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Enclosure to LG-159: ANNUAL UNDERGROUND STORAGE TANK COMPLIANCE INSPECTION HANDBOOK

(Available electronically at
http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/)

This handbook describes the elements that are important when conducting an annual Underground Storage Tank (UST) facility compliance inspection. According to Health and Safety Code (H&SC) Chapter 6.7, section 25288(a), local permitting agencies are required to inspect all UST facilities within their jurisdiction at least once a year, and subdivision (b), to prepare an inspection report detailing the inspection. The primary purpose of these inspections are to verify that UST systems are in compliance with design and construction standards and are monitored, tested, and operated in a safe condition in accordance with applicable state laws and regulations, and to verify functionality of leak detection equipment. This handbook discusses the main elements necessary to perform a thorough annual compliance inspection, as required by Chapter 6.7 of the H&SC (commencing with Section 25280) and Title 23, Chapter 16 of the California Code of Regulations (CCR).

This document is to be used as guidance only. It is intended to enhance, and be used in conjunction with, existing inspection procedures established in the agency's inspection and enforcement plan. A model inspection checklist is provided that allows the inspector to detail the inspection. The items listed correspond to the items discussed in this guidance document. This detailed inspection checklist is designed to break down compliance elements, which provides for a more comprehensive inspection and can be used to provide consistency. The checklist also provides for violation type determination (See Appendix F for Cal/EPA Violation Classification Guidance document and Appendix B for Significant Operational Compliance (SOC) reporting).

In order to enhance violation tracking for SOC reporting purposes, this guidance document identifies SOC related compliance items. The model inspection checklist identifies SOC violations and provides a tracking mechanism for "Report 6" reporting purposes.

ANNUAL UNDERGROUND STORAGE TANK COMPLIANCE INSPECTION HANDBOOK

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Annual Underground Storage Tank Compliance Inspection Handbook

A Word About Inspections

Inspections are one of the most important components of any regulatory program. They are the mechanism by which compliance is measured. The more thorough the inspection, the higher the degree of compliance achieved when the violations identified during the inspection are corrected. Inspectors must be thoroughly familiar with the law, regulations, and the technical aspects of tank systems.

Using the Guidance Document with Inspection Checklist

Discussion items outlined below correlate to the corresponding model inspection checklist. The numbers in this guidance document (noted in parentheses), correspond to the numbered item on the model inspection checklist form provided in Appendix A.

Inspection checklist: Use of an inspection checklist is encouraged for all inspections for several reasons: they ensure consistency between agency inspectors; they are useful in documenting compliance as well as non-compliance; and they ensure that vital items of compliance are not missed during the inspection. Inspection checklists should be used as a tool for the inspection; however, the inspector must be able to interpret the checklist appropriately and know how to apply the checklist item to the inspection. This guidance document is intended to assist in the interpretation of the checklist.

SOC compliance items: If an item is designated as an SOC item, the facility/tank must be in compliance with that item at the time of inspection. If the facility is out of compliance with an SOC item and the item is corrected during the inspection, the facility is considered to be out of compliance for SOC reporting purposes. Release Detection SOC compliance items are designated as (RD) and Release Prevention SOC compliance items are denoted as (RP).

Recommendation: If the violation is corrected during the inspection, show the violation of the item, and then write “corrected” or “Corrected while on-site” in the comment space.

Example:

25	Overfill Prevention mechanism present and operational according to type: Flapper valve/Audible-visual alarm/ball float. 40CFR 280.20(c)(1)(ii); 280.21(d); T23 CCR 2635(b)(2); 2631(d)(4)	RP ✓	RP	RP	RP	Corrected while on site.
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Violation type: Review the Cal/EPA Violation Classification Guidance document to appropriately identify the violation type: Minor, Class II or Class I. If you are unable to make a determination about the type of violation while you are at the facility, check the TBD (to be determined) column to note the violation. Provide an amended inspection or a follow-up notice, after you return to your office and make a determination.

Comments: Use the comments space on the checklist to make short notations, such as dispenser or tank numbers, and use the larger comments section to explain in detail a noted violation, to record observations, to record any information regarding any samples taken, or to describe any pictures taken, etc. Record information that is important and relevant to the inspection. Be sure to



identify which inspection checklist item the comment is referring to. If you see other problems that may need referrals to other agencies or other types of violations, you should note them in this section.

THE MAIN AREAS OF CONCERN WHEN PERFORMING AN ANNUAL COMPLIANCE INSPECTION ARE DISCUSSED BELOW.

Pre-Inspection Facility File Review

Conduct a file review prior to conducting the physical on-site inspection. This will aid the local agency inspector in conducting a thorough and consistent facility inspection. It is important to review the facility file prior to conducting the annual compliance inspection to determine if the facility is in compliance with various items and that the owner/operator has submitted all the required documents and test results. This review allows the inspector to identify the number of tanks, the type of tank and piping construction, type of fuel, and what equipment the facility has, etc., and any compliance issues that may need to be addressed during the inspection. Note: The local agency is required to retain Unified Program Consolidated Forms (UPCF) and other required documents for a period of five years.

Documents in the facility file should include the following:

- (1) **Permit to Operate:** Make sure it is current and has not expired. The permit should be issued to the current owner, operator, or other facility representative. If not, the owner or operator must either transfer the current permit (if the ownership changed within the last 30 days) or apply for a new permit. Before a new permit is issued, the facility is required to be in compliance. H&SC, section 25284(d).
- (2) **Transfer of Permit:** If there has been a request to transfer the permit, check to see if it was submitted within 30 days of the ownership change and that all of the paperwork is complete. If not, the owner/operator must apply for a new permit. At a minimum, the Business Facility form, UPCF A, Financial Responsibility, Designated Operator, and UPCF C forms should be submitted with the transfer obligation form.
- (3) **UST Forms** (Business Facility form and UPCF forms A, B and D): Check to make sure that the forms have current information and reflect true site conditions, etc. Make sure the forms are signed by the current owner/operator. If the forms are not current, new forms must be submitted with the correct/current information. Make sure that the forms are the most current version. Make sure that the BOE # is complete.
- (4) **Fees are Paid:** Determine if the program fees are paid up-to-date, including the UST surcharge. Take copies of unpaid invoices to leave with the tank owner/operator.
- (5) **Monitoring Plan** (UPCF D): Check that the plan submitted is for the current UST system and signed by the current owner/operator. Check for appropriate content and level of detail. Make sure that it is complete and adequately describes monitoring activities, equipment manufacturers and models for each piece of monitoring equipment, including consoles and sensors, and the types of monitoring records maintained. The local agency is required to approve this plan.



(6) **Emergency Response Plan:** Check that the plan is for the current UST system, and signed by the current owner/operator. Check for appropriate content and level of detail. The plan should include responses to leaks identified through monitoring and any surface spills and releases. A model form is available in Appendix E.

(7) **Site Map/Plot Plan:** Check for appropriate content and level of detail. This plan should show the location of all tanks, piping, sumps, monitoring locations, locations of sensors, consoles, etc. It should show placement on the site relative to buildings, storm drains, etc. This information may be incorporated with the Business Emergency Response Plan site map requirements.

(8) **Owner/Operator Agreement:** If the operating permit is not issued to the owner, an owner/operator agreement is required to show responsibility for tank monitoring, maintenance, etc. Make sure it is current and designates responsibility for monitoring and tank system operation to the current operator. A lease agreement may satisfy this requirement. If it has not been submitted, check that the facility maintains this on-site.

(9) **Certification of Compliance and Designated Operator Designation:** The owner is required to submit a signed statement (certification) that the owner understands and is in compliance with all applicable UST requirements (UPCF C). The owner is required to submit a signed statement identifying the Designated Operator (DO) for each UST facility owned.

(10) **Certificate of Financial Responsibility (FR):** Check that the Certificate of FR has been submitted for the current owner, is complete, and that the mechanism is appropriate for the facility/business. Substantiating documents may be required depending on the mechanism. These documents are required to be submitted for the initial permit and for permit renewals. Annual submittals of the Chief Financial Officer letters, or other financial mechanisms should be checked during the annual inspection. **See item # 74**

(11) **Monitoring System Certifications:** Check that you have the most current monitoring console and sensor certifications/testing results. If you do not have them, be sure to request the certifications you are missing during the facility inspection and note it on the inspection report.

(12) **Spill-Bucket Testing Results:** If you do not have the latest testing results, request the tests you are missing during the facility inspection and note it on the inspection report. Make sure that any failed components have been repaired and follow-up testing conducted. All components need to have achieved a passing test result.

(13) **(RD) Leak Detector Annual Testing/Certification:** If you do not have the testing results, request the certifications you are missing during the facility inspection and note it on the inspection report. Make sure that any failed components have been repaired and follow-up testing conducted. All components need to have achieved a passing test result.

(14) **Secondary Containment Testing Results are Current:** If you do not have the testing results, request the certifications you are missing during the facility inspection and note it on the inspection report. Make sure that any failed components have been repaired and follow-up testing conducted. All components need to have achieved a passing test result.



(15) **Piping and/or Tank Integrity Testing Results are Current:** If you do not have the testing results, request the results you are missing during the facility inspection and note it on the inspection report. Make sure that any failed components have been repaired and follow-up testing conducted. All components need to have achieved a passing test result.

(16) **(RD) Repaired Tanks/Piping are Tightness Tested:** If the facility has tanks or piping repaired, they must be tightness tested within 30 days 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. Local agencies shall not approve a repair or upgrade unless it can be demonstrated that the UST system is structurally sound and the method of repair or upgrade will prevent unauthorized releases due to structural failure or corrosion during the operating life of the UST system.

(17) **Enhanced Leak Detection (ELD) Test Results:** If the facility is required to conduct ELD testing, either because new tanks have been installed, or has been notified by the State Water Resources Control Board that it must perform ELD testing because they are within 1000 feet of a public drinking water well. Check to see if passing test results have been submitted. If the testing was done, but all components did not pass, additional work at the site is required (such as repairs/replacement), and a re-test is required. This process must continue until a passing result has been achieved for the entire system. Tanks systems with single-walled (SW) components (which are required to conduct the test) must test every three years.

(18) **(RP) Corrosion Protection Certifications:** If applicable, check that the corrosion protection system certifications are available and show that the corrosion protection is adequate. Corrosion systems must be certified every three years to ensure that they are protecting the tank and tank components. Testing is required to be performed by a corrosion specialist. Ensure that the results indicate that the system is working properly and providing adequate corrosion protection. Impressed current systems shall be inspected no less than every 60-calendar days to ensure that they are in proper working order.

(19) **(RP) Tank Lining Recertification Results:** If applicable, check that the tank lining certifications are available and the lining has been demonstrated to meet the required performance standards. An inspection must be conducted by a "coatings expert" or "special inspector," ten years after the initial interior tank lining of a repaired or upgraded tank, and every 5 years, thereafter. Written certification of the inspection must be provided to the local agency within 30 days of the inspection and must include all items in CCR, section 2663(h).

NOTE: If you believe that some of the documents that will be needed for the inspection are not maintained at the facility, you may contact the tank operator in advance to request that these items become available on-site at the time of the inspection.

What to Take To the Inspection

It may be helpful to the inspector to have the following items available during the inspection:

✓ **The facility file:** Take the facility file with you to the inspection in order to verify and compare information at the facility. If you have done a thorough file review prior to the inspection you may not need it, but it is better to have it just in case.



- ✓ **Inspection forms/checklists, comment forms, violation summary forms:** The State Water Board strongly encourages the local agencies to develop a thorough UST facility compliance inspection checklist as a basis for the inspection. A model form is provided in Appendix A. The checklist is used, along with comments, pictures, samples, etc. to thoroughly document compliance and detail any violations noted during the inspection.
- ✓ **Intrinsically safe flashlight with a bright beam, inspection mirror:** These may aid the inspector when looking into sumps and dispenser pans.
- ✓ **Additional blank reporting forms:** UPCF A, B, and D forms, Response Plan forms, Plot Plan, etc.
- ✓ **Copy of law/regulations:** Just in case, you need to look up a particular code section/requirement. (Optional laptop or tablet with wireless access to check above or other information as necessary.)
- ✓ **Sampling equipment:** If you think you may take samples, be sure to have appropriate sampling containers, gloves, chain of custody forms, labels, indelible ink pens, ice chest, etc.
- ✓ **Camera:** Taking pictures is a good way to document violations during an inspection.

Ask For Consent

Before beginning the on-site inspection, ask permission from the owner/operator, or other authorized individual at the facility, to conduct the inspection and to take pictures, and/or collect samples, etc.

△ Note in your inspection report that permission was granted and by whom. This may be important if the inspection becomes part of an enforcement action.

On-Site Visual Inspection of the Facility

This is one of the most important items for the inspector. Local agency inspectors must visually inspect all accessible components of a UST system. Visual inspections are performed to verify that the UST system and leak detection/monitoring equipment are functional and in good working order, and to verify there has not been a release of substance at the facility being inspected. Special tools and equipment may be needed in order to access portions of the UST system, so it is useful to have a qualified service technician (International Code Council (ICC) certified and equipment-specific training certified, etc.) on-site during your inspection. A space is provided on the model inspection form to document that the service technician has the required certifications. Use the inspection checklist to document the items you reviewed during the inspection and to document compliance as well as non-compliance.

The general overall appearance of a facility may be an indicator of the compliance status of the facility. Check for signs of drips, leakage from the dispenser and fill areas, and evidence of surface spills not cleaned up.



Tank/Piping Components, Monitoring and Monitoring Equipment (General)

Components of a UST system that need to be visually inspected include the following:

- (20) **Tank Systems Meet Current Construction Standards:** Determine that the construction of the tank system is up-to-date for all the required components. Check for under dispenser containment sumps (UDC's), spill-buckets, any newly required components, etc.
- (21) **(RP) Hazardous Substance Tanks Have Secondary Containment:** Check to make sure that hazardous substance tanks have secondary containment.

NOTE: See the **FUNCTIONALITY OF LEAK DETECTION MONITORING EQUIPMENT** section (below) for additional information regarding the following items. You may wish to review specific monitoring checklists to determine compliance with these measures.

- (22) **Electronic Monitoring System Has Audible and Visual Alarm in Operating Condition:** Check to ensure that the monitoring console is turned on and the panel shows all functions normal; check the panel for burned-out lights; check audible and visual alarm for operability; and determine whether the on-site personnel can hear the audible alarm.
- (23) **Monitoring Console Programmed Appropriately:** Ask for the programming set-up of the system. Check to make sure that the programming is setup to meet the monitoring requirements.

Example: If the Automatic Tank Gauge (ATG) is used for single-walled tank testing or the electronic line leak detector connected to the monitoring panel conducts a periodic (monthly 0.2 or annual 0.1 gph) pipeline test, check that the programming is appropriate for the method. Refer to LG-113 to see that the testing criteria are being met.

- (24) **(RD) Tanks in Temporary Closure Requirements:** Tank systems in temporary closure must meet requirements. Corrosion protection systems must stay operational. The owner/operator is required to inspect the temporarily closed system every three months to ensure that the closure measures are still in place: locked caps, power service disconnected from associated pumps, if appropriate, etc. These inspections should be noted in the monitoring records for the facility.
- (25) **(RP) Overfill Prevention Mechanism:** Each tank must have an overfill prevention device, unless the requirement has been waived by the local agency according to certain criteria. Make sure that this device is present. If it is connected to an external audible and visual alarm, make sure that it can be seen and heard by the delivery truck driver. See LG-150.
- (26) **(RP) Spill Prevention Device is Present and Functional:** Make sure this device is in good condition (check for cracks, splits, gaps under the lid, etc.) and that the drain valve works correctly if applicable. It is required to have a minimum capacity of five gallons. If the spill bucket is located within a sump, check the sump for the presence of liquid. (Note: ask that the spill bucket not be prepared for testing prior to your inspection of the component, or before you arrive at the site, if it is to be tested during the monitoring certification.)



- (27) **Piping and Piping Penetrations:** Make sure that the piping and piping penetration boots are not swollen, split, cracked, or peeling. In order for the piping to perform properly, it must be in good condition. Check these items in the turbine and UDC sumps.
- (28) **Sumps, Spill-Buckets, UDC's, Free from Liquid and Debris:** These items should be kept clean and free from liquid. All liquid removed from these should be treated as a hazardous waste, unless tested. Check turbines for signs of leaking. Also, check vent/vapor piping transition sumps.
- (29) **Vents:** Check the area around the vents for signs of spills or signs of leaking.
- (30) **(RD) Release Detection Method Meets Performance Standards:** Each leak detection method has performance standards that it is required to meet in order to be used. Any equipment used to perform the monitoring is required to meet the performance standard of the monitoring option. Monitoring equipment must be third-party certified that it meets the performance standards. See LG-113 to determine if the monitoring equipment has been third-party approved.

Example: A tank system is being monitored monthly using an ATG that performs a leak test at a 0.2 gph leak rate. For the leak detection method to meet performance standards, the ATG must be third-party certified to meet the 0.2 gph leak rate and must be able to be performed according to the standards of the method (correct wait periods for fuel delivery, amount of fuel in tank, etc.). Some methods are required to meet a performance standard of 95% probability of detecting a release with a 5% probability of a false alarm.

