CDCR currently owns and operates USTs used to contain gasoline, diesel, renewable diesel and motor oil. Regulatory oversight is performed by the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), California Air Quality Board (CARB), local Air Quality Management District/Air Pollution Control District (AQMD/APCD) and local Certified Unified Program Agencies (CUPA).

This document details the structure, scope and procedures of the oversight team charged with administering the proper operation, repair, maintenance, training, and monitoring of USTs. It also details the documentation and recordkeeping systems for the CDCR including the establishment of a central electronic tracking system as well as the physical documentation management protocol at CDCR UST facilities. The purpose of the USTCMP is to provide oversight of the CDCR UST program in order to ensure compliance with all applicable regulations and requirements.

## II. SCOPE

These procedures apply to the following CDCR personnel and outside entities, as noted. Please see Appendix A for a detailed USTCMP organizational chart. All personnel listed in this section shall receive a copy of this document and maintain familiarity with its contents.

### Environmental Compliance Manager

- Environmental Compliance Specialist
- Institution UST Liaison
- Institution UST Contract Manager
- Facility Employee

### UST Contractor

- Designated Operator
- Service Technician

All equipment related to or involved in the storage of hazardous substances in USTs shall be subject to the contents and procedures of this document. See Appendix B for a full inventory of all USTs.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

### III. AUTHORITY

The USTCMP shall be implemented in accordance with the following requirements:

- California Health and Safety Code, Division 20, Chapter 6.7, Underground Storage of Hazardous Substances.
- California Code of Regulations, Title 23, Division 3, Chapter 16, Underground Tank Regulations (23 CCR).
- All local ordinances that may apply to USTs in specific CUPA jurisdictions.

### IV. DEFINITIONS

CDCR Regulatory Compliance Teamsite (Teamsite): an electronic document repository used to maintain compliance with UST regulations.

CERS: The California Environmental Reporting System (CERS) is a statewide web-based system to support Certified Unified Program Agencies (CUPA) and Participating Agencies (PA) in electronically collecting and reporting various hazardous materials related data as mandated by the California Health and Safety Code and Assembly Bill (AB) 2286.

CUPA: Certified Unified Program Agency which performs regulatory oversight.

Facility: any one, or combination of, USTs used by the CDCR at a single location or site.

Facility Employee: any person who is trained by the DO and is both involved with the day-to-day operation of the UST Facility and has a role related to the operation of the UST (i.e., responding to spills, overfills, etc.).

ICC: International Code Council

Maintenance: the normal operational upkeep to prevent an UST system from releasing hazardous substances.

State Water Resources Control Board (SWRCB): provides regulatory oversight of USTs in California.

Underground Storage Tank (UST): any one or combination of tanks, including pipes, connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground.

Underground Storage Tank Compliance Management Program (USTCMP): a program developed in 2015 to address regulatory compliance of USTs at CDCR facilities.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

UST Binder: a binder stored onsite at the facility used for recordkeeping that the facility employees can access at any time.

UST Contractor: The company under contract with CDCR to perform UST services. This company employs the UST service technician and may employ the designated operator as well.

UST Designated Operator (DO): is an individual certified by the ICC and designated by the UST owner to be responsible for training facility employees and conducting a monthly visual inspection at the UST facility.

UST Service Technician: An individual who is certified by ICC who installs or test monitoring equipment, or provides maintenance, service, system programming or diagnostics, calibration, or trouble-shooting for UST system components.

## V. PROCEDURES

### A. Program Oversight

#### i. Environmental Compliance Manager

The Environmental Compliance Manager (ECM), designated as the Chief of the Environmental and Regulatory Compliance Section and located at CDCR Headquarters, is knowledgeable in UST regulations and is responsible for oversight of the USTCMP. The ECM facilitates training to the Institution UST Liaison and the UST Contract Manager related to UST Compliance. The ECM prepares and submits a Quarterly Report to the SWRCB.

#### ii. Environmental Compliance Specialist

The Environmental Compliance Specialist assists the ECM and institutions by providing subject matter expertise in UST systems and regulatory compliance.

### B. Program Operation

#### i. Institution UST Liaison

The Institution UST Liaison, designated as the Associate Warden Business Services at each CDCR facility, is responsible for ensuring compliance with UST regulations at their institution and oversight of the UST Contract Manager. Additionally, the Institution UST Liaison ensures that any regulatory compliance issues are elevated to the ECM.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

ii. Institution UST Contract Manager

The Institution UST Contract Manager, designated by the UST Liaison at each institution, is responsible for ensuring the UST Contractor is performing in accordance with regulatory requirements. The Institution UST Contract Manager oversees contractor work and provides documentation quality assurance. The Institution UST Contract Manager is responsible for ensuring Facility Employee(s) understand the performance requirements of the UST Contractor. In addition, the Institution UST Contract Manager is responsible for ensuring that any violations, alarms, or issues of any kind are elevated to the Institution UST Liaison. The Institution UST Contract Manager performs an annual internal audit of all procedures contained in this document to ensure that all procedures and practices are followed. A written report, as detailed in Section E. iv. and Appendix C, shall be composed and copies sent to the Institution UST Liaison and the ECM. Any necessary corrective actions identified in the report shall be documented and uploaded to the Teamsite.

iii. Facility Employee(s)

The Facility Employee shall provide onsite facility observation and monitoring. The Facility Employee will also provide access, and provide onsite response in the event of alarms or emergencies. In the event of a triggered alarm or observed issue, the Facility Employee is responsible for an assessment of the issue's scope and required response, including documenting alarms on the Underground Storage Tank Leak Alarm Log (Appendix P) and notifying the Institution UST Contract Manager. The Facility Employee is responsible for understanding the performance requirements of the UST Contractor and ensures any issues with the UST Contractor are elevated to the Institution UST Contract Manager. The Facility Employee shall be trained at least annually by the DO. The Facility Employee shall be responsible for evaluating routine site conditions and the facility Daily Reports. The Facility Employee shall also be present at all Monthly, Annual, and Triennial Inspections and Testing.

iv. UST Contractor

The UST Contractor ensures that its staff providing services under contract with CDCR are performing in accordance with the contract and regulations. The UST Contractor notifies the Institution UST Contract Manager of items that must be addressed in order to maintain compliance with regulations.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

v. UST Designated Operator

The UST Designated Operator (DO) is responsible for performing monthly designated operator inspections of CDCR UST systems in accordance with regulations. The DO notifies the Institution UST Contract Manager of items that must be addressed in order to maintain compliance with regulations.

vi. UST Service Technician

The UST Service Technician, employed by the UST Contractor, is responsible for performing testing, inspection, certification and maintenance services for CDCR UST systems in accordance with regulations. The UST Service Technician notifies the Institution UST Contract Manager of items that must be addressed in order to maintain compliance with regulations.

C. Inspections and Testing of UST Systems

i. Daily Visual Inspections

Pressurized emergency generator systems without line leak detectors shall be visually inspected daily to maintain compliance with 23 CCR § 2636(f)(6) and documented on the Daily Visual Inspection Log (Appendix K).

Responsible Party: Facility Employee(s)

ii. Monthly Inspections

The DO shall perform visual inspection of the UST systems monthly in accordance with 23 CCR § 2715 and documented on the Monthly Designated Operator Inspection Forms (Appendix L).

Responsible Party: Institution UST Contract Manager, Facility Employee, UST Designated Operator

iii. Annual Monitoring Certification

The UST service technician shall certify the monitoring system annually in accordance with 23 CCR § 2638 and documented on the Annual Monitoring Certification Forms (Appendix M).

Responsible Party: Institution UST Contract Manager, Facility Employee, UST Service Technician

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

iv. Annual Spill Containment Test

The UST service technician shall perform a spill containment test annually in accordance with California Health and Safety Code section 25284.2 and documented on the Annual Spill Containment Test Forms, titled Spill Bucket Testing Report Form (Appendix N).

Responsible Party: Institution UST Contract Manager, Facility Employee, UST Service Technician

v. Annual CUPA Inspection

The CUPA will perform an inspection of the UST systems every 12 months.

Responsible Party: CUPA

vi. SB 989-Secondary Containment Testing

The UST service technician shall perform SB 989 Secondary Containment Testing every 36 months in accordance with 23 CCR § 2637 and documented on SB 989 Secondary Containment Testing Report Forms (Appendix O).

Responsible Party: Institution UST Contract Manager, Facility Employee, UST Service Technician

vii. Other Tests/ Inspections

If applicable, Enhanced Vapor Recovery (EVR) will be performed and documented by the UST service technician in accordance with local air district requirements and as specified in the institutions APCD/AQMD permit. Periodic inspections of EVR systems are performed at a frequency based on gasoline throughput.

For a pressurized emergency generator tank system with no line leak detector (LLD) and no positive shutdown or fail safe, the UST Service Technician shall perform a 0.1 gallon per hour line tightness test (annually).

Responsible Party: Institution UST Contract Manager, Facility Employee, UST Service Technician



CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

D. Training of Applicable CDCR Personnel

On-the-job training shall be provided to all facility employees by the DO, as defined in 23 CCR § 2611, and in accordance with 23 CCR § 2715, within 30 days of being hired and at least annually thereafter.

The training shall include, but is not limited to:

- The operation of the UST system in a manner consistent with the Institution's best management practices.
- The facility employee's role with regard to the monitoring equipment as specified in the Institution's monitoring plan.
- The facility employee's role with regard to spills and overfills as specified in the Institution's response plan.
- The name of the contact person(s) for emergencies and monitoring equipment alarms.

Responsible Party: Institution UST Contract Manager, UST Designated Operator

E. Documentation and Reporting

i. Monthly Status Report

By the 10th of the month, for services performed in the prior month, the following information shall be uploaded to the Teamsite (see Appendix S for the Monthly Status Report Checklist):

1. Monthly DO reports with complete printout tapes of alarms
2. Any employee training performed by the DO
3. Daily logs for pressurized emergency generator systems
4. Annual monitoring certification, including monitoring panel printouts
5. Secondary containment testing reports
6. CUPA inspections
7. Maintenance records
8. Any other testing performed
9. Any Notice of Violation(s) received

Responsible Party: Institution UST Contract Manager

ii. Quarterly Status Report

On a quarterly basis (by the last day of January, April, June, October) for as long as the memorandum of understanding remains in effect, a report shall be provided to the SWRCB (Appendix R). The quarterly report shall include, at a minimum:

1. A summary of the actions CDCR has taken to implement the Enhanced Compliance Actions, including any expenditure made.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

2. A summary of any violations(s) identified by the CUPA and/or the SWRCB and the measures taken by CDCR to correct the violation(s).
3. A summary of, and include as attachments thereto, at least the following: annual monitoring certification, including monitoring panel printouts; annual 0.1 gallon per hour line tightness test results; secondary containment testing reports; monthly DO reports with complete alarm history printout tapes; any employee training performed by the DO; daily logs for pressurized emergency generator systems; and CUPA inspections.

Responsible Party: Environmental Compliance Manager

iii. California Environmental Reporting System (CERS)

Update and submit the appropriate CERS documentation including: site maps, UST information, and any other required documentation (See Appendix D-J). CERS records shall be updated with any changes when the changes occur. CERS records shall be confirmed and resubmitted no less than once per year in the event that no site changes otherwise require new data entry.

Responsible Party for updating CERS: Facility Employee

Responsible Party for auditing CERS documentation: Institution UST Contract Manager

iv. Annual Audit

The annual audit shall be completed by March 1<sup>st</sup> and include a review of, but not limited to, the following (See Appendix C for the audit checklist):

- All onsite documentation, Teamsite and CERS tank information
- Facility Employee training information
- All testing and inspection completion and record retention practices
- Alarm history records and record retention practices
- Notice of Violations issued by the CUPA and SWRCB and any action taken to correct violations
- UST Monitoring Plans, Site Plans and Release Response Plans
- Overall program review for any changes in management/performance issues

The completed audit checklist shall be placed in the onsite UST binder and uploaded to the Teamsite.

Responsible Party: Institution UST Contract Manager

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

v. Maintenance Records

All performed maintenance, whether incidental or prompted by daily, monthly, annual, triennial testing or inspection, must be documented. Original documentation shall be kept onsite at the facility in the UST Binder. In addition, all maintenance records shall be uploaded to the Teamsite for retention.

Responsible Party: Institution UST Contract Manager, Facility Employee

vi. Unauthorized Release Reports

Whenever an unauthorized release from a UST system is discovered, personnel shall document and report the release and shall include all pertinent information including the individual discovering the release, the location and facility name, the substances involved, the precise source, the cause, the current status, and any remedial action taken. Personnel shall also follow all reporting and recording requirements according to California Code of Regulations, Title 23, Article 5 and Health and Safety Code 25294, 25295, 25295.5, and 25296. This information shall be included along with all other information required on the SWRCB Unauthorized Release Form (Appendix Q).

Responsible Party: Institution UST Contract Manager, Facility Employee

vii. Alarm Incident Reports

In the event of any alarm, the Institution UST Contract Manager shall be notified and the date, time, location, and cause of the alarm shall be noted. All methods of investigation, all findings, and all actions taken to clear the alarm shall be recorded using the standard Alarm Log (Appendix P). All Alarm logs shall be kept onsite and noted on the monthly inspection report as required.

Responsible Party: Institution UST Contract Manager, Facility Employee

viii. Onsite Documentation

At each facility a UST Compliance Binder shall be maintained and contain the following **current** documentation:

1. Permit to Operate
2. Facility Information
3. Tank Information
4. Monitoring Plan and Site Map
5. Response Plan

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

6. Daily Visual inspection Logs and Alarm Logs
7. Monthly Designated Operator Inspection Reports and associated alarm tapes
8. Annual Monitoring Certification with associated monitoring panel printouts
9. Spill Containment Test Results
10. SB-989 Secondary Containment Testing Reports
11. Designated Operator Employee Training
12. Designated Operator Statement
13. Maintenance Records
14. CUPA inspection Reports
15. Unauthorized Release Reports
16. Audit Forms
17. Any other testing (EVR, line tightness, etc.)

Responsible Party: Institution UST Contract Manager, Facility Employee

ix. Electronic Documentation and Tracking

The following documentation is maintained electronically at Headquarters on the Teamsite:

1. Permit to Operate
2. Facility Information
3. Tank Information
4. Monitoring Plan and Site Map
5. Response Plan
6. Daily visual inspection logs and Alarm Logs
7. Monthly Designated Operator Inspection Reports and associated alarm tapes
8. Annual Monitoring Certification with associated monitoring panel printouts
9. Spill Containment Test Results
10. SB 989 Secondary Containment Testing Reports
11. Designated Operator Employee Training
12. Designated Operator Statement
13. Maintenance records
14. CUPA inspection reports
15. Unauthorized Release Reports
16. Audit Forms
17. Any other testing (EVR, line tightness, etc.)

Responsible Party: Institution UST Contract Manager, Facility Employee

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

The following information is also tracked electronically at Headquarters:

1. Information regarding permitting, certification and maintenance of UST systems
2. Compliance deadlines
3. Repair timelines

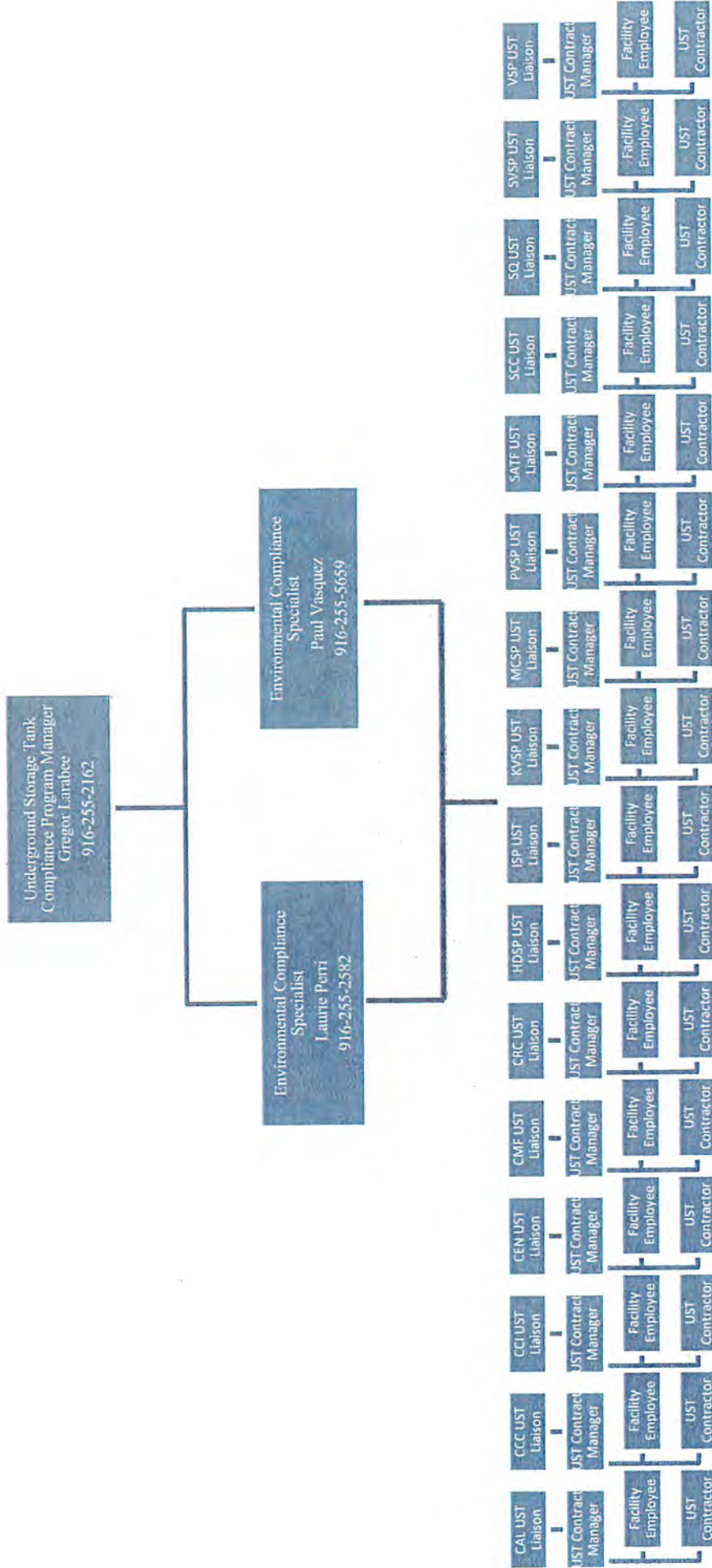
Responsible Party: Environmental Compliance Manager

