



# SANTA BARBARA COUNTY CERTIFIED UNIFIED PROGRAM AGENCY

☑ 225 Camino del Remedio, Santa Barbara, CA 93110 | (805) 681-4900 | Fax (805) 681-4901  
☐ 2125 S. Centerpointe Pkwy., Rm 333, Santa Maria, CA 93455 | (805) 346-8460 | Fax (805) 346-8485

## DOUBLE-WALLED UNDERGROUND STORAGE TANK INSPECTION REPORT

### NOTICE TO COMPLY / NOTICE OF VIOLATION

Facility Name: Toro Canyon Date: 10/9/2020 Inspected By: Nicholas Coria  
 Site Address: 1073 Toro Canyon Road CERS ID: 10852135 ICC #: 8274210  
 City: Summerland Specialist Signature: \_\_\_\_\_  
 Facility Contact/Consent Given By: Cathleen Garnand Title: Manager Project Clean Water - Public Works For:  Photos  Sampling  Document Review

The following Code sections are either in violation (Class 1, Class 2, Minor) of, or, in compliance (C) with the Underground Storage Tank laws and regulations as codified in Cal. H&SC, Ch. 6.7 and Cal. Code of Regulations, Title 23, or compliance is not applicable, not addressed, or unknown (N).

| Designated UST Operator - Name: <u>None - in violation</u> ICC#: _____ Expires: _____ |   | Contractor trained? - Name: _____ ICC#: _____ Expires: _____ |   | Class A, C10, C34, C36 or C61, or tank tester license? |   |   |   |   |   |   |   |   |   |   |   |   |  |
|---|---|--|---|--|---|---|---|---|---|---|---|---|---|---|---|---|--|
| Monitoring System Panel Manufacturer Name: _____                                      |   | Version/Model #: <u>unknown</u>                              |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| Monitoring System Training Verification: _____  |   | Expires: _____   |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| Other Applicable Certifications: _____  |   | Expires: _____   |   | Other Applicable Certifications: _____ Expires: _____  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| Last SB989 Test Done: <u>2/19/2009</u> Passed? <u>No</u>                              |   | Tank ID: _____   |   | Tank ID: _____   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| Next SB989 Test Due: <u>2/19/2012 - in violation</u>                                  |   | Contents: <u>Crude oil</u>                                   |   | Tank ID: _____   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| Tank System BOE #: <u>none</u>  |   | Install Date: <u>8/1997</u>                                  |   | Tank ID: _____   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| Other Note: <u>Last monitoring system certification done in 2010</u>                  |   | Size: <u>6,000</u>   |   | Tank ID: _____   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| V#  | REQUIREMENTS  | 1  | C | N  | 1 | C | N | 1 | C | N | 1 | C | N | 1 | C | N |  |
|   |   | 2  |   |  | 2 |   |   | 2 |   |   | 2 |   |   | 2 |   |   |  |
| <b>FILE RECORDS</b>   |   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| <b>H001</b>   | Facility has a valid Permit to Operate from the CUPA. HSC 6.7 25284; 23 CCR 2711(d) (2030021)   | 2  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H068  | Owner/Operator retained a readily accessible paper or electronic copy of the permit to operate. 23 CCR 2712(i) (2030078)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| <b>H002</b>   | Complete and accurate UST Operating Permit Application has been submitted to CERS. 23 CCR 2711; HSC 6.7 25284, 25286 (2010010)  | 2  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H003  | Facility has an approved Monitoring Plan on CERS. 23 CCR 2632(d)(1), 2634(d), 2641(h) (2010013)   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H005  | Current facility plot plan maintained and submitted to CERS. 23 CCR 2632(d)(1)(C), 2641(h), 2711(a)(8)(2030041)   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| <b>H022</b>   | As-built plans for new installations or with the permit application have been submitted. 23 CCR 2635(e)(8)  | 2  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H071  | Failure to have current UST Monitoring Plan readily available at the facility. 23 CCR 16 2712(i)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H054  | Submitted/maintained current Certificate of Financial Responsibility/mechanism of financial assurance. 