- (31) **(RD) Sensors are Correct for the Type of System and Operational:** Check to make sure that the sensors are correct for the type of system. Some sensors are not certified to be used in certain atmospheres. Check LG-113 to see that the sensors are suitable for the conditions in which they are being used.
- (32) **(RD) Sensors are in the Proper Position/Location:** Check to ensure that all sensors are at the optimum location for detecting a leak at the earliest possible opportunity. In a piping sump, they should be located on the piping penetration side of tank crown. For the annular space sensors, check to make sure that the cable is long enough to be in the correct position at the tank bottom to monitor the tank, etc. Raised sensors are a serious violation.
- (33) **Secondary Containment Equipped with Continuous Monitoring:** All secondary containment, including UDC's 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.

Tank Monitoring

Components of a UST system that need to be visually inspected include the following:

- (34) **(RD) Interstitial Monitoring Conducted Properly:** Determine the type of interstitial monitoring system used: wet or dry. If it is a wet system, ask to see the brine reservoir and a demonstration to show that the sensor will alarm properly. For a dry system, ensure that there



is a sensor in the annular space of the tank. Make sure that it operates properly and that it triggers an alarm. Check sensor wiring for cracks or swelling and signs of moisture.

(35) **(RD) Vacuum Pressure or Hydrostatic (VPH) Monitoring Conducted Properly:** For VPH systems ensure that loss of vacuum, pressure, or liquid will trigger an alarm, and that all zones of the tank system are being monitored.

(36) **(RD) Statistical Inventory Reconciliation (SIR) and Biennial 0.1 gph Tank Testing Performed Properly:** This monitoring option requires daily stick or ATG readings of the amount of fuel in the tank, and daily pump readings or amount of fuel sold for the day. Logs are required to be kept and this information is sent to an SIR company for analysis. Ask to see the daily logs and the monthly SIR reports. Ensure that the 0.1 gph tank integrity test has been properly performed every two years and that it has been conducted properly and passed.

(37) **(RD) Non-Passing SIR Results Reported and Investigated Properly:** Ensure that the appropriate follow-up occurs for any reports that are inconclusive or show a fail. Within 24 hours of receipt of such a report, the owner/operator must: (1) notify the local agency of the possible unauthorized release, and submit a copy of the report within 10 days; (2) inspect the inventory records for errors to determine if data was collected properly; (3) have all accessible portions of the UST inspected by a qualified individual; and if no unauthorized release is detected; (4) have dispenser meters checked and recalibrated, if necessary. If two consecutive inconclusive or failed tests occur, the owner/operator shall conduct a pipe integrity test and, if necessary, a tank integrity test within 15 days. The local agency may require other tests and investigations to determine the condition of the tank and associated piping.

(38) **(RD) ATG/Continuous In-Tank Leak Detection (CITLD) Monthly 0.2 gph Test Performed Properly:** Certain criteria must be met to consider an ATG test valid, such as requiring a test be performed after delivery or when the product in the tank is within 10% of the highest operating level of the previous month. Each ATG may have specific criteria that must be met for this test to be valid, such as a specific tank size, product tested, wait times between delivery and testing, etc. Check the ATG printout to determine if the test is valid based on some of the required parameters. Ask the owner/operator to provide logs, etc. to demonstrate this if the information is not on the printout. See LG-113 to ensure that the ATG/CITLD is listed for use in California, and to determine that specific criteria have been met for the ATG/CITLD.

(39) **ATG Generates a Hard Copy Printout:** Check to see if the ATG printout has all of the required data. (Note: the printout for a CITLD test may not have all of the data because it is a continuous test.)

(40) **(RD) Weekly Manual Tank Gauging Performed Properly:** Ask to see the manual tank gauging records. Determine that the tank is of the proper size to use this method, and that all of the testing parameters are met (See CCR 2645). If the owner/operator cannot demonstrate this, consider the results to be invalid.

(41) **(RD) Tank Integrity Test Performed, if Necessary:** If any of the manual tank gauging results did not meet the standards after a second round of gauging, determine that a tank integrity test was conducted and that passing results were achieved.

(42) **(RD) Vadose or Groundwater Monitoring System is Installed and Monitored**

Properly: Ensure that the conditions at the site meet all appropriate parameters of the method used, and that the monitoring is performed properly as outlined in the regulations (See CCR, section 2647 and/or 2648). The owner/operator should be able to demonstrate that the criteria are met.

(43) **Tank Exemption and Weekly Visual Monitoring Logs:** Tanks that have been exempted under H&SC, section 25283.5 must be monitored weekly by the owner/operator, and a log of those inspections must be kept. Check to see that the tanks continue to meet the exemption criteria and that a weekly inspection is made and recorded in an inspection log.

Pipe Monitoring

Components of a UST system that need to be visually inspected include the following:

(44) **(RD) Doubled Walled (DW) Piping has a Continuous Monitoring System That Activates an Audible and Visual Alarm When A Leak is Detected in the Turbine Sump:**

Ensure that when a leak is detected in the turbine sump, that an audible and visual alarm is activated or restricts or stops the flow at dispenser. Ensure that the sensors used are correct for the application.

(45) **DW Piping in the UDC is Continuously Monitored, and Method Either Shuts Down the Flow of Product to the Dispenser or Activates an Audible and Visual Alarm:**

Ensure that the UDC is monitored using a method that shuts down the flow of product to the dispenser, or activates an audible and visual alarm. Options include an electronic sensor connected to the monitoring console, a chain-shear valve assembly, or an electronic stand-alone sensor. If the UDC has a chain-shear valve assembly, check for operability, obstructions, and signs of tampering. Check to make sure that the shear-valve is in the proper location in relationship to the grade and properly anchored. If electronic sensors in the bottom of the UDC are used for monitoring, ask for a demonstration of alarm activation. The stand-alone sensors will only cut off power to the dispenser, not the turbine.

(46) **(RD) DW Pressurized Piping Annual 0.1 gph Integrity Test Performed:**

Unless the continuous monitoring system shuts down the pump or stops the flow of product at the dispenser when a leak is detected in the UDC and the monitoring system is fail-safe and shuts down the pump when a leak is detected for piping not in the UDC, an annual piping integrity test must be performed. Determine if the integrity test is necessary, and if so, that the test is being performed and that all test results are passing. Ensure that the testing criteria are being met. Records should be able to reflect this.

(47) **(RD) In Lieu of the Annual Tightness Test:** For DW piping, the continuous monitoring system for all product piping outside the dispenser is required to be fail-safe and able to shut down the pump when a leak is detected. Auto shutdown or flow restriction must occur when a leak is detected in the UDC. Have the service technician demonstrate this.

(48) **(RD) Line Leak Detectors (LLD):** Leak detectors must be installed on DW pressurized piping, and must meet certain criteria for the type of piping. Identify the type of piping and determine that the leak detector meets the criteria shown. Make sure it is rated for the type of



piping used. Some leak detectors should only be used on rigid piping, while others may be suitable for flexible piping. See LG-113.

- (49) **(RD) LLD Alarms:** LLD activates audible and visual alarm and monitoring system is checked daily.

- (50) **In Lieu of LLD for DW Emergency Generators, the Continuous Monitoring System Activates an Audible and Visual Alarm, System is Checked Daily, and Logs are Kept:** If the tank is an emergency generator, a LLD is not required if the continuous monitoring system activates the alarm system when a leak is detected or malfunctions, and the system is checked daily by remote electronic access or on-site daily inspections. Check activation of the alarm and check for a daily log of the inspection.

- (51) **(RD) SW Pressurized Systems Annual 0.1 gph Line Integrity Test or a Monthly 0.2 gph Line Integrity Test is Performed Properly:** For the line integrity test, certain criteria must be met for the test to be valid. Ensure that the criteria are being met. Records should be able to reflect this. Ensure that each monthly or annual test is a pass.

- (52) **(RD) SW Conventional Suction Systems 0.1 gph Line Integrity Test is Performed Every Three Years and is Conducted within Allowable Time Frames:** Check to see that there is a passing test result within the last three years, if applicable, and that it was conducted within the timeframe allowed.

- (53) **SW Conventional Suction Inspections Conducted for Presence of Air in the Pipeline. Daily Monitoring Records are Kept:** For these systems, the owner/operator is required to monitor for air in the pipeline by observing the suction pumping system. Checks are made for the following: any skipping or jumping of the cost/quantity display wheels during operation; suction pump is operating, but no fuel is being delivered; pump over-speeds when first turned on, but then slows down when liquid is pumped; and rattling sounds in the suction pump and erratic flow indicating an air and liquid mixture. Logs must be kept indicating that this inspection has occurred. Ask to see the inspection logs, which are required to be maintained at the facility.

- (54) **SW Gravity Flow Piping Biennial 0.1 gph Integrity Test or Overfill Tank Integrity Test is Conducted within Allowable Time Frames:** Integrity tests are required to be completed every two years. If the piping cannot be isolated from the tank, then the tank and piping must be tested. Check to see that the tests are conducted within the allowable time frames, and that a passing test result has been achieved.

- (55) **(RD) Safe Suction Piping Meets the Requirements:** There is no monitoring required for piping that is safe suction, however, these systems must meet all of the following requirements: the below-grade piping operates at less than atmospheric pressure; 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); no valves or pumps are installed below-grade in the suction line and only one check valve is located directly below and as close as practical to the suction pump; and an inspection method is provided which readily demonstrates compliance with these provisions. Ensure that all of these requirements are met.

(56) **(RD) LLD Installed, Annually Tested and Operational on SW Pressurized System:** Ensure that a LLD is installed and operational, and shuts down the pump when a leak occurs and when the LLD fails or is disconnected. Check the facility records to ensure that the leak detector is tested on an annual basis and that passing results are achieved.

(57) **LLD Installed, Annually Tested and Operational on SW Emergency Generator:** Ensure that an LLD is installed and operational and is connected to an audible and visible alarm. Shutdown is not required. Check the facility records to ensure that the leak detector is tested on an annual basis and that passing results are achieved.

- If the LLD test is conducted during the inspection, the technician should be able to demonstrate a 3 gph leak rate which activates the audible and visual alarm, and auto-shutdown, if set up.

Corrosion Protection

Components of a UST system that need to be visually inspected include the following:

(58) **(RP) All Metal Tank and Piping Components Have Corrosion Protection, or are Isolated from the Backfill:** Ensure that all components of the tank system meet the stated criteria. Records are required to be available for the life of the tank to demonstrate that the criteria are met.

(59) **(RP) Corrosion Protection System Turned On and Functioning:** Check the impressed current rectifier to make sure that the power is on, and showing the proper readings for the system compared to the required operating ranges.

(60) **(RP) Cathodic Protection System Testing:** Cathodic protection system is tested within 6 months of installation and then every 3 years.

(61) **(RP) Impressed Current System Checked Every 60 Days:** Ask to see the log for the impressed current system. Entries should be made every 60 days and be within the allowed parameters for the system.

On-Site Facility File Review

CCR, Title 23, section 2712(b) requires certain monitoring paperwork to be kept on-site at the UST facility and be available during an inspection for review in order to determine whether the facility is in compliance. Some monitoring and maintenance records may not be on-site, but be kept at a corporate office. If this is the case, request copies of the documents, they are required to be available within 36 hours of the request. Records should be complete, up-to-date, and applicable to the current owner/operator. Check to see that the version that you have in your file is the same as they have in theirs.

The documents the local agency inspectors should review include:

(62) **Permit to Operate and Conditions:** The permit is required to be located on-site. Verify that the facility is being operated in accordance with the conditions specified in the UST operating permit, and that the monitoring designated on the permit is being performed.



(63) **Monitoring and Response Plans:** These must be located on-site. Ensure that they are the same as those located in your file and are the “approved” version. Review the information contained in the monitoring and emergency response plans with the facility’s owner/operator. Discuss any issues or questions you had when you conducted the pre-inspection file review. Make sure that the plan is up-to-date with any new monitoring and testing requirements.

The facility’s monitoring and emergency response plans should be updated with any change(s) related to the facility’s UST system. Make sure that they are appropriate for the monitoring activities taking place at the facility and that they address all aspects of the monitoring program for the tank system.

If the monitoring plan designates that the monitoring is conducted a certain way and certain monitoring forms will be used, check to see if these records are available and the monitoring is being conducted as stated. The owner/operator should have an understanding of the monitoring system and use of the recording forms/logs, etc. for the monitoring being conducted.

If the emergency response plan states that certain records are to be maintained, or protocols followed, or certain supplies are on hand, ascertain that this is occurring and that the supplies are available. Ascertain if there is a procedure in place for reporting an unauthorized release.

(64) **Site Map/Plot Plan:** Verify that it accurately depicts location of tanks, piping, dispensers, sensors, monitoring console, etc. and is labeled to match the designations assigned to them in the monitoring console. (i.e. Tank 1 on the map should be Tank 1 in the monitoring console.) Update this if necessary.

(65) **(RD) Monitoring Records:** Check to make sure that any required monitoring records are available, up-to-date, and are appropriate for the monitoring method. If the method requires more than one type of record or log to be maintained as part of the monitoring method, make sure that all are being kept appropriately. For instance, if SIR is being conducted there should be fuel delivery records, daily tank stick or ATG reading records, daily sale records, tank precision test records, and monthly SIR reports.

(66) **All Monitoring/Testing Records/Documents are Available for the Required Time Frame:** Determine that monitoring records and documents are being retained for the required time frames. Monitoring records must be kept for 3 years, cathodic protection records for 6 1/2 years, and written performance claims for release detection systems and the calibration and maintenance records must be kept for 5 years. Records of repairs, lining, and upgrades must be available for the remaining life of the tank system.

(67) **Equipment Maintenance Records:** Records of calibration, repair, and maintenance are required to be kept for tank and piping system components. Ask to see these records. Review for types of maintenance being conducted. Unusual items may indicate a problem that needs further investigation.

(68) **Alarm History Reports and/or Alarm Log Available:** Review for any alarm activity. If a recordable alarm is indicated, check to see if the appropriate follow-up actions occurred. Check to see if alarms are being recorded in an alarm log if all alarms are not maintained in the



alarm history. Any follow-up actions should be documented. Alarm history records should cover a period of the last three years.

(69) **Visual Observation Records Available and Up-To-Date:** Ask to see visual inspection records. If problems were identified, check to see if appropriate follow-up actions occurred. Visual observations of the facility are important for early detection of any problems. Items to inspect include the sumps, spill-buckets, UDC's, vents, and pump action of suction pumps, etc. The date, time, and result of the inspection should be recorded, and if any follow-up actions occurred.

(70) **Designated UST Operator Monthly Reports:** These reports must be completed each month. Check that they are complete and that any identified problems have been corrected by the facility owner/operator. Ensure that there are 12 months of reports.

(71) **Employee Training Records Available and Training Appropriate and Up-To-Date:** Review the training records. Identify that the training is appropriate for the operation of the UST system according to the systems best management practices; the employee's role with regard to the monitoring equipment; the employee's role with regard to spills and overfills; and contacts in case of emergency or monitoring equipment alarms. Determine that at least one employee per shift has been trained. The training records should depict who was trained; the date the training took place; and the topics covered. For employees hired after July 1, 2005, date of hire must be included in the records. Determine if the training is up-to-date. New employees must be trained within 30 days of hire.

(72) **(RD) Suspected or Actual Releases are Recorded and Reported within Allowable Time Frames:** A release from the primary containment, which is cleaned up within 8 hours and does not escape from the secondary containment, is required to be recorded on the operators monitoring reports.

Releases that escape from the primary containment (for SW systems) or secondary containment (for DW systems) must be reported within 24 hours of the release.

The following conditions are required to be recorded and/or reported:

- (a) Any unauthorized release recorded or reported that the owner or operator is unable to clean up, or is still under investigation after 8 hours of detection.
- (b) The discovery by owners/operators or others of released regulated substances, at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).
- (c) Unusual operating conditions observed by owners/operators (such as the erratic behavior of product dispensing equipment; the sudden loss of product from the UST system; or an unexplained presence of water in the tank); unless system equipment is found to be defective but not leaking; and is immediately repaired or replaced.
- (d) Monitoring results from a release detection method that indicate a release may have occurred, unless:

- (1) The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or
- (2) In the case of inventory control, a second month of data does not confirm the initial result.

(e) Spills or overfill of a hazardous substance.

Ask to see Leak and Spill Logs or other methods used to record leaks and spills.

(73) **FR Statement:** Check that the FR statement is for the current owner/operator and that it meets one of the acceptable mechanisms for the facility. Make sure that the items that compose the mechanism are current, such as the Chief Financial Officer letter, which is required to be updated annually based on current financial statements for the owner/operator. These are required to be maintained on-site at the facility. Note: Certifications of FR are required to be presented to the local agency for the initial permit to operate and at time of permit renewal.

(74) **Spill-Bucket Testing:** If you witness the spill-bucket test, use this item to indicate that it was conducted using acceptable protocols, and a passing test was achieved.

(75) **Secondary Containment Testing:** If you witness the secondary containment testing, use this item to indicate that it was conducted using acceptable protocols, and a passing test was achieved.

