

**Designated Underground Storage Tank Operator
Requirements
California Code of Regulations, Title 23, Division 3, Chapter 16,
Sections 2715(a), (b), & (c) & 2716**

What is a designated underground storage tank operator?

A designated underground storage tank (UST) operator (DO) is a qualified individual identified by a UST owner or operator to have the responsibility for training facility employees, performing visual inspections of UST systems, and reviewing the UST system's testing, inspection, and maintenance records in accordance with California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), sections 2715(c) and 2716.

[References cited:¹ §§ 2611, def. of "Designated UST operator," 2715(c), & 2716.]

Who is eligible to perform the duties of a DO?

Individuals that possess a valid certification from the International Code Council (ICC) as a California UST System Operator are eligible to perform the duties of a DO. This certification requires renewal every 24 months through passing the ICC California UST System Operator exam.

[Reference cited: § 2715(b).]

UST Owner or Operator Identification of DOs

Is the UST owner or operator required to identify a DO for each UST facility owned or operated?

Yes. The UST owner or operator must identify at least one DO for each UST facility owned or operated. [Reference cited: § 2715(a).]

How does the UST owner or operator identify the DO?

The UST owner or operator identifies the DO for a UST facility by submitting the DO's name, ICC California UST System Operator certification number, and contact information to the Unified Program Agency (UPA) through the California Environmental Reporting System (CERS) or a local reporting portal. On and after October 1, 2018, UST owners or operators identifying a DO, must complete and

submit to the UPA through CERS, or a local reporting portal, the *Underground Storage Tank Designated Underground Storage Tank Operator Identification Form* located in the UST Regulations, Appendix XI. [References cited: §§ 2715(a)(1)(B) & (a)(3).]

¹ All "References cited" are located in California Code of Regulations, title 23, division 3, chapter 16 unless specified otherwise.

When is the UST owner or operator required to identify through CERS, or a local reporting portal, the DO for a UST facility?

The UST owner or operator must identify through CERS, or a local reporting portal, the DO for a UST facility within 30 days of: 1) installing a UST system at a new UST facility; or 2) a change in individuals previously identified as a DO for the UST facility. Information identifying a DO for a UST facility is required with every CERS or a local reporting portal, UST submittal.

[References cited: §§ 2715(a)(1)(B) & (a)(3).]

Performing DO Inspections

What is the purpose of performing DO inspections?

Inspections of UST systems by a DO identify conditions which result in UST system not complying with the UST Regulations and Health and Safety Code, division 20, chapter 6.7 (UST Statutes). The inspection is intended to identify regulatory compliance issues that need action in order to decrease the chance of a potential spill or release and ultimately returns the UST system to compliance.

[Reference cited: § 2716(b).]

When are DO inspections required to be performed?

Inspections performed by the DO must be performed at least once every 30 days. The DO may perform an inspection early; however, the following inspection must be performed within the next 30 days.

[Reference cited: § 2716(a).]

What does the DO inspection include?

Inspections performed by a DO must include: 1) a visual inspection of each UST system located at the UST facility, 2) a review of the UST systems' records, 3) the recording of the inspection results, and 4) providing the inspection results to the UST owner or operator. A detailed accounting of each item listed above is included below.

Visual Inspection of the UST System: The visual inspection of UST systems identifies compliance issues associated with spill containers, under-dispenser containment (UDCs), fill pipes, and containment sumps. The visual inspection must include inspecting spill containers and UDCs for damage and for the presence of hazardous substance, water, or debris. The inspection of UDCs must also verify the release detection equipment is in the proper location and position to detect a release at the earliest possible opportunity. The fill pipe must be inspected to ensure that there are no obstructions inside the pipe and that the fill pipe is equipped with a cap that fits securely by latching onto the fill pipe. Containment sumps must be inspected when the release detection equipment located within the containment sump has had a release detection system alarm since the previous DO inspection and there is no record of a service technician's actions responding to the release detection system alarm; including when the containment sump release detection equipment is no longer in alarm. When

containment sump inspections are required, the inspection must include inspecting for damage and for the presence of hazardous substance, water, or debris. The containment sump inspection also must verify the release detection equipment is in the proper location and position to detect a release at the earliest possible opportunity.