**LIST OF APPENDICES**

- F. Appendix A UST Compliance Program Organizational Chart
- G. Appendix B UST Inventory
- H. Appendix C Sample Annual Audit Form
- I. Appendix D Sample UST Facility Form
- J. Appendix E Sample Tank Information Form
- K. Appendix F Sample UST Facility Site Plan
- L. Appendix G Sample UST Monitoring Plan
- M. Appendix H Sample UST Response Plan
- N. Appendix I Sample Designated UST Operator Statement Form
- O. Appendix J Sample Designated UST Operator Facility Employee Training Form
- P. Appendix K Sample Daily Visual Inspection Log
- Q. Appendix L Sample Monthly Designated Operator Inspection Form
- R. Appendix M Sample Annual Monitoring Certification Form
- S. Appendix N Sample Annual Spill Containment Testing Form
- T. Appendix O Sample SB 989 Secondary Containment Testing Form
- U. Appendix P Sample Alarm Log
- V. Appendix Q Sample Unauthorized Release Form
- W. Appendix R Sample USTCMP Quarterly Report
- X. Appendix S Sample Monthly Status Report Checklist

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
 UST COMPLIANCE MANAGEMENT PROGRAM

Appendix A UST Compliance Management Program Organizational Chart



This chart represents the organizational hierarchy of the UST Compliance Program.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

INSTITUTION	UST LIAISON (AWBS)	UST CONTRACT MANAGER/ ALTERNATE CONTACT
<b>Calipatria State Prison (CAL)</b>	Brian Paul	1. Earl Rosenbaum 2. Art Yerena
<b>California Correctional Center (CCC)</b>	Anthony Amero	1. Rikki Meier 2. Byron Frazier.
<b>California Correctional Institution (CCI)</b>	Joseph Gutierrez	1. Kelly Fried 2. Darren Plumlee
<b>Centinela State Prison (CEN)</b>	Dennis Brown	1. Tony Lentz 2. Chris Machado
<b>California Medical Facility (CMF)</b>	Jeffrey Nelson	1. Henry Blank 2. Elizabeth Swanson- Callan
<b>California Rehabilitation Center (CRC)</b>	Robert Bandholtz	1. Patty Fonseca 2. Craig Presley
<b>High Desert State Prison (HDSP)</b>	Harold Wagner	1. Alan Jones 2. Fred Whitlock
<b>Ironwood State Prison (ISP)</b>	Sean Moore	1. Fernando Fimbres 2. Martin Fitz 3. Christine Lynch
<b>Kern Valley State Prison (KVSP)</b>	Cathy Etchebehere	1. Mike Pietroforte 2. Carlos Flores
<b>Mule Creek State Prison (MCSP)</b>	Mike Williams	1. Sonny Williams 2. Steven Mahoney
<b>Pleasant Valley State Prison (PVSP)</b>	David Fischer	1. Ernesto Castillo 2. Michael Rainwater
<b>California Substance Abuse Treatment Facility (SATF)</b>	Jason Collins	1. Wayne Stalie 2. Wayne Motl 3. Edris Diaz
<b>Sierra Conservation Center (SCC)</b>	Patrick Eaton	1. Joe Borla 2. Ron Phillips 3. Dave Stayer
<b>California State Prison – San Quentin (SQ)</b>	Steve Albritton	1. Adam Fredline 2. Andy Crump
<b>Salinas Valley State Prison (SVSP)</b>	Victor Solis	1. James Johnson 2. Matt Warden
<b>Valley State Prison (VSP)</b>	Douglas Roberts	1. Timothy Dorrier 2. Aldo Garza

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix B UST Inventory

CALIFORNIA STATE PRISON	Unleaded	#1	Joor Manufacturing Inc.	10,000	9/1/91	DOUBLE WALL	STEEL WITH INTERNAL LINING	FIBERGLASS	DOUBLE WALL	PRESSURE	STEEL	FIBERGLASS
	Diesel	#2	Joor Manufacturing Inc.	4,000	9/1/91	DOUBLE WALL	STEEL WITH INTERNAL LINING	FIBERGLASS	DOUBLE WALL	PRESSURE	STEEL	FIBERGLASS
	Diesel	#3	Joor Manufacturing Inc.	15,000	9/1/91	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	CONVENTIONAL SUCTION	STEEL	FIBERGLASS
CALIFORNIA CORRECTIONAL CENTER	Unleaded	M698001	Trusco Tank Inc.	12,000	10/15/99	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	PRESSURE	FLEXIBLE	FLEXIBLE
	Diesel	M655150	Xerxes	6,000	5/14/90	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
CALIFORNIA CORRECTIONAL INSTITUTION	Unleaded	#1	Owens-Corning	4,000	1/1/85	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	23 CCR \$2636(a)(3) SUCTION	FLEXIBLE	FLEXIBLE
	Unleaded	#2	Owens-Corning	6,000	1/1/85	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	23 CCR \$2636(a)(3) SUCTION	FLEXIBLE	FLEXIBLE
CENTINELA STATE PRISON	Diesel	#1	Trusco Tank Inc.	4,000	5/1/92	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	PRESSURE	STEEL	FIBERGLASS
	Unleaded	#2	Trusco Tank Inc.	10,000	5/1/92	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	PRESSURE	STEEL	FIBERGLASS
	Diesel	#3	Joor Manufacturing Inc.	15,000	6/19/92	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	PRESSURE	STEEL	FIBERGLASS
	Diesel	#4	Trusco Tank Inc.	4,000	6/12/92	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	PRESSURE	STEEL	FIBERGLASS



CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

CALIFORNIA MEDICAL FACILITY	Unleaded	48-50005-08	Trusco Tank Inc.	5,000	10/16/98	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	23 CCR §2636(a)(3) SUCTION	FIBERGLASS	RIGID PLASTIC
	Diesel	48-50005-09		5,000								
CALIFORNIA REHABILITATION CENTER	Diesel	48-50005-10	Trusco Tank Inc.	4,000	10/16/98	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	23 CCR §2636(a)(3) SUCTION	FIBERGLASS	RIGID PLASTIC
	Diesel	TA0001666	Xerox	15,000	5/14/90	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Diesel	TA0001668	Trusco Tank Inc.	4,000	7/20/92	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
HIGH DESERT STATE PRISON	Diesel	TA0001667	Xerox	15,000	5/14/90	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Diesel	#Diesel	Joor Manufacturing Inc.	4,000	8/29/94	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	CONVENTIONA L SUCTION	FIBERGLASS	FIBERGLASS
IRONWOOD STATE PRISON	Unleaded	#87	Joor Manufacturing Inc.	10,000	8/29/84	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	CONVENTIONA L SUCTION	FIBERGLASS	FIBERGLASS
	Diesel	TA0004083	Xerox	15,000	2/1/93	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	CONVENTIONA L SUCTION	FIBERGLASS	FIBERGLASS
KERN VALLEY STATE PRISON	Unleaded	GARAGE 1	Plasteel Elutron	10,000	1/31/03	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Diesel	GARAGE 2	Plasteel Elutron	4,000	1/31/03	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Diesel	MAIN GEN 1	Xerox	15,000	5/17/03	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	CONVENTIONA L SUCTION	FIBERGLASS	FIBERGLASS
	Diesel	SULLY 1	Xerox	8,000	5/17/03	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
 JUST COMPLIANCE MANAGEMENT PROGRAM

MULE CREEK STATE PRISON	Diesel	8825	Owens-Corning	2,800	6/1/87	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Unleaded	8845	Owens-Corning	6,000	6/1/87	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Used Oil	#000025	Owens-Corning	550	6/1/87	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	GRAVITY	STEEL	STEEL
PLEASANT VALLEY STATE PRISON	Diesel	CTC Emer Gen -	Owens-Corning	4,000	12/8/93	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Diesel	Diesel-Site Emer Gen	Owens-Corning	15,000	12/8/93	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Diesel	Diesel - Motor Pool	Owens-Corning	4,000	8/19/93	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Unleaded	Unleaded - Motor Pool	Owens-Corning	10,000	8/19/93	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Diesel	233001	Fluid Containment	4,000	7/22/96	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	CONVENTIONAL SUCTION	FLEXIBLE	FLEXIBLE
CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY	Unleaded	233002	Fluid Containment	10,000	7/22/96	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FLEXIBLE	FLEXIBLE
	Diesel	233003	Xerxes	4,000	9/25/96	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Diesel	233004	Xerxes	20,000	9/25/96	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Diesel	55-000-50090-08	Owens-Corning	20,000	1/2/86	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	23 CCR \$2636(a)(3) SUCTION	STEEL	FIBERGLASS
SIERRA CONSERVATION CENTER	Diesel	55-000-50090-09	Plasteel Elutron	5,000	1/2/86	DOUBLE WALL	STEEL	JACKETED	DOUBLE WALL	PRESSURE	FLEXIBLE	FLEXIBLE
	Unleaded	55-000-50090-10	Plasteel Elutron	10,000	1/2/99	DOUBLE WALL	STEEL	JACKETED	DOUBLE WALL	PRESSURE	FLEXIBLE	FLEXIBLE

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
 UST COMPLIANCE MANAGEMENT PROGRAM

SAN QUENTIN STATE PRISON	Unleaded	GARAGE #1	K & T Steel Corp	10,000	12/4/90	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	23 CCR \$2636(6)(3) SUCTION	FIBERGLASS	FIBERGLASS
	Diesel	GARAGE #2	K & T Steel Corp	4,000	12/4/90	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	23 CCR \$2636(6)(3) SUCTION	FIBERGLASS	FIBERGLASS
	Diesel	EMERGEN CY GEN#3	UNKNOWN	6,000	1/1/98	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	23 CCR \$2636(6)(3) SUCTION	FIBERGLASS	FIBERGLASS
SALINAS VALLEY STATE PRISON	Diesel	#2	Joor Manufacturing Inc.	4,000	6/1/96	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
	Diesel	#1	Joor Manufacturing Inc.	15,000	6/1/96	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS
VALLEY STATE PRISON	Diesel	TA0003689	Owens-Corning	15,000	3/4/94	DOUBLE WALL	FIBERGLASS	FIBERGLASS	DOUBLE WALL	23 CCR \$2636(6)(3) SUCTION	FIBERGLASS	FIBERGLASS
	Unleaded	TA0003929	Joor Manufacturing Inc.	10,000	5/17/95	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	23 CCR \$2636(6)(3) SUCTION	FIBERGLASS	FIBERGLASS
	Diesel	TA0003937	Joor Manufacturing Inc.	2,500	7/13/95	DOUBLE WALL	STEEL	FIBERGLASS	DOUBLE WALL	PRESSURE	FIBERGLASS	FIBERGLASS

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix C  
Sample Annual USTCMP Audit

FOLLOW THE INSTRUCTIONS BELOW TO COMPLETE THE ANNUAL AUDIT:

1. **Permit(s) to Operate:** Make sure it is current and has not expired. The permit is required to be posted on-site. Ensure that a copy of the current permit is located in the UST Binder and on the Teamsite. Include AQMD/APCD permit where applicable.
2. **UST Facility Information:** Forms must be submitted in CERS with the correct/current information. Once approved in CERS these forms must be printed and retained onsite. Check to make sure that the forms have current information and reflect true site conditions, etc. Ensure that they are the same as those located in the UST Binder, on CERS and the Teamsite and are the "approved" version.
3. **UST Tank Information:** Forms must be submitted in CERS with the correct/current information. Once approved in CERS these forms must be printed and retained onsite. Check to make sure that the forms have current information and reflect true site conditions, etc. Ensure that they are the same as those located in the UST Binder, on CERS and the Teamsite and are the "approved" version.
4. **Monitoring Plan:** Check that the plan submitted is for the current UST system and signed by the current owner/operator. Make sure that it is complete and adequately describes monitoring activities, equipment manufacturers and models for each piece of monitoring equipment, including consoles and sensors, and the types of monitoring records maintained. The local agency is required to approve this plan. Ensure that the approved copy is located in the UST Binder, on CERS and the Teamsite.
5. **Site Map/Plot Plan:** Verify that it accurately depicts location of tanks, piping, dispensers, sensors, monitoring console, etc. and is labeled to match the designations assigned to them in the monitoring console. Ensure that the document is located in the UST Binder, on CERS and the Teamsite and are the "approved" version.
6. **UST Response Plan:** Check that the plan is for the current UST system, and signed by the current owner/operator. Check for appropriate content and level of detail. The plan should include responses to leaks identified through monitoring and any surface spills and releases. Ensure that the approved copy is located in the UST Binder, on CERS and the Teamsite and are the "approved" version.
7. **Daily Visual Inspection Log for Emergency Generator Systems without Line Leak Detectors:** If the tank is an emergency generator, a LLD is not required if the continuous monitoring system activates the alarm system when a leak is detected or malfunctions, and the system is checked daily by remote electronic access or on-site daily inspections. Ensure the daily log is current and located in the UST Binder and on the Teamsite.
8. **Alarm History Reports and Alarm Log:** Check to see if alarms are being recorded in an alarm log if all alarms are not maintained in the alarm history. Any follow-up actions should be documented. Alarm history records should cover a period of the last three years. Ensure the Alarm log is current and located in the UST Binder and on the Teamsite.

Appendix C  
Sample Annual USTCMP Audit

9. **Designated UST Operator Monthly Reports:** These reports must be completed each month. Check that they are complete and that any identified problems have been corrected. Ensure that the Designated UST Operator Monthly Reports are located in the UST Binder and on the Teamsite.
10. **Monitoring System Certifications:** Ensure that the Annual Monitoring System Certification has been performed in the required timeframe (12 months) and that test results are located in the UST Binder and on the Teamsite for the past three years. Make sure that any failed components have been repaired and follow-up testing conducted within 30 days. All components need to have achieved a passing test result.
11. **Spill Bucket Testing Results:** Ensure that the Spill Bucket Test has been performed in the required timeframe (12 months) and that test results are located in the UST Binder and on the Teamsite. Make sure that any failed components have been repaired and follow-up testing conducted. All components need to have achieved a passing test result.
12. **Secondary Containment Testing Results:** Ensure that the Secondary Containment Testing has been performed in the required timeframe (every 36 months) and that test results are located in the UST Binder and on the Teamsite. Make sure that any failed components have been repaired and follow-up testing conducted. All components need to have achieved a passing test result.
13. **Facility Employee Training Records:** Review the training records. Ensure that at least one employee per shift has been trained. The training records should depict who was trained; the date the training took place; and the topics covered. Ensure the training is up-to-date. New employees must be trained by the designated operator within 30 days of hire, and all facility employees must be trained annually. Ensure the documentation is in the UST Binder and on the Teamsite.
14. **Certification of Compliance and Designated Operator Designation:** The owner is required to submit a signed statement (certification) that the owner understands and is in compliance with all applicable UST requirements. The owner is required to submit a signed statement identifying the Designated Operator (DO) for each UST facility owned. Ensure that the document is located in the UST Binder, on CERS and the Teamsite and is updated with the current DO and list of employees with current ICC license.
15. **Maintenance Records:** Records of calibration, repair, and maintenance are required to be kept for tank and piping system components. Ensure the Maintenance log is current and located in the UST Binder and on the Teamsite.
16. **CUPA Inspection Reports:** Ensure that copies of the annual CUPA Inspection Report are located in the UST Binder and on the Teamsite.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix C  
Sample Annual USTCMP Audit

17. **Release Reporting:** A release from the primary containment, which is cleaned up within 8 hours and does not escape from the secondary containment, is required to be recorded on the operators monitoring reports. Releases that escape from the primary containment (for single-wall systems) or secondary containment (for double-wall systems) must be reported within 24 hours of the release. The following conditions are required to be recorded and/or reported:

- a. Any unauthorized release recorded or reported that the owner or operator is unable to clean up, or is still under investigation after 8 hours of detection.
- b. The discovery by owners/operators or others of released regulated substances, at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).
- c. Unusual operating conditions observed by owners/operators (such as the erratic behavior of product dispensing equipment; the sudden loss of product from the UST system; or an unexplained presence of water in the tank); unless system equipment is found to be defective but not leaking; and is immediately repaired or replaced.
- d. Monitoring results from a release detection method that indicate a release may have occurred, unless:
  - i. The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or
  - ii. In the case of inventory control, a second month of data does not confirm the initial result.
- e. Spills or overflow of a hazardous substance.

Ensure that all recordable releases have been documented and that all reportable releases have been reported. Ensure the documentation is in the UST Binder and on the Teamsite

18. **Any other required testing as applicable (EVR, line tightness, etc.):** Make sure the test results are located in the UST Binder and on Teamsite. Ensure that any failed components have been repaired and follow-up testing conducted. All components need to have achieved a passing test result.
19. **Violations:** Indicate if any violations have been issued by any regulator. If so, provide an update on the status of corrective actions and ensure this documentation is located on the Teamsite.
20. **Certificate of Financial Responsibility Exemption:** CDCR Facilities are exempt from the Certificate of Financial Responsibility due to being a state agency. CERS account should indicate exemption with a comment stating "state agency, exempt."

