



# UST Program Update July 2022

## Financial Responsibility Requirements and the Underground Storage Tank Cleanup Fund

The State Water Resources Control Board (State Water Board) Underground Storage Tank (UST) Cleanup Fund is currently used by approximately 60 percent of UST owners and operators as all or part of the financial responsibility mechanism. The Cleanup Fund by statute will sunset on January 1, 2026, however UST owners and operators will not be permitted to use the Cleanup Fund to demonstrate financial responsibility after December 31, 2024. UST owners and operators currently utilizing the Cleanup Fund as a financial responsibility mechanism will be required to provide an alternative financial responsibility mechanism on or before December 31, 2024. While the focus of the State Water Board's previous discussions on this topic has been on single-walled facilities, all USTs except those at state or federally owned facilities will be required to demonstrate a financial responsibility mechanism other than the Cleanup Fund.

Owners of aging UST facilities should be cognizant of the 2024 deadline as many insurance providers of UST financial responsibility are reluctant to cover systems over 30 years old. UST owners and operators of aging systems should be actively seeking alternative financial responsibility options.

For more information regarding financial responsibility requirements and the UST Cleanup Fund, contact:

Mr. Austin Lemire-Baeten at (916) 327-5612 or  
[Austin.Lemire-Baeten@waterboards.ca.gov](mailto:Austin.Lemire-Baeten@waterboards.ca.gov)

## State Water Board and Delivery Prohibition Authority

Amendments to Health and Safety Code, division 20, chapter 6.7 (H&SC), section 25292.3 extended the delivery prohibition authority to State Water Board personnel. Any delivery prohibition actions performed by the State Water Board must be taken in consultation with the Unified Program Agency (UPA) having jurisdiction over

the facility. The State Water Board Office of Enforcement (OE) in coordination with an UPA recently performed a delivery prohibition on a UST system as part of the OE's Focused Enforcement of Recalcitrant and Significant Violations project. The OE and the UPA determined that affixing red tags to the UST was an appropriate measure to mitigate the threats posed by the long-standing and ongoing significant violations.

For more information regarding the State Water Board's delivery prohibition authority, contact:

Mr. Brian Taylor at (916) 323-0600 or [Brian.Taylor@waterboards.ca.gov](mailto:Brian.Taylor@waterboards.ca.gov), or  
Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

## Statewide UST TAG Attendance Credit

Some individuals that attended the statewide Technical Advisory Group (TAG) meeting during the 2022 Certified Unified Program Agency (CUPA) Training Conference did not receive International Code Council (ICC) continuing education credits. Unfortunately, the State Water Board can no longer access the list of attendees. If you attended this TAG meeting and did not receive continuing education credit, please have your supervisor confirm your attendance using a contact sheet for ICC continuing education credit. A sample [ICC Contact Hour Verification Form](#)<sup>1</sup> is temporarily available on the State Water Board's website.

For more information regarding UST Statewide TAG attendance, contact:

Mr. Austin Lemire-Baeten at (916) 327-5612 or  
[Austin.Lemire-Baeten@waterboards.ca.gov](mailto:Austin.Lemire-Baeten@waterboards.ca.gov)

## Requirements for Service Technicians

State Water Board staff have fielded numerous questions regarding the requirements for individuals conducting UST work as service technicians. Individuals performing the work of a service technician must possess manufacturer's training certification for each component that is serviced as outlined in California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2715(f)(2). [Local Guidance letter 167-2](#)<sup>2</sup> provides further information on the scope of work for service technicians. This requirement applies to any individual performing work on release detection and monitoring components. Further, manufacturer's refresher training for each component must be completed at least every 36 months, unless the time interval required by the manufacturer is shorter (UST Regulations, section 2715(f)(3)). Service technicians themselves do not need to hold certification from the ICC provided they are working

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<sup>1</sup> <https://www.waterboards.ca.gov/ust/docs/2022/icc-contact-hr-verification.pdf>

<sup>2</sup> [https://www.waterboards.ca.gov/ust/leak\\_prevention/lgs/docs/lg-167-2.pdf](https://www.waterboards.ca.gov/ust/leak_prevention/lgs/docs/lg-167-2.pdf)

under the personal supervision of someone who is present on site while the work is occurring who does hold ICC certification.

