



MOST COMMONLY CITED CUPA VIOLATIONS & HOW TO AVOID THEM



Presented By:
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Tyler Nakaue, NES, Inc.



25th California Unified Program
Annual Training Conference
March 20 – 23, 2023

Introduction:

Presenters:

Sheilah Lillie
Pacific Gas & Electric

Tyler Nakaue
NES, Inc.



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The CUPA Programs

The CUPA enforces 6 programs:

- **CalARP** (California Accidental Release Prevention)
- **HMBP** (Hazardous Materials Business Plan)
- **UST** (Underground Storage Tanks)
- **APSA** (Aboveground Petroleum Storage Act)
- **Hazardous Waste**
- **Tiered Permitting**

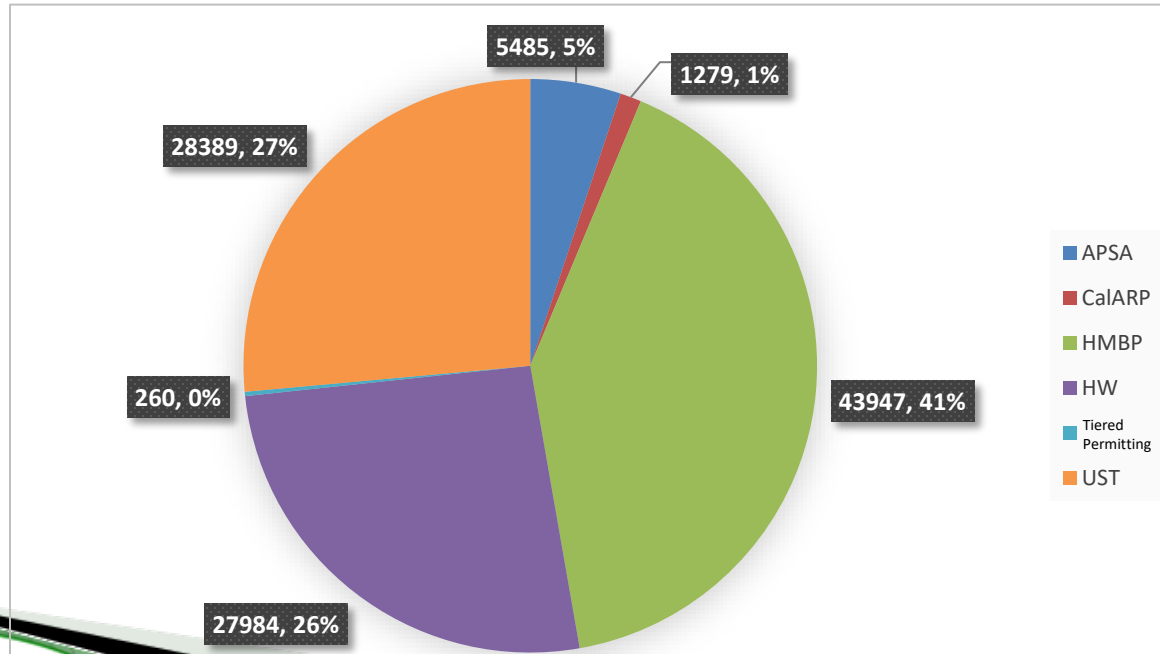
Top Violations

- Common citations in each program in 2022



Statewide CUPA Program Citations

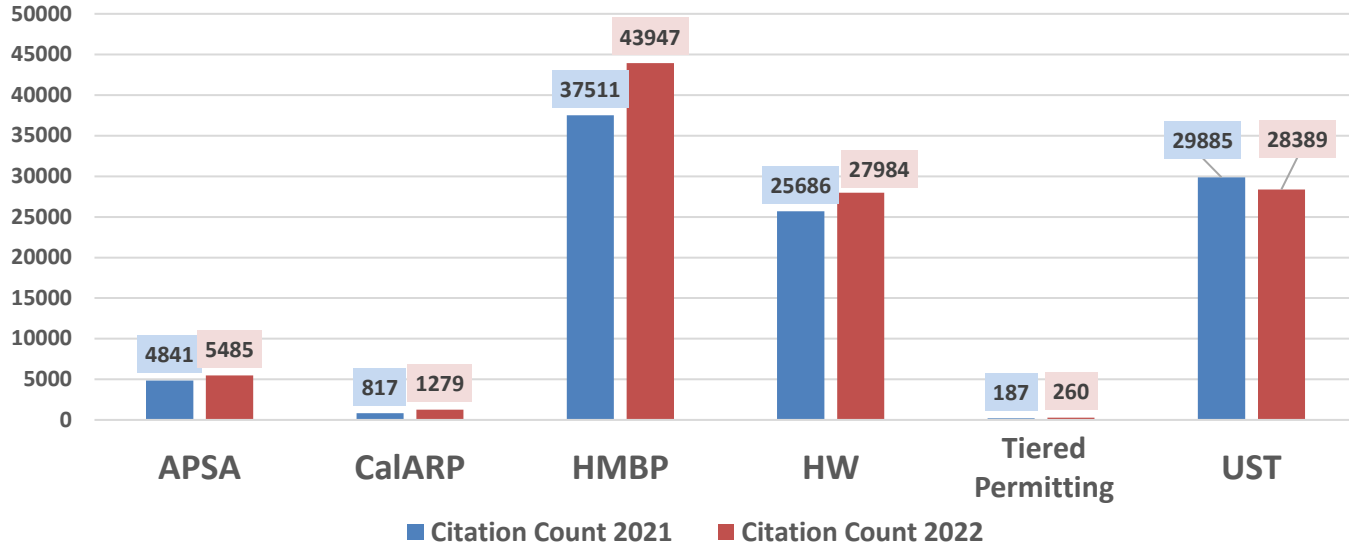
CUPA Violations (1/1/2022-12/31/2022)



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Statewide CUPA Program Citations

Statewide CUPA Violations Calendar Year 2021 vs 2022





**Tyler Nakae, NES Environmental Health and
Safety Specialist
CalARP, Tiered Permitting, HMBP**





CaIARP

California Accidental Release Prevention



CalARP

CalARP Program Purpose

- Prevent accidental releases of substances from a stationary source that can cause serious harm
- Satisfy community Right-to-Know laws

Who is Subject

- A business handling quantities of a regulated substance listed in the regulations at or above established thresholds must develop a Risk Management Plan (RMP)
- An RMP is a detailed engineering analysis of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential



CalARP

Other

- CalARP is the Federal Risk Management Plan Program with additional state requirements, including an additional list of regulated substances and thresholds

Regulatory Authority

- California Health & Safety Code (HSC) Division 20, Chapter 6.95, Article 2 (authorize the program)
- California Code of Regulations, Title 19 (19 CCR or “Title 19”) Division 2, Chapter 4.5 (contain the regulations for the program)

Enforcement

- \$5000 per violation per day



CalARP – Risk Management Plan

- **Regulated substances** held on-site at the stationary source
- **Operating procedures** at the stationary source
- **Maintenance** and mechanical integrity of the stationary source's physical plant
- **Hazard review** or process hazard analysis
- **Training** of the stationary source's personnel
- **Off-site consequences** of an accidental release of a regulated substance
- **Accident history** at the stationary source
- **Emergency response program** for the stationary source
- **Coordination** with local emergency responders
- **Incident investigation**