23 CCR 2711(a)(11); 23 CCR 2808.1, 2809-2809.2; HSC 6.7 25292.2(a); HSC 6.75 25299.30 25299.34               |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H004  | Facility has an approved UST Response Plan on CERS. 23 CCR 2632(d)(2), 2634(e), 2641(h)   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H070  | Current UST Response Plan submitted available for the facility. 23 CCR 2712(i), 2632(d)(2), 2634(e), 2641(h)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H072  | Facility has a current written owner/operator agreement. 23 CCR 2620(b); HSC 6.7 25284(a)(3)(A) & (B)   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H007  | Owner/Operator has a DO and/or informed the CUPA of any change(s) within 30 days. 23 CCR 2715(a)(1)(B)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H056  | The owner/operator has failed to maintain a copy of the designated operator monthly inspections for the last 12 months on site or off site at a readily available location, if approved by the CUPA. 23 CCR 2716(f) |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| <b>H057</b>   | DO conducted the monthly inspection, reports are complete and all employees have been trained in accordance with 23 CCR 2716 (a) through (e)  | 2  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H058  | List of employees trained by the DO properly maintained. 23 CCR 2715(c)(3), (c)(4)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H077  | Owner/Operator received approval and has implemented a training program at an unstaffed facility. 23 CCR 2715(c)(2)   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H060  | UST records of monitoring, testing, repairing, and closure maintained. HSC 6.7 25293  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H061  | At least one employee is present during operating hours that has received DO training. 23 CCR 2715(c)(2)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H062  | Records of release detection and appropriate follow-up actions are maintained. 23 CCR 2712(b)(1) & (2)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H064  | Monitoring, maintenance, repairs, linings, and upgrade records maintained for life of UST. 23 CCR 2712(b)(6)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H006  | Owner/Operator has not made false statements, certifications, or representations on documents. HSC 6.7 25299(a)(8) and/or 25299(b)(7)   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H075  | Any unauthorized release from the primary containment recorded. 23 CCR 2651; HSC 6.7 25294  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H044  | Records of cathodic protection systems testing maintained. 23 CCR 2635(a)(2), 2636(b), 2662(c)(1), 2712(b)(3)   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| <b>TESTING</b>  |   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| <b>H008</b>   | Leak detection equipment tested by qualified service technician annually. 23 CCR 2638(a) & (b), 2641(i), 2715(f)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H009  | Annual Monitoring System Certification Form to the CUPA within 30 days of completion of the test. 23 CCR 2638(c) & (d)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| <b>H010</b>   | Secondary containment testing conducted by qualified person every 36 months. 23 CCR 2637; 2712(b)(1)(F)   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H011  | Secondary containment test results submitted to the CUPA within 30 days after the test. 23 CCR 2637(e) & (f)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H051  | Spill bucket tested annually. HSC 6.7 25284.2   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H020  | CUPA was notified within 48 hours prior to testing. 23 CCR 2637(g), 2637.1(f), 2637.2(f), 2638(e), 2643(g), 2644.1(a)(4)  |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| <b>GENERAL MONITORING</b>   |   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |
| H023  | Leak detection system maintains continuous monitoring that activates an audible/visual alarm. 23 CCR 2632(c)(2)(B), 2634(d)(1)(a), 2636(f)(1)   |  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |  |