SOC and Red Tag Reporting

For ease in completing portions of Report 6, check the appropriate box for the SOC Release Detection (**RD**) and SOC Release Prevention (**RP**) portions of the checklist as it pertains to the inspection. Enter the appropriate letter of the box that you checked into your database for easy retrieval.

If a Red Tag was issued to the facility as a result of the inspection, record a Yes for this item and provide the number of the Red Tag, and check the reason for the Red Tag. Enter this information into your database for retrieval when completing Report 6.

Functionality of Leak Detection Monitoring Equipment

A UST system's leak detection monitoring equipment needs to be tested and certified annually by a qualified service technician, to confirm that it is functioning properly. A service technician must meet the CCR, Title 23, section 2715 (i)(1) requirements, be trained by the manufacturer of the monitoring equipment he/she is certifying, and must also hold an ICC certification. If you are conducting an inspection during the monitoring equipment certification, ask the service technician for the following (otherwise review the most recently completed annual monitoring system certification report to verify that the leak detection system is functional, and observe as much of the tank system as possible by having tank sump covers removed, looking into dispenser sumps, etc.):



System Setup: This report will tell you how the monitoring console is set up: alarm settings, monitoring thresholds, sensor types, alarm identifiers, etc.

Alarm history report: Review in order to determine any past alarm conditions. There may be more than one type of alarm history report. If there is, be sure to get all of them. If an alarm was activated, there should be a history of corresponding alarms stored in the monitoring panel. Storage capacity varies among monitoring systems, so the alarm history may show several alarm events. Ask the owner/operator for the alarm history log sheet for review. The log should contain any alarms that may have occurred prior to those shown on the alarm history, as these records need to be kept for a minimum of three years. Check for sensor alarms, probe out alarms, overfill alarms, etc.

ATG /Electronic LLD Testing data: If the facility conducts annual (0.1 gph) or monthly (0.2 gph), tank or piping tests via the ATG or the electronic LLD, ask for the latest test results or a history of the testing. Compare with the owner/operator records. Make sure that the conditions present during the test meet the criteria for the test method. See LG-113.

Example: The test method may require that the tank be filled to a certain level before testing. California law requires that the tank be filled to within 10% of the highest operating level of the previous month for the current test. CCR, section 2643(b)(1).

Make sure that the test is performed according to all of the criteria. If you are unable to determine from the test results printout or the owner/operator records that the test was performed according to established criteria, then the test could be ruled invalid. It is important that the records reflect that the test was conducted according to both the requirements of the law, and the parameters of the testing method.

Parameters to look at include: size of tank, fuel level during test, wait time between fuel delivery and testing, wait time between dispensing and testing, duration of test for test threshold, etc.

VPH Monitoring: These systems must be annually certified for functional operability. Some may need to be tested for operational safety per manufacturer's requirements and some may have individual components that must be tested, such as a differential pressure switch or vacuum flow controller. See LG-113.

These systems are designed to monitor zones. Be sure that the area designated in the system setup (monitoring console) is the correct area of the tank system being monitored. Have the technician demonstrate that each zone is monitored, and that the entire length of the zone is monitored.

Compliance Inspection Report Writing

Local agency inspectors are required to prepare a compliance report detailing their findings in accordance to H&SC, Chapter 6.7, section 25288(b). It is very important to reference the appropriate statutory/regulatory citation when you are writing your compliance report.

Inspection Checklist: Use your inspection report checklist as a basis for your inspection report to make sure an item is not missed. It will be the heart of your inspection report. It is important to

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indicate on the report what items were inspected to ensure that inspections are consistent and to profile the inspection, showing compliance as well as non-compliance. Identify any violations using the inspection report. For each item that is identified as a violation, determine the severity of the violation by referring to your inspection and enforcement plan and other guidance material (Appendix H). Elaborate on items in the comments section of the report that need a more detailed explanation of the violation.

1. Look at each item on the inspection checklist and determine if a violation exists. If no violation exists, indicate that the facility is in compliance with that item. If there is a violation, indicate it on the checklist.
2. For each violation found, determine the level of the violation: minor, Class II, or Class I. If you are not sure, mark TBD (to be determined).
3. Describe what is observed and how/why, the situation is a violation. Cite code sections. Any checklist items should be further explained in a narrative format on the inspection report or in the comments section of the checklist. Fully describe the situation or circumstances of the violation.
4. If appropriate, take pictures or obtain samples as supporting documentation to your inspection report. This may be critical if any enforcement action occurs. Be sure to adhere to any chain-of-custody protocols for any samples obtained. Record this information in the comments section of the report.

Notice to Comply / Summary of Violations: This is the second main component of your inspection report. After completing the inspection checklist, prepare a Summary of Violations to provide to the owner/operator/facility representative at the end of the inspection that details the following for each violation:

- A clear description of the violation, including code sections;
- A written statement describing what is required to correct the violation. This is your opportunity to provide education and training to the facility owner/operator. Be as specific as possible in your details of how to correct the violation. Provide them with any pertinent materials; and
- A time frame for violation correction, usually 30 to 60 days. Shorter time periods may be used for serious violations. It may be important to put a specific date for the correction as opposed to a general time frame.

Note: The model inspection checklist provides for two separate Summary of Violations reports, one for minor violations that includes a return-to-compliance section, and one for Class II and Class I violations. Designate the type of notice for these forms depending on your agencies protocols. Example: If you use an "Official Notice" instead of a Notice to Comply, change the title to reflect that verbiage, etc.

Exit Interview: Review the final report with the facility representative, and answer any questions they may have. Again, this is an opportunity for the inspector to provide useful information/training to the facility owner/operator. Have the facility representative sign that they have received a copy



of the inspection report. Provide them with either a copy of the entire report or just the Summary of Violations/Notice to Comply/Self Certification of Compliance, Notice of Violation, etc., according to your agency's policy.

Keep a copy of the entire report in the facility file (completed checklist (with comments), Summary of Violations/Notice to Comply, etc.) as documentation for the inspection. Be sure to document inspection/violation information in your database according to the data dictionary for inclusion in Reports 3, 4, and 6.

Follow-Up to an Inspection

Make sure that you have provided the facility owner/operator with any forms and guidance that they may need to complete, or that may help them to become compliant. If they had questions during the inspection that you could not answer at that time, be sure to get back to them with answers.

Enforcement

Enforcement programs are essential to inspection programs. The local implementing agency should have a written enforcement program that outlines procedures to follow for different types of violations. The goal of enforcement is to provide a mechanism for violation correction. Enforcement may be informal or formal, depending on the severity of the violation and the compliance history of the owner/operator.

Some agencies may use a Notice to Comply, or a Notice of Violation, as an enforcement tool for minor violations. A self-certification of correction may be submitted by the owner/operator to show return to compliance, or the inspector may conduct a re-inspection to ensure compliance. Some may use a combination of both. Formal enforcement mechanisms for more severe violations include Administrative Enforcement Order's, Red Tags, permit revocation, and referrals to the District Attorney. Regardless of the enforcement type, be sure to track the date by which violations are to be corrected, and the date the violations are corrected. Additionally, track any penalty assessments and any penalty amounts collected.



APPENDIX A



UNDERGROUND STORAGE TANK COMPLIANCE INSPECTION REPORT

Facility Name:	Date of Inspection:	
	Time In:	Time Out:
Address:	Inspected by:	
	ICC #	
Contact:	Type of Inspection: <input type="checkbox"/> Annual Compliance <input type="checkbox"/> Re-inspection <input type="checkbox"/> Complaint	
Phone:	Permission for Inspection Granted by:	

Tank ID				
Size				
Contents				
Construction				
Tank Monitoring:				
DW: Continuous Interstitial Monitoring <input type="checkbox"/> Dry <input type="checkbox"/> Brine/Hydrostatic <input type="checkbox"/> Vacuum/Pressure.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW: SIR and Line Test every 2 years.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW: ATG 0.1 annual.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW: ATG 0.2 monthly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW: Continuous In-Tank Leak Detection (CITLD).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW: Tank Gauging.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW: Vadose/GW Monitoring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Description:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piping Monitoring:				
DW Suction: Continuous Interstitial at UDC and Tank Sump.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DW Pressurized: Interstitial at UDC and Turbine Sump and 3.0 gph LLD, <input type="checkbox"/> Annual Line Test or <input type="checkbox"/> Auto-shutdown and Failsafe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DW VPH Monitoring: Includes lines, sumps, fill pipe, vapor lines, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW Conventional Suction: Triennial 0.1 gph line test., and daily monitoring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW Pressurized: Line 0.1 gph annual or 0.2 gph monthly line test and LLD with Auto-Shutdown.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW or DW Safe Suction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW: Vadose Zone or GW Monitoring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DW or SW: Gravity Flow Pipe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Description:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Name and address of CUPA/PA:

References to the Health and Safety Code, the California Code of Regulations and the Code of Federal Regulations throughout this Appendix are intended to be useful but are not necessarily exhaustive of all legal references that might apply or be relevant to a specific compliance determination. Laws and regulations are subject to change, so the references contained herein may not be up to date. It is the responsibility of the owner and operator to know and comply with all applicable legal requirements.

Site Drawing:

UNDERGROUND STORAGE TANK COMPLIANCE INSPECTION REPORT

Facility Name:

Date:

If in compliance, check the box. Check NA if not applicable. If a violation, determine if Minor, Class II, or Class I, or To Be Determined (TBD) if uncertain and will be determined later.		Violations					
Compliance	Requirements: Significant Operational Compliance RD=Release Detection RP=Release Prevention	Minor	Class II	Class I	TBD	NA	COMMENTS
<input checked="" type="checkbox"/>	File Review						
<input type="checkbox"/>	1 UST Permit to Operate is current. <i>HSC 25284(a), 25299(a)(1) 25299 (b)(1)</i>					<input type="checkbox"/>	
<input type="checkbox"/>	2 Transfer of permit and/or change of information provided within 30 days of ownership/information changes. <i>HSC 25284(b) (c); T23 CCR 2712(d)</i>					<input type="checkbox"/>	
<input type="checkbox"/>	3 UST form information current/correct for facility, including BOE number. <i>HSC 25286(a)</i>					<input type="checkbox"/>	
<input type="checkbox"/>	4 Fees are paid up-to-date. <i>HSC 25285(c), 25287</i>					<input type="checkbox"/>	
<input type="checkbox"/>	5 Monitoring Plan approved for current owner with appropriate content and level of detail. <i>T23 CCR 2632(d), 2634 (d), 2641(h)</i>					<input type="checkbox"/>	
<input type="checkbox"/>	6 Current Emergency Response Plan submitted with appropriate content and level of detail. <i>T23 CCR 2632(d), 2634 (d), 2641(h)</i>					<input type="checkbox"/>	
<input type="checkbox"/>	7 Plot Plan/Site Map submitted with appropriate content and level of detail. <i>T23 CCR 2632(d), 2634(d), 2641(h), 2711(a)(8)</i>					<input type="checkbox"/>	
<input type="checkbox"/>	8 Owner/Operator agreement submitted, if required. <i>HSC 25284(a)(3)</i>					<input type="checkbox"/>	
<input type="checkbox"/>	9 Certification of Compliance and Designated Operator Certification submitted by current tank owner. <i>T23 CCR 2715</i>					<input type="checkbox"/>	
<input type="checkbox"/>	10 Certificate of Financial Responsibility submitted and is current for the permit period. <i>HSC 25292.2, 25299.30-25299.34; T23 CCR 2711; 2808.1; 2809-2809.2</i>					<input type="checkbox"/>	
<input type="checkbox"/>	11 Monitoring system certification (most recent) conducted within allowable timeframe (sensors and console). Results submitted and show all required components with passing results. <i>HSC 25284.1(a)(4)(c); T23 CCR 2638</i>					<input type="checkbox"/>	
<input type="checkbox"/>	12 Spill-bucket test results (most recent) conducted within allowable time frame. Results submitted and indicate a passing test. <i>HSC 25284.2</i>					<input type="checkbox"/>	
<input type="checkbox"/>	13 Leak Detector testing conducted within allowable time frame. The most recent annual certification submitted and shows passing results. <i>40 CFR 280.40(a)(2), 280.43(g)(1)&(2), 280.44(a); HSC 25292(e); T23 CCR 2638, 2641(j)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/>	14 Secondary containment testing conducted within allowable time frame. Most recent testing results submitted and indicate a passing test. <i>HSC 25284.1(a)(4)(B); T23 CCR 2637(a)</i>					<input type="checkbox"/>	
<input type="checkbox"/>	15 Pipe and/or tank integrity testing conducted within allowable time frame. Most recent testing results submitted and indicate passing results. <i>40 CFR 280.33, 280.40, 280.41, 280.44; T23 CCR 2636(f), 2643(b)(3), (c)(3), (d) (e)</i>					<input type="checkbox"/>	
<input type="checkbox"/>	16 Repaired tanks/piping are tightness tested within 30 days of the repair. <i>40 CFR 280.33; T23 CCR 2661</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/>	17 ELD test conducted within allowable time frame. Most recent test results submitted and passing results achieved. <i>T23 CCR 2644.1</i>					<input type="checkbox"/>	
<input type="checkbox"/>	18 The corrosion protection system is checked by a corrosion specialist within six months of installation/repair and at least every three years thereafter; results show protection to be adequate. Impressed current inspected every 60-calendar days. <i>40 CFR 280.31, 280.70; T23 CCR 2635(a)(2)</i>	RP	RP	RP	RP	<input type="checkbox"/>	
<input type="checkbox"/>	19 Tank Lining recertification is current (within 10 years of lining and every 5 years thereafter) and compliant. <i>40 CFR 280.21(b)(1)(ii.); T23 CCR 2663(h)</i>	RP	RP	RP	RP	<input type="checkbox"/>	

UNDERGROUND STORAGE TANK COMPLIANCE INSPECTION REPORT

Facility Name:

Date:

Compliance	Requirements:	Minor	Class II	Class I	TBD	NA	COMMENTS
<input checked="" type="checkbox"/>	On-Site Review						
	<i>This Inspection is being conducted during the annual monitoring certification. <input type="checkbox"/> YES <input type="checkbox"/> NO The service technician has provided ICC Certification and manufacturers training documentation, and possesses a tank tester's license or works under a CSLB contractor's license. <input type="checkbox"/> YES <input type="checkbox"/> NO</i>						
	Tank/Piping Components, Monitoring and Monitoring Equipment.						
	General						
<input type="checkbox"/>	20 Tank systems meet current construction standards as required for type of system. <i>HSC 25288</i>					<input type="checkbox"/>	
<input type="checkbox"/>	21 Hazardous substance tanks have secondary containment. <i>40 CFR 280.42(b); T23 CCR 2631</i>	RP	RP	RP	RP	<input type="checkbox"/>	
<input type="checkbox"/>	22 Electronic monitoring system has audible and visual alarm in operating condition. <i>T23 CCR 2632, 2634, 2636</i>					<input type="checkbox"/>	
<input type="checkbox"/>	23 Monitor console programmed appropriately for monitoring option used. <i>T23 CCR 2638, 2643, 2643.1</i>					<input type="checkbox"/>	
<input type="checkbox"/>	24 Tank systems in temporary closure meet requirements. <i>40 CFR 280.70; T23 CCR 2670 & 2671</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/>	25 Overfill Prevention mechanism present and operational according to type: <input type="checkbox"/> Flapper valve <input type="checkbox"/> Audible-visual alarm <input type="checkbox"/> ball float. <input type="checkbox"/> A/V alarm and Ball Float <i>40 CFR 280.20(c)(1)(ii), 280.21(d); T23 CCR 2635(b)(2), 2631(d)(4)</i>	RP	RP	RP	RP	<input type="checkbox"/>	
<input type="checkbox"/>	26 Spill prevention device is present and functional (in good condition and drain mechanism operational if applicable). <i>40 CFR 280.20(c)(1)(i), 280.21(d); T23 CCR 2635(b)(1); 2665</i>	RP	RP	RP	RP	<input type="checkbox"/>	
<input type="checkbox"/>	27 Piping and piping penetration boots within sumps/UDC are in good condition. <i>HSC 25288(a), 25292.1</i>					<input type="checkbox"/>	
<input type="checkbox"/>	28 All sumps, spill buckets, and UDC's free from debris and liquid. <i>HSC 25291(e), 25290.1, 25290.2; T23 CCR 2635(b)(1)(C)</i>					<input type="checkbox"/>	
<input type="checkbox"/>	29 Areas around vents appear to be free from signs of liquid releases. <i>HSC 25288(a), 25290.1, 25290.2, 25295.5</i>					<input type="checkbox"/>	
<input type="checkbox"/>	30 Release Detection methods are present and meet performance standards. See LG-113. <i>40 CFR 280.40(a)(3)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/>	31 All sensors are correct for the type of system and operational. <i>40 CFR 280.40(a)(2), 280.43(g)(1)&(2); HSC 25290.1(e), 25290.2, 25291; T23 CCR 2638</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/>	32 All sensors are located in the proper position/location. <i>40 CFR 280.40(a)(2), 280.43(g)(1)&(2); HSC 25290.1, 25290.2, 25291; T23 CCR 2630(d); 2632(c); 2641(a)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/>	33 All secondary containment, including UDC shall be equipped with a continuous monitoring system that either activates an A/V alarm or stops the flow of product at the dispenser when it detects a leak. <i>T23 CCR 2636 (f)(1)</i>					<input type="checkbox"/>	
	Tank Monitoring						
	○ DW						
<input type="checkbox"/>	34 <input type="checkbox"/> Interstitial monitoring conducted properly. <i>40 CFR 280.40(a)(2), 280.43(g)(1)&(2); T23 CCR 2632 (c)(2); 2634(d)(1)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/>	35 <input type="checkbox"/> VPH monitoring conducted properly. <i>HSC 25290.1</i>	RD	RD	RD	RD	<input type="checkbox"/>	
	○ SW						
	◇ SIR						
<input type="checkbox"/>	36 SIR and Biennial 0.1 gph tank test performed properly. <i>40 CFR 280.41, 280.43; T23 CCR 2643, 2646.1</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/>	37 Non-passing SIR monitoring report results are reported and investigated properly. <i>40 CFR 280.41(a), 280.43(h)(1),(2); T23 CCR 2646.1</i>	RD	RD	RD	RD	<input type="checkbox"/>	

