

**STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK REGULATIONS
TITLE 23, DIVISION 3, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS**

**AMENDMENTS TO UNDERGROUND STORAGE TANK PERMITTING, INSPECTION, AND
TRAINING REGULATIONS**

TEXT OF REGULATIONS

Amend Title 23, Division 3, Chapter 16, of the California Code of Regulations to read as follows:

Article 2. General Provisions

§ 2621. Exemptions to the Regulations.

(a) The term "underground storage tank" excludes the following, except those of the following included in the definition of an underground storage tank in 40 CFR, part 280.12 as modified by paragraphs (b), (c), (d), of 40 CFR, part 280.10.

- (1) A farm tank.
- (2) A heating oil tank.
- (3) A hydraulic lift tank in accordance with section 25281(~~x~~-y) of the Health and Safety Code.
- (4) A liquefied petroleum gas tank.
- (5) A liquid asphalt tank.
- (6) A septic tank.
- (7) A sump, pit, pond, or lagoon.
- (8) A wastewater treatment tank except a tank which is part of an underground storage tank system.
- (9) A pipeline located in a refinery or in an oil field unless the pipeline is connected to an underground storage tank.
- (10) Storm water or wastewater collection systems.
- (11) Tanks containing radioactive material such as spent fuel pools, radioactive waste storage tanks, and similar tanks under the Atomic Energy Act of 1954 (42 USC 2011) and following.
- (12) An emergency containment tank kept empty to receive accidental spills and approved for such use by the appropriate local agency.
- (13) Drums located in basements and which contain 55 gallons or less of a hazardous substance.
- (14) Underground storage tanks containing hazardous wastes as defined in Section 25316 of the Health and Safety Code if the person owning or operating the underground storage tank has been issued a hazardous waste facilities permit for the underground storage tank by the Department of Toxic Substances Control pursuant to section 25200 of the Health and Safety Code or granted interim status under section 25200.5 of the Health and Safety Code.
- (15) A tank and associated piping located in a vault or basement and which meets the requirements of section 25283.5 of the Health and Safety Code.
- (16) Any structure specifically exempted by section 25281(~~x~~ y) of the Health and Safety Code.

(b) Sumps which are a part of a monitoring system required under Article 3 are considered part of the secondary containment or leak detection system of the primary containment and are required to meet the appropriate construction criteria.

(c) The owner of a farm or heating oil tank or any tank which is exempt from regulation as an underground storage tank by virtue of its use shall, prior to any change which results in the tank becoming subject to regulation, obtain a valid operating permit.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25283.5 and 25299.1, Health and Safety Code; 40 CFR 280.10, 280.12.

Article 3. New Underground Storage Tank Design, Construction, and Monitoring Requirements

§ 2632. Monitoring and Response Plan Requirements for New Underground Storage Tanks Constructed Pursuant to Section 2631.

(a) Continued.

(b) Continued.

(c) Continued.

(d) All monitoring programs shall include the following:

(1) A written procedure for monitoring, submitted on the "Underground Storage Tank Monitoring Plan" in Title 27, Division 3, Subdivision 1, Chapter 6, which establishes:

(A) The frequency of performing the monitoring;

(B) The methods and equipment, identified by name and model, to be used for performing the monitoring;

(C) The location(s), as identified on a plot plan, where the monitoring will be performed;

(D) The name(s) and title(s) of the person(s) responsible for performing the monitoring and/or maintaining the equipment;

(E) The reporting format;

(F) The preventive maintenance schedule for the monitoring equipment. The maintenance schedule shall be in accordance with the manufacturer's instructions, and;

(G) A description of the training necessary for the operation of both the tank system and the monitoring equipment.

(2) A response plan which demonstrates, to the satisfaction of the local agency, that any unauthorized release will be removed from the secondary containment system within the time consistent with the ability of the secondary containment system to contain the hazardous substance, but not more than 30 calendar days or a longer period of time as approved by the local agency. The response plan shall include, but is not limited to, the following:

(A) A description of the proposed methods and equipment to be used for removing and properly disposing of any hazardous substances, including the location and availability of the required equipment if not permanently on-site, and an equipment maintenance schedule for the equipment located on-site.

(B) The name(s) and title(s) of the person(s) responsible for authorizing any work necessary under the response plan.

(e) Continued.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281 and 25291, Health and Safety Code; 40 CFR 280.43.

§ 2634. Monitoring and Response Plan Requirements for New Underground Storage Tanks Containing Motor Vehicle Fuel and Constructed Pursuant to Section 2633.

(a) Continued.

(b) Continued.

(c) Continued.

(d) Before implementing a monitoring program, the owner or operator shall demonstrate to the satisfaction of the local agency that the program is effective in detecting an unauthorized release from the primary container before it can escape from the leak interception and detection system. A monitoring program for leak interception and detection systems shall meet the following requirements:

(1) The system shall detect any unauthorized release of the motor vehicle fuel using either:

(A) One or more of the continuous monitoring methods provided in Table 3.2. The system shall be connected to an audible and visual alarm system approved by the local agency; or,

(B) Manual monitoring. If this method is used, it shall be performed daily, except on weekends and recognized state and/or federal holidays, but no less than once in any 72 hour period. Manual monitoring may be required on a more frequent basis as specified by the local agency.

(2) The owner or operator shall prepare a written procedure for routine monitoring, submitted on the "Underground Storage Tank Monitoring Plan" in Title 27, Division 3, Subdivision 1, Chapter 6, which establishes:

(A) The frequency of performing the monitoring;

(B) The methods and equipment to be used for performing the monitoring;

(C) The location(s) where the monitoring will be performed;

(D) The name(s) and title(s) of the person(s) responsible for performing the monitoring and/or maintaining the equipment;

(E) The reporting format;

(F) The preventive maintenance schedule for the monitoring equipment. The maintenance schedule shall be in accordance with the manufacturer's instructions; and

(G) A description of the training necessary for the operation of both the tank system and the monitoring equipment.

(3) For methods of monitoring where the presence of the hazardous substance is not determined directly, for example, where liquid level measurements are used as the basis for determination (i.e., liquid level measurements), the monitoring program shall specify the proposed method(s) for determining the presence or absence of the hazardous substance if the indirect method indicates a possible unauthorized release of motor vehicle fuel.

(e) Continued.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25291 and 25292, Health and Safety Code; 40 CFR 280.41.

§ 2635. Installation and Testing Requirements for All New Underground Storage Tanks.

(a) Continued

(b) Continued

(c) Continued

(d) Owners or their agents shall certify that the installation of the tanks and piping, meets the conditions in subdivision (1) through (4) below. The certification shall be made on an ~~an "Certificate of Compliance for Underground Storage Tank Installation Form C" (see Appendix V)~~ "Underground Storage Tank Certification of Installation/Modification" form in Title 27, Division 3, Subdivision 1, Chapter 6.

(1) The installer has met the requirements set forth in section 2715, subdivisions (g) and (h);

(2) The underground storage tank, any primary piping, and any secondary containment, was installed according to applicable voluntary consensus standards and any manufacturer's written installation instructions ;

(3) All work listed in the manufacturer's installation checklist has been completed; and

(4) The installation has been inspected and approved by the local agency, or, if required by the local agency, inspected and certified by a registered professional engineer who has education and experience with underground storage tank system installations.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1, 25291 and 25299, Health and Safety Code; 40 CFR 280.20, 280.40-280.45.

§ 2636. Design, Construction, Installation, Testing, and Monitoring Requirements for Piping.

(a) Continued.

(b) Continued.

(c) Underground primary piping shall meet all of the following requirements:

(1) Primary piping in contact with hazardous substances under normal operating conditions shall be installed inside a secondary containment system which may be a secondary pipe, vault, or a lined trench. All secondary containment systems shall be sloped so that all releases will flow to a collection sump located at the low point of the underground piping.

(2) Primary piping and secondary containment systems shall be installed in accordance with an industry code of practice developed in accordance with voluntary consensus standards. The owner or operator shall certify that the piping was installed in accordance with the above requirements of section 2635(d). The certification shall be made on the "~~Certificate of Compliance for Underground Storage Tank Installation Form C~~" (see Appendix V) "Underground Storage Tank Certification of Installation/Modification" form in Title 27, Division 3, Subdivision 1, Chapter 6.

(d) Continued.

(e) Continued.

(f) Underground piping with secondary containment, including under-dispenser piping with secondary containment, shall be equipped and monitored with monitoring systems as follows:

(1) All secondary containment, including under-dispenser containment, and under-dispenser spill control or containment systems shall be equipped with a continuous monitoring system that either activates an audible and visual alarm or stops the flow of product at the dispenser when it detects a leak.

(2) Automatic line leak detectors shall be installed on underground pressurized piping and shall be capable of detecting a 3- gallon per hour leak rate at 10 psi within 1 hour with a probability of detection of at least 95 percent and a probability of false alarm no greater than 5 percent, and shall restrict or shut off the flow of product through the piping when a leak is detected.

(3) Until November 9, 2004, other monitoring methods may be used in lieu of the requirement in subdivision (2) if it is demonstrated to the satisfaction of the local agency that the alternate method is as effective as the methods otherwise required by this section. As an example, Ccontinuous monitoring systems as described in subdivision (1), which shut down the pump in addition to either activating the audible and visual alarm or stopping the flow of product at the dispenser, satisfy the automatic line leak detector requirement of subdivision (2), for purposes of this subdivision (f)(3).

(4) Monitoring shall be conducted on all underground pressurized piping with secondary containment at least annually at a pressure designated by the equipment manufacturer, provided that the method is capable of detecting a minimum release equivalent to 0.1 gallon per hour defined at 150 percent of the normal operating pressure of the product piping system at the test pressure with at least a 95 percent probability of detection and not more than a 5 percent probability of false alarm.

(5) Continuous monitoring systems as described in subdivision (f)(1) satisfy the annual tightness testing requirement of subdivision (f)(4) if both of the following conditions are met:

(A) The monitoring system shuts down the pump or stops the flow of product at the dispenser when a leak is detected in the under- dispenser containment.

(B) The monitoring system for all product piping other than that contained in the under-dispenser containment is fail safe, and shuts down the pump when a leak is detected.

(6) For emergency generator tank systems, continuous monitoring systems as described in subdivision (1), which activate an audible and visual alarm in the event of a leak or a malfunction of the monitoring system satisfy the automatic line leak detector requirement of subdivision (2), provided that the monitoring system is checked at least daily by either remote electronic access or

on-site visual inspections. A log of daily checks shall be available for local agency review upon request.

(g) Continued.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1 25291 and 25299, Health and Safety Code; and 40 CFR 280.20 and 280.40-280.45.

§ 2637. Secondary Containment Testing.

(a) Secondary containment systems installed on or after January 1, 2001 shall be tested upon installation, 6 months after installation, and every 36 months thereafter. Secondary containment systems installed prior to January 1, 2001 shall be tested by January 1, 2003 and at least every 36 months thereafter.

(b) Continued.

(c) Continued.

(d) Continued.

(e) Continued.

(f) Continued.

(g) Continued.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1, 25291 and 25292, Health and Safety Code; 40 CFR 280.41.

§ 2638. Annual Certification of Monitoring Equipment.

(a) Continued.

(b) Continued.

(c) Continued.

(d) Continued.

(e) Continued.

(f) A person conducting UST monitoring equipment certification shall affix a tag/sticker on each monitoring equipment component that is being certified, repaired, or replaced. The tag/sticker shall be placed in a readily visible location and shall include the date the UST component was certified, repaired, or replaced, and the contractor's or tank tester's license number.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1, 25291 and 25292, Health and Safety Code; 40 CFR 280.41.

Article 6. Underground Storage Tank Repair and Upgrade Requirements

§ 2661. Requirements for Repairing Underground Storage Tank.

(a) Continued.

(b) Continued.

(c) A tank may be repaired once using the interior lining method specified in section 2663. A previously lined tank may not be ~~required-repaired~~ repaired using the interior lining method.

(d) Continued.

(e) Continued.

(f) Continued.

(g) Continued.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Section 25296, Health and Safety Code; 40 CFR 280.33.

§ 2666. Requirements for Upgrading Underground Piping.

(a) Continued.

(b) Continued.

(c) Continued.

(d) Continued.

(e) By December 31, 2003, all existing underground storage tanks shall be retrofitted with under-dispenser containment, or an under-dispenser spill containment or control system. The under-dispenser containment or under-dispenser spill containment or control system shall meet, where applicable, the requirements of ~~2636(h)(2), or 2636(h)(3)~~ 2636(g).

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1, 25292 and 25292.1, Health and Safety Code; 40 CFR 280.21.

Article 10. Permit Application, Quarterly Report and Trade Secret Request Requirements

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§ 2711. Information and Application for Permit to Operate an Underground Storage Tank.

(a) The permit application shall include, but not be limited to, the following information to the extent such information is known to the permit applicant:

(1) The name and address of the person who owns the underground storage tank or tanks.

- (2) The name, location, mailing address, and telephone number where the underground storage tank is located, and type of business involved, if any.
- (3) The name, address, and telephone numbers of the underground storage tank operator and 24-hour emergency contact person.
- (4) The name and telephone number of the person making the application.
- (5) A description of the underground storage tank including, but not limited to, the underground storage tank manufacturer, date of installation and tank capacity.
- (6) Construction details of the underground storage tank and any auxiliary equipment including, but not limited to, type of primary containment, type of secondary containment (if applicable), spill and overfill prevention equipment, interior lining, and corrosion protection (if applicable).
- (7) A description of the piping including, but not limited to, the type of piping system, construction, material, corrosion protection and leak detection.
- (8) A scaled diagram or design or as-built drawing which indicates the location of the underground storage tank (underground storage tank, piping, auxiliary equipment) with respect to buildings or other landmarks.
- (9) The description of the proposed monitoring program including, but not limited to, the following where applicable:
 - (A) Visual inspection procedures;
 - (B) Underground storage tank release detection methods or inspection procedures;
 - (C) Inventory reconciliation including gauging and reconciliation methods;
 - (D) Piping leak detection methods;
 - (E) Vadose zone sampling locations, and methods and analysis procedures;
 - (F) Ground water well(s) locations construction and development methods, sampling, and analysis procedures; and
- (10) A list of all the substances which have been, are currently, or are proposed to be stored in the underground storage tank or tanks.
- (11) Documentation to show compliance with state and federal financial responsibility requirements applicable to underground storage tanks containing petroleum.
- (12) If the owner or operator of the underground storage tank is a public agency, the application shall include the name of the supervisor of the division, section, or office which operates the underground storage tank.
- (13) The permit application shall be signed by:
 - (A) The underground storage tank owner, underground storage tank operator, facility owner or facility operator, ~~of the underground storage tank~~ or a duly authorized representative of the owner; or,

(B) If the tank or facility is owned by a corporation, partnership, or public agency, the application shall be signed by:

1. A principal executive officer at the level of vice-president or by an authorized representative. The representative shall be responsible for the overall operation of the facility where the underground storage tank(s) are located; or,
2. A general partner proprietor; or,
3. A principal executive officer, ranking elected official, or authorized representative of a public agency.

(b) The owner or operator shall inform the local agency of any changes to the information provided in accordance with subsection (a) within 30 calendar days unless required to obtain approval before making the change.

(c) The permit applications, "Underground Storage Tank Operating Permit Application- ~~Form A~~ Facility Information," ~~dated 5-94~~ and "Underground Storage Tank Operating Permit Application-~~Form B~~ Tank Information," ~~dated 12-94~~ and "Underground Storage Tank Monitoring Plan" in Title 27, Division 3, Subdivision 1, Chapter 6, shall be accompanied by the local government and state surcharge fees.

~~(d) The local agency shall provide the California Association of Environmental Health Administrators with copies of permit applications in accordance with Chapter 6.7 of the Health and Safety Code.~~

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25286 and 25287, Health and Safety Code.

§2713. Local Agency Reporting Requirements.

(a) Each local agency shall transmit unauthorized release information, submitted by the owner or operator, to the appropriate regional board.

(b) Local agencies shall transmit unauthorized release update report information, submitted by the owner or operator pursuant to section 2712, to the appropriate regional board for sites where they are overseeing cleanup. Local agencies shall transmit this unauthorized release update information on a quarterly schedule established by the board.

