

WRITTEN AGREEMENT BETWEEN UNDERGROUND STORAGE TANK PERMIT HOLDER AND UNDERGROUND STORAGE TANK OPERATOR

For use by Unidocs Member Agencies or where approved by your Local Jurisdiction

Authority Cited: California Health and Safety Code (HSC) §25284(a)(3); Title 23 California Code of Regulations §2620(b)

In cases where the underground storage tank (UST) permit is issued to a person other than the operator of the UST(s), the permit holder must enter into a written agreement with the operator of the UST(s) which requires that the UST operator monitor the UST(s), maintain appropriate records, implement reporting procedures, and otherwise operate as required by the conditions of the permit issued by the local Unified Program Agency (UPA). Use of this form to satisfy this requirement is optional. You may use your own format provided that it satisfies the requirements of HSC §25284(a)(3). [Note: "UST Operator" means the person or organization that is in control of, or has responsibility for, day-to-day operation of the UST system(s), as distinguished from the "Designated UST Operator" who performs monthly facility inspections and training of facility employees pursuant to 23 CCR §2715.]

A. FACILITY IDENTIFICATION

FACILITY NAME	CERS ID or Facility ID
SITE ADDRESS	
CITY	CA
	ZIP CODE

B. UNDERGROUND STORAGE TANK PERMIT HOLDER CERTIFICATION

Certification: As the holder of the underground storage tank permit for the facility identified above, I hereby certify that:

1. I am (or represent) the individual, partnership, corporation or LLC, association, trust or government agency that is the holder of the UST permit for this facility, but I do not operate the UST(s).
2. I have provided to the UST operator a copy of the UST permit issued by the local UPA, which is attached to this written agreement and incorporated herein by reference.
3. I have provided to the UST operator a copy of the provisions of California Health and Safety Code Section 25299.
4. I understand that in order to be valid, this agreement must be signed by both the UST owner and the UST operator.
5. I understand that I am required to notify the local UPA of any change in UST operator by electronically submitting updated UST operator information and an uploaded PDF copy of a revised version of this agreement via the California Environmental Reporting System (CERS) website or an equivalent local UPA electronic reporting portal within thirty (30) days of the change in operator.

UST PERMIT HOLDER NAME*	
NAME OF SIGNER (print)	TITLE OF SIGNER
UST PERMIT HOLDER SIGNATURE	DATE SIGNED

C. UNDERGROUND STORAGE TANK OPERATOR CERTIFICATION

Certification: As the operator of the underground storage tank(s) at the facility identified above, I hereby certify that:

1. I am (or represent) the individual, partnership, corporation or LLC, association, trust or government agency that is in control of, or has responsibility for, day-to-day operation of the UST(s) at this facility.
2. I have received a copy of the UST permit issued by the local UPA, which is attached to this written agreement and incorporated herein by reference.
3. I have reviewed the provisions of California Health and Safety Code Section 25299 as detailed on page 2 of this agreement.
4. I understand that in order to be valid, this agreement must be signed by both the UST owner and the UST operator.
5. I understand that by signing this agreement, I become obligated to monitor the UST(s), maintain appropriate records, implement reporting procedures, and otherwise operate as required by the conditions of the permit.

UST OPERATOR NAME*	
NAME OF SIGNER (print)	TITLE OF SIGNER
UST OPERATOR SIGNATURE	DATE SIGNED

* Legal name of individual, partners, corporation, LLC, LP, or other entity that is the UST permit holder or UST operator.

California Health and Safety Code, Division 20, Chapter 6.7, Section 25299

- (a) An operator of an underground tank system shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) for each underground storage tank for each day of violation for any of the following violations:
- (1) Operating an underground tank system that has not been issued a permit, in violation of this chapter.
 - (2) Violation of an applicable requirement of the permit issued for the operation of the underground tank system.
 - (3) Failure to maintain records, as required by this chapter.
 - (4) Failure to report an unauthorized release, as required by Sections 25294 and 25295.
 - (5) Failure to properly close an underground tank system, as required by Section 25298.
 - (6) Violation of an applicable requirement of this chapter or any regulation adopted by the board pursuant to Section 25299.3.
 - (7) Failure to permit inspection or to perform a monitoring, testing, or reporting required pursuant to Section 25288 or 25289.
 - (8) Making a false statement, representation, or certification in an application, record, report, or other document submitted or required to be maintained pursuant to this chapter.
 - (9) Tampering with or otherwise disabling automatic leak detection devices or alarms.
- (b) An owner of an underground tank system shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) per day for each underground storage tank, for each day of violation, for any of the following violations:
- (1) Failure to obtain a permit as specified by this chapter.
 - (2) Failure to repair or upgrade an underground tank system in accordance with this chapter.
 - (3) Abandonment or improper closure of an underground tank system subject to this chapter.
 - (4) Violation of an applicable requirement of the permit issued for operation of the underground tank system.
 - (5) Violation of an applicable requirement of this chapter or a regulation adopted by the board pursuant to Section 25299.3.
 - (6) Failure to permit inspection or to perform a monitoring, testing, or reporting required pursuant to Section 25288 or 25289.
 - (7) Making a false statement, representation, or certification in an application, record, report, or other document submitted or required to be maintained pursuant to this chapter.
- (c) A person who intentionally fails to notify the board, the regional board, or the local agency when required to do so by this chapter or who submits false information in a permit application, amendment, or renewal, pursuant to Section 25286, is liable for a civil penalty of not more than five thousand dollars (\$5,000) for each underground storage tank for which notification is not given or false information is submitted.
- (d) (1) A person who violates a corrective action requirement established by, or issued pursuant to, Section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.
(2) A civil penalty under this subdivision may be imposed in a civil action under this chapter, or may be administratively imposed by the board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 of Division 7 of the Water Code.
- (e) A person who violates Section 25292.3 is liable for a civil penalty of not more than five thousand dollars (\$5,000) for each underground storage tank for each day of violation.
- (f) (1) A person who falsifies any monitoring records required by this chapter, or knowingly fails to report an unauthorized release, shall, upon conviction, be punished by a fine of not less than five thousand dollars (\$5,000) or more than ten thousand dollars (\$10,000), by imprisonment in the county jail for not to exceed one year, or by both that fine and imprisonment.
(2) A person who intentionally disables or tampers with an automatic leak detection system in a manner that would prevent the automatic leak detection system from detecting a leak or alerting the owner or operator of the leak, shall, upon conviction, be punished by a fine of not less than five thousand dollars (\$5,000) or more than ten thousand dollars (\$10,000), by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment.
- (g) In determining both the civil and criminal penalties imposed pursuant to this section, the board, a regional board, or the court, as the case may be, shall consider all relevant circumstances, including, but not limited to, the extent of harm or potential harm caused by the violation, the nature of the violation and the period of time over which it occurred, the frequency of past violations, and the corrective action, if any, taken by the person who holds the permit.
- (h) (1) A civil penalty or criminal fine imposed pursuant to this section for a separate violation shall be separate, and in addition to, any other civil penalty or criminal fine imposed pursuant to this section or any other provision of law, except that no civil penalty shall be recovered under subdivision (d) for violations for which a civil penalty is recovered pursuant to Section 13268 or 13350 of the Water Code. The penalty or fine shall be paid to the unified program agency, the participating agency, or the state, whichever is represented by the office of the city attorney, district attorney, or Attorney General bringing the action.
- (i) Paragraph (9) of subdivision (a) does not prohibit the owner or operator of an underground storage tank, or his or her designee, from maintaining, repairing, or replacing automatic leak detection devices or alarms associated with that tank.