

# SUMMARY REPORT TRAINING

## Definition of Terms June and July 2003

### Report 1 - Surcharge Transmittal Report

The Surcharge is determined by the secretary annually to cover the necessary and reasonable costs for the state agencies in carrying out their responsibilities. The surcharge transmittal report is submitted to the Secretary quarterly. The surcharge is a set of fees levied on businesses and is collected by the CUPA. The Surcharge consists of three elements; CUPA Oversight, Underground Storage Tanks (UST) and the California Accidental Release Prevention Program (CalARP).

For summary reporting purposes the following are definitions that pertain to Report 1.

#### **CUPA Oversight:**

Health and Safety Code (HSC) Section 25404.5(b) (1) Except as provided in subdivision (d), the single fee system instituted by each certified unified program agency shall include an assessment on each person regulated by the unified program of a surcharge, the amount of which shall be determined by the secretary annually, to cover the necessary and reasonable costs of the state agencies in carrying out their responsibilities under this chapter.

The CUPA oversight element was formerly called "Part A" and is currently referred to as "Hazmat". All three designations have the same meaning. This fee is assessed on all regulated businesses within the CUPA jurisdiction.

#### **Underground Storage Tanks:**

HSC Section 25270.2 (1) (y) (1) "Underground storage tank" means any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground.

This element of the surcharge is assessed on regulated businesses for each underground storage tank that meets the criteria of Health and Safety Code 25281 and 25287.

#### **CalARP:**

This element of the surcharge is assessed on businesses regulated under the Health and Safety Code Section 25531 et seq., the California Accidental Release Prevention (CalARP) program. Assessment is currently made on each business in a Unified Program Agency jurisdiction not on the number of stationary sources run or owned by that business.

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### Report 2 - Annual Single Fee Summary Report

This report is an annual accounting of the CUPA single fee and the CUPA collection of the surcharge fees from businesses.

For summary reporting purposes the following are definitions that pertain to Report 2.

#### **Single Fee:**

California Code of Regulations (CCR) Title 27 Section 15210(a) each applicant agency shall develop and implement a single fee system which shall replace, within its jurisdiction, all fees currently mandated in HSC Sections 25205.14(Tiered Permitting), 25287(Underground Storage Tanks), 25513 (Business Plans), 25535.2 (Risk Management Prevention Plans), and any other fees levied by a local agency specifically to fund the implementation of the programs specified in HSC Section 25404 (c).

(1) the single fee system may be used to charge fees for programs which are not listed as Unified Program elements in HSC Section 25404(c) if those programs are incorporated into the Unified Program.

#### **Participating Agencies:**

CCR Title 27 Section 15110 "Participating Agency" is an agency which has a formal agreement with the CUPA to implement and enforce a program element as part of the Unified Program. HSC 25404.3(d) (B) An Agreement between the applicant and other agencies proposed to implement any elements of the unified program contains procedures for removing any agencies proposed and engaged to implement any element of the unified program. The procedures in the agreement shall include, at a minimum, provisions for providing notice, stating causes, taking public comment, making appeals, and resolving disputes. And (D) If any of the other agencies proposed to implement certain elements of the unified program are not directly responsible to the same governing body as the applicant agency, the applicant agency maintains an agreement with any agency that ensures that the requirements of Section 25404.2 will be fully implemented.

#### **CUPA Oversight:**

HSC 25404.5(b) (1) Except as provided in subdivision (d), the single fee system instituted by each certified unified program agency shall include an assessment on each person regulated by the unified program of a surcharge, the amount of which shall be determined by the secretary annually, to cover the necessary and reasonable costs of the state agencies in carrying out their responsibilities under this chapter.

The CUPA oversight element was formerly called "Part A" and is currently referred to as "Hazmat". All three designations have the same meaning. This fee is assessed on all regulated businesses within the CUPA jurisdiction.

#### **CalARP:**

HSC Title 19, Division 2, Ch. 4.5, Article 1 Section 2735.2 (uu) "Stationary source" means any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties,

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which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

This element is concerned with businesses regulated under the Health and Safety Code Section 25531 et seq., the California Accidental Release Prevention (CalARP) program. Assessment is currently made on each business in a Unified Program Agency jurisdiction not on the number of stationary sources run or owned by that business.

