



COUNTY OF SAN DIEGO
DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISION



COMPLIANCE WITH CALIFORNIA UST REGULATORY AMENDMENTS
CA CODE OF REGULATIONS, TITLE 23
EFFECTIVE OCTOBER 1, 2018

The adopted amendments to California Code of Regulations, Title 23, Division 3, Chapter 16 (Underground Storage Tank (UST) Regulations) has been approved and the amendments are effective as of October 1, 2018. The amended California UST Regulations (CCR Title 23) incorporates the new Federal requirements. The regulations are available at:

https://www.waterboards.ca.gov/water_issues/programs/ust/regulatory/docs/CCR_Ch16_10_2018.pdf

The regulations include, but are not limited to:

- Required overfill prevention equipment inspections
- Designated UST Operator inspections and training
- Spill containment testing
- Emergency generator UST Systems
- Testing and Inspection of equipment after a repair
- Demonstration of compatibility
- Clarification of existing Title 23 definitions



New requirements that will affect Overfill Prevention equipment for a UST system

Overfill prevention equipment is required to be inspected by a qualified UST service technician to ensure that the equipment activates at the correct level. The first inspection must be performed at least once by October 13, 2018, and at least once every 36 months thereafter. The equipment must also be inspected within 30 days of the completion of a repair. The inspection must be conducted per the manufacturer of the equipment or industry standard; however, if neither is available a method developed by a California State Licensed Engineer may be followed. The overfill prevention equipment inspection must be recorded on the "Overfill Prevention Equipment Inspection Report Form". The owners or operators shall submit a copy of the form to DEH within 30 days of the completion of the inspection, and the records shall be maintained by the owners and operators for a minimum of 36 months. Owners or operators shall notify DEH at least 48 hours prior to conducting the inspection. If a facility completes the inspection any time after October 13, 2018, the next 36 month inspection will be due October 2021, unless a repair or replacement device is applicable.

Note: Effective October 1, 2018, when overfill prevention is installed, repaired or replaced, flow restrictors in vent lines no longer comply with the overfill prevention requirement.

New requirements that affect UST facility *Designated Operator (DO) inspections and training*

Starting on October 1, 2018, the UST facility DO must conduct a facility inspection at least once every 30 days. The DO must visually check for damage to the spill prevention equipment, obstructions in the fill pipe and ensure that the fill cap is securely on the fill pipe. The DO must inspect containment sumps that have had an alarm since the previous visual inspection for which there is no record of a service visit. The DO must also identify compliance issues which cause the UST system to be out of compliance with UST Laws and Regulations. The inspection results must be recorded on the "Designated Underground Storage Tank Operator Visual Inspection Report". Within 48 hrs of completing the inspection, the DO shall sign the report and provide the owner or operator with a copy. Within 48 hrs of being provided the report, the owner or operator must describe any corrective taken, or to be taken and sign and date the report. The report must be maintained for a minimum of 36 months.

Employees hired on or after October 13, 2018 must be trained by the DO before assuming duties as a facility employee. "Facility employee" means an individual who is employed on-site at an UST facility, and who may be called upon to respond to spills, overfills, or other problems associated with the operation of the UST system. DO training for facility employees must include a practical demonstration. The DO must issue a signed "Facility Employee Certification" to the owner or operator, and the certificates must be retained for one year.

New requirements that will effect the *Monitor Certification* for a UST system

The annual monitor certification must now include testing the monitor panel backup battery, checking the probe shaft for damage, ensure that sensors and floats move freely, and cables are free of kinks and breaks. Also, secondary containment sumps must be inspected for damage, liquid, and debris. The additional requirements must be included in the new monitoring certification report for all certification performed after October 1, 2018. Owners and operators must maintain the monitor certification report for at least 3 years.

New requirements that will affect the Spill Containment for a UST system

Spill containment is required to be tested for tightness by a qualified UST service technician to ensure that the container is capable of containing the stored substance until it is detected and cleaned up. In addition to the annual test, spill containment must be tested upon completion of an installation and every 12 months thereafter, and within 30 days of a repair. The test must be conducted per manufacturer guidelines, however, if a manufacturer's protocol is not available, the industry standards code or an engineering standard would apply. In the absence of any guidelines, standards or codes, a test method approved by a state registered professional engineer shall be used. The results of the spill container test shall be recorded on the "Spill Container Testing Report Form". The owners or operators shall submit a copy of the form to DEH within 30 days of the completion of the test, and the records shall be maintained by the owners and operators for a minimum of 36 months. Owners or operators shall notify DEH at least 48 hours prior to conducting the test.