(c) On a ~~quarterly~~ semi-annual basis, each local agency shall send to the board, information pertaining to local underground storage tank program implementation and enforcement activities. This information shall be submitted using "Semi-Annual Underground Storage Tank Program Report 6" as specified in Title 27, section 15290, and shall include, but not be limited to the number of:

- (1) tanks subject to regulation
- (2) regulated facilities
- (3) facility inspections conducted
- (4) inspected facilities in compliance with leak~~release~~ detection and release prevention requirements
- ~~(5) facilities that received formal and informal enforcement action~~
- (6) underground storage tank systems that received a red tag pursuant to Article 10.5, including:
 - (A) the name and address of the facility at which the tank system is located;
 - (B) the names of the owner and operator of the tank system;
 - (C) the red tag's identification number;
 - (D) the date the red tag was affixed to the tank system;

- (E) the specific violation for which the tank system received the red tag;
- (F) the date the red tag was removed from the tank system.

(d) Local agencies shall report formal and informal enforcement actions using "Annual Enforcement Summary Report 4" as specified in Title 27, section 15290.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25286 and 25292.3, Health and Safety Code;

**Appendix V
Reserved.**

Certificate of Tank and Pipe Installations

The owner or operator shall use the form below to certify that the underground storage tank and piping were installed properly.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM A



COMPLETE THIS FORM FOR EACH FACILITY/SITE

MARK ONLY ONE ITEM	<input type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 2 RENEWAL PERMIT	<input type="checkbox"/> 3 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED SITE
	<input type="checkbox"/> 8 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY SITE CLOSURE	

I. FACILITY/SITE INFORMATION & ADDRESS - (MUST BE COMPLETED)

D&A OR FACILITY NAME		NAME OF OPERATOR	
ADDRESS		NEAREST CROSS STREET	PHONE # (OPTIONAL)
CITY NAME	STATE CA	ZIP CODE	SITE PHONE # WITH AREA CODE
<input checked="" type="checkbox"/> SOI TO INDICATE <input type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> LOCAL AGENCY DISTRICTS <input type="checkbox"/> COUNTY AGENCY <input type="checkbox"/> STATE AGENCY <input type="checkbox"/> FEDERAL AGENCY			
TYPE OF BUSINESS		<input type="checkbox"/> IF INDIAN RESERVATION OR TRUST LANDS	# OF TANKS AT SITE E. P. A. I. D. # (optional)
<input type="checkbox"/> 1 GAS STATION <input type="checkbox"/> 2 DISTRIBUTOR <input type="checkbox"/> 3 FARM <input type="checkbox"/> 4 PROCESSOR <input type="checkbox"/> 5 OTHER			

EMERGENCY CONTACT PERSON (PRIMARY)

EMERGENCY CONTACT PERSON (SECONDARY) - optional

DAYS: NAME (LAST, FIRST)	PHONE # WITH AREA CODE	DAYS: NAME (LAST, FIRST)	PHONE # WITH AREA CODE
NIGHTS: NAME (LAST, FIRST)	PHONE # WITH AREA CODE	NIGHTS: NAME (LAST, FIRST)	PHONE # WITH AREA CODE

II. PROPERTY OWNER INFORMATION - (MUST BE COMPLETED)

NAME	CARE OF ADDRESS INFORMATION		
MAILING OR STREET ADDRESS	<input checked="" type="checkbox"/> Use to indicate <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> STATE AGENCY <input type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> COUNTY AGENCY <input type="checkbox"/> FEDERAL AGENCY		
CITY NAME	STATE	ZIP CODE	PHONE # WITH AREA CODE

III. TANK OWNER INFORMATION - (MUST BE COMPLETED)

NAME OF OWNER	CARE OF ADDRESS INFORMATION		
MAILING OR STREET ADDRESS	<input checked="" type="checkbox"/> Use to indicate <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> STATE AGENCY <input type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> COUNTY AGENCY <input type="checkbox"/> FEDERAL AGENCY		
CITY NAME	STATE	ZIP CODE	PHONE # WITH AREA CODE

IV. BOARD OF EQUALIZATION UST STORAGE FEE ACCOUNT NUMBER - Call (916) 323-9566 if questions arise.

TY (TK) HQ -

V. PETROLEUM UST FINANCIAL RESPONSIBILITY - (MUST BE COMPLETED) - IDENTIFY THE METHOD(S) USED

<input checked="" type="checkbox"/> See instructions	<input type="checkbox"/> SELF INSURED	<input type="checkbox"/> GUARANTEE	<input type="checkbox"/> INSURANCE	<input type="checkbox"/> SURETY BOND
	<input type="checkbox"/> LETTER OF CREDIT	<input type="checkbox"/> EXEMPTION	<input type="checkbox"/> IN OTHER	

VI. LEGAL NOTIFICATION AND BILLING ADDRESS Legal notification and billing will be sent to the tank owner unless box I or II is checked.

CHECK ONE BOX INDICATING WHICH ABOVE ADDRESS SHOULD BE USED FOR LEGAL NOTIFICATIONS AND BILLING: I. II. III.

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

APPLICANT'S NAME (PRINTED & SIGNATURE)	APPLICANT'S TITLE	DATE	MONTH-DAY-YEAR
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LOCAL AGENCY USE ONLY

COUNTY # <input type="text" value=""/> <input type="text" value=""/>	JURISDICTION # <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	FACILITY # <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>
LOCATION CODE - OPTIONAL	CENSUS TRACT # - OPTIONAL	SUPERVISOR - DISTRICT CODE - OPTIONAL

THIS FORM MUST BE ACCOMPANIED BY AT LEAST (1) OR MORE PERMIT APPLICATION - FORM B, UNLESS THIS IS A CHANGE OF SITE INFORMATION ONLY.
FORM A (5-91) FORM B 4.5

INSTRUCTIONS FOR COMPLETING FORM "A"

GENERAL INSTRUCTIONS:

1. One FORM "A" shall be completed for all **NEW PERMITS, PERMIT CHANGES** or any **FACILITY/SITE INFORMATION CHANGES**.
2. **SUBMIT ONLY ONE (1) FORM "A"** for a Facility/Site, regardless of the number of tanks located at the site.
3. This form should be completed by either the **PERMIT APPLICANT** or the **LOCAL AGENCY UNDERGROUND TANK INSPECTOR**.
4. Please type or print clearly all requested information.
5. Use a hand point writing instrument, you are making 3 copies.

TOP OF FORM: "MARK ONLY ONE ITEM"

Mark an (X) in the box next to the item that best describes the reason the form is being completed.

I. FACILITY/SITE INFORMATION & ADDRESS (MUST BE COMPLETED)

1. Record name and address (physical location) of the underground tank(s).
NOTE: Address **MUST** have a valid physical location including city, state, and zip code.
P.O. BOX NUMBERS ARE NOT ACCEPTABLE.
Include nearest cross street and name of the operator.
2. Phone number must have an area code. If the night number is the same, write "SAME" in proper location.
3. Check the appropriate box for **TYPE OF BUSINESS OWNERSHIP** (ex. CORPORATION, INDIVIDUAL, etc.)
4. Check the appropriate box for **TYPE OF BUSINESS**.
5. If Facility/Site is located within an Indian reservation or other Indian trust lands, check the box marked "YES".
6. Indicate the **NUMBER OF TANKS** at this **SITE**.
7. Record the **E.P.A. ID #** or write "NONE" in the space provided.

II. PROPERTY OWNER INFORMATION & ADDRESS (MUST BE COMPLETED)

Complete all items in this section, unless all items are the same as **SECTION I**; if the same, write "SAME AS SITE" across this section. Be sure to check **PROPERTY OWNERSHIP TYPE** box.

III. TANK OWNER INFORMATION & ADDRESS (MUST BE COMPLETED)

Complete all items in this section, unless all items are the same as **SECTION I**; if the same, write "SAME AS SITE" across this section. Be sure to check **TANK OWNERSHIP TYPE** box.

IV. BOARD OF EQUALIZATION UST STORAGE FEE ACCOUNT NUMBER (MUST BE COMPLETED)

Enter your Board of Equalization (BOE) UST storage fee account number which is required before your permit application can be processed. Registration with the BOE will ensure that you will receive a quarterly storage fee return in reporting the \$0.006 (6 mills) per gallon fee due on the number of gallons placed in your USTs. The BOE will code persons exempt from paying the storage fee so returns will not be sent. If you do not have an account number with the BOE or if you have any questions regarding the fee or exemptions please call the BOE at 916-323-9555 or write to the BOE at the following address: Board of Equalization, Environmental Fees Unit, P.O. Box 942879, Sacramento, CA 94279-0001.

V. PETROLEUM UST FINANCIAL RESPONSIBILITY (MUST BE COMPLETED)

Identify the method(s) used by the owner and/or operator in meeting the Federal and State financial responsibility requirements. USTs owned by any Federal or State agency are exempt from this requirement.

VI. LEGAL NOTIFICATION AND BILLING ADDRESS

Check **ONE BOX** for the address that will be used for **BOTH LEGAL AND BILLING NOTIFICATIONS**.

APPLICANT MUST SIGN AND DATE THE FORM AS INDICATED.

INSTRUCTION FOR THE LOCAL AGENCIES

The county and jurisdiction numbers are predetermined and can be obtained by calling the State Board (916)739-2421. The facility number may be assigned by the local agency; however, this number must be numerical and cannot contain any alphabetical. If the local agency prefers the State Board to assign the facility number, please leave it blank.

IT IS THE RESPONSIBILITY OF THE LOCAL AGENCY THAT INSPECTS THE FACILITY TO VERIFY THE ACCURACY OF THE INFORMATION. THIS APPLICATION CANNOT BE PROCESSED IF THE BOE ACCOUNT NUMBER IS NOT FILLED IN. THE LOCAL AGENCY IS RESPONSIBLE FOR THE COMPLETION OF THE "LOCAL AGENCY USE ONLY" INFORMATION BOX AND FOR FORWARDING ONE FORM "A" AND ASSOCIATED FORM "B"(a) TO THE FOLLOWING ADDRESS.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
C/O S.W.R.C.B.
DATA PROCESSING CENTER
P.O. BOX 527
PARAMOUNT, CA 90723

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B



COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM

MARK ONLY ONE ITEM	<input type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 REMOVAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED ON SITE
	<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY TANK CLOSURE	<input type="checkbox"/> 8 TANK REMOVED

OWNER OR FACILITY NAME WHERE TANK IS INSTALLED:

I. TANK DESCRIPTION COMPLETE ALL ITEMS - SPECIFY IF UNKNOWN

A. OWNER'S TANK I.D.#	B. MANUFACTURED BY:
C. DATE INSTALLED (MO/DAY/YEAR)	D. TANK CAPACITY IN GALLONS:

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEMS:

A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL	<input type="checkbox"/> 4 OIL	B. <input type="checkbox"/> 1 PRODUCT	C. <input type="checkbox"/> 14 REGULAR UNLEADED	<input type="checkbox"/> 5 DIESEL	<input type="checkbox"/> 8 AVIATION GAS
<input type="checkbox"/> 2 PETROLEUM	<input type="checkbox"/> 3 NO EMPTY	<input type="checkbox"/> 2 WASTE	<input type="checkbox"/> 15 PREMIUM UNLEADED	<input type="checkbox"/> 6 GASAHOL	<input type="checkbox"/> 7 METHANOL
<input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 5 UNKNOWN		<input type="checkbox"/> 7 LEADED	<input type="checkbox"/> 9 JET FUEL	<input type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)
D. IF A-1 IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED					C.A.S.#:

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E

A. TYPE OF SYSTEM	<input type="checkbox"/> 1 DOUBLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER	<input type="checkbox"/> 55 UNKNOWN
	<input type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 4 SECONDARY CONTAINMENT (VAULTED TANK)	<input type="checkbox"/> 99 OTHER
B. TANK MATERIAL (Primary Tank)	<input type="checkbox"/> 1 BARE STEEL	<input type="checkbox"/> 2 STAINLESS STEEL	<input type="checkbox"/> 3 FIBERGLASS
	<input type="checkbox"/> 4 CONCRETE	<input type="checkbox"/> 5 POLYVINYL CHLORIDE	<input type="checkbox"/> 6 ALUMINUM
	<input type="checkbox"/> 7 BRONZE	<input type="checkbox"/> 8 GALVANIZED STEEL	<input type="checkbox"/> 95 UNKNOWN
			<input type="checkbox"/> 99 OTHER
C. INTERIOR LINING	<input type="checkbox"/> 1 RUBBER LINING	<input type="checkbox"/> 2 ALKYLE LINING	<input type="checkbox"/> 3 EPOXY LINING
	<input type="checkbox"/> 4 GLASS LINING	<input type="checkbox"/> 5 UNLINED	<input type="checkbox"/> 6 PHENOLIC LINING
			<input type="checkbox"/> 95 UNKNOWN
			<input type="checkbox"/> 99 OTHER
IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES <input type="checkbox"/> NO <input type="checkbox"/>			
D. CORROSION PROTECTION	<input type="checkbox"/> 1 POLYETHYLENE WRAP	<input type="checkbox"/> 2 COATINGS	<input type="checkbox"/> 3 VINYL WRAP
	<input type="checkbox"/> 4 CATHODIC PROTECTION	<input type="checkbox"/> 5 NONE	<input type="checkbox"/> 6 FIBERGLASS REINFORCED PLASTIC
			<input type="checkbox"/> 95 UNKNOWN
			<input type="checkbox"/> 99 OTHER
E. SPILL AND OVERFILL	SPILL CONTAINMENT INSTALLED (YEAR) _____		OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) _____

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE

A. SYSTEM TYPE	A U 1 SUCTION	A U 2 PRESSURE	A U 3 GRAVITY	A U 99 OTHER
B. CONSTRUCTION	A U 1 SINGLE WALL	A U 2 DOUBLE WALL	A U 3 LINED TRENCH	A U 95 UNKNOWN
				A U 99 OTHER
C. MATERIAL AND CORROSION PROTECTION	A U 1 BARE STEEL	A U 2 STAINLESS STEEL	A U 3 POLYVINYL CHLORIDE (PVC)	A U 4 FIBERGLASS PIPE
	A U 5 ALUMINUM	A U 6 CONCRETE	A U 7 STEEL W/COATINGS	A U 8 100% METHANOL COMPATIBLE W/FP
	A U 9 GALVANIZED STEEL	A U 10 CATHODIC PROTECTION	A U 95 UNKNOWN	A U 99 OTHER
D. LEAK DETECTION	<input type="checkbox"/> 1 AUTOMATIC LINE LEAK DETECTOR	<input type="checkbox"/> 2 LINE TIGHTNESS TESTING	<input type="checkbox"/> 3 INTERSTITIAL MONITORING	<input type="checkbox"/> 99 OTHER

V. TANK LEAK DETECTION

<input type="checkbox"/> 1 VISUAL CHECK	<input type="checkbox"/> 2 INVENTORY RECONCILIATION	<input type="checkbox"/> 3 VADZE MONITORING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING	<input type="checkbox"/> 5 GROUND WATER MONITORING
<input type="checkbox"/> 6 TANK TESTING	<input type="checkbox"/> 7 INTERSTITIAL MONITORING	<input type="checkbox"/> 8 NONE	<input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER

VI. TANK CLOSURE INFORMATION

1. ESTIMATED DATE LAST USED (MO/DAY/YR)	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING _____ GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? YES <input type="checkbox"/> NO <input type="checkbox"/>
---	--	--

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

APPLICANT'S NAME (PRINTED & SIGNATURE)	DATE
--	------

LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW

STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #	TANK #
PERMIT NUMBER	PERMIT APPROVED BY/DATE	PERMIT EXPIRATION DATE		

INSTRUCTIONS FOR COMPLETING FORM "B"

GENERAL INSTRUCTIONS:

1. One FORM "B" shall be completed for each tank for all NEW PERMITS, PERMIT CHANGES, REMOVALS and/or any other TANK INFORMATION CHANGE.
2. This form should be completed by either the PERMIT APPLICANT or the LOCAL AGENCY UNDERGROUND TANK INSPECTOR.
3. Please type or print clearly all requested information.
4. Use a hard point writing instrument, you are making 3 copies.

TOP OF FORM: "MARK ONLY ONE ITEM"

1. Mark an (X) in the box next to the item that best describes the reason the form is being completed.
2. Indicate the ODA or Facility name where the tank is installed.

