

UNDERGROUND STORAGE TANK REGULATIONS

3237

(Sept. 1999)

The state's underground tank law, in general, provides for the permitting, inspection, and monitoring of underground storage tanks containing hazardous substances. The law is implemented by all counties in the state and some approved cities, pursuant to regulations adopted by the State Water Resources Control Board (H & S Code, Division 20, Chapter 6.7, Section 25283, See reference 3).

State tank regulations are minimum standards with which CDF must comply. State law delegates enforcement to the local agencies, also known as the local implementing agency (LIA), and allows them to adopt their own regulations. State agencies must comply with these regulations (state and/or local) or face closure of their tanks. Failure to comply with the state's UST regulations can also lead to civil and criminal penalties for responsible parties.

NOTE: The phrase "local implementing agency" (LIA) is synonymous with the following: local agency (LA), local administrative agency (LAA), and local enforcement agency (LEA).

PERMITS

3237.1

(Sept. 1999)

Every operator of an underground storage tank must secure an operating permit through the LIA. The LIA will have all of the information on this process.

PAYMENT OF PERMIT FEES

3237.2

(Sept. 1999)

Any operator of an underground storage tank is subject to a number of fee-based programs that entail regulation of the tank. These programs are overseen by the LIA, and the types of permits associated with the operation of an underground storage tank are as follows:

- **Operating Permit:** application made and fees paid to the LIA. CDF must pay this fee.
- **Closure Permit:** obtained for temporary or permanent closure of an underground storage tank. Application made and fees paid to the LIA by DSA or by CDF when closing a tank independent of the DSA underground storage tank program.

- **Oversight Program:** reimburses the LIA for the cost of overseeing a remedial action that has taken place as the result of an unauthorized release from an underground storage tank. Fees will be paid to the State Water Resources Control Board.
- **Maintenance Fee:** program that is not applicable to state agencies.

NOTE: Please return all bills received concerning this program, unpaid to the billing agency and include a statement noting the exemption of state agencies to these fees.

MONITORING REQUIREMENTS

3237.3

(Sept. 1999)

Facilities that currently operate an underground storage tank(s) shall implement a monitoring program to detect any unauthorized release at the earliest possible opportunity from any portion of the underground storage tank. The underground piping system associated with an underground storage tank may or may not be subject to a monitoring program; the LIA will make this determination.

The monitoring program to be implemented for a particular tank(s) will be determined by the LIA through its permitting requirements.

The type of monitoring system to be implemented is determined based on tank size by owner or operator. Before implementing a monitoring program, the owner or operator shall demonstrate to the satisfaction of the local implementing agency the proposed program is effective in detecting an unauthorized release from the primary container. All records related to the monitoring process will be retained for three years at the facility, and kept in sufficient detail to enable the LIA to determine that the operator has undertaken all monitoring activities required by the permit to operate (H & S Code Section 25293, see reference 3).

Current regulations allow tank size and use to determine the monitoring method to be used; however, at a minimum, daily inventory reconciliation (UST Regulation Monitoring Alternative No. 5) is to be used on all tanks. This monitoring alternative is performed by dip sticking the tank daily, for which the records of measurement are to be maintained at the facility to allow audit by the LIA. In addition, Monitoring Alternative No. 5 requires an annual precision tank test. Test results must be submitted to the LIA with the initial application for a permit to operate as well as on an annual basis thereafter. The responsibility for completing the initial and annual precision tank tests and the obligation to cover all costs relating to the tests currently rests with DGS, RESD.

REPORT OF UNAUTHORIZED RELEASES

3237.4

(Sept. 1999)

Any unauthorized release which escapes from the secondary containment, or from the primary containment if no secondary containment exists, shall be reported by the operator to the local agency **within 24 hours** after the release has been detected or should have been detected. A full written report shall be transmitted by the owner or operator of the underground storage tank(s) within five working days of the occurrence of the release (H & S Code Section 25295[a], see reference 3). Similar notification to Sacramento Headquarters, Technical Services Section, shall be made. Every effort to remove and legally dispose of any excess product shall be made.

In addition, CDF personnel shall oversee fuel vendor deliveries. Any inadvertent overfilling of the tank by the vendor shall be documented by Department personnel, and remedial action taken by the fuel vendor; otherwise, expensive soil and tank integrity testing may have to take place at a later date in order to investigate the source of soil staining.

FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE FOR FORMS/FORMS SAMPLES SITE LINK.

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