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix C  
Sample Annual USTCMP Audit

Facility:				
Auditor Name:			Date:	
Compliance Item	Located on CERS Yes/No/NA	Located in UST Binder Yes/No/NA	Located on Teamsite Yes/No/NA	Corrective Action Taken For any "No" answers
1	Permit to Operate			
2	UST Facility Information			
3	UST Tank Information			
4	Monitoring Plan			
5	Site Map			
6	UST Response Plan			
7	Daily Visual Inspection Log	NA		
8	Alarm History/Alarm Log	NA		
9	Designated Operator Monthly Reports	NA		
10	Monitoring System Certifications	NA		
11	Spill Bucket Testing Results	NA		
12	Secondary Containment Testing Results	NA		
13	Facility Employee Training	NA		
14	Certificate of Compliance and Designated Operator Designation			
15	Maintenance Records	NA		
16	CUPA Inspection Reports	NA		
17	Release Reporting	NA		
18	Any other Testing	NA		
19	Violations	NA		
20	Certificate of Financial Responsibility Exemption			

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UST Contract Manager Signature

Date

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix D  
Sample UST Facility Form

California Environmental Reporting System (CERS)		Underground Storage Tank - Facility Information	
Facility/Site		CERS ID	
Submittal Status			
Type of Action			
Confirmed/Updated Information			
Facility Information		Tank Operator	
Facility Type	Board of Equalization Account Number		
Is the facility located on Indian Reservation/Trust lands?			
Property Owner		Tank Owner	
		Tank Owner Type	
Permit Holder Information		Supervisor of Division, Section, or Office (Required for Public Agencies Only)	
Permit Holder Notification Information			
Financial Responsibility Mechanism(s)			
Indicate which approved mechanism(s) are being used to show financial responsibility either as contained in the federal regulations (40 CFR, Part 280, Subpart H, Sections 280.93 through 280.107) or CCR, Title 23, Division 3, Chapter 18, Section 2808.2.			
Self-Insured	Surety Bond	State Fund and CFG Letter	Other Mechanism
Guarantee	Letter of Credit	State Fund and CD	
Insurance	Exemption	Local Government Mechanism	



CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix E  
Sample Tank Information Form

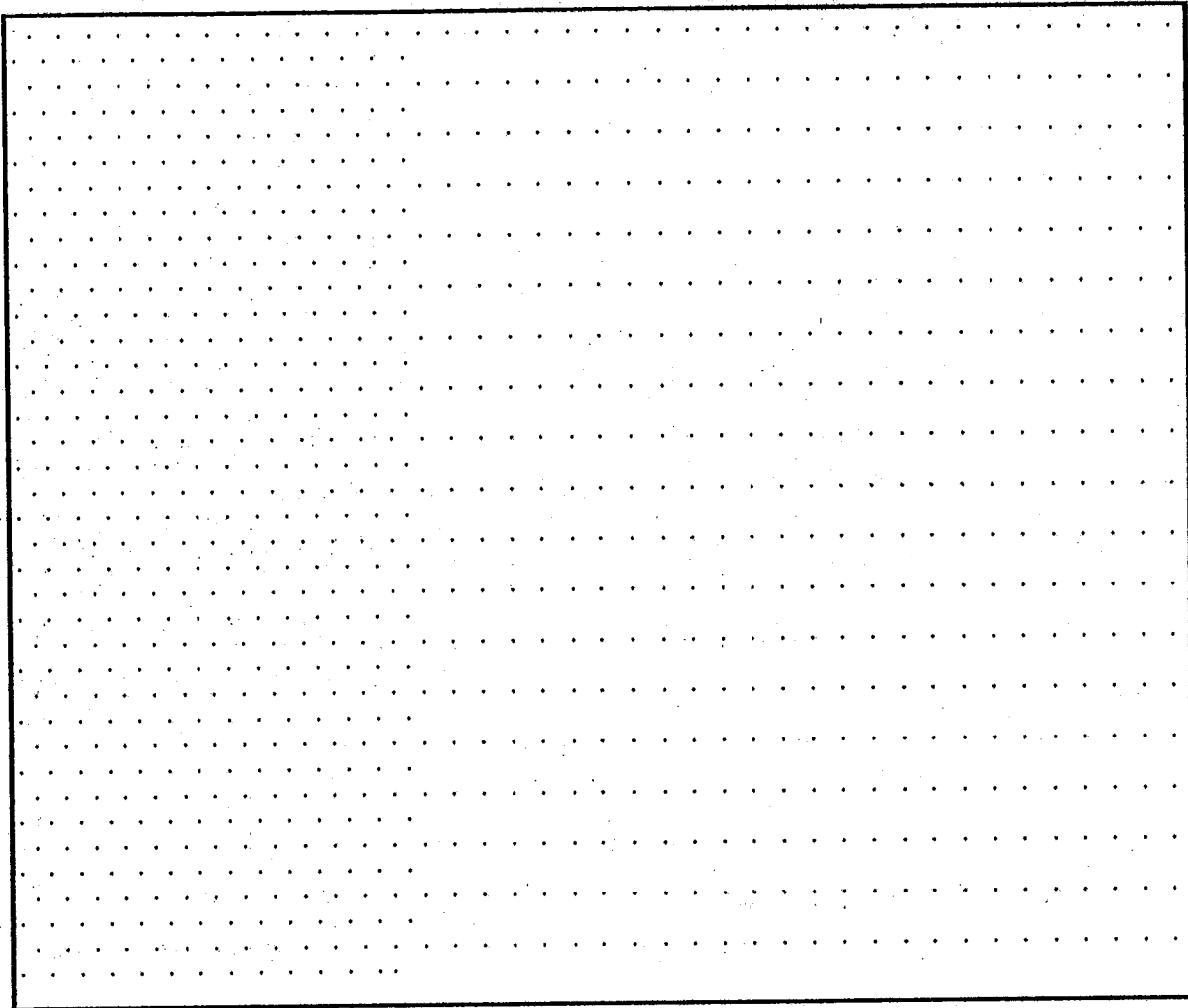
California Environmental Reporting System (CERS)		Underground Storage Tank - Tank Information	
Facility/Site			
			CERS ID
			Tank ID#:
Submittal Status			
Type of Action			
Type of Action (UST Tank)			
Facility Information			
Tank Description			
Tank ID#	Date UST System Installed	Tank Configuration	
Tank Manufacturer	Date Existing UST Discovered	Number of Compartments in the Unit	
Tank Capacity in Gallons	Date UST Permanently Closed	Additional Description	
Tank Use and Contents		Tank Construction	
Tank Use	Tank Contents	Type of Tank	
	Other Petroleum Contents	Primary Containment	Secondary Containment
	Other Non-Petroleum Contents	Overfill Protection	Fill Tube Shut-Off Valve
		Available/Visual Alarms	Exempt
		Ball Float	
Product / Waste Piping Construction			
Piping Construction	Primary Containment	Secondary Containment	Piping/Turbine Containment Sump
Piping System Type			
Vent, Vapor Recovery (VR) and Riser / Fill Pipe Piping Construction			
Primary Containment	Vapor Recovery Primary Containment	Riser Pipe Primary Containment	Vent Piping Transition Sumps Fill Components Installed
Secondary Containment	Vapor Recovery Secondary Containment	Riser Pipe Secondary Containment	Spill Bucket Striker Plate/Bottom Protector Containment Sump
Under Dispenser Containment (UDC)		Corrosion Protection	
Construction Type	Construction Material	Sacrificial Anode	
		Impressed Current	
		Isolation	

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix F  
Sample UST Facility Site Plan

**UST Monitoring Site Plan**

Site Address: \_\_\_\_\_



Date map was drawn: \_\_\_\_/\_\_\_\_/\_\_\_\_.

**Instructions**

If you already have a diagram that shows all required information, you may include it, rather than this page, with your Monitoring System Certification. On your site plan, show the general layout of tanks and piping. Clearly identify locations of the following equipment, if installed: monitoring system control panels; sensors monitoring tank annular spaces, sumps, dispenser pans, spill containers, or other secondary containment areas; mechanical or electronic line leak detectors; and in-tank liquid level probes (if used for leak detection). In the space provided, note the date this Site Plan was prepared.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
 UST COMPLIANCE MANAGEMENT PROGRAM

Appendix G  
 Sample UST Monitoring Plan

California Environmental Reporting System (CERS)		Underground Storage Tank - Monitoring Plan	
<b>Facility/Site</b>			
		UST Tank #	CERS ID
Tank Info: Tank Use: Tank Contents: Type Of Tank: Piping Construction:			
<b>Submittal Status</b>			
<b>Facility Information</b>	<b>Equipment Testing and Preventive Maintenance</b>	<b>Monitoring Locations</b>	
	Monitoring Equipment Serviced	Site Plot Plan Submitted	
<b>Tank Monitoring is Performed Using the Following Method(s)</b>			
Continuous Electronic Tank Monitoring			
Secondary Containment System	Monitor Panel Manufacturer Monitor Panel Model	Leak Sensor Manufacturer Leak Sensor Model #	
Automatic Tank Gauging			
ATG Panel Manufacturer	In-Tank Probe Manufacturer	Leak Test Frequency	Programmed Tank Tests
ATG Model #	In-Tank Probe Model		
Monthly Statistical Inventory Reconciliation			
Weekly Manual Tank Gauges		Tank Integrity Testing	
Tank Gauging Test Period	Tank Integrity Testing Frequency		
Other Monitoring			

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix G  
Sample UST Monitoring Plan

California Environmental Reporting System (CERS)	Underground Storage Tank - Monitoring Plan								
<b>Facility/Site</b>									
	UST Tank #      CERS ID								
Tank Info: Installed Date: Tank Use: Tank Contents: Type Of Tank: Piping Construction:									
<b>Pipe Monitoring Is Performed Using the Following Method(s)</b>									
Continuous Monitoring of Piping Secondary Containment									
Piping Secondary Containment	<table style="width:100%; border: none;"> <tr> <td style="width: 33%;">Panel Manufacturer</td> <td style="width: 33%;">Leak Sensor Manufacturer</td> </tr> <tr> <td>Panel Model #</td> <td>Leak Sensor Model #</td> </tr> </table>	Panel Manufacturer	Leak Sensor Manufacturer	Panel Model #	Leak Sensor Model #				
Panel Manufacturer	Leak Sensor Manufacturer								
Panel Model #	Leak Sensor Model #								
Leak Alarm Triggers Automatic Pump Shutdown									
Failure/Disconnect Triggers Pump Shutdown									
<table style="width:100%; border: none;"> <tr> <td colspan="2" style="text-align: center;">Mechanical Line Leak Detector Performs 3 GPH Leak Test</td> </tr> <tr> <td>MLLD Manufacturer</td> <td>MLLD Model</td> </tr> </table>		Mechanical Line Leak Detector Performs 3 GPH Leak Test		MLLD Manufacturer	MLLD Model				
Mechanical Line Leak Detector Performs 3 GPH Leak Test									
MLLD Manufacturer	MLLD Model								
<table style="width:100%; border: none;"> <tr> <td colspan="2" style="text-align: center;">Electronic Line Leak Detector Performs 3 GPH Leak Test</td> </tr> <tr> <td>ELLD Manufacturer</td> <td>ELLD Programmed In-Use Testing</td> <td>ELLD Triggers Automatic Pump Shutdown</td> </tr> <tr> <td>ELLD Model</td> <td colspan="2">ELLD Failure/Disconnect Triggers Automatic Shutdown</td> </tr> </table>		Electronic Line Leak Detector Performs 3 GPH Leak Test		ELLD Manufacturer	ELLD Programmed In-Use Testing	ELLD Triggers Automatic Pump Shutdown	ELLD Model	ELLD Failure/Disconnect Triggers Automatic Shutdown	
Electronic Line Leak Detector Performs 3 GPH Leak Test									
ELLD Manufacturer	ELLD Programmed In-Use Testing	ELLD Triggers Automatic Pump Shutdown							
ELLD Model	ELLD Failure/Disconnect Triggers Automatic Shutdown								
<table style="width:100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">Pipeline Integrity Testing</td> <td style="width: 50%; text-align: center;">Visual Pipeline Monitoring</td> </tr> <tr> <td>Pipeline Integrity Testing Frequency</td> <td>Visual Pipeline Monitoring Frequency</td> </tr> </table>		Pipeline Integrity Testing	Visual Pipeline Monitoring	Pipeline Integrity Testing Frequency	Visual Pipeline Monitoring Frequency				
Pipeline Integrity Testing	Visual Pipeline Monitoring								
Pipeline Integrity Testing Frequency	Visual Pipeline Monitoring Frequency								
Section Piping Meets Exemption Criteria									
No Regulated Piping Per Health and Safety Code, Division 20, Chapter 6.7 Is Connected To The Tank System									
Other Pipeline Monitoring									
<b>Under Dispenser Containment (UDC) Monitoring</b>									
UDC Monitoring	Detection of Leak Into UDC Triggers Audible and Visual Alarms								
UDC Panel Manufacturer	UDC Leak Alarm Triggers Automatic Pump Shutdown								
UDC Panel Model #	Failure/Disconnection of UDC Monitoring System Triggers Automatic Pump Shutdown								
UDC Leak Sensor Manufacturer	UDC Monitoring Stops Flow of Product at Dispenser								
UDC Leak Sensor Model	UDC Construction								
	UDC Secondary Containment Monitoring								
	Leak Within Secondary Containment of UDC Causes Audible and Visual Alarms								
<b>Periodic System Testing</b>									
ELD Testing									
Secondary Containment Testing									
Spill Bucket Testing									

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
 UST COMPLIANCE MANAGEMENT PROGRAM

Appendix G  
 Sample UST Monitoring Plan

California Environmental Reporting System (CERS)	Underground Storage Tank - Monitoring Plan
<b>Facility/Site</b>	
	UST Tank #      CERS ID
Tank Info: Installed Date: Tank Use: Tank Contents: Type Of Tank: Piping Construction:	
<b>Recordkeeping</b>	
Alarm Logs Visual Inspection Records Tank Integrity Testing Results SR Testing Results Tank Gauging Results ATG Testing Results Corrosion Protection Logs Equipment Maintenance and Calibration Records	
<b>Training</b>	
Personnel with UST Monitoring Responsibilities are Familiar with Training Documents Specify Other Training Documents:	
Designated Operator Training:	
<b>Comments / Additional Information</b>	
Comments and Additional Information:	
<b>Personnel Responsibilities</b>	
Name of First Person Having Responsibility	Name of Second Person Having Responsibility
Title of First Person Having Responsibility	Title of Second Person Having Responsibility

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix H  
Sample UST Response Plan

UNDERGROUND STORAGE TANK RESPONSE PLAN – PAGE 1 <span style="float: right;">(One form per facility)</span>																							
TYPE OF ACTION <input type="checkbox"/> 1. NEW PLAN <input type="checkbox"/> 2. CHANGE OF INFORMATION		R01.																					
<b>I. FACILITY INFORMATION</b>																							
FACILITY ID # (Agency Use Only)		R02.																					
BUSINESS NAME (Same as FACILITY NAME)		R03.																					
BUSINESS SITE ADDRESS	CITY	R04.																					
<b>II. SPILL CONTROL AND CLEANUP METHODS</b>																							
<p>This plan addresses unauthorized releases from UST systems and supplements the emergency response plans and procedures in the facility's Hazardous Materials Business Plan.</p> <ul style="list-style-type: none"> <li>➤ If safe to do so, facility personnel will take immediate measures to control or stop any release (e.g., activate pump shut-off, etc.) and, if necessary, safely remove remaining hazardous material from the UST system.</li> <li>➤ Any release to secondary containment will be pumped or otherwise removed within a time consistent with the ability of the secondary containment system to contain the hazardous material, but not greater than 30 calendar days, or sooner if required by the local agency. Recovered hazardous materials, unless still suitable for their intended use, will be managed as hazardous waste.</li> <li>➤ Absorbent material will be used to contain and clean up manageable spills of hazardous materials. Absorbent material which has become too saturated to be effective or which is no longer intended for use will be managed as hazardous waste unless a waste determination in accordance with 22 CCR §66262.11 finds that it is non-hazardous. Used absorbent material, reusable or waste, will be stored in a properly labeled and sealed container. Waste material shall be disposed appropriately.</li> <li>➤ Facility personnel will determine whether any water removed from secondary containment systems, or from clean-up activity, has been in contact with any hazardous material. If the water is contaminated, it will be managed as hazardous waste unless a waste determination in accordance with 22 CCR §66262.11 finds that it is non-hazardous. If the water has a petroleum sheen (i.e., rainbow colors), it is contaminated. A thick floating petroleum layer may not necessarily display rainbow colors. Water (hazardous or non-hazardous) from sumps, spill containers, etc. will not be disposed to storm water systems.</li> <li>➤ We will re-eval secondary containment systems for possible deterioration if any of the following conditions occur:               <ol style="list-style-type: none"> <li>1. Hazardous material in contact with secondary containment is not compatible with the material used for secondary containment;</li> <li>2. Secondary containment is prone to damage from any equipment used to remove or clean up hazardous material collected in secondary containment;</li> <li>3. Hazardous material, other than the product/waste stored in the primary containment system, is placed inside secondary containment to treat or neutralize released product/waste, and the added material or resulting material from such a combination is not compatible with secondary containment.</li> </ol> </li> </ul>																							
<b>III. SPILL CONTROL AND CLEAN-UP EQUIPMENT</b>																							
<p><b>PERIODIC MAINTENANCE:</b> Spill control and clean-up equipment kept permanently on-site is listed in the facility's Hazardous Materials Business Plan. This equipment is inspected at least monthly, and after each use, supplies are replenished as needed. Defective equipment is repaired or replaced as necessary.</p> <p><b>EQUIPMENT NOT PERMANENTLY ON-SITE, BUT AVAILABLE FOR USE IF NEEDED:</b> (Complete only if applicable)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:33%;">EQUIPMENT</th> <th style="width:33%;">LOCATION</th> <th style="width:33%;">AVAILABILITY</th> </tr> </thead> <tbody> <tr><td> </td><td align="center">R10.</td><td align="center">R20.</td></tr> <tr><td> </td><td align="center">R11.</td><td align="center">R21.</td></tr> <tr><td> </td><td align="center">R12.</td><td align="center">R22.</td></tr> <tr><td> </td><td align="center">R13.</td><td align="center">R23.</td></tr> <tr><td> </td><td align="center">R14.</td><td align="center">R24.</td></tr> <tr><td> </td><td align="center">R15.</td><td align="center">R25.</td></tr> </tbody> </table>			EQUIPMENT	LOCATION	AVAILABILITY		R10.	R20.		R11.	R21.		R12.	R22.		R13.	R23.		R14.	R24.		R15.	R25.
EQUIPMENT	LOCATION	AVAILABILITY																					
	R10.	R20.																					
	R11.	R21.																					
	R12.	R22.																					
	R13.	R23.																					
	R14.	R24.																					
	R15.	R25.																					
<b>IV. RESPONSIBLE PERSONS</b>																							
THE FOLLOWING PERSON(S) IS/ARE RESPONSIBLE FOR AUTHORIZING ANY WORK NECESSARY UNDER THIS RESPONSE PLAN:																							
NAME	TITLE	R30.																					
NAME	TITLE	R31.																					
NAME	TITLE	R32.																					
NAME	TITLE	R33.																					
<b>V. MONITORING INDICATORS</b>																							
<p>IF MONITORING INDICATES A POSSIBLE UNAUTHORIZED RELEASE, STEPS TO VERIFY THE RELEASE WILL BE MADE AS FOLLOWS:</p> <p><input type="checkbox"/> Additional system testing or data collection    <input type="checkbox"/> Inspection by qualified persons    <input type="checkbox"/> Recalibration of equipment</p> <p>Other:</p>																							
R60.																							