I. TANK DESCRIPTION - COMPLETE ALL ITEMS - IF UNKNOWN - SO SPECIFY

- A. Indicate owners tank ID # - If there is a tank number that is used by the owner to identify the tank (ex. AU70789).
- B. Indicate the name of the company that manufactured the tank (ex. ACMI TANK MFG).
- C. Indicate the year the tank was installed (ex. 1987).
- D. Indicate the tank capacity in gallons (ex. 25,000 or 10,000 etc).

II. TANK CONTENTS

- A. 1. If MOTOR VEHICLE FUEL, check box 1 and complete items B & C.
2. If not MOTOR VEHICLE FUEL, check the appropriate box in section A and complete items B & D.
- B. Check the appropriate box.
- C. Check the type of MOTOR VEHICLE FUEL. (if box 1 is checked in A).
- D. Print the chemical name of the hazardous substance stored in the tank and the C.A.S.#. (Chemical Abstract Service number), if box 1 is NOT checked in A.

III. TANK CONSTRUCTION - MARK ONE ITEM ONLY IN BOX A, B, C & D

1. Check only one item in TYPE OF SYSTEM, TANK MATERIAL, INTERIOR LINING and CORROSION PROTECTION.
2. If OTHER, print in the space provided.

IV. PIPING INFORMATION

1. Circle A if above ground, circle U if underground, and circle both if applicable.
2. If UNKNOWN, circle: or if OTHER, print in space provided.
3. Indicate the LEAK DETECTION system(s) used to comply with the monitoring requirement for the piping.

V. TANK LEAK DETECTION

1. Indicate the LEAK DETECTION system(s) used to comply with the monitoring requirements for the tank.

VI. INFORMATION ON TANK PERMANENTLY CLOSED IN PLACE

1. ESTIMATED DATE LAST USED - MONTH/YEAR (January, 1988 or 01/88).
2. ESTIMATED QUANTITY of HAZARDOUS SUBSTANCE remaining in the tank (in Gallons).
3. WAS TANK FILLED WITH INERT MATERIAL? Check "Yes" or "NO".

APPLICANT MUST SIGN AND DATE THE FORM AS INDICATED.

INSTRUCTION FOR THE LOCAL AGENCIES

The state underground storage tank identification number is composed of the two digit county number, the three digit jurisdiction number, the six digit facility number and the six digit tank number. The county and jurisdiction numbers are predetermined and can be obtained by calling the State Board (916)739-2421. The facility number must be the same as shown in form "A". The tank number may be assigned by the local agency; however, this number must be numerical and cannot contain an alphabet. If the local agency prefers the State Board to assign the tank number, please leave it blank.

IT IS THE RESPONSIBILITY OF THE LOCAL AGENCY THAT INSPECTS THE FACILITY TO VERIFY THE ACCURACY OF THE INFORMATION. THE LOCAL AGENCY IS RESPONSIBLE FOR THE COMPLETION OF THE "LOCAL AGENCY USE ONLY" INFORMATION BOX AND FOR FORWARDING ONE FORM "A" AND ASSOCIATED FORM "B"(s) TO THE FOLLOWING ADDRESS.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
C/O SWLEP.S.
DATA PROCESSING CENTER
P.O. BOX 527
PARAMOUNT, CA 90721

INSTRUCTIONS FOR COMPLETING FORM "C": TANK INSTALLATION CERTIFICATION

GENERAL INSTRUCTIONS

1. Each tank system must be in compliance with the federal and state technical standards, contained in law and regulations, for tank and piping installation.
 2. This certification shall be completed by either the UST owner or representative.
 3. One certification is required for each tank system. This form shall be used to make the required certification.
 4. Please type or print clearly all requested information (for printing, please use a hard point writing instrument).
 5. Submit the completed certification to the appropriate Local Implementing Agency.
- I. **INSTALLATION: MARK ALL OF THE ITEMS THAT APPLY TO INDICATE THAT THE INSTALLATION REQUIREMENTS ARE MET.**
- II. **OATH: THE TANK OWNER OR AGENT SHALL CERTIFY, BY SIGNING THE CERTIFICATION, THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT. THE PERSON'S NAME SHOULD BE PRINTED UNDER THE SIGNATURE.**

Appendix VI

(Copies of Monitoring System Certification form and UST Monitoring Plot Plan available at <http://www.swrcb.ca.gov>.)

MONITORING SYSTEM CERTIFICATION

For Use By All Jurisdictions Within the State of California

Authority Cited: Chapter 6.7, Health and Safety Code; Chapter 16, Division 3, Title 23, California Code of Regulations

This form must be used to document testing and servicing of monitoring equipment. A separate certification or report must be prepared for each monitoring system control panel by the technician who performs the work. A copy of this form must be provided to the tank system owner/operator. The owner/operator must submit a copy of this form to the local agency regulating UST systems within 30 days of test date.

A. General Information

Facility Name: _____ Bldg. No.: _____

Site Address: _____ City: _____ Zip: _____

Facility Contact Person: _____ Contact Phone No.: (____) _____

Make/Model of Monitoring System: _____ Date of Testing/Servicing: ____/____/____

B. Inventory of Equipment Tested/Certified

Check the appropriate boxes to indicate specific equipment inspected/serviced:

Tank ID: _____ In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).	Tank ID: _____ In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).
Tank ID: _____ In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).	Tank ID: _____ In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).
Dispenser ID: _____ Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).	Dispenser ID: _____ Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).
Dispenser ID: _____ Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).	Dispenser ID: _____ Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).
Dispenser ID: _____ Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).	Dispenser ID: _____ Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).

*If the facility contains more tanks or dispensers, copy this form. Include information for every tank and dispenser at the facility.

C. Certification - I certify that the equipment identified in this document was inspected/serviced in accordance with the manufacturers' guidelines. Attached to this Certification is information (e.g. manufacturers' checklists) necessary to verify that this information is correct and a Plot Plan showing the layout of monitoring equipment. For any equipment capable of generating such reports, I have also attached a copy of the report; (check all that apply):
 System set-up Alarm history report

Technician Name (print): _____ Signature: _____

Certification No.: _____ License. No.: _____

Testing Company Name: _____ Phone No.:(____) _____

Site-Testing Company Address: _____ Date of Testing/Servicing: ____/____/____

F. In-Tank Gauging / SIR Equipment:

Check this box if tank gauging is used only for inventory control.
 Check this box if no tank gauging or SIR equipment is installed.

This section must be completed if in-tank gauging equipment is used to perform leak detection monitoring.

Complete the following checklist:

Yes	No*	Has all input wiring been inspected for proper entry and termination, including testing for ground faults?
Yes	No*	Were all tank gauging probes visually inspected for damage and residue buildup?
Yes	No*	Was accuracy of system product level readings tested?
Yes	No*	Was accuracy of system water level readings tested?
Yes	No*	Were all probes reinstalled properly?
Yes	No*	Were all items on the equipment manufacturer's maintenance checklist completed?

* In the Section H, below, describe how and when these deficiencies were or will be corrected.

G. Line Leak Detectors (LLD):

Check this box if LLDs are not installed.

Complete the following checklist:

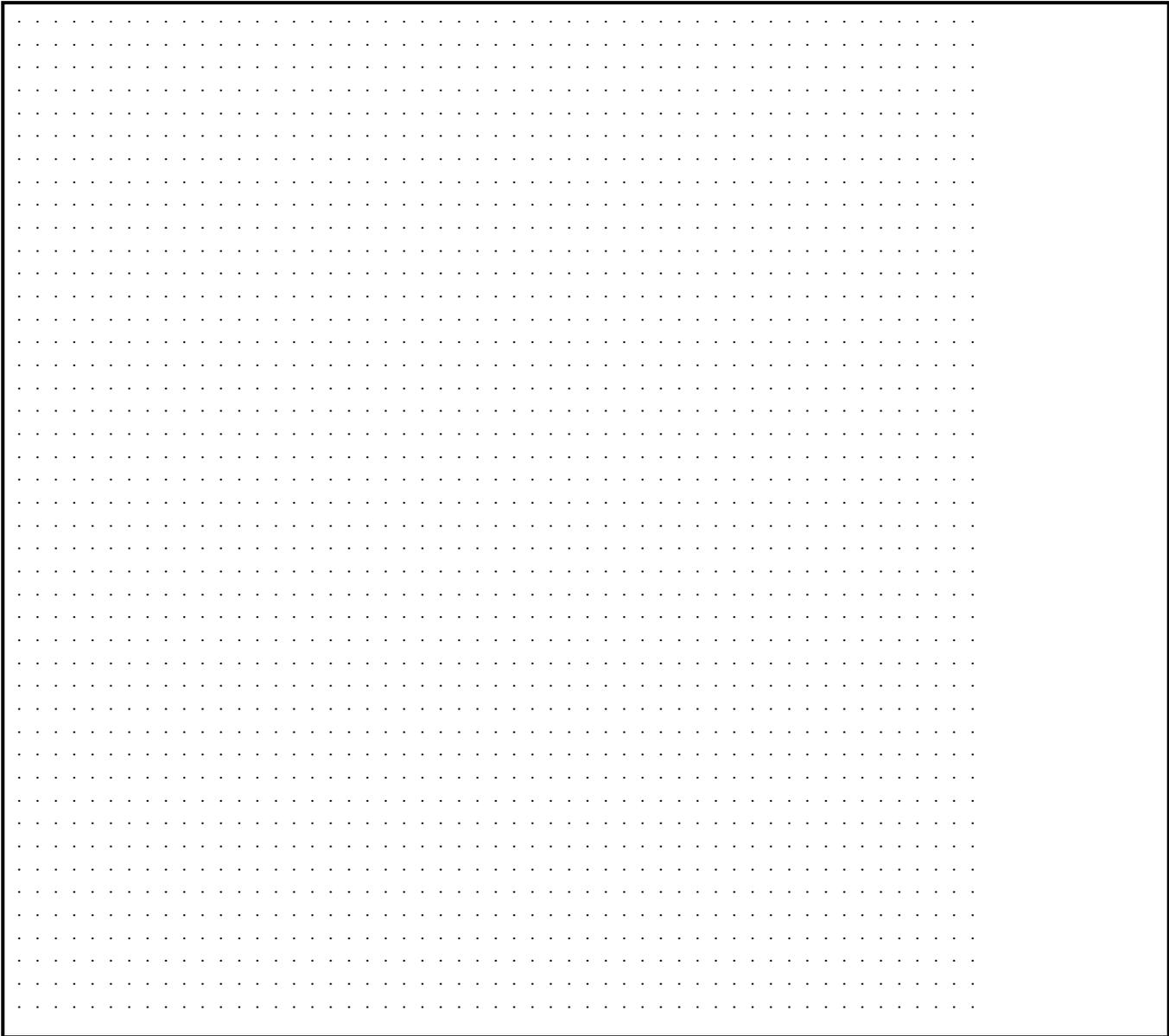
Yes	No* N/A	For equipment start-up or annual equipment certification, was a leak simulated to verify LLD performance? <i>(Check all that apply)</i> Simulated leak rate: 3 g.p.h.; 0.1 g.p.h; 0.2 g.p.h.
Yes	No*	Were all LLDs confirmed operational and accurate within regulatory requirements?
Yes	No*	Was the testing apparatus properly calibrated?
Yes	No* N/A	For mechanical LLDs, does the LLD restrict product flow if it detects a leak?
Yes	No* N/A	For electronic LLDs, does the turbine automatically shut off if the LLD detects a leak?
Yes	No* N/A	For electronic LLDs, does the turbine automatically shut off if any portion of the monitoring system is disabled or disconnected?
Yes	No* N/A	For electronic LLDs, does the turbine automatically shut off if any portion of the monitoring system malfunctions or fails a test?
Yes	No* N/A	For electronic LLDs, have all accessible wiring connections been visually inspected?
Yes	No*	Were all items on the equipment manufacturer's maintenance checklist completed?

* In the Section H, below, describe how and when these deficiencies were or will be corrected.

H. Comments:

UST Monitoring Site Plan

Site Address: _____



Date map was drawn: ____/____/____.

Instructions

If you already have a diagram that shows all required information, you may include it, rather than this page, with your Monitoring System Certification. On your site plan, show the general layout of tanks and piping. Clearly identify locations of the following equipment, if installed: monitoring system control panels; sensors monitoring tank annular spaces, sumps, dispenser pans, spill containers, or other secondary containment areas; mechanical or electronic line leak detectors; and in-tank liquid level probes (if used for leak detection). In the space provided, note the date this Site Plan was prepared.

**STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK REGULATIONS
TITLE 23, DIVISION 3, CHAPTER 16, CCR**

INITIAL STATEMENT OF REASONS

PROBLEM, REQUIREMENT, OR OTHER CONDITION ADDRESSED

These proposed regulations amend sections 2621, 2632, 2634, 2635, 2636, 2637, 2638, 2661, 2666, 2711 and 2713, delete the forms and instructions in Appendix V, and amend the form in Appendix VI following section 2714, in Title 23 of the California Code of Regulations (CCR). These regulatory changes are needed in order to correct non-substantive errors in the current regulations and to implement the underground storage tank (UST) permit application and data reporting requirements of Health and Safety Code, Chapter 6.7, sections 25286 and 25299.7. Many of the amendments proposed by the State Water Resources Control Board (State Water Board) are made to conform to amendments proposed by the California Environmental Protection Agency (CalEPA) through a concurrent rulemaking.

These amendments to CCR, Title 23 (hereafter Title 23) will:

1. Amend the references to UST operating permit application "Form A," "Form B," and "Form C" throughout Title 23, Chapter 16. These amendments reflect concurrent regulatory changes to the title and content of these forms that were previously revised and relocated from Title 23, Appendix V (following § 2714) to CCR, Title 27, Division 3, Subdivision 1, Chapter 6.
2. Specify that UST owners and operators use a new standard form for submitting new and previously required information on procedures for monitoring. The new standard form is being concurrently adopted into CCR, Title 27, Division 3, Subdivision 1, Chapter 6, by CalEPA. This standard form will make it easier for owners and operators to provide complete and accurate information about their monitoring program, and will promote consistency among the more than 100 local regulatory agencies implementing the UST program in California.
3. Specify that local regulatory agencies use a new reporting format for submitting new and previously required information on UST statistics, inspections, and enforcement activities. The new standard form is being concurrently adopted into CCR, Title 27, Division 3, Subdivision 1, Chapter 6, by CalEPA.
4. Make several non-substantive clarifications and corrections to unclear sections or erroneous citations and references within Title 23, Chapter 16.

General Statement of Reasons

California's Legislature enacted Health and Safety Code (HSC) Chapter 6.7 in 1984, creating a regulatory program for USTs storing hazardous substances. Since then, the Legislature has amended Chapter 6.7 in response to federal mandates relating to USTs, or new information regarding changing industry practices and/or the performance of USTs meeting then current UST regulatory standards in California. Various amendments to Chapter 6.7 in recent years have imposed new construction and monitoring

requirements for USTs that cannot be documented properly on the UST permit application forms currently in regulation. Therefore, updated versions of the UST permit application forms are needed.

The UST permit application forms, revised and relocated from Title 23 to CCR, Title 27, Division 3, Subdivision 1, Chapter 6 via a 1999 CalEPA rulemaking, are concurrently amended by CalEPA. The revised forms, as well as a new standardized monitoring plan form, are designed to be easier and less time consuming for local regulatory agencies, UST owners and operators to complete. Additionally, the Report 6 used by CUPAs is revised via concurrent CalEPA rulemaking to standardize Red Tag reporting and to meet US EPA UST data reporting requirements. This rulemaking updates each of the Title 23 references to the amended permit application forms and Report 6.

EFFORT TO AVOID DUPLICATON OR CONFLICTS WITH FEDERAL REGULATIONS

Based on careful review of the federal UST statutes and regulations, the State Water Board has determined that none of the proposed regulations conflicts with, or duplicates, federal rules. The State Water Board proposes to adopt these regulations, which are different from federal regulations, because Health and Safety Code, Chapter 6.7, section 25286 requires submittal of information that differs from federal requirements.

ALTERNATIVES CONSIDERED

The State Water Board has considered alternatives to these regulations. Alternatives considered are discussed in the Detailed Statement of Reasons below. The State Water Board has determined that no alternative to these regulations would be more effective or as effective and less burdensome to the affected industry, local governments, and state agencies than the proposed regulations.

