# *Summary Table of Underground Storage Tank (UST) Leak Prevention & Enforcement Provisions of Assembly Bill (AB) 2481[1] & AB 1702[2]*

**NOTE: Items 1 – 5 apply only to UST systems installed on or after July 1, 2003.**

| Item | Summary of Requirement | Citation(s) |
|---|---|---|
| **1** | Primary and secondary containment must be "product tight." "Product tight" means impervious to the liquid and vapor of the stored substance, to prevent seepage from containment. | H&S Code §25290.2(a), (c)(1), (c)(2);<br>H&S Code §25290.1(a), (c)(1), (c)(2) |
| **2** | Secondary containment must be constructed to prevent water intrusion into the *UST system* by precipitation, infiltration, or surface runoff. | H&S Code §25290.2(c)(3);<br>H&S Code §25290.1(c)(3) |
| **3** | The *UST system* must be designed and constructed with a continuous monitoring system capable of (1) detecting entry of the liquid substance stored in the primary containment into the secondary containment and (2) detecting water intrusion into the secondary containment. | H&S Code §25290.2(d) |
| **4** | The *UST* must be tested after installation (but before being put into service) using one of the following: enhanced leak detection (ELD), an inert gas pressure test certified by a third-party and approved by the State Water Resources Control Board (SWRCB), or a test method deemed equivalent to ELD and approved by the SWRCB in regulation. | H&S Code §25290.2(i);<br>H&S Code §25290.1(j) |
| **5** | Vent lines, vapor recovery lines, and fill pipes that are beneath the surface of the ground are defined as pipe and therefore part of the *UST system*, which means they must have secondary containment. | H&S Code §25290.2(j);<br>H&S Code §25290.1(k) |

[1] These requirements became effective on January 1, 2003 with the enactment of AB 2481 (Stats. 2002, Ch. 999).
[2] These requirements became effective on July 7, 2003 with the enactment of AB 1702 (Stats. 2003, Ch. 42).

**PLEASE NOTE the difference between the terms "*UST*" and "*UST System*." *UST* means tanks and piping used for the storage of a hazardous substance [H&S Code, §25281(x)(1)]. *UST system* means an underground storage tank, connected piping, ancillary equipment and containment systems [H&S Code, §25281(y)].**

## ELD Testing of UST Systems
## Located Within 1,000 feet of a Public Drinking Water Well

| Item | Summary of Requirement | Citation(s) |
|---|---|---|
| **6** | By June 1, 2003, the SWRCB must notify owners and operators of *UST systems* with secondary containment that are located within 1,000 feet of a public drinking water well of the requirement to test the *UST system* once using ELD. ELD testing must be performed by January 1, 2005. **(Note: This requirement does not apply to UST systems installed after July 1, 2003.)** | H&S Code §25292.5(a),(b) |
| **7** | If results of ELD testing indicate that any component of the *UST system* is leaking liquid or vapor, the owner or operator must take appropriate actions to correct the leakage. Additionally, the owner or operator must retest the *UST system* using ELD until the *UST system* is no longer leaking liquid or vapor. | H&S Code §25292.5(c), §25292.4(d) |

## All UST Systems

| Item | Summary of Requirement | Citation(s) |
|---|---|---|
| **8** | Owners/operators must annually test spill containment structure(s) designed to prevent a release in the event of a spill or overfill while a hazardous substance is being placed in the tank to show that it is capable of containing the substance until it is detected and cleaned up. | H&S Code, §25284.2 |

## Tank Test Reporting

| Item | Summary of Requirement | Citation(s) |
|---|---|---|
| **9** | A tank tester who conducts or supervises a tank or piping integrity test must prepare a report detailing the results of the tank test and maintain a record of the report for at least three years, in a specified manner. Tank testers must sign these reports with an original signature, under penalty of perjury. Additionally, a tank tester must type or print his or her name and license number on the report. | H&S Code §25284.4(i) |