For more information regarding requirements for service technicians, contact:

Mr. Austin Lemire-Baeten at (916) 327-5612 or

[Austin.Lemire-Baeten@waterboards.ca.gov](mailto:Austin.Lemire-Baeten@waterboards.ca.gov)

## **CUPA Performance Evaluations**

### ***CUPA Performance Evaluation Website Under Development***

State Water Board staff are developing a CUPA Performance Evaluation website to assist CUPAs with the evaluation process. The website will include evaluation process checklists, examples, and guidance documents for CUPAs to reference in preparation for self-audit reports, CUPA performance evaluations, or when evaluating a Participating Agency. Please note that these documents are provided for informational purposes only and do not establish any rules or requirements. Staff will continue to develop this website over the next several months and will note any new additions in future UST Monthly Updates.

### ***CUPA Performance Evaluation Emphasis on Single-Walled UST Facilities***

State Water Board staff noted over 2,000 UST facilities with single-walled components remain statewide. On or before December 31, 2025, single-walled USTs must be permanently closed in accordance with H&SC, section 25298 and UST Regulations, section 2672. The State Water Board will emphasize single-walled UST facilities during the CUPA Performance Evaluation to assist CUPAs with encouraging owners and/or operators to permanently close single-walled USTs prior to the December 31, 2025 deadline. State Water Board staff will request a disproportionate number of the single-walled UST facility files within a CUPA's jurisdiction for review and oversight inspections during the CUPA Performance Evaluation.

### ***UST Oversight Inspections***

State Water Board staff will resume UST oversight inspections as part of the CUPA Performance Evaluation. As noted above, staff will focus on performing oversight inspections at single-walled UST facilities within the CUPA's jurisdiction. By focusing oversight inspections on single-walled UST facilities, State Water Board staff will be available to assist CUPA staff, if needed, during single-walled UST system inspections.

### ***Changes to UST Facility File Selection***

Effective July 1, 2022, the State Water Board has modified the number of UST facility files requested during the CUPA Performance Evaluation. The new minimum and

maximum number of facility files that typically will be requested per total number of CUPA UST facilities are noted below:

<b>Number of UST Facilities</b>	<b>Min. Facility Files Requested</b>	<b>Max. Facility Files Requested</b>
1-10	5	All
11-100	7	15
101-250	10	20
251-750	15	30
751-1000+	20	50

State Water Board staff also will consider previous performance evaluations, UST construction configurations, and the number of single-walled UST facilities within the CUPA’s jurisdiction when determining the number of facility files requested. For single-walled UST facility files, staff will review items specific to single-walled UST systems, including, but not limited to, tank lining inspections, cathodic protection system records, one-time and/or periodic enhanced leak detection (ELD) testing requirements for systems within 1,000 feet of a public drinking water well, and release detection methods using automatic tank gauges or electronic line leak detectors.

The decision on the number and type of selected UST facility files will be determined exclusively by the State Water Board. The UST facility file list will continue to be included in Enclosure 2 as part of the CUPA Performance Evaluation notification letter provided by the CalEPA.

For more information regarding CUPA performance evaluations, contact:

Sean Farrow at [Sean.Farrow@waterboards.ca.gov](mailto:Sean.Farrow@waterboards.ca.gov), or  
 Jenna Hartman at [Jenna.Hartman@waterboards.ca.gov](mailto:Jenna.Hartman@waterboards.ca.gov).

### **New UST Leak Prevention Staff**

The UST Leak Prevention Unit is pleased to announce the hire of an Environmental Scientist, Kaitlin Cottrell. Kaitlin grew up in San Diego and earned her degree in Ecology and Evolutionary Biology from the University of California Santa Barbara. After graduation she spent a year abroad in New Zealand working on orchards and traveling the country. Upon return to the US, she worked with the Department of Fish and Wildlife in their fisheries division. She later transitioned to an environmental compliance

role as an ICC Designated Underground Storage Tank Operator in the Northern California region. Kaitlin can be reached at:  
(916) 319-0742 or [Kaitlin.Cottrell@waterboards.ca.gov](mailto:Kaitlin.Cottrell@waterboards.ca.gov).