DETAILED STATEMENT OF REASONS

The specific reason for each amended, moved, renumbered, added, or deleted regulation is summarized below.

Section 2621. Exemptions to the Regulations.

Subdivisions (a)(3) and (a)(16) are amended to correct an erroneous reference to a section of Health and Safety Code, Chapter 6.7. The definition of the term “underground storage tank” is found in Chapter 6.7, section 25281(y), not 25281(x) as currently referenced. This is a non-substantive change.

Section 2632. Monitoring and Response Plan Requirements for New Underground Storage Tanks Constructed Pursuant to Section 2631

Subdivision (d)(1) is amended to require that the written procedure for monitoring must be submitted on a standardized form that is added to Title 27 via concurrent rulemaking. Current regulations require submittal of written monitoring procedures. This amendment does not require submittal of new information, but specifies the format in which the currently required information must be submitted. Requiring a standardized form will promote consistency in recordkeeping, and has significant benefits for local regulatory agencies and UST owners. Local regulatory agencies have often indicated that the written monitoring plans currently submitted by UST owners and operators are inaccurate and do not provide adequate detail. UST owners who operate facilities within multiple regulatory jurisdictions have commented that it is burdensome to submit written monitoring procedures in various formats and levels of detail depending on the regulatory jurisdiction. Both of these concerns are resolved by requiring use of a standardized form.

Section 2634. Monitoring and Response Plan Requirements for New Underground Storage Tanks Constructed Pursuant to Section 2633.

Subdivision (d)(2) is amended to require that the written procedure for monitoring must be submitted on a standardized form that is added to Title 27 via concurrent rulemaking. Current regulations require submittal of written monitoring procedures. This amendment does not require submittal of new information, but specifies the format in which the currently required information must be submitted. Requiring a standardized form will promote consistency in recordkeeping, and has significant benefits for local regulatory agencies and UST owners. Local regulatory agencies have often indicated that the written monitoring plans currently submitted by UST owners and operators are inaccurate and do not provide adequate detail. UST owners who operate facilities within multiple regulatory jurisdictions have commented that it is burdensome to submit written monitoring procedures in various formats and levels of detail depending on the regulatory jurisdiction. Both of these concerns are resolved by requiring use of a standardized form.

Section 2635. Installation and Testing Requirements for All New Underground Storage Tanks.

Subdivision (d) is amended to reflect a name change in the “Certificate of Compliance for Underground Storage Tank Installation Form C.” That form was revised and relocated to Title 27 via a 1999 CalEPA rulemaking and exists in Title 27, Division 3, Subdivision 1, Chapter 6. CalEPA is concurrently renaming it “Underground Storage Tank Certification of Installation/Modification.” The amendment to subdivision (d) to reflecting the name change conforms to the concurrent amendment by CalEPA.

Section 2636. Design, Construction, Installation, Testing, and Monitoring Requirements for Piping.

Subdivision (c)(2) is amended to reflect a name change in the “Certificate of Compliance for Underground Storage Tank Installation Form C.” That form was revised and relocated to Title 27 via a 1999 CalEPA rulemaking and exists in Title 27, Division 3, Subdivision 1, Chapter 6. CalEPA is concurrently renaming it “Underground Storage Tank Certification of Installation/Modification.” The amendment to subdivision (c)(2) to reflecting the name change conforms to the concurrent change by CalEPA.

Subdivision (f)(3) is amended to clarify that November 9, 2004 was the last allowable date for any alternative monitoring methods used to meet the automatic line leak detector requirement of subdivision (f)(1). The amended text makes it clear that the alternative monitoring method described in the second sentence of subdivision (f)(3) is not a unique method whose use is allowed beyond November 9, 2004, but rather an example of the type of alternative monitoring methods whose use was allowable only until November 9, 2004.

§ 2637. Secondary Containment Testing.

Subdivision (a) is amended to clarify that periodic secondary containment testing performed within the maximum allowable 36 month interval (at 30 or 32 month intervals, for example) satisfies the periodic testing requirements. This clarification is made to ensure that UST owners who voluntarily test their secondary containment more frequently than the maximum allowable 36 month interval can use those more frequent tests to satisfy the periodic secondary containment testing requirement.

§ 2638. Annual Certification of Monitoring Equipment.

Subdivision (f) is amended to clarify that tank testers licensed by the State Water Board must include their license number on each monitoring equipment tag. Existing requirements specify that monitoring system certification must be performed by either a Contractors State License Board (CSLB) licensed contractor or a State Water Board licensed tank tester. Existing requirements further specify that the contractor’s license number must be included on all monitoring equipment tags. This change clarifies that the appropriate license number (tank tester or contractor) must be included on all equipment tags, regardless of whether the monitoring equipment is being certified by a CSLB licensed contractor or a State Water Board licensed tank tester.

§ 2661. Requirements for Repairing Underground Storage Tank.

Subdivision (c) is amended to correct a typographical error. The word “required” has been replaced by the word “repaired” as was originally intended.

Section 2666. Requirements for Upgrading Underground Piping.

Subdivision (e) is amended to correct an erroneous reference to 2636(h)(2) and (3). The referenced section was moved from section 2636, subdivision (h) to subdivision (g) via rulemaking in 2004, but the reference in subdivision 2666(e) was not updated to reflect that change. This amendment corrects the erroneous reference and restores the original intent of this subdivision.

Section 2711. Information and Application for Permit to Operate an Underground Storage Tank

Subdivision (a)(13) is amended to allow a permit application to be signed by the UST operator, facility owner or facility operator. This amendment is made to be consistent with Health and Safety Code, Chapter 6.7, section 25286(a).

Subdivision (c) is amended to reflect name changes in the “Underground Storage Tank Permit Application - Form A” and “Underground Storage Tank Permit Application – Form B.” Those forms were revised and relocated via California Environmental Protection Agency rulemaking in 1999 to Title 27 and currently exist in Title 27, Division 3, Subdivision 1, Chapter 6. They are being renamed “Underground Storage Tank Operating Permit Application – Facility Information” and “Underground Storage Tank Operating Permit Application – Tank Information” by concurrent CalEPA rulemaking. The amendment to subdivision (c) conforms to the change proposed by CalEPA.

Subdivision (d) has been deleted because the reporting requirement formerly in this section is obsolete. Requirements for local regulatory agencies to report data to the State have been consolidated into Title 27, and the California Association of Environmental Health Administrators no longer collects this data for the State Water Board.

Section 2713. Local Agency Reporting Requirements.

Subdivision (c) is amended to require submittal of information on UST statistics and inspections on a semi-annual rather than quarterly basis. This data is collected from local regulatory agencies in order to comply with reporting requirements established by the United States Environmental Protection Agency (US EPA), and the federal reporting requirement is for semi-annual data, not quarterly data. Subdivision (c) is also amended to be consistent with concurrent Title 27 amendments requiring that the information be submitted using “Semi-Annual Underground Storage Tank Program Report 6.”

Subdivision (c)(4) is amended to require reporting of facilities in compliance with “release detection and release prevention” requirements rather than “leak detection” requirements. These changes are made to be more descriptive and to include compliance data for both release detection and release prevention requirements.

Subdivision (c)(5) is amended. The requirement for reporting formal and informal enforcement actions is moved, with amendments, to subdivision (d). This move is made because formal and informal enforcement actions are not included in the “Semi-Annual Underground Storage Tank Program Report 6” so it is appropriate to list the requirements independently. The text formerly located in subdivision (c)(6) is moved to subdivision (c)(5), thus deleting subdivision (c)(6).

Subdivision (d) is added to clarify that formal and informal enforcement data must be reported using “Annual Enforcement Summary Report 4.” The requirement for reporting enforcement data, without specifying a reporting format, was previously contained in subdivision (c)(6). This amendment is made to be consistent with current Title 27 regulations requiring that enforcement data be submitted using “Annual Enforcement Summary Report 4.”

Appendix V – Certificate of Tank and Piping Installation (following § 2714 and Appendices I-IV)

The title of Appendix V and the forms and instructions in Appendix V are deleted. Appendix V contains obsolete forms titled “Underground Storage Tank Permit Application-Form A,” with instructions, “Underground Storage Tank Permit Application-Form B,” with instructions, and obsolete instructions for “Tank Installation Certification-

Form C.” These forms and instructions were revised and relocated to Title 27 via CalEPA rulemaking in 1999 but erroneously have remained in Appendix V. These forms and instructions, including Form C, all as subsequently revised, exist in Title 27, Division 3, Subdivision 1, Chapter 6 and amendments to these forms and instructions are proposed by concurrent CalEPA rulemaking. The State Water Board is concurrently amending internal references to these forms to correspond with the forms in Title 27, Division 3, Subdivision 1, Chapter 6. Appendix V will be reserved for future use by the State Water Board.

Appendix VI – Monitoring System Certification (following § 2714 and Appendices I-V)

The “Site Address” field at the bottom of page 1 of the “Monitoring System Certification” form has been amended to read “Testing Company Address.” The site address of the UST monitoring system being certified is already reported under heading “A – General Information” at the top of page 1, so it need not be reported a second time at the bottom of the page. This amendment clarifies that the address of the testing company who conducts the monitoring equipment certification should be included on the certification form.



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Quality

1001 I Street, Sacramento, California 95814 ♦ (916) 341-5455
Mailing Address: P.O. Box 2231, Sacramento, California 95812
FAX (916) 341-5808 ♦ Internet Address: <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC HEARING

PROPOSED AMENDMENTS TO UNDERGROUND STORAGE TANK REGULATIONS

Monday, July 16, 2007 – 1:30 p.m.
Byron Sher Auditorium
Joe Serna Jr./Cal/EPA Building
1001 I Street, Sacramento

SUBJECT OF HEARING

The State Water Resources Control Board (SWRCB) will hold a public hearing to seek statements or arguments orally or in writing relevant to the proposed regulatory action to amend Chapter 16, Title 23 of the California Code of Regulations, relating to underground storage tanks (USTs).

BACKGROUND

Management of USTs in California is regulated under both federal and state law. Applicable federal law is found in the Resource Conservation and Recovery Act (RCRA), Subtitle I, Section 9003, and regulations implementing federal laws are found in Title 40 of the Code of Federal Regulations, Part 280. Applicable state law is incorporated into Health and Safety Code (HSC) Chapter 6.7, commencing with section 25280, and related regulations in Title 23, Division 3, Chapter 16, California Code of Regulations.

These proposed regulations will amend the references to UST operating permit application "Form A," "Form B," and "Form C" throughout Title 23, Chapter 16. These amendments reflect concurrent regulatory changes proposed by the California Environmental Protection Agency (CalEPA) to the titles and content of these forms that were previously revised and relocated from Title 23, Appendix V (following § 2714) to CCR, Title 27, Division 3, Subdivision 1, Chapter 6, which can be accessed at:

<http://www.calepa.ca.gov/LawsRegs/ProposedRegs/UPCF/Default.htm>. The proposed amendments will also correct several non-substantive errors in the current regulations, and implement the UST permit application and data reporting requirements of HSC, Chapter 6.7, sections 25286 and 25299.7. The UST operating permit application "Form A," "Form B" and "Form C" are located in Title 27 and are only referenced in Title 23. Proposed changes to the title and content of these Title 27 forms are the subject of a separate rulemaking proceeding before Cal/EPA. Cal/EPA held a public hearing and closed its comment period for proposed changes to the title and content of these forms on May 11, 2007.

The notice of proposed rulemaking is an enclosure in the mailing to interested parties who requested hard copy notification. This notice is an attachment to the electronic notification of interested parties. The Initial Statement of Reasons and the text of the proposed amendments being considered by the State Water Board are available either by accessing the SWRCB UST Program web page at: <http://www.waterboards.ca.gov/ust> or by submitting a written request to:

Attention: Mrs. Terry Brazell
State Water Resources Control Board
Division of Water Quality
1001 "I" Street, 15th Floor
P.O. Box 2231
Sacramento, CA 95812

HEARING ISSUES

The purpose of this hearing is to provide an opportunity for persons to present statements or arguments orally or in writing relevant to the proposed regulatory action.

PROCEDURAL MATTERS

This is a public hearing and a Board member will be present. The proceedings will be recorded and placed into the Rulemaking File. There will be no sworn testimony or cross-examination of participants, but the Board member and staff may ask clarifying questions. To ensure that all attendees have a chance to participate in the hearing, oral comments may be limited to ten minutes or less. Registration for the hearing will start at 1:00 p.m.

Comments must be received no later than 5:00 p.m. on July 16, 2007 to be considered by the SWRCB. Please submit your comments to Mrs. Brazell via fax to (916) 341-5620, via email to (commentletters@waterboards.ca.gov), in person at the public hearing, or in writing. Written comments should be mailed to Terry Brazell at the address listed above.

PARKING AND ACCESSIBILITY

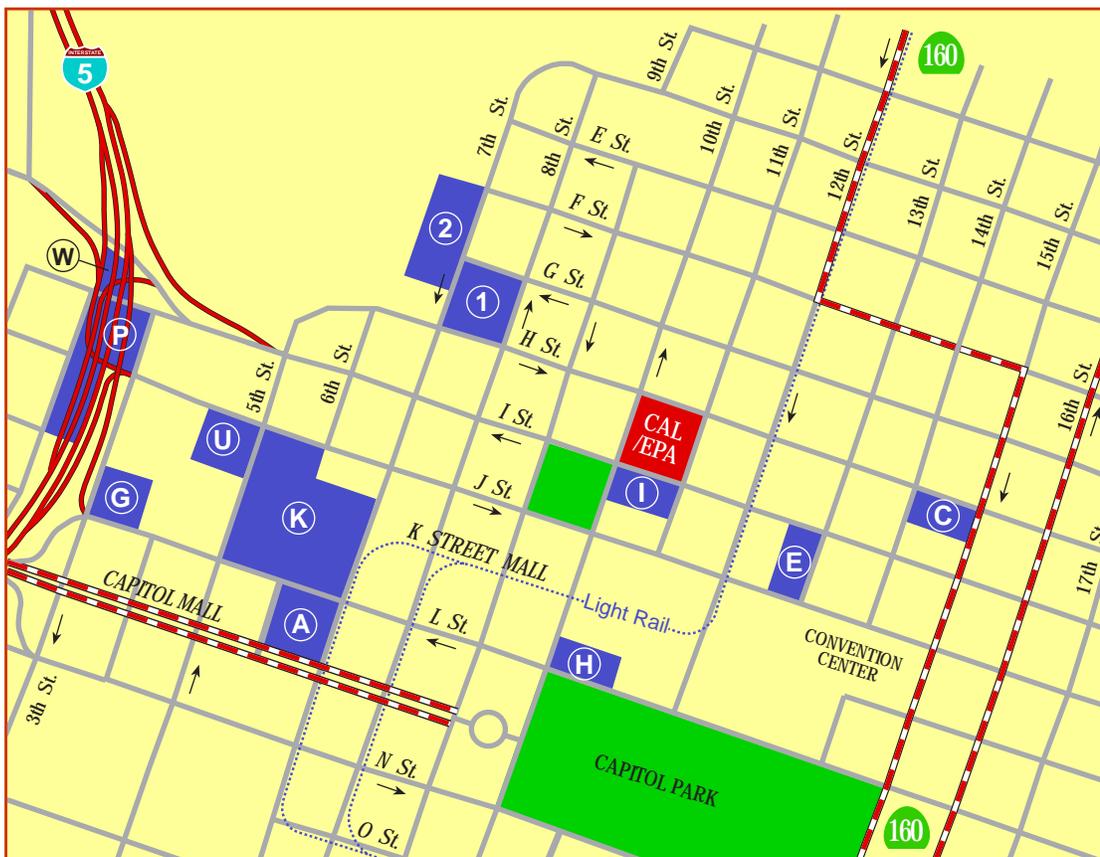
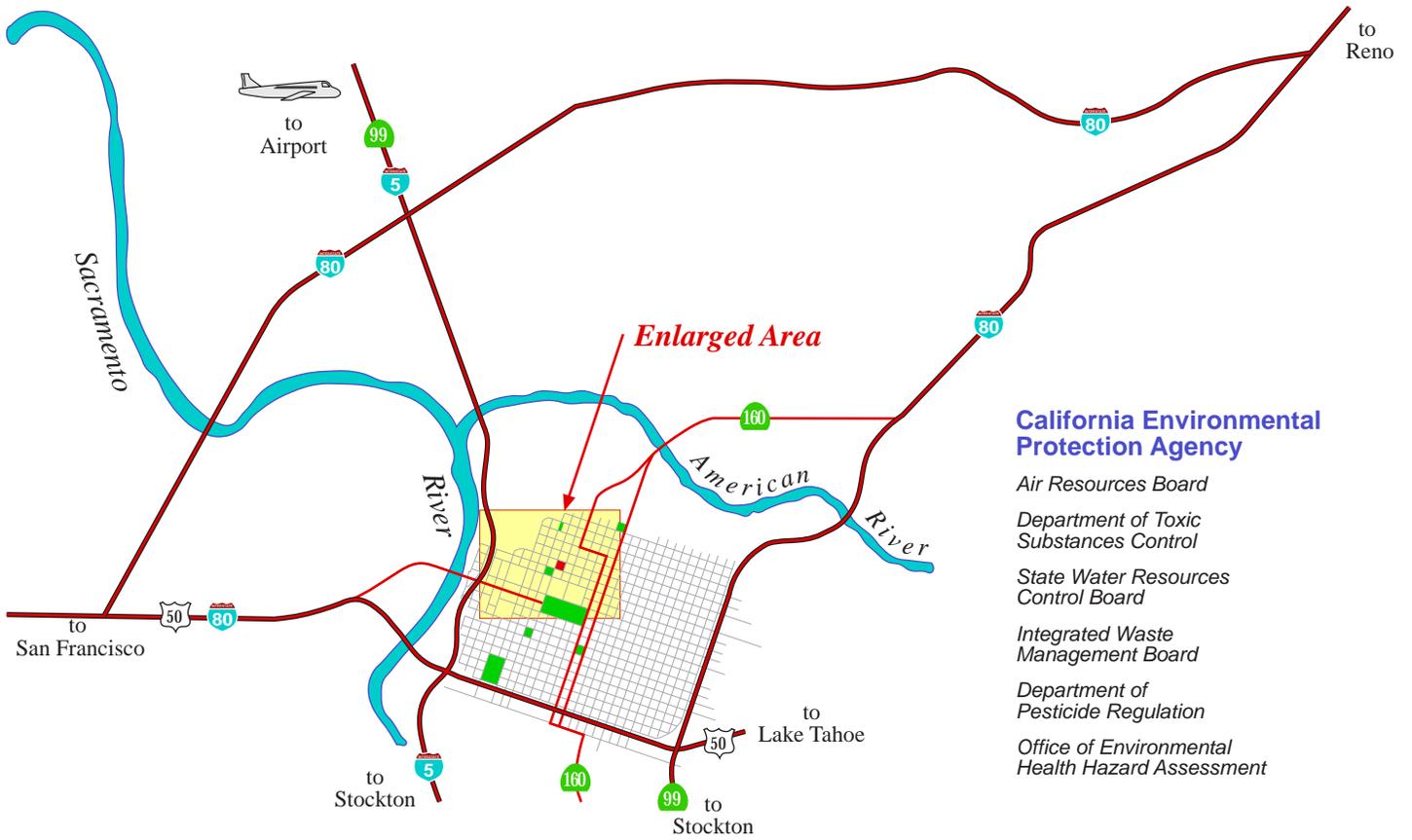
The attached map shows the location of the Joe Serna Jr. Cal/EPA Headquarters Building and available parking. Note that all hearing attendees will be required to check in with building security upon arrival.