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# Diesel Emergency Generator Tank (EGT) Systems

| Item | Summary of Requirement | Citation(s) |
|---|---|---|
| **10** | *EGT system* means a *UST system* that provides power supply in the event of a commercial power failure, stores diesel fuel, and is used solely in connection with an emergency system, legally required standby system, or optional standby system, as defined in the Articles 700, 701, and 702 of the National Electrical Code of the National Fire Protection Association. | H&S Code §25281.5(c) |
| **11** | Any tank or piping that is part of an *EGT system* located in a structure as described in the H&S Code §25283.5 is exempt from secondary containment testing if visual inspections of the tank or piping are conducted each time the tank system is operated, but no less than monthly. | H&S Code §25284.1(a)(4)(B)(iii) |
| **12** | Unburied fuel piping connected to an *EGT system* is excluded from the definition of *UST*, if the owner or operator conducts visual inspections of the piping each time the system is operated, but no less than monthly. This exclusion does not apply if the SWRCB adopts specific regulations relative to *EGT systems.* | H&S Code §25281.5(b)(3) |
| **13** | Secondary containment components that are part of an *EGT system* may be tested using ELD to satisfy the secondary containment testing requirement. However, the test must be performed at the frequency specified by the SWRCB secondary containment testing regulations. | H&S Code §25284.1(a)(4)(B)(ii) |
| **14** | If results of ELD testing indicate that any component of the *UST system* is leaking liquid or vapor, the owner or operator must take appropriate actions to correct the leakage. Additionally, the owner or operator must retest the *UST system* using ELD until the *UST system* is no longer leaking liquid or vapor. | H&S Code §25284.1(a)(4)(B)(ii) |

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# Red Tag & Administrative Enforcement Order (AEO) Authority

| Item | Summary of Requirement | Citation(s) |
|---|---|---|
| **15** | Deletes requirement for an upgrade certificate of compliance and substitutes red tag authority. | Not Applicable |
| **16** | A local agency may, upon the discovery of a <u>significant violation that poses an imminent threat to human health, safety, or the environment</u>, immediately affix a red tag to the fill pipe to provide notice that the delivery of petroleum into the *UST system* is prohibited. | H&S Code §25292.3(a) |
| **17** | If a local agency discovers a <u>significant violation that does not pose an imminent threat</u>, the local agency may issue a notice of significant violation to the owner or operator. The owner or operator must within seven days correct the violation. If the owner or operator fails to correct the violation to the satisfaction of the local agency, the local agency may affix a red tag to the fill pipe to provide notice that the delivery of petroleum into the *UST system* is prohibited. | H&S Code §25292.3(b) |
| **18** | Upon notification by the owner that a violation has been corrected, the local agency must re-inspect the *UST system* within 5 days to determine whether the system continues to be in significant violation. If the local agency determines that the violation has been corrected, the local agency must immediately remove the red tag or may authorize the owner or operator in writing to remove the red tag. | H&S Code §25292.3(f) |
| **19** | Prohibits any person from depositing petroleum into an *UST system* that has a red tag affixed to its fill pipe. | H&S Code §25292.3(d) |
| **20** | Requires the SWRCB to adopt regulations defining "significant violation." | H&S Code §25292.3(g) |
| **21** | Authorizes Unified Program Agencies to issue AEOs requiring that violations be corrected and to impose an administrative penalty. The law specifies procedures for conducting a hearing, upon the request of a person served with an order. | H&S Code §25404.1.1 |

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**NOTE: Items 22– 23 apply <u>only</u> to UST systems installed on or after July 1, 2004.**

**In addition to the requirements of items 22 – 23, UST systems installed on or after July 1, 2004 are also subject to all of the installation and monitoring requirements in items # 1, 2, 4, and 5.**

| Item | Summary of Requirement | Citation(s) |
|---|---|---|
| **22** | The *UST system* must be designed and constructed with a continuous monitoring system capable of (1) detecting entry of the liquid or <u>vapor-phase</u> of the substance stored in the primary containment into the secondary containment and (2) detecting water intrusion into the secondary containment. | H&S Code §25290.1(d) |
| **23** | The interstitial space of the *UST* must be maintained under constant vacuum or pressure to detect a breach in the primary or secondary containment before the liquid or vapor of the stored substance is released to the environment. Interstitial liquid level measurement methods satisfy this requirement. | H&S Code §25290.1(e) |

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