

Unified Program Newsletter – July 2026

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State Water Board

New Requirements for Facilities Not Routinely Staffed

Many Underground Storage Tank (UST) facilities are not staffed during all operating hours (e.g., card lock or fleet motor vehicle fueling facilities). Effective July 1, 2026, California Code of Regulations, title 23, chapter 16 (Title 23), section 2652(a)(1)(C) requires that – except for emergency tank systems – pressurized piping connected to a UST at such a facility be monitored by continuous interstitial release detection equipment programmed for shut off of the pump when it detects a release from the piping or the release detection system malfunctions (fail safe).

A facility is routinely staffed if there is at least one facility employee on site to respond to release detection alarms and releases during all operating hours with current site-specific training from the facility's designated UST operator as required by Title 23, section 2631. Regardless of a facility's business hours, "operating hours" means any time hazardous substance is transferred into or out of a UST (e.g., filling the tank, dispensing, or otherwise circulating liquid hazardous substance through the connected piping).

State Water Resources Control Board (State Water Board) staff have received questions regarding whether remote monitoring satisfies the routinely staffed requirement. Remote monitoring does not satisfy this requirement. Remote monitoring may be used by facilities that are routinely staffed, as well as by facilities that are not routinely staffed. The on-site presence of one or more trained facility employees, not the use of remote monitoring, determines the need for configuring monitoring of pressurized

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pipings per Title 23, section 2652(a)(1)(C). Therefore, on and after July 1, 2026, stand-alone sensors cannot be used at facilities that are not routinely staffed since they stop flow at the dispenser by engaging the shear valve or cutting power to the dispenser, but do not shut down the pressure pump as required.

When performing an inspection, Unified Program Agency (UPA) inspectors must verify that pressurized piping at facilities that are not routinely staffed is equipped with release detection equipment that is fail safe and provides positive shut-off. If a facility is not in compliance with section 2652(a)(1)(C), the UPA inspector should, at a minimum, cite UST Program Violation 2031004 and apply appropriate progressive enforcement until the owner or operator returns to compliance.

For additional information on unstaffed facilities, contact Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

UST Certification of Installation/Modification in CERS

State Water Board staff have recently received several questions regarding the "UST Certification of Installation/Modification" submittal element in the California Environmental Reporting System (CERS). Specifically, what should the UPA require from the UST owner or operator submittal. Owners or operators must submit the "UST Certification of Installation/Modification" within 30 days of the installation inspection (See Title 23, section 2642(g)).

The "UST Certification of Installation/Modification" is required for any installation performed on a UST or piping. This includes the tank, primary and secondary piping, and secondary containment components (e.g., sumps, under-dispenser containment). If the component being installed does not meet the definition of "underground storage tank" in H&SC, section 25281(y)(1), the submittal is not required.

The definition of "piping" differs between Type 1 and Type 2/Type 3 USTs. For example, replacement of vent or vapor recovery piping for a Type 1 UST may not require the "UST Certification of Installation/Modification" if it meets the piping exclusion in H&SC, section 25281.5(b)(1). Before requiring the owner or operator to submit the "UST Certification of Installation/Modification," the UPA must consider whether the component(s) being installed meets the UST definition in H&SC, section 25281(y)(1).

For additional information regarding the UST Certification of Installation/Modification submittal element in CERS, contact Michelle Suh at (916) 323-0878 or Michelle.Suh@waterboards.ca.gov.

Report 6 Due September 1, 2026

The State Water Board recently distributed the Report 6 forms and instructions to all UPAs for the reporting period of January 1 through June 30, 2026. UPAs must submit the completed Report 6 no later than September 1, 2026.

If inaccurate Report 6 data is submitted, it will be returned to the UPA for correction. Corrected Report 6 submissions must also be received by the September 1, 2026, deadline to avoid being late.

Beginning with this reporting period, Temporary Closures must be reported whenever a UST is identified as being in Temporary Closure at any time during the reporting window. This supersedes the prior requirement to report only those determined to be in Temporary Closure at the close of the reporting period.

For more information regarding Report 6 requirements, contact Magnolia Busse at (916) 341-5870 or Magnolia.Busse@waterboards.ca.gov.

CERS FAQ Website

The State Water Board staff have begun updating the [CERS Business User FAQs Website](https://www.waterboards.ca.gov/water_issues/programs/ust/cers/) (https://www.waterboards.ca.gov/water_issues/programs/ust/cers/) to align with the amended Title 23. The following FAQs have been updated along with their associated citations:

Should a permanently closed UST be included in future submittals?

Permanent UST closure requirements, including timelines, have been added.

Are hard copies of UST documents required to be kept on site?

The hard copy requirements have been updated, and the turn-around time for hard copy requests has been added.

For more information regarding CERS FAQs, please contact Stephanie Duong at (916) 322-8544 or Stephanie.Duong@waterboards.ca.gov.

