

# New UST Regulations: What it Means for You

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California Water Boards

# Draft Organization

- Article 1: Definition of Terms, Exclusions, and Recordkeeping
- Article 2: Site-Specific Variance Procedures and Additional Construction Standards
- Article 3: Certification, Licensing, and Training Requirements
- Article 4: Design, Construction, and Operation Requirements
- Article 5: Monitoring Requirements
- Article 6: Testing Requirements

# Draft Organization

- Article 7: Unauthorized Release Reporting and Initial Response Requirements
- Article 8: Closure Requirements
- Article 9: Permit Application, Unified Program Agency Requirements, Trade Secrets, and Red Tag Requirements
- Article 10: Corrective Action and Post-Closure Abatement Requirements
- Appendices: UST Forms



# Article 1: Draft Definitions and Record Retention



# Abandoned Underground Storage Tank

**Draft new:** Abandoned USTs meet all the following:

- a) Has not had a functioning release detection system for more than 365 consecutive days;
- b) No current operating permit;
- c) Not permanently or temporarily closed; and
- d) Not a decommissioned tank

**Affected groups:**

- Owners/Operators
- Unified Program Agencies

# Abandoned Underground Storage Tank

Owners/Operators must either:

- a) Properly close these systems; or
  - b) Upgrade to Type 3 UST and pass enhanced leak detection test prior to returning to operation.
- 
- Unified Program Agencies will need to identify abandoned tanks for inspection and closure purposes.

**Affected groups:**

- Owners/Operators
- Unified Program Agencies

# Buried

**Draft new:** Covered in earthen material or otherwise concealed from visual observation. **Excludes emergency tank system piping in conduit through building walls or ceilings where both sides can be visually observed.**

**Affected groups:**

- Owners/Operators
- UST Installers
- Unified Program Agencies

# Buried

- Owners/Operators: Determine which monitoring method to use based on system construction and demonstrate exemption if applicable.
- UST Installers: Consider system layout when designing monitoring systems.
- Unified Program Agencies: review design and monitoring methods.

**Affected groups:**

- Owners/Operators
- UST Installers
- Unified Program Agencies



# Independent Compliance Inspector

**Draft new:** Adds category of individuals who can perform compliance inspections.

- UPAs with low staff can hire these inspectors to help meet compliance inspection requirements.

**Affected groups:**

- Unified Program Agencies

# Violation Classification

**Class I, Class II, and Minor violations:** Added to standardize and better track violations across all program elements.

- Owners/Operators should be familiar with what each classification means for their facility.
- Unified Program Agencies required to use these classifications in their Inspection and Enforcement plans. Provides framework for red tagging facilities in significant violation and pathway for graduated enforcement.

**Affected groups:**

- Owners/Operators
- Unified Program Agencies

# Record Retention

**Draft change:** Requires owners and operators to present off-site records within 36 hours of being requested by UPA inspector or independent compliance inspector. *This timeframe does not apply to records that are stored on site.*

- Owners/Operators will need to ensure that on-site records are readily accessible to inspectors. The 36-hour provision only applies to records stored off site.

**Affected groups:**

- Owners/Operators

# Test Notification Requirement

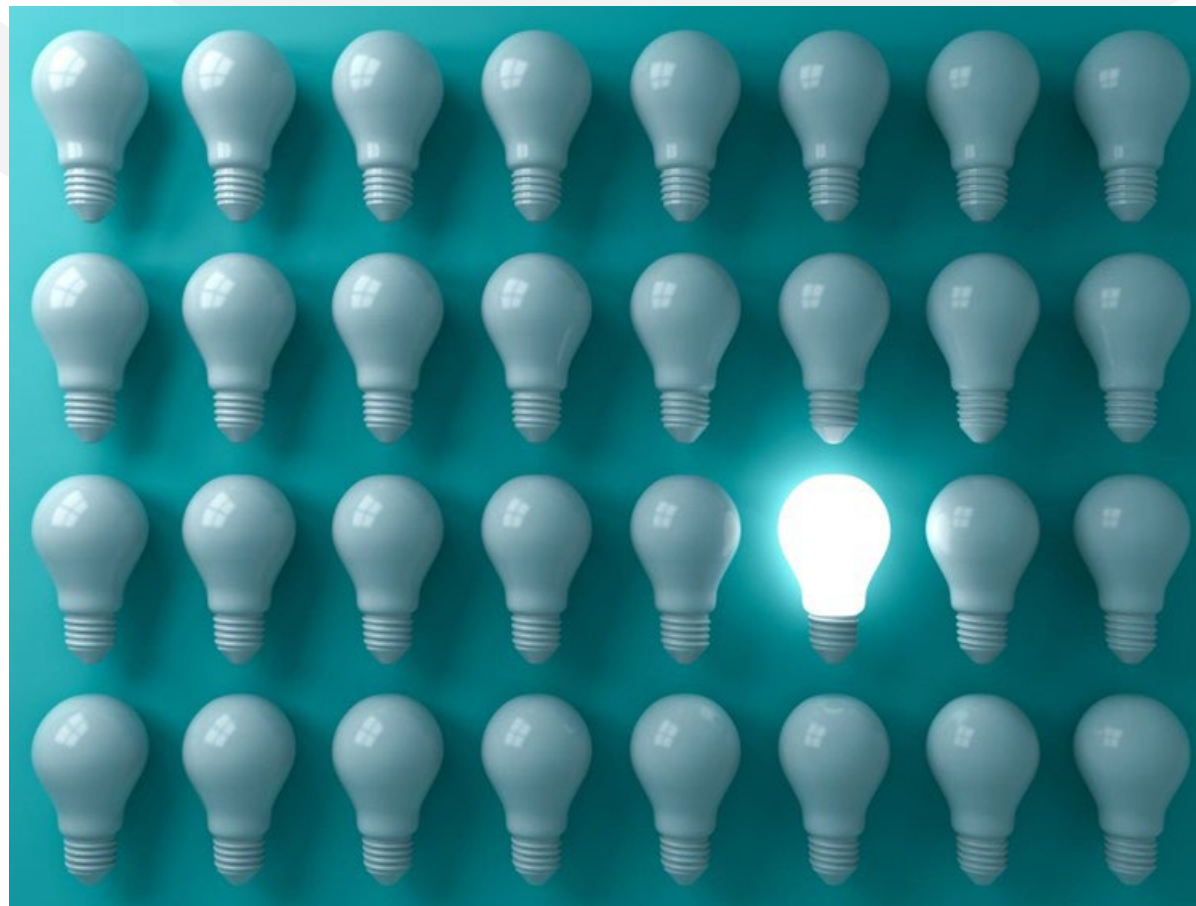
**Draft change:** Notification requirement for testing changed from 48 hours to 72 hours.