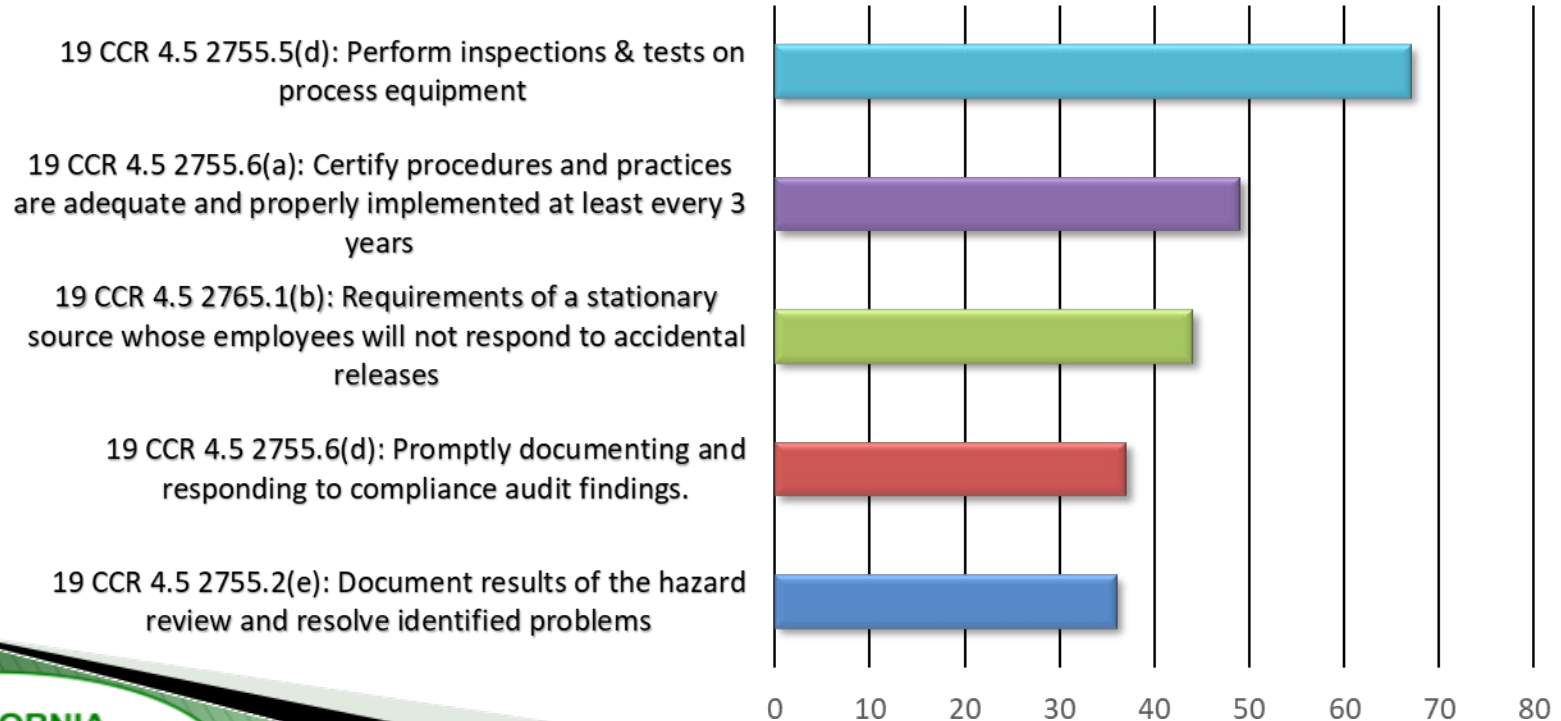


CalARP Top 10 Violations

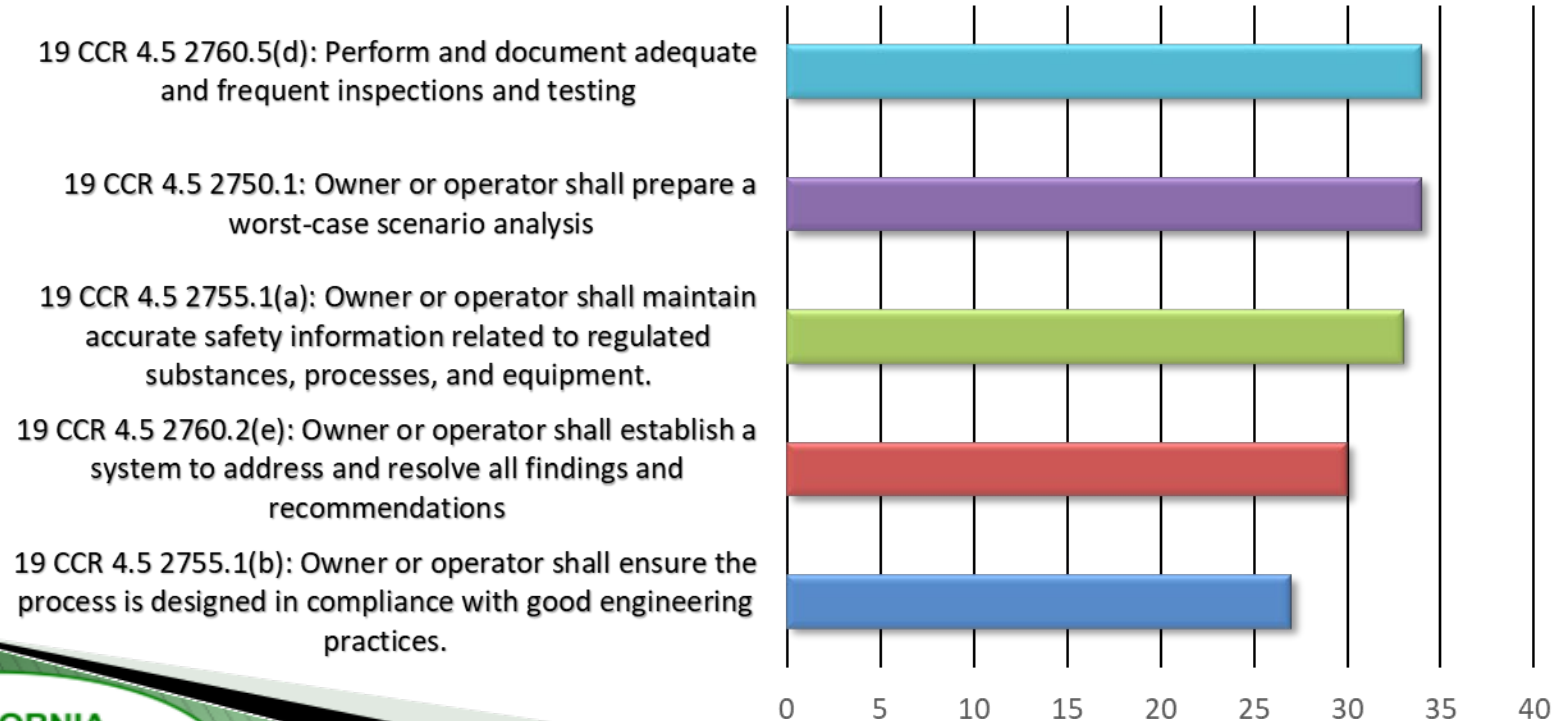
CalARP Violation Type	#
19 CCR 4.5 2755.5(d): Perform inspections & tests on process equipment	67
19 CCR 4.5 2755.6(a): Certify procedures and practices are adequate and properly implemented at least every 3 years	49
19 CCR 4.5 2765.1(b): Requirements of a stationary source whose employees will not respond to accidental releases	44
19 CCR 4.5 2755.6(d): Promptly documenting and responding to compliance audit findings.	37
19 CCR 4.5 2755.2(e): Document results of the hazard review and resolve identified problems	36
19 CCR 4.5 2760.5(d): Perform and document adequate and frequent inspections and testing	34
19 CCR 4.5 2750.1: Owner or operator shall prepare a worst-case scenario analysis	34
19 CCR 4.5 2755.1(a): Owner or operator shall maintain accurate safety information related to regulated substances, processes, and equipment.	33
19 CCR 4.5 2760.2(e): Owner or operator shall establish a system to address and resolve all findings and recommendations	30
19 CCR 4.5 2755.1(b): Owner or operator shall ensure the process is designed in compliance with good engineering practices.	27



Top 5 CalARP Violations 2022



Top 6-10 CalARP Violations 2022



CalARP Violations

Violation: Failure to Perform Required Inspections and Tests

19 CCR 4.5 2755.5(d) & 19 CCR 4.5 2760.5(d)

The owner or operator shall perform or cause to be performed inspections and tests on process equipment. Inspection and testing procedures shall follow recognized and generally accepted good engineering practices. The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturer's recommendations, industry standards or codes, good engineering practices, and prior operating experience.

- 19 CCR 4.5 2755.5(d): Program 2
- 19 CCR 4.5 2760.5 (d): Program 3
- Programs are defined by the complexity, accident history, and potential impact of releases of regulated substances.



CalARP Violations

Violation: Failure to Perform and Respond to Compliance Audit

19 CCR 2755.2(e) & 19 CCR 2755.6(d)

- a) The owner or operator shall certify they have evaluated compliance with the provisions of this article at least every 3 years to verify that procedures and practices developed under this chapter are adequate and are being followed.
- d) The owner or operator shall promptly determine and document an appropriate response to each of the findings.

- This is an internal audit developed by the owner/operator and performed by a knowledgeable person
- Just because the audit is complete doesn't mean the work is done
- Issues must be resolved no later than 1.5 years after the audit was performed
 - Time may vary depending on item turnaround and CUPA involvement
- Actual completion date must be documented
- Maintain the 2 most recent audits



CalARP Violations

Violation: Failure to meet provisions for employee exemption

19 CCR 4.5 2765.1(b)

Employees who will not respond to accidental releases of regulated substances need not comply with section 2765.2 provided the stationary source meets the following:

- Stationary source with any regulated substance above the threshold quantity is included in the community emergency response plan, city or county Hazardous Materials Area plans, and the business's HMBP.
- Owner or operator must document that response actions have been coordinated with the local fire department and hazardous response agencies
- Appropriate mechanisms and written procedures are in place to notify emergency responses when there is a need for a response

Basically: Make sure the community knows and local authorities have a process for notification and response!





