



Proposed changes to title 23

January 2, 2018

It was my understanding that the revised regulations were to include previous changes to the California Health & Safety Code. Chapter 6.7. Upon initial review the following sections of title 23 should be revised to include the sections from H&S Chapter 6.7 indicated.

Section 2611 Definitions:

H&S chapter 6.7, Section 25290.1(a) has a definition for “Product Tight” that is different than H&S chapter 6.7, Section 25281. Recommend adding a definition for UST systems installed after July 1, 2004.

Section 2631:

Need to add language for UST systems install after July 1, 2004. The language should include section 25290.1(c)(1 – 5); 25290.1(k)

Move the compatibility requirements from 2631.1 to 2631, then delete 2631.1.

Section 2632:

Add language for UST systems installed after July 1, 2004 to include 25290.1(d) & (e).

Section 2635:

Need to include language for UST systems installed after July 1, 2004 per 25290.1(j).

The current wording of section 2635(a)(5) needs to be revised to include the requirements in Health & Safety Code section 25290.1(j). The Enhanced Leak Detection test threshold is .005GPH so it is not a “Tank Integrity Test” as defined in section 2611.

Section 2636

Need to add a statement in 2636(a) exempting UST systems installed after July 1, 2004. H&S Chapter 6.7, Section 25290.1(k) indicates that all underground pipe is part of the UST system.

Need a statement in 2636(f)(3) exempting pressurized pipe monitoring on UST systems installed after July 1, 2004. H&S chapter 6.7, Section 25290.1(h) only requires an LLD to be installed.

Section 2637

Add section (h) testing companies can submit all testing protocol to the local agency for approval prior to conducting the testing required under this section. This submittal satisfies the “Test Method Used” requirements associated with the Secondary Containment Testing Report Form located in Appendix VII.

Section 2638

Add a statement in 2638(f) “Previous Certification Tags can be removed so only the current certification tag is present on the monitoring system components.”

Section 2643(d)

Emergency Generator systems with single wall American Suction Supply Lines that have Day/Belly tanks should have a sight glass or some form of visual verification that the line is primed. The generators are run monthly but only for short durations (the total time a generator can be run for maintenance is based upon the Air District Permit requirements) and without any load. This decreases the amount of fuel the generator will use and may not cause the Day/Belly tank suction pump to draw fuel from the UST. To comply with Appendix II they will have to pump fuel into the Day/Belly tank every 30 days which could lead to an overfill condition. I recommend revising Appendix II allow for visual verification that the supply line is primed or removing the requirement for Emergency Generator suction Systems comply with Appendix II.

Section 2660(b)

Revise to the following:

Section 2661 describes the requirements for repairing underground storage tanks, piping, or other underground storage tank components that have:

- 1) Caused an unauthorized as defined in sections 25294 and 25295 of the Health and Safety Code, or
- 2) Failed to operate as installed per the requirements in sections 25290.1, 25290.2 or 25291 of the Health and Safety Code dependent upon the UST installation date.

Section 2661

Recommend adding the following to section 2661.

(h) Repairs to secondary containment systems, spill buckets or overfill prevention devices should be completed to manufacturer specifications and by individuals meeting the requirements per section 2715(f).

(i) Repairs to existing Secondary containment Systems will be tested per section 2637(a)(1)(B)(i).

Section 2716

Revise 2716(a) to "...at least once every 30 days, not to exceed 35 days, in accordance with all subdivisions below."

Per that attached e-mail from the EPA the intent was to ensure the inspections were conducted in a consistent manner and they assumed the State UST implementing agencies would exercise enforcement discretion with regard to the frequency of the Designated Operator inspections. Adding the "not to exceed 35 days" language into section 2716(a) will allow the Designate Operator some flexibility to ensure the inspections are completed around the same period every month.

APPENDIX VI

The form does include the current supplemental Monitor Form for Vacuum/Pressure monitoring systems. The form does not take into account Hydrostatic monitoring system installed per 25290.1. Each Sump will have two hydrostatic sensors. Piping sumps may have three hydrostatic sensors. Currently all of the sensors will have to be listed in section VII. Also I would recommend revising the device model # as follows:

DEVICE MODEL# / Sensor Label

Some Vacuum/Pressure systems have multiple components on one sensor. This could create some confusion if two components list the same model number. Including the sensor label will make it easier to identify the components monitored by one sensor.

APPENDIX VII

See recommended revision to Section 2637

APPENDIX IX

I would revise the question "Are flow restrictors in vent piping installed" as follows:

ARE FLOW RESTRICTORS INSTALLED IN VENT PIPING THAT COULD INTERFERE WITH THE OPERATION OF THE PRIMARY OVERFILL PREVENTION DEVICE?

Brian Harmon

Tait Environmental Services, INC.

Brian Harmon

From: Smith, TimR <Smith.TimR@epa.gov>
Sent: Thursday, August 18, 2016 6:06 AM
To: Brian Harmon
Subject: RE: Walkthrough Inspections

Hi Brian –

EPA is aware that monthly, depending on the month of the year, ranges from 28 to 31 days. EPA established the every 30 day frequency to target certain required activities in a consistent manner. State UST implementing agencies and EPA always have enforcement discretion to address compliance that may occur slightly different from the 30 day time frame to accommodate varying days in the month and unforeseen incidents. Any discrepancies achieving an every 30 day frequency could be accommodated under an implementing agency's enforcement discretion. Barring any egregious lapses, "monthly" should meet the intent of the federal UST regulation. Please check with the state of California to determine its compliance policies and procedures. In the event of any issues involving a SPA or non-SPA state, EPA would coordinate with the state for its input on most enforcement matters the Agency would consider.

Best regards,
Tim

=====

TimR Smith
Office of Underground Storage Tanks
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC: 5401R)
Washington, DC 20004
Phone: (202) 564-0643

=====

From: Brian Harmon [mailto:bharmon@TAIT.COM]
Sent: Wednesday, August 17, 2016 9:39 AM
To: Smith, TimR <Smith.TimR@epa.gov>
Subject: Walkthrough Inspections

Hello Tim. We have a client in California that installed a UST system in 2016. California does not have an approved UST program so the UST is subject to both California and Federal regulations. 40CFR, 280.36(a)(1)(i) requires a walkthrough inspection every “30 days” but California regulations requires a “monthly” inspection.

Question: Does a “monthly” inspection interval meet the requirements in 40CFR, 280.36(a)(1)(i) even if the actual inspection dates are over 30 days apart?

Brian Harmon

Regulatory Affairs Manager

TAIT Environmental Services, Inc.

2131 South Dupont Drive

Anaheim, CA 92806

dir: 714-567-6413

cell: 714-231-4433

fax: 714-978-2615

bharmon@tait.com

www.tait.com



This email message, including any attachment(s), is intended only for the recipient(s) named above. It may contain information that is confidential, privileged, or protected by law. The unlawful use, distribution, or publication of this information is strictly prohibited. If you receive this communication in error, please notify the sender immediately by return email and delete the original message, including all attachment(s).