



IMPROVING UST PROGRAMS BY PROACTIVELY RECONCILING COMMON FINDINGS

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Agenda

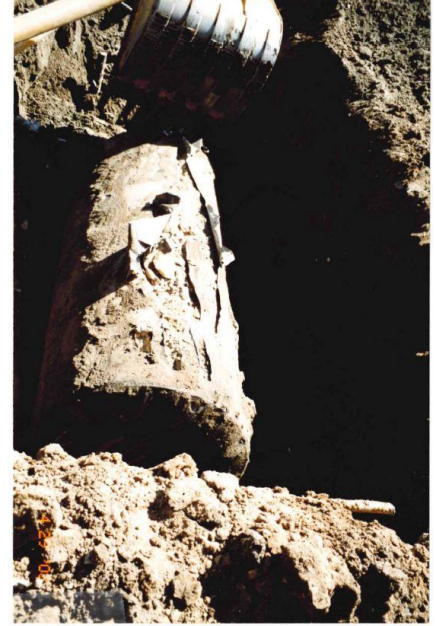
- Introductions
- Objective
- Closure Activities
- Unified Program Agency Local Ordinances
- UST Operating Permits
- Temporary Closure
- Abandoned USTs
- Implementation of Triennial and One-Time Enhanced Leak Detection (ELD) Testing
- Question and Answer

Objective

Provide Unified Program Agencies (UPA)s with knowledge on how to proactively address common findings in advance of UPA performance evaluations

Closure Activities

- Closure Documentation
- Soil Sampling
- Water Sampling
- Sampling of Piping Trenches
- Sampling under dispenser containments
- UST Disposal Documentation
- Proper Cleaning



Closure Activities



Proactive Measures

- Create or update closure documentation templates and procedures
- Review State Water Board guidance on closure documentation:
 - https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/faq15.shtml
- Collaborate with the State Water Board for consistent and correct language.

This letter confirms the completion of the underground storage tank (UST) removal activities at the above site. The CUPA has reviewed the UST closure documentation and approves the UST closure as properly completed in accordance with California Health and Safety Code (HSC) section 25298, subdivision (c) and California Code of Regulations, Title 23, section 2672.

Based on review of submitted documents and observations, it is the position of this agency that no further action is required at this time.

Please be advised that this letter does not relieve you of any liability under the California HSC or California Water Code for past, present, or future operations at the site. Nor does it relieve you of the responsibility to clean up existing, additional or previously unidentified conditions at the site that cause or threaten to cause pollution of nuisance or otherwise pose a threat to water quality or public health.

Additionally, be advised that changes in the present or proposed use of the site may require further site characterization and mitigation activity. It is the property owner's responsibility to notify this Agency of any changes in report content, future contamination findings, or site usage.

Unified Program Agency Local Ordinances

- Many local ordinances were developed in the mid-1980's and later updated with the Unified Program Agency (UPA) certification around the early 2000s. While some local ordinances have been updated many remain outdated and inconsistent with UST Regulations and HSC.
- The State Water Board actively works with UPAs to update local ordinances and ensure they are not less stringent than UST Regulations and HSC. Specific examples of less stringent provisions include:
 - Out-of-date provisions,
 - Exemptions,
 - Provisions granting fire chiefs overriding authority to make independent decisions that may be less stringent than UST Regulations and HSC.

Examples of Local Ordinances

Such monitoring devices and methods, as approved by city, shall be installed and operating within six months of the issuance of the provisional permit in accordance with sections 14.050.850 and 14.050.890.B.1. but in no event later than January 1, 1985, as required by Health and Safety Code Section 25284.1(a). The fire chief may grant an extension of a compliance date; however, such extension shall not extend beyond January 1, 1985. The full term permit may be issued when compliance with this subsection has been achieved.

(l) "Underground storage tank" shall mean any one or combination of tanks, including pipes connected thereto, which are used for the storage of hazardous substances and which are substantially or totally beneath the surface of the ground.

"Underground storage tank" shall not include any of the following:

(1) A tank used for the storage of hazardous substances used for the control of external parasites of cattle and subject to the supervision of the County Agricultural Commissioner if the County Agricultural Commissioner determines, by inspection prior to use, that the tank provides a level of protection equivalent to that required by Section 6-11.03 of this chapter if the tank was installed after June 30, 1984, or protection equivalent to that provided by Section 6-11.04 of this chapter if the tank was installed on or before June 30, 1984;

Proactive Measures

- Annually, or whenever UST Regulations or HSC are changed, review and assess if UPA local ordinances need to be revised.
- Reach out to the State Water Board and the California Environmental Protection Agency for input to ensure that any proposed revisions are consistent with UST Regulations and HSC.
- The rulemaking process is time-consuming, so begin the process to review and revise early.