Tiered Permitting



Tiered Permitting

- Established in 1993 through AB 1772
- HSC Chapter 6.5 Article 9
- 22 CCR Division 4.5 Chapter 45
- 5 Treatment Tiers
 - Full Permit (RCRA Treatment)
 - Standardized permit (mostly non-RCRA treatment)
 - Permit-By-Rule (PBR)
 - Conditionally Authorized (CA)
 - Conditionally Exempt (CE)
 - CESQT
 - CESW
 - CEL
 - CECL



Treatment

Any method, technique, or process which changes or is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose including, but not limited to, energy recovery, material recovery or reduction in volume.

22 CCR 22260.10

Examples:

- Filtering
- Gravity settling
- Separating
- Grinding
- Evaporating
- Electro-winning
- Shredding
- Crushing
- Compacting
- Adsorbing
- Mixing
- Reducing
- Drying
- Ion exchange
- Adjusting pH
- Biological degradation



Recycling Exemptions

- Hazardous waste treatment is exempt from tiered permitting requirements when the material or waste is recycled according to the definition of used, reused, or reclaimed
- These materials can be recycled on-site by meeting one of these definitions:
 - Recycled
 - Reused
 - Reclaimed
- Recyclable Materials
 - Recycling exclusions and exemptions are found in HSC Division 20 Chapter 6.5 25143.2(b)(c)(d)
 - Note: excluded recyclable materials may still be hazardous substances per HSC 25316 and must comply with OSHA, DOT, APCD/AQMD, OES, and local hazardous materials requirements22 CCR, Division 4.5, Chapter 45



Permit Exemptions

- State waste treatment exemptions are located in HSC § 25123.5
- Following are exemptions from the definition of treatment as long as heat, chemicals, or pressure are not added:
 - Filtering liquids;
 - Phase separation; OR
 - Evaporation of water
- Examples of some of the exemptions from tiered permitting requirements are:
 - Solidification in a disposal container
 - Silver and silver halide removal and recycling
 - Bench-top treatment
 - Oil and fuel filter draining and crushing



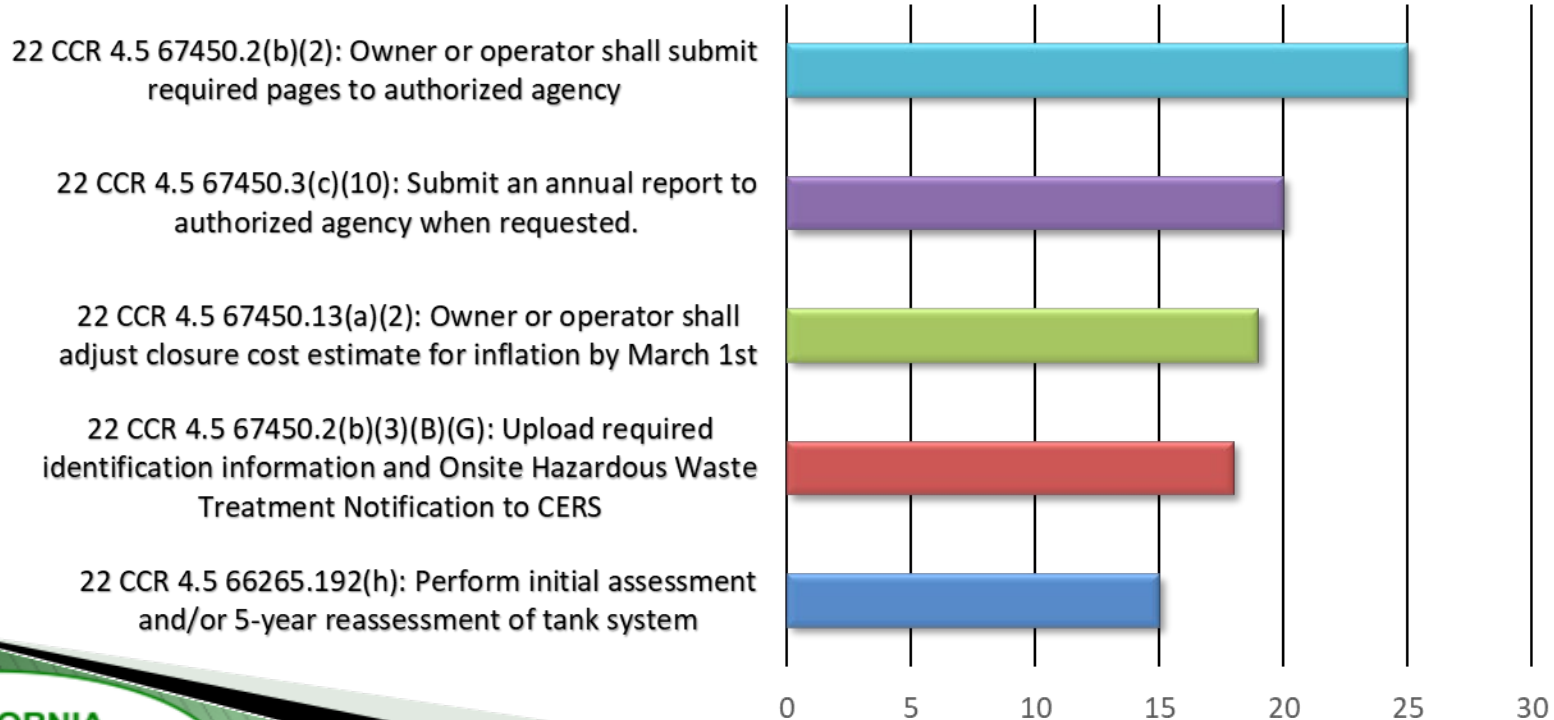
Tiered Permit Top 10 Violations

Tiered Permitting Violation Type	#
22 CCR 4.5 67450.2(b)(2): Owner or operator shall submit required pages to authorized agency	25
22 CCR 4.5 67450.3(c)(10): Submit an annual report to authorized agency when requested.	20
22 CCR 4.5 67450.13(a)(2): Owner or operator shall adjust closure cost estimate for inflation by March 1 st	19
22 CCR 4.5 67450.2(b)(3)(B)(G): Upload required identification information and Onsite Hazardous Waste Treatment Notification to CERS	18
22 CCR 4.5 66265.192(h): Perform initial assessment and/or 5-year reassessment of tank system	15
22 CCR 4.5 67450.13(b): Submit a Certification of Financial Assurance for treatment system including cost of closure	14
22 CCR 4.5 67450.3(c)(7): Permanently mark the exterior of FTU with required information	14
22 CCR 4.5 67450.3(c)(9)(A): Facility meets the standards listed in 22 CCR 4.5 Chapter 15 Article 2: General Facility Standards	13
22 CCR 4.5 67450.3(c)(8)(G): Provide an adequate written closure plan when demanded by authorized agency	12
HSC 6.5 Multiple: Tiered Permitting Program – Operations/Maintenance – General	11