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix H  
Sample UST Response Plan

UST Response Plan – Instructions

Complete one UST Response Plan for each UST facility. This form must be submitted with your initial UST Operating Permit Application and within 30 days of changes in the information it contains. It supplements the Emergency Response Plans and Procedures in the facility's Hazardous Materials Business Plan. (Note: Numbering of these instructions follows the data element numbers on the form.)

- R01. TYPE OF ACTION – Check the appropriate box to indicate why this plan is being submitted.  
FACILITY ID NUMBER – This space is for agency use only.
- R02. BUSINESS NAME – Enter the complete Facility Name.
- R03. BUSINESS SITE ADDRESS – Enter the street address where the facility is located, including building number, if applicable. Post office box numbers are not acceptable. This information must provide a means to locate the facility geographically.
- R04. CITY – Enter the city or unincorporated area in which the facility is located.
- R10. EQUIPMENT – If you have spill control or clean-up equipment kept off-site, list that equipment in sections R10 through R15. If no equipment is kept off-site, leave this section blank.
- R20. LOCATION – If you have spill control or clean-up equipment kept off-site, list the equipment location(s) sections R20 through R25. If no equipment is kept off-site, leave this section blank.
- R30. AVAILABILITY – If you have spill control or clean-up equipment kept off-site, list the equipment availability in sections R30 through R35. If no equipment is kept off-site, leave this section blank.
- R40. NAME – At least one person responsible for authorizing any work necessary under this UST Response Plan must be identified. Use sections R40 through R43 to list the name(s) of the responsible person(s).
- R50. TITLE – At least one person responsible for authorizing any work necessary under this UST Response Plan must be identified. Use sections R50 through R53 to list the job title(s) of the responsible person(s).
- R60. MONITORING INDICATORS Briefly describe the steps that will be taken to verify the presence or absence of a release if the tank monitoring system indicates the possibility of a release.
- OWNER/OPERATOR SIGNATURE – The owner/operator shall sign in the space provided. This signature certifies that the signer believes that all information submitted is true, accurate, and complete.
- R70. DATE – Enter the date the plan was signed.
- R71. OWNER/OPERATOR NAME – Print or type the name of the person signing the plan.
- R72. OWNER/OPERATOR TITLE – Enter the title of the person signing the plan.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix H  
Sample UST Response Plan

UNDERGROUND STORAGE TANK RESPONSE PLAN – PAGE 2	
<b>VI. REPORTING AND RECORD KEEPING</b>	
<p>&gt; We will report/record any overflow, spill, or unauthorized release from a UST system as indicated in this plan.</p> <p><b>Recordable Releases:</b> Any unauthorized release from primary containment which the UST operator is able to clean up within eight (8) hours after the release was detected or should reasonably have been detected, and which does not escape from secondary containment, does not increase the hazard of fire or explosion, and does not cause any deterioration of secondary containment, must be recorded in the facility's monitoring records. Monitoring records must include:</p> <ul style="list-style-type: none"> <li>&gt; The UST operator's name and telephone number;</li> <li>&gt; A list of the types, quantities, and concentrations of hazardous substances released;</li> <li>&gt; A description of the actions taken to control and clean up the release;</li> <li>&gt; The method and location of disposal of the released hazardous substances, and whether a hazardous waste manifest was or will be used;</li> <li>&gt; A description of actions taken to repair the UST and to prevent future releases;</li> <li>&gt; A description of the method used to reactivate interstitial monitoring after replacement or repair of primary containment.</li> </ul> <p><b>Reportable Releases:</b> Any overflow, spill, or unauthorized release which escapes from secondary containment (or primary containment if no secondary containment exists), increases the hazard of fire or explosion, or causes any deterioration of secondary containment, is a reportable release. Reportable releases are also recordable.</p> <p>Within 24 hours after a reportable release has been detected, or should have been detected, we will notify the local agency administering the UST program of the release, investigate the release, and take immediate measures to stop the release. If necessary, or if required by the local agency, remaining stored product/waste will be removed from the UST to prevent further releases or facilitate corrective action. If an emergency exists, we will notify the California Emergency Management Agency at (800) 852-7550.</p> <p>Within five (5) working days of a reportable release, we will submit to the local agency a full written report containing all of the following information to the extent that the information is known at the time of filing the report:</p> <ul style="list-style-type: none"> <li>&gt; The UST owner's or operator's name and telephone number;</li> <li>&gt; A list of the types, quantities, and concentrations of hazardous materials released;</li> <li>&gt; The approximate date of the release;</li> <li>&gt; The date on which the release was discovered;</li> <li>&gt; The date on which the release was stopped;</li> <li>&gt; A description of actions taken to control and/or stop the release;</li> <li>&gt; A description of corrective and remedial actions, including investigations which were undertaken and will be conducted to determine the nature and extent of soil, ground water or surface water contamination due to the release;</li> <li>&gt; The method(s) of cleanup implemented to date, proposed cleanup actions, and a schedule for implementing the proposed actions;</li> <li>&gt; The method(s) and location(s) of disposal of released hazardous materials and any contaminated soils, groundwater, or surface water;</li> <li>&gt; Copies of any hazardous waste manifests used for off-site transport of hazardous wastes associated with clean-up activity;</li> <li>&gt; A description of proposed methods for any repair or replacement of UST system primary/secondary containment systems;</li> <li>&gt; A description of additional actions taken to prevent future releases.</li> </ul> <p>We will follow the reporting procedures described above if any of the following conditions occur:</p> <ul style="list-style-type: none"> <li>&gt; A recordable unauthorized release can not be cleaned up or is still under investigation within eight (8) hours of detection;</li> <li>&gt; Released hazardous substances are discovered at the UST site or in the surrounding area;</li> <li>&gt; Unusual operating conditions are observed, including erratic behavior of product dispensing equipment, sudden loss of product, or the unexplained presence of water in the tank, unless system equipment is found to be defective and is immediately repaired or replaced, and no leak has occurred;</li> <li>&gt; Monitoring results from UST system monitoring equipment/methods indicate that a release may have occurred, unless the monitoring equipment is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial results.</li> </ul> <p><b>Record Retention:</b> Monitoring records and written reports of unauthorized releases must be maintained on-site (or off-site at a readily available location, if approved by the local agency) for at least 3 years. Hazardous waste shipping/disposal records (e.g., manifests) must be maintained for at least 3 years from the date of shipment.</p>	
<b>VII. OWNER/OPERATOR SIGNATURE</b>	
<b>CERTIFICATION:</b> I certify that the information provided herein is true and accurate to the best of my knowledge.	
OWNER/OPERATOR SIGNATURE	DATE <span style="float: right;">R70.</span>
OWNER/OPERATOR NAME (print) <span style="float: right;">R71.</span>	OWNER/OPERATOR TITLE <span style="float: right;">R72.</span>
<p>(Agency Use Only) This plan has been reviewed and:    <input type="checkbox"/> Approved    <input type="checkbox"/> Approved With Conditions    <input type="checkbox"/> Disapproved</p> <p>Local Agency Signature: _____ Date: _____</p>	



CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix I  
Sample Designated UST Operator Statement Form

Owner Statements of Designated Underground Storage Tank (UST) Operator  
and Understanding of and Compliance with UST Requirements

Facility Name:	Facility ID #:
Facility Address:	Reason for Submitting this Form ( <i>Check One</i> )
Facility Phone #:	<input type="checkbox"/> Change of Designated Operator
	<input type="checkbox"/> Update Certificate Expiration Date

**Designated UST Operator(s) for this Facility**

**PRIMARY**

Designated Operator's Name:	Relation to UST Facility ( <i>Check One</i> )
Business Name ( <i>If different from above</i> ):	<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Employee
Designated Operator's Phone #:	<input type="checkbox"/> Service Technician <input type="checkbox"/> Third-Party
International Code Council Certification #:	Expiration Date:

**ALTERNATE 1 (Optional)**

Designated Operator's Name:	Relation to UST Facility ( <i>Check One</i> )
Business Name ( <i>If different from above</i> ):	<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Employee
Designated Operator's Phone #:	<input type="checkbox"/> Service Technician <input type="checkbox"/> Third-Party
International Code Council Certification #:	Expiration Date:

**ALTERNATE 2 (Optional)**

Designated Operator's Name:	Relation to UST Facility ( <i>Check One</i> )
Business Name ( <i>If different from above</i> ):	<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Employee
Designated Operator's Phone #:	<input type="checkbox"/> Service Technician <input type="checkbox"/> Third-Party
International Code Council Certification #:	Expiration Date:

I certify that, for the facility indicated at the top of this page, the individual(s) listed above will serve as Designated UST Operator(s). The individual(s) will conduct and document monthly facility inspections and annual facility employee training, in accordance with California Code of Regulations, title 23, section 2715(c) - (f).

**Furthermore, I understand and am in compliance with the requirements (statutes, regulations, and local ordinances) applicable to underground storage tanks.**

NAME OF TANK OWNER (Please Print): \_\_\_\_\_

SIGNATURE OF TANK OWNER: \_\_\_\_\_

DATE: \_\_\_\_\_ OWNER'S PHONE #: \_\_\_\_\_

**NOTE: 1) SUBMIT THIS COMPLETED FORM TO THE LOCAL AGENCY (NOT THE STATE WATER RESOURCES CONTROL BOARD) BY JANUARY 1, 2005. THE LOCAL AGENCY LIST IS AVAILABLE AT: [www.waterboards.ca.gov/ust/contacts/cupa\\_agys.html](http://www.waterboards.ca.gov/ust/contacts/cupa_agys.html).**

**2) NOTIFY THE LOCAL AGENCY OF ANY CHANGES TO THIS INFORMATION WITHIN 30 DAYS OF THE CHANGE.**

November 2004

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix J  
Sample Designated UST Operator Facility Employee Training Form

**UNDERGROUND STORAGE TANK SYSTEM  
DESIGNATED OPERATOR FACILITY EMPLOYEE TRAINING RECORD**

*For use by Unidocs Member Agencies or where approved by your Local Jurisdiction  
Authority Cited: Title 23, Div. 3, Ch. 16 California Code of Regulations (CCR)*

Facility Name: \_\_\_\_\_

Facility Site Address: \_\_\_\_\_ City: \_\_\_\_\_

Section 2715 of Title 23, California Code of Regulations, requires that Designated Underground Storage Tank Operators provide training to facility employees who have responsibilities associated with the operation and/or maintenance of underground storage tank (UST) systems. This training must be provided by July 1, 2005, and every 12 months thereafter. For facility employees hired after July 1, 2005, the initial training must be provided within 30 days of the date of hire. At least one of the facility employees present during operating hours must have current training. This training must include, but is not limited to, the following items as specified in 23 CCR Sections 2715(f)(1) and (2):

- Operation of the UST system in a manner consistent with the facility's Best Management Practices;
- The employee's role with regard to UST monitoring equipment as specified in the written UST Monitoring Plan;
- The employee's role with regard to spills and overfills as specified in the written UST Response Plan;
- Name(s) of contact person(s) for emergencies and monitoring equipment alarms;
- For facilities that are not routinely staffed, facility employee responsibilities as specified in the training program approved by the local UST regulatory agency.

23 CCR § 2715(f)(3) requires that a list of employees who have been trained by the Designated Underground Storage Tank Operator(s) be maintained on-site, or off-site at a readily-available location if approved by the local agency, and provided to the local agency upon request. Completion of this form will satisfy UST training record keeping requirements. The following employees have been trained as required by 23 CCR Sections 2715(f)(1) and (2):

Facility Employee Name	Training Date	Hire Date <sup>1</sup>	Trainer Name <sup>2</sup>

(Continued on reverse)

<sup>1</sup> If hired after July 1, 2005.  
<sup>2</sup> Trainer must be a current Designated UST Operator for the facility at the time of training.



CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix K  
Sample Daily Visual Inspection Log

**EMERGENCY GENERATOR TANK SYSTEM  
MONITORING SYSTEM DAILY INSPECTION LOG**

Per Title 23 California Code of Regulations §2636(f)(6), the leak detection monitoring system for any underground emergency generator tank system with pressurized piping exempted from the requirement to be equipped with a line leak detector must be checked daily by either remote electronic access or onsite visual inspections. A log of these daily checks must be kept and made available for inspection.

Year: \_\_\_\_\_ Month: \_\_\_\_\_

Monitoring System Location (if more than 1 onsite): \_\_\_\_\_

Day of the Month	Inspector Name	System Has Power	All Functions Normal	Audible & Visual Alarms Test OK	Comments/Corrective Actions
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

Explain any problems found and corrective actions taken in the "Comments/Corrective Actions" section. This log is part of the facility's underground storage tank monitoring records and must be kept for a minimum of three (3) years.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix L  
Sample Monthly Designated Operator Inspection Form

Designated Underground Storage Tank (UST) Operator  
Monthly Visual Inspection Checklist

Facility Name:	Date:
Facility Address:	
City:	Zip Code:
Designated UST Operator Conducting the Inspection:	
International Code Council Certification #:	Expiration Date: / /
Signature:	Phone: ( )

Y = Yes, N = No, NA = Not Applicable

Item	MONITORING PANEL / ALARM HISTORY	Y	N	NA
1	Monitoring system is powered on and in proper operating mode.			
2	Monitoring system is not currently showing any alarms or warnings.			
3	Alarm history report/log for the previous month is available, and has been reviewed by the Designated UST Operator. <i>(Attach a copy of the alarm history report/log to this form if available.)</i>			
4	Each alarm for the previous month has been responded to appropriately.			
5	Sensors located in tank-top containment sumps have not alarmed in the past month.			
5a	<p>- List all tank-top sumps where alarms occurred in the past month: _____</p> <p><i>Note: Sumps where an alarm has occurred in the past month must be inspected unless a qualified service technician responded to, and properly addressed, the cause of the alarm. Attach documentation verifying appropriate service to this report. If sump inspection is required, record results in item 6, below.</i></p>			

**UST SYSTEM INSPECTION**

6	Tank-top containment sumps are free of water, debris, and hazardous substance. Sensors are located properly.							
	<i>Note: Visual inspection of sumps is only required in sumps where an alarm has occurred in the past month for which there is no service record.</i>							
		Y	N	NA				
	Sump Location:				Sump Location:			
	Sump Location:				Sump Location:			
	Sump Location:				Sump Location:			
7	Spill containment structures are free of water, debris, and hazardous substance.							
		Y	N	NA				
	Tank 1 - Contents:				Tank 3 - Contents:			
	Tank 2 - Contents:				Tank 4 - Contents:			
8	Under-dispenser containment areas are free of water, debris, and hazardous substance. Sensors are located properly.							
		Y	N	NA				
	Dispenser 1 / 2				Dispenser 9 / 10			
	Dispenser 3 / 4				Dispenser 11 / 12			
	Dispenser 5 / 6				Dispenser 13 / 14			
	Dispenser 7 / 8				Dispenser 15 / 16			

**PAPERWORK INSPECTION**

	Y	N	NA	DATE DONE
9				
10				
11				
12				
13				
14				

**FACILITY EMPLOYEE TRAINING**

	Y	N	NA
15			
16			

Note: Any answer of "N" should be explained in the comment section on the following page, and will require follow-up action.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix L  
Sample Monthly Designated Operator Inspection Form

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**Items Requiring Follow-Up Actions:** \_\_\_\_\_  
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\_\_\_\_\_

**Instructions:**

Monthly visual inspection of the UST system must be conducted by a Designated UST Operator, who possesses a current "California UST System Operator" certification issued by the International Code Council.

A copy of this monthly visual inspection checklist must be provided to the UST Owner or Operator, but not to the State Water Resources Control Board.