- New requirement for Owners/Operators and Service Technicians regarding testing. Must be aware of the change to plan accordingly.
- Unified Program Agencies have authority to waive this notification requirement.

**Affected groups:**

- Owners/Operators
- Service Technicians
- Unified Program Agencies

# Article 2: Site-Specific Variance Procedures and Additional Construction Standards





# Alternate Construction Standards Requirements

**Draft change:** Clarifies that the Board must investigate and hold public hearings on proposed local ordinances. Board can modify or revoke previously issued authorization.

- Existing and future local ordinances will be scrutinized by the Board and must be accepted before being implemented by the Unified Program Agency to ensure compliance with statute and regulations.

**Affected groups:**

- Unified Program Agencies

# Article 3: Draft Certification, Licensing, and Training Requirements



# Certification, Licensing, and Training

**Draft change:** Changed requirements for "Designated UST Operator Visual Inspection Report"

- Designated UST Operator must attach the **dated release detection alarm history** generated by the release detection system since the previous visual inspection;
- **Documentation of testing dates** changes from noting when testing was last done to **identifying the next due date** for each required periodic test.

**Affected groups:**

- Designated UST Operators

# Certification, Licensing, and Training

**Draft new:** New requirements for **verifying** licenses and training.

- **Service Technicians** and **Installers** must **provide all applicable licenses and certificates of training** required for the work being performed upon request by the UPA, the Board, or an independent compliance inspector.

**Affected groups:**

- Service Technicians
- Installers

# Certification, Licensing, and Training

**Draft change:** Service Technician training requirements clarified.

- Before installing or repairing any UST system component, Service Technicians must possess a certificate of training issued by the manufacturer. (Current regulations only specifically mention training requirements for release detection equipment, spill containment, overfill prevention equipment, and secondary containment testing equipment.)

**Affected groups:**

- Service Technicians



# Certification, Licensing, and Training

**Draft change:** Changed requirements for UPA inspectors.

- Unified Program Agency inspectors must obtain International Code Council (ICC) California UST Inspector certification within 180 days from when they begin to perform any of the duties of a UPA UST inspector. (Current requirement is within 180 days from the date of hire.)

**Affected groups:**

- Unified Program Agencies

# Certification, Licensing, and Training

**Draft change:** Changed requirements for special inspectors.

- Special inspectors performing compliance inspections must pass the ICC California UST Inspector exam every 24 months.  
(They will no longer have the option of satisfying equivalent criteria approved by the Division of Water Quality UST Program Manager.)

**Affected groups:**

- Special Inspectors

# Certification, Licensing, and Training

**Draft new:** New requirements for independent compliance inspectors.

- Independent compliance inspectors must:
  - Possess a current ICC California UST inspector certificate; and
  - Renew their certificate every 24 months by passing the ICC California UST Inspector exam (unless they are currently employed as a UPA Inspector and have satisfied equivalent criteria approved by the Division of Water Quality UST Program Manager).

**Affected groups:**

- Independent Compliance Inspectors

# Article 4: Draft Construction and Operation Requirements



# Construction and Operation Requirements

**Draft new:** Manways installed or opened on or after July 1, 2026 must be installed per manufacturer's guidelines, industry code, or engineering standard.

- UST Installers must ensure they are following proper protocol when working on manways. Likely already standard practice, however this becomes effective six months after the proposed regulations are released.

**Affected groups:**

- UST Installers



# Construction and Operation Requirements

**Draft new:** Tank information to be placed within sump collar on tanks installed on or after July 1, 2026.

- Manufacturers must ensure that the proper tank information is located within the sump collar for easy access post-installation.
- UST Installers, Service Technicians, and Unified Program Agencies should know to check here for information as needed.

**Affected groups:**

- Manufacturers
- UST Installers
- Service Technicians
- Unified Program Agencies

# Construction and Operation Requirements

**Draft new:** Systems must be constructed, operated, and maintained to demonstrate continuity within each zone.

- Tank manufacturers will need to provide owners with testing documentation demonstrating tank continuity
- UST Installers to consider installing piping to facilitate continuity demonstration
- Service Technicians must demonstrate continuity periodically

**Affected groups:**

- Manufacturers
- UST Installers
- Service Technicians

# Construction and Operation Requirements

**Draft new:** ASTM A53 black steel on new steel pipe installations or steel pipe repairs on or after January 1, 2026. Schedule 40 for primary containment and schedule 10 for secondary containment.

- Most industry black steel meets ASTM A53, however, installers using black steel piping must confirm it meets this standard prior to installation and that the proper schedules are used.
- UPAs must ensure proper steel piping is used.

**Affected groups:**

- UST Installers
- Unified Program Agencies

# Construction and Operation Requirements

**Draft new:** Water used to ballast USTs during construction must be removed to the Unified Program Agency's satisfaction.

- Owners/Operators are responsible for wastewater generated at facility
- Requires additional communication and planning between the UST Installers and UPAs to ensure that ballast water is disposed of properly

**Affected groups:**

- Owners/Operators
- UST Installers
- Unified Program Agencies

# Construction and Operation Requirements

**Draft new:** Failed single-walled direct buried spill containment must be replaced by secondarily contained spill containment.