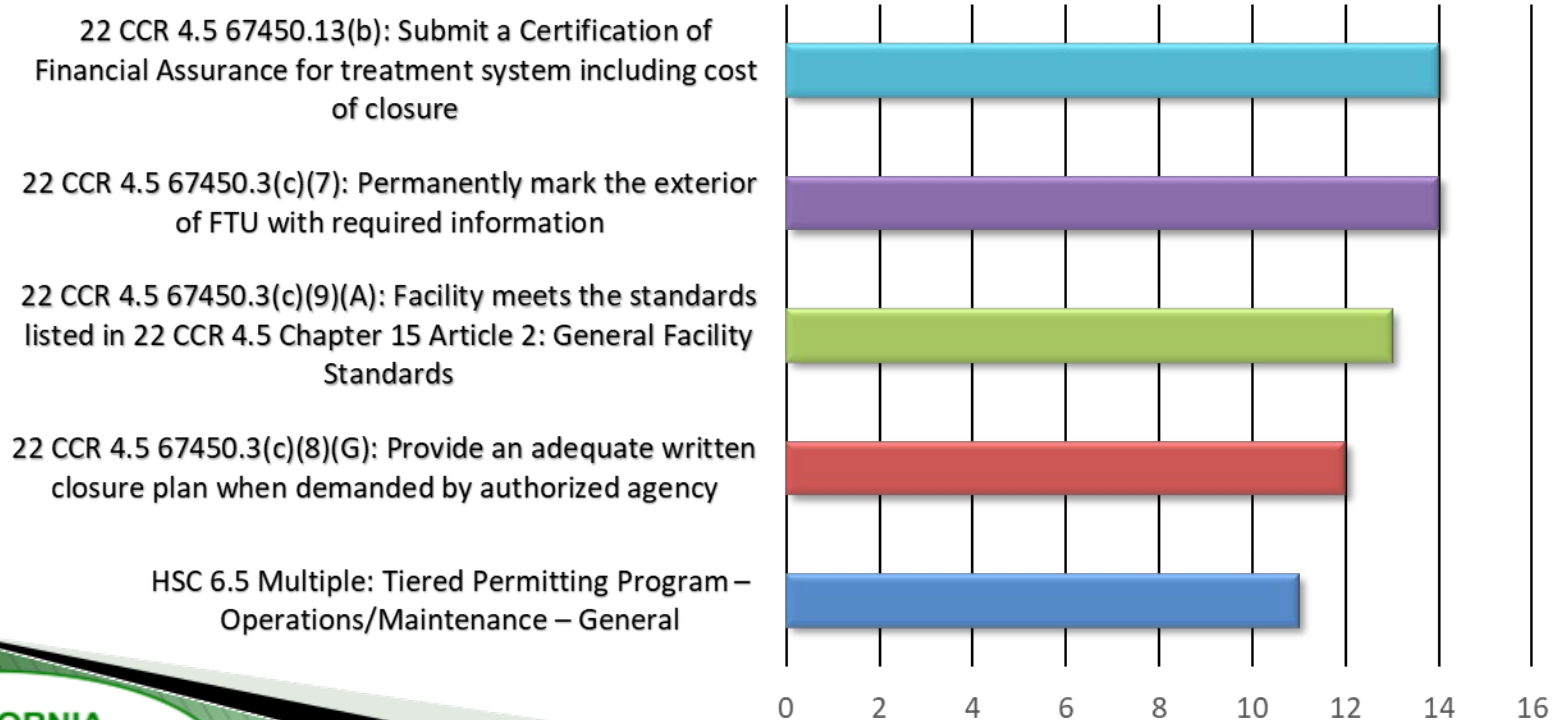
Tiered Permit

Top 5 TP Violations 2022



Tiered Permit

Top 6-10 TP Violations 2022



Tiered Permitting Violations

- Most common violations involve proper administration of the permit and documentation
 - Records
 - Inspections
 - Modification of equipment
 - Not having a permit
- Most documents can be submitted through CERS
- Tanks must be assessed by a PE every 5 years





Hazardous Materials Business Plan (HMBP)



Hazardous Materials Business Plan (HMBP)

HMBP Program Purpose

- Provide basic information necessary for use by **first responders** in order to prevent or mitigate damage to public health and safety and to the environment from a release or threatened release of a hazardous material
- Satisfy federal and state community Right-to-Know laws

Regulatory Authority

- HSC Division 20, Chapter 6.95, Article 1, 42 USC § 11022, 40 CFR § 370, 19 CCR Division 2, Chapter 4



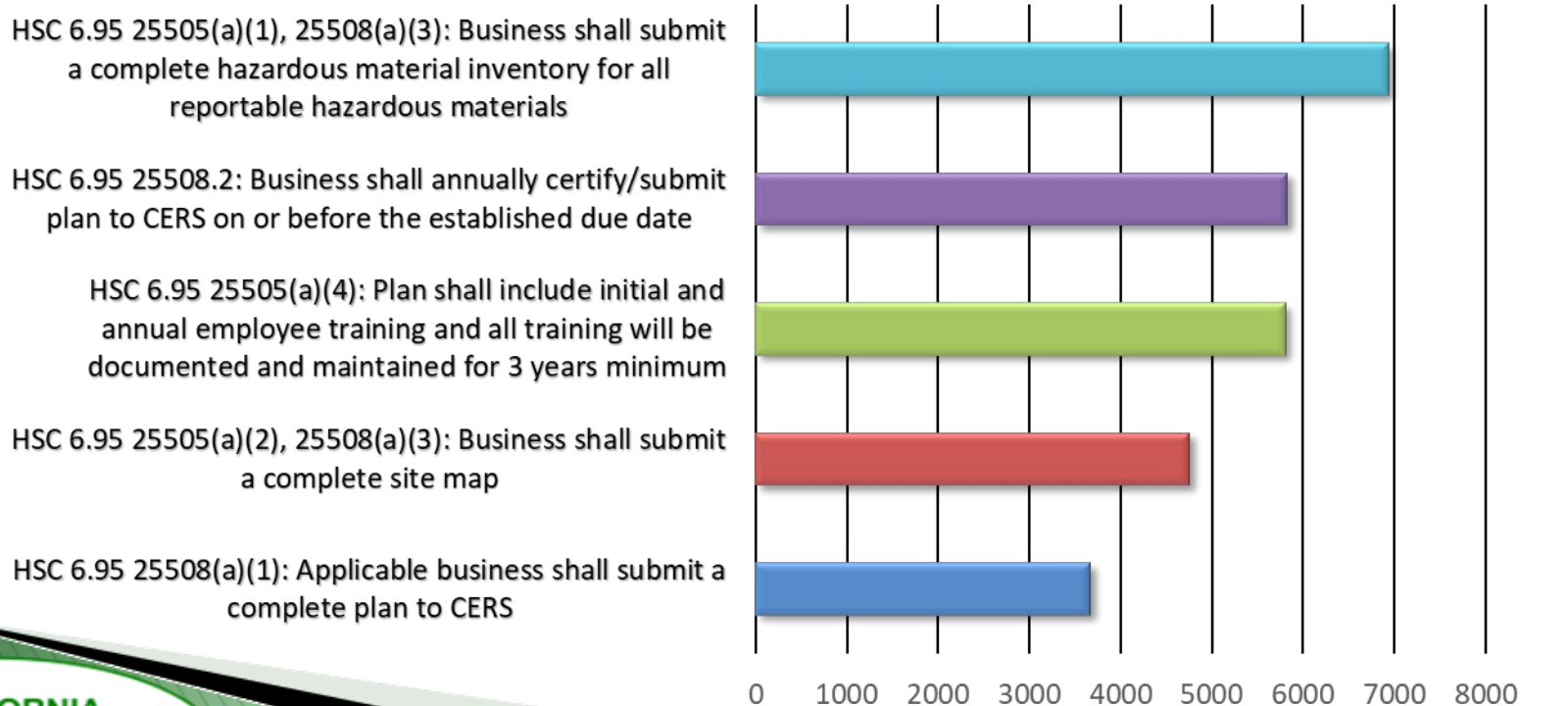
HMBP Top 10 Violations

HMBP Violation Type	#
HSC 6.95 25505(a)(1), 25508(a)(3): Business shall submit a <u>complete</u> hazardous material inventory for all reportable hazardous materials	6935
HSC 6.95 25508.2: Business shall annually certify/submit plan to CERS on or before the established due date	5826
HSC 6.95 25505(a)(4): Plan shall include initial and annual employee training and all training will be documented and maintained for 3 years minimum	5810
HSC 6.95 25505(a)(2), 25508(a)(3): Business shall submit a <u>complete</u> site map	4758
HSC 6.95 25508(a)(1): Applicable business shall submit a <u>complete</u> plan to CERS	3668
HSC 6.95 25505(a)(3), 25508(a)(3): Business shall submit a <u>complete</u> emergency response & procedures	3229
HSC 6.95 25508(a)(3): Business shall submit a <u>complete</u> Business Operator	2441
HSC 6.95 25508.1(a-f): Business shall update plan within 30 days of applicable information changes	1919
HSC 6.95 25505(c): Plans shall be readily available to employees and CUPA	1471
Unspecified: General Local Ordinance – Operations/Maintenance	1403