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| V#  | REQUIREMENTS   | Crude Oil   |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
|---|--|-------------|---|---|-------------|---|---|-------------|---|---|-------------|---|---|-------------|---|---|--|
|   |  | Tank ID: 1  |   |   | Tank ID:    |   |   | Tank ID:    |   |   | Tank ID:    |   |   | Tank ID:    |   |   |  |
|   |  | 1<br>2<br>M | C | N | 1<br>2<br>M | C | N | 1<br>2<br>M | C | N | 1<br>2<br>M | C | N | 1<br>2<br>M | C | N |  |
| H024  | Annular space of USTs are continuously monitored with an audible and visual alarm system 23 CCR 2631(g), 2632(c)(2)(A) & (B)   |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H025  | Leak detection equipment properly installed, calibrated, operated, and maintained. 23 CCR 2638(a), 2641(f)   | 2           |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H029  | Tag/sticker affixed on monitoring equipment being certified, repaired/replaced. 23 CCR 2638(f), 2641(j)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H031  | UST system constructed with a monitoring system capable of detecting entry of a hazardous substance into secondary containment. HSC 6.7 25291(b)   | 2           |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H032  | Leak detection equipment is located so that leak is detected at the earliest possible opportunity. 23 CCR 2630(d), 2641(a)   |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H036  | Leak detection equipment has not been tampered with or disabled. HSC 6.7 25299(a)(9)   |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H037  | System has a monitoring system capable of detecting entry of a hazardous substance, or water, into secondary containment: July 1, '03 – July 1, '04 systems. HSC 6.7 25290.2(d)          |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H039  | Line Leak Detection (LLD) installed on pressurized piping system. 23 CCR 2636(f)(2); 2636(f)(5)(B); 2643(c)(1); 2666(f); HSC 6.7 25290.1(h), 25290.2(g), 25291(f), 25292(e)              |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H041  | Interstitial space of the UST is under constant VPH monitoring. HSC 6.7 25290.1(e)   |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H042  | VPH system has a monitoring system that can detect entry of a hazardous substance in either liquid/vapor phase, or water, into secondary containment. HSC 6.7 25290.1(d)                 |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H085  | Tank system primary containment is constructed, operated, and maintained product-tight. 23 CCR 2631(a); HSC 6.7 25290.1(c)(1), 25290.2(c)(1), 25291(a)(1)                                | 2           |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H088  | Striker plate installed and positioned correctly. 23 CCR 2631(c), 2662(d)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H089  | Primary and secondary containment designed and constructed to an engineering specification. 23 CCR 2631(b), 2631(d), 2666(b)(2) & (e)(2)   |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| <b>SECONDARY CONTAINMENT</b>  |  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H048  | Secondary containment installed after July 1, 2003 is free of water. HSC 6.7 25290.1(c)(3), 25290.2(c)(3)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H049  | Secondarily contained piping allows liquid to flow into the sump in the event of a leak; i.e. failure to pull back the test boot. 23 CCR 2630(d), 2641(a)                                | 2           |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H050  | Secondary containment maintained tight and has been confirmed by testing. HSC 6.7 25290.1(c), 25290.2(c), 25291(a)(2), 25291(e)  | 2           |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H051  | Spill bucket installed, liquid tight, 5 gallon capacity, working drain, and is corrosion resistant. 23 CCR 2635(b); 2637.1(a) through (c); 2665(a) & (b); 2712(b)(1)(F); HSC 6.7 25284.2 |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| <b>OVERFILL</b>   |  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H052  | UST system is operated to prevent unauthorized release, including spills and overfills. HSC 6.7 25292.1(a)   | 2           |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H053  | Overfill prevention system has not been overridden and meets overfill requirements. 23 CCR 2635(c)(1), 2635(d), 2637.2(a) through (c), 2665, 2712(b)(1)(G)                               |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| <b>PERMIT CONDITION/APPROVAL</b>  |  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H073  | Compliance with all operating permit requirements. 23 CCR 2712   |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H076  | Tank system located in below grade structure meets the exemption conditions. HSC 6.7 25283.5(a)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H078  | Facility exhibited that the methods used to monitor the UST system meets the standards in 2643(f). 23 CCR 2630(d), 2632(c)(2)(A), 2643(f), 2644.1(a)(2)                                  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H080  | Owner/Operator notified/prepared report upon discovery of unauthorized release. 23 CCR 2650(e), 2652; HSC 6.7 25295(a)(1)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H093  | Failure to acquire a CUPA annual Permit. Local Ordinance 18C-35, 18C-37, 18C-43, 18C-46  | 2           |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| <b>UNDERGROUND STORAGE TANK PRESSURIZED SYSTEM – PIPE MONITORING OPTIONS FOR DOUBLE WALL (DW) PIPING</b>      |  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| <b>OPTION 1 - With turbine shut down, audible &amp; visual alarms on all components, including dispensers</b> |  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H028  | DW pressurized piping is continuously monitored with an audible/visual alarm system or stops flow at dispenser. 23 CCR 2636(f)(1), 2666(b)(2)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H046  | LLD on pressurized piping monitors at least hourly, detects a 3.0 gph leak, and restricts/shuts off flow. 23 CCR 2636(f)(2)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H027  | Piping monitored outside UDC is fail-safe and shuts off flow in UDC, or yearly tightness test. 23 CCR 2636(f)(4)   |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| <b>OPTION 2 - With mechanical monitor or electrical sensor for dispenser shut down only</b>                   |  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H028  | DW pressurized piping is continuously monitored with an audible/visual alarm system or stops flow at dispenser. 23 CCR 2636(f)(1), 2666(b)(2)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H046  | LLD on pressurized piping monitors at least hourly, detects a 3.0 gph leak, and restricts/shuts off flow. 23 CCR 2636(f)(2)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H013  | 0.1 gph annual line test performed and passed for pressurized piping without fail safe or shut down. 23 CCR 2636(f)(3); 2643(c)(3); HSC 6.7 25290.2(g), 25291(f), 25292(e)               |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| <b>EMERGENCY BACKUP GENERATORS</b>  |  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H026  | Emergency generator monitoring system activates and audible/visual alarm. 23 CCR 2636(f), 2666(c) & (f)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H074  | UST system below ground, connected to an emergency generator system, in in compliance with exclusion/exemption requirements. HSC 6.7 25281.6(a)  |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |
| H063  | Unburied fuel piping visually inspected at least monthly and log kept. HSC 6.7 25281.5(b)(3)   |             |   |   |             |   |   |             |   |   |             |   |   |             |   |   |  |