Review of the UST Systems' Records: The DO must review the results of the previous DO inspection to identify compliance issues identified during the previous DO inspection that have not yet been responded to appropriately. The DO must review the UST systems' release detection system alarm history since the previous DO inspection to verify that each release detection system alarm condition, such as the presence of water or hazardous substance, has been identified and responded to appropriately. The DO must review the latest records of the UST systems' required testing, inspection, and maintenance to verify each has been completed in accordance with the timeframe specified in the UST Regulations. The DO must review facility employee training records to verify that facility employees have been trained within the last 12 months.

Record of the Inspection Results: The DO must record the results of the inspection on the *Designated Underground Storage Tank Operator Visual Inspection Report* located in the UST Regulations, Appendix XIII.

Providing the Inspection Results to the UST Owner or Operator: The DO must provide a copy of the *Designated Underground Storage Tank Operator Visual Inspection Report* to the UST owner or operator within 48 hours of completing the DO inspection.

[References cited: §§ 2716(b) & (c).]

Why is the DO required to inspect a containment sump that has had a release detection system alarm since the previous inspection, with no record of a service technician action, and is no longer in alarm?

While the release detection equipment located within the containment sump may no longer be in alarm, without a record of a service technician's action, the DO cannot verify that the release detection system alarm condition has been responded to appropriately. For example, damage to the primary or secondary containment can lead to the presence of liquid in the containment sump causing a release detection system alarm. The release detection system alarm can be stopped by an individual removing the liquid from the containment sump or inappropriately positioning the release detection equipment in a location where it can no longer detect the liquid. However, while those actions may stop the release detection system alarm, the condition leading to the presence of liquid in the containment sump has not been identified and recorded.

[References cited: §§ 2716(b)(2) & (b)(9).]

How does the DO identify compliance issues identified during the previous DO inspection that have not been responded to appropriately?

The DO identifies compliance issues identified during the previous DO inspection that have not been responded to appropriately by comparing the compliance issues identified on the previous *Designated Underground Storage Tank Operator Visual Inspection Report* with associated documentation demonstrating actions taken to respond to the compliance issues appropriately. (e.g., service technician report, UST facility generated activities report, liquid removal log, etc.) Compliance issues identified during the previous DO inspection for which no documentation exists demonstrating an appropriate response to the compliance issues must be identified in subsequent DO reports requiring an appropriate response or must be verified as responded to appropriately through visual observation. When compliance issues are verified as responded to appropriately through visual observation, the DO must record on the *Designated Underground Storage Tank Operator Visual Inspection Report* that the UST owner or operator must maintain future documentation demonstrating an appropriate response to the compliance issues.

[Reference cited: § 2716(c)(1).]

What alarms are release detection system alarms?

Release detection system alarms are alarms from release detection equipment used to determine if the stored hazardous substance has escaped the primary containment.

[Reference cited: § 2611, def. of “Release detection system.”]

What does it mean for a release detection system alarm to be responded to appropriately?

A release detection system alarm is responded to appropriately when the response addresses the release detection system alarm condition such that the action returns the release detection system to a proper operating condition.

[Reference cited: § 2716(b)(2).]

Why does the DO have to provide a copy of the *Designated Underground Storage Tank Operator Visual Inspection Report* within 48 hours of completing the DO inspection?

The DO providing a copy of the *Designated Underground Storage Tank Operator Visual Inspection Report* alerts the UST owner or operator of the site conditions that require the UST owner and operator to take action to return the UST system to compliance. Up to 48 hours is provided for the DO to complete the *Designated Underground Storage Tank Operator Visual Inspection Report* and provide a copy to the UST owner or operator, so action can be taken to return the UST system to compliance reducing the number of days the UST system is out of compliance.

[Reference cited: § 2716(d).]

Documenting DO Inspections

How are the results of DO inspections documented?

Results of DO inspections are documented by the DO and the UST owner or operator completing the *Designated Underground Storage Tank Operator Visual Inspection Report* located in the UST Regulations, Appendix XIII. The DO must complete sections 1, 2, 3, 4, 7, 8, 9, 10 and 11 of the report and attach to the report the following:

1) documentation demonstrating action taken in response to compliance issues identified during the previous DO inspection; 2) a copy of the release detection system alarm history since the previous DO inspection; and 3) documentation demonstrating the response to each release detection system alarm since the previous DO inspection. The UST owner or operator must complete sections 5 and 6 of the report. Each section of the report is described in more detail below.