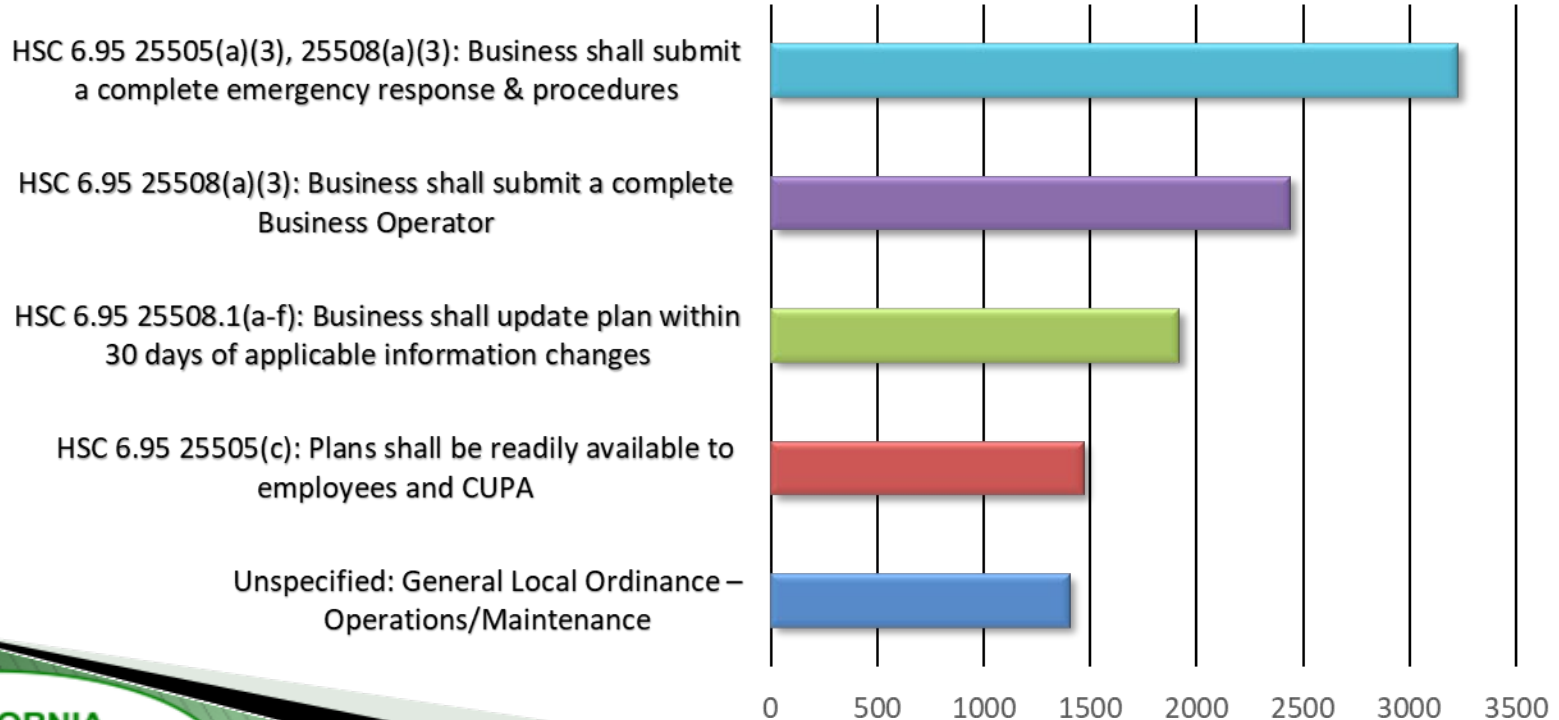
HMBP

Top 5 HMBP Violations 2022



HMBP

Top 6-10 HMBP Violations 2022



HMBP Violations

Applicable Businesses

- A business that handles any of the following amounts of hazardous materials at any one time during the reporting year
 - 55 gallons for liquids
 - 500 pounds for solids
 - 200 cubic feet for compressed gases
- Extremely hazardous materials as defined by 40 CFR 355 have a lower reporting threshold
 - Less than 500 pounds
- The business is required to submit chemical inventory per 42 US Code 11022 Tier I/II
- The business handles radioactive material at any one time during the reporting year that requires an emergency plan per 10 CFR Chapter 1
- The business handles a combustible metal or metal alloy that is defined as pyrophoric or water-reactive material in the California Fire Code in raw stock, scrap, or powder form at any one time during the reporting year



HMBP Violations

When is an HMBP submitted?

- Initial
 - When facility is applicable
- Annually
 - Local CUPA will determine the due date
 - A complete HMBP must be submitted/certified on or before the due date
 - All sections even if information is still the same
 - If due date is not establishing the HMBP must be submitted no later than March 1st



HMBP Violations

Changes to an HMBP

- Applicable HMBP sections must be submitted within 30 days of the following changes
 - 100% increase in quantity for a previously disclosed hazardous material
 - Handling of any previously undisclosed hazardous material that equals or exceeds reporting thresholds
 - Change of business or facility address
 - Change of business ownership
 - Change of business name
 - Any substantial change in the handler's operations



HMBP Violations

A complete and accurate site map

- North Orientation
- Loading Areas
- Internal Roads and Adjacent Streets
- Storm and Sewer Drains
- Access and Exit Points
- Emergency Shut offs
- Evacuation Staging Areas
- Hazardous Material Handling and Storage Areas
- Emergency Response Equipment
- Additional map requirements the UPA finds necessary





BREAK TIME!

We will resume in 5 minutes!





Sheilah Lillie, PG&E, Sr Environmental Scientist Hazardous Waste, APSA, UST



Hazardous Waste



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Hazardous Waste

Hazardous Waste Management & RCRA Large Quantity Generator Violations

- Lead state agency that oversees implementation of the Hazardous Waste Generator program, Department of Toxic Substances Control (DTSC)
- Regulations
 - HSC Division 20, Chapter 6.5 – Hazardous Waste Control
 - 22 CCR Division 4.5
- Federally
 - 40 CFR §§ 261-265, 268 & 273



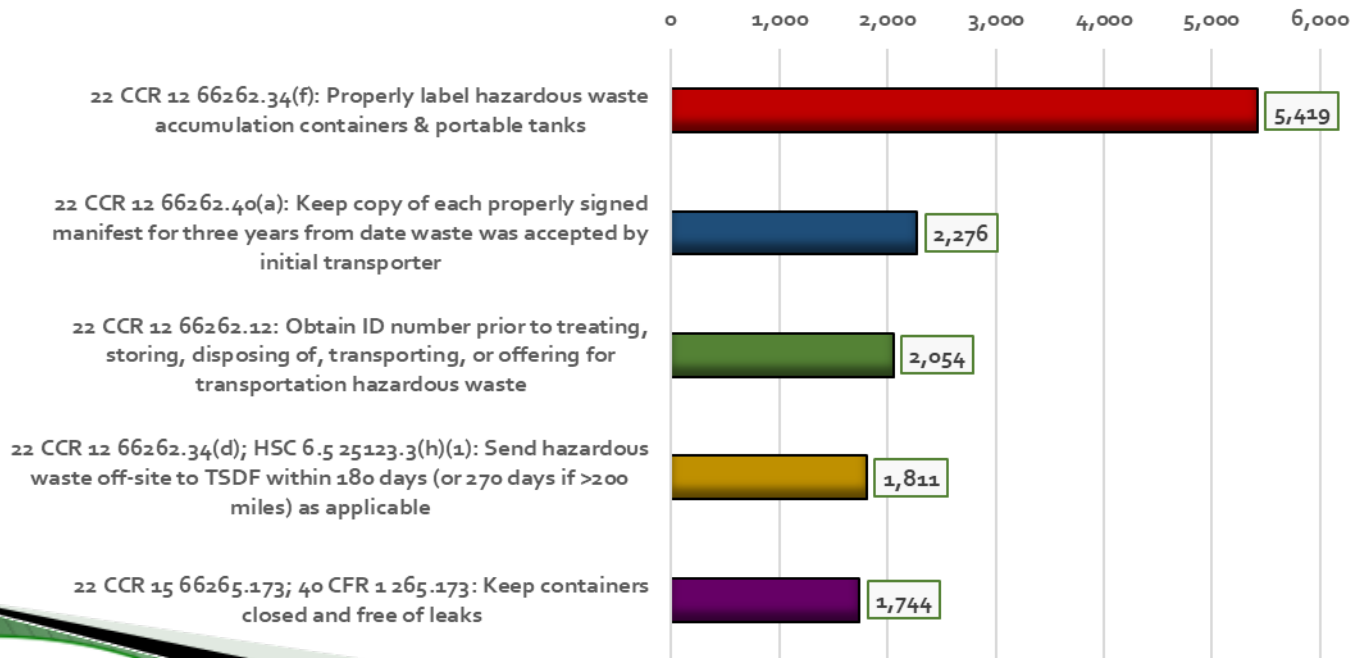
Hazardous Waste

Hazardous Waste Violation Type	#
22 CCR 12 66262.34(f): Properly label hazardous waste accumulation containers & portable tanks	5,419
22 CCR 12 66262.40(a): Keep copy of each properly signed manifest for three years from date waste was accepted by initial transporter	2,276
22 CCR 12 66262.12: Obtain ID number prior to treating, storing, disposing of, transporting, or offering for transportation hazardous waste	2,054
22 CCR 12 66262.34(d); HSC 6.5 25123.3(h)(1): Send hazardous waste off-site to TSD within 180 days (or 270 days if >200 miles) as applicable	1,811
22 CCR 15 66265.173; 40 CFR 1 265.173: Keep containers closed and free of leaks	1,744
22 CCR 12 66262.34(a)(4) & 66265.31; 40 CFR 1 265.31: Operate facility to minimize fire, explosion, or release of hazwaste to environment	1,139
22 CCR 16 66266.130; HSC 6.5 25250.22: Manage used oil and/or fuel filters in accordance with requirements	957
HSC 6.11 25404(e)(4): Electronically report hazardous waste program data	857
22 CCR Multiple; 40 CFR 1 265; HSC 6.5 Multiple: Hazardous Waste Generator Program-Administration/Documentation-General	774
40 CFR 1 262.34(d)(5)(iii); 22 CCR 12 66262.34(d)(2): Ensure employees receive proper waste handling & emergency procedures training	719



