



# UST Program Update May 2016

## Notice of Proposed Regulatory Action

As previously noted in the April 2016 UST Program Update, the State Water Resources Control Board (State Water Board) has issued a Notice of Proposed Regulatory Action to amend California Code of Regulations, title 23, division 3, chapter 16 to clarify or make specific the method of reporting for existing reporting requirements. Specifically, the proposed amendments define whether existing reporting requirements are to be submitted electronically to the California Environmental Reporting System (CERS) or GeoTracker, or if they may be submitted via other means, such as mail, email, fax, or hand delivery.

The 45 day public comment period for the proposed regulatory action began on Friday, March 25, 2016 and ends at 12 p.m. on Tuesday, May 10, 2016.

The Notice of Proposed Regulatory Action to amend California Code of Regulations, title 23, division 3, chapter 16 is available at: <http://www.oal.ca.gov/res/docs/pdf/notice/13z-2016.pdf>

The proposed rulemaking package is available at: [http://www.waterboards.ca.gov/public\\_notices/comments/index.shtml](http://www.waterboards.ca.gov/public_notices/comments/index.shtml)

Additional information and resources related to the proposed emergency regulation are provided on the State Water Board's Underground Storage Tank (UST) Leak Prevention webpage: [http://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/elect\\_rpt\\_regs/](http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/elect_rpt_regs/)

For more information, please contact Gabriel Herrera at [gabriel.herrera@waterboards.ca.gov](mailto:gabriel.herrera@waterboards.ca.gov) or (916) 319-9128.

## Informational Workshop on Permanent Closure of Single-Walled USTs May 17 in Redding

The State Water Board will be holding an informational workshop to discuss the permanent closure of single-walled USTs in Redding on May 17, 2016. UST Leak Prevention Program staff will discuss in detail the design and construction requirements, as well as the closure requirements, imposed by Senate Bill 445 (Stats. 2014, Ch. 547). Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program staff will discuss loan and grant funding opportunities available to assist eligible small business owners/operators to meet the single-walled UST removal requirement. Lastly, UST Cleanup Fund staff will present information regarding cleanup funds available to assist eligible owners/operators with cleaning up petroleum-related contamination from the UST.

The workshop is from 9:00 a.m. to 12:00 p.m. on Tuesday, May 17, 2016 in the Community Room of the Redding Library, 1100 Parkview Avenue, Redding, CA 96001.

For more information see our information page located at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/single\\_walled/docs/single\\_walled\\_closure\\_workshop\\_may\\_2016.pdf](http://www.waterboards.ca.gov/water_issues/programs/ust/single_walled/docs/single_walled_closure_workshop_may_2016.pdf) or contact Jessica Botsford at [Jessica.botsford@waterboards.ca.gov](mailto:Jessica.botsford@waterboards.ca.gov) or (916) 341-7338.

## **U.S. EPA Requirements for Piping Now in Effect**

On April 12, 2016, updated federal requirements went into effect for UST product piping. All piping, except safe suction piping, installed or replaced after April 11, 2016 must be secondarily contained and interstitially monitored. The State Water Board created a notification to UST owners/operators explaining the new requirements. The notification can be found at [http://www.waterboards.ca.gov/ust/tech\\_notices/docs/sc\\_im.pdf](http://www.waterboards.ca.gov/ust/tech_notices/docs/sc_im.pdf).

For more information, please contact Cory Hootman at [cory.hootman@waterboards.ca.gov](mailto:cory.hootman@waterboards.ca.gov) or (916) 341-5668.

## **U.S. EPA Guidance on Field-Constructed USTs and Airport Hydrant Systems**

The U.S. EPA has published finalized requirements and guidance on Field-Constructed USTs and Airport Hydrant Systems. The document can be found on the U.S. EPA Office of Underground Storage Tanks website at: <https://www.epa.gov/ust/requirements-field-constructed-tanks-and-airport-hydrant-systems>. Shortly, the State Water Board will reach out to those Certified Unified Program Agencies (CUPAs) who have these specialty facilities to discuss compliance strategies.

## **U.S. EPA CUPA/PA Data Study**

The U.S. EPA has released a final version of its study analyzing 2014-2015 UST data for 82 CUPAs and 10 Participating Agencies (PAs). The study looked at inspection rates, Significant Operational Compliance rates, CERS implementation progress, and estimated permit revenues. Significant variability was found for each area of the study. The study can be found at: [http://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/ca\\_ust\\_cupa\\_pa\\_datastudy.pdf](http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/ca_ust_cupa_pa_datastudy.pdf).

