



Notice to Underground Storage Tank Owners, Operators, and Contractors

May 19, 2020

This notice serves as guidance to underground storage tank (UST) owners/operators and contractors regarding UST system operation, repairs, retrofits, and closures during the COVID-19 state of emergency. It replaces the previous notice dated April 15, 2020.

The County of Santa Clara's Health Officer issued a shelter in place Order that went into effect on March 17, 2020. This was followed by subsequent Orders which have extended and modified the original Order. These Orders limit activity, travel, and business functions. Construction activity is allowed, but must be done in accordance with the Construction Project Safety Protocols required by the Order. Additionally, an Executive Order issued by the Governor of California on March 19, 2020 directs all persons to stay home except for essential needs. Consistent with these Orders, we have modified our work processes as they relate to oversight of UST system operation, repairs, retrofits, and closures.

All businesses and residents are responsible for ensuring that their activities are in compliance with both the State and local health Orders, including social distancing protocols and construction guidance. If the restrictions in the two Orders are different, you must comply with the stricter of the two Orders. Please note, the current Orders may be updated, and additional Orders may be issued that further restrict work activities and/or provide revised safety requirements. Businesses shall remain alert to changes and modify actions as necessary to maintain compliance with all health Orders. Failure to comply with the Orders is a violation of law.

The current Orders and resources for obtaining additional clarification may be found on the following websites:

- [County of Santa Clara Public Health Officer Shelter in Place Order](#)
- [County of Santa Clara Public Health Department Frequently Asked Questions \(FAQs\)](#)
- [State of California Coronavirus \(COVID-19\) Response](#)

UST Compliance:

UST systems are required to be operated and maintained in compliance with California UST Regulations in order to protect the safety of the public and the environment. State-mandated testing and operator inspections of USTs are essential activities and should continue under the Order. Santa Clara County Department of Environmental Health (DEH) recognizes the hardships due to this emergency and understands that circumstances out of the owner/operator's control, such as the potential unavailability

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of Designated UST Operators and UST Service Technicians, may make it impossible to remain entirely in compliance with all requirements. We will evaluate compliance and weigh enforcement decisions consistent with guidance provided by the State Water Resources Control Board (SWRCB) on March 19, 2020, which is available [here](#) and May 13, 2020, which is available [here](#). It is important that owners/operators follow the SWRCB's guidance regarding documenting non-compliance. Except in cases where reportable releases or equipment failures requiring a retrofit or repair permit occur, we do not expect or require owners/operators to proactively notify us of non-compliance.

The County has resumed performing annual UST compliance inspections which, as a condition of the UST Permit to Operate, must be coordinated with the every-12-month monitoring system certification testing of leak detection equipment. UST facilities that had their annual monitoring certifications done during the period when our inspections were deferred due to the shelter-in-place order will soon be contacted by an inspector to coordinate a compliance inspection site visit with an upcoming every-30-day inspection by the facility's Designated UST Operator. As long as it was not required as a condition of an installation, repair, or retrofit permit, any testing done during that period will not be required to be repeated if we were properly notified of the testing in advance as required and we have received copies of the equipment testing and inspection reports and attachments required to be submitted by UST Regulations.

UST Installation / Retrofitting / Repair / Closure Projects:

Plan Checks / Permit Reviews:

UST installation, retrofitting, repair, and closure work requires a permit from DEH. Our office is minimally staffed. For health and safety purposes, we prefer not to accept plan submittals at the counter, via mail, or by courier. **Since our plan check staff is working remotely, all Hazardous Materials Construction Permits, UST Closure Permit Applications, and required attachments should be submitted in PDF format via email to ustinspector@deh.sccgov.org.** If the PDF drawings or other files are too large to be emailed, arrangements should be made for file transfer through an online document sharing service. The email should include billing contact information. An invoice will be emailed to the billing contact and payment may be made online. As always, ensuring that applications have been signed and contain all required information will help expedite review and approval. ***Do not send payments by check unless you have already received an invoice. Note the Invoice number and Service Request number on the check.*** Payment by check may delay permit approvals due to the added processing time.

Service Request Inspections:

To schedule a required inspection, contact via email the inspector identified in the plan check approval letter. We request as much advance notice as possible and cannot guarantee short turnaround times.

We appreciate your understanding and patience and hope that you, your coworkers, family members, friends, and clients remain healthy and safe during these trying times.