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## OBSERVATIONS / CORRECTIVE ACTION:

Onsite to conduct an underground storage tank inspection.

Last Monitoring Certification Test conducted on: 12/16/2010; last secondary containment test conducted on 2/19/2009 (with failures). The system, as a whole, includes these pieces of equipment:

1. A primary oil/water separator to collect water and oil from underground upwelling
2. A secondary oil/water separator to further separate the oil from the water
  - a) Water from these two separators is discharged to Toro Creek
  - b) These separators contain oil and are sufficiently below ground, however, are exempt from USTs requirements due to Cal Health and Safety Code, Chapter 6.7, section 25281(y)(1)(C)
3. A single-walled, gravity pipe, which conveys oil to a 6,000 gallon, double wall, XERXES underground tank.
  - a) This pipe is partially contained within a corrugated metal sheath to protect it from weather/animals
  - b) This pipe is considered UST piping and is SW – currently damaged and leaking oil into the soil near a creek
4. A 'fill' sump where the gravity pipe enters the top of the tank. This location also has the tank riser which allows for oil extraction by a vacuum truck. This sump failed a secondary containment test back in 2009.
5. A tank annular sensor reservoir for a 'brine' sensor to be located; a brine liquid sensor was located in the reservoir, however, make and model could not be determined because the sensor was covered in oil which had filled the annular reservoir space
6. A second pipe that leaves the top of the tank, goes underground, and terminates above Toro Creek
  - a) When asked, the pipe was described as a way for the tank not to overflow, and that any overflow event would be directed directly into the creek – the UST **does not** have any overflow prevention mechanism that complies with 23 CCR.
7. A monitoring panel that does not have a printer (cannot produce an alarm history) and does not dial out or send any text/signal to anyone if the sensor connected to the panel detects a leak – it is unknown if the make and model are listed for UST service in Water Board LG 113.

