



UNDERGROUND STORAGE TANK FACILITY OWNER/OPERATOR CONTRACT

TANK FACILITY INFORMATION

Facility/Business Name:

Phone:

Email:

Facility/Business Address:

TANK OPERATOR INFORMATION

Tank Operator(s):

Phone:

Email:

Mailing Address:

UST Permit Holder? Yes No

PROPERTY OWNER INFORMATION

Property Owner(s):

Phone:

Email:

Mailing Address:

UST Permit Holder? Yes No

TANK OWNER INFORMATION

Tank Owner(s):

Phone:

Email:

Mailing Address:

UST Permit Holder? Yes No

PERMIT HOLDER INFORMATION (IF NOT LISTED ABOVE)

Permit Holder Name:

Phone:

Email:

Mailing Address:

TANK OWNER AGREEMENT

I (we), as owner(s) of the underground storage tank(s) located at the above facility, have entered into this written contract with the tank operator(s) (if different than tank owner(s)) to fulfill the requirements of the Permit to Operate and associated vapor recovery systems. I (we) have reviewed the Permit to Operate and section [25299](#) of the California Health and Safety Code included with this form and understand my (our) responsibilities as the tank owner(s). I (we) agree to comply with all conditions stated in the Permit to Operate and to the following:

Tank owner(s) shall remain responsible for assuring that the underground tank system is repaired or upgraded in accordance with Article 6, or closed in accordance with Article 7, of these regulations and the vapor recovery system is upgraded and repaired as required by the Permit to Operate, applicable California Health and Safety Code, and Code of Regulations sections.

By signing below, I (we) agree to follow all local, state, and federal requirements for owning and operating underground storage tanks and vapor recovery systems.

Tank Owner Signature: _____ Date: _____

Tank Owner Signature: _____ Date: _____

TANK OPERATOR AGREEMENT

I (we), as operator(s) of the underground storage tank(s) at the above facility, have reviewed the Permit to Operate and section [25299](#) of the California Health and Safety Code included with this form and understand my (our) responsibilities as the operator(s). I (we) agree to comply with all conditions stated in the Permit to Operate and to the following:

Operator(s) shall monitor and perform the testing required on the underground storage tank(s) and vapor recovery systems as required by the facility's Permit to Operate, California Code of Regulations, Title 23, Division 3, Chapter 16 and 18, and the California Health and Safety Code, Division 20, Chapters 6.7 and 6.75.

Operator(s) shall post the Permit to Operate in a conspicuous location at the facility, keep and maintain records in detail, and implement all reporting procedures as required by the Permit to Operate, California Code of Regulations, Title 23, Division 3, Chapter 16 and 18, and the California Health and Safety Code, Division 20, Chapters 6.7 and 6.75.

By signing below, I (we) agree to follow all local, state, and federal requirements for operating underground storage tanks and vapor recovery systems.

Tank Operator Signature: _____ Date: _____

Tank Operator Signature: _____ Date: _____

**CALIFORNIA HEALTH AND SAFETY CODE SECTION 25299
FOR UNDERGROUND STORAGE TANK OPERATORS**

25299. (a) Any **OPERATOR** of an underground tank system shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) for each underground storage tank for each day of violation for any of the following violations:

- (1) Operating an underground tank system which has not been issued a permit, in violation of this chapter.
- (2) Violation of any of the applicable requirements of the permit issued for the operation of the underground tank system.
- (3) Failure to maintain records, as required by this chapter.
- (4) Failure to report an unauthorized release, as required by Sections [25294](#) and [25295](#).
- (5) Failure to properly close an underground tank system, as required by Section [25298](#).
- (6) Violation of any applicable requirement of this chapter or any regulation adopted by the board pursuant to Section [25299.3](#).
- (7) Failure to permit inspection or to perform any monitoring, testing, or reporting required pursuant to Section [25288](#) or [25289](#).
- (8) Making any false statement, representation, or certification in any application, record, report, or other document submitted or required to be maintained pursuant to this chapter.
- (9) Tampering with or otherwise disabling automatic leak detection devices or alarms.

