



# UST Program Update January 2019

## **New Health and Safety Code, Chapter 6.7 UST Requirements Effective January 1, 2019**

In September 2018, Governor Brown signed Assembly Bill No. 2902 (AB 2902). The underground storage tank (UST) relevant parts of AB 2902 amend Health and Safety Code, division 20, chapter 6.7 (H&SC 6.7), sections 25281.5, 25285, and 25292.3, effective January 1, 2019.

The new underground storage tank (UST) statutes allow Unified Program Agencies (UPAs) to issue or renew a UST operating permit to a facility not in full compliance, expands the definition of an “emergency generator tank system” to include systems that store kerosene in lieu of diesel, and extends red tag authority to State Water Resources Control Board (State Water Board) staff. A detailed explanation of the new law can be found here:

[https://www.waterboards.ca.gov/ust/adm\\_notices/ust\\_provisions\\_in\\_ab2902.pdf](https://www.waterboards.ca.gov/ust/adm_notices/ust_provisions_in_ab2902.pdf)

A revised version of H&SC 6.7, including both the amended and deleted language, can be found here:

[https://www.waterboards.ca.gov/ust/regulatory/docs/hsc\\_6\\_7\\_01\\_2019.pdf](https://www.waterboards.ca.gov/ust/regulatory/docs/hsc_6_7_01_2019.pdf)

For more information regarding new UST statutes, please contact Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov)

## **Revised Definition for Tank in Underground Area (TIUGA)**

In addition to the previously mentioned effects of AB 2902, effective January 1, 2019, the definition of a TIUGA now includes tank systems with connected single-walled emergency vent piping solely designed to relieve excessive internal pressure. Also, the definition is modified to allow the interstitial space of the tank system or, containment structure in which the tank is located, to be monitored for leaks in lieu of directly viewing the exterior of the tank. This modification effectively defines all fully double-wall petroleum storage tanks systems in below grade structures that are not connected to a buried tank as a TIUGA and are subject to above ground storage tank (AST) requirements.

For more information regarding TIUGA, please contact Mr. Cory Hootman at (916) 341-5668 or [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Ms. Jennifer Lorenzo at (916) 263-1801 or [Jennifer.Lorenzo@fire.ca.gov](mailto:Jennifer.Lorenzo@fire.ca.gov).

## **Transferring TIUGAs from the UST Program to the AST Program in the California Environmental Reporting System (CERS)**

The upcoming release of CERS version 3.0 (CERS 3), currently scheduled for release March 2019, includes a simplified process for changing the status of a tank from the UST program to the AST program for those systems meeting the definition of a TIUGA. To assist UST owners, operators, and regulators prior to the release of CERS 3, a CERS Frequently Asked Questions (FAQ) titled *Reporting a TIUGA (former UST in CERS) as an AST subject to APSA* has been developed and posted on the CERS Central webpage regarding transferring tank systems in CERS. The FAQ dated 12/17/2018 outlines the submittal process to report this change including updating the Business Activities questions, the Hazardous Materials Inventory, the site map, and the UST section to remove this tank from the UST portion of CERS submittals. The FAQ can be found at: <https://cers.calepa.ca.gov/about-cers/help-materials/>.

For more information regarding TIUGA, please contact Mr. Cory Hootman at (916) 341-5668 or [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Ms. Jennifer Lorenzo at (916) 263-1801 or [Jennifer.Lorenzo@fire.ca.gov](mailto:Jennifer.Lorenzo@fire.ca.gov).

## **Enhanced Leak Detection Testing for Hydrostatically Monitored USTs**

UST systems installed after July 1, 2003, including hydrostatically monitored USTs, are required to have a post-construction enhanced leak detection (ELD) test conducted in accordance with H&SC 6.7, sections 25290.2(i) and 25290.1(j). ELD test methods are required to be evaluated by an independent third party and reviewed by the National Work Group on Leak Detection Evaluations. Currently there is one ELD method for use on newly constructed hydrostatically monitored USTs. A table of approved ELD test methods based on the UST construction are listed as the attachment to LG 162-4 found here: [https://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lgs/docs/162\\_4.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/docs/162_4.pdf)

As noted in the linked table, most ELD test methods require a dry UST interstice. Testing companies have proposed removing the interstice brine in order to perform an ELD test using a dry interstice test method. The State Water Board has not been able to confirm that all brine can be completely and consistently removed to create a dry interstice. Therefore, this practice is not considered an acceptable practice in order to use a dry interstice ELD test method. Performing post-construction ELD is required by H&SC 6.7 and protects the owner/operator from potential future litigation. Only those ELD methods approved as described in LG 162-4 are permitted.

