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## State Water Resources Control Board

~ Sent Via Email ~

January 29, 2013

### TESTING AND CERTIFICATION ANNIVERSARY DATES

To: Unified Program Agencies

This letter is intended to clarify that required testing and certification of underground storage tank (UST) components and leak detection equipment must be performed by the relevant anniversary date of the previous test or certification.

California Code of Regulations Title 23, Division 3, Chapter 16 (UST regulations), section 2638(a) requires the Monitoring System Certification to be performed every 12 months. Health and Safety Code Chapter 6.7, section 25284.2 requires spill containment structures be tested annually. If testing or certification takes place after the 12-month anniversary date, the UST owner/operator is in violation of these requirements. The 12-month reoccurring anniversary date, therefore, also prohibits the Unified Program Agency (UPA) from requiring the owner/operator to perform testing or certification beyond the anniversary date. Testing and certification must also be performed by the relevant and required anniversary date of the previous test or certification for all other reoccurring tests such as secondary containment and enhanced leak detection.

It is allowable, however, for testing or certification to take place any time before the anniversary date. Testing or certification performed before the anniversary date provides more protection than the UST regulations require. In this case, the anniversary will be "reset" to the earlier date. An owner/operator is free to perform unofficial verification tests on his or her UST system at any time without changing the anniversary date (for information regarding pre-testing please refer to letter entitled "Clarification Regarding Voluntary Pre-Testing and Preventative Maintenance for Containment Systems and Leak Detection Equipment" letter dated November 1, 2012).

It is often mutually beneficial to the UPA and the facility owner/operator to schedule testing and certification for a time and date that is convenient for both parties, but it is not a requirement to do so. Section 2638 of the UST regulations requires notification to the local agency at least 48 hours prior to testing and submittal of the Monitoring System Certification form to the local agency within 30 days of completion. The Unified Program Agency is not required to be present during testing or certification, but the owner/operator will be required to provide the UPA access to the UST system at another time for the annual inspection (as outlined in Local Guidance (LG) Letter 159 "Annual Underground Storage Tank Compliance Inspection" dated May 17, 2011).

If you have questions regarding this letter please contact Gabriel Herrera at (916) 319-9128 or [gherrera@waterboards.ca.gov](mailto:gherrera@waterboards.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Laura S Fisher".

Laura S Fisher, Chief  
UST Leak Prevention Unit and  
Office of Tank Tester Licensing

cc: Julie M. Osborn, Attorney III  
Office of Chief Counsel  
State Water Resources Control Board

Eric Binder  
Assistant Fire Marshal  
City of Santa Monica

Jason Boetzer  
Environmental Health Manager  
Calaveras County

Kasey Foley  
Program Coordinator  
San Joaquin Valley

Kerri Gibbons  
Environmental Health Specialist  
Merced County