Prior to this inspection, there was some uncertainty as to whether this system would be considered a fully regulated UST. After discussions with the State Water Board, the 6,000 gallon tank and gravity feed pipe were determined to be fully regulated as a UST system for the following reasons:

1. The tank is made of non-earthen material (fiberglass - XERXES) and is completely below the surface of the ground;
2. The tank stores a hazardous petroleum substance as defined in 6.7 H&SC, section 25281(h) (crude oil);
3. The tank is not excluded from the definition of a tank as itemized in 6.7 H&SC, section 25281(y) or 23 CCR, section 2621;
4. Documentation discovered shows that the UST was installed in or about August 1997, making this a "new UST"

**Tank Information:** Tank 1 – Crude Oil, double-walled, fiberglass, XERXES

**Monitoring Plan:** Overfill Prevention: none  
Sump Sensors: none  
No UDCs – crude oil is not dispensed  
Interstitial Sensors: Unknown – Covered in oil

**Designated Operator (DO) Monthly Inspections:** No designated operator

**Employee Training:** unstaffed location



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## **H001, H093 – Violation: Facility does not have a valid permit to operated issued by the CUPA**

**Observation:** This UST system has not been issued a valid permit to operate by the CUPA – currently, the County of Santa Barbara is the operator of the system and there is some disagreement as to who would be considered the owner. Note: Both owner and operator are equally liable and responsible for ensuring UST systems' compliance with both Title 23 and 6.7 H&SC. UST and associated piping are located in several different property owner's lands.

**Corrective Action:** no person may own or operate an underground storage tank unless a permit for its operation has been issued by the local agency to the owner or operator of the tank, or a unified program facility permit has been issued by the local agency to the owner or operator of the unified program facility on which the tank is located. Acquire a permit by applying for one through CERS and bringing the UST system back into compliance with 23 CCR and 6.7 H&SC.

## **H002 – Violation: Complete and accurate UST Operating Permit Application has been submitted to CERS.**

**Observation:** No CERS submittal has been made for this UST system.

**Corrective Action:** A complete CERS submittal must be made to account for the UST system and it is the first step in acquiring a permit to operate. Log into CERS located at <http://cers.calepa.ca.gov> and complete a full UST CERS submittal. Contact this Agency for any CERS assistance that may be needed.

## **H022 – Violation: As-built or some other scaled plot-plan has not been submitted to CERS for the UST system**

**Observation:** A plot plan/as-built meeting the requirements of 23 CCR 2711 has not been submitted to CERS with a permit to operate application. No submittal for the UST system has been made.

**Corrective Action:** Develop/produce a plot plan for the UST system that meets the requirements outlined in 23 CCR 2711 and submit it to CERS.

## **H057 – Violation: Facility has not had a designated operator (DO) conduct monthly visual inspections, no reports have been generated, facility does not have a DO**

**Observation:** Facility UST system does not have a DO assigned to it meeting the requirements of 23 CCR 2715 and therefore has not had any DO visual inspections done that consider and/or meet the requirements of 23 CCR 2716.

**Corrective Action:** acquire a DO meeting the requirements of 23 CCR 2715 and notify the CUPA through CERS with Water Board Appendix XI. Ensure they begin conducting and documenting visual inspections every 30 days. Visual inspections should be documented utilizing Water Board DO Visual Inspection form, Appendix XIII.

## **H008, H025 – Violation: Leak detection equipment not maintained in accordance with manufacturer's instructions and not certified every 12 months by a licensed UST technician for operability and proper operating condition**

**Observation:** The last time records could be produced for sensor testing was in 2010. No records of UST annular sensor testing available. At the time of the inspection, the annular sensor was inundated in oil and could not function as intended. Sensor not maintained for proper operating condition

**Corrective Action:** Clear out all oil in the UST annular sensor reservoir, replace monitoring fluid with UST manufacturer approved monitoring fluid (i.e. brine), have sensor tested for proper functionality by a licensed UST service technician. Document testing on Water Board UST 23 CCR Appendix VI.

## **H010 – Violation: Secondary containment testing not conducted every 36 months by a qualified UST service technician**

**Observation:** Fill/extraction sump last tested on 2/19/2009; failures noted on report. No evidence of repairs and retest done. Next test due on 2/19/2012, then on 2/19/2015, then on 2/19/2018.

**Corrective Action:** Arrange for a secondary containment test of the fill/extraction sump to be done by a certified UST service technician. Document test on Water Board 23 CCR Appendix VII. Correct any failures by utilizing industry/manufacturer approved methods and materials and arrange for repairs to be done by a licensed UST service technician.

