



UST Program Update December 2020

Testing and Inspection Notification Requirement

Title 23, division 3, chapter 16, (Underground storage tank (UST) Regulations), require the UST owner or operator to notify the Unified Program Agency (UPA) at least 48 hours prior to testing and inspection of UST components. State Water Resources Control Board (State Water Board) staff have become aware of situations where the UST owner or operator has provided notice to the UPA of an upcoming test or inspection at least 48 hours in advance, and in some cases up to 30 days in advance of the test or inspection, only for the UPA to reject the date based on scheduling conflicts. There is no provision in the Health and Safety Code, chapter 6.7 or the US Regulations that require the UPA to be present for these activities or permit the UPA to reject a date for scheduling conflicts. Except when the UPA is relying on a local ordinance or other regulatory authority, an UPA may not reject any testing and inspection dates when notification of the date is provided at least 48 hours in advance of the test or inspection.

For more information regarding testing and inspection notification requirements, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Verification of Tank Tester License and Manufacturer Training Certificates

The State Water Board has become aware that UPA inspectors are not verifying individuals performing tank and/or pipe integrity testing have a tank tester license issued by the State Water Board, and manufacturer training certificate(s) for test method(s) used to conduct integrity testing. Tank tester activities are only valid if the State Water Board has issued a tank tester license, and the tank tester has completed training from the manufacturer for the test method being used (Health and Safety Code, chapter 6.7, section 25284.4(a), UST Regulations, section 2771(c)).

As you are aware, UST regulations do not require UPA inspectors to witness integrity testing activities. However, when witnessing tank tester activities, it is important UPA inspectors verify the tester performing tank and/or pipe integrity testing, is correctly licensed and trained to conduct tank and/or pipe integrity testing.

In the same manner as noted above, when UPA inspectors review submitted integrity test reports, it is necessary that UPA inspectors verify the tester has a current tank tester license issued by the State Water Board, and has current manufacturer training certificate(s) for test method(s) used to conduct integrity testing. In addition to licensing and training verification, UPA inspectors are required to review submitted integrity test reports in a timely manner and follow up with the UST owner or operator when integrity test results identify tank or pipe failure(s). If integrity test results identify tank or pipe failure(s), it is necessary that UPA inspectors ensure tank or pipe failure(s) are repaired and retested. Please reference State Water Board correspondence [When to Review Underground Storage Tank \(UST\) Records](#)¹ dated November 29, 2016.

To verify tank tester licensing and manufacturer training information, please reference [Local Guidance 105](#)². Additionally, the Office of Tank Tester Licensing (OTTL) maintains information on licensed tank testers including and not limited to, tank tester license numbers and expiration dates, manufacturer training, and employer information should UPA inspectors need additional information. OTTL can be reached at OTTL@waterboards.ca.gov.

State Water Board has also become aware of licensed tank testers incorrectly using their State Water Board issued tank tester license when performing the work of a service technician. UST Regulations, section 2715(f)(1) requires individuals performing the work of a service technician to possess or be employed by a person who possesses a license issued by the Contractors State License Board (CSLB) or have been issued a tank tester license from the State Water Board. If an UPA inspector finds a licensed tank tester utilizing their tank tester license number in monitoring and testing reports for services performed as a service technician, please be mindful that if service fees are valued at \$500.00 or more, for combined labor and materials, then the tank testers license does not satisfy this requirement. Please review State Water Board published a correspondence dated June 12, 2017, which was developed in consultation with CSLB, [Contractor License Requirements for Work Associated with Underground Storage Tanks](#)³, clarifying work associated with USTs and service fees.

¹ https://www.waterboards.ca.gov/ust/cers/docs/when_to_review_ust_records.pdf

² https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/105_12.html

³ https://www.waterboards.ca.gov/ust/docs/lic_req_work_usts_061717.pdf

For additional questions on tank testers or if UPA inspectors find discrepancies regarding tank tester activities, please contact OTTL using the email address OTTL@waterboards.ca.gov. You may also contact:

Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov, or

Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Removal of the Alternative Compatibility Option Web Site

The State Water Board will be removing the [Alternative Compatibility Option](#)⁴ web site on December 15, 2020. In 2015, the United States Environmental Protection Agency modified the federal UST regulations requiring UST system compatibility be confirmed through an independent laboratory, or through the use of an equipment or component manufacture compatibility approval. In response to these modifications to the federal UST regulations, other national entities are now providing UST system compatibility documentation online. The State Water Board web site will include links to these other UST system compatibility web sites to assist stakeholders in finding compatibility documentation for UST components, and will update that list as more UST system compatibility web sites become available. Web sites currently offering UST system compatibility information include the Petroleum Equipment Institute ([PEI](#)⁵), and the Association of State and Territorial Solid Waste Management Officials [Fuel Compatibility Tool](#)⁶ web site.

For more information regarding alternative UST system compatibility web sites, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Manufacturer Training Requirements for Secondary Containment Test Methods

UST Regulations, section 2715(f)(2)(A), requires UST service technicians conducting secondary containment testing be trained and certified either by the manufacturer of the secondary containment system being tested or the developer of the secondary containment testing equipment or test method in accordance with section 2637(c). UST Regulations, section 2715(f)(3), further requires UST service technicians to renew this manufacturer training and certification at least once every 36 months. The State Water Board is aware that the USTest Ultrasonic Probe (UST 2001/P) used to conduct an accelerated precision hydrostatic secondary containment test method is no longer

⁴ https://www.waterboards.ca.gov/water_issues/programs/ust/alt_comp_opt.html

⁵ <https://www.pei.org/ust-component-compatibility-library>

⁶ <http://astswmo.org/ust-compatibility-tool/>

supported by the manufacturer and that calibration, training, and certification are no longer available. Vaporless Manufacturing (VMI), a contractor approved by the manufacturer, discontinued its training and certification for this device in 2018. As a result, many UST service technicians trained and certified on this equipment are reaching their training expiration dates.

The State Water Board has become aware that some UST service technicians are “self-certifying” in an attempt to meet the requirements of UST Regulations, section 2715(f). When there is no available training or certification that meets the UST Regulations, section 2715(f)(2)(A), UST Regulations, section 2715(f)(2)(E), allows the UPA to approve comparable alternate training or certification if no manufacturer or developer training exists. Before approving alternative training under this provision, the UPA must confirm that the alternate training or certification actually is comparable to training or certification by the manufacturer or developer in accordance with the requirements of UST Regulations, section 2715(f)(2)(A). “Self-certification” is not comparable alternate training and does not meet the requirements of UST Regulations, section 2715(f). UPAs are not permitted to approve “self-certification” as comparable alternative training under UST Regulations, section 2715(f)(2)(E).

For more information regarding manufacturer training and certification requirements, contact:

Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or
Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.