(b) "Hazardous substance" shall mean all of the following liquid and solid substances, unless the Board determines the substance could not adversely affect the quality of the waters of the County or the region:

UST Operating Permit

Common inconsistencies found in UST operating permits:

- Permit conditions indicate UST owners or operators shall notify the CUPA of changes in substance stored within 30 days, when the requirement is to notify 30 days prior to a change in substance stored.
- Permit conditions indicate the permittee shall meet all “Federal/State” financial responsibility requirements, however, the CUPA does not have the authority to implement Federal UST requirements.
- Permits that state “Post in a conspicuous place at all times”, which is more stringent than UST Regulations and HSC, and where no local authority exists (if applicable).

Proactive Measures

- Periodically review UST operating permits.
- Update permitting procedures when necessary to ensure consistency with UST Regulations and HSC.
- Review any new guidance from the State Water Board to ensure UST operating permit templates are up to date with UST Regulations and HSC.

Underground Storage Tank Operating Permit

This permit is issued to the underground tank owner/operator.

This permit must be renewed prior to the expiration date.

Date issued: Month, DD, YYYY

Expiration Date: Mouth, DD, YYYY

CERS ID #: XXXXXXXX

UST(s) ID #: XXX

Address (physical location of facility)

Address of owner/operator (if different)

UST Facility Name:

UST Owner name:

UST Operator Name:

Total number of USTs:

UST information:

Temporary Closure

Common Findings:

- Issuance of temporary closure permits to USTs as way to defer permanent closure,
- Extension beyond the allowed 12 months temporary closure without having conducted mandatory soil sampling needed to extend UST temporary closure to 24 months,
- Failure to require owners or operators to conduct and document three-month inspections,
- Failure to report temporary closed USTs in CERS & Report 6.

Proactive Measures

Maintain procedures on proper regulatory implementation:

- Issue temporary closure permits that do not extend beyond 12 months,
 - Modify temporary closure permit conditions.
- Conduct and/or review required soil sampling assessment prior to granting a temporary closure extension of no more than an additional 12 months,
- Require documentation from the owner or operator to show on-site inspections were conducted at least once every 3 months while the UST(s) are in temporary closure, and
- Review quarterly inspections during the UST compliance inspection to ensure the owner or operator is complying with the temporary closure permit requirements.

Temporary Closure and Single-Walled USTs

UST systems with single-walled components should not be issued temporary closure permits on or after December 31, 2024. Temporary closure permits may only be issued to USTs or UST systems *that will be brought back into operation.*

Abandoned USTs

Common Findings:

- Abandoned USTs subject to reporting requirements are not reported in CERS,
- Abandoned USTs are not inspected annually by UPAs,
- Graduated series of enforcement is not being implemented to enforce the removal of abandoned USTs,
- Technical Compliance Rate (TCR) information is not reported.

Abandoned USTs



Abandoned USTs



Proactive Measures

Maintain procedures on proper regulatory implementation of abandoned USTs:

- Ensure abandoned USTs are reported to CERS in accordance with State Water Board guidance and remain in CERS until UST closure is complete.
- Conduct annual UST compliance inspections.
- Implement graduated series of enforcement to enforce the removal of abandoned USTs.
- Provide TCR information to the State Water Board.

Proactive Measures

➤ Reference:

- Abandoned UST Inspection Checklist
 - https://www.waterboards.ca.gov/ust/docs/abandoned_storage/abust_inspection_letter_and_checklist.pdf
- State Water Board correspondence dated April 27, 2017 “Conclusion of the Abandoned Underground Storage Tank Initiative, and Unified Program Agency Inspection and Reporting Requirements.”
 - https://www.waterboards.ca.gov/ust/docs/abandoned_storage/2017/abust_closeout_letter.pdf
- CERS FAQ: “Reporting Abandoned USTs.”
 - https://www.waterboards.ca.gov/water_issues/programs/ust/cers/faqs.html

Implementation of Triennial and One-Time ELD Testing

- Owners and/or operators of UST facilities within a 1,000-foot radius of a public drinking water well are required to receive ELD testing.
 - Single-walled USTs must be tested 18 months after initial notification, and every 36 months thereafter.
 - Double-walled USTs installed prior to July 1, 2003, must be tested once upon notification.
- All USTs installed after July 1, 2003, must receive ELD testing upon installation and before becoming operational.

Proactive Measures

- Track ELD testing anniversary dates for single-walled USTs.
 - Upcoming ELD test date can be included on UST operating permits.
- Identify USTs that have not had one-time ELD testing and implement graduated series of enforcement to ensure ELD testing is conducted.
- Ensure procedures for requiring ELD testing are updated and maintained.
- Review Local Guidance Letter (LG) 161-5, dated on March 25, 2008, on the requirements for ELD Testing.
 - https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/docs/161_5.pdf



Question and Answers

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