The Designated UST Operator must alert the UST Owner or Operator of any condition discovered during the monthly visual inspection that may require follow-up actions.

The UST Owner or Operator must maintain a copy of this monthly visual inspection checklist and all attachments for the previous 12 months. The records must be maintained on-site or, if approved by the local agency, off-site at a readily available location.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix M  
Sample Annual Monitoring Certification Form

**Appendix VI**

(Copies of Monitoring System Certification form and UST Monitoring Plot Plan available at <http://www.waterboards.ca.gov>.)

**MONITORING SYSTEM CERTIFICATION**

*For Use By All Jurisdictions Within the State of California*

**Authority Cited: Chapter 6.7, Health and Safety Code; Chapter 16, Division 3, Title 23, California Code of Regulations**

This form must be used to document testing and servicing of monitoring equipment. A separate certification or report must be prepared for each monitoring system control panel by the technician who performs the work. A copy of this form must be provided to the tank system owner/operator. The owner/operator must submit a copy of this form to the local agency regulating UST systems within 30 days of test date.

**A. General Information**

Facility Name: \_\_\_\_\_ Bldg. No.: \_\_\_\_\_  
 Site Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Facility Contact Person: \_\_\_\_\_ Contact Phone No.: (\_\_\_\_) \_\_\_\_\_  
 Make/Model of Monitoring System: \_\_\_\_\_ Date of Testing/Service: \_\_\_\_/\_\_\_\_/\_\_\_\_

**B. Inventory of Equipment Tested/Certified**

Check the appropriate boxes to indicate specific equipment inspected/serviced:

<b>Tank ID:</b> In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).	<b>Tank ID:</b> In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).
<b>Tank ID:</b> In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).	<b>Tank ID:</b> In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).
<b>Dispenser ID:</b> Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).	<b>Dispenser ID:</b> Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).
<b>Dispenser ID:</b> Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).	<b>Dispenser ID:</b> Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).
<b>Dispenser ID:</b> Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).	<b>Dispenser ID:</b> Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).

\*If the facility contains more tanks or dispensers, copy this form. Include information for every tank and dispenser at the facility.

**C. Certification - I certify that the equipment identified in this document was inspected/serviced in accordance with the manufacturers' guidelines. Attached to this Certification is information (e.g. manufacturers' checklists) necessary to verify that this information is correct and a Plot Plan showing the layout of monitoring equipment. For any equipment capable of generating such reports, I have also attached a copy of the report; (check all that apply):**      System set-up      Alarm history report

Technician Name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
 Certification No.: \_\_\_\_\_ License No.: \_\_\_\_\_  
 Testing Company Name: \_\_\_\_\_ Phone No.: (\_\_\_\_) \_\_\_\_\_  
 Testing Company Address: \_\_\_\_\_ Date of Testing/Service: \_\_\_\_/\_\_\_\_/\_\_\_\_

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix M  
Sample Annual Monitoring Certification Form

D. Results of Testing/Serviceing

Software Version Installed: \_\_\_\_\_

Complete the following checklist:

Yes	No*	Is the audible alarm operational?
Yes	No*	Is the visual alarm operational?
Yes	No*	Were all sensors visually inspected, functionally tested, and confirmed operational?
Yes	No*	Were all sensors installed at lowest point of secondary containment and positioned so that other equipment will not interfere with their proper operation?
Yes	No* N/A	If alarms are relayed to a remote monitoring station, is all communications equipment (e.g. modem) operational?
Yes	No* N/A	For pressurized piping systems, does the turbine automatically shut down if the piping secondary containment monitoring system detects a leak, fails to operate, or is electrically disconnected? If yes, which sensors initiate positive shut-down? <i>(Check all that apply)</i> Sump/Trench Sensors; Dispenser Containment Sensors. Did you confirm positive shut-down due to leaks <u>and</u> sensor failure/disconnection? Yes; No
Yes	No* N/A	For tank systems that utilize the monitoring system as the primary tank overflow warning device (i.e. no mechanical overflow prevention valve is installed), is the overflow warning alarm visible and audible at the tank fill point(s) and operating properly? If so, at what percent of tank capacity does the alarm trigger? %
Yes*	No	Was any monitoring equipment replaced? If yes, identify specific sensors, probes, or other equipment replaced and list the manufacturer name and model for all replacement parts in Section E, below.
Yes*	No	Was liquid found inside any secondary containment systems designed as dry systems? <i>(Check all that apply)</i> Product; Water. If yes, describe causes in Section E, below.
Yes	No*	Was monitoring system set-up reviewed to ensure proper settings? Attach set up reports, if applicable
Yes	No*	Is all monitoring equipment operational per manufacturer's specifications?

\* In Section E below, describe how and when these deficiencies were or will be corrected.

E. Comments:

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CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix M  
Sample Annual Monitoring Certification Form

F. In-Tank Gauging / SIR Equipment:

- Check this box if tank gauging is used only for inventory control.
- Check this box if no tank gauging or SIR equipment is installed.

This section must be completed if in-tank gauging equipment is used to perform leak detection monitoring.

Complete the following checklist:

<input type="checkbox"/> Yes	<input type="checkbox"/> No*	Has all input wiring been inspected for proper entry and termination, including testing for ground faults?
<input type="checkbox"/> Yes	<input type="checkbox"/> No*	Were all tank gauging probes visually inspected for damage and residue buildup?
<input type="checkbox"/> Yes	<input type="checkbox"/> No*	Was accuracy of system product level readings tested?
<input type="checkbox"/> Yes	<input type="checkbox"/> No*	Was accuracy of system water level readings tested?
<input type="checkbox"/> Yes	<input type="checkbox"/> No*	Were all probes reinstalled properly?
<input type="checkbox"/> Yes	<input type="checkbox"/> No*	Were all items on the equipment manufacturer's maintenance checklist completed?

\* In the Section H, below, describe how and when these deficiencies were or will be corrected.

G. Line Leak Detectors (LLD):

- Check this box if LLDs are not installed.

Complete the following checklist:

<input type="checkbox"/> Yes	<input type="checkbox"/> No* <input type="checkbox"/> N/A	For equipment start-up or annual equipment certification, was a leak simulated to verify LLD performance? (Check all that apply.) Simulated leak rate: <input type="checkbox"/> 3 g.p.h.; <input type="checkbox"/> 0.1 g.p.h.; <input type="checkbox"/> 0.2 g.p.h.
<input type="checkbox"/> Yes	<input type="checkbox"/> No*	Were all LLDs confirmed operational and accurate within regulatory requirements?
<input type="checkbox"/> Yes	<input type="checkbox"/> No*	Was the testing apparatus properly calibrated?
<input type="checkbox"/> Yes	<input type="checkbox"/> No* <input type="checkbox"/> N/A	For mechanical LLDs, does the LLD restrict product flow if it detects a leak?
<input type="checkbox"/> Yes	<input type="checkbox"/> No* <input type="checkbox"/> N/A	For electronic LLDs, does the turbine automatically shut off if the LLD detects a leak?
<input type="checkbox"/> Yes	<input type="checkbox"/> No* <input type="checkbox"/> N/A	For electronic LLDs, does the turbine automatically shut off if any portion of the monitoring system is disabled or disconnected?
<input type="checkbox"/> Yes	<input type="checkbox"/> No* <input type="checkbox"/> N/A	For electronic LLDs, does the turbine automatically shut off if any portion of the monitoring system malfunctions or fails a test?
<input type="checkbox"/> Yes	<input type="checkbox"/> No* <input type="checkbox"/> N/A	For electronic LLDs, have all accessible wiring connections been visually inspected?
<input type="checkbox"/> Yes	<input type="checkbox"/> No*	Were all items on the equipment manufacturer's maintenance checklist completed?

\* In the Section H, below, describe how and when these deficiencies were or will be corrected.

H. Comments:

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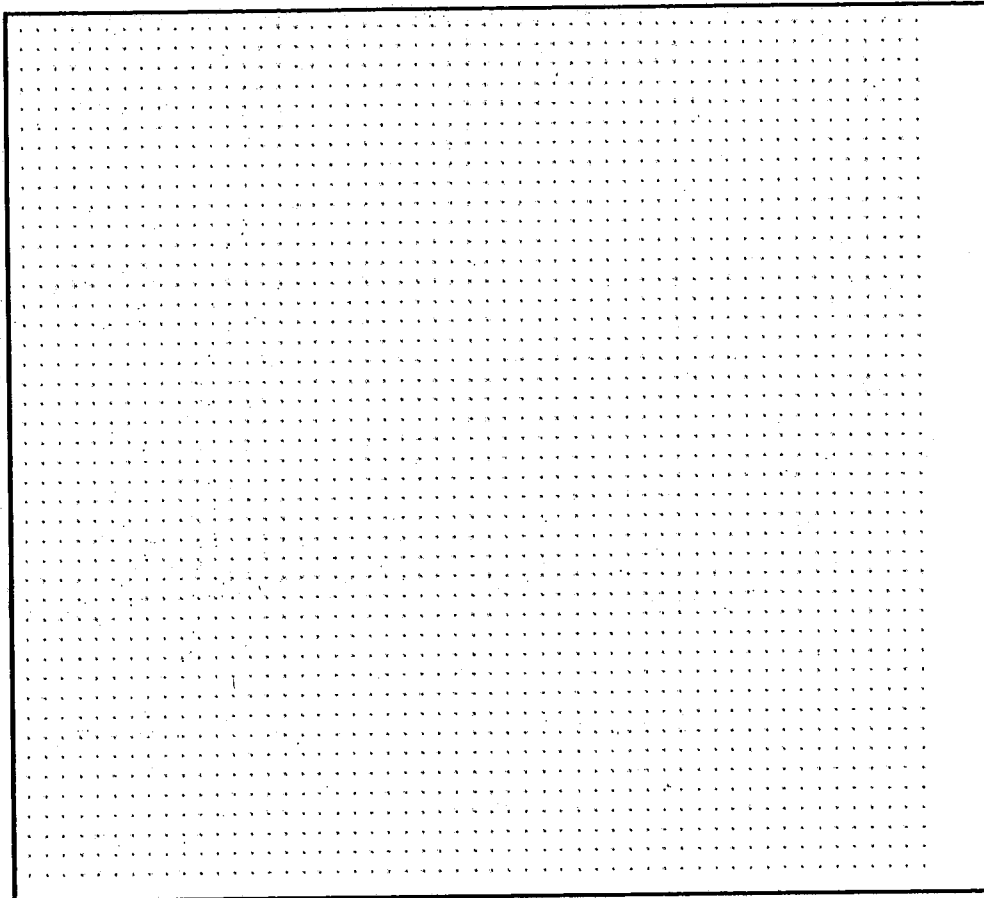
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix M  
Sample Annual Monitoring Certification Form

Monitoring System Certification

UST Monitoring Site Plan

Site Address: \_\_\_\_\_



Date map was drawn: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Instructions**

If you already have a diagram that shows all required information, you may include it, rather than this page, with your Monitoring System Certification. On your site plan, show the general layout of tanks and piping. Clearly identify locations of the following equipment, if installed: monitoring system control panels; sensors monitoring tank annular spaces, sumps, dispenser pans, spill containers, or other secondary containment areas; mechanical or electronic line leak detectors; and in-tank liquid level probes (if used for leak detection). In the space provided, note the date this Site Plan was prepared.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix N  
Sample Annual Spill Containment Testing Form

SWRCB, January 2006

**Spill Bucket Testing Report Form**

*This form is intended for use by contractors performing annual testing of UST spill containment structures. The completed form and printouts from tests (if applicable), should be provided to the facility owner/operator for submittal to the local regulatory agency.*

**1. FACILITY INFORMATION**

Facility Name:	Date of Testing:
Facility Address:	
Facility Contact:	Phone:
Date Local Agency Was Notified of Testing :	
Name of Local Agency Inspector (if present during testing):	

**2. TESTING CONTRACTOR INFORMATION**

Company Name:
Technician Conducting Test:
Credentials <sup>1</sup> : <input type="checkbox"/> CSLB Contractor <input type="checkbox"/> ICC Service Tech. <input type="checkbox"/> SWRCB Tank Tester <input type="checkbox"/> Other (Specify)
License Number(s):

**3. SPILL BUCKET TESTING INFORMATION**

Test Method Used:	<input type="checkbox"/> Hydrostatic	<input type="checkbox"/> Vacuum	<input type="checkbox"/> Other	
Test Equipment Used:	Equipment Resolution:			
Identify Spill Bucket (By Tank Number, Stored Product, etc.)	1	2	3	4
Bucket Installation Type:	<input type="checkbox"/> Direct Bury <input type="checkbox"/> Contained in Sump	<input type="checkbox"/> Direct Bury <input type="checkbox"/> Contained in Sump	<input type="checkbox"/> Direct Bury <input type="checkbox"/> Contained in Sump	<input type="checkbox"/> Direct Bury <input type="checkbox"/> Contained in Sump
Bucket Diameter:				
Bucket Depth:				
Wait time between applying vacuum/water and start of test:				
Test Start Time (T <sub>i</sub> ):				
Initial Reading (R <sub>i</sub> ):				
Test End Time (T <sub>f</sub> ):				
Final Reading (R <sub>f</sub> ):				
Test Duration (T <sub>f</sub> - T <sub>i</sub> ):				
Change in Reading (R <sub>f</sub> - R <sub>i</sub> ):				
Pass/Fail Threshold or Criteria:				
Test Result:	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail

**Comments** – (include information on repairs made prior to testing, and recommended follow-up for failed tests)

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**CERTIFICATION OF TECHNICIAN RESPONSIBLE FOR CONDUCTING THIS TESTING**

*I hereby certify that all the information contained in this report is true, accurate, and in full compliance with legal requirements.*

Technician's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>1</sup> State laws and regulations do not currently require testing to be performed by a qualified contractor. However, local requirements may be more stringent.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix O  
Sample SB 989 Secondary Containment Testing Form

SWRCB, January 2002

Page \_\_\_\_ of \_\_\_\_

**Secondary Containment Testing Report Form**

*This form is intended for use by contractors performing periodic testing of UST secondary containment systems. Use the appropriate pages of this form to report results for all components tested. The completed form, written test procedures, and printouts from tests (if applicable), should be provided to the facility owner/operator for submittal to the local regulatory agency.*

**1. FACILITY INFORMATION**

Facility Name:	Date of Testing:
Facility Address:	
Facility Contact:	Phone:
Date Local Agency Was Notified of Testing :	
Name of Local Agency Inspector (if present during testing):	

**2. TESTING CONTRACTOR INFORMATION**

Company Name:		
Technician Conducting Test:		
Credentials:	<input type="checkbox"/> CSLB Licensed Contractor	<input type="checkbox"/> SWRCB Licensed Tank Tester
License Type:	License Number:	
Manufacturer Training		
Manufacturer	Component(s)	Date Training Expires

**3. SUMMARY OF TEST RESULTS**

Component	Pass	Fail	Not Tested	Repairs Made	Component	Pass	Fail	Not Tested	Repairs Made
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If hydrostatic testing was performed, describe what was done with the water after completion of tests:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATION OF TECHNICIAN RESPONSIBLE FOR CONDUCTING THIS TESTING**  
*To the best of my knowledge, the facts stated in this document are accurate and in full compliance with legal requirements*

Technician's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix O  
Sample SB 989 Secondary Containment Testing Form

SWRCB, January 2002

Page \_\_\_\_ of \_\_\_\_

**4. TANK ANNULAR TESTING**

Test Method Developed By:		<input type="checkbox"/> Tank Manufacturer	<input type="checkbox"/> Industry Standard	<input type="checkbox"/> Professional Engineer
		<input type="checkbox"/> Other (Specify)		
Test Method Used:		<input type="checkbox"/> Pressure	<input type="checkbox"/> Vacuum	<input type="checkbox"/> Hydrostatic
		<input type="checkbox"/> Other (Specify)		
Test Equipment Used:			Equipment Resolution:	
	Tank #	Tank #	Tank #	Tank #
Is Tank Exempt From Testing? <sup>1</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Tank Capacity:				
Tank Material:				
Tank Manufacturer:				
Product Stored:				
Wait time between applying pressure/vacuum/water and starting test:				
Test Start Time:				
Initial Reading (R <sub>i</sub> ):				
Test End Time:				
Final Reading (R <sub>f</sub> ):				
Test Duration:				
Change in Reading (R <sub>f</sub> -R <sub>i</sub> ):				
Pass/Fail Threshold or Criteria:				
<b>Test Result:</b>	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail
Was sensor removed for testing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Was sensor properly replaced and verified functional after testing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

**Comments** – (include information on repairs made prior to testing, and recommended follow-up for failed tests)

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<sup>1</sup> Secondary containment systems where the continuous monitoring automatically monitors both the primary and secondary containment, such as systems that are hydrostatically monitored or under constant vacuum, are exempt from periodic containment testing. {California Code of Regulations, Title 23, Section 2637(a)(6)}

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix O  
Sample SB 989 Secondary Containment Testing Form

SWRCB, January 2002

Page \_\_\_\_ of \_\_\_\_

**5. SECONDARY PIPE TESTING**

Test Method Developed By:					<input type="checkbox"/> Piping Manufacturer	<input type="checkbox"/> Industry Standard	<input type="checkbox"/> Professional Engineer	
					<input type="checkbox"/> Other (Specify)			
Test Method Used:					<input type="checkbox"/> Pressure	<input type="checkbox"/> Vacuum	<input type="checkbox"/> Hydrostatic	
					<input type="checkbox"/> Other (Specify)			
Test Equipment Used:				Equipment Resolution:				
	Piping Run #	Piping Run #	Piping Run #	Piping Run #				
Piping Material:								
Piping Manufacturer:								
Piping Diameter:								
Length of Piping Run:								
Product Stored:								
Method and location of piping-run isolation:								
Wait time between applying pressure/vacuum/water and starting test:								
Test Start Time:								
Initial Reading (R <sub>i</sub> ):								
Test End Time:								
Final Reading (R <sub>f</sub> ):								
Test Duration:								
Change in Reading (R <sub>f</sub> -R <sub>i</sub> ):								
Pass/Fail Threshold or Criteria:								
Test Result:	<input type="checkbox"/> Pass	<input type="checkbox"/> Fail	<input type="checkbox"/> Pass	<input type="checkbox"/> Fail	<input type="checkbox"/> Pass	<input type="checkbox"/> Fail	<input type="checkbox"/> Pass	<input type="checkbox"/> Fail