- Owners/Operators with single-walled direct buried containment will have it phased out after failure
- UST Installers will need to replace these with secondarily contained spill containment as they fail

**Affected groups:**

- Owners/Operators
- UST Installers



# Construction and Operation Requirements

**Draft new:** Confirmation of isolation for repairs to non-integral secondary containment using isolation for cathodic protection.

- Qualified individuals must confirm isolation during their testing. This may involve additional excavation to verify exterior of secondary containment is adequately protected.

**Affected groups:**

- Other

# Construction and Operation Requirements

**Draft new:** Tanks installed on or after January 1, 2027, must be anchored to prevent flotation.

- Owners/Operators will need to ensure deadmen/concrete slab are included for new tank installations after January 1, 2027.
- UST Installers will need to include deadmen/concrete slab as part of the installation package.

**Affected groups:**

- Owners/Operators
- UST Installers

# Construction and Operation Requirements

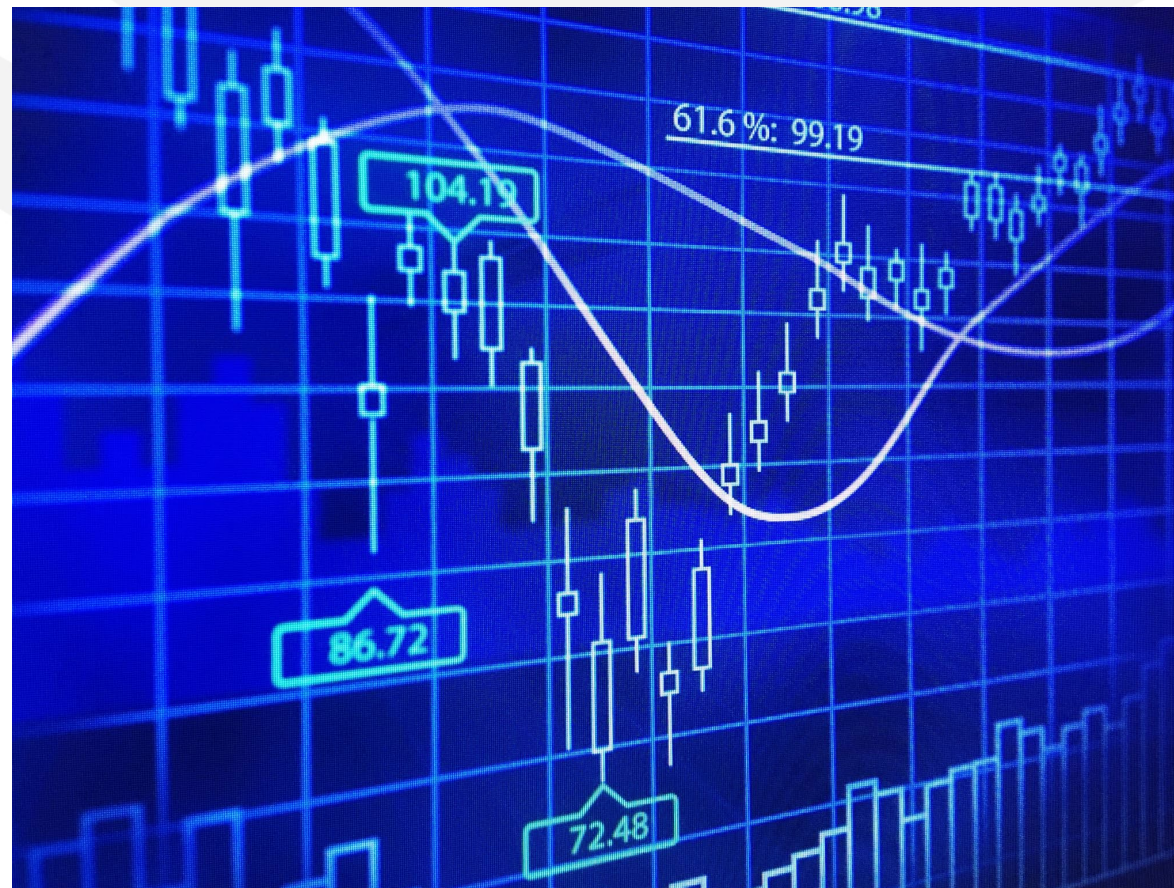
**Draft change:** Return to compliance deadline updated for consistency with Health and Safety Code.

- Owners/Operators must implement the specified corrections in the inspection report within the timeframe specified in Health and Safety Code.
- Unified Program Agencies: be aware of this deadline to stay apprised of return to compliance action.

**Affected groups:**

- Owners/Operators
- Unified Program Agencies

# Article 5: Draft Monitoring Requirements



# Monitoring Requirements

**Draft change:** Changes to **Monitoring Site Plan** content.

- Owners/Operators may need to revise the **Monitoring Site Plan** to:
  - Be a **scaled diagram** indicating the layout of the tank(s) and piping, **to the extent known**, including containment sumps;
  - Include locations of all **release detection equipment**; and
  - If applicable, identify each vacuum, pressure, or hydrostatic (VPH) **interstitial monitoring zone**.

**Affected groups:**

- Owners/Operators

# Monitoring Requirements

**Draft change:** Changes to **Response Plan** content.

- Owners/Operators may need to revise the **Response Plan** to:
  - Demonstrate that any unauthorized release will be removed from secondary containment **as soon as practical**; and
  - Add **emergency contact information** for persons responsible for authorizing work necessary under the plan; or the **identification and 24-hour phone number of a continuously staffed emergency operations center** authorized to coordinate such a response.