**CALIFORNIA HEALTH AND SAFETY CODE SECTION 25299
FOR UNDERGROUND STORAGE TANK OWNERS**

(b) Any **OWNER** of an underground tank system shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) per day for each underground storage tank, for each day of violation, for any of the following violations:

- (1) Failure to obtain a permit as specified by this chapter.
- (2) Failure to repair or upgrade an underground tank system in accordance with this chapter.
- (3) Abandonment or improper closure of any underground tank system subject to this chapter.
- (4) Violation of any applicable requirement of the permit issued for operation of the underground tank system.
- (5) Violation of any applicable requirement of this chapter or any regulation adopted by the board pursuant to Section [25299.3](#).
- (6) Failure to permit inspection or to perform any monitoring, testing, or reporting required pursuant to Section [25288](#) or [25289](#).
- (7) Making any false statement, representation, or certification in any application, record, report, or other document submitted or required to be maintained pursuant to this chapter.

(c) Any person who intentionally fails to notify the board or the local agency when required to do so by this chapter or who submits false information in a permit application, amendment, or renewal, pursuant to Section [25286](#), is liable for a civil penalty of not more than five thousand dollars (\$5,000) for each underground storage tank for which notification is not given or false information is submitted.

(d) (1) Any person who violates any corrective action requirement established by, or issued pursuant to, Section [25296.10](#) is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

(2) A civil penalty under this subdivision may be imposed in a civil action under this chapter, or may be administratively imposed by the board or a regional board pursuant to Article 2.5 (commencing with Section [13323](#)) of Chapter 5 of Division 7 of the Water Code.

(e) Any person who violates Section [25292.3](#) is liable for a civil penalty of not more than five thousand dollars (\$5,000) for each underground storage tank for each day of violation.

(f) (1) Any person who falsifies any monitoring records required by this chapter, or knowingly fails to report an unauthorized release, shall, upon conviction, be punished by a fine of not less than five thousand dollars (\$5,000) or more than ten thousand dollars (\$10,000), by imprisonment in the county jail for not to exceed one year, or by both that fine and imprisonment.

(2) Any person who intentionally disables or tampers with an automatic leak detection system in a manner that would prevent the automatic leak detection system from detecting a leak or alerting the owner or operator of the leak, shall, upon conviction, be punished by a fine of not less than five thousand dollars (\$5,000) or more than ten thousand dollars (\$10,000), by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment.

(g) In determining both the civil and criminal penalties imposed pursuant to this section, the board, a regional board or the court, as the case may be, shall consider all relevant circumstances, including, but not limited to, the extent of harm or potential harm caused by the violation, the nature of the violation and the period of time over which it occurred, the frequency of past violations, and the corrective action, if any, taken by the person who holds the permit.

(h) (1) Each civil penalty or criminal fine imposed pursuant to this section for any separate violation shall be separate, and in addition to, any other civil penalty or criminal fine imposed pursuant to this section or any other provision of law, except that no civil penalty shall be recovered under subdivision (d) for violations for which a civil penalty is recovered pursuant to Section [13268](#) or [13350](#) of the Water Code. The penalty or fine shall be paid to the unified program agency, the participating agency, or the state, whichever is represented by the office of the city attorney, district attorney, or Attorney General bringing the action.

(2) Any penalties or fines paid to a uniform program agency or a participating agency pursuant to paragraph (1) shall be deposited into a special account and shall be expended only to fund the activities of the unified program agency or participating agency in enforcing this chapter within that jurisdiction pursuant, to the uniform program specified in [Chapter 6.11](#) (commencing with Section [25404](#)).

(3) All penalties or fines collected by the board or a regional board or collected on behalf of the board or a regional board by the Attorney General shall be deposited in the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund, and are available for expenditure by the board, upon appropriation, pursuant to Section [13441](#) of the Water Code.

(i) Paragraph (9) of subdivision (a) does not prohibit the owner or operator of an underground storage tank, or his or her designee, from maintaining, repairing, or replacing automatic leak detection devices or alarms associated with that tank.