



Underground Storage Tank (UST) Program Updates

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DISCUSSION TOPICS:

1. Summary of Draft Title 23 Changes – C. Lewallen
2. UST Violations – M. Kiener
3. UST Plan Check Updates – V. Archer
4. Q&A



Summary of Draft T23 Changes

Milestones

- 45-day comment period ended 1/17/2025
- Anticipate a second, shorter comment period in 2025
- Expected effective date of new regulations: **1/1/2026**
- Stay up-to-date
 - https://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.html



Summary of Draft T23 Changes

Single-Walled (SW) Closure Deadline: 12/31/2025

- Senate Bill 445 became effective September 25, 2014
- Amended State Law, H&SC §25292.05
- Requires the permanent closure of SW tanks & piping



Summary of Draft T23 Changes

Universal Changes

- “Local agency” changed to “Cleanup Oversight Agency” or “Unified Program Agency” as applicable
- “Leak detection equipment” changed to “release detection equipment”
- “Certification” changed to “test”
- Removing references to past regulatory sections or deadlines
- Consolidation & reorganization of the articles



Summary of Draft T23 Changes

Organization

- **Article 1:** Definitions of Terms, Exclusions, & Record Retention
- **Article 2:** Site Specific Variance Procedures & Additional Construction Standards
- **Article 3:** Certification, Licensing, and Training Requirements
- **Article 4:** Design and Construction Requirements
- **Article 5:** Monitoring Requirements
- **Article 6:** Testing Requirements



Summary of Draft T23 Changes

Organization

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



Summary of Draft T23 Changes

Article 1: Definitions of Terms, Exclusions & Record Retention

- Removed definitions
- Added definitions
 - “Submit”: Transmit required documentation or information as follows:
 - Information the owner or operator is required to “submit” to the Unified Program Agency must be electronically submitted through the California Environmental Reporting System (CERS);
 - Information the owner or operator is required to “submit” to the Cleanup Oversight Agency must be electronically submitted through GeoTracker.



Summary of Draft T23 Changes

Article 1: Definitions of Terms, Exclusions & Record Retention

- “Underground Storage Tank Types”
 - Type 1 underground storage tank: UST system installed before July 1, 2003
 - Type 2 underground storage tank: UST system installed on or after July 1, 2003, and before July 1, 2004
 - Type 3 underground storage tank: UST system installed on or after July 1, 2004



Summary of Draft T23 Changes

Article 3: Certification, Licensing, and Training Requirements

- Currently, the “Designated UST Operator Visual Inspection Report” documents the date when testing was last completed. The draft change will require the Designated UST Operator to identify the *next due date* for all periodic testing.



Summary of Draft T23 Changes

Article 4: Construction and Operation Requirements

- Anchorage required for **all newly installed tanks**
- For USTs manufactured on or after July 1, 2026, the tank exterior must bear a marking, code stamp, or label, showing:
 - Manufacturer identification
 - Production location
 - Manufacture date
 - Maximum burial depth
 - Maximum test pressure
 - Which openings do not have a striker plate



Summary of Draft T23 Changes

Article 5: Monitoring Requirements

- **Monitoring Site Plan** – *minimum* requirements: tank/piping layout, containment sumps, dispensers, spill containers; locations of release detection equipment (including VPH).
- **Alternative monitoring program** must be implemented if release detection equipment is disabled more than **12 hours**.
- **Temporary closure** required if release detection equipment is or is expected to be disabled for more than **72 hours**.



Summary of Draft T23 Changes

Article 5: Monitoring Requirements

- Mechanical release detection equipment, such as floats and chains, used to continuously monitor under-dispenser containment, which fails to function properly at any time, **cannot be repaired**, and must be replaced with a continuous electronic monitoring method.
- Buried pressurized piping monitored by a **continuous vacuum, pressure, or hydrostatic interstitial monitoring system** that shuts off the flow of hazardous substance through the piping when it detects a release - satisfies the **line leak detector** requirement.



Summary of Draft T23 Changes

Article 6: Testing Requirements

- Notification requirement for testing changed from 48 Hrs. to **72 Hrs.**
- Enhanced leak detection test results must now be submitted within **30 days** (formerly 60 days)



Summary of Draft T23 Changes

Article 8: Closure Requirements

- The UST owner or operator must receive approval for temporary closure from the Unified Program Agency **prior** to initiating temporary closure.





Underground Storage Tank (UST) Violations

M. Kiener – EHS III



UST Enforcement Cases 2024

2024 Enforcement statistics

- Violation classifications: Minor, Class II, & Class I
- State mandates enforcement for all Class I violations
- In 2024 - 16 cases citing 22 violations
- 16 cases/960 AMC inspection in 2025 = 1.7 %
- Costly, time consuming and stressful for facility representatives, owner/operators



UST Enforcement Cases 2024

Top 5 violations leading to cases.

- Sensors not located properly to detect a leak at the earliest possible opportunity = **41%**
- Disabled sensor = **14%**
- Interstitial monitoring sensor improperly installed = **9%**
- Secondary containment failures not addressed in a timely manner = **9%**
- Unauthorized leaks / spills = **9%**



UST Enforcement 2024

Failure of leak detection equipment to be installed, maintained and located such that the equipment is capable of detecting a leak at the earliest possible opportunity.