**Comments** – (include information on repairs made prior to testing, and recommended follow-up for failed tests)

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CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix O  
Sample SB 989 Secondary Containment Testing Form

SWRCB, January 2002

Page \_\_\_ of \_\_\_

**6. PIPING SUMP TESTING**

Test Method Developed By:	<input type="checkbox"/> Sump Manufacturer	<input type="checkbox"/> Industry Standard	<input type="checkbox"/> Professional Engineer
	<input type="checkbox"/> Other (Specify)		
Test Method Used:	<input type="checkbox"/> Pressure	<input type="checkbox"/> Vacuum	<input type="checkbox"/> Hydrostatic
	<input type="checkbox"/> Other (Specify)		
Test Equipment Used:	Equipment Resolution:		
	<b>Sump #</b>	<b>Sump #</b>	<b>Sump #</b>
Sump Diameter:			
Sump Depth:			
Sump Material:			
Height from Tank Top to Top of Highest Piping Penetration:			
Height from Tank Top to Lowest Electrical Penetration:			
Condition of sump prior to testing:			
Portion of Sump Tested <sup>1</sup>			
Does turbine shut down when sump sensor detects liquid (both product and water)?*	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Turbine shutdown response time			
Is system programmed for fail-safe shutdown?*	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Was fail-safe verified to be operational?*	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Wait time between applying pressure/vacuum/water and starting test:			
Test Start Time:			
Initial Reading (R <sub>i</sub> ):			
Test End Time:			
Final Reading (R <sub>f</sub> ):			
Test Duration:			
Change in Reading (R <sub>f</sub> -R <sub>i</sub> ):			
Pass/Fail Threshold or Criteria:			
<b>Test Result:</b>	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail
Was sensor removed for testing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Was sensor properly replaced and verified functional after testing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

**Comments** – (include information on repairs made prior to testing, and recommended follow-up for failed tests)

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<sup>1</sup> If the entire depth of the sump is not tested, specify how much was tested. If the answer to any of the questions indicated with an asterisk (\*) is "NO" or "NA", the entire sump must be tested. (See SWRCB LG-160)

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix O  
Sample SB 989 Secondary Containment Testing Form

SWRCB, January 2002

Page \_\_\_\_ of \_\_\_\_

**7. UNDER-DISPENSER CONTAINMENT (UDC) TESTING**

Test Method Developed By:	<input type="checkbox"/> UDC Manufacturer	<input type="checkbox"/> Industry Standard	<input type="checkbox"/> Professional Engineer
	<input type="checkbox"/> Other (Specify)		
Test Method Used:	<input type="checkbox"/> Pressure	<input type="checkbox"/> Vacuum	<input type="checkbox"/> Hydrostatic
	<input type="checkbox"/> Other (Specify)		
Test Equipment Used:	Equipment Resolution:		
	UDC #	UDC #	UDC #
UDC Manufacturer:			
UDC Material:			
UDC Depth:			
Height from UDC Bottom to Top of Highest Piping Penetration:			
Height from UDC Bottom to Lowest Electrical Penetration:			
Condition of UDC prior to testing:			
Portion of UDC Tested <sup>1</sup>			
Does turbine shut down when UDC sensor detects liquid (both product and water)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Turbine shutdown response time			
Is system programmed for fail-safe shutdown?*	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Was fail-safe verified to be operational?*	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Wait time between applying pressure/vacuum/water and starting test			
Test Start Time:			
Initial Reading (R <sub>I</sub> ):			
Test End Time:			
Final Reading (R <sub>F</sub> ):			
Test Duration:			
Change in Reading (R <sub>F</sub> - R <sub>I</sub> ):			
Pass/Fail Threshold or Criteria:			
<b>Test Result:</b>	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail
Was sensor removed for testing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Was sensor properly replaced and verified functional after testing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

**Comments** – (include information on repairs made prior to testing, and recommended follow-up for failed tests)

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<sup>1</sup> If the entire depth of the UDC is not tested, specify how much was tested. If the answer to any of the questions indicated with an asterisk (\*) is "NO" or "NA", the entire UDC must be tested. (See SWRCB LG-160)



CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix O  
Sample SB 989 Secondary Containment Testing Form

SWRCB, January 2002

Page \_\_\_ of \_\_\_

**8. FILL RISER CONTAINMENT SUMP TESTING**

Facility is Not Equipped With Fill Riser Containment Sumps <input type="checkbox"/>				
Fill Riser Containment Sumps are Present, but were Not Tested <input type="checkbox"/>				
Test Method Developed By: <input type="checkbox"/> Sump Manufacturer <input type="checkbox"/> Industry Standard <input type="checkbox"/> Professional Engineer <input type="checkbox"/> Other (Specify)				
Test Method Used: <input type="checkbox"/> Pressure <input type="checkbox"/> Vacuum <input type="checkbox"/> Hydrostatic <input type="checkbox"/> Other (Specify)				
Test Equipment Used:			Equipment Resolution:	
	Fill Sump #	Fill Sump #	Fill Sump #	Fill Sump #
Sump Diameter:				
Sump Depth:				
Height from Tank Top to Top of Highest Piping Penetration:				
Height from Tank Top to Lowest Electrical Penetration:				
Condition of sump prior to testing:				
Portion of Sump Tested				
Sump Material:				
Wait time between applying pressure/vacuum/water and starting test:				
Test Start Time:				
Initial Reading (R <sub>i</sub> ):				
Test End Time:				
Final Reading (R <sub>f</sub> ):				
Test Duration:				
Change in Reading (R <sub>f</sub> -R <sub>i</sub> ):				
Pass/Fail Threshold or Criteria:				
<b>Test Result:</b>	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail
Is there a sensor in the sump?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the sensor alarm when either product or water is detected?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Was sensor removed for testing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Was sensor properly replaced and verified functional after testing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

**Comments** — (include information on repairs made prior to testing, and recommended follow-up for failed tests)

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CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix O  
Sample SB 989 Secondary Containment Testing Form

SWRCB, January 2002

Page \_\_\_\_ of \_\_\_\_

**9. SPILL/OVERFILL CONTAINMENT BOXES**

Facility is Not Equipped With Spill/Overfill Containment Boxes <input type="checkbox"/>				
Spill/Overfill Containment Boxes are Present, but were Not Tested <input type="checkbox"/>				
Test Method Developed By: <input type="checkbox"/> Spill Bucket Manufacturer <input type="checkbox"/> Industry Standard <input type="checkbox"/> Professional Engineer				
<input type="checkbox"/> Other (Specify)				
Test Method Used: <input type="checkbox"/> Pressure <input type="checkbox"/> Vacuum <input type="checkbox"/> Hydrostatic				
<input type="checkbox"/> Other (Specify)				
Test Equipment Used:			Equipment Resolution:	
	<b>Spill Box #</b>	<b>Spill Box #</b>	<b>Spill Box #</b>	<b>Spill Box #</b>
Bucket Diameter:				
Bucket Depth:				
Wait time between applying pressure/vacuum/water and starting test:				
Test Start Time:				
Initial Reading (R <sub>i</sub> ):				
Test End Time:				
Final Reading (R <sub>f</sub> ):				
Test Duration:				
Change in Reading (R <sub>f</sub> -R <sub>i</sub> ):				
Pass/Fail Threshold or Criteria:				
<b>Test Result:</b>	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	<input type="checkbox"/> Pass <input type="checkbox"/> Fail

**Comments** – (include information on repairs made prior to testing, and recommended follow-up for failed tests)

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CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix P  
Sample Alarm Form

**UNDERGROUND STORAGE TANK SYSTEM  
LEAK ALARM LOG**

Per California Health and Safety Code, Chapter 6.7, §25293, the operator of an underground storage tank (UST) system must keep monitoring records in sufficient detail to enable the local Unified Program Agency to determine whether the UST system is being operated in compliance with applicable UST regulations. All leak alarms from the UST monitoring system must be logged. (Do not log non-leak alarms such as Delivery Needed.)

Facility Name: \_\_\_\_\_

Date	Time	Alarm	Cause	Recorded By	Comments/Corrective Actions
(EXAMPLE) 8/1/2014	12:30pm	L7 - DISPENSER 1/2	Gas spill into pan from filter change.	Jan Smith	8/1/2014 - Cleaned up spill. Placed absorbent pad in waste drum. Alarm cleared.

This log is part of the facility's underground storage tank monitoring records and must be kept on-site for a minimum of three (3) years.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix Q  
Sample Unauthorized Release Form

UNDERGROUND STORAGE TANK (UST) SITE - UNAUTHORIZED RELEASE / CONTAMINATION REPORT			
EMERGENCY <input type="checkbox"/> Yes <input type="checkbox"/> No		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> Yes <input type="checkbox"/> No	
REPORT DATE		CASE #	
		FOR LOCAL AGENCY USE ONLY HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFETY CODE	
		SIGNED _____ DATE _____	
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT		PHONE ( )
	<input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME
	ADDRESS		
RESPONSIBLE PARTY	STREET		CITY    STATE    ZIP
	NAME		CONTACT PERSON    PHONE ( )
	ADDRESS		
SITE LOCATION	STREET		CITY    STATE    ZIP
	FACILITY NAME (IF APPLICABLE)		OPERATOR    PHONE ( )
	ADDRESS		
IMPLEMENTING AGENCIES	STREET		CITY    STATE    ZIP
	LOCAL AGENCY    AGENCY NAME		PHONE ( )
	REGIONAL BOARD		PHONE ( )
SUBSTANCES INVOLVED	(1) NAME		QUANTITY LOST (GALLONS) <input type="checkbox"/> Unknown
	(2)		<input type="checkbox"/> Unknown
DISCOVERY/ABATEMENT	DATE DISCOVERED	HOW DISCOVERED <input type="checkbox"/> Tank Test <input type="checkbox"/> Tank Removal <input type="checkbox"/> Nuisance Conditions <input type="checkbox"/> Inventory Control <input type="checkbox"/> Subsurface Monitoring <input type="checkbox"/> Other	
	DATE DISCHARGE BEGAN	METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> Remove Contents <input type="checkbox"/> Close Tank <input type="checkbox"/> Repair Tank <input type="checkbox"/> Change Procedure <input type="checkbox"/> Replace Tank <input type="checkbox"/> Other <input type="checkbox"/> Repair Piping	
	HAS DISCHARGE BEEN STOPPED? <input type="checkbox"/> Yes <input type="checkbox"/> No    IF YES, DATE	<input type="checkbox"/> Unknown	
SOURCE/CAUSE	SOURCE OF DISCHARGE    CAUSE(S) <input type="checkbox"/> Tank <input type="checkbox"/> Piping <input type="checkbox"/> Dispenser <input type="checkbox"/> Delivery Problem <input type="checkbox"/> Spill <input type="checkbox"/> Overfill <input type="checkbox"/> Physical/Mechanical Damage <input type="checkbox"/> Corrosion <input type="checkbox"/> Submersible Turbine Pump (STP) <input type="checkbox"/> Other <input type="checkbox"/> Installation Problem <input type="checkbox"/> Unknown <input type="checkbox"/> Other		
CASE TYPE	CHECK ONE ONLY <input type="checkbox"/> Undetermined <input type="checkbox"/> Soil Only <input type="checkbox"/> Groundwater <input type="checkbox"/> Drinking Water - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)		
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> Open - Site Assessment <input type="checkbox"/> Open - Verification Monitoring <input type="checkbox"/> Open - Assessment & Interim Remedial Action <input type="checkbox"/> Open - Inactive <input type="checkbox"/> Open - Remediation <input type="checkbox"/> Closed - No Further Action Required		
REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) Human health exposure control? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Groundwater migration control? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> No Action Required (NAR) <input type="checkbox"/> Excavate & Treat (ET) <input type="checkbox"/> Treatment at Hookup (TH) <input type="checkbox"/> Other <input type="checkbox"/> Excavate & Dispose (ED) <input type="checkbox"/> Free Product Removal (FPR) <input type="checkbox"/> Replace Supply (RS)		
COMMENTS			

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix Q  
Sample Unauthorized Release Form

Instructions for Completing UST Unauthorized Release (Leak) / Contamination Site Report

**EMERGENCY:** Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES). Indicate whether the OES report has been filed as of the date of this report.

**LOCAL AGENCY USE ONLY:** To avoid duplicate notifications pursuant to Health and safety Code Section 25180.7, a designated government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

**REPORTED BY:** Enter name, telephone number, and address. Indicate which party you represent and provide company or agency name.

**SIGNATURE:** Sign the form in the space provided.

**RESPONSIBLE PARTY:** Enter the name, telephone number, contact person, and address of the party responsible for the leak. The Responsible Party would normally be the tank owner.

**SITE LOCATION:** Enter information regarding the tank facility. At a minimum, you must provide the facility name and full site address.

**IMPLEMENTING AGENCIES:** Enter the names of the local agency and Regional Water Quality Control Board having jurisdiction over the site.

**SUBSTANCES INVOLVED:** Enter the name and quantity lost of the hazardous substance(s) involved. If more than two substances leaked, list the two of most concern for cleanup.

**DISCOVERY/ABATEMENT:** Provide information regarding the discovery and abatement of the leak.

**SOURCE:** Indicate the source(s) of the leak. Check source(s) that apply.

**CAUSE:** Check box(es) that apply. Only use "other" when the release source is known, but does not fit into any of the other categories. For example releases from vent and vapor recovery lines.

**CASE TYPE:** Check one box only. Indicate the Case Type category for this leak. Case Type is based on the most sensitive resource affected. For example, if both soil and groundwater have been affected, Case Type will be "Groundwater." Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Groundwater" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that Case Type may change upon further investigation.

**CURRENT STATUS:** Check one box only. Indicate the category which best describes the Current Status of the case. The response should be relative to the Case Type. For example, if the Case Type is "Groundwater," then Current Status should refer to the status of the ground water investigation or cleanup, as opposed to that of soil. Descriptions of options are as follows:

- > Open- Site Assessment – An investigation to determine whether groundwater and/or soil have/has been, or will be, impacted as a result of the release.
- > Open- Assessment & Interim Remedial Action – An investigation to determine whether groundwater and/or soil have/has been, or will be, impacted as a result of the release and appropriate actions to prevent or address an immediate threat to human health or the environment.
- > Open- Remediation – Remedial activities to prevent or address a threat to human health or the environment as a result of the release.
- > Open- Verification Monitoring – Periodic groundwater or other monitoring at the site to verify and/or evaluate the effectiveness of remedial activities.
- > Open- Inactive – No activities have been implemented to determine whether groundwater and/or soil were/was impacted by the release.
- > Closed- No Further Action Required – Regional Water Quality Control Board and local agency Local Oversight Program agree that no further work is necessary at the site.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY.

**REMEDIAL ACTION:** Indicate which actions have been used to clean up or remediate the leak. Descriptions of options are as follows:

- > Human health exposure control? Yes – Assessments for human exposures indicate there are no unacceptable human exposure pathways and the Regional Water Quality Control Board or other regulatory agency staff has determined the site is under control for current conditions.
- > Human health exposure control? No – Data indicate that there are complete human exposures pathways that present unacceptable exposures to humans, and actions have yet to be completed to address these human exposure pathways for the entire site.
- > Human health exposure control? Unknown – There is not sufficient information to determine whether there are any current, complete unacceptable human exposure pathways at the site.
- > Groundwater migration control? Yes – All information on known and reasonably expected groundwater contamination has been reviewed and that the migration of contaminated groundwater is stabilized and there is no unacceptable discharge to surface water and monitoring will be conducted to confirm that affected groundwater remains in the original area of contamination.
- > Groundwater migration control? No – All information on known and reasonably expected groundwater contamination has been reviewed and that the migration of contaminated groundwater is not stabilized.
- > Groundwater migration control? Unknown – There is not sufficient information to determine whether the migration of contaminated groundwater is stabilized.
- > No Action Required (NAR) – Incident is minor, requiring no remedial action.
- > Excavate and Dispose (ED) – Remove contaminated soil and dispose at approved facility.
- > Excavate and Treat (ET) – Remove contaminated soil and treat (includes spreading or land farming).
- > Free Product Removal (FPR) – Remove floating product from water table.
- > Treatment at Hookup (TH) – Install water treatment devices at each dwelling or other place of use.
- > Replace Supply (RS) – Provide alternate water supply to affected parties.
- > Other – Other remedial actions that are not listed above.

**COMMENTS:** Use this space to elaborate on any aspects of the incident.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix Q  
Sample Unauthorized Release Form

**DISTRIBUTION:** If this form is completed by the tank owner or his/her agent, retain a copy and forward the original to your local tank permitting agency for distribution.