Questions concerning this notice may be directed to Mrs. Brazell at (916) 341-5645, or via fax at (916) 341-5808, or via e-mail at tbrazell@waterboards.ca.gov.



Song Her
Clerk to the Board

Dated: May 21, 2007



- Lot 1 (7th & G St.)**
\$0.75 ea. 1/2 hr.
- Lot 2 (7th & G St.)**
\$0.75 ea. 1/2 hr.
- Lot A (7th & Capitol)**
\$0.75 ea. 1/2 hr. for first 2 hrs.
\$1.50 ea. additional hr.
\$8.00 maximum charge
- Lot C (14th & H St.)**
\$5.00 flat rate
- Lot G (3rd & L)**
\$0.75 ea. 1/2 hr. for first 2 hrs.
\$1.25 ea. additional 1/2 hr.
\$13.00 daily maximum charge
- Lot H (10th & L)**
\$1.25 each 1/2 hr.
\$15.00 daily maximum charge
- Lot I (10th & I, 11th & I)**
\$1.00 each 1/2 hr.
\$12.00 daily maximum charge
- Lot K (6th & J/L, 7th & K)**
\$0.75 ea. 1/2 hr. for first 2 hrs.
\$1.25 ea. additional 1/2 hr.
\$13.00 daily maximum charge
- Lot P (2nd & I)**
\$0.75 ea. 1/2 hr. for first 3 hrs.
\$1.00 each additional 1/2 hr.
\$12.00 daily maximum charge
- Lot U (5th & J)**
\$0.50 ea. 1/2 hr. for first 2 hrs.
\$1.00 ea. additional 1/2 hr.
\$12.00 maximum charge
- Lot W (2nd & I St.)**
\$5.00 flat rate

TITLE 23: CALIFORNIA CODE OF REGULATIONS

WATERS

DIVISION 3: STATE WATER RESOURCES CONTROL BOARD

CHAPTER 16: UNDERGROUND STORAGE TANK REGULATIONS

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN THAT THE STATE WATER RESOURCES CONTROL BOARD PROPOSES TO ADOPT AMENDMENTS TO THE UNDERGROUND STORAGE TANK REGULATIONS AFTER CONSIDERING ALL COMMENTS, OBJECTIONS, AND RECOMMENDATIONS REGARDING THE PROPOSED ACTION

PROPOSED REGULATORY ACTION: The State Water Resources Control Board (State Water Board) proposes to amend sections 2621, 2632, 2634, 2635, 2636, 2637, 2638, 2661, 2666, 2711 and 2713, and to delete the text, forms and instructions in Appendix V in Title 23 of the California Code of Regulations (CCR). These sections concern underground storage tanks.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

The State Water Board will hold a public hearing on the proposed amendments to regulations at 1:30 p.m., on July 16th, 2007 in the Byron Sher Auditorium at 1001 "I" Street, Sacramento, CA. Reasonable accommodation or sign language interpreting services will be provided upon request. Such requests should be made no later than 15 days prior to the date of the public hearing by contacting Karen White, Office of Employee Assistance, at 916-341-5883.

Any written statements, arguments or contentions related to the proposed regulations must be received by 5:00 p.m. on July 16th, 2007. Submit written comments to: Terry Brazell, State Water Resources Control Board, UST Program, 1001 "I" Street, P.O. Box 2231, Sacramento, CA, 95812. Written comments, arguments, or contentions sent by mail or hand-delivered are requested (but not required) to be submitted in triplicate. Comments by FAX (916-341-5808) must be received before 5:00 p.m. on the last day of the public comment period.

AUTHORITY AND REFERENCE

Water Code sections 185 and 1058, and Health and Safety Code sections 25299.3 and 25299.7, authorize the State Water Board to adopt the proposed amendments to regulations, which would correct non-substantive errors in the current regulations and implement the underground storage tank permit application and data reporting requirements of Health and Safety Code, Chapter 6.7, sections 25286 and 25289.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

California's Legislature enacted Health and Safety Code (HSC) Chapter 6.7 in 1984, creating a regulatory program for underground storage tanks (USTs) storing hazardous substances. Since then, the Legislature has amended Chapter 6.7 in response to federal mandates relating to USTs, or new information regarding changing industry practices and/or the performance of USTs meeting then current UST regulatory standards in California. Various amendments to Chapter 6.7 in recent years have imposed new construction and monitoring requirements for USTs that cannot be documented properly on the UST permit application forms currently in regulation. Therefore, updated versions of the UST permit application forms are needed.

These proposed regulations will amend the references to UST operating permit application "Form A," "Form B," and "Form C" throughout Title 23, Chapter 16. These amendments reflect concurrent regulatory changes to the titles and content of these forms that were previously revised and relocated from Title 23, Appendix V (following § 2714) to CCR, Title 27, Division 3, Subdivision 1, Chapter 6. The proposed amendments will also correct several non-substantive errors in the current regulations, and implement the UST permit application and data reporting requirements of HSC, Chapter 6.7, sections 25286 and 25299.7.

Many of the amendments proposed by the State Water Board are made to conform to amendments proposed by the California Environmental Protection Agency (CalEPA) through a concurrent rulemaking. The UST permit application forms, revised and relocated from Title 23 to CCR, Title 27, Division 3, Subdivision 1, Chapter 6 via a 1999 CalEPA rulemaking, are concurrently amended by CalEPA. The revised forms, as well as a new standardized monitoring plan form, are designed to be easier and less time consuming for local regulatory agencies and UST owners and operators to complete. Additionally, the Report 6 used by CUPAs is revised via concurrent CalEPA rulemaking to standardize Red Tag reporting and to meet United States Environmental Protection Agency UST data reporting requirements. This rulemaking updates each of the Title 23 references to the amended permit application forms and Report 6.

The previous requirement for UST owners and operators to submit a written procedure for monitoring has been amended to specify that the written procedure be submitted on a standard form. Using a standard form will make it easier for owners and operators to provide complete and accurate information about their monitoring program, and will promote consistency among the more than 100 local regulatory agencies implementing the UST program in California. The referenced "Monitoring Plan" form is proposed to be adopted into CCR, Title 27 by CalEPA.

In summary, these amendments to Title 23 will:

1. Amend the references to UST operating permit application "Form A," "Form B," and "Form C" throughout Title 23, Chapter 16. These amendments reflect concurrent regulatory changes to the title and content of these forms that were previously revised and relocated from Title 23, Appendix V (following § 2714) to CCR, Title 27, Division 3, Subdivision 1, Chapter 6.
2. Specify that UST owners and operators use a new standard form for submitting new and previously required information on procedures for

monitoring. The new standard form is being concurrently adopted into CCR, Title 27, Division 3, Subdivision 1, Chapter 6, by CalEPA. This standard form will make it easier for owners and operators to provide complete and accurate information about their monitoring program, and will promote consistency among the more than 100 local regulatory agencies implementing the UST program in California.

3. Specify that local regulatory agencies use a new reporting format for submitting new and previously required information on UST statistics, inspections, and enforcement activities. The new standard form is being concurrently adopted into CCR, Title 27, Division 3, Subdivision 1, Chapter 6, by CalEPA.
4. Make several non-substantive clarifications and corrections to unclear sections or erroneous citations and references within Title 23, Chapter 16.

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts pursuant to Part 7

(commencing with section 17500) of Division 4 of the Government Code: The State Water Board has determined that the proposed amendments would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Cost or Savings to any State Agency: The State Water Board has determined that these regulations will not result in any cost or savings to any State agencies. State agencies that own or operate USTs will have to submit information about the construction and monitoring of their UST systems in a new format, but submittal of this information is not a new requirement. UST owners and operators have been required to submit information about the construction and monitoring of their UST systems for years, and only the format of that information will change with these regulations. The new format is intended to save time and effort on the part of UST owners and operators, so there will likely be an incidental time savings (and associated cost savings) for State agencies that own and/or operate USTs.

Other Non-discretionary Costs or Savings to Local Agencies: The State Water Board has determined that these regulations will not result in any cost or savings to any local government agencies. Local government agencies that regulate UST systems will have to modify their databases to accommodate the new and revised forms referenced in these proposed regulations. Costs associated with that modification are part of overall database management costs associated with concurrent rulemaking by Cal/EPA and the Department of Toxic Substances Control (DTSC). These costs are discussed in detail in the concurrent Cal/EPA, Title 27 rulemaking that includes the modified and new UST forms referenced in this rulemaking. It would be duplicative to include an analysis of those costs in this rulemaking.

Local government agencies that own or operate USTs will have to submit information about the construction and monitoring of their UST systems in a new format, but submittal of this information is not a new requirement. UST owners and operators have

been required to submit information about the construction and monitoring of their UST systems for years, and only the format of that information will change with these regulations. The new format is intended to save time and effort on the part of UST owners and operators, so there will likely be an incidental time savings (and associated cost savings) for local government agencies that own and/or operate USTs.

Cost or savings in federal funding to the state: None.

ECONOMIC IMPACT ESTIMATES

Statement of Significant Statewide Adverse Economic Impact Directly Affecting California Businesses: The State Water Board has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Types of Businesses Affected: Any business that owns and/or operates a UST system that is not categorically exempt from the UST regulations may be affected by the proposed regulations. These businesses are mostly retail fuel service stations either owned or leased-out by major petroleum distributors, or small, independently owned facilities. Other businesses affected include those that own or operate USTs for their own use, such as, but not limited to, factories, equipment rental yards, construction companies, mines.

Projected Reporting, Record keeping, and Other Compliance Requirements: The proposed regulation will mandate use of new forms to transmit information to local regulatory agencies. The information being transmitted will not be new, only the format.

Potential Impact on Private Persons or Businesses Directly Affected: The State Water Board has made an initial determination that those private persons or businesses using computer software to generate UST permit application forms may incur a one-time cost to modify their computer software to comply with the proposed regulations. These costs, expected to be minor, are discussed in detail in the concurrent Cal/EPA, Title 27 rulemaking that includes the modified and new UST permit application forms referenced in this rulemaking. It would be duplicative to include an analysis of those costs in this rulemaking.

Effect on the Creation or Elimination of Jobs within California: The State Water Board has determined that these regulations will not have any effect on the creation or elimination of jobs within California.

Effect on the Creation of New Businesses or Elimination of Existing Businesses within California: The State Water Board has determined that these regulations will not have any effect on the creation of new businesses or elimination of existing businesses within California.

Effect on the Expansion of Businesses Currently Doing Business in California: The State Water Board has determined that these regulations will not have any effect on the expansion of businesses currently doing business in California.

Potential Significant Impact on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The State Water Board has determined that this regulation will not have any effect on the small businesses within California. Businesses that own or operate USTs will have to submit information about the construction and monitoring of their UST systems in a new format, but submittal of this information is not a new requirement. UST owners and operators have been required to submit information about the construction and monitoring of their UST systems for years, and only the format of that information will change with these regulations. The new format is intended to save time and effort on the part of UST owners and operators, so there will likely be an incidental time savings (and associated cost savings) for businesses that own and/or operate USTs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Water Board must determine that no reasonable alternatives it considered, or that have otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The State Water Board has prepared the following for public review: 1) an initial statement of reasons for the proposed amendments; 2) a rulemaking record which contains all of the information upon which the proposed amendments are based; and 3) the text of the proposed amendments. Copies of these documents will be available upon request by writing to the State Water Resources Control Board, attention: Mrs. Terry Brazell, Division of Water Quality, Underground Storage Tank Program, 1001 "I" Street, 15th Floor, P.O. Box 2231, Sacramento, CA, 95812. This address is also the location of public records, including reports, documentation, and other material related to the proposed amendments. Copies of these documents are also available on the State Water Board's Underground Storage Tank Program website at: <http://www.waterboards.ca.gov/ust/>. Upon completion of the public comment period and conclusion of the public hearing for this proposed rulemaking the State Water Board will prepare a final statement of reasons for proposed amendments, which will also be available upon request at the above address and website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period and public hearing, the State Water Board may adopt the proposed regulations. If substantive changes are made, the modified text will be made available for comment for at least 15 days prior to adoption, and sent to the following persons: all persons who testified at the public hearing; all persons who submitted written comments at the public hearing; all persons whose comments were

received by the State Water Board during the public comment period; and all persons who requested notification from the State Water Board of the availability of such changes.

Please direct all written comments, procedural inquiries, and technical questions to:

Mrs. Terry Brazell
State Water Resources Control Board
Division of Water Quality
1001 "I" Street, 15th Floor
P.O. Box 2231
Sacramento, CA 95812
(916) 341-5645
tbrazell@waterboards.ca.gov

Back-up contact person:

Mr. Scott Bacon
State Water Resources Control Board
Division of Water Quality
1001 "I" Street, 15th Floor
P.O. Box 2231
Sacramento, CA 95812
(916) 341-5873
sbacon@waterboards.ca.gov

Title 23 Regulations Final Text, approved by OAL on December 18, 2007, effective January 17, 2008.

