



UST Program Update March 2014

Enforcement Case Against TravelCenters of America and Affiliates

A \$4.8 million judgment has been entered against TravelCenters of America (TA) and its affiliates for alleged underground storage tank (UST) violations. TA will pay \$1 million in civil penalties to the State Water Board. They will also pay \$800,000 to the State Water Board, Kern County Environmental Health Division (EHD), Merced County EHD, and the Western States Project for reimbursement of investigation and enforcement costs.

TA will receive up to \$2 million in credit for environmental improvements that enhance compliance at its facilities. These enhancements must exceed existing requirements, and include developing and implementing an Enhanced Environmental Compliance Program for 13 TA facilities in Kern, Merced, Riverside, San Bernardino, Shasta, and Tehama counties. The judgment also suspends \$1 million in penalties for a period of five years, provided that TA does not violate any of the UST leak prevention regulations detailed in the judgment.

The State Water Board was represented by the California Attorney General's Office in this enforcement case. For a copy of the complete judgment, visit the State Water Board's website below.

http://www.waterboards.ca.gov/water_issues/programs/enforcement/orders_actions.shtml

PEI/RP1400

The publication entitled Recommended Practices for the Design and Installation of Emergency Generator and Oil Burner Fueling Systems, or PEI/RP1400, has recently been developed. The purpose of the document is to present recommended practices for the design and installation of tanks, piping, and auxiliary equipment for oil burners and permanent stationary systems that fuel diesel-powered pumps and generators.

Engineers, owners, installers, and regulators are encouraged to give their input in regards to the document during the public comment period. All comments must be submitted to PEI by March 31, 2014 to be considered. To comment or to receive further information, visit the website below.

<http://www.pei.org/PublicationsResources/RecommendedPracticesExams/RP1400.aspx>

Matrix of Pipe Monitoring Applications

The Matrix of Pipe Monitoring Applications was updated on January 16, 2014. The matrix is a tool to assist CUPAs with determining the identification of piping that complies with the independent testing requirements of California Code of Regulations, Title 23, section 2631. The updated matrix is posted on the website below.

http://www.waterboards.ca.gov/ust/leak_prevention/matrix.shtml

Revisions the California Environmental Reporting System (CERS) Violation Dictionary

CalEPA has convened a workgroup of State Agencies and CUPAs to identify and address known issues within the CERS Violation Dictionary. The State Water Board distributed the UST CERS Violation Dictionary to the CUPAs and had asked for comments and suggestions to be submitted by February 19, 2014. The inputs from the CUPAs have been reviewed and will be discussed with the workgroup. CalEPA has included the following CUPAs as part workgroup.

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California Environmental Reporting System (CERS) Frequently Asked Questions (FAQs)

Two FAQs regarding the UST element of CERS are now posted online. The FAQs can be viewed by using the 'Help' link in the upper right corner of the web page once logged in to CERS, and are included below.

Question: Must a person possess a current inspector certification issued by the International Code Council (ICC) in order to review and accept submitted underground storage tank (UST) data elements in the California Environmental Reporting System (CERS)?

Answer: Yes, any person reviewing and accepting submitted UST data elements in the CERS must possess a current inspector certification issued by the ICC. The applicable code sections are provided below.

CERS has an 'under review' submittal status that can be used by non ICC certified staff in order to perform an initial processing/review of a UST submittal. Final review could be conducted at a later date by ICC certified staff who could then set the submittal status to 'accepted' if the submittal is found to be acceptable. Note that submittal status can also be changed after the fact, so if a submittal is 'accepted' and later found to be deficient, the status could be set to 'not accepted'.

California Health & Safety Code, section 25288(a) specifies an inspection is to determine whether the tank system complies with the applicable requirements of this chapter and the regulations adopted by the board pursuant to section 25299.3. This includes the design and construction standards of sections 25290.1, 25290.2, 25291, or 25292, whichever is applicable, whether the owner or operator has monitored and tested the tank system as required by the permit, and whether the tank system is in a safe operating condition. The State Water Resources Control Board has determined that reviewing and approving submitted UST information is an element of part of performing UST compliance and inspection.