## **H031 – Violation: UST system not constructed with a monitoring system capable of detecting entry of a hazardous substance into secondary containment**

**Observation:** At the time of the inspection, the UST system did not have a liquid sensor in the fill/extraction sump. Additionally, the oil in the UST annular sensor reservoir prevents the annular sensor from going into alarm at the earliest opportunity.

**Corrective Action:** Have a properly licensed UST installer install a crude oil compatible liquid sensor in the fill/extraction sump. Clear out the oil in the UST annular space and refill the space with manufacturer approved monitoring fluid (i.e. brine), ensure sensor can function as



**Double-Walled Underground Storage Tank – Inspection Report/Notice to Comply/Notice of Violation**

Facility Name: Toro Canyon  
Site Address: 1073 Toro Canyon Road

Date: 10/9/2020  
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intended.

**H085 – Violation: UST system primary containment not maintained product tight**

Observation: At the time of the inspection, UST gravity pipe is actively leaking oil. Additionally, oil in the UST annular space indicates the high likelihood of a UST primary containment failure.

Corrective Action: Have a qualified UST installer repair the pipe or have it replaced. All repairs must be within *manufacturer's* requirements. New piping installation may require a CUPA plan check application be approved. Diagnose and address how oil is making it into the secondary space and arrange for the appropriate repairs.

**H049 – Violation: Secondarily contained piping does not allow liquid to flow into the sump in the event of a piping leak.**

Observation: Gravity piping is not double walled, additionally the metal sheath that the pipe is currently contained in does not direct a leak from primary containment into a monitored secondary containment. At the time of the inspection, the primary pipe is leaking oil directly into the soil.

Corrective Action: Install testable secondarily contained product piping. Ensure piping secondary containment allows for oil to flow down into the fill/extraction sump that can be monitored with a crude oil compatible sensor.

**H050 – Violation: Secondary containment not maintained tight and not confirmed by testing**

Observation: Last secondary containment test done in 2009; failures noted. Secondary containment testing not conducted every 36 months.

Corrective Action: Arrange for secondary containment testing by a properly certified UST service technician. Ensure all secondary containment systems are product tight – have failed components repaired or replaced by a certified UST installer.

**H052 – Violation: UST system is not operated in a way to prevent unauthorized releases; including but not limited to overfills.**

Observation: During the inspection, it was noted that the UST was equipped with a pipe that leaves the top of the tank and travels underground towards Toro Creek. This pipe is not the UST's vent, nor is it a product pipe. When asked, the facility representative stated that the pipe terminates at Toro Creek and the purpose of the pipe is to allow any UST overfills to be directed directly into Toro Creek. At the time of this inspection, the UST was not equipped with *any* form of overfill prevention equipment.

Corrective Action: Have a certified UST installer install overfill prevention equipment meeting the requirements of 23 CCR 2635(c). Remove piping that would direct oil into Toro Creek if the UST overfilled. Ensure overfill prevention equipment is testable.

- No Violations Noted at Time of Inspection     NOTICE TO COMPLY (Minor Violations)     **NOTICE OF VIOLATION (Class I & II)**

The marked items represent violations of the California Health and Safety Code, Chapter 6.7 (6.7 Cal. H&SC). A re-inspection may occur at any time on or after the compliance deadline to verify correction of violations. Failure to correct violations by the compliance deadline will result in further enforcement action, including, but not limited to, re-inspection fee, fines, formal enforcement and/or suspension or revocation of your Unified Program Facility Permit. **All violations are to be corrected and a copy of this form and accompanying requested documentation, signed and returned within 35 days, certifying the correction of these violations.**

Signature of Responsible Party: No Signature Required – COVID-19; report emailed to Cathleen Garnand Name: Cathleen Garnand Date: 10/9/2020

The violations noted above must be corrected by: 12/9/2020

**Compliance Certification: As the owner/operator of the above subject business, I certify that all of the violations cited above have been corrected.**

10/9/2020

Signature

Print Name

Date