§ 2621. Exemptions to the Regulations.

(a) The term "underground storage tank" excludes the following, except those of the following included in the definition of an underground storage tank in 40 CFR, part 280.12 as modified by paragraphs (b), (c), (d), of 40 CFR, part 280.10.

- (1) A farm tank.
- (2) A heating oil tank.
- (3) A hydraulic lift tank in accordance with section 25281(y) of the Health and Safety Code.
- (4) A liquefied petroleum gas tank.
- (5) A liquid asphalt tank.
- (6) A septic tank.
- (7) A sump, pit, pond, or lagoon.
- (8) A wastewater treatment tank except a tank which is part of an underground storage tank system.
- (9) A pipeline located in a refinery or in an oil field unless the pipeline is connected to an underground storage tank.
- (10) Storm water or wastewater collection systems.
- (11) Tanks containing radioactive material such as spent fuel pools, radioactive waste storage tanks, and similar tanks under the Atomic Energy Act of 1954 (42 USC 2011) and following.
- (12) An emergency containment tank kept empty to receive accidental spills and approved for such use by the appropriate local agency.
- (13) Drums located in basements and which contain 55 gallons or less of a hazardous substance.
- (14) Underground storage tanks containing hazardous wastes as defined in Section 25316 of the Health and Safety Code if the person owning or operating the underground storage tank has been issued a hazardous waste facilities permit for the underground storage tank by the Department of Toxic Substances Control pursuant to section 25200 of the Health and Safety Code or granted interim status under section 25200.5 of the Health and Safety Code.
- (15) A tank and associated piping located in a vault or basement and which meets the requirements of section 25283.5 of the Health and Safety Code.
- (16) Any structure specifically exempted by section 25281(y) of the Health and Safety Code.

(b) Sumps which are a part of a monitoring system required under Article 3 are considered part of the secondary containment or leak detection system of the primary containment and are required to meet the appropriate construction criteria.

(c) The owner of a farm or heating oil tank or any tank which is exempt from regulation as an underground storage tank by virtue of its use shall, prior to any change which results in the tank becoming subject to regulation, obtain a valid operating permit.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25283.5 and 25299.1, Health and Safety Code; 40 CFR 280.10, 280.12.

§ 2632. Monitoring and Response Plan Requirements for New Underground Storage Tanks Constructed Pursuant to Section 2631.

(a) This section is applicable only to underground storage tanks constructed pursuant to the requirements of section 2631.

(b) Owners or operators of underground storage tanks subject to this section shall implement a monitoring program approved by the local agency and specified in the underground storage tank operating permit. The program shall include interstitial space monitoring as described in subsection (c) and shall include the items listed in subsection (d).

(c) Monitoring of the interstitial space shall include either visual monitoring of the primary containment system as described in subsection (c)(1) or one or more of the methods listed in subsection (c)(2).

(1) A visual monitoring program shall incorporate all of the following:

(A) All exterior surfaces of the underground storage tanks and the surface of the floor directly beneath the underground storage tanks shall be capable of being monitored by direct viewing.

(B) Visual inspections shall be performed daily, except on weekends and recognized state and/or federal holidays. Inspections may be more frequent if required by the local agency or the local agency may reduce the frequency of visual monitoring at facilities where personnel are not normally present and inputs to and withdrawals from the underground storage tanks are very infrequent. In these instances, visual inspection shall be made weekly. The inspection schedule shall take into account the minimum anticipated time during which the secondary containment system is capable of containing any unauthorized release and the maximum length of time any hazardous substance released from the primary containment system will remain observable on the surface of the secondary containment system. The inspection schedule shall be such that inspections will occur on a routine basis when the liquid level in the tanks is at its highest. The inspection frequency shall be such that any unauthorized release will remain observable on the exterior of or the surface immediately beneath the underground storage tanks between visual inspections. The evaluation of the length of time the hazardous substance remains observable shall consider the volatility of the hazardous substance and the porosity and slope of the surface immediately beneath the tanks.

(C) The liquid level in the tank shall be recorded at the time of each inspection.

(D) If any liquid is observed around or beneath the primary containment system, the owner or operator shall, if necessary, have the liquid analyzed in the field using a method approved by the local agency or in a laboratory to determine if an unauthorized release has occurred. The owner or operator shall have a tank integrity test conducted, if necessary, to determine whether the primary containment system is leaking. If a leak is confirmed, the owner or operator shall comply with the applicable provisions of Article 5, Article 6, and Article 7.

(2) A monitoring program which relies on the mechanical or electronic detection of the hazardous substance in the interstitial space shall include one or more of the methods in Table 3.2. The following requirements shall apply when appropriate:

(A) The interstitial space of the tank shall be monitored using a continuous monitoring system which meets the requirements of section 2643(f).

(B) The continuous monitoring system shall be connected to an audible and visual alarm system approved by the local agency.

(C) For methods of monitoring where the presence of the hazardous substance is not determined directly, for example, where liquid level measurements in the interstitial space are used as the basis for determination, the monitoring program shall specify the proposed method(s) for determining the presence or absence of the hazardous substance in the interstitial space if the indirect methods indicate a possible unauthorized release.

(d) All monitoring programs shall include the following:

(1) A written procedure for monitoring, submitted on the "Underground Storage Tank Monitoring Plan" in Title 27, Division 3, Subdivision 1, Chapter 6, which establishes:

(A) The frequency of performing the monitoring;

(B) The methods and equipment, identified by name and model, to be used for performing the monitoring;

(C) The location(s), as identified on a plot plan, where the monitoring will be performed;

(D) The name(s) and title(s) of the person(s) responsible for performing the monitoring and/or maintaining the equipment;

(E) The reporting format;

(F) The preventive maintenance schedule for the monitoring equipment. The maintenance schedule shall be in accordance with the manufacturer's instructions, and;

(G) A description of the training necessary for the operation of both the tank system and the monitoring equipment.

(2) A response plan which demonstrates, to the satisfaction of the local agency, that any unauthorized release will be removed from the secondary containment system within the time consistent with the ability of the secondary containment system to contain the hazardous substance, but not more than 30 calendar days or a longer period of time as approved by the local agency. The response plan shall include, but is not limited to, the following:

(A) A description of the proposed methods and equipment to be used for removing and properly disposing of any hazardous substances, including the location and availability of the required equipment if not permanently on-site, and an equipment maintenance schedule for the equipment located on-site.

(B) The name(s) and title(s) of the person(s) responsible for authorizing any work necessary under the response plan.

(e) When implementation of a monitoring program or any other condition indicates that an unauthorized release may have occurred, the owner or operator shall comply with the release reporting requirements of Article 5. If the release came from the tank system, the owner or operator shall replace, repair, or close the tank in accordance with Articles 3, 6, or 7, respectively.

Table 3.2
Methods of Monitoring for Hazardous Substances in the Interstitial Space of an Underground Storage Tank System

Methods of Monitoring

<i>Condition of the Secondary System [1]</i>	<i>Type of Substance Stored</i>	<i>Liquid Level Indicator[2]</i>	<i>Hazardous Substance Sensor[3]</i>	<i>Vapor Monitor</i>	<i>Pressure or Vacuum Loss Detector[4]</i>
Dry	Volatile	X	X	X	X
Dry	Nonvolatile	X	X		X
Wet	Volatile	X	X		X
Wet	Nonvolatile	X	X		X

[1] A "dry" system does not contain liquid within the secondary containment during normal operating conditions while a "wet" system does.

[2] Includes continuously operated mechanical or electronic devices.

[3] Includes either qualitative or quantitative determinations of the presence of the hazardous substance.

[4] Detects changes in pressure or vacuum in the interstitial space of an underground storage tank with secondary containment.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281 and 25291, Health and Safety Code; 40 CFR 280.43.

§ 2634. Monitoring and Response Plan Requirements for New Underground Storage Tanks Containing Motor Vehicle Fuel and Constructed Pursuant to Section 2633.

(a) This section applies only to underground storage tanks containing motor vehicle fuel and which are constructed in accordance with section 2633.

(b) Owners or operators of tanks which are constructed pursuant to section 2633 and which contain motor vehicle fuel shall implement a monitoring program approved by the local agency and specified in the tank operating permit.

(c) New tanks which contain motor vehicle fuel and which are constructed in accordance with section 2633 shall be monitored as follows:

- (1) The leak interception and detection system shall be monitored in accordance with subsection (d) of this section;
- (2) The motor vehicle fuel inventory shall be reconciled according to the performance requirements in section 2646; and,
- (3) All underground piping shall be tested and monitored in accordance with section 2636.

(d) Before implementing a monitoring program, the owner or operator shall demonstrate to the satisfaction of the local agency that the program is effective in detecting an unauthorized release from the primary container before it can escape from the leak interception and detection system. A monitoring program for leak interception and detection systems shall meet the following requirements:

- (1) The system shall detect any unauthorized release of the motor vehicle fuel using either:
 - (A) One or more of the continuous monitoring methods provided in Table 3.2. The system shall be connected to an audible and visual alarm system approved by the local agency; or,

(B) Manual monitoring. If this method is used, it shall be performed daily, except on weekends and recognized state and/or federal holidays, but no less than once in any 72 hour period. Manual monitoring may be required on a more frequent basis as specified by the local agency.

(2) The owner or operator shall prepare a written procedure for routine monitoring, submitted on the "Underground Storage Tank Monitoring Plan" in Title 27, Division 3, Subdivision 1, Chapter 6, which establishes:

(A) The frequency of performing the monitoring;

(B) The methods and equipment to be used for performing the monitoring;

(C) The location(s) where the monitoring will be performed;

(D) The name(s) and title(s) of the person(s) responsible for performing the monitoring and/or maintaining the equipment;

(E) The reporting format;

(F) The preventive maintenance schedule for the monitoring equipment. The maintenance schedule shall be in accordance with the manufacturer's instructions; and

(G) A description of the training necessary for the operation of both the tank system and the monitoring equipment.

(3) For methods of monitoring where the presence of the hazardous substance is not determined directly, for example, where liquid level measurements are used as the basis for determination (i.e., liquid level measurements), the monitoring program shall specify the proposed method(s) for determining the presence or absence of the hazardous substance if the indirect method indicates a possible unauthorized release of motor vehicle fuel.

(e) A response plan for an unauthorized release shall be developed before the underground storage tank system is put into service. If the leak interception and detection system meets the volumetric requirement of section 2631(d), the local agency shall require the owner to develop a response plan pursuant to the requirements of subsection 2632(d)(2). If the leak interception and detection system does not meet the volumetric requirements of section 2631(d)(1) through (5), the response plan shall consider the following:

(1) The volume of the leak interception and detection system in relation to the volume of the primary container;

(2) The amount of time the leak interception and detection system shall provide containment in relation to the period of time between detection of an unauthorized release and cleanup of the leaked substance;

(3) The depth from the bottom of the leak interception and detection system to the highest anticipated level of ground water;

(4) The nature of the unsaturated soils under the leak interception and detection system and their ability to absorb contaminants or to allow movement of contaminants; and

(5) The methods and scheduling for removal all of the hazardous substances which may have been discharged from the primary container and are located in the unsaturated soils between the primary container and ground water, including the leak interception and detection system sump.

Authority cited: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25291 and 25292, Health and Safety Code; 40 CFR 280.41.

§ 2635. Installation and Testing Requirements for All New Underground Storage Tanks.

(a) Primary and secondary containment systems shall be designed, constructed, tested, and certified to comply, as applicable, with all of the following requirements:

(1) All underground storage tanks shall be tested at the factory before being transported. The tests shall determine whether the tanks were constructed in accordance with the applicable sections of the industry code or engineering standard under which they were built.

(2) The outer surface of underground storage tanks constructed of steel shall be protected from corrosion as follows, except that primary containment systems installed in a secondary containment system and not backfilled do not need cathodic protection:

(A) Field-installed cathodic protection systems shall be designed and certified as adequate by a corrosion specialist. The cathodic protection systems shall be tested by a cathodic protection tester within six months of installation and at least every three years thereafter. The criteria that are used to determine that cathodic protection is adequate as required by this section shall be in accordance with a code of practice developed in accordance with voluntary consensus standards. Impressed-current cathodic protection systems shall also be inspected no less than every 60 calendar days to ensure that they are in proper working order.

(B) Underground storage tanks protected with fiberglass-reinforced plastic coatings, composites, or equivalent non-metallic exterior coatings or coverings, including coating/sacrificial anode systems, shall be tested at the installation site using an electric resistance holiday detector. All holidays detected shall be repaired and checked by a factory authorized repair service before installation. During and after installation, care shall be taken to prevent damage to the protective coating or cladding. Preengineered corrosion protection systems with sacrificial anodes shall be checked once every three years in accordance with the manufacturer's instructions.

(3) Before installation, the tank shall be tested for tightness at the installation site in accordance with the manufacturer's written guidelines. If there are no guidelines, the primary and secondary containment shall be tested for tightness with air pressure at not less than 3 pounds per square-inch (20.68 k Pa) and not more than 5 pounds per square-inch (34.48 k Pa). In lieu of the above, an equivalent differential pressure test, expressed in inches of mercury vacuum, in the interstitial space of the secondary containment, is acceptable. The pressure (or vacuum in the interstitial space) shall be maintained for a minimum of 30 minutes to determine if the tank is tight. If a tank fails the tightness test, as evidenced by soap bubbles, or water droplets, installation shall be suspended until the tank is replaced or repaired by a factory authorized repair service. Following repair or replacement, the tank shall pass a tightness test.

(4) All secondary containment systems shall pass a post- installation test which meets the approval of the local agency.

(5) After installation, but before the underground storage tank is placed in service, a tank integrity test shall be conducted to ensure that no damage occurred during installation. The tank integrity test is not required if the tank is equipped with an interstitial monitor certified by a third-party evaluator to meet the performance standards of a "tank integrity test" as defined in section 2611, or if the tank is tested using another method deemed by the State Water Resources Control Board to be equivalent.

(6) All underground storage tanks shall be installed according to a code of practice developed in accordance with voluntary consensus standards and the manufacturer's written installation instructions. The owner or operator shall certify that the underground storage tank was installed in accordance with the above requirements as required by subsection (d) of this section.

(7) All underground storage tanks subject to flotation shall be anchored using methods specified by the manufacturer or, if none exist, shall be anchored according to the best engineering judgment.

(b) All underground storage tanks shall be equipped with a spill container and an overfill prevention system as follows:

(1) The spill container shall collect any hazardous substances spilled during product delivery operations to prevent the hazardous substance from entering the subsurface environment. The spill container shall meet the following requirements:

(A) If it is made of metal, the exterior wall shall be protected from galvanic corrosion.

(B) It shall have a minimum capacity of five gallons (19 liters).

(C) It shall have a drain valve which allows drainage of the collected spill into the primary container or provide a means to keep the spill container empty.

(2) The overfill prevention system shall not allow for manual override and shall meet one of the following requirements:

(A) Alert the transfer operator when the tank is 90 percent full by restricting the flow into the tank or triggering an audible and visual alarm; or

(B) Restrict delivery of flow to the tank at least 30 minutes before the tank overfills, provided the restriction occurs when the tank is filled to no more than 95 percent of capacity; and activate an audible alarm at least five minutes before the tank overfills; or

(C) Provide positive shut-off of flow to the tank when the tank is filled to no more than 95 percent of capacity; or,

(D) Provide positive shut-off of flow to the tank so that none of the fittings located on the top of the tank are exposed to product due to overfilling.

(3) The local agency may waive the requirement for overfill prevention equipment where the tank inlet exists in an observable area, the spill container is adequate to collect any overfill, and the tank system is filled by transfers of no more than 25 gallons at one time.

(c) Secondary containment systems including leak interception and detection systems installed pursuant to section 2633 shall comply with all of the following:

(1) The secondary containment system shall encompass the area within the system of vertical planes surrounding the exterior of the primary containment system. If backfill is placed between the primary and secondary containment systems, an evaluation shall be made of the maximum lateral spread of a point leak from the primary containment system over the vertical distance between the primary and secondary containment systems. The secondary containment system shall extend an additional distance beyond the vertical planes described above equal to the radius of the lateral spread plus one foot.

(2) The secondary containment system shall be capable of preventing the inflow of the highest ground water anticipated into the interstitial space during the life of the tank.