- > Original – Local UST permitting agency. (Agency contact information is available at <http://www.ca/cupa.net/services/directory/search.asp>.)
- > Copy – Regional Water Quality Control Board. (Boundaries and contact information are available at <http://www.waterboards.ca.gov/waterboards/map.shtml>.)
- > Copy – Local Oversight Program (LOP) agency. (Agency contact information is available at [http://www.waterboards.ca.gov/water\\_issues/programs/ust/contact/ustop.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/contact/ustop.shtml).)
- > Copy – Local Health Officer and County Board of Supervisors or their designee to receive Proposition 65 notifications.
- > Copy – Owner/Responsible Party.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix R  
Sample Quarterly Report

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION

EDMUND G. BROWN JR., GOVERNOR

**FACILITY PLANNING, CONSTRUCTION AND MANAGEMENT**

P.O. Box 942883  
Sacramento, CA 94283-0001



**DATE**

Mr. David Boyers  
Assistant Chief Counsel  
Office of Enforcement  
State Water Resources Control Board  
801 K Street, 23<sup>rd</sup> Floor  
Sacramento, CA 95814

Dear Mr. Boyers:

**UNDERGROUND STORAGE TANK COMPLIANCE MANAGEMENT PROGRAM  
QUARTERLY REPORT**

The California Department of Corrections and Rehabilitation (CDCR) provides the enclosed quarterly report as required by the Memorandum of Understanding between the CDCR and the State Water Resources Control Board for settlement of enforcement action seeking civil penalties and injunctive relief arising out of violations of underground storage tank requirements.

Please direct any comments or questions related to this report to me at 916-255-2162 or via electronic mail at [Gregor.Larabee@cdcr.ca.gov](mailto:Gregor.Larabee@cdcr.ca.gov).

GREGOR LARABEE  
Environmental Compliance Manager  
Environmental and Regulatory Compliance Section

Enclosure

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix R  
Sample Quarterly Report

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UNDERGROUND STORAGE TANK COMPLIANCE MANAGEMENT PROGRAM  
MONTH YEAR QUARTERLY REPORT

Summary of the actions the California Department of Corrections and Rehabilitation (CDCR) has taken to implement Enhanced Compliance Actions:

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Summary of any violation(s) identified by the Certified Unified Program Agency (CUPA) and the measures taken by CDCR to correct the violation(s):

CDCR INSTITUTION	VIOLATION(S)
Calipatria State Prison (CAL)	
California Correctional Center (CCC)	
California Correctional Institution (CCI)	
Centinela State Prison (CEN)	
California Medical Facility (CMF)	
California Rehabilitation Center (CRC)	
High Desert State Prison (HDSP)	
Ironwood State Prison (ISP)	
Kern Valley State Prison (KVSP)	
Mule Creek State Prison (MCSP)	
Pleasant Valley State Prison (PVSP)	
California Substance Abuse Treatment Facility (SATF)	
Sierra Conservation Center (SCC)	
California State Prison San Quentin (SQ)	
Salinas Valley State Prison (SVSP)	
Valley State Prison (VSP)	



CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix R  
Sample Quarterly Report

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UNDERGROUND STORAGE TANK COMPLIANCE MANAGEMENT PROGRAM  
MONTH YEAR QUARTERLY REPORT

Summary of, and included as attachments, the following: annual monitoring certification, including monitoring panel printouts; secondary containment testing reports; annual 0.1 gallon per hour line tightness test results for applicable UST systems; monthly designated operator reports with complete printout tapes of alarms; any employee training performed by the designated operator; daily logs for pressurized emergency generator systems; and CUPA inspections.

CDCR INSTITUTION	SUMMARY
Calipatria State Prison (CAL)	
California Correctional Center (CCC)	
California Correctional Institution (CCI)	
Centinela State Prison (CEN)	
California Medical Facility (CMF)	
California Rehabilitation Center (CRC)	
High Desert State Prison (HDSP)	
Ironwood State Prison (ISP)	
Kern Valley State Prison (KVSP)	
Mule Creek State Prison (MCSP)	
Pleasant Valley State Prison (PVSP)	
California Substance Abuse Treatment Facility (SATF)	
Sierra Conservation Center (SCC)	
California State Prison San Quentin (SQ)	
Salinas Valley State Prison (SVSP)	
Valley State Prison (VSP)	

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
UST COMPLIANCE MANAGEMENT PROGRAM

Appendix S  
Sample Monthly Status Report Checklist

Facility:				
Reporting Month:			Date:	
By the 10 <sup>th</sup> of the month, for services performed in the prior month, the following information shall be uploaded to the Teamsite:				
	Service	Date Performed	Located on Teamsite Yes/No/NA	Comments
1	Monthly Designated Operator (DO) Reports with complete printout tapes of alarms			
2	Employee Training performed by the DO			
3	Daily Logs for pressurized emergency generator systems			
4	Annual Monitoring Certification, including monitoring panel printouts			
5	Secondary Containment Testing Reports			
6	CUPA Inspections			
7	Maintenance Records			
8	Any other testing performed			
9	Any notice of violation received			

**EXHIBIT C**

“Covered Matters”

KAMALA D. HARRIS  
Attorney General of California  
XXXX  
Supervising Deputy Attorney General  
XXXX  
Deputy Attorney General  
1300 I Street  
Sacramento, California 95814  
Telephone:  
Fax:  
E-mail:

[Exempt from fees pursuant to  
Government Code section 6103]

*ATTORNEYS FOR PLAINTIFF, PEOPLE OF THE STATE OF  
CALIFORNIA EX REL. STATE WATER RESOURCES  
CONTROL BOARD*

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SACRAMENTO**

**PEOPLE OF THE STATE OF CALIFORNIA EX  
REL. STATE WATER RESOURCES CONTROL  
BOARD**

**PLAINTIFF,**

**v.**

**CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION; AND  
DOES 1-20 INCLUSIVE.**

**DEFENDANTS.**

Case No.

**COMPLAINT FOR CIVIL  
PENALTIES, PERMANENT  
INJUNCTION, AND OTHER  
EQUITABLE RELIEF**

Plaintiff, People of the State of California *ex rel.* State Water Resources Control Board, is informed and believes and, based thereon, alleges as follows:

**PLAINTIFF**

1. Plaintiff, People of the State of California *ex rel.* State Water Resources Control Board (“State Water Board”) brings this action by and through Kamala D. Harris, Attorney General of the State of California (“Attorney General”) on behalf of the State Water Board.

2. Pursuant to Water Code section 13000 *et seq.*, the Legislature established the State Water Board to ensure comprehensive protection of California’s waters. The State Water Board is the state agency responsible for administering and enforcing the provisions of Chapter 6.7 of Division 20 of the Health and Safety Code (Health & Safety Code, §§ 25280 *et seq.*) relating to the storage of hazardous substances in underground storage tanks (USTs), including the implementing regulations set forth in the California Code of Regulations, title 23, Chapter 16, sections 2610 *et seq.* (“UST Law”). The UST Law was promulgated to protect the environment and the public health and safety by requiring that USTs be properly installed, maintained, inspected, tested, and upgraded.

3. Under Government Code section 12511, the Attorney General has charge of all legal matters in which the State is involved. The Attorney General also has the express power to protect the environment and natural resources of the State of California pursuant to Government Code section 12600 *et seq.*

4. Pursuant to Health and Safety Code section 25299 *et seq.*, the Attorney General may bring an action for civil penalties and injunctive relief in the name of the People of the State of California for violations of the UST Law.

5. Plaintiff brings this action without prejudice to any other action or claims which it may have based on separate, independent and unrelated violations the UST Law by the Defendant and/or on facts which are not alleged in this Complaint.

## DEFENDANT

6. Defendant California Department of Corrections and Rehabilitation (“CDCR” or “Defendant”) is a California state agency. During the period of time at issue in this lawsuit, Defendant owned and/or operated USTs located at a number of correctional facilities throughout California (“Covered USTs”). Specifically, Defendant’s Covered USTs are located at:

- a. 4001 Highway 104, Ione, CA (“Mule Creek State Prison”);
- b. 7018 Blair Road, Calipatria, CA (“Calipatria State Prison”);
- c. 2302 Brown Road, Imperial, CA (“Centinela State Prison”);
- d. 24863 W. Jayne Avenue, Coalinga, CA (“Pleasant Valley State Prison”);
- e. 3000 W. Cecil Avenue, Delano, CA (“Kern Valley State Prison”);
- f. 24900 State Route 202, Tehachapi, CA (“California Correctional Institution Tehachapi” or “CCI Tehachapi”);
- g. 900 Quebec Avenue, Corcoran, CA (“California Substance Abuse Treatment Facility and State Prison” or “SATF”);
- h. 475-750 Rice Canyon Road, Susanville, CA (“High Desert State Prison”);
- i. 711-045 Center Road, Susanville, CA (“California Correctional Center”);
- j. 44750 N. 60<sup>th</sup> Street West, Lancaster, CA (“California State Prison, Los Angeles County”);
- k. 21633 Avenue 24, Chowchilla, CA (“Valley State Prison”);
- l. 1 Main Street, San Quentin, CA (“San Quentin State Prison”);
- m. 31625 Highway 101, Soledad, CA (“Salinas Valley State Prison”);
- n. 1600 California Drive, Vacaville, CA (“California Medical Facility”);
- o. 19005 Wiley’s Well Road, Blythe, CA (“Ironwood State Prison”);
- p. 5<sup>th</sup> and Western, Norco, CA (“California Rehabilitation Center”); and
- q. 5100 O’Byrne’s Ferry Road, Jamestown, CA (“Sierra Conservation Center”).

7. The Covered USTs are or were used to store petroleum-based fuels, including unleaded gasoline and diesel fuel.

8. Defendant is or, at all times relevant to the claims in this Complaint, was legally responsible for compliance with the UST Law relative to its Covered USTs.

9. In this Complaint, when reference is made to an act of the Defendant, such reference shall mean that the Defendants employees, or contractors, representatives, and/or agents of Defendant did such act, or that Defendant authorized such act, or that Defendant negligently failed and omitted to adequately or properly supervise, control or direct its employees, contractors, representatives, and/or agents with respect to such act.

10. Plaintiff is ignorant of the names and capacities, whether individual, corporate, or otherwise, of defendants identified as Does 1 through 20, inclusive, who are therefore sued under fictitious names. When the true names of these defendants have been ascertained, Plaintiff will amend the complaint to substitute the true names and capacities of each Doe defendant in place of the fictitious names.

#### **VENUE**

11. Venue is proper in this county pursuant to California Health and Safety Code section 25299.03 in that the principal office of the Defendant is located in Sacramento, CA.

#### **GENERAL ALLEGATIONS**

12. The State Water Board investigated Defendant's compliance with the UST Laws relative to the Covered USTs. The State Water Board's investigation revealed that Defendants and defendant Does 1 through 20 have violated the UST Law relative to the Covered USTs. Defendant's violations include the following representative actions or inactions:

a. Failed to identify a designated operator for each underground storage tank facility owned, as required by California Code of Regulations, title 23, section 2715(a). This violation was observed at Sierra Conservation Center.

b. Failed to ensure that the designated operator provide training for facility employees, as required by California Code of Regulations, title 23, section 2715(f). This violation was observed at Kern Valley State Prison.

c. Failed to ensure that a designated operator perform monthly visual inspections of all UST systems, as required by California Code of Regulations, title 23, section 2715(c). This violation was observed at Kern Valley State Prison.

d. Failed to construct, operate and maintain secondary containment systems in a manner to: (1) prevent structural weakening as a result of contact with any released hazardous substances, and (2) be capable of storing hazardous substances for the maximum anticipated period of time necessary for the recovery of any released hazardous substance, as required by Health and Safety Code sections 25290.1(c)(2), 25290.2(c)(2), 25291(a)(2), and/or 25292(e) and California Code of Regulations, title 23, section 2662(b) and (c). This violation was observed at Centinela State Prison, CCI Tehachapi, High Desert State Prison, California Correctional Center, California State Prison Los Angeles County, Valley State Prison, and Ironwood State Prison.

e. Failed to test secondary containment systems, as required by California Code of Regulations, title 23, section 2637. This violation was observed at Pleasant Valley State Prison, California State Prison Los Angeles County, and Sierra Conservation Center.

f. Failed to maintain functional spill containers, as required by California Code of Regulations, title 23, section 2635(b)(1). This violation was observed at Pleasant Valley State Prison, Kern Valley State Prison, CCI Tehachapi, High Desert State Prison, Ironwood State Prison, California Rehabilitation Center, and Sierra Conservation Center.

g. Failed to annually test spill containers, as required by Health and Safety Code section 25284.2. This violation was observed at Pleasant Valley State Prison, California State Prison Los Angeles County, Salinas Valley State Prison, and Ironwood State Prison.

h. Failed to annually test and certify UST monitoring equipment, as required by California Code of Regulations, title 23, sections 2638 and 2641. This violation was observed at Pleasant Valley State Prison, Salinas Valley State Prison, Ironwood State Prison, and Sierra Conservation Center.

i. Failed to install and/or maintain automatic line leak detectors on underground pressurized piping, as required by Health and Safety Code sections 25290.1(h), 25290.2(g), 25291(f) and/or 25292(e)(1), and California Code of Regulations, title 23, sections 2636(f)(2) and/or 2643(c)(1). This violation was observed at Sierra Conservation Center.

j. Failed to affix a tag/sticker to monitoring equipment being certified, as required by California Code of Regulations, title 23, section 2638(f). This violation was observed at Pleasant Valley State Prison.

k. Failed to monitor product piping, as required by Health and Safety Code sections 25290.1(d), 25290.2(d), 25291(b), and/or 25292(a) and California Code of Regulations, title 23, sections 2630(d), 2636(f)(1), and/or 2641(a). This violation was observed at Centinela State Prison, Pleasant Valley State Prison, SATF, High Desert State Prison, California State Prison Los Angeles County and San Quentin State Prison.

l. Owned and/or operated an underground storage tank without a valid operating permit, as required by Health and Safety Code section 25284(a). This violation was observed at Pleasant Valley State Prison.

m. Failed to maintain monitoring and maintenance records, as required by Health and Safety Code section 25293 and California Code of Regulations, title 23, section 2712(b). This violation was observed at Pleasant Valley State Prison, High Desert State Prison, Valley State Prison, Salinas Valley State Prison, and California Medical Facility.

n. Failed to maintain copies of the monitoring plan and/or release response plan on site, as required by California Code of Regulations, title 23, sections 2632(d), 2641(h),



2711(a)(9), and/or 2712(i). This violation was observed at Pleasant Valley State Prison, High Desert State Prison, and Valley State Prison.

o. Failed to ensure that each quantitative release detection method is certified by the equipment manufacturer, as required by California Code of Regulations, title 23, section 2643(f). This violation was observed at California State Prison Los Angeles County.

p. Failed to provide, maintain or update the operating permit application, including the facility and tank information, as required by Health and Safety Code section 25286(a) and California Code of Regulations, title 23, sections 2711(a) and 2712(i). This violation was observed at Kern Valley State Prison, High Desert State Prison, Valley State Prison, and Sierra Conservation Center.

q. Failed to maintain a monitoring system capable of detecting an unauthorized release from any portion of the underground storage tank system at the earliest possible opportunity, as required by Health and Safety Code sections 25290.1(d), 25290.2(d), 25291(b) and/or 25292(a) and California Code of Regulations, title 23, section 2630(d) and/or 2641(a). This violation was observed at Mule Creek State Prison, Calipatria State Prison, Centinela State Prison, Pleasant Valley State Prison, Kern Valley State Prison, SATF, High Desert State Prison, California Correctional Center, California State Prison Los Angeles County, Valley State Prison, San Quentin State Prison, California Medical Facility, Ironwood State Prison, and Sierra Conservation Center.

r. Failed to maintain copies of the operating permit on site, as required by California Code of Regulations, title 23, section 2712(i). This violation was observed at Sierra Conservation Center.

s. Failed to maintain accurate release response plans, as required by California Code of Regulations, title 23, sections 2632(d)(2), 2634(e) and 2641(h). This violation was observed at Sierra Conservation Center.

t. Failed to maintain underground storage tanks so that the primary and/or secondary containment is "product tight," in accordance with Health and Safety Code sections 25290.1(c), 25290.2(c) and/or 25291(a)(1). This violation was observed at Pleasant Valley State Prison and California Correctional Center.

### **FIRST CAUSE OF ACTION**

13. Plaintiff realleges and incorporates by reference as though fully set forth herein all allegations contained in Paragraphs 1 through 12, inclusive.

14. Defendant and defendant does 1 through 20, as operators of the UST systems at the Covered Facilities, are strictly liable for civil penalties as set forth in Health and Safety Code section 25299(a) for each daily violation of the rules, regulations, standards or requirements applicable to each UST as set forth above which occurred within five years after discovery of the facts constituting grounds for commencing the action on these claims. The statutes of limitation for several of the claims and causes of action that are the subject of this action were tolled by agreement of the State Water Board and the Defendant during the period from August 21, 2015 to December 31, 2015.

15. Defendant and defendant Does 1 through 20, as the operators of the USTs at the Covered Facilities, must immediately and permanently be enjoined from further violations of the UST Law.

### **SECOND CAUSE OF ACTION**

16. Plaintiff realleges and incorporates by reference as though fully set forth herein all allegations contained in Paragraphs 1 through 12, inclusive.

17. Defendant and defendant Does 1 through 20, as the owners of the UST systems at the Covered Facilities, are strictly liable for civil penalties as set forth in California Health and Safety Code section 25299(b) for each daily violation of the rules, regulations, standards or

requirements applicable to each UST as set forth above which occurred within five years after discovery of the facts constituting grounds for commencing the action on these claims. The statutes of limitation for several of the claims and causes of action that are the subject of this action were tolled by agreement of the State Water Board and the Defendant during the period from August 21, 2015 to December 31, 2015.

18. Defendant and defendant Does 1 through 20, as the owners of the USTs at the Covered Facilities, must immediately and permanently be enjoined from further violations of the UST Law.

**PRAYER**

WHEREFORE, the People of the State of California *ex rel.* State Water Resources Control Board pray for the following relief:

19. Civil penalties according to proof against Defendant and defendant Does 1 through 20 pursuant to California Health and Safety Code section 25299(a) at the statutory maximum of five thousand dollars (\$5,000) for each UST system violation for each day of violation.