**Affected groups:**

- Owners/Operators



# Monitoring Requirements

**Draft change:** Change to **hazardous substance removal time**.

- UPAs will no longer be able to approve delaying removal of hazardous substance from the secondary containment beyond 30 days.
- This will impact Owners/Operators since they will no longer have the option of requesting more time.

**Affected groups:**

- Owners/Operators
- Unified Program Agencies

# Monitoring Requirements

**Draft new:** Disabling of release detection equipment allowed only during testing, replacement, or repair by a Service Technician and with notification to the UPA.

- Service Technicians will need to communicate/coordinate with Owners/Operators and UPAs.
- Owners/Operators may notify, or delegate, but are ultimately responsible for notifications and ensuring nobody other than a qualified Service Technician disables release detection equipment.

**Affected groups:**

- Owners/Operators
- Service Technicians

# Monitoring Requirements

**Draft new:** If interstitial monitoring release detection equipment is or is expected to be non-functional for more than 24 hours.

- UPAs must require alternative monitoring.
- Owners/Operators must perform and document physical monitoring of secondary containment at a frequency determined by the UPA, but no less than once every 24 hours.
- Service Technicians must communicate with UPAs and Owners/Operators so they know when this is an issue.

**Affected groups:**

- Owners/Operators
- Service Technicians
- Unified Program Agencies

# Monitoring Requirements

**Draft new:** If the **release detection system** is or is expected to be **non-functional** for more than **30 days**:

- Owners/Operators must meet the requirements for temporary closure until the release detection system is repaired or replaced.
- Installers and Service Technicians must communicate and coordinate with UPAs and Owners/Operators.
- UPAs must require temporary closure.

**Affected groups:**

- Owners/Operators
- Service Technicians
- UST Installers
- Unified Program Agencies

# Monitoring Requirements

**Draft new:** Remanufactured release detection equipment.

- May only be remanufactured or rebuilt by the **original manufacturer**.
- Will be subject to the same **third-party testing requirements** applicable to new equipment.

**Affected groups:**

- Manufacturers

# Monitoring Requirements

**Draft new:** Mechanical release detection equipment monitoring under-dispenser containment, including impact shear valves, which fails to function properly at any time on or after January 1, 2026 **cannot be repaired** and must be replaced with continuous electronic release detection equipment.

- Service Technicians can no longer clean/adjust such equipment and must let owners/operators know when it fails.
- Owners/operators must replace non-functional equipment.

**Affected groups:**

- Owners/Operators
- Service Technicians



# Monitoring Requirements

**Draft new:** Except for emergency tank systems, effective 7/1/2026, facilities with **pressurized piping** that are **not routinely staffed** must have **fail-safe monitoring** of the pipe secondary containment.

- Owners/Operators may need to retrofit release detection system.
- Service Technicians will need to perform retrofit work and incorporate "fail-safe" confirmation into periodic testing of release detection equipment.
- Unified Program Agencies may need to review and approve plans and inspect retrofits.

**Affected groups:**

- Owners/Operators
- Service Technicians
- Unified Program Agencies

# Monitoring Requirements

**Draft new:** Line leak detectors must be installed on buried pressurized piping (as opposed to the current underground pressurized piping).

- Owners/Operators may need to install LLD(s).
- Service Technicians will need to install and incorporate LLD testing into annual release detection equipment testing.
- UPAs may need to review and approve plans and inspect retrofits.
- Installers will need to design new systems accordingly.

**Affected groups:**

- Owners/Operators
- Service Technicians
- UST Installers
- Unified Program Agencies

# Monitoring Requirements

**Draft new:** Buried pressurized piping monitored by a continuous **VPH interstitial release detection system** that shuts off flow through the piping when it detects a release or the release detection system malfunctions **satisfies the LLD requirement.**

- Owners/Operators may want to retrofit systems to qualify.
- Service Technicians will need to install VPH monitoring and incorporate fail-safe and continuity confirmation into release detection equipment testing.
- UPAs may need to plan check and inspect.
- Installers may design systems accordingly.

**Affected groups:**

- Owners/Operators
- Service Technicians
- UST Installers
- Unified Program Agencies

# Monitoring Requirements

**Draft new:** Piping monitored by a continuous **VPH interstitial release detection system** must be configured to **facilitate testing** and **continuity confirmation** to the extent practical as approved by the UPA.

- Owners/Operators may need to retrofit systems to comply.
- Service Technicians will need to incorporate continuity confirmation into release detection equipment testing.
- UPAs will need to determine "extent practical" and may need to plan check and inspect retrofits.
- Installers must design systems accordingly.

**Affected groups:**

- Owners/Operators
- Service Technicians
- UST Installers
- Unified Program Agencies