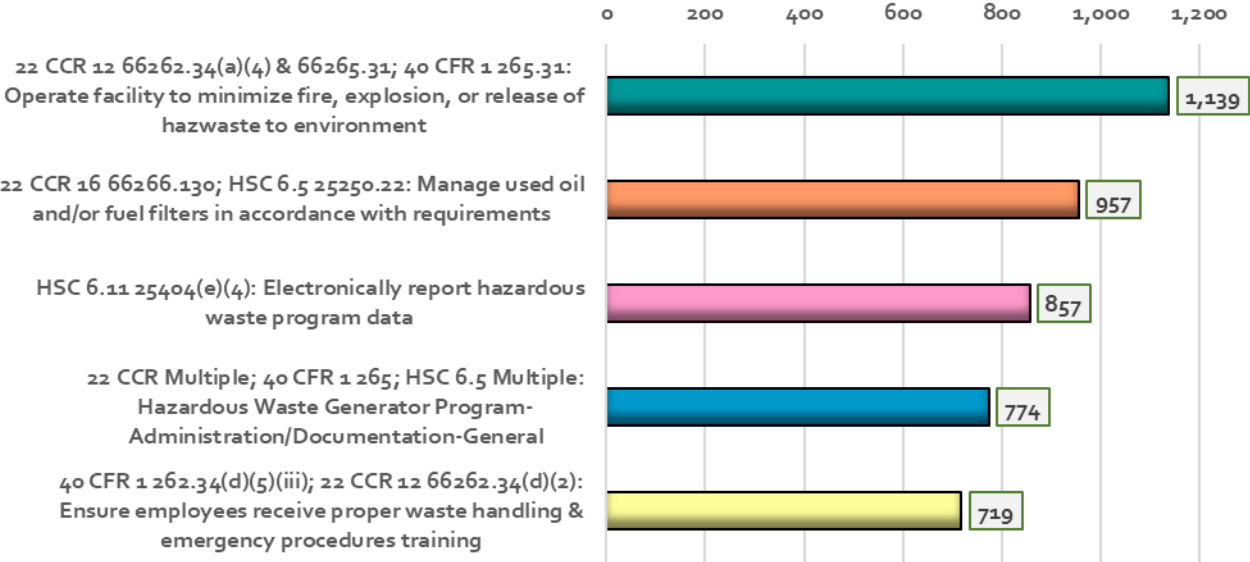
Hazardous Waste

Top 5 Hazardous Waste Violations 2022



Hazardous Waste

Top 6-10 Hazardous Waste Violations 2022



Hazardous Waste Violations

Violation: Required Labeling/Marking

- Containers are properly marked/labeled and visible for inspection [66262.34(f)]
 - “Hazardous Waste”, name & address of the generator, physical & chemical characteristics of the waste, accumulation start date
- Additional considerations
 - Satellite containers are marked with initial accumulation and full date
 - Containers holding drained used oil filters are marked “Drained Used Oil Filters”
 - Containers holding excluded recyclable materials are marked “Excluded Recyclable Material” instead of “Hazardous Waste”
 - Containers holding Universal Waste are marked “Universal Waste – Type of UW”



Hazardous Waste Violations

Violation: Manifests Recordkeeping

- Waste disposal records shall be maintained for at least 3 years [66262.40]
- Additional considerations
 - Manifests are complete
 - The generator copy of each manifest is kept until signed copy received from TSDF
*contact TSDF w/in 35 days
 - Maintain BOL and consolidated manifests receipts
 - LDRs are available and complete



Hazardous Waste Violations

Violation: Valid EPA ID Number

- Failure to obtain and/or maintain an active EPA ID number [66262.12]
 - Permanent vs Temporary ID
 - Maintain active ID



Hazardous Waste Violations

Violation: Accumulation Time Limits

- Waste is accumulated for no more than 90 days [66262.34(a)] – **LQG**
 - Accumulation “clock” begins on the first date any amount of waste begins to accumulate during that month
- Waste is accumulated for no more than 180 days, or 270 days if the waste will be transported 200 miles or more [66262.34(d)] – **SQG**
 - Accumulation “clock” begins on the first date any amount of waste begins to accumulate during that month **unless** SQG generates less than 100 kg/month, then “clock” begins on the date generator has accumulated 100 kg of waste



Hazardous Waste Violations

Violation: Container Management

- Containers are closed except when adding or removing waste [66265.173(a)]
- Containers shall not be opened, handled, transferred or stored in a manner which may rupture the container or cause it to leak [66265.173(b)]
- Additional Considerations
 - Containers are in good condition and compatible with the waste being held
 - Containers are inspected at least weekly
 - Incompatible wastes not placed in the same container



Aboveground Petroleum Storage Act (APSA)



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APSA

Aboveground Petroleum Storage Act

- Lead state agency that oversees implementation of the APSA program, Cal Fire-Office of the State Fire Marshal
- APSA – HSC Division 20, Chapter 6.67
- SPCC – 40 CFR § 112



APSA

- **APSA** (state law) and **SPCC** (federal rule) were enacted to prevent releases to waters of the United States
- While response is a major component of the SPCC rule, the greater emphasis is on PREVENTION
- APSA requires owners/operators of tank facilities to prepare & implement an **SPCC Plan** according to **40 CFR § 112**



APSA – State vs. Federal Statutes

Issues	Federal 40 CFR § 112	State HSC § 25270
Regulatory threshold triggering SPCC Plan	> 1,320 gallons aboveground storage capacity	≥ 1,320 gallons aboveground storage capacity
Underground storage tanks (not otherwise addressed in federal or state UST standards)	SPCC Plan required when underground storage capacity exceeds 42,000 gallons	TIUGA (Tank in an Underground Area)
Navigable waters	Does not include ground water	Captures spills to <u>all</u> water bodies
Non-petroleum oils (e.g., animal fat and vegetable oils)	Regulates	Does not regulate

