



# UST Program Update May 2022

## Statute and Regulation Citations on UST Permits to Operate and Permit Conditions

As part of the Certified Unified Program Agency (CUPA) Performance Evaluation process, the State Water Resources Control Board (State Water Board) reviews the underground storage tank (UST) permit to operate and permit conditions for compliance with California Code of Regulations (CCR), title 23, division 3, chapter 16 (UST Regulations) and Health and Safety Code (H&SC), division 20, chapter 6.7 requirements. Evaluation staff have noted several CUPAs without Local Oversight Program (LOP) approval referencing H&SC, chapter 6.75 and CCR title 23, division 3, chapter 18 on the permit to operate and permit conditions. Since the vast majority of CUPAs do not have the LOP authority, the State Water Board has included a finding during the evaluation noting the permit to operate and permit conditions are inconsistent with CCR and H&SC. To correct this finding, CUPAs must revise the permit to operate and permit conditions by removing the cleanup statute and regulation citations and should cite the following revised citations on the permit to operate and permit conditions:

- CCR, title 23, division 3, chapter 16, sections 2610 - 2717.7; and
- H&SC, division 20, chapter 6.7, sections 25280 – 25296 and 25298 – 25299.6.

For more information regarding the UST permit to operate, contact:

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

Ms. Jenna Hartman at [Jenna.Hartman@waterboards.ca.gov](mailto:Jenna.Hartman@waterboards.ca.gov).

## Additions to Local Guidance Letter 113

State Water Board staff have updated [Local Guidance Letter 113](#)<sup>1</sup> (LG-113) to reflect recent release detection certifications by an independent third-party testing laboratory

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<sup>1</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lg113/](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/)

as meeting the release detection requirements equivalent to the Standard Test Procedures for Evaluating Leak Detection Methods – Automatic Tank Gauging Systems and Alternative Test Procedures for Evaluating Leak Detection Methods: Evaluation of Liquid Level Sensors. The Franklin Fueling EVO 600 and EVO 6000 monitoring panels in conjunction with various liquid level sensors and magnetostrictive probes have been posted to LG-113. CUPAs should anticipate the use of this release detection equipment at new and upgraded facilities and ensure service technicians have received training on these products through the manufacturer. Please note the limits to tank sizes and compatible substances for this equipment as outlined on LG-113.

State Water Board staff are making additional modifications to LG-113 in an effort to improve the usability of the website. As LG-113 has grown over the years, some manufacturer information has become difficult to navigate. Moving forward, some equipment sections will be re-organized by the release detection device, with links to the associated monitoring panel. Franklin Fueling's listings have been updated to reflect this new structure, and other manufacturers' sections will be modified over the next several weeks.

For more information regarding additions to LG-113, contact:

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

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

## **Designated Operator Responsibilities**

The State Water Board is aware of designated operators (DOs) performing UST facility inspections where an alarm has occurred in a sump, and instead of opening the sump and inspecting as required by UST Regulations, section 2716(b)(9), will call a service technician to perform the work after the inspection without noting the compliance issue in section 3 of the *Designated UST Operator Visual Inspection Report*. The State Water Board understands that in some circumstances, the DO may not be able to physically remove the sump lid, however, the unresolved issue must be noted in section 3 with follow-up action requirements by the UST owner or operator in section 5. Further, the DO must properly complete sections 8 and 9 as shown:

8. RELEASE DETECTION ALARM HISTORY					
<b>Attach a copy of the alarm history report/log to this report.</b>	Yes	No	NA		
Is the monitoring system powered on and in proper operating mode?	<input type="checkbox"/>	<input type="checkbox"/>			
Has each alarm since the previous inspection been responded to appropriately? ( <i>Attach documentation verifying appropriate service to this report.</i> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Have all containment sumps, that have had an alarm since the previous designated UST operator inspection report, been responded to by a qualified service technician?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
9. UST SYSTEM INSPECTION					
<b>List below and in Section 3 all containment sumps that have had a release detection alarm since the previous Designated UST Operator Inspection Report and have not been responded to by a qualified service technician. Containment sumps listed below require a visual inspection for damage, water, debris, hazardous substance, and proper sensor location.</b>					
<i>Is the containment sump free of damage, water, debris, and hazardous substances?</i>					
Containment Sump ID	Yes	No	Containment Sump ID	Yes	No
Tank X Turbine Sump	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