# Monitoring Requirements

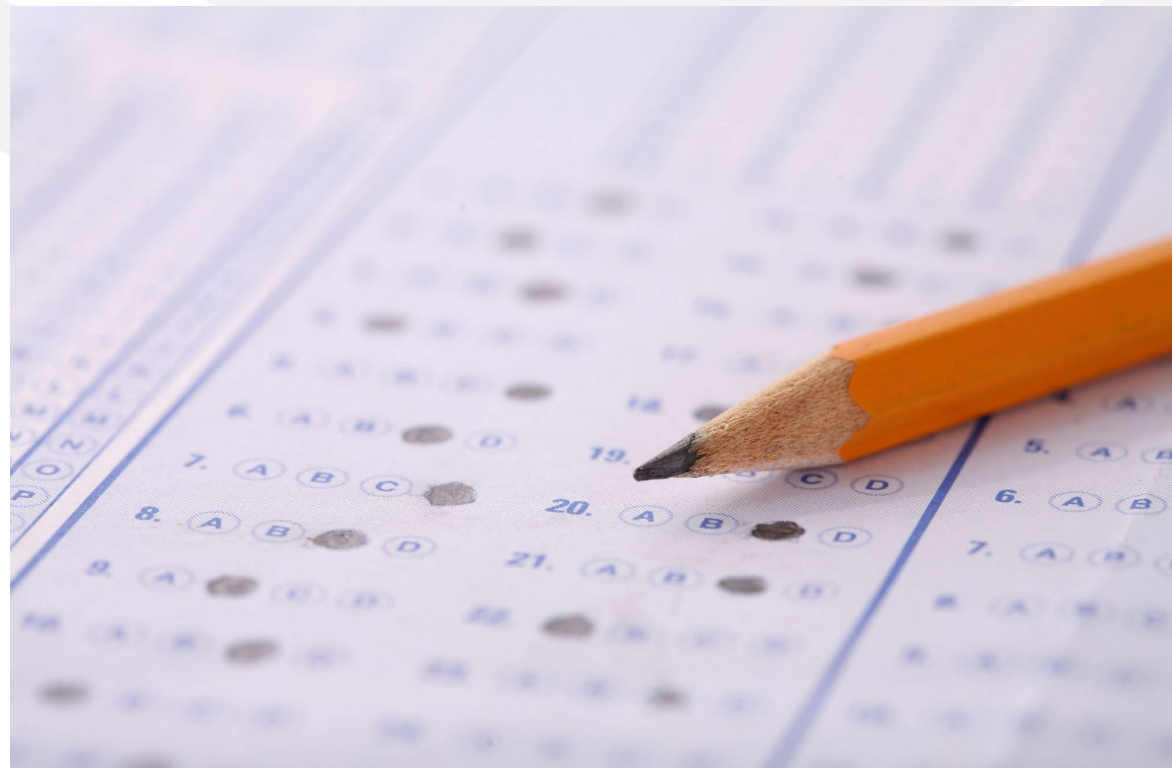
**Draft new:** Remote monitoring must provide an immediate notification of a facility employee or service technician.

- Owners or operators are responsible for ensuring that a facility employee or Service Technician responds to each release detection alarm and that the facility's monitoring records document when an alarm is received and when a response action is taken.
- Service Technicians may be contracted to respond to investigate release detection alarms.

**Affected groups:**

- Owners/Operators
- Service Technicians

# Article 6: Draft Testing Requirements





# Testing Requirements

**Draft change:** Clarification that only early tests change due dates of future tests and that late tests do ***not*** change the due date of the future tests.

- Service Technicians: late testing does not change future test dates. Only early testing changes test dates.

**Affected groups:**

- Service Technicians

# Testing Requirements

**Draft new:** Test equipment must be calibrated per manufacturer's standards or National Institute of Standards and Technology.

- Service Technicians must have calibrated test equipment to effectively test UST components. Many manufacturer's have calibration standards. NIST covers other components such as dials and gauges.
- UPAs have the authority to request test equipment calibration documentation from Service Technician.

**Affected groups:**

- Service Technicians
- Unified Program Agencies

# Testing Requirements

**Draft new:** Hierarchy for testing procedures for spill containment, overfill, and secondary containment removed.

- Service Technicians will have more flexibility regarding test methods.
- Unified Program Agencies will need to review approval requests for test methods developed by professional engineers.

**Affected groups:**

- Service Technicians
- Unified Program Agencies

# Testing Requirements

**Draft new:** Line leak detectors used for performing annual tightness testing must be tested at leak rate equivalent to 0.1 gallon per hour at 150% operating pressure.

- Service Technicians: This requirement *only* applies to LLDs performing annual tightness tests. New equipment may be required to test these LLDs.

**Affected groups:**

- Service Technicians

# Testing Requirements

**Draft new:** Testing piping secondary containment, including under-dispenser containment and other containment sumps, must verify continuity between the sensors and most distant points in the interstice to the extent practical.

- Alternative test methods may be needed to accomplish this at some sites with non-integral piping secondary containment. New test methods for verifying continuity may emerge.

**Affected groups:**

- Owners
- Service Technicians
- Unified Program Agencies

# Article 7: Draft Release Reporting Requirements



# Release Reporting Requirements:

**Draft new:** Authority for Cleanup Oversight Agencies to require emptying of a tank.

- UPAs or Cleanup Oversight Agencies can require remaining hazardous substance be removed from a UST that had an unauthorized release to prevent further releases or facilitate corrective action.
- Owners/Operators must empty tank if required to do so by the UPA or Cleanup Oversight Agency.

**Affected groups:**

- Owners/Operators
- Unified Program Agencies
- Cleanup Oversight Agencies



# Release Reporting Requirements:

**Draft change:** Changes to preliminary written report of a reportable unauthorized release.

- Owners/Operators need to be aware that:
  - The deadline for providing the report to the Unified Program Agency has changed to **within five days** of detecting the release.
  - New information required:
    - **Facility address**
    - **CERS ID Number**

**Affected groups:**

- Owners/Operators

# Release Reporting Requirements:

**Draft new:** Deadline for UPAs to submit preliminary written reports of unauthorized releases to the Cleanup Oversight Agency.

- UPAs must submit preliminary written reports of unauthorized releases, and any sample analyses or other data subsequently received, to the Cleanup Oversight Agency within 60 days of receipt from the Owner/Operator.

**Affected groups:**

- Unified Program Agencies
- Cleanup Oversight Agencies

# Release Reporting Requirements:

**Draft new:** Deadline for Cleanup Oversight Agencies to review preliminary written reports of unauthorized releases. Provides a level of certainty to responsible parties regarding further corrective action.

- Cleanup Oversight Agencies must review all preliminary written report documents and information within 30 days of receipt from the UPA to determine whether any further investigative or corrective action is required.

**Affected groups:**

- Responsible Parties
- Cleanup Oversight Agencies

# Release Reporting Requirements:

**Draft new:** Requirements for Cleanup Oversight Agency review of preliminary written reports of unauthorized releases.

- If a COA determines that further investigation or corrective action is required, they must:
  - Open an underground storage tank release case;
  - Convert the GeoTracker case record to the appropriate site type; and
  - Notify the Responsible Party and the Unified Program Agency.