UNDERGROUND STORAGE TANK COMPLIANCE INSPECTION REPORT

Facility Name:

Date:

Compliance	Requirements:	Minor	Class II	Class I	TBD	NA	COMMENTS
	Significant Operational Compliance RD=Release Detection RP=Release Prevention						
	◇ Automatic Tank Gauging (ATG) / Continuous In-Tank Leak Detection (CITLD)						
<input type="checkbox"/> 38	ATG or CITLD 0.2 gph monthly test performed properly. <i>40 CFR 280.43; T23 CCR 2643(b)(1), 2643(b)(5)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/> 39	ATG generates a hard copy printout of all data reported including time and date, tank I.D., fuel depth, water depth, temperature, liquid volume and duration of test. If installed after 1/1/95 printout includes calculated leak rate and leak threshold. <i>T23 CCR 2643(b)(1)</i>					<input type="checkbox"/>	
	◇ Manual Tank Gauging (SW tanks <=1000 gal. ONLY)						
<input type="checkbox"/> 40	Weekly manual tank gauging performed properly. <i>40 CFR 280.43; T23 CCR 2645</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/> 41	Tank Integrity test performed, if necessary. <i>40 CFR 280.43; T23 CCR 2645</i>	RD	RD	RD	RD	<input type="checkbox"/>	
	◇ Vadose Zone and/or Groundwater Monitoring						
<input type="checkbox"/> 42	Monitoring system is installed and monitored properly. <i>40 CFR 280.43; T23 CCR 2647-48</i>	RD	RD	RD	RD	<input type="checkbox"/>	
	◇ Tank Exemption						
<input type="checkbox"/> 43	Tanks/piping meet tank exemption criteria, and weekly visual monitoring records are kept up-do-date. <i>HSC 25283.5</i>					<input type="checkbox"/>	
	Pipe Monitoring						
	○ DW						
	◇ Continuous Monitoring System						
<input type="checkbox"/> 44	DW piping (gravity, suction, pressure) in the turbine sump has continuous monitoring system that activates an audible and visual alarm or restricts or stops flow at dispenser. <i>T23 CCR 2636(f)(1)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/> 45	DW piping in the UDC is continuously monitored and method either shuts down the flow of product to the dispenser or activates an A/V alarm. <i>T23 CCR 2636(f)(1)</i>					<input type="checkbox"/>	
	◇ Line Integrity Testing for Pressurized Piping						
<input type="checkbox"/> 46	An annual 0.1 gph line integrity test is performed properly. (Either third party or by Enhanced Line Leak Detection) <i>T23 CCR 2636(f)(4)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/> 47	In lieu of the annual tightness test for DW pressurized piping, the monitoring system for all product piping outside the dispenser is fail-safe and shuts down the pump when a leak is detected and the monitoring system shuts down the pump or flow restriction occurs when a leak is detected in the UDC. <i>T23 CCR 2636(f)(5)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
	◇ Line Leak Detectors (LLD)						
<input type="checkbox"/> 48	LLD's installed, annually tested, and operational on DW pressurized piping that detects a 3.0-gph leak, and restricts or shuts off flow of product. <i>T23 CCR 2636(f)(2)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
	◇ DW Emergency Generator Tank						
<input type="checkbox"/> 49	LLD activates A/V alarm and monitoring system is checked daily. <i>T23 CCR 2636(f)(2)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/> 50	In lieu of LLD, continuous monitoring system of DW emergency generator tank activates A/V alarm, system is checked daily, and logs are kept. <i>T23 CCR 2636 (f)(6)</i>					<input type="checkbox"/>	
	○ SW						
	◇ Line Integrity Testing						
<input type="checkbox"/> 51	SW pressurized piping: annual 0.1 gph line integrity test or a monthly 0.2 gph line integrity test is performed properly. <i>40 CFR 280.41, 280.44; T23 CCR 2643(c)(2),(3)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/> 52	SW conventional suction system: 0.1 gph line integrity test is performed every three years. <i>40 CFR 280.40, 280.41; T23 CCR 2643(d)</i>	RD	RD	RD	RD	<input type="checkbox"/>	

UNDERGROUND STORAGE TANK COMPLIANCE INSPECTION REPORT

Facility Name:

Date:

Compliance	Requirements:	Minor	Class II	Class I	TBD	NA	COMMENTS
	Significant Operational Compliance RD=Release Detection RP=Release Prevention						
<input type="checkbox"/> 53	SW conventional suction system: inspections conducted for presence of air in the pipeline. Daily monitoring records are kept. <i>T23 CCR 2643(d)</i>					<input type="checkbox"/>	
<input type="checkbox"/> 54	SW gravity flow piping: biennial 0.1 gph integrity test or overflow tank integrity test is conducted within allowable time frames. <i>T23 CCR 2643(e)</i>					<input type="checkbox"/>	
	◇ Safe Suction (SS) System						
<input type="checkbox"/> 55	Piping meets the SS requirements. <i>40 CFR 280.41; T23 CCR 2636(a)(3) (A-D)</i>	RD	RD	RD	RD	<input type="checkbox"/>	
	◇ LLD for Pressurized Piping						
<input type="checkbox"/> 56	LLD's installed, annually tested and operational on SW pressurized piping. Pump shuts down when a leak occurs and when the LLD fails or is disconnected. <i>T23 CCR 2666</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/> 57	LLD's installed, annually tested, and operational on SW emergency generator systems; LLD is connected to an A/V alarm. <i>40 CFR 280.40(a)(2), 280.43(g)(1),(2), 280.44(a); T23 CCR 2666</i>					<input type="checkbox"/>	
	Corrosion Protection						
<input type="checkbox"/> 58	Metal Tanks and piping components have corrosion protection, or are isolated from the backfill. <i>40 CFR 280.20, 280.21</i>	RP	RP	RP	RP	<input type="checkbox"/>	
<input type="checkbox"/> 59	Corrosion protection equipment turned on, functioning properly and provides continuous protection. <i>40 CFR 280.31(a),(b)(1); T23 CCR 2635</i>	RP	RP	RP	RP	<input type="checkbox"/>	
<input type="checkbox"/> 60	Cathodic protection system is tested within 6 months of installation and then every 3 years. <i>40 CFR 280.31(a) & (b)(1); T23 CCR 2635(a)(2)</i>	RP	RP	RP	RP	<input type="checkbox"/>	
<input type="checkbox"/> 61	Impressed current systems checked every 60-calendar days and records are up-to-date. <i>40 CFR 280.31(c); T23 CCR 2635(a)(2)</i>	RP	RP	RP	RP	<input type="checkbox"/>	
	On-site Paperwork						
<input type="checkbox"/> 62	Permit and conditions available on-site. Facility is operated according to permit and conditions. <i>HSC 25293; 25299; T23 CCR 2712(i)</i>					<input type="checkbox"/>	
<input type="checkbox"/> 63	Monitoring and response plans are on-site and are the approved version. <i>T23 CCR 2712(i); 2632;2634; 2641</i>					<input type="checkbox"/>	
<input type="checkbox"/> 64	Site plan depicts current site conditions and has all required elements. <i>T23 CCR 2632(d)</i>					<input type="checkbox"/>	
<input type="checkbox"/> 65	All release detection records for monitoring method are available, up-to-date, and appropriate for leak detection method. <i>40 CFR 280.41, 280.45</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/> 66	All monitoring/testing records/documents are available for the required timeframe. (3 years, 6 ½ years, five years, life of tank) <i>T23 CCR 2712</i>					<input type="checkbox"/>	
<input type="checkbox"/> 67	Equipment maintenance records/logs available. <i>T23 CCR 2712(b)</i>					<input type="checkbox"/>	
<input type="checkbox"/> 68	Alarm logs/tapes available and appropriate follow-up actions occurred. <i>T23 CCR 2712(b); 2632; 2634</i>					<input type="checkbox"/>	
<input type="checkbox"/> 69	Visual observation logs available, up-to-date, and appropriate follow-up actions to problems occurred. <i>T23 CCR 2712(b); 2642</i>					<input type="checkbox"/>	
<input type="checkbox"/> 70	Designated UST Operator monthly reports available and complete. <i>T23 CCR 2715</i>					<input type="checkbox"/>	
<input type="checkbox"/> 71	Employee training records available and training appropriate and up-to-date. <i>T23 CCR 2715</i>					<input type="checkbox"/>	
<input type="checkbox"/> 72	Suspected or actual unauthorized releases are recorded and/or reported within allowed timeframes, including non-passing test results. Leak and Spill Logs available. <i>40 CFR 280.50; T23 CCR, 2650, 2652</i>	RD	RD	RD	RD	<input type="checkbox"/>	
<input type="checkbox"/> 73	Financial Responsibility Certificate and mechanisms (CFO Letter, etc.) on-site and up-to-date. <i>HSC 25292.2, 25299.30-25299.34; T23 CCR 2711; T23 2808.1; 2809-2809.2</i>					<input type="checkbox"/>	

UNDERGROUND STORAGE TANK COMPLIANCE INSPECTION REPORT

Facility Name:

Date:

**NOTICE TO COMPLY / SUMMARY OF VIOLATIONS
MINOR VIOLATIONS**

Owner/Operator:	
Facility:	
Address:	
<input type="checkbox"/>	There were NO violations observed during this inspection.
<input type="checkbox"/>	Notice to Comply: Minor Violations were found during this inspection as noted in the following Summary of Violations .
	The violations indicated in this inspection report must be corrected within 30 days, unless otherwise noted.
	Formal enforcement may be initiated for any violations noted, and for those not corrected in a timely manner. This report does not represent that there are no other violations at this facility. A re-inspection may occur to determine compliance status.

SUMMARY OF VIOLATIONS

Item #	VIOLATION	REQUIREMENT FOR CORRECTION OF VIOLATION	DATE FOR CORRECTION

Inspectors Signature:	Received by:
Phone:	Print Name:
Date:	Date:

CERTIFICATION OF RETURN TO COMPLIANCE

I certify that the violations noted above on this Notice to Comply/Summary of Violations have been corrected. I have personally examined any documentation attached to the certification to establish that the violations have been corrected.
Signature:
Title:
Print Name:
Date:

APPENDIX B



SOC Matrices for California

Part I - Release Detection Matrix

A release detection method is present and operational. The release detection system meets minimum Federal performance standards. (See Requirements Below)

If underground storage tanks (USTs) are in temporary closure, release detection requirements are being met. (See Requirements Below)

The Local Agency has been notified of suspected releases as required. [Title 23, California Code of Regulation (CCR), section 2650] [40 Code of Federal Regulations (CFR), section 280.40(b)]

Release detection records are available. (To be in significant operational compliance, must have records for the two most recent consecutive months and for 8 of the last 12 months.) [40 CFR, section 280.41(a), 280.45(b)]

Hazardous substance USTs are double-walled. [Title 23, CCR, section 2631(a)] [40 CFR, section 280.42(b)]

TANK Leak Detection Methods [40 CFR, section 280.43]

Interstitial Monitoring (includes traditional and vacuum, pressure, and hydrostatic (VPH) systems)

Sensors are properly located to detect a release. [Title 23, CCR, section 2630(d), 2632(c), 2641(a)] [Health & Safety Code (H&SC), section 25290.1(e)] [40 CFR, section 280.43(g)(1), 280.43(g)(2), 280.40(a)(2)] AND

Sensors are operational. [Title 23, CCR, section 2638] [H&SC, section 25290.1(e)]

Statistical Inventory Reconciliation (SIR) [40 CFR, section 280.43(h)(1)-(2), 280.41(a)]

SIR is performed properly. [Title 23, CCR, section 2646.1, 2643(b)(3), 2643.1] AND
Biennial 0.1 gph tank integrity test performed properly. [Title 23, CCR, section 2646.1(g)] AND
Non-passing results are reported and properly investigated. [Title 23, CCR, section 2646.1(d)(f)(h)]

Automatic Tank Gauging [40 CFR, section 280.40(a)(1)-(2), 280.43(d)(1)]

0.2 gph monthly tank gauging test performed. [Title 23, CCR, section 2643(b)(1)] OR
0.1 gph monthly tank gauging test AND manual inventory reconciliation properly performed. [Title 23, CCR, section 2643(b)(2)]

Manual Tank Gauging (for USTs with 1,000-gallon capacity or less) [40 CFR, section 280.43(b)(1) and (b)(3)-(5)]

Weekly manual tank gauging performed properly. [Title 23, CCR, section 2645] AND
If necessary, tank integrity test conducted. [Title 23, CCR, section 2645(d)(3)]

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Vadose Zone (Vapor) Monitoring [40 CFR, section 280.43(e)(3)(6)]

Vadose zone monitoring system properly installed and monitored. [Title 23, CCR, section 2647, 2649]

Ground Water Monitoring [40 CFR, section 280.43(f)(2)(7)]

Ground water monitoring system properly installed and monitored. [Title 23, CCR, section 2648, 2649]

PIPING Leak Detection Methods [40 CFR, section 280.44]

Double-Walled Pressurized Piping (includes traditional and VPH systems) [40 CFR, section 280.40(a)(2), 280.43(g)(1)(2), 280.44(a)]

ALL three of the following:

Interstitial monitoring properly conducted. [Title 23, CCR, section 2636(f)(1)] [H&SC, section 25290.1(e)] AND

Line leak detector (LLD) present and operational. [Title 23, CCR, section 2643(c)(1)] AND
LLD tested annually. [Title 23, CCR, section 2641(j)]

And ONE of the following:

LLD restricts or shuts off flow of product (for non-emergency generator systems). [Title 23, CCR, section 2636(f)(2)] OR

LLD activates an audible or visual alarm and the monitoring system is checked daily (emergency generator systems only). [Title 23, CCR, section 2636(f)(2)]

*Note: Federal regulations do not require lines that are interstitially monitored to also be tightness tested.

Double-Walled Suction Piping (includes traditional and VPH systems)

Interstitial monitoring is conducted properly. [Title 23, CCR, section 2636(f)(1)] [H&SC, section 25290.1(e)] [40 CFR, section 280.40(a)(2), 280.43(g)(1)(2)]

Single-Walled Pressurized Piping

BOTH of the following: [40 C.F.R. § 280.44(a)]

3.0 gph LLD present and operational. [Title 23, CCR, section 2643(c)(1)] AND
LLD tested annually. [Title 23, CCR, section 2638, 2641(j)]

In addition to one of the following:

0.1 gph line integrity test performed annually. [Title 23, CCR, section 2643(c)(3)] [40 CFR, section 280.40(a)(3), 280.41(b)(1)(ii)] OR

0.2 gph line integrity test performed monthly. [Title 23, CCR, section 2643(c)(2)] [40 CFR, section 280.41(b)(1)(ii), 280.44(c)]

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Single-Walled Suction Piping

0.1 gph line integrity test performed triennially (every 3 years). [Title 23, CCR, section 2643(d)] [40 CFR, section 280.40(a)(3), 280.41(b)(2)]

Single-Walled Safe Suction Piping

Piping meets the safe suction requirements. [Title 23, CCR, section 2636(a)(3)(A) – (D)] [40 CFR, section 280.41(b)(2)(i) – (v)]

Part II - Release Prevention Matrix

1. Spill container present and in good condition. [Title 23, CCR, section 2635(b)(1), 2665] [40 CFR, section 280.20(c)(1)(i), 280.21(d)]

2. The appropriate overflow prevention system is present and operational. [Title 23, CCR, section 2635(b)(2), 2665] [40 CFR, section 280.20(c)(1)(ii)(A)(B), 280.21(d)]

*Note: Overflow prevention system requirement may be waived for USTs that meet the requirements of Title 23, CCR, section 2635(b)(3).