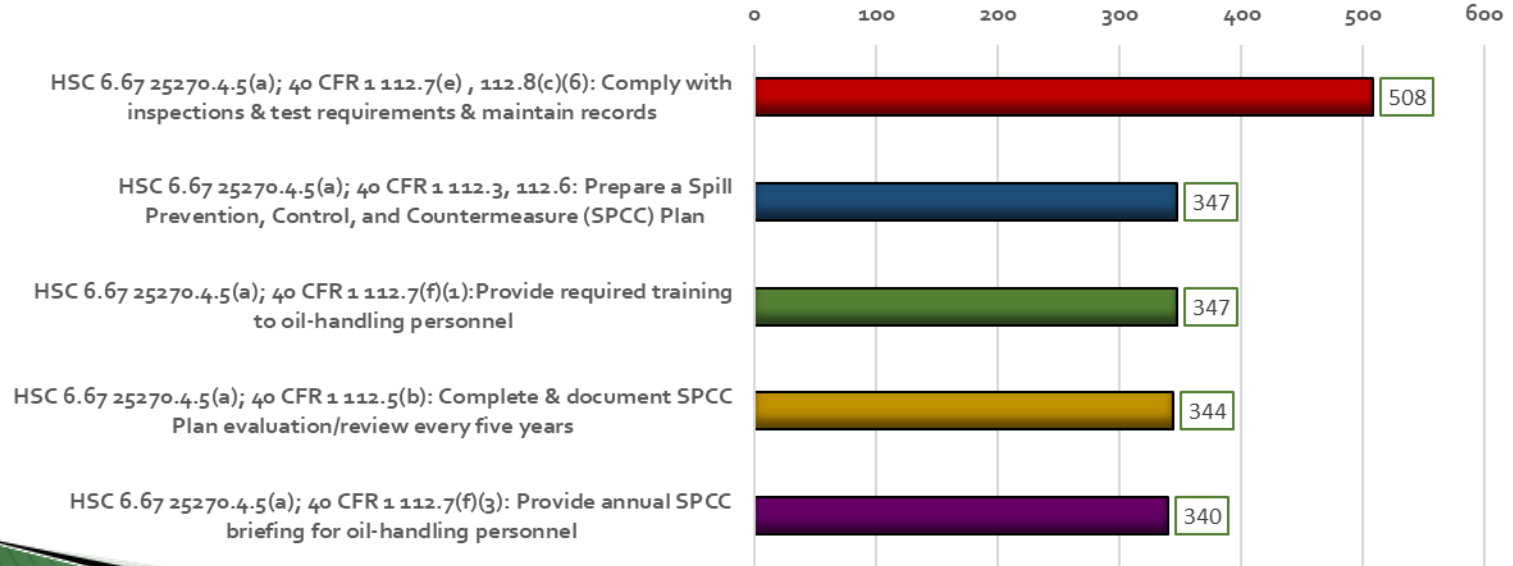


APSA

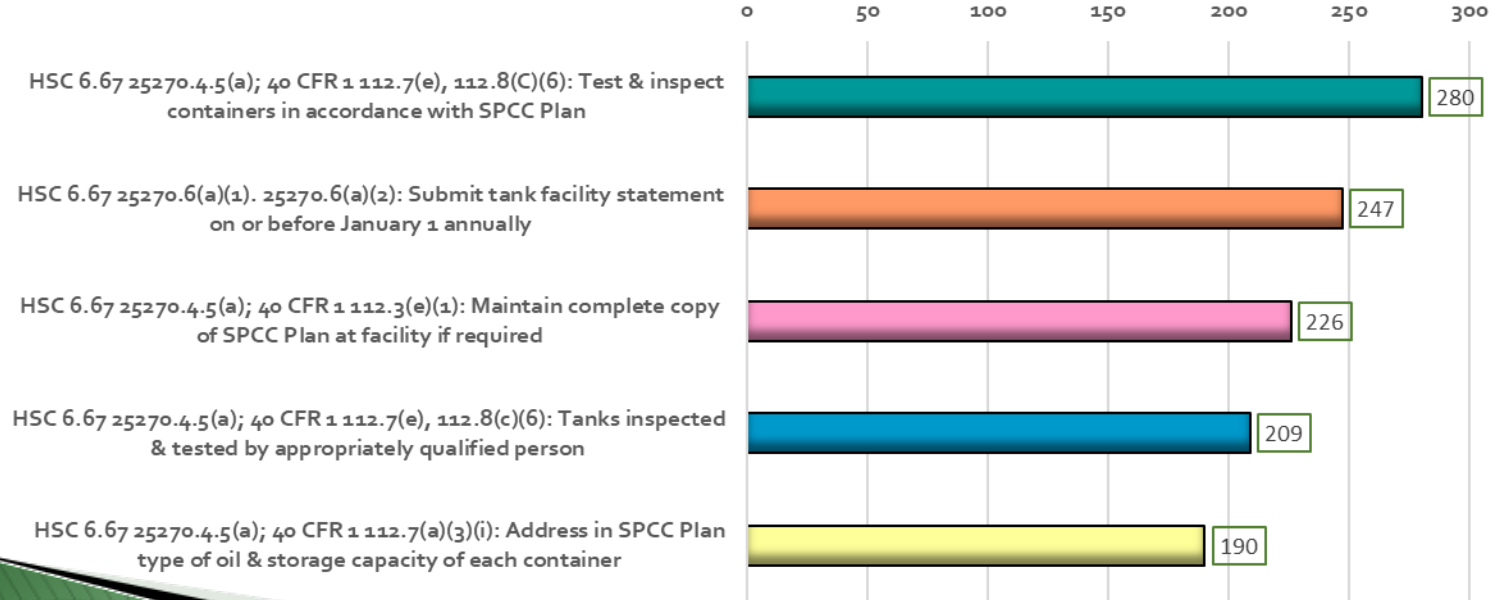
APSA Violation Type	#
HSC 6.67 25270.4.5(a); 40 CFR 1 112.7(e) , 112.8(c)(6): Comply with inspections & test requirements & maintain records	508
HSC 6.67 25270.4.5(a); 40 CFR 1 112.3, 112.6: Prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan	347
HSC 6.67 25270.4.5(a); 40 CFR 1 112.7(f)(1): Provide required training to oil-handling personnel	347
HSC 6.67 25270.4.5(a); 40 CFR 1 112.5(b): Complete & document SPCC Plan evaluation/review every five years	344
HSC 6.67 25270.4.5(a); 40 CFR 1 112.7(f)(3): Provide annual SPCC briefing for oil-handling personnel	340
HSC 6.67 25270.4.5(a); 40 CFR 1 112.7(e), 112.8(C)(6): Test & inspect containers in accordance with SPCC Plan	280
HSC 6.67 25270.6(a)(1). 25270.6(a)(2): Submit tank facility statement on or before January 1 annually	247
HSC 6.67 25270.4.5(a); 40 CFR 1 112.3(e)(1): Maintain complete copy of SPCC Plan at facility if required	226
HSC 6.67 25270.4.5(a); 40 CFR 1 112.7(e), 112.8(c)(6): Tanks inspected & tested by appropriately qualified person	209
HSC 6.67 25270.4.5(a); 40 CFR 1 112.7(a)(3)(i): Address in SPCC Plan type of oil & storage capacity of each container	190



Top 5 APSA Violations 2022



Top 6-10 APSA Violations 2022



APSA Violations

Violation: Inspections and Testing

- Owner/operator shall conduct periodic inspections of the storage tank to ensure compliance with Part 112 [25270.4.5 (a)]
 - Conduct inspections and tests in accordance with written procedures developed for the facility. Keep written procedures and record of inspections and tests, signed by supervisor or inspector, for a period of 3 years [112.7(e)]
 - In accordance with industry standard, determine frequency and type of testing and inspections as well as appropriate qualifications for personnel performing tests and inspections [112.8 (c)(6)]
 - continued....



APSA Violations

Violation: Inspections and Testing

- Examples of integrity tests include: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing [112.8(c)(6)]
- Available Industry Standards include:
 - Steel Tank Institute (STI)
 - American Petroleum Institute (API)
 - American Concrete Institute (ACI)
- Inspection form part of SPCC Plan



APSA Violations

Violation: Prepare a SPCC Plan

- Owner/operator of a storage tank facility shall prepare a SPCC plan applying good engineering practices to prevent petroleum releases using the same format required by Part 112, including owners/operators of tank facilities not subject to the general provisions in 112.1 [25270.4.5]
 - APSA captures all water bodies, not just navigable
 - Tanks in Underground Areas (TIUGA)
- Qualified Facility Templates/Self Certification
 - Tier 1 QF: aggregate oil storage capacity $\leq 10,000$ gallons, no individual container with capacity $>5,000$ gallons; meets discharge criteria in 112.3(g)(2)
 - Tier 2 QF: aggregate oil storage capacity $\leq 10,000$ gallons; meets discharge criteria in 112.3(g)(2)



APSA Violations

Violation: Training

- Owner/Operator shall fully comply with latest version of the regulations contained in Part 112 [25270.4.5(a)]
 - Train oil-handling personnel in operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control rules; general facility operations; and the contents of the facility SPCC Plan [112.7(f)(1)]



APSA Violations

Violation: SPCC Plan 5 Year Review

- Owner/Operator shall fully comply with latest version of the regulations contained in Part 112 [25270.4.5(a)]
 - Complete a review and evaluation of the SPCC Plan at least once every 5 years[112.5(b)]
 - Document that the review was completed
 - Sign a statement as to whether you will amend the Plan



APSA Violations

Violation: Annual SPCC Plan Briefing

- Owner/Operator shall fully comply with latest version of the regulations contained in Part 112 [25270.4.5(a)]
 - Provide annual SPCC Plan briefing for oil-handling personnel [112.7(f)(3)]
 - Describe any known discharges, failures, or component malfunctions
 - Discuss any recently developed measures



Underground Storage Tank (UST)



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UST

UST Program Purpose

- Protect public health and safety and the environment from releases of petroleum and other hazardous substances from tanks

Regulatory Authority

- Lead state agency that oversees implementation of the UST program, State Water Resources Control Board
- HSC Division 20, Chapter 6.7
- 23 CCR, Division 3, Chapter 16