(3) If the interstitial space is backfilled, the backfill material shall not prevent the vertical movement of leakage from any part of the primary containment system.

(4) The secondary containment system with backfill material shall be designed and constructed to promote gravity drainage of an unauthorized release of hazardous substances from any part of the primary containment system to the monitoring location(s).

(5) Two or more primary containment systems shall not use the same secondary containment system if the primary containment systems store materials that in combination may cause a fire or explosion, or the production of a flammable, toxic, or poisonous gas, or the deterioration of any part of the primary or secondary containment system.

(6) Drainage of liquid from within a secondary containment system shall be controlled in a manner approved by the local agency to prevent hazardous materials from being discharged into the environment. The liquid shall be analyzed to determine the presence of any of the hazardous substance(s) stored in the primary containment system prior to initial removal, and monthly thereafter, for any continuous discharge (removal) to determine the appropriate method for final disposal. The liquid shall be sampled and analyzed immediately upon any indication of an unauthorized release from the primary containment system.

(7) For primary containment systems installed completely beneath the ground surface, the original excavation for the secondary containment system shall have a water-tight cover which extends at least one foot beyond each boundary of the original excavation. This cover shall be asphalt, reinforced concrete, or equivalent material which is sloped to drainways leading away from the excavation. Access openings shall be constructed as water-tight as practical. Primary containment systems with integral secondary containment and open vaults are exempt from the requirements of this subsection.

(8) The actual location and orientation of the tanks and appurtenant piping systems shall be indicated on as-built drawings of the facility. Copies of all drawings, photographs, and plans shall be submitted to the local agency for approval.

(d) Owners or their agents shall certify that the installation of the tanks and piping, meets the conditions in subdivision (1) through (4) below. The certification shall be made on an "Underground Storage Tank Certification of Installation /Modification" form in Title 27, Division 3, Subdivision 1, Chapter 6.

(1) The installer has met the requirements set forth in section 2715, subdivisions (g) and (h);

(2) The underground storage tank, any primary piping, and any secondary containment, was installed according to applicable voluntary consensus standards and any manufacturer's written installation instructions;

(3) All work listed in the manufacturer's installation checklist has been completed; and

(4) The installation has been inspected and approved by the local agency, or, if required by the local agency, inspected and certified by a registered professional engineer who has education and experience with underground storage tank system installations.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1, 25291 and 25299, Health and Safety Code; 40 CFR 280.20, 280.40-280.45.

§ 2636. Design, Construction, Installation, Testing, and Monitoring Requirements for Piping.

(a) Except as provided below, piping connected to tanks which were installed after July 1, 1987, shall have secondary containment that complies with the requirements of section 2631 for new underground storage tanks. This requirement does not apply to piping described as follows:

(1) vent or tank riser piping, provided the primary containment system is equipped with an overfill prevention system meeting the requirements specified in sections 2635(b)(2)(B) or (C); or,

(2) vapor recovery piping if designed so that it cannot contain liquid-phase product; or,

(3) suction piping if the piping is designed, constructed, and installed as follows:

(A) The below-grade piping operates at less than atmospheric pressure (suction piping);

(B) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released (gravity-flow piping);

(C) No valves or pumps are installed below grade in the suction line. Only one check valve is located directly below and as close as practical to the suction pump;

(D) An inspection method is provided which readily demonstrates compliance with subdivisions (A) through (C) above.

(b) All corrodible underground piping, if in direct contact with backfill material, shall be protected against corrosion. Piping constructed of fiberglass-reinforced plastic, steel with cathodic protection, or steel isolated from direct contact with backfill, fulfills this corrosion protection requirement. Cathodic protection shall meet the requirements of section 2635(a)(2).

(c) Underground primary piping shall meet all of the following requirements:

(1) Primary piping in contact with hazardous substances under normal operating conditions shall be installed inside a secondary containment system which may be a secondary pipe, vault, or a lined trench. All secondary containment systems shall be sloped so that all releases will flow to a collection sump located at the low point of the underground piping.

(2) Primary piping and secondary containment systems shall be installed in accordance with an industry code of practice developed in accordance with voluntary consensus standards. The owner or operator shall certify that the piping was installed in accordance with the above requirements of section 2635(d). The certification shall be made on the "Underground Storage Tank Certification of Installation/Modification" form in Title 27, Division 3, Subdivision 1, Chapter 6.

(d) Lined trench systems used as part of a secondary containment system shall be designed and constructed according to a code of practice or engineering standard approved by a state registered professional engineer. The following requirements shall also apply:

(1) All trench materials shall be compatible with the substance stored and evaluated by an independent testing organization for their compatibility or adequacy of the trench design, construction, and application.

(2) The trench shall be covered and capable of supporting any expected vehicular traffic.

(e) All new primary piping and secondary containments systems shall be tested for tightness after installation in accordance with manufacturer's guidelines. Primary pressurized piping shall be tested for tightness hydrostatically at 150 percent of design operating pressure or pneumatically at 110 percent of design operating pressure. If the calculated test pressure for pressurized piping is less than 40 psi, 40 psi shall be used as the test pressure. The pressure shall be maintained for a minimum of 30 minutes and all joints shall be soap tested. A failed test, as evidenced by the presence of bubbles, shall require appropriate repairs and retesting. If there are no manufacturer's guidelines, secondary containment systems shall be tested using an applicable method specified in an industry code or engineering standard. Suction piping and gravity flow piping which cannot be isolated from the tank shall be tested after installation in conjunction with an overfilled volumetric tank integrity test or other test method meeting the requirements of section 2643(f), if approved by the local agency.

(f) Underground piping with secondary containment, including under-dispenser piping with secondary containment, shall be equipped and monitored with monitoring systems as follows:

(1) All secondary containment, including under-dispenser containment, and under-dispenser spill control or containment systems shall be equipped with a continuous monitoring system that either activates an audible and visual alarm or stops the flow of product at the dispenser when it detects a leak.

(2) Automatic line leak detectors shall be installed on underground pressurized piping and shall be capable of detecting a 3-gallon per hour leak rate at 10 psi within 1 hour with a probability of detection of at least 95 percent and a probability of false alarm no greater than 5 percent, and shall restrict or shut off the flow of product through the piping when a leak is detected.

[Editor's note – Version of (f)(3) in effect prior to 1/17/2008]

(3) Until November 9, 2004, other monitoring methods may be used in lieu of the requirement in subdivision (2) if it is demonstrated to the satisfaction of the local agency that the alternate method is as effective as the methods otherwise required by this section. Continuous monitoring systems as described in subdivision (1), which shut down the pump in addition to either activating the audible and visual alarm or stopping the flow of product at the dispenser, satisfy the automatic line leak detector requirement of subdivision (2).

[Editor's note – Version of (f)(3) in effect 1/17/2008]

(3) Until November 9, 2004, other monitoring methods may be used in lieu of the requirement in subdivision (2) if it is demonstrated to the satisfaction of the local agency that the alternate method is as effective as the methods otherwise required by this section. As an example, continuous monitoring systems as described in subdivision (1), which shut down the pump in addition to either activating the audible and visual alarm or stopping the flow of product at the dispenser, satisfy the automatic line leak detector requirement of subdivision (2), for purposes of this subdivision (f)(3).

(4) Monitoring shall be conducted on all underground pressurized piping with secondary containment at least annually at a pressure designated by the equipment manufacturer, provided that the method is capable of detecting a minimum release equivalent to 0.1 gallon per hour defined at 150 percent of the normal operating pressure of the product piping system at the test pressure with at least a 95 percent probability of detection and not more than a 5 percent probability of false alarm.

(5) Continuous monitoring systems as described in subdivision (f)(1) satisfy the annual tightness testing requirement of subdivision (f)(4) if both of the following conditions are met:

(A) The monitoring system shuts down the pump or stops the flow of product at the dispenser when a leak is detected in the under-dispenser containment.

(B) The monitoring system for all product piping other than that contained in the under-dispenser containment is fail safe, and shuts down the pump when a leak is detected.

(6) For emergency generator tank systems, continuous monitoring systems as described in subdivision (1), which activate an audible and visual alarm in the event of a leak or a malfunction of the monitoring system satisfy the automatic line leak detector requirement of subdivision (2), provided that the monitoring system is checked at least daily by either remote electronic access or on-site visual inspections. A log of daily checks shall be available for local agency review upon request.

(g) Under-dispenser containment shall be designed, constructed, and installed in accordance with the following:

(1) Owners or Operators of a UST system shall have the system fitted with under-dispenser containment, or an approved under-dispenser spill containment or control system according to the following schedule:

(A) At the time of installation for systems installed after January 1, 2000.

(B) By July 1, 2001, for systems installed after July 1, 1987 that are located within 1,000 feet of a public drinking water well, as identified pursuant to the state Geographic Information System mapping database.

(C) By December 31, 2003, for systems not subject to subsection 2636(g)(1)(A) or (B).

(2) Under-dispenser containment shall be designed, constructed, installed, and monitored in accordance with section 2631, 2636(c)(2), 2636(e), and 2636(f).

(3) A manufacturer of an under-dispenser spill containment or control system may apply to the Division of Water Quality Underground Storage Tank Program Manager for approval of the system. Owners or operators shall not install an under-dispenser spill containment or control system that has not been approved.

(A) Applications for approval shall be submitted in writing and include the following:

(i) A description of the proposed system.

(ii) Clear and convincing evidence that the system will protect the soil and beneficial uses of the waters of the state from unauthorized releases.

(B) The Program Manager shall review the application to determine if the proposed system adequately protects the soil and beneficial uses of groundwater before determining whether to approve the proposed system.

(C) The Program Manager may modify or revoke a previously issued approval if it finds that, based on new evidence, the approved system does not adequately protect the soil and beneficial uses of groundwater from unauthorized releases.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1 25291 and 25299, Health and Safety Code; and 40 CFR 280.20 and 280.40-280.45.

§ 2637. Secondary Containment Testing.

(a) Secondary containment systems installed on or after January 1, 2001 shall be tested upon installation, 6 months after installation, and every 36 months thereafter. Secondary containment systems installed prior to January 1, 2001 shall be tested by January 1, 2003 and at least every 36 months thereafter.

(b) By December 31, 2002, the owner or operator of any secondary containment system that the owner or operator determines cannot be tested in accordance with this section shall replace the secondary containment system with a system that can be tested in accordance with this section. As an alternative, the owner or operator may submit a proposal and workplan for enhanced leak detection to the local agency in accordance with subdivisions 2644.1(a)(1), (2), (4), and (5) by July 1, 2002; complete the program of enhanced leak detection by December 31, 2002; and replace the secondary containment system with a system that can be tested in accordance with this section by July 1, 2005. The local agency shall review the proposed program of enhanced leak detection within 45 days of submittal or re-submittal.

(c) Periodic testing of secondary containment systems shall be conducted using a test procedure that demonstrates that the system performs at least as well as it did upon installation. For example, if the secondary containment system was tested upon installation by using a test method that applied a pressure of 5 psi, then the periodic test must be conducted using a method that tests the system at an equivalent pressure. These tests shall be performed in accordance with manufacturer's guidelines or standards. If there are no manufacturer's guidelines or standards, secondary containment systems must be tested using an applicable method specified in an industry code or engineering standard. If there are no applicable manufacturers guidelines, industry codes, or engineering standards a test method approved by a state registered professional engineer shall be used.

(d) Secondary containment testing shall be performed by either a service technician or a licensed tank tester, both of which must meet the requirements of section 2715, subdivision (i).

(e) Underground storage tank owners and operators shall submit a copy of the test report to the local agency within 30 days of the completion of the test.

(f) Owners and operators of underground storage tanks must notify the local agency at least 48 hours prior to conducting the test, unless this notification requirement is waived by the local agency.

(g) Secondary containment systems where the continuous monitoring automatically monitors both primary and secondary containment, such as systems that are hydrostatically monitored or under constant vacuum, are exempt from periodic secondary containment testing.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1, 25291 and 25292, Health and Safety Code; 40 CFR 280.41.

§ 2638. Annual Certification of Monitoring Equipment.

(a) All monitoring equipment used to satisfy the requirements of this article shall be installed, calibrated, operated and maintained in accordance with manufacturer's instructions, and certified every 12 months for operability, proper operating condition, and proper calibration. Written records shall be maintained as required in section 2712.

(b) Persons performing installation, repair, maintenance, calibration, or annual certification of monitoring equipment shall meet the requirements set forth in section 2715, subdivision (i).

(c) Annual monitoring equipment certification shall be made on a "Monitoring System Certification" form (see Appendix VI).

(d) UST owners and operators shall submit a completed "Monitoring System Certification" form to the local agency within 30 days after completion of the inspection.

(e) The UST owner or operator shall notify the local agency at least 48 hours prior to conducting the installation, repair, replacement, calibration, or certification of monitoring equipment unless the notification requirement is waived by the local agency.

(f) A person conducting UST monitoring equipment certification shall affix a tag/sticker on each monitoring equipment component that is being certified, repaired, or replaced. The tag/sticker shall be placed in a readily visible location and shall include the date the UST component was certified, repaired, or replaced, and the contractor's or tank tester's license number.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25281, 25284.1, 25291 and 25292, Health and Safety Code; 40 CFR 280.41.

§ 2661. Requirements for Repairing Underground Storage Tank.

(a) Before repairing an underground storage tank system, the owner or operator shall comply with applicable requirements of Article 5.

(b) Before repairing an underground storage tank system, the owner or operator shall demonstrate to the satisfaction of the local agency that the conditions and requirements specified in subsection 2660(k) will be met. When selecting a method of repair, the owner or operator shall take into consideration whether the cause of failure is isolated to the actual failure, is affecting other areas of the underground storage tank, or if any other cause of failure is affecting the primary container.

(c) A tank may be repaired once using the interior lining method specified in section 2663. A previously lined tank may not be repaired using the interior lining method.

(d) Holes in steel tanks shall be plugged using self-tapping bolts, boiler plugs, water-tight hydraulic cement, or by welding. In addition, holes in steel and fiberglass tanks shall be repaired as follows:

(1) Repair areas shall be covered with epoxy or isophthalic polyester based resin. The resin shall be compatible with the intended use of the tank.

(2) Fiberglass cloth with a minimum weight of 1.5 oz/yd that is silane- treated shall be worked completely into the resin base. The resin base shall be installed a minimum of two inches beyond the fiberglass cloth.

(3) All repairs shall include installation of fiberglass cloth with a minimum dimension of 12 x 12 inches centered over the area to be repaired. Larger repairs shall require the cloth to be large enough to provide cloth coverage of at least five inches of cloth bonded to the tank wall, measured from the outermost edge of the repair to the cloth's edge.

(4) A second layer of fiberglass cloth of the same weight as specified in subsection (d)(2) above, shall be installed directly over the primary cloth layer and shall be cut to overlap the primary patch by 1.5 inches on all sides.

(5) The repair shall be allowed sufficient cure time, as determined by the resin manufacturer, to provide an acceptable base for tank lining installation.

(e) Metal piping, pipe fittings, or tank fittings that have released product as a result of corrosion or other damage shall be replaced. Non-metal piping, pipe fittings, or tank fittings shall be repaired or replaced in accordance with manufacturer specifications.

(f) Tanks and piping which have been repaired shall be tested for tightness within 30 calendar days following the date of completion of the repair. Tanks or piping that fail this test shall be repaired in accordance with this section or closed in accordance with Article 7.

(g) A vapor or ground water monitoring system shall be installed to continuously monitor a tank repaired by lining for future unauthorized releases, in accordance with section 2647 or 2648, if no secondary containment system exists.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Section 25296, Health and Safety Code; 40 CFR 280.33.

§ 2666. Requirements for Upgrading Underground Piping.

(a) By December 22, 1998, all underground piping containing hazardous substances other than motor vehicle fuel shall be retrofitted with secondary containment meeting the requirements of section 2636.

(b) By December 22, 1998, all underground piping containing motor vehicle fuel and connected to an existing tank shall be retrofitted with secondary containment unless the owner or operator demonstrates to the local agency that the piping is constructed of fiberglass reinforced plastic, cathodically protected steel, or other materials compatible with stored products and resistant to corrosion. The secondary containment system shall meet the construction, installation, and monitoring requirements of section 2636.