During the visual inspection, the DO is responsible for addressing a variety of compliance issues as part of the inspection procedure. As such, by not inspecting a sump with a release detection alarm, the DO has not verified that each alarm condition was documented and responded to appropriately. UST inspectors review the Designated UST Operator Visual Inspection Report as part of the UST routine compliance inspection. Compliance issues that are not addressed or documented appropriately are violations and need to be included in the inspection report.

For more information regarding the responsibilities of designated operators, contact: Mr. Austin Lemire-Baeten at (916) 327-5612 or [Austin.Lemire-Baeten@waterboards.ca.gov](mailto:Austin.Lemire-Baeten@waterboards.ca.gov)

### Compatibility of Sealants

State Water Board staff have recently fielded questions pertaining to compatibility of materials used in UST systems that are incidental to the containment system. As described in H&SC, chapter 6.7, sections 25290.1(c), 25290.2(c), and 25291(a), compatibility is an essential property of UST containment. While not explicitly stated, product compatibility applies to adhesives, sealants, pipe dope, and related materials that are part of the containment system and therefore must be compatible.

For more information regarding compatibility, contact:  
Mr. Austin Lemire-Baeten at (916) 327-5612 or  
[Austin.Lemire-Baeten@waterboards.ca.gov](mailto:Austin.Lemire-Baeten@waterboards.ca.gov).

## Fiberglass Tanks Containing Ethanol Fuel Blends

State Water Board staff are reminding stakeholders that fiberglass USTs must have an Underwriter's Laboratory (UL) 1316 listing that explicitly includes a rating for alcohol or alcohol mixtures when storing ethanol blends above E10. For tanks installed before 1991, an affirmative statement of compatibility from the manufacturer or approval by an independent testing organization that specifically approves the tank for ethanol blends can be used if the tank does not have a UL 1316 listing that includes alcohol. State Water Board staff issued a [letter addressing ethanol compatibility](#)<sup>2</sup> in July 2015 that contains additional resources relevant to fiberglass compatibility.

For more information regarding fiberglass tanks containing ethanol fuel blends, contact:  
Mr. Austin Lemire-Baeten at (916) 327-5612 or  
[Austin.Lemire-Baeten@waterboards.ca.gov](mailto:Austin.Lemire-Baeten@waterboards.ca.gov)

## Red Tag Webpage Update

The State Water Board has recently updated the [UST Red Tag Requirements and Guidance](#)<sup>3</sup> webpage to include the latest statistics regarding red tagged facilities and significant violations for the 2021 cycle. This webpage reports the number of red tags affixed and number of significant violations per year. This data is further broken down by reporting period and type of significant violation. To note, the number of red tagged facilities is higher in 2021 than during the 2020 reporting cycle, though is roughly the average for prior years. Additionally, significant violations in 2021 were mostly issued to chronic or recalcitrant facilities. The webpage is updated semi-annually and analyzed for significant violation trends.

For more information regarding red tag webpage updates, contact:  
Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

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<sup>2</sup> [https://www.waterboards.ca.gov/ust/tech\\_notices/docs/ethanol\\_tank\\_compatibility\\_letter.pdf](https://www.waterboards.ca.gov/ust/tech_notices/docs/ethanol_tank_compatibility_letter.pdf)

<sup>3</sup> [https://www.waterboards.ca.gov/ust/enforcement/red\\_tag\\_regs\\_index.html](https://www.waterboards.ca.gov/ust/enforcement/red_tag_regs_index.html)