**Affected groups:**

- Responsible Parties
- Unified Program Agencies
- Cleanup Oversight Agencies

# Release Reporting Requirements:

**Draft change:** Requirements for Cleanup Oversight Agency review of preliminary written reports of unauthorized releases.

- If the COA determines no further investigation or corrective action is required, they must:
  - Notify the Responsible Party in writing, with a copy to the Unified Program Agency; and
  - Change the GeoTracker case status accordingly.

**Affected groups:**

- Responsible Parties
- Unified Program Agencies
- Cleanup Oversight Agencies

# Article 8: Draft Closure Requirements



# Closure Requirements

**Draft new:** New requirements for temporary closure.

- Owners/Operators must:
  - Receive approval from the UPA before initiating temporary closure.
  - Perform required testing and maintain the operating permit until temporary closure has been approved.

**Affected groups:**

- Owners/Operators



# Closure Requirements

**Draft change:** Requirements for temporary closure.

- Owners/Operators will only be required to inert tanks in temporary closure if inerting is required by the UPA.
- UPAs will need to assess whether inerting is necessary.
- Owners/Operators no longer have the option of sealing fill and access locations and piping for tanks in temporary closure with concrete plugs. Locking caps will be required.

**Affected groups:**

- Owners/Operators
- Unified Program Agencies

# Closure Requirements

**Draft new:** Requirements for temporary closure.

- Owners/Operators must ensure that the power supply to equipment that the UPA requires to remain in service during temporary closure, such as release detection equipment, or an impressed-current cathodic protection system, remains connected.

**Affected groups:**

- Owners/Operators
- Remodel contractors

# Closure Requirements

**Draft change & new:** Requirements for temporary closure inspections by Owner or Operator.

- Owners/Operators must:
  - Be aware that the inspection frequency will change to ~~every~~ three months every 90 days, and inspections must include Verifying the tank is inerted (if required by the UPA).
  - Document the results of the inspection and make the inspection documentation available to the UPA within 36 hours of request.

**Affected groups:**

- Owners/Operators

# Closure Requirements

**Draft new:** Requirements for temporary closure.

- Owners/Operators must update all applicable data elements in the California Environmental Reporting System or the local reporting portal within 30 days of the beginning and the end of the temporary closure period.

**Affected groups:**

- Owners/Operators

# Closure Requirements

**Draft new:** Requirements for permanent closure.

- Owners/Operators and closure contractors need to complete permanent closure within a reasonable time as determined by the UPA, not to exceed 365 days from the date of approval by the UPA.

**Affected groups:**

- Owners/Operators
- Closure Contractors

# Closure Requirements

**Draft new:** Requirements for permanent closure.

- Owners/Operators and closure contractors need to ensure compactable soil imported onto the site for the purpose of backfilling an excavation while closing an underground storage tank is clean compactable backfill.

**Affected groups:**

- Owners/Operators
- Closure Contractors



# Closure Requirements

**Draft new:** Requirements for permanent closure.

- Closure Contractors need to note the following about soil samples:
  - Samples must be taken at least two feet into native material
  - For tanks over 12,000 gallons, a sample at the midpoint of the tank will be required in addition to the samples at each end
  - For compartmented tanks, an additional sample will be required beneath each internal bulkhead to be analyzed for all hazardous substances previously stored in both tanks as required by the Cleanup Oversight Agency

**Affected groups:**

- Closure Contractors



# Closure Requirements

**Draft new & change:** Requirements for permanent closure.

- For hazardous substance piping, in addition to every 20 linear-feet, soil samples will be required:
  - Under each dispenser; and
  - For rigid piping, at each change in direction.
- Sample collection must be done immediately after removal of the tank and hazardous substance piping from the excavation, rather than immediately after "closure activities" as currently specified.

**Affected groups:**

- Closure Contractors

# Closure Requirements

**Draft new:** Requirements for permanent closure.

- Groundwater sample collection must be done immediately after the water enters the excavation or is otherwise encountered.
- Locations and collection methods for all required samples must be approved by the UPA.
- Soil and groundwater samples must be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program.

**Affected groups:**

- Closure Contractors

# Closure Requirements

**Draft new:** Requirements for permanent closure.

- UPAs will need to ensure that sample locations, collection methods, and analyses to be performed are in accordance with these regulations and Cleanup Oversight Agency requirements.

**Affected groups:**

- Unified Program Agencies

# Closure Requirements

**Draft new:** Requirements for permanent closure.

- Owners/Operators must update all applicable data elements in the California Environmental Reporting System or the local reporting portal within 30 days of removal of the tank from the excavation or, for closure in place, certification of the tank as non-hazardous after on-site cleaning.

**Affected groups:**

- Owners/Operators

# Closure Requirements

**Draft new:** Requirements for permanent closure.

- Owners/Operators **must provide** the following to the UPA **within 30 days** of tank/piping removal, or sample collection:
  - Lab reports containing analytical results, chain-of-custody, QA/QC data, and any commentary or notes from the lab;
  - Information showing the location, depth, and date of collection for each sample taken, and boring logs, if applicable; and
  - Tank, pipe, and HazWaste disposal documentation.
- Contractors need to expedite paperwork.

**Affected groups:**

- Owners/Operators
- Closure Contractors

# Closure Requirements

**Draft new:** Requirements for permanent closure.

- UPAs must submit the following to the Cleanup Oversight Agency via GeoTracker **within 30 days** of receiving the information specified on the previous slide:
  - Unified Program Agency name & contact info.
  - Facility name, address & CERS ID, if applicable
  - UST Owner & Operator names
  - CERS Tank ID for each tank closed, if applicable
  - UST closure date
  - Volume of each UST closed
  - Previously stored hazardous substances
  - Sample collection date, location & depth
  - Inspection reports associated with closure
  - Lab analytical reports
  - Additional info. Received per § 2681(i)

**Affected groups:**

- Unified Program Agencies

# Closure Requirements

**Draft new:** Requirements for permanent closure.

- Cleanup Oversight Agencies must determine if further investigation or corrective actions are required within 30 days of receipt of the closure submittal from the UPA.