For more information regarding ELD testing, please contact Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov)

## Informational Documents on the New Title 23 UST Requirements

State Water Board staff have developed, and continue to develop, informational documents to assist UST owners, operators, contactors, designated operators, service technicians, and regulators understand the new UST requirements that became effective October 1, 2018. The informational documents are presented in a question and answer format that can be easily updated as new questions arise. It's important to note the content contained in the informational documents in many instances supersedes previous State Water Board guidance documents. At the end of each informational document is a table identifying which State Water Board documents have superseded content. Informational documents regarding the emergency generator tank system line leak detection, overflow prevention equipment inspection, spill container testing, and secondary containment testing requirements have been distributed through the UST Program's Email Distribution System (known as Lyris) and are posted on the UST Program website under "Staying Connected" at: [https://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/fed\\_rec\\_regs/](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs/).

To receive these informational documents and other important UST Program information please subscribe to the UST Program's Lyris email distribution at: [https://www.waterboards.ca.gov/resources/email\\_subscriptions/ust\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.html).

For more information regarding the new Title 23 UST requirements, please contact Mr. Cory Hootman at (916) 341-5668 or [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

## Informative Webinars on UST Regulations and Report 6

State Water Board staff presented a series of webinars designed to educate the UST community on complying with the new UST regulations regarding testing, inspection, compatibility, upgrades, and designated operators. The webinar presentations can be found on the UST Program Website at: [https://www.waterboards.ca.gov/ust/adm\\_notices/fed\\_rec\\_regs/](https://www.waterboards.ca.gov/ust/adm_notices/fed_rec_regs/)

Additionally, State Water Board staff presented six webinars on the revised Report 6 requirements which reflect the changes to the California UST regulations and new U.S. EPA performance measures. The Report 6 webinar presentation can be found on the UST Program Website at: [https://www.waterboards.ca.gov/ust/leak\\_prevention/report\\_6.html](https://www.waterboards.ca.gov/ust/leak_prevention/report_6.html)

For more information regarding the webinars, please contact Mr. Cory Hootman at (916) 341-5668 or [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

## Unified Program Agency Evaluations

The State Water Board is completing a third year of UPA evaluations using the remote evaluation model.

As of the end of 2018, seventy-six (76) remote evaluations have been completed. The initial reports are available for review on CalEPA's Unified Program Regulator Directory at <http://cersapps.calepa.ca.gov/Public/Directory/CUPAEvaluationDocuments>.

For more information regarding UPA evaluations, please contact Mr. Sean Farrow at (916) 324-7493 or [Sean.Farrow@waterboards.ca.gov](mailto:Sean.Farrow@waterboards.ca.gov) or Ms. Lisa Jensen at (916) 319-0742 or [Lisa.Jensen@waterboards.ca.gov](mailto:Lisa.Jensen@waterboards.ca.gov).

## **CERS UST Data Accuracy – A Continuous Improvement Effort**

### **Why do we collect, store, and use data?**

1. To inform data-driven management and planning activities – performance report cards, evaluation of program effectiveness, workplans, resource assignment, along with many other examples;
2. To inform critical decision making regarding the State Water Board mission and water management responsibilities – including water quality planning and policy, water allocation and use, permitting, program prioritization, etc.; and
3. To provide transparency to the many partners and stakeholders for their use, interests and purposes.

### **What are the Guiding Principles for State Water Board Data Management?**

**Data Accessibility** – State Water Board values transparency and strives to make all critical data in CERS available to UPAs through Excel reports downloadable from CERS. State Water Board explains the different data by providing information about each piece of data (metadata) as part of the data dictionary.

**Understanding Data Quality and Integrity** – State Water Board data are thoughtfully planned, of a known and useful quality, with specific practices to protect data integrity using standards and protocols.

**Data Used to Govern** – State Water Board uses data to govern or make decisions that are in the best interest of the mission of preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses.

**Data Governance** – our organization takes proactive steps to develop effective data and information technology management practices to ensure data flows to where it is needed in a timely manner while complying with data sharing policies.

The use of CERS has increased and improved since inception which provides an opportunity to look closely at areas of improvement available to us. As a result, State Water Board has identified some issues with data quality which need to be addressed.

For more information about these issues, please contact Ms. Lisa Jensen at (916) 319-0742 or [Lisa.Jensen@waterboards.ca.gov](mailto:Lisa.Jensen@waterboards.ca.gov).