California Health and Safety Code, section 25284.1 requires UST owners, operators, installers, service technicians, and inspectors to satisfy minimum industry-established training criteria. To demonstrate compliance with the minimum industry-established training criteria, California Code of Regulations, Title 23, Section 2715(j) specifies that UST inspectors shall possess a current International Code Council (ICC) California UST Inspector certificate. To obtain this certificate, inspectors must pass the ICC California UST Inspector exam. All UST compliance and inspection activities must be conducted by a certified inspector.

Question: Which forms are required to be submitted vs. uploaded in CERS?

Answer: The following lists identify the forms which need be submitted. In CERS, some have been converted to data elements that are filled out online, others have been specifically identified as an uploadable document and others are documents that are uploaded using the upload tool entitled 'Miscellaneous State-Required Documents'. The table below identifies each document and the method of reporting required

Submitted via data elements:

- Operating Permit Application- Facility Information (formally known as UPCF A). In CERS this is the 'UST Operating Permit Application'
- Operating Permit Application- Tank Information (formally known as UPCF B). In CERS this is the 'UST Tank Information/Monitoring Plan - Tank ID # x'. Each tank (or each compartment for compartmented tanks) must be reported separately using the 'Add Tank' link.
- Certification of Installation/Modification (Formally known as UPCF C). Use the 'Add Certification' link to create a new certification for each activity. Note that Certifications can be related to one or more tanks or compartments. Use the 'Description of Work being certified' field to identify affected ALL tanks or compartments.
- UST Monitoring Plan (Formally known as UPCF D). In CERS this form has been combined with the UST Tank Information/Monitoring Plan form so each tank (or compartment for compartmented tanks) has its' own monitoring plan. CERS allows the user to copy the monitoring plan from one tank to another to reduce data entry.

Uploaded as .pdf (IF APPLICABLE):

The following documents are specifically identified in CERS. Users must use the appropriate link to upload these documents.

- UST Response Plan (Formally known as Form E). Note that if the applicable information is provided in another response plan such as the HMBP Emergency Response Plan and Training Plan the business may indicate so in the 'Upload Document' section (Use the 'new' link) rather than upload a UST Response Plan

- Financial Responsibility Certification
- Designated UST Operator Identification. This document is identified in CERS as ‘Owner Statement of Designated UST Operator Compliance’
- Facility Plot Plan. This document is identified in CERS as ‘UST Monitoring Site Plan’. Note that if the applicable information is provided in another site map such as the HMBP site map the business may indicate so in the ‘Upload Document’ section (Use the ‘new’ link) rather than upload a UST facility plot plan
- Letter from Chief Financial Officer
- UST Owner/Operator: Written Agreement

The following documents are NOT specifically identified in CERS. Users must use the ‘Miscellaneous State-Required Documents’ link to upload this document when required.

- Owner Statement of Understanding with Compliance of Underground Storage Tank Requirements
- Monitoring System Annual Certification
- Spill Bucket Testing Report
- Secondary Containment Testing Report
- Tank Integrity Test Report (Possible Unauthorized Release Report)
- Tank Integrity Test Report (New Construction)
- Tank Integrity Test Report (After Lining)
- Tank Integrity Test Report (With Statistical Inventory Reconciliation)
- Tank Integrity Test Report (With Manual Inventory Reconciliation)
- Line Integrity Test Report (Suction Pipe)
- Line Integrity test Report (Gravity Pipe)
- Statistical Inventory Reconciliation Annual Results Statement
- Enhanced Leak Detection Test Report (New Construction)
- Enhanced Leak Detection Test Report (Single-Walled Tanks within 1,000 Feet of Public Drinking Water Well(s))
- Enhanced Leak Detection Test Report (Double-Walled Tanks within 1,000 Feet of Public Drinking Water Well(s))
- Temporary Closure Tank Liquid Sampling Results
- Site-Specific Variance Document
- Tank Lining Structural Integrity Certification
- Tank Lining Interior Lining Inspection Certification
- Tank Bladder Minimized Puncture Threat Certification
- Unauthorized Release Report