**Affected groups:**

- Cleanup Oversight Agencies



# Closure Requirements

**Draft new:** Requirements for permanent closure.

- UPAs must issue an **Underground Storage Tank Closure Letter** to the owner or operator **within 30 days** of receipt of all information specified in section 2681(i) and the electronic submittal specified in section 2681(n), to confirm permanent closure of the UST system in accordance with these regulations.

**Affected groups:**

- Unified Program Agencies

# Closure Requirements

**Draft new:** Requirements for permanent closure.

- Cleanup Oversight Agencies that determine **no further investigation or corrective action is required** must notify the owner, operator, and property owner in writing that all actions necessary to demonstrate compliance with section 2681 and Health and Safety Code § 25298 have been taken, that no further investigation or corrective actions are required, and that the UST is closed pursuant to section 2681.

**Affected groups:**

- Cleanup Oversight Agencies

# Closure Requirements

**Draft new:** Requirements for permanent closure.

- Cleanup Oversight Agencies that determine further investigation or corrective actions are required must:
  - Open an underground storage tank release case;
  - Convert the GeoTracker case record to the appropriate site type; and
  - Notify the responsible parties.

**Affected groups:**

- Cleanup Oversight Agencies

# Closure Requirements

**Draft new:** Requirements for **underground storage tank reuse**.

- Owners/Operators of USTs intended to be reused to store a non-hazardous substance, or to be moved from their current location to be reused for any purpose, must obtain **approval** from the UPA and permanently close the USTs in accordance with section 2681 **prior to moving or reusing** the tanks.
- UPAses must review requests for reuse and oversee permanent closure of the USTs.

**Affected groups:**

- Owners/Operators
- Unified Program Agencies

# Closure Requirements

**Draft new:** Requirements for underground storage tank reuse.

- Owners/Operators must **provide** the following information to the UPA, within the timeframe specified by the UPA, **before** a UST can be reused:
  - The **name(s) of the new owner and new operator**, if applicable;
  - The **location** of intended use;
  - The **nature** of intended use; and
  - **Approval from the UPA with jurisdiction over the facility** where the UST will be reinstalled, if the UST will be reinstalled in a different UPA's jurisdiction.

**Affected groups:**

- Owners/Operators

# Closure Requirements

**Affected groups:**

- Owners/Operators
- UST Installers
- Tank Manufacturers

**Draft new:** Requirements for underground storage tank reuse.

- Relocated tanks to be reused to store a hazardous substance must:
  - Be tested, inspected, and recertified by the manufacturer and by an independent testing organization (ITO) no more than 30 days before installation;
  - Have their ITO label updated to include both the original manufacture date and the recertification date; and
  - Meet all requirements of Articles 4, 5, & 6 of these regulations and Health and Safety Code § 25290.1 (i.e., Type 3 USTs).

# Abandoned Underground Storage Tanks

**Draft new:** Requirements for abandoned USTs.

- Owners and property owners should note that abandoned USTs:
  - Can **not be placed into temporary closure**;
  - Must be **permanently closed** in accordance with these regulations unless, before returning to operation, they:
    - Are equipped with a continuous **vacuum, pressure, or hydrostatic interstitial release detection system**; and
    - Pass **enhanced leak detection (ELD) testing**.

**Affected groups:**

- Owners
- Unified Program Agencies



# Abandoned Underground Storage Tanks

**Draft new:** Requirements for abandoned USTs.

- UPAs must **inspect abandoned USTs annually** in accordance with Health and Safety Code section 25288.

**Affected groups:**

- Unified Program Agencies

# Article 9: Draft Permit Application, Unified Program Agency Requirements, Trade Secrets, and Red Tag Requirements



# Permit Requirements

**Draft new:** Operating permit application requirements.

- Owners/Operators must **apply for renewal of the permit at least 30 days prior to the permit expiration date.**

**Affected groups:**

- Owners/Operators

# Permit Requirements

**Draft new:** Operating permit requirements.

- UPAs must include the following on operating permits they issue:
  - CERS ID
  - Facility name
  - Facility address
  - Owner name
  - Operator name
  - Permit issuance date
  - Permit expiration date
  - CERS Tank ID Number(s)
  - Identity of the Unified Program Agency issuing the permit
- A requirement to comply with Articles 1 through 9, sections 25280 through 25296 and 25298 through 25299.6 of the Health and Safety Code, and all permit conditions.

**Affected groups:**

- Unified Program Agencies

# Enforcement

**Draft change:** Inspection and Enforcement Plans.

- UPAs and the Board **must initiate enforcement actions** against owners and operators of noncompliant UST systems **consistent with an Inspection and Enforcement Plan** developed and implemented consistent with these regulations to promote the effective detection, abatement, and deterrence of violations.

**Affected groups:**

- Unified Program Agencies
- The Board

# Enforcement

**Draft change:** Inspection and Enforcement Plans.

- **Inspection and Enforcement Plans** must include:
  - Compliance inspections and other inspections associated with UST system installation, modification, repair, and closure;
  - Verifying and documenting return to compliance; and
  - Progressive enforcement actions to be initiated against owners and operators, including procedures for elevating violations.

**Affected groups:**

- Unified Program Agencies
- The Board

# Enforcement

**Draft new:** Violation classification requirements.

- UPAs and the Board must have their UST inspectors **classify each violation cited** as minor, Class II, or Class I, pursuant to these regulations and consistent with the applicable Inspection and Enforcement Plan.
- This also applies to independent compliance inspectors and, only if they perform compliance inspections, special inspectors.