## **Franklin Fueling Phil-Tite 85000-1 Series Spill Containment Capacity**

In August of 2015, State Water Board staff met with Franklin Fueling Systems (FFS) to discuss the issue of the Phil-Tite 85000-1 series spill containment not always meeting the minimum five gallon capacity requirement when installed. In the September 2015 UST Program Update we advised that although the Phil-Tite 85000-1 series spill containment is listed as a five gallon spill container, when it is installed, the equipment within the spill containment (rotatable (swivel) adapter, dust cap, etc.) takes up space

reducing the capacity of the container to less than five gallons. In order to achieve the required minimum five gallon capacity, the Phil-Tite 85000-1 series spill containment must use the stainless steel sleeve or an extension of the spill containment that comes to grade. It is inappropriate to include the volume within the rotatable (swivel) adapter, which is normally covered with the dust cap, to achieve the minimum five gallon capacity requirement as has been recommended by the manufacturer. FFS has made the necessary changes to their installation instructions for the Phil-Tite 85000-1 series spill containment to clarify how to achieve the minimum 5 gallon capacity requirement without using the volume inside the rotatable (swivel) adaptor as part of the spill containment capacity.

It has been discovered that this issue is more widespread than FFS had initially indicated.

When it is discovered that the Phil-Tite 85000-1 series spill container has been installed, it is recommended that during the annual compliance inspection or spill bucket testing that the CUPAs require the UST owner/operator verify that the spill container has a minimum five gallon capacity. If the spill container does not meet the minimum 5 gallon capacity, the CUPA shall require the facility to have spill containment with 5 gallon capacity through the normal course of inspection and enforcement authority.

For an illustration and a more detailed explanation please refer to the September 2015 UST Monthly Update at the link below.

[http://www.waterboards.ca.gov/ust/cupa/updates/docs/2015sept\\_ust.pdf](http://www.waterboards.ca.gov/ust/cupa/updates/docs/2015sept_ust.pdf)

For questions regarding this update, contact Cory Hootman at [cory.hootman@waterboards.ca.gov](mailto:cory.hootman@waterboards.ca.gov) or (916) 341-5668.

## **March 2016 Quarterly UST Status Report**

The March 2016 Quarterly UST Status Report was submitted to the U.S. EPA April 11, 2016 and posted to our website at

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/updates/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/updates/index.shtml). The report outlines the status, by CUPA, of the effort to enter UST related business and compliance, monitoring, and enforcement (CME) data into the CERS. The report shows continued progress by many CUPAs. A new goal (goal 4) was added to the report last quarter to provide an indication of the quality of the reported data. Goal 4 is determined by a recent evaluation of the CUPA by the State Water Board. The report shows 24 CUPAs now meet all three of the EPA goals, up from 19 in the previous quarter. Eight of those additionally meet the new goal 4.

Please contact Dan Firth at [daniel.firth@calepa.ca.gov](mailto:daniel.firth@calepa.ca.gov) if you have any questions.

## **New Tank Lining FAQ Posted**

In response to the rise in tank lining activities around the State of California, there have been many questions about when a tank may be relined and how many times a tank may be relined. To help

answer those questions a new frequently asked question webpage has been created. This FAQ web page is located at: [http://www.waterboards.ca.gov/ust/leak\\_prevention/faq14.shtml](http://www.waterboards.ca.gov/ust/leak_prevention/faq14.shtml)

For more information, please contact Gabriel Herrera at [gabriel.herrera@waterboards.ca.gov](mailto:gabriel.herrera@waterboards.ca.gov) or (916) 319-9128.

## Revised CERS FAQs Posted

The CERS FAQ titled, "Reporting BOE Numbers" has been updated to reflect new information. The updated FAQ contains a revised blanket BOE number for non-petroleum USTs. Please note that UST owners must update their BOE number, if applicable, with their next UST submittal, but no later than their next routine annual compliance inspection.

The CERS FAQ titled, "Creating a Valid Report 6 from CERS" has been updated to indicate how CERS calculates counts of Hazardous Substance Systems. A typographical error regarding temporary closure has also been corrected.

The FAQs can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/cers/faqs.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/cers/faqs.shtml).

For more information, please contact Gabriel Herrera at [gabriel.herrera@waterboards.ca.gov](mailto:gabriel.herrera@waterboards.ca.gov) or (916) 319-9128.

## Office of Tank Tester Licensing Request for Interior Tank Lining Companies to Submit Notification of UST Lining Activities

As previously advised in the April State Water Board Monthly update, many CUPAs have expressed significant concern regarding compatibility issues associated with aging UST infrastructure. Particularly, it has been expressed that tank lining is occurring to repair or address these compatibility issues without understanding the root cause. As a result of the significant number of tank lining events going on throughout the state and not having a clear understanding as to why the increased lining events are occurring, **the State Water Board Office of Tank Tester Licensing is requesting that tank lining companies notify the State Water Board 7 days prior to commencing any tank lining activities.** This request is issued in the State Water Board letter below.

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/interior\\_tank\\_lining\\_notification\\_letter&form.pdf](http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/interior_tank_lining_notification_letter&form.pdf)