

GUIDANCE FOR DESIGNATED UNDERGROUND STORAGE TANK OPERATORS

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

Authority Cited: California Health and Safety Code (HSC); Title 23 California Code of Regulations (23 CCR)

A. Scope

This document addresses requirements associated with Designated Underground Storage Tank (UST) Operators. For compliance purposes, refer to the actual text of the regulations since the wording in this document summarizes requirements. All Unidocs forms and documents are available at www.unidocs.org.

B. Definitions

“Designated Underground Storage Tank Operator” (aka Designated UST Operator, DO, DUSTO) means one or more individuals designated by the UST owner or operator to have responsibility for training facility employees and conducting visual inspections at a UST facility. A DUSTO is not considered the “operator” as defined in HSC §25281(j), although the same individual may fill both roles. [23 CCR §2611]

“Facility Employee” means an individual who is employed on-site at a UST facility, and who may be called upon to respond to spills, overfills, or other problems associated with the operation of the UST system. A facility employee is not considered the “operator” as defined in HSC §25281(j), although the same individual may fill both roles. [23 CCR §2611]

“Month” means calendar month. [23 CCR §2611]

“Operator” means any person in control of, or having daily responsibility for, the daily operation of a UST system. [HSC §25281(j)]

C. DUSTO Qualifications

DUSTOs must possess current certification issued by the International Code Council (ICC) indicating that the individual has passed the California UST System Operator exam. The individual must renew their ICC certification by passing the California UST System Operator exam every 24 months. [23 CCR §2715(b)]

D. DUSTO Training of Facility Employees

1. The DUSTO must train facility employees in the proper operation and maintenance of the UST system(s) at least once every 12 months. Initial training must be provided before an individual can perform the duties of a facility employee. [23 CCR §2715(c)]
2. The initial and refresher training must be conducted through a site-specific practical demonstration that provides both sharing information and evaluating knowledge for responding to emergencies, leak detection monitoring alarms, spills, and overfills associated with operating the UST system and must include, but is not limited to, the following: [23 CCR §2715(c)(1)]
 - Operation of the UST systems in a manner consistent with the facility's best management practices;
 - The facility employee's role with regard to monitoring equipment specified in the facility's UST Monitoring Plan(s);
 - The facility employee's role with regard to UST spills and overfills as specified in the facility's UST Response Plan; and

- The name(s) of contact person(s) for emergencies and UST monitoring equipment leak alarms.
- 3. The UST owner/operator must ensure that at least one employee with current UST training from the facility's DUSTO is onsite during all operating hours. [23 CCR §2715(c)(2)]
- 4. The owner/operator of a UST located at a facility that is not routinely staffed (e.g., unmanned cardlock motor vehicle fueling facility, remote communications site) must obtain approval from the local UST Program Unified Program Agency (UPA) for an employee training program which must be implemented by the DUSTO. [23 CCR §2715(c)(2)] *[Note: Per State Water Resources Control Board guidance, the written training program training "should be based on the spill, overflow, alarm, and emergency response procedures in place at the facility." It should include a brief description of who will be trained (i.e., job titles), what those positions' responsibilities are with respect to management of the UST systems – particularly how UST system leak alarms relayed from the site and unauthorized releases at the site will be handled - and a statement that training will be provided by a person identified as a DUSTO for the site where the UST is located.]*
- 5. Upon completion of training, the DUSTO must provide to the UST owner/operator a signed copy of the *Facility Employee Training Certificate* located in Appendix XII of the current edition of Title 23 California Code of Regulations (the Unidocs document number for the training certificate is UN-112). The certificates must be maintained on-site (or off-site at a readily accessible location, if approved by the local UPA), and provided to the UPA upon request. [23 CCR §2715(c)(4)]

E. DUSTO Visual Inspections

- 1. The UST owner/operator must ensure that all UST systems are visually inspected by a DUSTO at least once every 30 days. [23 CCR §2716(a)]
- 2. The DUSTO visual inspections must identify compliance issues which cause the UST system(s) to be out of compliance with California law and UST Regulations and include all of the following: [23 CCR §2716(b)]
 - Review of the previous *Designated Underground Storage Tank Operator Visual Inspection Report* to verify that each compliance issue identified in Section III of the report has a documented follow-up action in Section V;
 - Review of the release detection alarm history since the previous DUSTO inspection to verify that each alarm was documented and responded to appropriately; *[Note: Unidocs has an Underground Storage Tank System Leak Alarm Log (UN-102) that can be used to document alarms and follow-up actions.]*
 - Review of the UST system testing and maintenance records to verify that all required testing and maintenance has been completed;
 - Review of facility employee training records to verify that all facility employees have current training;
 - Inspection of each tank fill spill container for damage and for the presence of any hazardous substance, water, or debris;
 - Inspection of each tank fill pipe (drop tube) for obstructions;
 - Inspection of each fill cap to verify that it is securely on the fill pipe;
 - Inspection of under-dispenser containment (UDC) for damage and for the presence of any hazardous substance, water, or debris, and confirming that UDC monitoring equipment is located in the proper position to detect a release at the earliest possible opportunity; and