(c) By December 22, 1998, all automatic line leak detectors for underground pressurized piping which is not secondarily contained shall be capable of shutting off the pump when a release occurs. In addition, the pumping system shall shut down automatically if the automatic line leak detector fails or is disconnected. In lieu of the above, for underground storage tank emergency generator systems, the leak detector must be connected to an audible and visible alarm to indicate a release malfunction of the system.

(d) All underground piping and secondary containment shall be tested for tightness after installation in accordance with section 2636(e).

(e) By December 31, 2003, all existing underground storage tanks shall be retrofitted with under-dispenser containment, or an under-dispenser spill containment or control system. The under-dispenser containment or under-dispenser spill containment or control system shall meet, where applicable, the requirements of 2636(g).

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25284.1, 25292 and 25292.1, Health and Safety Code; 40 CFR 280.21.

§ 2711. Information and Application for Permit to Operate an Underground Storage Tank.

(a) The permit application shall include, but not be limited to, the following information to the extent such information is known to the permit applicant:

(1) The name and address of the person who owns the underground storage tank or tanks.

(2) The name, location, mailing address, and telephone number where the underground storage tank is located, and type of business involved, if any.

(3) The name, address, and telephone numbers of the underground storage tank operator and 24-hour emergency contact person.

(4) The name and telephone number of the person making the application.

(5) A description of the underground storage tank including, but not limited to, the underground storage tank manufacturer, date of installation and tank capacity.

(6) Construction details of the underground storage tank and any auxiliary equipment including, but not limited to, type of primary containment, type of secondary containment (if applicable), spill and overflow prevention equipment, interior lining, and corrosion protection (if applicable).

(7) A description of the piping including, but not limited to, the type of piping system, construction, material, corrosion protection and leak detection.

(8) A scaled diagram or design or as-built drawing which indicates the location of the underground storage tank (underground storage tank, piping, auxiliary equipment) with respect to buildings or other landmarks.

- (9) The description of the proposed monitoring program including, but not limited to, the following where applicable:
- (A) Visual inspection procedures;
 - (B) Underground storage tank release detection methods or inspection procedures;
 - (C) Inventory reconciliation including gauging and reconciliation methods;
 - (D) Piping leak detection methods;
 - (E) Vadose zone sampling locations, and methods and analysis procedures;
 - (F) Ground water well(s) locations construction and development methods, sampling, and analysis procedures; and
- (10) A list of all the substances which have been, are currently, or are proposed to be stored in the underground storage tank or tanks.
- (11) Documentation to show compliance with state and federal financial responsibility requirements applicable to underground storage tanks containing petroleum.
- (12) If the owner or operator of the underground storage tank is a public agency, the application shall include the name of the supervisor of the division, section, or office which operates the underground storage tank.
- (13) The permit application shall be signed by:
- (A) The underground storage tank owner, underground storage tank operator, facility owner or facility operator, or a duly authorized representative of the owner; or,
 - (B) If the tank or facility is owned by a corporation, partnership, or public agency, the application shall be signed by:
 - 1. A principal executive officer at the level of vice-president or by an authorized representative. The representative shall be responsible for the overall operation of the facility where the underground storage tank(s) are located; or,
 - 2. A general partner proprietor; or,
 - 3. A principal executive officer, ranking elected official, or authorized representative of a public agency.
- (b) The owner or operator shall inform the local agency of any changes to the information provided in accordance with subsection (a) within 30 calendar days unless required to obtain approval before making the change.
- (c) The permit applications, "Underground Storage Tank Operating Permit Application-Facility Information", "Underground Storage Tank Operating Permit Application-Tank Information," and "Underground Storage Tank Monitoring Plan" in Title 27, Division 3, Subdivision 1, Chapter 6, shall be accompanied by the local government and state surcharge fees.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25286 and 25287, Health and Safety Code.

§ 2713. Local Agency Reporting Requirements.

- (a) Each local agency shall transmit unauthorized release information, submitted by the owner or operator, to the appropriate regional board.
- (b) Local agencies shall transmit unauthorized release update report information, submitted by the owner or operator pursuant to section 2712, to the appropriate regional board for sites where they are overseeing cleanup. Local agencies shall transmit this unauthorized release update information on a quarterly schedule established by the board.
- (c) On a semi-annual basis, each local agency shall send to the board, information pertaining to local underground storage tank program implementation and enforcement activities. This information shall be submitted using "Semi-Annual Underground Storage Tank Program Report 6" as specified in Title 27, section 15290, and shall include, but not be limited to the number of:

- (1) tanks subject to regulation
- (2) regulated facilities
- (3) facility inspections conducted
- (4) inspected facilities in compliance with release detection and release prevention requirements
- (5) underground storage tank systems that received a red tag pursuant to Article 10.5, including:
 - (A) the name and address of the facility at which the tank system is located;
 - (B) the names of the owner and operator of the tank system;
 - (C) the red tag's identification number;
 - (D) the date the red tag was affixed to the tank system;
 - (E) the specific violation for which the tank system received the red tag;
 - (F) the date the red tag was removed from the tank system.

(d) Local agencies shall report formal and informal enforcement actions using "Annual Enforcement Summary Report 4" as specified in title 27, section 15290.

Authority: Sections 25299.3 and 25299.7, Health and Safety Code.

Reference: Sections 25286 and 25292.3, Health and Safety Code.

Appendix VI

(Copies of Monitoring System Certification form and UST Monitoring Plot Plan available at <http://www.swrcb.ca.gov>.)

MONITORING SYSTEM CERTIFICATION

For Use By All Jurisdictions Within the State of California

Authority Cited: Chapter 6.7, Health and Safety Code; Chapter 16, Division 3, Title 23, California Code of Regulations

This form must be used to document testing and servicing of monitoring equipment. A separate certification or report must be prepared for each monitoring system control panel by the technician who performs the work. A copy of this form must be provided to the tank system owner/operator. The owner/operator must submit a copy of this form to the local agency regulating UST systems within 30 days of test date.

A. General Information

Facility Name: _____ Bldg. No.: _____
 Site Address: _____ City: _____ Zip: _____
 Facility Contact Person: _____ Contact Phone No.: (_____) _____
 Make/Model of Monitoring System: _____ Date of Testing/Serviceing: ____/____/____

B. Inventory of Equipment Tested/Certified

Check the appropriate boxes to indicate specific equipment inspected/serviced:

Tank ID: _____ In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).	Tank ID: _____ In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).
Tank ID: _____ In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).	Tank ID: _____ In-Tank Gauging Probe. Model: _____ Annular Space or Vault Sensor. Model: _____ Piping Sump / Trench Sensor(s). Model: _____ Fill Sump Sensor(s). Model: _____ Mechanical Line Leak Detector. Model: _____ Electronic Line Leak Detector. Model: _____ Tank Overfill / High-Level Sensor. Model: _____ Other (specify equipment type and model in Section E on Page 2).
Dispenser ID: _____ Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).	Dispenser ID: _____ Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).
Dispenser ID: _____ Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).	Dispenser ID: _____ Dispenser Containment Sensor(s). Model: _____ Shear Valve(s). Dispenser Containment Float(s) and Chain(s).
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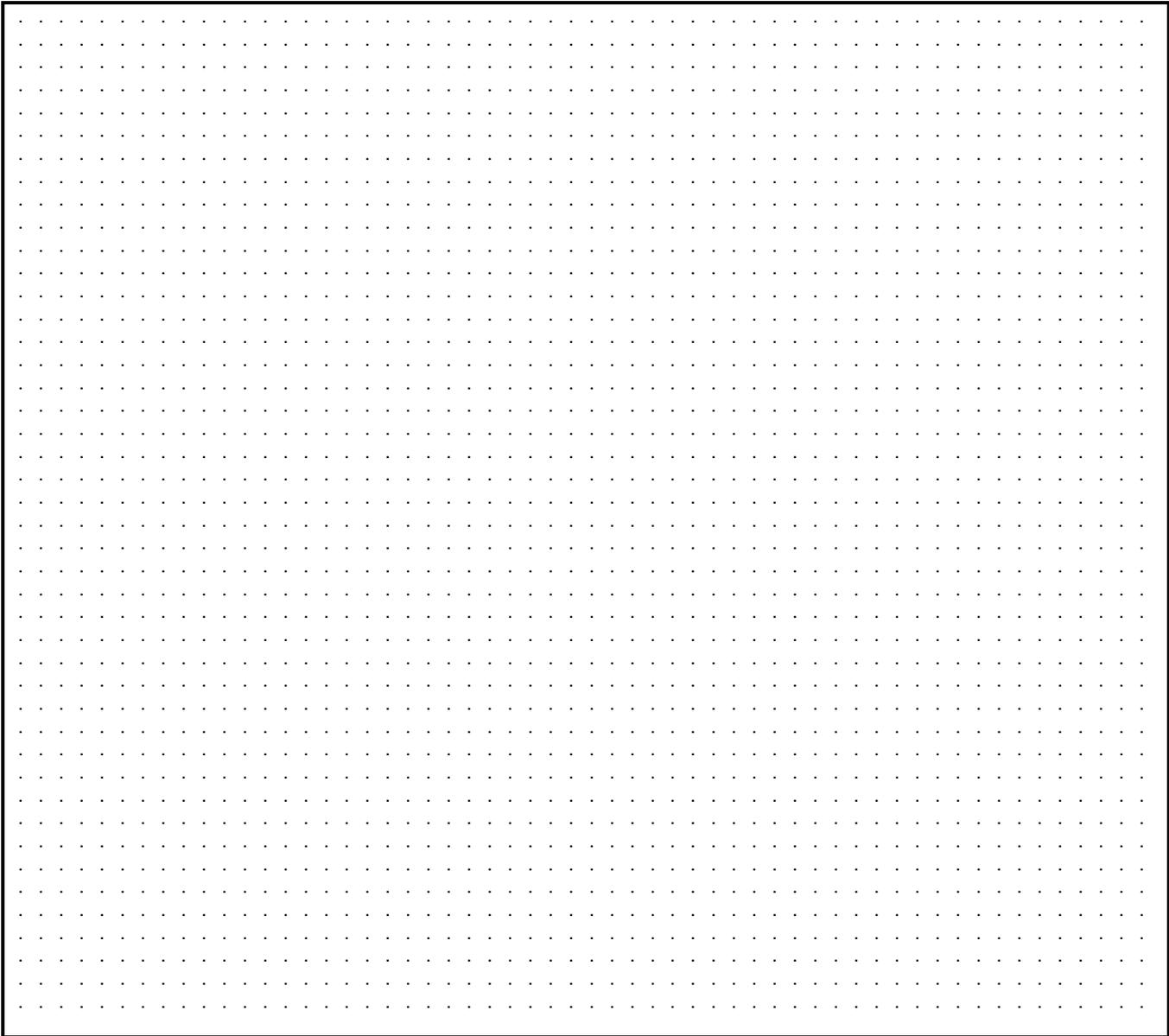
*If the facility contains more tanks or dispensers, copy this form. Include information for every tank and dispenser at the facility.

C. Certification - I certify that the equipment identified in this document was inspected/serviced in accordance with the manufacturers' guidelines. Attached to this Certification is information (e.g. manufacturers' checklists) necessary to verify that this information is correct and a Plot Plan showing the layout of monitoring equipment. For any equipment capable of generating such reports, I have also attached a copy of the report; (check all that apply): **System set-up** **Alarm history report**

Technician Name (print): _____ Signature: _____
 Certification No.: _____ License No.: _____
 Testing Company Name: _____ Phone No.:(_____) _____
 Testing Company Address: _____ Date of Testing/Serviceing: ____/____/____

UST Monitoring Site Plan

Site Address: _____



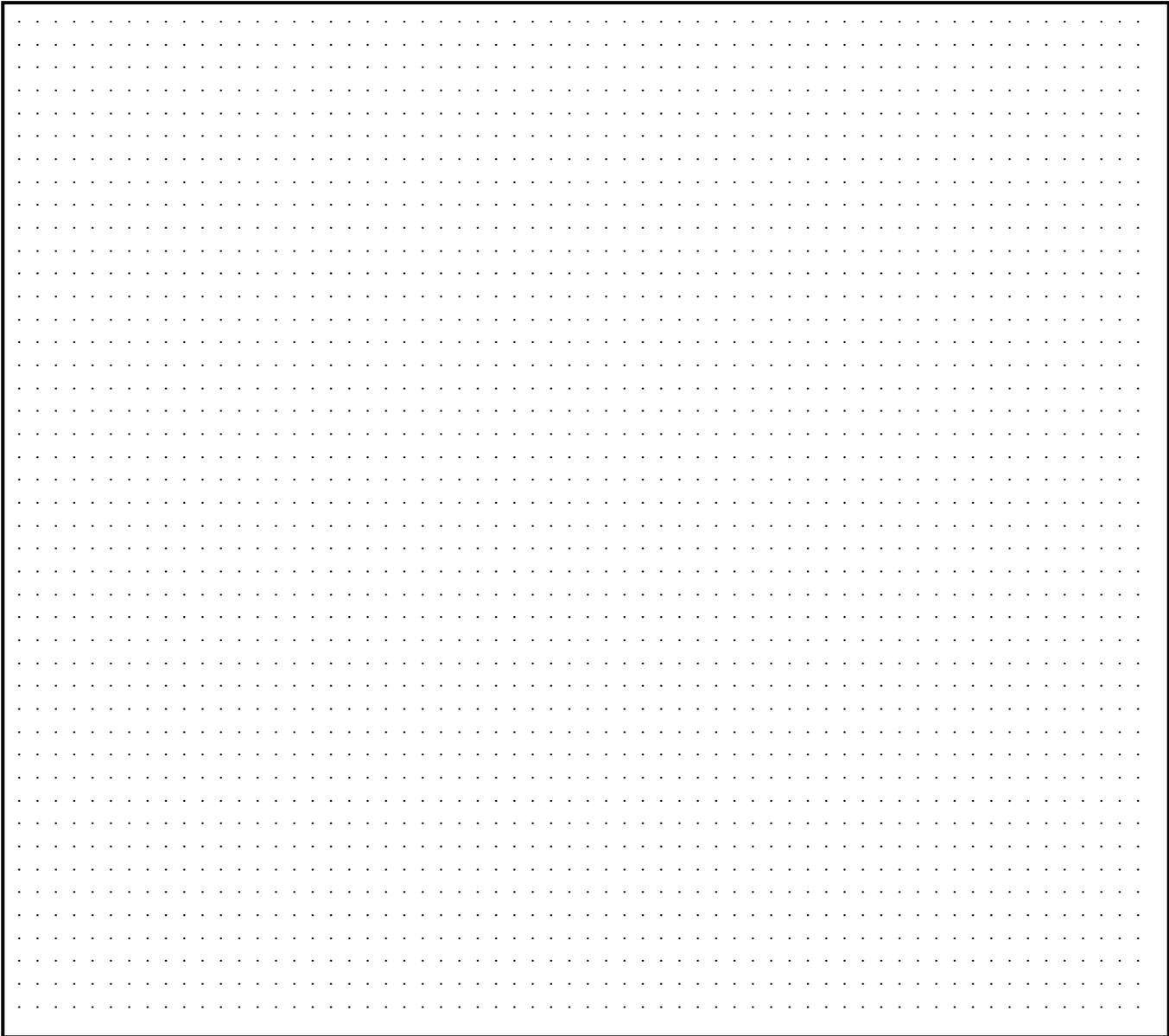
Date map was drawn: ____/____/____.

Instructions

If you already have a diagram that shows all required information, you may include it, rather than this page, with your Monitoring System Certification. On your site plan, show the general layout of tanks and piping. Clearly identify locations of the following equipment, if installed: monitoring system control panels; sensors monitoring tank annular spaces, sumps, dispenser pans, spill containers, or other secondary containment areas; mechanical or electronic line leak detectors; and in-tank liquid level probes (if used for leak detection). In the space provided, note the date this Site Plan was prepared.

UST Monitoring Site Plan

Site Address: _____



Date map was drawn: ____/____/____.

Instructions

If you already have a diagram that shows all required information, you may include it, rather than this page, with your Monitoring System Certification. On your site plan, show the general layout of tanks and piping. Clearly identify locations of the following equipment, if installed: monitoring system control panels; sensors monitoring tank annular spaces, sumps, dispenser pans, spill containers, or other secondary containment areas; mechanical or electronic line leak detectors; and in-tank liquid level probes (if used for leak detection). In the space provided, note the date this Site Plan was prepared.