



UST Program Update October 2014

Senate Bill No. 445 – Single-Walled Underground Storage Tank (UST) Permanent Closure Provisions

On September 25, 2014, the Governor signed Senate Bill No. 445 (SB445) authored by Senate Member Hill. SB445 is an urgency statute that takes effect immediately. The complete text of SB445 can be found at the website below.

http://leginfo.ca.gov/pub/13-14/bill/sen/sb_0401-0450/sb_445_bill_20140925_chaptered.pdf

A State Water Resources Control Board (Water Board) letter which summarizes the single-walled UST permanent closure provisions of SB445 is posted on the website below.

http://www.waterboards.ca.gov/water_issues/programs/ust/docs/sb445_notification_lf%209_26.pdf

The summary of the single-walled UST permanent closure provisions of SB445 includes the following:

- On or before December 31, 2025, the owner or operator of an UST shall permanently close the UST if it was designed and constructed before 1997 in accordance with paragraph (7) of section 25291(a) or if it was designed and constructed before 1984 and does not meet the requirements of section 25291(a)(1)-(6). Authority: California Health and Safety Code, section 25292.05(a).
- The State Water Board may adopt regulations to implement section 25292.05(a) at an earlier date if the UST poses a high threat to water quality or public health. Authority: California Health and Safety Code, section 25292.05(b).

As stated in letter, more information is forthcoming. Once the additional information is provided, and you still have questions regarding the single-walled UST permanent closure provisions of SB445, please contact Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Senate Bill No. 445 – UST Cleanup Fund Program Changes, Etc.

SB445 also makes significant changes to the UST Cleanup Fund Program. Some of these changes include extending the UST Cleanup Fund to January 1, 2026, increasing maximum RUST grant amounts, and more. For more update regarding the overview of the changes to the UST Cleanup Fund program, visit the website below.

http://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/fund_gto/fund_update_sb445.pdf

As stated in UST Cleanup Fund update, more information is forthcoming. Questions regarding the changes to the UST Cleanup Fund program shall be e-mailed to ustcleanupfund@waterboards.ca.gov with the subject line "SB 445".

California Environmental Reporting System (CERS) Goals for the UST Program

The State Water Board, in conjunction with the Federal Environmental Protection Agency (Region 9 Office) and California Environmental Protection Agency (CalEPA), has drafted a report intended for tracking progress towards meeting the three main goals on UST reporting into the CERS by the Unified Program Agencies (UPAs). The goals are as follows:

- Goal 1: Does CERS provide an accurate count of existing UST facilities, matching the most recent Report 6?
- Goal 2: Have agencies reviewed and verified information submitted to CERS, for every UST facility?
- Goal 3: Have agencies reported Compliance Monitoring & Enforcement (CME) data in CERS, for every UST facility?

The September 2014 CERS Status Report can be found at the website below. A new status report will be prepared on a quarterly basis.

http://www.waterboards.ca.gov/water_issues/programs/ust/cers/docs/cers_ust_status_report_0914.pdf

Office of Tank Tester Licensing

The Office of Tank Tester Licensing (OTTL) issued its quarterly report for the period of July – September 2014. The report contains information regarding individuals whose tank tester's license has expired, been suspended, or individuals that have been placed on probation. To get a recent and full copy of licensed tank testers, visit the website below.

http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/105_12.shtml

Chevron and State Water Board Reach \$1.66 Million Settlement on UST

The State Water Board has entered into a \$1.66 million settlement agreement with Chevron Corporation to resolve Chevron's alleged violation of regulations that prohibit companies from double billing for UST cleanup costs. Under the terms of the settlement agreement, Chevron will pay \$592,670 to the State Water Board and \$416,130 to the Attorney General's office. In addition, Chevron will pay \$252,200 to the third party plaintiff as its share of the award under the False Claims Act and \$400,000 for attorney fees and costs. A complete summary of the Press Release is posted on the website below.

http://www.waterboards.ca.gov/press_room/press_releases/2014/pr092514_chevron.pdf