3. Repaired tanks or piping are tightness tested within 30 days of the repair. [Title 23, CCR, section 2661(f)] [40 CFR, section 280.33(d)]

4. If corrosion of steel tank or piping is discovered during an upgrade or repair, the tank and piping comply with the cathodic protection (CP) applicable design, certification, installation, inspection, and testing requirements. [Title 23, CCR, section 2660(n)] [40 CFR, section 280.33(d)]

5. The cathodic protection system is performing adequately and provides continuous protection. [Title 23, CCR, section 2635(a)(2)] [40 CFR, section 280.31(a)(b)(1)] AND
The cathodic protection system is checked by a cathodic protection tester within 6 months of installation and at least every three years thereafter. [Title 23, CCR, section 2635(a)(2)(A)] [40 CFR, section 280.31(b)(1)]

*Note: CP is required whether tanks are in operation or in temporary closure. [Title 23, CCR, section 2671(b)] [40 CFR, section 280.70(a)]

6. The impressed current cathodic protection system is checked every 60-calendar days. [Title 23, CCR, section 2635(a)(2)(A)] [40 CFR, section 280.31(c)]

7. Interior lined tanks are inspected within 10 years of lining installation and every 5 years thereafter; and the lining is compliant. [Title 23, CCR, section 2663(h)] [40 CFR, section 280.21(b)(1)(ii)]

8. Buried metal tanks and piping (including fittings, connections, etc.) are corrosion protected. [Title 23, CCR, section 2635(a)(2) and 2633(b) for new tanks] [Title 23, CCR, section 2636(b) and 2663(b) for new piping] [Title 23, CCR, section 2662(c) for existing tanks] [Title 23, CCR, section 2666(b) for existing piping] [40 CFR, section 280.20(a)-(b)- for USTs installed after 12/22/88] [40 CFR, section 280.21(a)-(c)- for USTs installed on or before 12/22/88]

APPENDIX C



Appendix C RED TAG AUTHORITY

Health and Safety Code Provisions

25292.3. VIOLATIONS; NOTICE REQUIREMENTS; DEPOSITS OF PETROLEUM INTO NONCOMPLIANT SYSTEMS PROHIBITED

- (a) Upon the discovery of a significant violation of any requirement in this chapter that poses an imminent threat to human health or safety or the environment or of any regulation adopted pursuant to this chapter, the local agency may affix a red tag, in plain view, to the fill pipe of the noncompliant underground storage tank system in order to provide notice that delivery of petroleum into the system is prohibited.
- (b) Upon the discovery of a significant violation of any requirement in this chapter or of any regulation adopted pursuant to this chapter, the local agency may issue a notice of significant violation to the owner or operator. The owner or operator who receives a notice of significant violation shall, within seven days from receipt of the notice, correct the violation to the satisfaction of the local agency. If the owner or operator does not correct the violation within seven days, the local agency may affix a red tag, in plain view, to the fill pipe of the noncompliant underground storage tank system to provide notice that delivery of petroleum into the system is prohibited.
- (c) No owner or operator of a facility may deposit or allow the deposit of petroleum into an underground storage tank system that has a red tag affixed to the system's fill pipe.
- (d) No person may deposit petroleum into an underground storage tank system that has a red tag affixed to its fill pipe.
- (e) No person shall remove, deface, alter, or otherwise tamper with a red tag so that the information contained on the tag is not legible.
- (f) Upon notification by the owner or operator that the violation has been corrected, the local agency shall inspect the underground storage tank system within five days to determine whether the system continues to be in significant violation. If the local agency determines that the system is no longer in significant violation, the local agency shall immediately remove the red tag.
- (g) The board shall adopt regulations to define significant violations for purposes of this section.

California Code of Regulations Provisions

Article 10.5. Red Tag Authority

§ 2717. Additional Definitions.

(a) "Significant Violation" means the failure of a person to comply with any requirement of Chapter 6.7 of the Health and Safety Code or any regulation adopted pursuant to Chapter 6.7, not including the corrective action requirements in Section 25296.10 of the Health and Safety Code and Article 11 of Chapter 16 of Title 23 of the regulations, that is any of the following:

(1) A violation that is causing, or threatens to cause a liquid release of petroleum from an underground storage tank system, including, but not limited to: the failure of any required overfill prevention system, where the failure is causing or threatens to cause a release; or the failure of a required spill containment structure, where the failure is causing or threatens to cause a release to the environment due to a spill or an overfill.

(2) A violation that impairs the ability of an underground storage tank system to detect a liquid leak or contain a liquid release of petroleum in the manner required by law, including, but not limited to: tampering with leak detection equipment so that the equipment is no longer capable of detecting a leak at the earliest possible opportunity.

(3) A chronic violation or a violation that is committed by a recalcitrant violator. In determining whether a violation is chronic or a violator is recalcitrant, the local agency shall consider whether there is evidence indicating that the violator has engaged in a pattern of neglect or disregard with respect to any requirement of Chapter 6.7 or of any regulation adopted pursuant to Chapter 6.7, not including the corrective action requirements in Section 25296.10 of the Health and Safety Code and Article 11 of Chapter 16 of Title 23 of the regulations.

(b) "Imminent threat to human health or safety or the environment" means a condition that creates a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate the actual or potential damages to human health or safety or the environment.

Authority: Sections 25292.3(g), 25299.3 and 25299.7, Health and Safety Code.

Reference: Section 25292.3, Health and Safety Code.

§ 2717.1. Affixing Red Tags.

(a) Upon the discovery of a significant violation that poses an imminent threat to human health or safety or the environment, the local agency may immediately affix a red tag to

the fill pipe of the non-compliant underground storage tank system using a tamper-resistant strap or straps, fill pipe bag, or any combination thereof so that the tag is visible to any person attempting to deliver petroleum to the underground storage tank. Immediately after affixing a red tag pursuant to this subdivision, the local agency shall notify the operator, if present on-site, of the significant violation(s) for which the red tag was issued. Within 24 hours of affixing a red tag pursuant to this subdivision, the local agency shall notify the owner of the significant violation(s) for which the red tag was issued.

(b) Upon the discovery of a significant violation that does not pose an imminent threat to human health or safety or the environment and that is not otherwise exempt pursuant to Section 2717.4, the local agency may issue a notice of significant violation to the owner and operator identifying the significant violation(s). If the owner or operator fails to correct the significant violation within seven business days from receipt of the notice, the local agency may affix a red tag to the fill pipe of the non-compliant underground storage tank system using a tamper-resistant strap or straps, fill pipe bag, or any combination thereof so that the tag is visible to any person attempting to deliver petroleum to the underground storage tank.

(c) Before affixing a red tag to the fill pipe of an underground storage tank system, the local agency shall document the level of stored product in the tank.

(d) The board shall provide red tags, fill pipe bags, and tamper-resistant straps made of nylon or other durable, damage resistant material to local agencies upon request, and local agencies shall use only red tags, fill pipe bags, and tamper-resistant straps provided by the board.

(e) No owner or operator of a facility may deposit or allow the deposit of petroleum into an underground storage tank system that has a red tag affixed to the system's fill pipe.

(f) No person may deposit petroleum into an underground storage tank system that has a red tag affixed to its fill pipe.

(g) Except as otherwise provided in Section 2717.2, no person shall remove, deface, alter, or otherwise tamper with a red tag so that the information contained on the tag is not legible.

(h) If a permit is required by the local agency in order to correct one or more significant violations identified pursuant to subdivisions (a) or (b), the local agency shall, to the extent feasible, expedite its review and issuance of such permit(s).

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

Reference: Section 25292.3, Health and Safety Code.

§ 2717.2. Removing Red Tags.

(a) Upon notification by the owner or operator documenting to the satisfaction of the local agency that the significant violation has been corrected, the local agency may provide written authorization to the owner or operator to remove the red tag. The local agency shall inspect the underground storage tank system within five business days of notification to determine whether the system continues to be in significant violation, regardless of whether it has authorized removal of the red tag by the owner or operator. If, upon inspection, the local agency determines that the system is no longer in significant violation and it has not already authorized removal of the red tag, the local agency shall immediately remove the red tag.

(b) Upon removing a red tag from an underground storage tank system, the local agency shall document the level of stored product in the tank. If the owner or operator removes a red tag pursuant to written authorization by the local agency, the owner or operator shall document the level of stored product in the tank immediately after removing the red tag.

(c) A red tag that has been removed by the owner or operator shall be returned to the local agency within five business days, or sooner if requested by the local agency.

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

Referenc: Section 25292.3, Health and Safety Code.

§ 2717.3. Removal of Red Tag from Emergency Generator Tank Systems Prior to Correction of Significant Violation.

Notwithstanding any other provision of this Article, a local agency may remove or authorize the removal of a red tag from an emergency generator tank system before a significant violation has been corrected if the local agency determines that an emergency situation exists requiring operation of the system and the delivery of petroleum is necessary for the continued operation of the system during the emergency. For purposes of this section, an "emergency generator tank system" means an underground storage tank system that provides power supply in the event of a commercial power failure, stores petroleum, and is used solely in connection with an emergency system, legally required standby system, or optional standby system, as defined in Articles 700, 701, and 702 of the National Electrical Code of the National Fire Protection Association.

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

Reference Sections 25281.5 and 25292.3, Health and Safety Code.

§ 2717.4. Notice of Correction of Significant Violation.

Upon making a determination that a significant violation has been corrected, the local agency shall notify the owner or operator in writing of its determination.

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

Reference: Section 25292.3, Health and Safety Code.

§ 2717.5. Significant Violations Exempt From Red Tags.

(a) If an underground storage tank system component is found to be in significant violation during periodic testing of the component, a local agency may issue a notice of significant violation or affix a red tag only if:

- (1) The violation poses an imminent threat to human health or safety or the environment; or
- (2) There is evidence the component in violation has been tampered with; or
- (3) The owner or operator fails to take appropriate action to correct the violation.

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

Reference: Section 25292.3, Health and Safety Code.

§ 2717.6. Content of Red Tags.

(a) A red tag shall be red in color and 3 inches wide by 5 inches long and made of plastic or other durable and damage resistant material.

(b) Red tags shall bear the following information on both sides of the tag:

- (1) The following wording, printed in white at the top of the tag in all capital letters in at least 36-point bold-faced type: "PETROLEUM DELIVERY PROHIBITED!"
- (2) The following wording, printed in white below the wording described in subdivision (b)(1) in at least 16 point type: "Delivering petroleum, or removing, defacing, altering, or otherwise tampering with this tag may result in civil penalties of up to \$5000 per day."
- (3) Printed below the wording described in subdivision (b)(2), the following wording in at least 16-point type: "If you have questions, please contact:"

(A) Following the wording described in subdivision (b)(3), there shall be a blank area at least 1/2 inch wide by three inches long in which the local agency shall

write legibly in permanent ink its name and telephone number.

(4) In the lower left hand corner, a unique identification number imprinted mechanically at the time of production.

(5) In the lower right hand corner, a graphic comprised of a blue background, the letters SWRCB in black, and white wavy lines depicting water.

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

Reference: Section 25292.3, Health and Safety Code.

§ 2717.7. Enforcement Scope of Article.

Nothing in this Article shall be construed as prohibiting the local agency, board, regional board, or any other prosecuting agency from taking any other action as provided for by law, including but not limited to requiring removal of the stored substance from the tank pursuant to Section 2652 or revoking or modifying the operating permit pursuant to Section 25285.1 of the Health and Safety Code.

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

Reference: Section 25292.3, Health and Safety Code.

APPENDIX D



GENERAL OVERVIEW OF UNDERGROUND STORAGE TANK (UST) CONTAINMENT AND MONITORING REQUIREMENTS

The attached tables outline tank system requirements in general terms, and are not meant to detail all requirements. References to the Health and Safety Code and the California Code of Regulations throughout this Overview are intended to be useful but are not necessarily exhaustive of all legal references that might apply or be relevant to a specific requirement. Laws and regulations are subject to change, so the references contained herein may not be up to date. For more specific information or details on UST system components, monitoring options, etc., you will need to refer to the relevant statutes and regulations (Health and Safety Code, Division 20, Chapter 6.7 and Title 23, California Code of Regulations, Division 3, Chapter 16)

ACRONYMNS

<i>ATG: automatic tank gauge</i>	<i>SW: single-walled</i>
<i>DW: double-walled</i>	<i>SIR: statistical inventory reconciliation</i>
<i>CITLD: continuous in-tank leak detection</i>	<i>UDC: under-dispenser containment</i>
<i>GW: groundwater</i>	<i>VPH: vacuum, pressure, hydrostatic</i>
<i>LLD: line leak detector</i>	

General Requirements for all USTs

Corrosion Protection	Spill Buckets	Overfill Options	UDC
<p> <ul style="list-style-type: none"> All USTs shall be resistant to corrosion or have corrosion protection. </p> <p>OR</p> <p> <ul style="list-style-type: none"> Components must be isolated from the backfill, including turbines, risers, and spill buckets. </p> <p><i>40 CFR 280.31, 280.70; CCR 2635 (a)(2); 2636 (b), 2662(c)</i></p>	<p>Required on all USTs.</p> <ul style="list-style-type: none"> Minimum 5-gallon capacity. <p><i>CCR 2635(b)(1)(B)</i></p> <ul style="list-style-type: none"> Resistant to galvanic corrosion <ul style="list-style-type: none"> Method to remove liquid from the bucket. <p><i>CCR 2635(b)(1)(C)</i></p> <ul style="list-style-type: none"> Required to be tested annually. <p><i>HSC 25284.1, 25284.2 Also See LG-166</i></p>	<p>Required on all USTs. No manual override and meets one of the following options:</p> <p>OR</p> <p> <ul style="list-style-type: none"> Device activates at 90%; restricts flow or triggers audible and visual alarm. <i>(Devices such as ATG OR Ball float/vent valve may be used to fulfill this requirement.) CCR 2635(b)(2)(A)</i> </p> <p>OR</p> <p> <ul style="list-style-type: none"> Device activates at 95%; restricts flow and activates audible alarm five minutes before overfill. <i>(Devices used in conjunction with each other such as ball float/vent valves, ATG's, and external audible and visual alarms may be used to fulfill this requirement.) CCR 2635(b)(2)(B)</i> </p> <p>OR</p> <p> <ul style="list-style-type: none"> Device activates at 95%; provides positive shutoff of flow to the tank. <i>(Devices such as drop tubes/flapper valves may be used to fulfill this requirement.) CCR 2635(b)(2)(C)</i> </p> <p>OR</p> <p> <ul style="list-style-type: none"> Device activates before fittings are exposed to product and provides positive shutoff. <i>(Devices such as drop tube/flapper valves may be used to fulfill this requirement.) CCR 2635(b)(2)(D)</i> </p> <ul style="list-style-type: none"> Requirement may be waived by local agency if all of the following conditions are met: <ul style="list-style-type: none"> -Inlet exists in observable area. -Spill container adequate to collect any overfill. -Tank system filled by no more than 25 gallons at one time. <p><i>CCR 2635 (b)(3). Also see LG-150</i></p>	<p><u>If tank system constructed Pre- July 1, 2003</u></p> <ul style="list-style-type: none"> SW UDC construction with continuous monitoring. <p><i>CCR 2636(g)(C)</i></p> <ul style="list-style-type: none"> Testing required every three years. <p><i>HSC 25284.1; CCR 2637</i></p> <p><u>If tank system constructed on or after July 1, 2003:</u></p> <ul style="list-style-type: none"> Must be liquid and vapor tight. For monitoring of UDC, see "Monitoring of Double-walled Piping Installed Before July 1, 2004". <p><i>HSC 25290.2</i></p> <p><u>If tank system constructed on or after July 1, 2004:</u></p> <ul style="list-style-type: none"> Must be liquid and vapor tight. Required construction depends on piping configuration. For monitoring of UDC see "Monitoring of Double-walled Piping Installed after July 1, 2004". <p><i>HSC 25290.1</i></p>