New requirements that will affect Emergency Generator UST systems

All underground pressurized piping connected to an emergency generator UST systems shall be retrofitted with an automatic line leak detector (LLD) by October 13, 2018. A mechanical or electronic LLD can be used. However, in lieu of restricting or shutting off flow of product through the piping, an LLD that only activate an audible and visual alarm when a leak is detected may be used. This provision under the amended regulations allows for emergency generator UST systems to meet regulatory requirements without interrupting the operation of emergency generators in times of emergency. The LLDs are required to be certified for proper operation and calibrated every 12 months by a qualified UST service technician. The results of the certification must be recorded on the "Monitoring System Certification Form" and submitted to DEH within 30 days of the certification.

A LLD is not required if the emergency generator UST systems is constructed with unburied fuel piping that meet the requirements of HSC Section 25281.5(b)(3) Chapter 6.7; or piping that is not underground or pressurized.

Note: Please be advised that underground pressurized piping that are connected to a boiler system and utilized in times of emergency must also be retrofitted with an automatic LLD by October 13, 2018. However, LLDs on boiler lines are required to restrict or shut off flow of product through piping when a leak is detected.

New requirements that will affect Secondary Containment Testing

On or after October 1, 2018, within 30 days of the date of the completion of a repair to a secondary containment component, the component must be tested for tightness. All secondary containment results must be recorded on the "Secondary Containment Testing Report Form". The test results must be submitted to DEH within 30 days of the completion of the secondary containment test.

New requirements that will affect Demonstrating UST Compatibility

Starting on October 1, 2018, 30 days before a single wall UST changes tank contents to a motor vehicle fuel containing a concentration greater than 10 percent ethanol or five percent biodiesel, owners or operators shall demonstrate compatibility of the all primary containment with the substance to be stored, including any special accessories, fittings, coatings, or linings. A written approval from an independent testing organization in accordance with industry codes, voluntary consensus standards, or engineering standards must be submitted to DEH.

Additionally, starting on October 1, 2018, the owner or operator shall notify DEH at least 30 days before changing the substance currently stored in the UST. The notification shall be in writing and include the substance to be stored, the date storage of the substance will begin, and compatibility documentation.

The documentation shall be maintained for as long as the system is used to store the specific substance.

New requirements that will affect Upgrading Secondary Piping

All buried single-walled(SW) piping, except for vent piping, vapor recovery piping, tank riser piping, and suction piping meeting the requirements of section 2636(a)(3), shall meet Article 3 when repaired or replaced on or after October 1, 2018. If any portion of the SW pipe needs to be repaired or replaced, the piping will need to be upgraded to double wall (DW) piping that is continuously monitored. The new DW piping would be subject to the installation, compatibility, monitoring and testing requirements of Article 3 of CA Code of Regulations.

New Definitions

“Month” means a calendar month. Compliance timeframes throughout the new regulations are in either days or months. On or after October 1, 2018, the period between all testing and inspections shall not exceed the maximum number of days or months required in regulation. All testing and inspections shall be completed any time before or during the month the testing or inspection is required.

“Repair” means to restore a tank or UST system component that has caused a release of a hazardous substance from the UST system. The term “repair” also includes restoring to proper operating condition a tank, pipe, spill container, overfill prevention equipment, corrosion protection equipment, release detection equipment, or other UST system component that have ceased to function properly and cause the UST system to be out of compliance with this chapter.

FORMS REQUIRED BY REGULATION

- Monitoring System Certification Form »» [PDF](#) | [Word](#)
- Secondary Containment Testing Report Form »» [PDF](#) | [Word](#)
- Spill Container Test Report Form »» [PDF](#) | [Word](#)
- Overfill Prevention Equipment Inspection Report Form »» [PDF](#) | [Word](#)
- Statement of Understanding and Compliance »» [PDF](#) | [Word](#)
- Designated Underground Storage Tank Operator Identification Form »» [PDF](#) | [Word](#)
- Facility Employee Certificate »» [PDF](#) | [Word](#)
- Designated Underground Storage Tank Operator Visual Inspection Report »» [PDF](#) | [Word](#)

https://www.waterboards.ca.gov/water_issues/programs/ust/forms/

If you have any questions about the information contained in this bulletin, please contact HMD’s Environmental Health Specialist III, Cecilia Lewallen, at Cecilia.Lewallen@sdcounty.ca.gov phone: (619) 454-9915 or HMD’s UST Program Supervisor, Robert Rapista, at Robert.Rapista@sdcounty.ca.gov phone: (858) 505-6818.