Permanent Closure Requirements for Underground Storage Tanks with Single-Walled Components Webpage

The State Water Board has modified the [Single-Walled UST Webpage](https://www.waterboards.ca.gov/ust/single_walled.html) (https://www.waterboards.ca.gov/ust/single_walled.html) to align with the amended Title 23. All future single-walled UST updates will be addressed on the new [Office of Enforcement website, Permanent Closure Requirements for Single-Walled USTs](https://www.waterboards.ca.gov/water_issues/programs/ust/enforcement/swust.html) (https://www.waterboards.ca.gov/water_issues/programs/ust/enforcement/swust.html)

For more information regarding single-walled UST closure and/or enforcement, please contact Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

DTSC

2025 National Biennial Hazardous Waste Report Cycle Open!

The 2025 National Biennial Hazardous Waste Report (Biennial Report, or BR) cycle opened on January 2, 2026, and was due March 1, 2026. Even though the report is now past due, we are still accepting late submissions. The BR is completed through U.S. EPA's [RCRAInfo](https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login) System (<https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login>). Sites are required to file the 2025 BR if in any one month during 2025, they met any of the following conditions:

- Generated more than 2,200 pounds of RCRA non-acute hazardous waste OR
- Generated or accumulated more than 2.2 pounds of RCRA acute hazardous waste OR

- Generated or accumulated greater than 220 pounds of spill cleanup materials contaminated with RCRA acute hazardous waste OR
- Treated, stored, or disposed of RCRA hazardous waste on-site.

The Department of Toxic Substances Control has sent past due email notices to sites whose records show have met the reporting requirements to inform them to file if they have not submitted their report yet. If you receive any questions regarding the Biennial Report, refer them to the resources below.

Website: <https://dtsc.ca.gov/biennial-reports-information/>

Guide: <https://dtsc.ca.gov/wp-content/uploads/sites/31/2025/12/2025-Biennial-Report-Quick-Guide.pdf>

Email: brsstaff@dtsc.ca.gov

Toll-free Number: 1-877-454-4012, Monday to Friday from 9 a.m. – 2 p.m. Pacific Time

Cal FIRE OSFM

Storage Tanks Excluded from Aboveground Petroleum Storage Act (APSA)

The following storage tanks or containers are excluded from the definition of an aboveground storage tank (AST), as described in Health and Safety Code (HSC), Section 25270.2 (a)(1) through (a)(8):

- A pressure vessel or boiler that is subject to Part 6 of Division 5 of the California Labor Code.
 - A database of pressure vessels registered with the California Division of Occupational Safety and Health (Cal/OSHA) is available on their website at <https://www.dir.ca.gov/databases/dosh-pv/dosh-pv.html>.
- A hazardous waste tank for which the owner or operator was issued a hazardous waste facilities permit by the California Department of Toxic Substances Control (DTSC), or a permit by rule authorization from the Unified Program Agency (UPA).
- An oil production tank that is subject to Section 3106 of the California Public Resources Code.
 - Refer to the Memorandum of Agreement (MOA) between OSFM and the California Geologic Energy Management Division (CalGEM) for clarification on the jurisdiction at oil production facilities. The MOA is available on the OSFM website at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>.
- Oil-filled electrical equipment (transformers, etc.) that meets either of the following conditions:
 - The equipment contains less than 10,000 gallons of dielectric fluid.
 - The equipment contains 10,000 gallons or more of dielectric fluid with PCB (polychlorinated biphenyls) levels less than 50 parts per million, and

appropriate containment or diversionary structures or equipment are employed to prevent discharged oil from reaching a navigable water course, and the electrical equipment is visually inspected in accordance with the usual routine maintenance procedures of the owner or operator.

- An underground storage tank regulated under HSC Chapter 6.7 and the California Code of Regulations (CCR), Title 23, Division 3, Chapter 16.
- A tank subject to the authority and control of the U.S. Department of Transportation (US DOT) at a transportation-related tank facility.
- A tank located on and operated by a farm that is exempt from SPCC rule requirements pursuant to 40 CFR Part 112.
 - Visit the following webpage for more information on farms:
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/farms>.
- A tank in an underground area (TIUGA) that has the capacity to store less than 55 gallons of petroleum, has secondary containment, and is inspected monthly.

Underwriters Laboratories (UL) 142 vs UL 2085

The two most common shop-fabricated AST systems storing flammable or combustible liquids, such as APSA regulated petroleum products, are listed to UL 142 or UL 2085.

To understand the difference between these two standards, visit the following websites:

- UL Solutions website:
<https://www.ul.com/thecodeauthority/knowledgecenter/aboveground-flammable-liquid-tanks-compliance-ul-142-ul-2080-and-ul-2085>
- Steel Tank Institute/Steel Plate Fabricators Association (STI/SPFA) website:
<https://stispfa.org/resource/ul-142-vs-ul-2085-aboveground-storage-tanks/>

Contact the local authority having jurisdiction and CUPA before making any changes to any existing AST or installing new AST.

Security of Fuel Tank Systems

With fuel prices remaining high, owners and operators should take extra precautions to secure their fuel AST systems against theft. Elevated fuel costs often lead to increased theft incidents. Common access points for vandals include fill caps, fill ports, and any other locations where equipment can be opened, unscrewed, or otherwise manipulated to drain or siphon product. Fuel theft-related vandalism frequently results in accidental fuel releases, creating both environmental and financial risks.

Owners and operators are required to ensure that access to all oil-handling, processing, and storage areas are secured and controlled. This includes securing master flow and drain valves; preventing unauthorized access to starter controls for oil pumps; securing out-of-service and loading/unloading pipeline connections; and evaluating the adequacy of security lighting to help deter vandalism and aid in identifying any oil discharges. These requirements are outlined in HSC Section 25270.4.5(a), which references Code of Federal Regulations, Title 40, Section 112.7(g).

Webinars

Steel Tank Institute/Steel Plate Fabricators Association (STI/SPFA) regularly provides free webinars. Below is a list of a few upcoming webinars:

- Field erected tank construction – July 16, 2026
- Advanced cathodic protection – July 23, 2026
- American Petroleum Institute (API) 653 tank inspections – August 13, 2026

For more information, visit their website at <https://stispfa.org/education/webinars/>.

References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: cupa@calepa.ca.gov.

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