Tank Containment and Monitoring

Year of Tank Installation	Construction Type	Tank Monitoring Options	Other												
On or before January 1, 1984	<p><u>Motor Vehicle Fuel Tanks</u></p> <ul style="list-style-type: none"> • SW fiberglass. • SW steel w/ internal lining or bladder. • Corrosion Protection. <p>CCR 2662(c)</p>	<table border="1"> <tr> <td data-bbox="982 386 1037 418">OR</td> <td data-bbox="1073 298 1665 375">SIR and Tank testing every two years. CCR 2643(b)(3)</td> </tr> <tr> <td data-bbox="982 386 1037 418">OR</td> <td data-bbox="1073 386 1665 440">ATG 0.2 gph Monthly. CCR 2643(b)(1)</td> </tr> <tr> <td data-bbox="982 451 1037 483">OR</td> <td data-bbox="1073 451 1665 505">CITLD 0.2 gph Continuous. CCR 2643(B)(5)</td> </tr> <tr> <td data-bbox="982 516 1037 548">OR</td> <td data-bbox="1073 516 1665 602">Manual tank gauging for tanks <= 1000 gallons. CCR 2645</td> </tr> <tr> <td data-bbox="982 613 1037 646">OR</td> <td data-bbox="1073 613 1665 667">GW Monitoring. CCR 2644; 2648</td> </tr> <tr> <td data-bbox="982 678 1037 711">OR</td> <td data-bbox="1073 678 1665 732">Vadose Zone Monitoring. CCR 2644; 2647</td> </tr> </table>	OR	SIR and Tank testing every two years. CCR 2643(b)(3)	OR	ATG 0.2 gph Monthly. CCR 2643(b)(1)	OR	CITLD 0.2 gph Continuous. CCR 2643(B)(5)	OR	Manual tank gauging for tanks <= 1000 gallons. CCR 2645	OR	GW Monitoring. CCR 2644; 2648	OR	Vadose Zone Monitoring. CCR 2644; 2647	<ul style="list-style-type: none"> • Internally lined tanks must be recertified 10 years after lining and every 5 years, thereafter. CCR 2663(h) <ul style="list-style-type: none"> • If these tanks have DW components installed, the DW components must be monitored according to the DW requirements for that component.
OR	SIR and Tank testing every two years. CCR 2643(b)(3)														
OR	ATG 0.2 gph Monthly. CCR 2643(b)(1)														
OR	CITLD 0.2 gph Continuous. CCR 2643(B)(5)														
OR	Manual tank gauging for tanks <= 1000 gallons. CCR 2645														
OR	GW Monitoring. CCR 2644; 2648														
OR	Vadose Zone Monitoring. CCR 2644; 2647														
On or before January 1, 1984	<p><u>Hazardous substance tanks must have been upgraded or replaced to meet secondary containment requirements.</u> CCR 2662(b)</p>	<ul style="list-style-type: none"> • Continuous Interstitial w/ audible and visual alarm. <p>AND</p> <ul style="list-style-type: none"> • Secondary Containment testing every three years. CCR 2637 													
After January 1, 1984 to June 30, 2003	<ul style="list-style-type: none"> • Primary containment product tight (liquid). HSC 25291(a)(1) • Secondary Containment required. HSC 25291; CCR 2631 	<ul style="list-style-type: none"> • Continuous Interstitial w/ audible and visual alarm. <p>AND</p> <ul style="list-style-type: none"> • Secondary Containment testing every three years. CCR 2637 													
On or After July 1, 2003 to June 30, 2004	<ul style="list-style-type: none"> • Product tight (liquid and vapor). HSC 25290.2 (a) • Secondary Containment required. HSC 25290.2 (c) ; CCR 2631 • Designed to prevent water intrusion.¹ HSC 25290.2 (c)(3) 	<ul style="list-style-type: none"> • Continuous Interstitial w/ audible and visual alarm. <p>AND</p> <ul style="list-style-type: none"> • Secondary Containment testing every three years. CCR 2637 													
On or After July 1, 2004	<ul style="list-style-type: none"> • Product tight (liquid and vapor). HSC 25290.1(a) • Secondary Containment required. HSC 25290.1(c) ; CCR 2631 • Designed to prevent water intrusion.¹ HSC 25290.1(c)(3) 	<p>Monitored by continuous VPH methods connected to audible and visual alarm.</p> <p>HSC 25290.1(d)</p>													

¹ Intrusion caused by precipitation, infiltration or surface runoff.

Piping Containment and Monitoring

Year of Tank Installation	Product Piping Construction Type	Turbine Containment	Fill Riser Containment	Vent and Vapor Piping		
<p>On or before January 1, 1984</p> <p>Existing piping only.</p>	<p>Motor Vehicle Fuel Tanks:</p> <table border="1"> <tr> <td> <p><u>SW Construction</u></p> <ul style="list-style-type: none"> Fiberglass reinforced plastic. <i>HSC 25292(e)(2)</i> Steel with corrosion protection <u>for all steel/metal</u> </td> </tr> <tr> <td> <p>OR</p> <p>DW Construction <i>HSC 25292(e)(1)</i></p> </td> </tr> </table>	<p><u>SW Construction</u></p> <ul style="list-style-type: none"> Fiberglass reinforced plastic. <i>HSC 25292(e)(2)</i> Steel with corrosion protection <u>for all steel/metal</u> 	<p>OR</p> <p>DW Construction <i>HSC 25292(e)(1)</i></p>	<p>Not required, but turbine and riser required to have corrosion protection.</p>	<p>Requirement depends on overfill method.</p>	<p>SW</p>
<p><u>SW Construction</u></p> <ul style="list-style-type: none"> Fiberglass reinforced plastic. <i>HSC 25292(e)(2)</i> Steel with corrosion protection <u>for all steel/metal</u> 						
<p>OR</p> <p>DW Construction <i>HSC 25292(e)(1)</i></p>						
<p>After January 1, 1984-July 1, 1987</p>	<p>OR</p> <table border="1"> <tr> <td>DW</td> </tr> <tr> <td> <p>SW (if certain conditions are met.) <i>HSC 25291(a)(7); CCR 2636(a)(3)(b)</i></p> </td> </tr> </table>	DW	<p>SW (if certain conditions are met.) <i>HSC 25291(a)(7); CCR 2636(a)(3)(b)</i></p>	<ul style="list-style-type: none"> Required. SW Construction. <p><i>CCR 2636</i></p>	<p>Requirement depends on overfill method.</p> <ul style="list-style-type: none"> Remote fill piping may be SW if sloped to the tank. 	<p>SW</p>
DW						
<p>SW (if certain conditions are met.) <i>HSC 25291(a)(7); CCR 2636(a)(3)(b)</i></p>						
<p>After July 1, 1987-June 30, 2003</p>	<p>DW Construction, unless connected to suction dispensing system that meets safe-suction requirements.</p> <p><i>HS 25291(a); CCR 2636(a)</i></p>	<ul style="list-style-type: none"> Required. SW Construction. <p><i>CCR 2636</i></p>	<p>Requirement depends on overfill method.</p> <p><i>See LG-150</i></p>	<p>OR</p> <table border="1"> <tr> <td>SW <i>CCR 2636(a)(1)</i></td> </tr> <tr> <td>DW (if designed to contain liquid-phase product) <i>CCR 2636(a)(2)</i></td> </tr> </table>	SW <i>CCR 2636(a)(1)</i>	DW (if designed to contain liquid-phase product) <i>CCR 2636(a)(2)</i>
SW <i>CCR 2636(a)(1)</i>						
DW (if designed to contain liquid-phase product) <i>CCR 2636(a)(2)</i>						
<p>July 1, 2003-June 30, 2004</p>	<p>DW</p> <p><i>HSC 25290.2(c)</i></p>	<ul style="list-style-type: none"> Product-tight (liquid and vapor) required. <i>HSC 25290.2(a)</i> <p>OR</p> <table border="1"> <tr> <td>SW</td> </tr> <tr> <td>DW Construction²</td> </tr> </table>	SW	DW Construction ²	<p>Secondary Containment required.</p> <p><i>HSC 25290.2(c)</i></p>	<ul style="list-style-type: none"> Secondary Containment required. <i>HSC 25290.1(c)</i> Liquid and vapor tight. <i>HSC 25290.1(a)</i>
SW						
DW Construction ²						
<p>On or After July 1, 2004</p>	<p>DW</p> <p><i>HSC 25290.1(c)</i></p>	<ul style="list-style-type: none"> Product-tight (liquid and vapor) required. <i>HSC 25290.1(a)</i> <p>OR</p> <table border="1"> <tr> <td>SW</td> </tr> <tr> <td>DW Construction²</td> </tr> </table>	SW	DW Construction ²	<p>Secondary Containment required.</p> <p><i>HSC 25290.1(c)</i></p>	<ul style="list-style-type: none"> Secondary Containment required. <i>HSC 25290.1(c)</i> Liquid and vapor tight. <i>HSC 25290.1(a)</i>
SW						
DW Construction ²						

² Depends on piping configuration within the sump.

Monitoring Requirements of Single-walled Piping Types

Pressurized	Emergency Generator System	Suction (Conventional)	Safe Suction	Gravity
<p>• An automatic line leak detector that detects a 3.0 gph leak. The automatic line leak detector shall be capable of shutting off the pump when a release occurs and shall shut down the pumping system automatically if the automatic line leak detector fails or is disconnected. <i>CCR 2643(c); 2666</i></p> <p>AND</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px 0;">0.2 gph monthly line test. <i>CCR 643(c)(2)</i></div> <p>OR</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px 0;">0.1 gph annual line test. <i>CCR 2643(c)(3), 2666</i></div>	<p><u>Pressurized:</u></p> <p>• An automatic line leak detector that detects a 3.0 gph leak. The automatic line leak detector must be connected to an audible and visual alarm to indicate a release malfunction of the system. <i>CCR 2643(c)(1); 2666</i></p> <p>AND</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px 0;">0.2 gph monthly line test. <i>CCR 2643(c)(2)</i></div> <p>OR</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px 0;">0.1 gph annual line test. <i>CCR 2643(c)(3)</i></div> <p><u>Suction:</u></p> <p>• 0.1 gph triennial line test</p> <p>AND</p> <p>• Daily or monthly visual monitoring of the suction system for presence of air. <u><i>(Inspection log required.)</i></u></p> <p><i>CCR 2643(d)</i></p>	<p>• 0.1 gph triennial line test;</p> <p>AND</p> <p>• Daily visual monitoring of suction system for presence of air. <u><i>(Inspection log required.)</i></u></p> <p><i>CCR 2643(d)</i></p>	<p>No requirements if all criteria are met:</p> <ul style="list-style-type: none"> • <i>Below-grade piping operates at less than atmospheric pressure.</i> <i>CCR 2636(a)(3)(A)</i> • <i>below-grade piping is sloped so the contents drain back into tank if suction is released.</i> <i>CCR 2636(a)(3)(B)</i> • <i>No valves or pumps installed below grade in suction line.</i> <i>CCR 2636 (a)(3)(C)</i> • <i>Only one check valve installed directly below and as close as practical so suction pump.</i> <i>CCR 2636 (a)(3)(C)</i> • <i>Is inspected by method that readily demonstrates that requirements are met.</i> <i>CCR 2636(a)(3)(D)</i> 	<p>• 0.1 gph biennial line test. <i>CCR 2643(e)</i></p>

Monitoring Requirements of Double-walled Piping Installed Before July 1, 2004

Pressurized	Pressurized (Continued)	Emergency Generator System	Suction	Gravity
<p>Secondary Containment shall be equipped with</p> <div data-bbox="153 354 451 565" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Continuous monitoring system that activates an audible and visual alarm. <i>CCR 2636(f)(1)</i> </div> <p>OR</p> <div data-bbox="147 625 457 868" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Continuous monitoring system that stops the flow of product at the dispenser when a leak is detected; <i>CCR 2636(f)(1)</i> </div> <p>AND</p> <ul style="list-style-type: none"> • A 3.0 gph LLD; <i>CCR 2636(f)(2)</i> <p>AND</p> <ul style="list-style-type: none"> • An annual 0.1 gph piping test. <i>CCR 2636(f)(4)</i> 	<p>The following may be conducted in lieu of the 0.1 gph piping test</p> <ul style="list-style-type: none"> • Continuous monitoring system shuts down the pump or stops the flow of product at the dispenser when a leak is detected in the UDC; <p><i>CCR 2636(f)(5)(A)</i></p> <p>AND</p> <ul style="list-style-type: none"> • Continuous monitoring system for all product piping located outside the UDC is fail safe and shuts down the pump when a leak is detected. <p><i>CCR 2636(f)(5)(B)</i></p>	<div data-bbox="930 316 1266 506" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Continuous monitoring system that activates an audible and visual alarm. <i>CCR 2636(f)(6)</i> </div> <p>OR</p> <div data-bbox="930 604 1266 794" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Continuous monitoring system that stops the flow of product when a leak is detected. <i>CCR 2636(f)(6)</i> </div> <p>AND</p> <ul style="list-style-type: none"> • Continuous monitoring system checked at least daily (maintain inspection log); <i>CCR 2636(f)(6)</i> <p>AND</p> <ul style="list-style-type: none"> • An annual 0.1 gph piping test. <i>CCR 2636(f)(4)</i> 	<div data-bbox="1333 316 1694 506" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Continuous interstitial monitoring for piping and UDC that activates an audible and visual alarm. </div> <p>OR</p> <div data-bbox="1333 613 1694 803" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Continuous monitoring for both the piping and UDC Stops the flow at the dispenser when a leak is detected. </div> <p><i>CCR 2636(f)(1)</i></p>	<div data-bbox="1753 316 1995 625" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Continuous monitoring for piping and UDC that activates an audible and visual alarm. </div> <p>OR</p> <div data-bbox="1753 706 1995 1039" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Continuous monitoring for both the piping and UDC stops the flow at the dispenser when a leak is detected. </div> <p><i>CCR 2636 (f)(1)</i></p>

Monitoring Requirements of Double-walled Piping Installed On or After July 1, 2004

Option 1	Option 2	Option 3
<ul style="list-style-type: none"> The entire piping length, including piping within sumps or UDC's, must be monitored using vacuum, pressure, or interstitial liquid level measurement methods; <p>AND</p> <ul style="list-style-type: none"> Sumps and UDC's require sensors capable of detecting liquid and vapor releases from the primary containment; <p>AND</p> <ul style="list-style-type: none"> 3.0 gph LLD for pressurized piping. <p><i>HSC 25290.1</i></p>	<ul style="list-style-type: none"> The interstitial space between the primary containment (i.e., single-walled transition pipe or fill piping) and secondary containment (i.e., sump or UDC) must be continuously monitored using vacuum or pressure; <p>AND</p> <ul style="list-style-type: none"> No sensors in sumps and UDC's required; <p>AND</p> <ul style="list-style-type: none"> 3.0 gph LLD for pressurized piping. <p><i>HSC 25290.1</i></p>	<ul style="list-style-type: none"> The single-walled transition pipe or fill piping must be contained within a double-walled sump and/or double-walled UDC that either: extends to the surface, or has a double-walled product tight lid that is continuously monitored using vacuum, pressure, or interstitial liquid level measurement methods; <p>AND</p> <ul style="list-style-type: none"> Sumps and UDC's required to have sensors that are capable of detecting liquid releases; <p>AND</p> <ul style="list-style-type: none"> 3.0 gph LLD for pressurized piping. <p><i>HSC 25290.1</i></p>

Enhanced Leak Detection (ELD) Testing

Notification	Single-walled Component Systems	Double-walled Component Systems
<p>Enhanced leak detection testing must be conducted if notified by the State Water Resources Control Board, and are located within 1000 feet of a public drinking water well.</p>	<p>Must conduct testing every three years.</p>	<p>Must conduct a one-time test.</p>

APPENDIX E



UNDERGROUND STORAGE TANK RESPONSE PLAN – PAGE 1

(One form per facility)

TYPE OF ACTION 1. NEW PLAN 2. CHANGE OF INFORMATION R01.

I. FACILITY INFORMATION

FACILITY ID # *(Agency Use Only)* R02.

BUSINESS NAME (Same as FACILITY NAME) R03.

BUSINESS SITE ADDRESS R03. CITY R04.

II. SPILL CONTROL AND CLEANUP METHODS

This plan addresses unauthorized releases from UST systems and supplements the emergency response plans and procedures in the facility's Hazardous Materials Business Plan.

- If safe to do so, facility personnel will take immediate measures to control or stop any release (e.g., activate pump shut-off, etc.) and, if necessary, safely remove remaining hazardous material from the UST system.
- Any release to secondary containment will be pumped or otherwise removed within a time consistent with the ability of the secondary containment system to contain the hazardous material, but not greater than 30 calendar days, or sooner if required by the local agency. Recovered hazardous materials, unless still suitable for their intended use, will be managed as hazardous waste.
- Absorbent material will be used to contain and clean up manageable spills of hazardous materials. Absorbent material which has become too saturated to be effective or which is no longer intended for use will be managed as hazardous waste unless a waste determination in accordance with 22 CCR §66262.11 finds that it is non-hazardous. Used absorbent material, reusable or waste, will be stored in a properly labeled and sealed container. Waste material shall be disposed appropriately.
- Facility personnel will determine whether any water removed from secondary containment systems, or from clean-up activity, has been in contact with any hazardous material. If the water is contaminated, it will be managed as hazardous waste unless a waste determination in accordance with 22 CCR §66262.11 finds that it is non-hazardous. If the water has a petroleum sheen (i.e., rainbow colors), it is contaminated. A thick floating petroleum layer may not necessarily display rainbow colors. Water (hazardous or non-hazardous) from sumps, spill containers, etc. will not be disposed to storm water systems.
- We will review secondary containment systems for possible deterioration if any of the following conditions occur:
 1. Hazardous material in contact with secondary containment is not compatible with the material used for secondary containment;
 2. Secondary containment is prone to damage from any equipment used to remove or clean up hazardous material collected in secondary containment;
 3. Hazardous material, other than the product/waste stored in the primary containment system, is placed inside secondary containment to treat or neutralize released product/waste, and the added material or resulting material from such a combination is not compatible with secondary containment.

III. SPILL CONTROL AND CLEAN-UP EQUIPMENT

PERIODIC MAINTENANCE: Spill control and clean-up equipment kept permanently on-site is listed in the facility's Hazardous Materials Business Plan. This equipment is inspected at least monthly, and after each use, supplies are replenished as needed. Defective equipment is repaired or replaced as necessary.