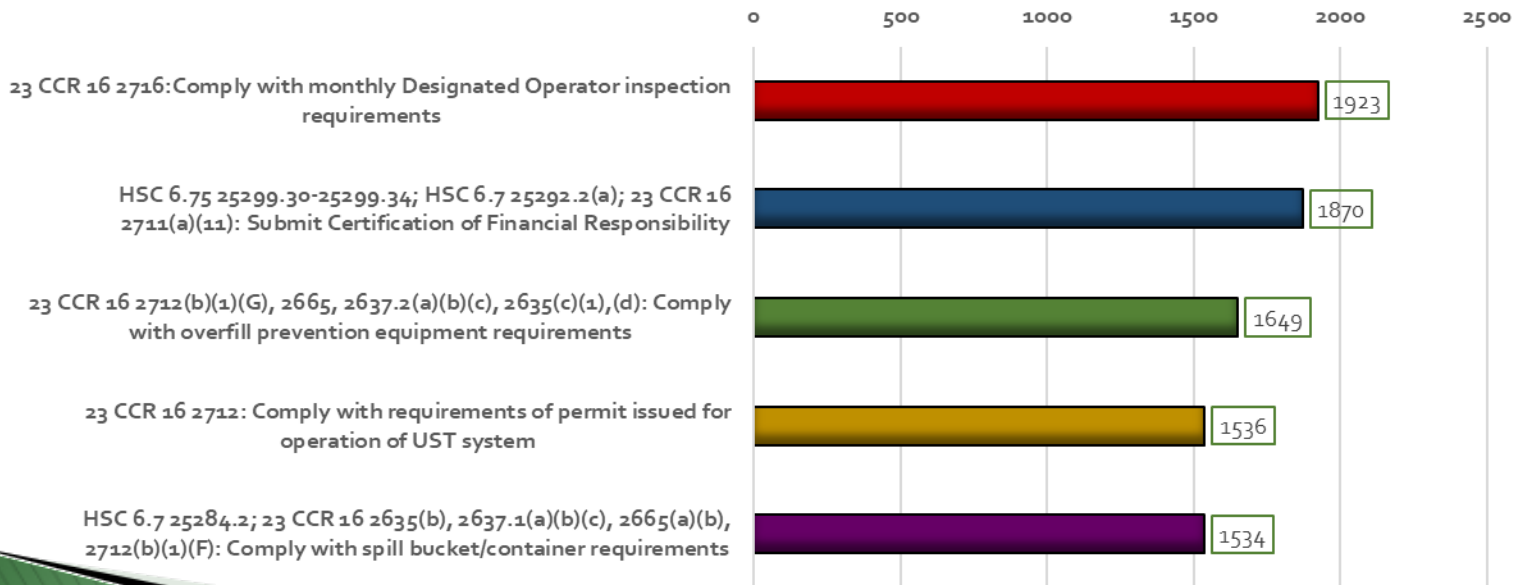
UST

UST Violation Type	#
23 CCR 16 2716: Comply with monthly Designated Operator inspection requirements	1923
HSC 6.75 25299.30-25299.34; HSC 6.7 25292.2(a); 23 CCR 16 2711(a)(11): Submit Certification of Financial Responsibility	1870
23 CCR 16 2712(b)(1)(G), 2665, 2637.2(a)(b)(c), 2635(c)(1),(d): Comply with overfill prevention equipment requirements	1649
23 CCR 16 2712: Comply with requirements of permit issued for operation of UST system	1536
HSC 6.7 25284.2; 23 CCR 16 2635(b), 2637.1(a)(b)(c), 2665(a)(b), 2712(b)(1)(F): Comply with spill bucket/container requirements	1534
HSC 6.7 25284, 25286; 23 CCR 16 2711: Submit complete/accurate application for permit to operate UST	1354
23 CCR 16 2641(h): Have approved UST Monitoring Plan	967
23 CCR 16 2641(j), 2638(a): Properly maintain leak detection equipment	934
HSC 6.7 25290.1(e),(c), 25290.2(c), 25291(a)(2): Maintain secondary containment	783
23 CCR 16 2712(f): Implement corrections specified in an inspection report within 30 calendar days	759



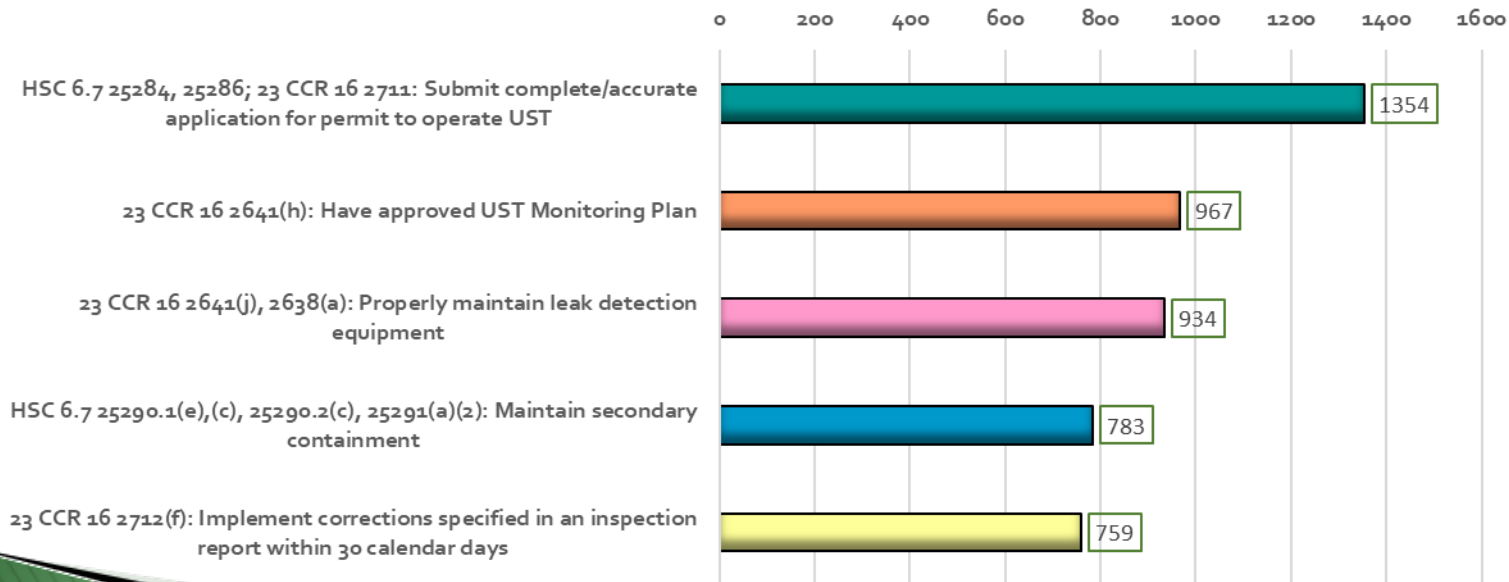
UST

Top 5 UST Violations 2022



UST

Top 6-10 UST Violations 2022



UST Violations

Violation: Designated Operator Inspections

23 CCR 2716

- DO inspection performed at least once every 30 days
- DO inspection to be recorded on “Designated UST Operator Visual Inspection Report”, Appendix XIII
 - Visual inspection of each UST system
 - Review UST system records
 - Record inspection results
 - Provide inspection results to UST owner/operator
- Maintain all DO monthly reports, including attachments, for 36 months



UST Violations

Violation: Certification of Financial Responsibility

HSC 6.75 25299.30-25299.34; 6.7 25292.2(a)

- Owners/operators shall maintain evidence of financial responsibility for taking corrective action and compensating third parties of injury/damage caused by a release from the UST system
- Most UST owners need \$1 million per occurrence and \$1 million aggregate if <100 USTs and \$2 million aggregate if >100 USTs
- Submit and maintain financial responsibility mechanism and updated documents to show evidence of coverage
- Reference material – EPA Dollars & Sense

[Dollars and Sense: Financial Responsibility Requirements For \(epa.gov\)](https://www.epa.gov/dollars-and-sense)



UST Violations

Violation: Overfill Prevention Equipment

Overfill Prevention Methods	Maximum Product Level	Overfill Prevention Equipment	Vent & Riser Piping Subject to Secondary Containment & Monitoring		
			UST Installed Before 7/01/87	UST Installed btwn 7/01/87 and 6/30/2003	UST Installed After 7/01/2003
Restrict Flow into Tank	90%	Flow Restrictor*	NO	YES	YES
Audible & Visual Alarm	90%	Liquid Level Device	NO	YES	YES
Restrict Flow into Tank AND Audible Alarm	95%	Flow Restrictor*/Liquid Level Device	NO	NO	YES
Shut-off Flow into Tank	95%	Postive Shut Off Device	NO	NO	YES
Shut-off Flow into Tank	Below tank top fittings	Postive Shut Off Device	NO	YES	YES

*Flow restrictors cannot be installed, repaired, or replaced as OPE equipment on or after October 1, 2018



UST Violations

Violation: Overfill Prevention Equipment

- OPE Inspection Requirements [2637.2]
 - OPE inspections required by October 13, 2018 (for tanks installed before Oct. 1, 2018) or at time of installation (for tanks installed after Oct. 1, 2018)
 - OPE inspections required every 36 months and within 30 days of repair
 - Inspected using an applicable manufacturer guideline, industry code, engineering standard; or method approved by engineer
 - Inspected by a certified UST service technician
 - Inspection records maintained for 36 months



UST Violations

Violation: Permit Requirements

23 CCR 2712

- Failure to comply with any of the applicable requirements of the permit issued for the operation of the UST system
 - Reporting & recording requirements for unauthorized releases
 - Maintain the following records:

Monitoring & maintenance – 36 mths	Vapor/groundwater monitoring – duration of monitoring
Release detection system – 60 months	Compatibility - while substance is stored
Cathodic protection system - 78 months	Repairs/lining/upgrades – life of the system

- Comply with corrective actions issued
- Maintain permit onsite



UST Violations

Violation: Spill Bucket

- All UST shall be equipped with a spill container that collects any hazardous substances spilled during delivery [2635(b)]
 - Minimum capacity of 5 gallons
 - Functional drain valve or other method to remove liquid
 - Be resistant to galvanic corrosion



UST Violations

Violation: Spill Bucket

- Spill containers shall be tested for tightness [2637.1]
 - At time of installation & every 12 months after; w/in 30 days of repair
 - Tested using applicable manufacturer guidelines, industry codes, engineering standards, or method approved by engineer
 - Tested by certified UST service technician
- Test records maintained for 36 months





Any Questions?

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