

County of Los Angeles Department of Public Works Environmental Programs Division

STANDARD OF PERFORMANCE EMERGENCY REPAIRS TO AN UNDERGROUND STORAGE TANK SYSTEM

I. INTRODUCTION

- A. **Purpose:** The purpose of this policy is to establish a consistent regulatory guide for performing emergency repairs to an underground storage tank system (UST).
- B. **Scope:** This Standard of Performance applies to emergency repairs⁽¹⁾ that are a substantial modification⁽²⁾ associated with an UST. This Standard of Performance does not apply to minor repairs⁽³⁾.

This Standard of Performance is intended to minimize operational down time for the permitted UST site and minimize the time a facility may be operating in violation of statutes and regulations. Additionally, this standard is intended to verify that the Owner/Operator and any person performing substantial modifications or performing the work of a qualified UST service technician or qualified UST installer are complying with Federal, State and Local regulations and statutes.

- C. **Authority:** California Health and Safety Code, Chapter 6.7, Section 25299.2, California Code of Regulations, Title 23, Division 3, Chapter 16, Section 2715 and Los Angeles County Code, Title 11- Health and Safety, Division 4, (LACC) Sections: 11.72.030, 11.72.050, 11.74.020, 11.74.070, 11.80.010 and 11.88.020

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- (1) Emergency repair to an UST is a repair in advance of seeking a permit addendum whenever an immediate repair is required to prevent or contain an unauthorized release or to protect the integrity of the containment [Los Angeles County Code (LACC) §11.74.070]
- (2) Substantial modification means an action which, in the determination of the director, modifies the approved operating capacity or functionality of any portion of the UST, rectifies an issue that would otherwise prevent the monitoring system from properly functioning, or corrects an issue that would otherwise prevent the UST from safely storing hazardous substances and preventing water intrusion, in accordance with approved plans and applicable laws, regulations, and codes, or any action that requires testing, certification, retesting, or recertification, of the affected parts for the proper operation of an UST, as well as any state-mandated modifications or upgrades (LACC §11.70.170).
- (3) Minor repair means maintenance, ordinary upkeep, or other work necessary to operate or maintain an UST without altering its approved operating capacity or functionality, and which does not require a license, manufacturer training, certification, or further testing to complete or implement (LACC §11.70.105).

II. RESPONSIBILITY

- A. Any person⁽⁴⁾ that is or is directing a person to perform a substantial modification to an UST and or performing the work of a qualified service technician or qualified installer on an UST regulated by County of Los Angeles Department of Public Works (DPW) shall be responsible for compliance with this Standard of Performance.
- B. An application for permit is required for emergency repairs that are a substantial modification to an UST and must be submitted within five working days (Monday – Thursday) after the emergency repair has been started, a person shall apply for a permit. If plan review is required, additional requirements may apply.
- C. Environmental Programs Division (EPD) of the DPW shall receive and review the permit and verify compliance with Federal, State and Local regulations, statutes and Standard of Performances.

III. POLICY

- A. Person shall obtain a permit for any substantial modification to an UST.
- B. In order to address emergency repairs that are a substantial modification, procedures have been established to minimize operational down time of the facility and minimize the time a facility may be operating in violation of State and Local regulations and statutes.
- C. This Standard of Performance applies to emergency repairs that are a substantial modification as determined by this office.
- D. Failure to comply with this Standard of Performance is a violation of Title 11 of the Los Angeles County Code, Sections: 11.72.030, 11.74.070, 11.80.010 and 11.86.020 and will be considered as performing work without a permit and/or failing to submit required permit application package within five working days after the emergency repair has been started. Additionally, notices may be issued and a complaint filed with the California State Contractors Board and or the Los Angeles County District Attorney's Office.

(4) Person shall mean an individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, and corporation, including, but not limited to, a government corporation. "Person" also includes any city, county, district, commission, state, or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law (LACC §11.70.145)

IV. PROCEDURES

- A. Immediately, upon determining an emergency repair is a substantial modification and requires submittal of a permit, notification of the emergency repair shall be submitted electronically to EPD's UST Notification website: <http://dpw.lacounty.gov/GO/DPWUST/>
- B. Upon completion of the emergency repair work, appropriate certification testing shall be performed for the equipment installed, repaired or serviced. Test results are to be submitted to this office within thirty days of performing the certification test.
- C. Within five working days after the emergency repair has been initiated, a person must seek approval by submitting the appropriate permit application, fees, four sets of drawings and supporting documents for the scope of work performed. Supporting documents shall at a minimum include: detailed written scope of work outlined on the set of plans, work order(s) that include(s) the scope of work and name(s) of the qualified UST service technician or qualified UST installer performing the work, their International Code Council (ICC) California UST Installation/Retrofitting Certificate and/or ICC California UST Service Technician Certificate, and valid current certificate of training from the manufacturer(s) of the UST component(s) installed, repaired or serviced.

V. ADDITIONAL INFORMATION

- A. Examples of emergency repairs that are substantial modifications⁽⁵⁾: Cold start that results in loss of alarm history and or lost programmed functionality; any UST leak detection monitoring equipment failure that requires its replacement regardless if it is being replaced with an identical manufacture and model part; automatic tank gauge probe, drop tube flapper and ball float valve, if they are used for overfill protection as indicated on the monitoring plan and direct buried spill bucket failure.
- B. Examples of substantial modifications that are not considered emergency repairs⁽⁵⁾: Failed secondary containment piping, fill, turbine and transition sumps and under dispenser containment.
- C. Examples of minor repairs⁽⁵⁾ which do not require a permit: Replacement of a test boot for secondary containment testing provided it can be installed without having to disconnect product piping; tightening of penetration fittings; and replacement of monitoring panel backup batteries unless there is a loss of alarm history and programmed sensor functionality as in a cold start.

(5) Examples are applicable to this Standard of Performance and are for reference only and are not an all-inclusive list of examples.