- Inspection of containment sumps that have had an alarm since the previous visual inspection and for which there is no record of a service technician visit. Inspect these sumps for damage and for the presence of any hazardous substance, water, or debris and check that the monitoring equipment is located in the proper position to detect a release at the earliest possible opportunity.
3. The results of DUSTO inspections must be recorded on the *Designated Underground Storage Tank Operator Visual Inspection Report* located in Appendix XIII of the current edition of Title 23 California Code of Regulations (the Unidocs document number for the inspection report is UN-111). The report must include, but is not limited to, all of the following: [23 CCR §2716(c)]
- A copy of documentation demonstrating corrective action taken by the UST owner/operator in response to each compliance issue identified in Section 3 of the previous DUSTO inspection report;
 - A list of each compliance issue identified in Section 3 of the previous DUSTO inspection report for which there is no record in Section 5 of corrective action taken by the UST owner/operator;
 - A copy of the alarm history since the previous DUSTO inspection;
 - A copy of documentation demonstrating action taken in response to each alarm since the previous DUSTO inspection;
 - A list of each alarm since the previous DUSTO inspection for which there is no documentation of the alarm and action taken in response to the alarm;
 - A list of each area inspected and whether each area inspected is acceptable or requires follow-up action; and
 - A list of the dates for all required testing and maintenance that has occurred. [Note: It is recommended that the DUSTO also track and document testing and inspection due dates since merely tracking prior dates can result in repeated violations if the activities are not performed on time.]¹
4. Within 48 hours of the completion of the DUSTO inspection, the DUSTO must sign and provide to the UST owner or operator a copy of the inspection report. [23 CCR §2716(d)]
5. Within 72 hours of being provided a signed copy of the *Designated Underground Storage Tank Operator Visual Inspection Report*, the UST owner/operator must provide in Section 5 of that copy of the inspection report a description of each follow-up action taken or to be taken for any compliance issues discovered during the inspection, and sign and date Section 6 of the report, acknowledging the results of the inspection. [23 CCR §2716(e)]
6. The UST owner/operator must maintain a copy of each *Designated Underground Storage Tank Operator Visual Inspection Report* and all attachments for 36 months from the date of inspection. These records must be maintained on-site (or off-site at a readily accessible location, if approved by the local UPA). [23 CCR §2716(f)]

¹ If periodic testing or inspections are done late, the next round of testing or inspections must be scheduled to reestablish the required testing or inspection frequency. For example, if every-12-month monitoring system certification testing was due in April, but was not done until June, next year's testing must be scheduled to occur in April, not 12 months from when it was last done.

F. Notification Requirements

Within 30 days of either of the following events, the UST owner/operator must complete and electronically submit via the California Environmental Reporting System (CERS) website or equivalent local UPA electronic reporting portal the *Designated Underground Storage Tank Operator Identification Form* specified in Appendix XI of the current edition of Title 23 California Code of Regulations (the Unidocs document number for the inspection report is UN-062):

- Installing a new UST system. [23 CCR §2715(a)(1)(B)]
- Any change of designated UST operator(s). [23 CCR §2715(a)(3)]

G. Changes Effective October 1, 2020

California UST Regulations changes effective October 1, 2020 impact DUSTO inspections as follows:

1. The *Designated Underground Storage Tank Operator Visual Inspection Report* form has been revised. On and after October 1, 2020, the new version of the form must be used to document inspections.
2. The new *Designated Underground Storage Tank Operator Visual Inspection Report* form has a general “Comments” section (Section 13) that can be used to communicate information that is not a compliance issue (e.g., advisories regarding upcoming testing deadlines, training performed, etc.). All compliance issues (i.e., violations of California UST Regulations) must be detailed in Section 3, not Section 13.
3. The deadline for the UST owner/operator to review and sign the *Underground Storage Tank Operator Visual Inspection Report* after receiving it from the DUSTO changes from 48 hours to 72 hours.
4. The UST owner/operator is now specifically required to review and sign the *Underground Storage Tank Operator Visual Inspection Report* within 72 hours of receipt even if no compliance issues have been identified by the DUSTO.