EQUIPMENT NOT PERMANENTLY ON-SITE, BUT AVAILABLE FOR USE IF NEEDED: (Complete only if applicable)

EQUIPMENT	LOCATION	AVAILABILITY
R10.	R20.	R30.
R11.	R21.	R31.
R12.	R22.	R32.
R13.	R23.	R33.
R14.	R24.	R34.
R15.	R25.	R35.

IV. RESPONSIBLE PERSONS

THE FOLLOWING PERSON(S) IS/ARE RESPONSIBLE FOR AUTHORIZING ANY WORK NECESSARY UNDER THIS RESPONSE PLAN:

NAME R40.	TITLE R50.
NAME R41.	TITLE R51.
NAME R42.	TITLE R52.
NAME R43.	TITLE R53.

V. MONITORING INDICATORS

IF MONITORING INDICATES A POSSIBLE UNAUTHORIZED RELEASE, STEPS TO VERIFY THE RELEASE WILL BE MADE AS FOLLOWS:

Additional system testing or data collection Inspection by qualified persons Recalibration of equipment

Other:

R60.

UST Response Plan – Instructions

Complete one UST Response Plan for each UST facility. This form must be submitted with your initial UST Operating Permit Application and within 30 days of changes in the information it contains. It supplements the Emergency Response Plans and Procedures in the facility's Hazardous Materials Business Plan. (Note: Numbering of these instructions follows the data element numbers on the form.)

R01. TYPE OF ACTION – Check the appropriate box to indicate why this plan is being submitted.

FACILITY ID NUMBER – This space is for agency use only.

R02. BUSINESS NAME – Enter the complete Facility Name.

R03. BUSINESS SITE ADDRESS – Enter the street address where the facility is located, including building number, if applicable. Post office box numbers are not acceptable. This information must provide a means to locate the facility geographically.

R04. CITY – Enter the city or unincorporated area in which the facility is located.

R10. EQUIPMENT – If you have spill control or clean-up equipment kept off-site, list that equipment in sections R10 through R15. If no equipment is kept off-site, leave this section blank.

R20. LOCATION – If you have spill control or clean-up equipment kept off-site, list the equipment location(s) sections R20 through R25. If no equipment is kept off-site, leave this section blank.

R30. AVAILABILITY – If you have spill control or clean-up equipment kept off-site, list the equipment availability in sections R30 through R35. If no equipment is kept off-site, leave this section blank.

R40. NAME – At least one person responsible for authorizing any work necessary under this UST Response Plan must be identified. Use sections R40 through R43 to list the name(s) of the responsible person(s).

R50. TITLE – At least one person responsible for authorizing any work necessary under this UST Response Plan must be identified. Use sections R50 through R53 to list the job title(s) of the responsible person(s).

R60. MONITORING INDICATORS Briefly describe the steps that will be taken to verify the presence or absence of a release if the tank monitoring system indicates the possibility of a release.

OWNER/OPERATOR SIGNATURE – The owner/operator shall sign in the space provided. This signature certifies that the signer believes that all information submitted is true, accurate, and complete.

R70. DATE – Enter the date the plan was signed.

R71. OWNER/OPERATOR NAME – Print or type the name of the person signing the plan.

R72. OWNER/OPERATOR TITLE – Enter the title of the person signing the plan.

UNDERGROUND STORAGE TANK RESPONSE PLAN – PAGE 2

VI. REPORTING AND RECORD KEEPING

➤ We will report/record any overfill, spill, or unauthorized release from a UST system as indicated in this plan.

Recordable Releases: Any unauthorized release from primary containment which the UST operator is able to clean up within eight (8) hours after the release was detected or should reasonably have been detected, and which does not escape from secondary containment, does not increase the hazard of fire or explosion, and does not cause any deterioration of secondary containment, must be recorded in the facility's monitoring records. Monitoring records must include:

- The UST operator's name and telephone number;
- A list of the types, quantities, and concentrations of hazardous substances released;
- A description of the actions taken to control and clean up the release;
- The method and location of disposal of the released hazardous substances, and whether a hazardous waste manifest was or will be used;
- A description of actions taken to repair the UST and to prevent future releases;
- A description of the method used to reactivate interstitial monitoring after replacement or repair of primary containment.

Reportable Releases: Any overfill, spill, or unauthorized release which escapes from secondary containment (or primary containment if no secondary containment exists), increases the hazard of fire or explosion, or causes any deterioration of secondary containment, is a reportable release. Reportable releases are also recordable.

Within 24 hours after a reportable release has been detected, or should have been detected, we will notify the local agency administering the UST program of the release, investigate the release, and take immediate measures to stop the release. If necessary, or if required by the local agency, remaining stored product/waste will be removed from the UST to prevent further releases or facilitate corrective action. If an emergency exists, we will notify the California Emergency Management Agency at (800) 852-7550.

Within five (5) working days of a reportable release, we will submit to the local agency a full written report containing all of the following information to the extent that the information is known at the time of filing the report:

- The UST owner's or operator's name and telephone number;
- A list of the types, quantities, and concentrations of hazardous materials released;
- The approximate date of the release;
- The date on which the release was discovered;
- The date on which the release was stopped;
- A description of actions taken to control and/or stop the release;
- A description of corrective and remedial actions, including investigations which were undertaken and will be conducted to determine the nature and extent of soil, ground water or surface water contamination due to the release;
- The method(s) of cleanup implemented to date, proposed cleanup actions, and a schedule for implementing the proposed actions;
- The method(s) and location(s) of disposal of released hazardous materials and any contaminated soils, groundwater, or surface water.
- Copies of any hazardous waste manifests used for off-site transport of hazardous wastes associated with clean-up activity;
- A description of proposed methods for any repair or replacement of UST system primary/secondary containment systems;
- A description of additional actions taken to prevent future releases.

We will follow the reporting procedures described above if any of the following conditions occur:

- A recordable unauthorized release can not be cleaned up or is still under investigation within eight (8) hours of detection;
- Released hazardous substances are discovered at the UST site or in the surrounding area;
- Unusual operating conditions are observed, including erratic behavior of product dispensing equipment, sudden loss of product, or the unexplained presence of water in the tank, unless system equipment is found to be defective and is immediately repaired or replaced, and no leak has occurred;
- Monitoring results from UST system monitoring equipment/methods indicate that a release may have occurred, unless the monitoring equipment is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial results.

Record Retention: Monitoring records and written reports of unauthorized releases must be maintained on-site (or off-site at a readily available location, if approved by the local agency) for at least 3 years. Hazardous waste shipping/disposal records (e.g., manifests) must be maintained for at least 3 years from the date of shipment.

VII. OWNER/OPERATOR SIGNATURE

CERTIFICATION: I certify that the information provided herein is true and accurate to the best of my knowledge.

OWNER/OPERATOR SIGNATURE	DATE R70.
OWNER/OPERATOR NAME (print) R71.	OWNER/OPERATOR TITLE R72.

(Agency Use Only) This plan has been reviewed and: Approved Approved With Conditions Disapproved

Local Agency Signature: _____ Date: _____

APPENDIX F



<p>California Environmental Protection Agency</p>	<p><i>Prepared by the</i></p> <p>UNIFIED PROGRAM ADMINISTRATION AND ADVISORY GROUP (UPAAG)</p> <p>ENFORCEMENT STEERING COMMITTEE</p> <p>VIOLATION CLASSIFICATION WORKGROUP</p>	<p>California CUPA Forum</p>
		
<p>Alan C. Lloyd Ph.D <i>Agency Secretary</i></p>		<p>Valerie Toney <i>Board Chair</i></p>

VIOLATION CLASSIFICATION

GUIDANCE FOR

UNIFIED PROGRAM AGENCIES

Introduction

Compliance with the Unified Program provides an effective safeguard for public health and the environment by mitigating the risk that hazardous materials/wastes would otherwise pose. Unified Program Agencies (UPAs) have a vital role in protecting health and the environment by ensuring compliance with these requirements through routine oversight and consistent enforcement response. UPAs have a variety of available informal and formal enforcement responses that can be employed when violations are found. Selecting the appropriate response is often a difficult decision. The circumstances surrounding every violation vary depending on a multitude of factors. Not every violation poses the same threat but all require some type of follow-up and correction. This document establishes guidelines and provides examples to assist UPAs in determining when informal or formal enforcement is appropriate based solely on the initial classification of a violation.

Purpose

This Violation Classification Guidance Document has been established to create a standard classification protocol for all Unified Program violations that will facilitate more consistent enforcement response actions throughout California. Nothing in this guidance prohibits or limits a CUPA from taking any enforcement action they deem appropriate in any given case. The guidance creates a “floor”, not a “ceiling”, for enforcement actions by promoting consistent classification of similar violations between, and within, agencies. Violations, when consistently classified based on factors such as risk (and those other factors presented in this document), can more efficiently be evaluated by an agency to determine if, and when, enforcement may be warranted. This guidance is not intended to describe enforcement requirements such as when to take enforcement. These issues are addressed in other Inspection and Enforcement Guidance documents and specifically in each Agency’s Inspection and Enforcement Plan.

Reason

There are existing statutory and regulatory violation classification definitions for some Unified Program violations, but not all. This guidance is intended to provide a consistent classification system for all Unified Program violations found throughout the state. Statewide consistency is a program mandate and a responsibility that encourages compliance and maximizes program effectiveness.

Classes of violations

Existing Nomenclature

In the California Health and Safety Code and California Code of Regulations, Title 22, there are definitions of some classifications of violations. Each of these statutory or regulatory definitions is listed below.

Minor (Unified Program)

Health and Safety Code, Section 25404

(a) For purposes of this chapter, the following terms shall have the following meanings:

(3) "Minor violation" means the failure of a person to comply with any requirement or condition of any applicable law, regulation, permit, information request, order, variance, or other requirement, whether procedural or substantive, of the unified program that the UPA is authorized to implement or enforce pursuant to this chapter, and that does not otherwise include any of the following:

- (A) A violation that results in injury to persons or property, or that presents a significant threat to human health or the environment.
- (B) A knowing willful or intentional violation.
- (C) A violation that is a chronic violation, or that is committed by a recalcitrant violator. In determining whether a violation is chronic or a violator is recalcitrant, the UPA shall consider whether there is evidence indicating that the violator has engaged in a pattern of neglect or disregard with respect to applicable regulatory requirements.
- (D) A violation that results in an emergency response from a public safety agency.
- (E) A violation that enables the violator to benefit economically from the noncompliance, either by reduced costs or competitive advantage.
- (F) A class I violation as provided in Section 25117.6.
- (G) A class II violation committed by a chronic or a recalcitrant violator, as provided in Section 25117.6.
- (H) A violation that hinders the ability of the UPA to determine compliance with any other applicable local, state, or federal rule, regulation, information request, order, variance, permit, or other requirement.

Health and Safety Code, Section 25404.1.2

(b) A notice to comply shall be the only means by which a UPA may cite a minor violation, unless the person cited fails to correct the violation or fails to submit the certification of correction within the time period prescribed in the notice, in which case the UPA may take any enforcement action, including imposing a penalty, as authorized by this chapter.

(c) (1) A person who receives a notice to comply detailing a minor violation shall have not more than 30 days from the date of the notice to comply in which to correct any violation cited in the notice to comply. Within five working days of correcting the violation, the person cited or an authorized representative shall sign the notice to comply, certifying that any violation has been corrected, and return the notice to the UPA.

Class I (Hazardous Waste)

Health and Safety Code, Section 25110.8.5. & Title 22, Section 66260.10.

"Class I violation" means any of the following:

(a) A deviation from the requirements of this chapter, or any regulation, standard, requirement, or permit or interim status document condition adopted pursuant to this chapter, that is any of the following:

(1) The deviation represents a significant threat to human health or safety or the environment because of one or more of the following:

- (A) The volume of the waste.
- (B) The relative hazardousness of the waste.
- (C) The proximity of the population at risk.

(2) The deviation is significant enough that it could result in a failure to accomplish any of the following:

- (A) Ensure that hazardous waste is destined for, and delivered to, an authorized hazardous waste facility.
- (B) Prevent releases of hazardous waste or constituents to the environment during the active or postclosure period of facility operation.
- (C) Ensure early detection of releases of hazardous waste or constituents.
- (D) Ensure adequate financial resources in the case of releases of hazardous waste or constituents.
- (E) Ensure adequate financial resources to pay for facility closure.
- (F) Perform emergency cleanup operations of, or other corrective actions for, releases.

(b) The deviation is a Class II violation which is a chronic violation or committed by a recalcitrant violator.

Class II (Hazardous Waste)

California Code of Regulations, Title 22, Section 66260.10

“Class II Violation” means a deviation from the requirements specified in Chapter 6.5 of Division 20 of the Health and Safety Code, or regulations, permit or interim status document conditions standards, or requirements adopted pursuant to that chapter, that is not a Class I violation.

“New” Nomenclature

The Hazardous Waste Program utilizes a three-tiered system of violation classification. This guidance suggests a similar approach across all programs as the most effective way to determine enforcement response.

Class I

The most egregious type of violation should be classified as a “Class I”. For other (non-hazardous waste) Unified Program elements, Class I violations are those violations that are willful, intentional, negligent, knowing or should have known, include false documents, violations that pose a significant threat of harm to the environment or human life. Chronic violations may be considered Class I. Violations committed by a recalcitrant violator may also be considered Class I.

Class II

“Class II” violations are those violations that do not meet the criteria for Class I violations, but are also not minor. Failure to correct or certify correction of a minor violation within the prescribed timeframe is a Class II violation.

Minor

There are no changes to the definition of a “minor” violation from those that already exist. The definition of a minor violation provided in Health and Safety Code section 25404(c)(3) will be used to define minor violations.

Definitions and Clarification of terms

Significant Threat: Significant threats are to be determined by the inspector based on the volume and relative hazard of the material/waste, and the potential harm to public health and the environment.

Chronic: Chronic is defined as a habit or pattern of behavior or frequent recurrence. For the purposes of applying this definition to violation classification, violations of the same requirement identified in two consecutive inspections may be considered chronic.

Recalcitrant violator: A recalcitrant violator is a person who actively refuses to comply with the regulatory requirements or a person who has engaged in a pattern of neglect or disregard for statutory or regulatory requirements.

Economic Benefit: Economic benefit focuses on the violator's economic gain from noncompliance, i.e., the extent to which the violator is financially better off because of its noncompliance. This economic benefit can accrue to the violator in three basic ways:

- (1) Delaying necessary compliance expenditures;
- (2) Avoiding necessary compliance expenditures; and/or
- (3) Obtaining an illegal competitive advantage.

In some instances the economic benefit may be negligible, inconsequential and/or not worth the time required to calculate. See discussion under minor violation definitions.

Note: The clarification of the term “economic benefit” as provided above refers only to the phrase as it is used in the definition of a minor violation [reference HSC, section 25404(c)(3)]. For the purposes of defining and determining economic benefit in the calculation of penalties during enforcement, please refer to the Model Inspection and Enforcement Program Plan or U.S. EPA’s BEN model for calculating economic benefit (www.waterboards.ca.gov, then search “this site” for BEN)

Person: For the purposes of use in this guidance document, “Person” means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, limited liability company, or association. "Person" also includes any city, county, district, commission, the state or any department, agency, or political

subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.

Note: Each Unified Program element has a slightly different definition of “Person” than the definition provided above. The Business Plan program does not define a “person” but does provide a similar definition of a “business”. For each program element, please refer to the statute or code for the strict definition of “Person”. UST—(Chapter 6.7) HSC 25281(l); UST (Chapter 6.75) HSC 25299.25; AST (Chapter 6.67) HSC 25270.2(f); HW (Chapter 6.5) HSC 25118; Business Plans (Chapter 6.95) HSC 25501(d); Fire Code, UFC Article 9, section 9.118.

Classifying Violations

There are always variations in the specific details and circumstances surrounding each identified violation. Careful consideration of the nature, circumstances, and evidence must be applied by inspectors in almost all cases when classifying violations. Inspectors should try to determine if the circumstances surrounding the violation would reasonably meet the criteria of each violation class. The most appropriate way to determine the proper classification of a violation is to follow the following three steps:

1. Confirm or eliminate the criteria that would classify the violation as a Class I.
2. Confirm or eliminate the criteria that would classify the violation as a Minor violation.
3. Classify the violation as a Class II if it does not meet the guidelines for Class I or minor violations.

Things to consider when classifying violations

All of the factors listed below should be considered both independently and cumulatively when classifying violations.

Various terms and phrases have been included in this document in an attempt to clarify their meanings and uses. Begin by consulting these “definitions” in an attempt to narrow the scope of the violation classification.

The extent of deviation from regulatory requirements should be examined when classifying violations. If the violator deviates from a requirement of regulations or statute to such an extent that most of the requirement is not met, then this may present a significant threat to human health or safety or the environment. For example, there is a difference between a business that does not have a contingency/emergency plan and a business that has an incomplete plan.

The number of violations found during an inspection should be considered when classifying violations. This may be indicative of a pattern of neglect or disregard with respect to applicable regulatory requirements.

The volume of the hazardous material/waste should be considered when classifying a violation and determining whether it poses a significant threat. A

facility that has 30 drums of waste onsite, 15 of which are unlabeled may pose a greater threat than a facility that has 4 containers of waste onsite, 2 of which are unlabeled. It is appropriate to elevate the classification of a violation based on an increased threat posed by the volume of material/waste.