Abandoned Underground Storage Tank Initiative

Sullivan, US EPA, and the State Water Board are in the process of investigating non-compliant sites with abandoned USTs. The investigation will allow the assessment of any identified risks, such as leaking fuels, and address them to bring the sites into compliance. USTs are considered abandoned when regulated substances are no longer stored within those USTs and/or when monitoring requirements of the Operating Permit and of Title 23, California Health and Safety Code 25298, are not being implemented. (*Abandoned Underground Storage Tank Initiative Report*, April 2013)

The Abandoned Underground Storage Tank Initiative (Initiative) continues to progress. Below is a tracking sheet that summarizes general information regarding the Initiative. Nine reported sites have recently been added to the tracking sheet, totaling a number of 332 sites with abandoned USTs across the State of California. One-hundred sixty-one notices of Non-Compliance (NONCs) from the State Water Board have been issued since July of 2013.

Abandoned UST Site Status in GeoTracker	# of Sites	% of Total Sites
<i>Out of Compliance</i>	208	64.40%
Out of Compliance - USTs with Product	38	11.80%
Out of Compliance - USTs without Product	27	8.40%
Out of Compliance - USTs with Unknown Product	135	41.80%
Out of Compliance - Managed Under LUST Case	8	2.50%
<i>In Compliance</i>	45	13.90%
In Compliance - USTs Removed	21	6.50%
In Compliance - USTs in Service	14	4.30%
In Compliance - USTs Closed in Place	2	0.60%
In Compliance - Temporary Closure	8	2.50%
<i>Data Cleanup</i>	79	24.50%
Unknown - Further Research Needed (Presence of USTs suspected but not confirmed)	49	15.20%
USTs Closed or Removed Historically	25	7.70%
No Evidence of USTs Ever Present	5	1.50%
<u>Total</u>	<u>332</u>	<u>100%</u>

Strategy to Obtain/Confirm Compliance	# of Sites	% of Total Sites
State Water Board Notice of Non-Compliance (NONC)	172	53.30%
Local Oversight	9	2.80%
Local Enforcement	15	4.60%
File Review/ Conduct Research to Confirm UST Status*	43	13.30%
No Work Needed	93	28.80%
<u>Total</u>	<u>332</u>	<u>100%</u>

*Includes sites which have GeoTracker cases and sites for which USTs are suspected but not confirmed. No work may need to be conducted.

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Status on State Water Board NONC Strategy (for 168 Sites)	# of Sites	% of Sites to Receive NONC
State Water Board NONCs issued week ending 02/23/14 (3 reissued to alternative owner contacts)	7	4.10%
State Water Board NONCs issued since 7/23/13 (5 reissued to alternative owner contacts)	161	93.60%
NONCs that remain to be issued	11	6.40%
Total	<u>172</u>	<u>100%</u>
Responses to NONC	# of Sites	% of Sites Issued NONC
Responses received	65	40.40%
Owners willing to comply	30	18.60%
Owners claiming no USTs present or closed in place	12	7.50%
Owners claiming financial hardship	23	14.30%
Dispute/ Owner claiming not responsible	2	1.20%
No responses received	96	59.60%
Undeliverable - No good address found	24	14.90%
NONC delivered - Return receipt signed	24	14.90%
Assistance Provided to Owners and/or Agencies	Cumulative # of Sites	% of Total Sites
At least one type of assistance provided	30	9.30%
Site inspection, geophysical survey, and tank gauging conducted	5	1.50%
Administrative/technical guidance	30	9.30%
Facilitated entry into funding program (USEPA Brownfields and LUST Trust Fund)	4	1.20%
Product removed from USTs	0	0.00%
Fieldwork conducted (environmental data collected)	1	0.30%
No assistance provided	302	93.50%
Total	<u>332</u>	<u>100%</u>

Note: One site can receive more than one type of assistance, so there is overlap in the subcategories of assistance provided.

*Administrative/technical guidance includes explaining regulatory requirements to owners; screening sites for funding program eligibility; coordinating with local agencies to provide them with site information, funding program options for specific sites, and tools (e.g. Ability to Pay Form, Owner Interview Questionnaire)

2014 CUPA Conference

The turnout of this year's CUPA Conference was outstanding. Congratulations to the recipients of the various awards presented. The presentations were very well done and a lot was gained from the discussions. The State Water Board appreciates the hard work and vigilance of the CUPAs, and it was great to see you all gathered together in one place. We look forward to seeing everyone again next year!