**Affected groups:**

- Unified Program Agencies
- The Board
- **Some** Special Inspectors



# Unified Program Agency Requirements

**Draft new:** Requirements for abandoned USTs.

- UPAs must ensure that abandoned USTs are reported in the California Environmental Reporting System.

**Affected groups:**

- Unified Program Agencies

# Enforcement

## **Draft new:** Red Tag requirements.

- Owners/Operators and UPAs should note that UPAs and the Board will have **authority to direct the Owner or Operator to empty a red tagged tank within** a timeframe determined by the UPA or the Board, **not to exceed 48 hours** from when the red tag is affixed.

**Affected groups:**

- Owners/Operators
- Unified Program Agencies

# Enforcement

## Draft new: Red Tag requirements.

- Owners/Operators should note that the following are prohibited:
  - Allowing the delivery, depositing, or inputting of a hazardous substance into, or withdrawal of a hazardous substance from, a Red Tagged UST without written direction from the Board or the UPA.
  - Emptying a Red Tagged UST through the dispenser (even if the UST has been ordered to be emptied).

**Affected groups:**

- Owners/Operators

# Enforcement

**Draft new:** Red Tag requirements.

- UPAs should note that **if the Board Red Tags a tank, the Board:**
  - Must **notify the UPA** in writing **within 24 hours**;
  - Must **consult and coordinate with the UPA** until the Red Tag has been removed, or the UST has been properly closed and
  - May **request that the UPA perform the required inspections and authorization duties.**

**Affected groups:**

- Unified Program Agencies

# Enforcement

## Draft change: Red Tag requirements.

- UPAs should note that after affixing a Red Tag, the Board or UPA that affixed the Red Tag must **notify the owner and operator in writing, immediately if present on-site, or within 24 hours if not on-site**, of the significant violation(s) for which the red tag was issued.

**Affected groups:**

- Unified Program Agencies

# Enforcement

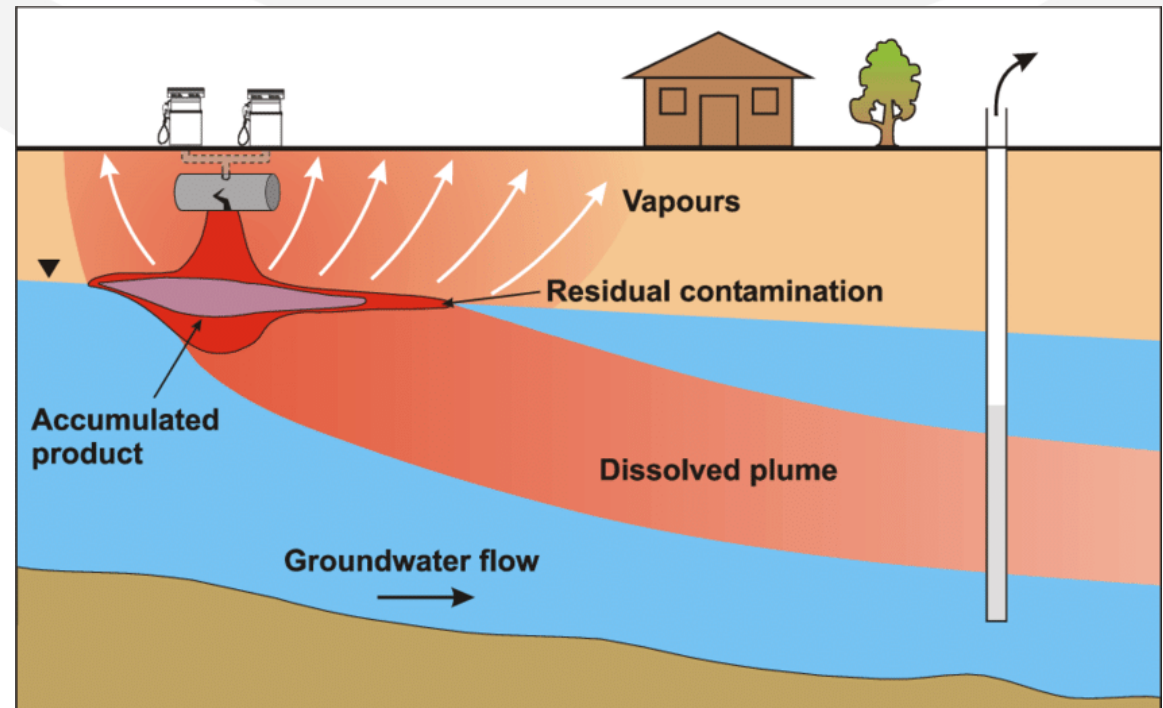
**Draft change:** Red Tag requirements.

- UPAs should note that the UPA *or the Board* may remove or authorize the **removal of a red tag from an emergency tank system** before a significant violation has been corrected if the UPA *or the Board* determines an **emergency situation** exists requiring operation of the system **and delivery of diesel fuel or kerosene is necessary** for continued operation of the system.

**Affected groups:**

- Owners/Operators
- Unified Program Agencies

# Article 10: Draft Corrective Action and Post Closure Abatement Requirements



# Corrective Action Requirements:

**Draft change:** Only Cleanup Oversight Agencies have authority to oversee the abatement of unauthorized releases of hazardous substances from underground storage tanks.

- Unified Program Agencies do not have this authority, and this must be done by either the Local Oversight Program or Regional Water Board.

**Affected groups:**

- Unified Program Agencies
- Cleanup Oversight Agencies



# Corrective Action Requirements:

**Draft new:** Cleanup Oversight Agencies must concur with or direct changes to Corrective Action Plan within 60 days of submission from Responsible Party.

- Cleanup Oversight Agencies must adhere to 60-day deadline regarding Corrective Action Plan decision.
- Responsible Parties must modify the Corrective Action Plan if required to do so by the Cleanup Oversight Agency.

**Affected groups:**

- Cleanup Oversight Agencies
- Responsible Parties

# Resources/Contact Information

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# Questions/Answers