Section 1 requires the DO to identify the UST facility information where the DO inspection was performed and provide the date the inspection was performed.

Section 2 requires the DO that performed the inspection to provide information demonstrating they possess an ICC California UST System Operator certification at the time the DO inspection.

Section 3 requires the DO to record compliance issues identified during the current DO inspection and any compliance issues identified during previous DO inspections that have not been responded to appropriately. The DO must number each compliance issue.

Section 4 requires the DO performing the visual inspection to provide a signature certifying that the information contained in the report is accurate and to identify the date the inspection report was provided to the UST owner or operator.

Section 5 requires the UST owner or operator to review section III and provide a description of actions taken, or to be taken, to respond appropriately to each compliance issue identified. The description of actions taken, or to be taken, to respond by number to each compliance issue must be provided within 72 hours of receiving a copy of the *Designated Underground Storage Tank Operator Visual Inspection Report* from the DO. If there are no compliance issues identified in section III, then the UST owner or operator is not required to provide any description in this section.

Section 6 requires the UST owner or operator to acknowledge the results of the DO inspection by signing and dating the report within 72 hours of receiving a copy of the *Designated Underground Storage Tank Operator Visual Inspection Report* from the DO. The UST owner or operator must sign and date the report even if no compliance issues were identified and recorded in section III of the report.

Section 7 requires the DO to indicate if the compliance issues identified during the previous DO inspection have been responded to appropriately. If there were no compliance issues identified during the previous inspection, select the "NA" box.

Section 8 requires the DO to indicate if the release detection system is operating and if the release detection system alarms since the previous DO inspection have been responded to appropriately. In addition, this section requires the DO to indicate if

containment sump release detection system alarms have been responded to by a service technician. If there were no alarms identified since the previous inspection, select the “NA” boxes.

Section 9 requires the DO to identify each area of the UST system visually inspected and indicate the results of the inspection.

Section 10 requires the DO to indicate if the required UST system tests, inspections, and maintenance is completed and provide the dates for when the last time each were performed.

Section 11 requires the DO to indicate if the facility employee training is completed.

Section 13 provides the DO an option to record comments or observation that are not current compliance issues.

[References cited: §§ 2716(c), (d), & (e); Appendix XIII.]

Does the UST owner or operator always have to provide a signature in section 6 of the *Designated Underground Storage Tank Operator Visual Inspection Report*?

Yes. The UST owner or operator must sign the *Designated Underground Storage Tank Operator Visual Inspection Report* to demonstrate acknowledgment of the results of the DO inspection.

[Reference cited: § 2716(e).]

Who can provide the description in section 5 of the *Designated Underground Storage Tank Operator Visual Inspection Report* of the action taken or to be taken to respond appropriately to compliance issues identified and recorded in section 3 of the report and provide a signature in section 6 of the report?

The UST owner or operator must provide the description in section 5 of the *Designated Underground Storage Tank Operator Visual Inspection Report* of the action taken or to be taken to respond appropriately to compliance issues identified and recorded in section 3 of the report and provide a signature in section 6 of the report. The terms “owner” and “operator” are defined in UST Statutes and UST Regulations, respectively. “Owner” means the owner of a UST. “Operator” means any person in control of, or having responsibility for, the daily operation of a UST system.

[References cited: UST Statutes, §§ 25281(j) & (k); §§ 2611, def. of “Operator,” & 2716(e).]

Why does the UST owner or operator have to sign and date the *Designated Underground Storage Tank Operator Visual Inspection Report*?

Requiring the UST owner or operator to sign and date the *Designated Underground Storage Tank Operator Visual Inspection Report* ensures that the UST owner or operator acknowledges the results of the DO inspection.

[Reference cited: § 2716(e).]

What if the UST facility has more UST components or compliance issues than the *Designated Underground Storage Tank Operator Visual Inspection Report* accommodates?

If the UST facility has more UST components or compliance issues than the *Designated Underground Storage Tank Operator Visual Inspection Report* accommodates, then the DO must use additional copies of the *Designated Underground Storage Tank Operator Visual Inspection Report* to provide the complete results of the DO inspection.

[Reference cited: Appendix XIII.]

Is the *Designated Underground Storage Tank Operator Visual Inspection Report* required to be submitted to the UPA?

No. The UST owner or operator must maintain copies of the *Designated Underground Storage Tank Operator Visual Inspection Report* on-site, or if approved by the UPA, off-site at a readily accessible location.