The relative hazard of the material/waste should be considered when classifying a violation and determining whether it poses a significant threat. The greater the hazard a material poses, the greater potential for harm to human health or safety or the environment. For example, the management of waste containing cyanide and acidic wastes at a metal plating business represents a greater threat to human health or safety than the management of used antifreeze and oil at an auto repair business. The reason being is that if cyanide and acidic wastes mix as a result of a spill, a toxic gas could be created. Therefore, a metal plating business that fails to properly manage containers of cyanide or acidic waste poses a greater threat to human health and safety. The same factors should be considered for a material that poses a significant threat to the environment as well. For example, a material that is persistent or bioaccumulative may present a significant threat to the environment.

The proximity of the population at risk to the hazardous material also needs to be considered when classifying a violation and determining whether it poses a significant threat. For example, a facility that stores hazardous materials or generates hazardous waste in proximity to a neighborhood or business offices creates a higher potential for harm to human health or safety than a business that is isolated by a long distance. The same factors should be considered for a facility that is in proximity to environmental receptors such as a creek or a well.

The intent of the action that led to the violation may be considered when classifying violations. Violations that demonstrate a knowing disregard for regulatory requirements are generally considered to be more serious. While inspectors are always responsible for obtaining evidence necessary to prove violations it will be especially important to prove the “mental state” of intent if the classification of a violation is to be based solely on intent. For most violations it is not required to prove intent to demonstrate that a violation has occurred. However, motive and intent, if present and documented, are important factors to consider.

The regulatory history of the facility should be considered when classifying violations. Violations of the same requirement in two consecutive inspections may be considered chronic. If the violations are chronic, the classification of violations should be elevated. Violations of multiple regulatory requirements from inspection to inspection may result in finding the person recalcitrant. Violations committed by a recalcitrant person should be elevated.

Things not to consider when classifying violations

The size or fiscal health of the business should not factor into the classification of violations. These should be factored into, and adjusted for, during penalty calculations.

Potential outcomes of future enforcement should not be taken into account at the time of violation classification. It is understood that there are many factors that may affect enforcement decisions; for example, the level of attorney support and workload for development and follow-through of enforcement. However, none of these factors should affect the proper classification of violations.

Subjectivity should not factor into the classification of violations. For example, unpleasant people should not be penalized any more than any other person. Conversely, pleasant people should not be given a break. An inspector should consistently classify similar violations found at different facilities.

Examples of Violations

The examples provided below are not an exhaustive list and may not be appropriate depending on the circumstances of each violation.

Minor violations

Hazardous Materials Business Plan Program

- Failure to submit annual certification when there is no change in chemical inventory.
- Failure to submit an annual inventory change when the chemical inventory decreases.
- Failure to specify the location of a low hazard chemical on the facility site map.
- Training program was not complete but employees were aware of requirements.
- Failure to use the Unified Program Consolidated Form or local agency adopted form when reporting a hazardous material.

Underground Storage Tank Program

- Failure to update or submit complete tank and facility forms.
- No maintenance and monitoring records onsite (Unless offsite storage allowed by the CUPA).
- Training records were not onsite but employees were aware of the requirements
- One of the twelve monthly inspection records was not maintained onsite (Unless offsite storage allowed by the CUPA).

California Accidental Release Prevention Program

- A required data element is missing from the submitted Registration Information.

- A stationary source reported gallons instead of pounds for a regulated substance in the initial RMP.
- Review of documentation required for a RMP is incomplete for a single required element. Examples may include:
 - Training documentation is missing dates
 - Program 2 Maintenance Program is incomplete
 - Program 3 Operating Procedures do not include steps for each operating phase
 - Program 3 Process Safety Information provided incorrect health and safety information
- Owner/operator of a Program 3 process did not annually certify operating procedures.

Hazardous Waste Program

- Incomplete label (excluding accumulation start date).
- Failure to update an EPA ID number by not responding to the annual Verification Questionnaire.
- A covered container of non-liquid waste with an unsecured lid.
- A drum with minor damage that is not leaking.
- Failure to submit a copy of the manifest to DTSC.
- Hazardous Waste label was not readily visible for inspection.

Class II violations

Hazardous Materials Business Plan Program

- Failure to submit and/or implement a business plan for businesses with solely low volume- low hazard materials.
- Failure to include a hazardous material in a hazardous materials inventory submission.
- Failure to provide or update emergency contacts.
- Failure to indicate hazardous material locations on the facility/site map
- Failure to provide annual refresher training.

Underground Storage Tank Program

- Failure to document a recordable release.
- Mechanical monitoring device within the under dispenser containment is not operational.
- A device to remove liquid from the spill bucket is not available/functional.
- Timely repairs were not made following a failed secondary containment test.
- Owner/Operator did not designate an International Code Council certified designated UST operator.
- Owner/Operator does not have monthly inspection records and all attachments.

California Accidental Release Prevention Program

- RMP five year update was submitted late.
- RMP not updated within six months of an accidental release.
- Owner/operator did not meet the internal 3 year internal compliance audit requirements for Program 3. They only retained one of the last two internal compliance audit reports
- Owner/operator did not meet the management of change requirements for Program 3. Did not document a technical basis for the change
- Owner/operator did not maintain investigation reports for releases.
- No hot work permits were issued for program level 3 stationary source when flammable or combustible materials onsite.
- Failure of the owner or operator to correct deficiencies found from an RMP review during the specified time frame.
- PHA or Hazard Review not revalidated every 5 years.
- Failure of the owner or operator to revise/correct /update the RMP thirty days of a UPA inspection where the inspection report identifies a revision/correction/ update is required.

Hazardous Waste Program

- Hazardous waste in secondary containment was not cleaned up within a timely manner.
- Failure to minimize a release or potential release.
- Failure to maintain paperwork for required timeframes.
- Failure to update closure costs annually for PBR or CA.
- Inadequate training documentation.
- Failure to obtain an EPA ID number.
- Failure to make a hazardous waste determination.

Class I violations

Hazardous Materials Business Plan Program

- Fails to submit or implement a business plan after notice.
- Failure to submit or implement a business plan at high volume-high risk facilities.
- Failure to report a release or threatened release.
- Knowingly or willfully failing to report a 100% increase in quantities within 30 days.
- Failure to report within 30 days a new chemical that poses a significant threat and was not previously disclosed.

Underground Storage Tank Program

- Tampering with monitoring equipment.
- Failure to repair non-functional monitoring equipment.
- Failure to report an unauthorized release.
- Failure to repair secondary containment.

- Failure to complete/pass secondary containment testing.
- Failure to properly close a UST.

California Accidental Release Prevention Program

- No incident investigation conducted for significant releases.
- Failure of the owner or operator to submit an initial RMP after notification from the CUPA.
- Failure to update the RMP that requires an revise Offsite Consequence analysis, within 6 months of change.
- Owner/Operator did not complete an initial hazard review (Program 2) **OR** owner/operator did not complete an initial process hazard analysis (Program 3).
- A certified RMP misrepresents what programs are in place.
- If an audit determines that CalARP program prevention element is missing completely or significantly enough to render it ineffective.
- Not completing action items from internal and/or external compliance audits, internal hazard reviews or PHAs, incident investigations, etc.
- If a facility has an incident that adversely impacts the community, workers, or the environment, and a CalARP program element is found to be inadequate and attributable to the cause of the incident.
- Failure to implement a Prevention Program

Hazardous Waste Program

- Disposal at a location not authorized to receive the hazardous waste (Illegal Disposal).
- Failure to maintain financial assurance for PBR and CA facilities.
- Failure of a Large Quantity Generator to install secondary containment for hazardous waste tanks.
- Failure to use a registered hauler.
- Shipping without a manifest, consolidated manifest, or other authorized shipping paper. (Illegal Transportation)
- Failure to obtain a permit or authorization for treatment of hazardous waste. (Illegal Treatment)
- Waste stored in an incompatible, damaged, or deteriorating container that results in a release or poses a serious threat of a release.

Examples of violation classification with escalating classification based on circumstances (*Thought process behind decisions in italics*)

Hazardous Materials Business Plan Program

- 1. Failure to report a hazardous material inventory – Health and Safety Code, Section 25504(a)/25509**

Minor: A business that has implemented a hazardous materials business plan and historically reports its hazardous materials inventory accurately fails to report one cylinder containing greater than 200 cubic feet of compressed carbon dioxide in the facility inventory.

The facility failed to report one inventory item that is relatively benign and handled in a relatively small quantity.

Class II: A business that has implemented a hazardous materials business plan and historically reports its hazardous materials inventory accurately fails to report ten cylinders containing greater than 2000 cubic feet of compressed carbon dioxide in the facility inventory.

The facility failed to report one inventory item that is relatively benign and handled in a relatively large quantity.

2. Failure to report a hazardous materials inventory – Health and Safety Code, Section 25504(a)/25509

Class II: A business that has implemented a hazardous materials business plan and historically reports its hazardous materials inventory accurately fails to report one drum containing 55-gallons of a 37% solution of hydrochloric acid in the facility inventory.

The facility failed to report one inventory item that is highly corrosive but handled in a relatively small quantity.

Class I: A business that has implemented a hazardous materials business plan and historically reports its hazardous materials inventory accurately fails to report ten drums containing 55-gallons of a 37% solution of hydrochloric acid in the facility inventory.

The facility failed to report one inventory item that is highly corrosive and handled in a relatively large quantity.

Underground Storage Tank Program

1. Failure to maintain written monitoring records onsite - Title 23, CCR, Section 2712(b)

Minor: During an annual monitoring system inspection it was noted that all sensors were functional and properly positioned. An alarm history showed a leak alarm on a sump sensor. The record of repair indicated that a sump sensor was in alarm, then repaired by a certified technician in conformance with UPA's requirements. There was no written monitoring record of the reason for the alarm or of repairs.

Repairs were made, although a copy of the monitoring record was not on site and the system was being monitored accordingly.

Failure to maintain monitoring equipment to detect a leak at the earliest possible opportunity – Title 23, CCR, Section 2630

Class II: During an annual monitoring system inspection, one leak detection sensor was not properly positioned within the sump (sensor was four inches from the lowest portion of the sump). The sump was clean and dry. There was a written record by the designated operator, during the monthly inspection, which showed the sensor to be malfunctioning. The following day the record showed that ABC repair had come out and repaired the sensor.

The sensor was not positioned properly but there was no evidence of intent on the part of the operator to disable the monitoring system and a good faith effort to have the system repaired was made.

Intentionally disabling or tampering with an automatic leak detection system – Health and Safety Code, Section 25299(f)(2) or Designated operator failed to conduct monthly inspections - Title 23, CCR, Section 2715(c)(4)

Class I: During an annual monitoring system inspection a sump sensor was observed approximately two feet above 12 inches of fuel in the bottom of a sump. The sensor functioned properly when tested. The alarm history showed the sensor went into alarm over a month prior to the inspection. There was no written record of any monitoring or maintenance of the system.

The system appeared to be intentionally tampered with to continue operation and clear the alarm. The designated operator was not conducting monthly inspections.

2. Failure to conduct annual monitoring system certification every 12 months- Title 23, CCR, Section 2638

Minor: During an annual monitoring system inspection it was noted that the annual monitoring was done one month late. All on-site written records indicate that they had done their annual certification within the required 12 months for the three prior years.

The facility did not meet the current 12-month certification date but were regularly conducting the annual certification and they had no prior record of not conducting the certification within the 12-month time frame.

Class II: During an annual monitoring system inspection it was noted that the certification was done 15 months after their last certification. Written records indicate that the three previous years certifications were conducted greater than every 12 months. 23CCR §2638 “All monitoring equipment used to satisfy the requirements... and certified every 12 months for operability...”

The facility is showing a pattern of missing the 12 month frequency deadline.

Class I: During a paperwork audit it was noted that a facility had not conducted their annual monitoring system certification. A notice of violation was sent to the facility via registered mail. A return receipt was received back signed by the operator of the facility. The monitoring system had not been certified within the timeframe specified in the notice of violation. 23CCR §2638 “All monitoring equipment used to satisfy the requirements... and certified every 12 months for operability...”

The monitoring system was not certified after a written notification was given.

California Accidental Release Prevention Program

1. RMP Review Process- Title 19, CCR, section 2745.2

Minor: A submitted RMP is provided to the Administering Agency (AA). The document is complete but has some math errors and other deficiencies found during the review. The AA should note these deficiencies in a letter to the owner/operator and request corrections.

There is no economic benefit and no significant threat to human health or the environment.

Class II: A submitted RMP is provided to the Administering Agency (AA). The document is complete but has some math errors and other deficiencies found during the review. The AA noted the deficiencies in a letter to the owner/operator. The owner/operator has not corrected the deficiencies within the allowed timeframe.

There is some economic benefit, the writer saved time and money.

2. Implementation of a Program 3 Prevention Program- Title 19, CCR, section 2760.2

Minor: Some of the design information is missing for equipment that will not lead to a release if broken or out of service when the facility was performing a PHA or hazard review. The PHA was completed on time.

No increased risk, no economic benefit since equipment is present

Class II: Some of the design information is missing for equipment that will not lead to a release if broken or out of service when the facility was performing a PHA or hazard review. The PHA was not completed on time or within 5 years.

Economic benefit due to delayed costs, cost savings from not completing PHA on time.

Class I: Some of the design information is missing for equipment that will not lead to a release if broken or out of service. PHA was not completed.

Disregard for rule by not completing PHA, possibility of significant risk from missing PHA.

Hazardous Waste Program

1. Incomplete Training Plan - Title 22, CCR, Section 66262.34(a)(4)/66265.16.

Minor: The training records for employees at a LQG do not specifically address hazardous waste issues such as labeling or response to emergencies. The majority of containers are properly labeled and employees were aware of emergency procedures and locations of emergency equipment during inspection. Employees can clearly recall being trained on the subjects when asked.

There is no economic benefit since training is being provided even though its documentation is not complete. The missing elements do not demonstrate an increased risk as seen by current compliance

Class II: The training records for employees at a LQG do not specifically address hazardous waste issues such as labeling or response to emergencies. Half or more of the containers are not properly labeled and employees were not aware of emergency procedures or locations of emergency equipment during inspection. Employees “kinda remember” talking about labels for a few minutes, but can’t clearly recall talking about hazardous waste labeling.

There is no economic benefit readily evident, but there may have been hidden savings by providing abbreviated information during training. Additionally, the risk is increased as evidenced by a lack of awareness of staff and the level of non-compliance with other requirements.

Class I: The training records for employees at a LQG do not specifically address any hazardous waste issues, including labeling or response to emergencies. The majority of containers have labels affixed to them, but the labels are not properly completed, and containers were seen open. The facility indicates that their staff do not do this work, but that their hired transporter does all of the labeling for them at the time of pick-up.

The overall state of facility compliance provides for increased potential for emergency or significant threat. Obvious economic benefit gained by not providing any waste-specific training to employees. With more evidence gathering, the facility may be considered negligent based on the fact that regulations specifically state that it is the generator’s responsibility, and the generator has clearly stated that they rely on the transporter, in total disregard for multiple requirements.

2. Open container –Title 22, CCR, Section 66262.34/66265.173 or 66262.34/40CFR 262.34(d)(2)/40CFR265.173

Minor: An open 55-gallon drum of copper containing paint flake and sludge from boat maintenance is seen at a marina. The drum is located in the maintenance shed, and is in a containment area within a secured building.

There is little/no economic benefit from open container, and no perceived significant threat associated with the container being open since in a covered, secure location. Even though it’s near a population at risk, the proximity is mitigated by the berms and building.

Class II: An open 55-gallon drum of copper containing paint flake and sludge from boat maintenance is seen at a marina. The drum is located at the end of a pier used for the loading and unloading of goods from boats.

There is little/no economic benefit from open container, but an increased risk associated with it being open since it is located in a high traffic area and thus more prone to being knocked over, and the material has strong effects on a population at risk which is in close proximity.

3. Storage without a permit longer than the allowable timeframes –Title 22, CCR, Section 66262.34/HSC 25189

Class II: During an inspection of a small quantity generator on July 1, 2005 a label is observed with an accumulation start date of December 23, 2004. The

operator indicates that the facility was closed for maintenance the week after Christmas, and that the pick-up was scheduled for June 30, but the transporter called and asked to delay pick up for 2 days. The facility has a manifest history of shipping its wastes every 170-180 days.

There is clear economic benefit – minor, but measurable that exists by extended storage times. Not a class I since the history of compliance, circumstances of extended time, and lack of significant threat.

Class I: During an inspection of a small quantity generator on July 1, 2005 a label is observed with an accumulation start date of September 3, 2004. The operator indicates that the facility only really generates that waste in the fall due to changes in seasonal production, “business is always in slow during winter months”, and that it takes longer to actually fill the drum. The facility was planning to continue to fill the drum because it costs too much to ship drums that aren’t full. Manifests show that very little waste is shipped from the facility in the spring in past years.

Class I because the majority of the requirement is being ignored - storage without a TSD permit. The facility has pattern of neglecting the requirement during lower production times and with this waste.