20. Civil penalties according to proof against Defendant and defendant Does 1 through 20 pursuant to California Health and Safety Code section 25299(b) at the statutory maximum of five thousand dollars (\$5,000) for each UST system violation for each day of violation.

21. A permanent injunction requiring Defendant and defendant Does 1 through 20 to comply with the specific requirements of California Health and Safety Code, Division 20, Chapter 6.7 and California Code of Regulations, title 23, Chapter 16, as alleged in this Complaint;

22. Plaintiff's costs of inspection, investigation, attorney's fees, enforcement, prosecution, and suit herein pursuant to Code of Civil Procedure section 1021.8, and all other authority; and

23. Such other and further relief as the Court deems just and proper.

Dated:

Respectfully Submitted:

KAMALA D. HARRIS  
Attorney General of the State of California  
XXX  
Supervising Deputy Attorney General  
XXX  
Deputy Attorney General

By: \_\_\_\_\_

XXX  
Attorneys for Plaintiff  
People of the State of California *ex rel.* State  
Water Resources Control Board

Facility Address	Violation Number	Violation	Citations	Start Date	End Date	Number of USTs	Days of Violation	Calculated Penalty	
Mule Creek State Prison 4001 Highway 104, Lone Callipatria State Prison 701.8 Blair Rd, Callipatria Centinelia State Prison 2302 Brown Rd, Imperial	1	Failure to Monitor Product Piping	23 CCR 2630(d)	1/16/14	1/16/14	1	1	\$500	
	2	Failure to Monitor Product Piping	23 CCR 2630(d)	11/6/13	11/6/13	2	1	\$1,000	
	3	Failure to Monitor Product Piping	23 CCR 2630(d)	11/6/13	11/6/13	1	1	\$500	
	4	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	3/8/11	8/22/12	2	533	\$533,000	
	5	Failure to Monitor Product Piping	23 CCR 2630(d)	11/6/13	12/2/13	1	26	\$13,000	
	6	Failure to Maintain UST Monitoring System	H&SC 25291(b); 23 CCR 2630(d)	11/6/13	12/2/13	2	26	\$26,000	
	7	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	12/2/13	8/14/15	2	620	\$620,000	
	8	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	1/10/14	8/15/15	2	582	\$582,000	
Pleasant Valley State Prison 24863 W Jayne Ave, Coalinga	9	Failure to Perform Secondary Containment Testing	23 CCR 2637(a)	5/1/09	11/16/09	4	199	50	
	10	Failure to Maintain Spill Containment Requirements	23 CCR 2635(b)(1)	4/27/12	10/7/12	1	163	\$81,500	
	11	Failure to Monitor Product Piping	23 CCR 2630(d)	1/30/14	2/12/14	2	13	\$13,000	
	12	Failure to Monitor Product Piping	23 CCR 2630(d)	1/30/14	2/12/14	1	13	\$6,500	
	13	Failure to Monitor Product Piping	23 CCR 2630(d)	1/30/14	2/12/14	4	13	\$26,000	
	14	Failure to Tag Monitoring Equipment	23 CCR 2638(f)	1/30/14	2/25/14	1	26	\$13,000	
	15	Failure to Monitor Product Piping	23 CCR 2630(d)	1/30/14	4/14/14	2	74	\$74,000	
	16	Failure to Maintain Monitoring Plan On-Site Containment Product Tight	23 CCR 2712(i)	1/30/14	4/25/14	1	85	\$42,500	
	17	Failure to Maintain Primary/Secondary Containment Product Tight	H&SC 25291(a)(1) 23 CCR 2631(a)	1/30/14	5/1/14	1	91	\$45,500	
	18	Failure to Maintain Monitoring or Testing Records On-site	H&SC 25293; 23 CCR 2712(b)	1/30/14	5/13/14	1	103	\$51,500	
	19	Failure to Perform Annual Monitoring Certification	23 CCR 2638	12/1/2014	8/14/15	4	256	\$512,000	
	20	Failure to Perform Secondary Containment Testing	23 CCR 2637(e)	5/1/2015	8/14/15	4	105	\$210,000	
	21	Failure to Perform Annual Spill Containment Test	H&SC 25284.2	11/7/2014	8/14/15	4	280	\$560,000	
	Kern Valley State Prison 3000 W Cecil Ave, Delano	22	Failure to Provide DO Training	23 CCR 2715(f)	4/1/10	6/3/10	1	53	\$0
		23	Failure to Perform DO Inspections	23 CCR 2715(g)	12/14/11	1/12/12	1	29	\$14,500
		24	Failure to Maintain Operating Permit On-Site	23 CCR 2712(i)	5/30/12	7/1/12	1	32	\$16,000
		25	Failure to Maintain Spill Containment Requirements	23 CCR 2635(b)(1)	5/30/12	8/14/12	1	76	\$38,000
26		Failure to Monitor Product Piping	23 CCR 2630(d)	5/30/12	8/14/12	3	76	\$114,000	
California Correctional Institution Tehachapi 24900 State Route 202, Tehachapi	27	Failure to Maintain Spill Containment Requirements	22 CCR 2635(b)(1)	5/30/12	8/31/12	1	93	\$46,500	
	28	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	2/9/2015	8/14/15	2	186	\$186,000	
	29	Failure to Monitor Product Piping	23 CCR 2630(d)	10/15/13	2/2/14	1	110	\$55,000	
California Substance Abuse Treatment Facility 900 Quebec Ave, Corcoran	30	Failure to Monitor Product Piping	23 CCR 2630(d)	10/15/13	2/2/14	2	110	\$110,000	
	31	Failure to Maintain UST Monitoring System	H&SC 25291(b); 23 CCR 2630(d)	10/15/13	2/27/14	2	135	\$135,000	
	32	Failure to Monitor Product Piping	23 CCR 2630(d)	10/15/13	2/13/14	1	121	\$60,500	
	33	Failure to Monitor Product Piping	23 CCR 2630(d)	10/15/13	2/2/14	2	110	\$110,000	

CONFIDENTIAL

California Department of Corrections  
and Rehabilitation UST Violations

Facility Address	Violation Number	Violation	Citations	Start Date	End Date	Number of USTs	Days of Violation	Calculated Penalty
High Desert State Prison 475-750 Rice Canyon Rd, Susanville	34	Failure to Maintain Spill Containment Requirements	23 CCR 2635(b)(1)	6/10/08	3/16/10	1	644	\$0
	35	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	8/14/10	5/17/11	2	276	\$276,000
	36	Failure to Maintain UST Monitoring System	H&SC 25291(b); 23 CCR 2630(d)	4/4/13	6/13/13	2	70	\$70,000
	37	Failure to Monitor Product Piping	23 CCR 2630(d)	6/18/13	3/5/14	1	260	\$130,000
	38	Failure to Monitor Product Piping	23 CCR 2630(d)	6/18/13	6/18/13	1	1	\$500
	39	Failure to Maintain Monitoring Plan On-Site	23 CCR 2712(i)	6/18/13	7/25/13	1	37	\$18,500
	40	Failure to Maintain Release Response Plan On-Site	23 CCR 2712(i)	6/18/13	7/25/13	1	37	\$18,500
	41	Failure to Maintain Monitoring or Testing Records On-site	H&SC 25293; 23 CCR 2712(b)	6/18/13	7/25/13	1	37	\$18,500
	42	Failure to Maintain A&B Forms On-Site	23 CCR 2711(a), 2712(f)	6/18/13	7/25/13	1	37	\$18,500
	43	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	11/17/09	3/19/10	2	122	\$0
California Correctional Facility 711-045 Center Rd, Susanville	44	Failure to Maintain Primary/Secondary Containment- Product Tight	H&SC 25291(a); 23 CCR 2631(a)	6/7/13	6/12/13	1	5	\$2,500
	45	Failure to Monitor Product Piping	23 CCR 2630(d)	6/18/13	6/18/13	1	1	\$500
California State Prison, Los Angeles County 44750 N 60th St West, Lancaster	46	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	8/14/10	8/14/15	1	1826	\$913,000
	47	Failure to Install and Use Approved Monitoring Sensor	23 CCR 2630(d)	1/26/12	8/14/15	1	1296	\$648,000
	48	Failure to Perform Annual Spill Containment Testing	H&SC 25284.2	6/10/12	6/29/12	1	19	\$9,500
	49	Failure to Perform Secondary Containment Testing	23 CCR 2637(a)	1/1/14	8/14/15	1	590	\$295,000
	50	Failure to Monitor Product Piping	23 CCR 2630(d)	3/27/14	8/14/15	1	505	\$252,500
	51	Failure to Maintain UST Monitoring System	H&SC 25291(b); 23 CCR 2630(d)	3/27/14	8/14/15	1	505	\$252,500
	52	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	3/27/14	8/14/15	1	505	\$252,500
	53	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	8/14/10	8/14/15	1	1826	\$913,000
	54	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	8/14/10	8/14/15	1	1826	\$913,000
	55	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	8/14/10	8/14/15	1	1826	\$913,000
Valley State Prison 21633 Avenue 24, Chowchilla	56	Failure to Monitor Product Piping	23 CCR 2630(d)	5/22/13	9/30/13	3	131	\$196,500
	57	Failure to Maintain A&B Forms On-Site	23 CCR 2712(i), 2711(a)	5/22/13	7/13/15	1	782	\$391,000
	58	Failure to Maintain Monitoring Plan	CCR 2632(d)(1), 2711(a)(9)	5/22/13	4/13/15	1	691	\$345,500
	59	Failure to Maintain Monitoring or Testing Records On-site	H&SC 25293; 23 CCR 2712(b)	5/22/13	4/13/15	1	691	\$345,500
San Quentin State Prison 1 Main St, San Quentin	60	Failure to Maintain UST Monitoring System	H&SC 25291(b); 23 CCR 2630(d)	10/19/09	12/28/09	1	70	\$0
	61	Failure to Monitor Product Piping	23 CCR 2630(d)	6/26/13	6/26/13	1	1	\$500
	62	Failure to Maintain UST Monitoring System	H&SC 25291(b); 23 CCR 2630(d)	6/26/13	8/15/13	1	50	\$25,000
Salinas Valley State Prison 31625 Highway 101, Soledad	63	Failure to Monitor Product Piping	23 CCR 2630(d)	6/26/13	8/30/13	1	65	\$32,500
	64	Failure to Maintain Monitoring or Testing Records On-site	H&SC 25293; 23 CCR 2712(b)	1/23/14	1/21/15	1	363	\$181,500
	65	Failure to Perform Annual Monitoring Certification	23 CCR 2638(a)	9/1/12	1/23/13	1	144	\$72,000
California Medical Facility 1600 California Dr, Vacaville	66	Failure to Perform Annual Spill Containment Testing	H&SC 25284.2	8/17/12	1/23/13	1	159	\$79,500
	67	Failure to Monitor Product Piping	23 CCR 2630(d)	12/5/13	1/24/14	1	50	\$25,000
	68	Failure to Maintain Monitoring or Testing Records On-site	H&SC 25293; 23 CCR 2712(b)	12/5/13	2/7/14	1	64	\$32,000
	69	Failure to Monitor Product Piping	23 CCR 2630(d)	12/5/13	1/24/14	1	50	\$25,000

Facility Address	Violation Number	Violation	Citations	Start Date	End Date	Number of USTs	Days of Violation	Calculated Penalty
Ironwood State Prison 19005 Wiley's Well Rd, Blythe	70	Failure to Maintain Secondary Containment	H&SC 25291(a)(2)	4/20/11	9/23/11	1	156	\$78,000
	71	Failure to Perform Annual Spill Containment Testing	H&SC 25284.2	7/23/11	9/23/11	1	62	\$31,000
	72	Failure to Perform Annual Monitoring Certification	23 CCR 2638(a)	8/1/11	9/23/11	1	53	\$26,500
	73	Failure to Perform Annual Spill Containment Testing	H&SC 25284.2	9/24/12	11/14/12	1	51	\$25,500
	74	Failure to Perform Annual Monitoring Certification	23 CCR 2638(a)	10/1/12	11/14/12	1	44	\$22,000
	75	Failure to Maintain Spill Containment Requirements	23 CCR 2635(b)(1)	3/26/14	12/18/14	1	267	\$133,500
California Rehabilitation Center 5th and Western, Norco	76	Failure to Monitor Product Piping	23 CCR 2630(d)	3/26/14	6/20/14	1	86	\$43,000
	77	Failure to Maintain Spill Containment Requirements	23 CCR 2635(b)(1)	2/15/12	2/28/12	2	13	\$13,000
	78	Failure to Maintain Spill Containment Requirements	23 CCR 2635(b)(1)	2/25/14	4/22/14	1	56	\$28,000
Sierra Conservation Center 5100 O'Byrne's Ferry Rd, Jamestown	79	Failure to Maintain Spill Containment Requirements	23 CCR 2635(b)(1)	3/27/14	5/15/14	2	49	\$49,000
	80	Failure to Perform Secondary Containment Testing	23 CCR 2637(a)	3/17/09	5/21/10	3	430	\$0
	81	Failure to Perform Annual Monitoring Certification	23 CCR 2638(a)	4/29/09	5/21/10	3	387	\$0
	82	Failure to Notify Local Agency of DO Requirements	23 CCR 2715(a)	8/14/10	12/7/11	3	480	\$720,000
	83	Failure to Maintain Spill Containment Requirements	23 CCR 2635(b)(1)	8/14/10	12/12/11	1	485	\$242,500
	84	Failure to Maintain A&B Forms	23 CCR 2711(a)	8/14/10	1/6/12	1	510	\$255,000
	85	Failure to Maintain Operating Permit On-Site	23 CCR 2712(i)	8/14/10	4/11/12	1	606	\$303,000
	86	Failure to Perform Annual Monitoring Certification	23 CCR 2638(a)	6/1/11	11/12/11	3	164	\$246,000
	87	Failure to Install or Maintain LLD(s)	H&SC 25291(f); CCR 2636(f)(2)	7/21/11	8/14/15	1	1485	\$742,500
	88	Failure to Notify Local Agency of DO	23 CCR 2715(a)	11/15/11	12/7/11	1	22	\$11,000
	89	Failure to Monitor Product Piping	23 CCR 2630(d)	11/15/11	11/15/11	1	1	\$500
	90	Failure to Maintain Spill Containment Requirements	23 CCR 2635(b)(1)	11/15/11	11/15/11	1	1	\$500
	91	Failure to Monitor Product Piping	23 CCR 2630(d)	11/15/11	11/15/11	1	1	\$500
	92	Failure to Perform Secondary Containment Testing	23 CCR 2637(a)	1/21/12	8/14/15	1	1301	\$650,500
	93	Failure to Maintain Release Response Plan	H&SC 25286(e)	5/25/12	6/13/12	1	19	\$9,500
	94	Failure to Perform Annual Monitoring Certification	23 CCR 2638(a)	7/22/12	1/2/13	1	164	\$82,000
	95	Failure to Monitor Product Piping	23 CCR 2630(d)	7/22/12	1/2/13	1	164	\$82,000
	96	Failure to Maintain Spill Containment Requirements	23 CCR 2635(b)(1)	9/21/12	1/4/13	1	105	\$52,500
	97	Failure to Monitor Product Piping	23 CCR 2630(d)	9/21/12	1/4/13	2	105	\$105,000
<b>Total:</b>								<b>\$15,916,500</b>

**EXHIBIT D**

**Letter to CUPAs**





State Water Resources Control Board

[DATE], 2017

(Via email and Certified Mail)
CERTIFIED MAIL
NO. XXXX XXXX XXXX XXXX XXXX

[Addressee]

SUBJECT: REQUEST FOR COMMUNICATION REGARDING UNDERGROUND STORAGE TANK VIOLATIONS AT CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION FACILITIES

Dear [CUPA supervisor]:

On [DATE], the State Water Resources Control Board (State Water Board) and the California Department of Corrections and Rehabilitation (CDCR) reached a settlement agreement regarding alleged violations of underground storage tank (UST) requirements at seventeen CDCR facilities throughout the state. The settlement is memorialized in a Memorandum of Understanding (MOU), which is available on the State Water Board's website at (insert link).

This letter is being sent pursuant to Paragraph 24 of the MOU in order to ensure that CDCR's Environmental Compliance Manager is able to track and respond to any alleged violations with CDCR's UST systems. Your cooperation with this letter is critical for CDCR to successfully oversee its USTs and ensure that violations are corrected expediently.

In order for CDCR's Environmental Compliance Manager to remain fully apprised of any alleged violations and ensure that instances of noncompliance are addressed, CDCR and the State Water Board are requesting that any notice of violation or other communication regarding USTs at any CDCR facility in your jurisdiction be sent to the facility contact, as normal, and a paper and electronic copy sent to the following:

Table with 2 columns: Contact information for California Department of Corrections and Rehabilitation, and email addresses: Gregor.Larabee@cdcr.ca.gov, Laurie.Perri@cdcr.ca.gov, Paul.Vasquez@cdcr.ca.gov



Addressee

- 2 -

[Date], 2017

If you have any questions concerning this request, please feel free to contact me at (916) 341-5276 or [david.boyers@waterboards.ca.gov](mailto:david.boyers@waterboards.ca.gov).

Sincerely,

David Boyers, Assistant Chief Counsel  
**Office of Enforcement**

cc: Amantha Henkel, SWRCB  
[amantha.henkel@waterboards.ca.gov](mailto:amantha.henkel@waterboards.ca.gov)

cc: Gregor Larabee, CDCR  
[gregor.larabee@cdcr.ca.gov](mailto:gregor.larabee@cdcr.ca.gov)

Addressee

- 3 -

[Date], 2017

bcc:

XXX/xxx  
xdate / revised xdate  
path to save document