[Reference cited: § 2716(f).]

How long must the inspection results for DO inspections be maintained?

Inspection results for DO inspections performed on and after October 1, 2018, copies of the must be maintained for 36 months.

[Reference cited: § 2716(f).]

Facility Employee Training

What is a facility employee?

A facility employee is an individual on-site during operating hours who has the responsibility to respond to spills, overfills, or other problems associated with the operation of the UST system. The individual must be trained by a DO before assuming the duties of a facility employee. At least one facility employee must be present during operating hours. For UST facilities that are not routinely staffed, the DO must implement a facility employee training program that takes in consideration the frequency the site is staffed and must be approved by the UPA.

[References cited: §§ 2611, def. of “Facility employee,” 2715(c)(1), & (c)(2).]

When is facility employee training required?

Facility employee training is required before the employee assumes the duties of a facility employee. In addition, facility employees must be retrained at least once every 12 months.

[Reference cited: § 2715(c).]

How must facility employee training be performed?

All facility employee training, including retraining, must be site-specific and train the individual in: 1) the operation of the UST system in a manner consistent with the UST

facility's best management practices; 2) the individual's role with regard to the release detection system as specified in the facility's UST monitoring plan; 3) the individual's role with regard to spills and overfills as specified in the facility's UST response plan; and 4) contacting the appropriate individuals for emergencies and release detection system alarms.

The initial training of a facility employee at a specific site must include a practical demonstration. The practical demonstration must provide both sharing information and evaluating knowledge for responding to site-specific emergencies, release detection system alarms, spills, and overfills associated with operating the UST system. Some examples include, but are not limited to, demonstrating where the absorbent is stored and how to apply it, where a telephone and emergency contact numbers are located, and how to respond to release detection system alarms.

[Reference cited: § 2715(c)(1).]

How is facility employee training documented?

Facility employee training must be documented by using *Facility Employee Training Certificate*. The *Facility Employee Training Certificate* identifies: 1) the UST facility information for the site-specific training; 2) the name, contact information, ICC certification number, and ICC certification expiration date of the DO performing the training; and 3) the names, initial training dates, and dates of assuming the responsibilities of a facility employee of individuals trained. The DO providing training must sign and date the *Facility Employee Training Certificate* certifying that the individuals identified on the certificate have been trained in accordance with section 2715(c). For facility employees trained or retrained before October 1, 2018, the UST owner or operator must maintain a list of these facility employees until each individual on the list either: 1) is retrained and identified on a *Facility Employee Training Certificate*; or 2) no longer assumes the duties of a facility employee.

[References cited: §§ 2715(c)(3) & (c)(4); Appendix XII.]

Is the *Facility Employee Training Certificate* required to be submitted to the UPA?

No. UST owners and operators are required to maintain *Facility Employee Training Certificates* on-site or, if approved by the UPA, off-site at a readily accessible location.

[Reference cited: § 2715(c)(4).]

How long must the *Facility Employee Training Certificate* be maintained?

Each *Facility Employee Training Certificate* must be maintained until either: 1) each individual identified on the *Facility Employee Training Certificate* is retrained and identified on a new *Facility Employee Training Certificate* or no longer carries out the duties of a facility employee; or 2) more than 12 months has passed since the date provided in section 4 of the *Facility Employee Training Certificate*.

[References cited: §§ 2715(c)(3) & (c)(4); Appendix XII.]

Is it required that the DO performing DO inspections for a UST facility also provide the facility employee training?

No. Facility employee training may be provided by any DO listed on the *Designated Underground Storage Tank Operator Identification Form* uploaded to CERS or a local reporting portal.

[Reference cited: § 2715(c).]

If there are further questions regarding the designated operator requirements please contact [UST Leak Prevention Unit staff](#).
(https://www.waterboards.ca.gov/water_issues/programs/ust/contacts/ust_staff.shtml)

Documents with Superseded Content:

Designated Underground Storage Tank Operator Requirements, v1.0 July 2019

All Underground Storage Tank Facilities Must Have a “Designated UST Operator” by January 1, 2005, Undated Flyer

Summary of Facility Employee Training Requirements for Underground Storage Tank Professionals, Undated Flyer

UST Owner & Designated UST Operator Outreach Sessions, September 2004 PowerPoint