- 9 of the 16 total cases in 2024
- Raised sensors in 7 cases
- Removed / flipped / raised tank annular sensors in 3 cases
- Horizontal sensors in 2 cases
- Sensor located opposite side of product piping in 1 case



UST Enforcement 2024

Raised sensors



UST Enforcement 2024

Horizontal sensors



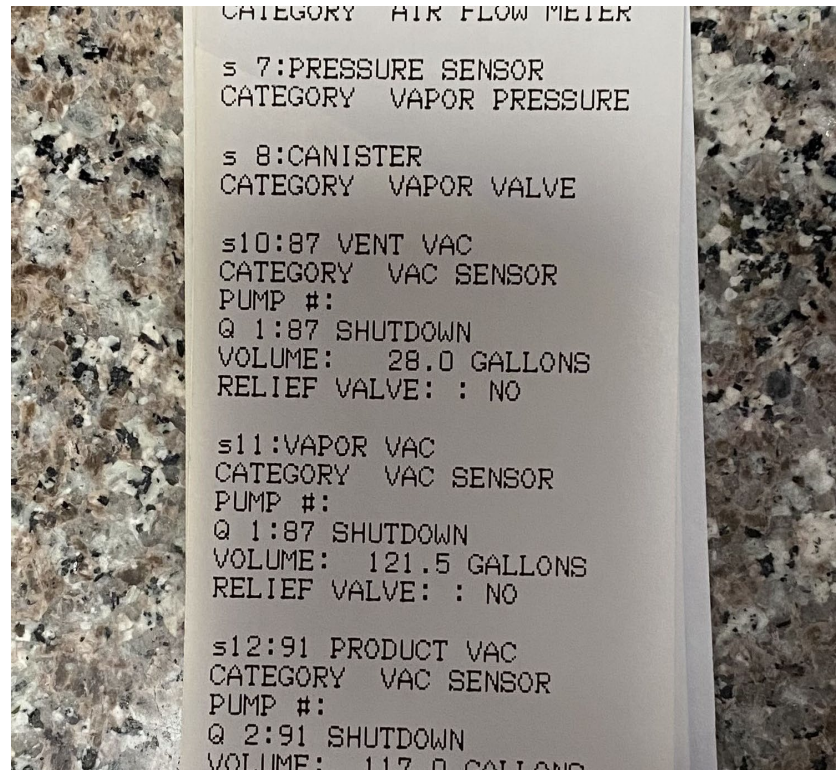
UST Enforcement 2024

Sensor removed; opposite side of product piping



UST Enforcement 2024

Leak detection equipment disabled or tampered with in a manner that would prevent the monitoring system from detecting and/or alerting the owner/operator of a leak.



UST Enforcement 2024

Failure to continuously monitor the interstitial space of a double-walled tank with an audible and visual alarm system.



UST Enforcement 2024

Recommendation to avoid enforcement:

- Read DO report when signing
- Install sensor sleeves
- Observe containment after work completed, or request photos
- Site visit during annual CUPA inspection and/or monthly DO Inspection to understand requirements
- Read inspection reports & HMD correspondence to identify issues and avoid repeat violation; contact area inspector





Underground Storage Tank (UST) Plan Check Updates

V. Archer – EHS III



UST Plan Check Updates

Permit Required

- Installation of tank, piping, sumps, UDC
- Removal of tank, piping, sumps, UDC
- Repairs of tank, piping, sumps, UDC
 - i.e., replacement of penetrations, reducer boot for secondary monitoring, fiberglass collar
- Buried single-walled (SW) product piping that needs to be repaired is required to be upgraded to double wall (DW)



UST Plan Check Updates

Permit Required

- Retrofit emergency generator system with a line leak detector (LLD)
- Change from PLLD/DPLLD to MLLD, or MLLD to PLLD/DPLLD
- Changing tank contents to E85 (new monitoring equipment required)
- Replace mechanical UDC monitoring to electronic monitoring
 - Float & Chain to electronic sensor



UST Plan Check Updates

Permit Required

- Monitoring system software upgrade
- Relocate monitoring panel
- Replace/install monitoring panel (i.e., TLS-350, TLS-450, Icon)
 - TLS-450 is compatible with MLLD or DPLLD



UST Plan Check Updates

Permit Not Required **contact plan check to verify*

- Install / replace **test** boots
- Install / replace an automatic shutoff device (flapper valve)
- Replace spill bucket
- Removal of a ball float (ensure tank has appropriate OPE)
- Replace “like for like” sensor



UST Plan Check Updates

Work completed without a Permit

- Violation sited
- Plan Check process must still be completed
- Double permit fees may be invoiced
- Enforcement action may be pursued



UST Plan Check Updates

Permit Exception (with HMD approval)

- Software Upgrade* within 30 days prior to routine annual below grade inspection
 - Submit a written request for exception to veronica.archer@scounty.ca.gov
 - Approval or Denial will be provided in writing

**Does not apply to replacing a monitoring panel*



QUESTIONS?



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Thank you