### **Total Regulated Businesses:**

The term “regulated business” is used to define all of the regulated entities within the Unified Program. The following are the regulatory descriptions covered by the term “regulated business” CCR Title 27 Section 15110:

- (1) “Person” as defined in (1) the Hazardous Waste Management Program, HSC Chapter 6.5, Section 25118 and (2) the California Hazardous Substances Tax Law, Revenue and taxation Code, Part 22, Division 2, Section 43006.
- (2) “Business” as defined in the Hazardous Materials Release Response Plan and Inventory (Business Plan) program, HSC Section 25501(d).
- (3) “Facility” as defined in the Underground Storage Tank Program, HSC Section 25281(e).
- (4) “Tank Facility” as defined in the Aboveground Storage Tank Program, HSC Section 25270.2(1).
- (5) “Hazardous waste facility” as defined in the Hazardous Waste Management Program, HSC Section 25117.1.
- (6) “Stationary source” as defined in the California Accidental Release Prevention Program, HSC Section 25532(k).

### **Underground Storage Tank:**

HSC Section 25270.2 (1) (y) (1), "Underground storage tank" means any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground.

### **Underground Storage Tank Facility:**

HSC Section 25281(e), “Facility” means any one, or combination of, underground storage tanks used by a single business entity at a single location or site. HSC, Chapter 6.67.

### **Permit by Rule:**

CCR Title 22, Section 66260.10 “Permit-by-rule” means a provision of these regulations (Title 22) stating that a facility or activity is deemed to have a permit if it meets the requirements of the provision. Title 22 Section 66260.10

This element, for purposes of reporting, includes all the facilities that have a PBR permit.

### **Conditional Authorization:**

HSC Section 25201 identifies a grant of authorization, including, but not limited to, Section 25200.3, if the person or activity meets the requirements of that provision HSC 25110.9.1 (a).

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For purposes of reporting this should be all CA facilities that are not also PBR permit facilities. If a facility has both a CA and a CE permit, only count the facility in the CA column.

#### **Conditional Exemption:**

Including, but not limited to, HSC Sections 25144.6, 25201.5, 25201.5.1, 25201.9, and 25201.13, which provide that a person or activity is exempted from, or is otherwise not subject to, the requirement to obtain a hazardous waste facilities permit or other grant of authorization if the person or activity meets the requirements of that provision, HSC 25110.9.1 (b).

For reporting purposes, these should not be counted in the PBR category.

#### **CalARP Program – Total Stationary Sources:**

This is a count of all of the stationary sources in the jurisdiction subject to the CalARP regulations.

#### **Total Businesses Subject to CalARP Program Surcharge:**

This is a count of all of the businesses that are regulated in the jurisdiction, no matter their status or how many stationary sources or facilities that business may . For example just because a business has a waiver, it is still subject to the provisions of law and therefore is subject to regulation.

#### **Total Stationary Sources Granted a RMP Waiver Determination:**

Total number of Stationary Sources that pose a remote risk of accidental release and are not required to prepare and submit an RMP. This is a count of the businesses that have been granted a waiver.

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### Report 3 – Annual Inspection Summary Report

For summary reporting purposes the following are definitions that pertain to Report 2.

#### **Program Elements:**

Title 27 15110; is a program listed in HSC, Section 25404(c), or it may be a program other than those mandated in Health and Safety Code, Section 25404(c) which is voluntarily consolidated into a Unified Program, to be carried out in conjunction with a program listed in 25404(c).

HSC, Section 25404(c), the unified program shall consolidate the administration of the following requirements, and shall, to the maximum extent feasible within statutory constraints, ensure the coordination and consistency of any regulations adopted pursuant to those requirements: ...

#### **No. of Regulated Businesses:**

The term “regulated business” is used to define all of the regulated entities within the Unified Program. The following are the regulatory descriptions covered by the term “regulated business” CCR Title 27 Section 15110:

- (7) “Person” as defined in (1) the Hazardous Waste Management Program, HSC Chapter 6.5, Section 25118 and (2) the California Hazardous Substances Tax Law, Revenue and taxation Code, Part 22, Division 2, Section 43006.
- (8) “Business” as defined in the Hazardous Materials Release Response Plan and Inventory (Business Plan) program, HSC Section 25501(d).
- (9) “Facility” as defined in the Underground Storage Tank Program, HSC Section 25281(e).
- (10) “Tank Facility” as defined in the Aboveground Storage Tank Program, HSC Section 25270.2(1).
- (11) “Hazardous waste facility” as defined in the Hazardous Waste Management Program, HSC Section 25117.1.
- (12) “Stationary source” as defined in the California Accidental Release Prevention Program, HSC Section 25532(k).

#### **No. of Routine Inspections:**

Title 27 Section 15110(a)(1) A routine inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements.

#### **No. of Routine Inspections That Returned to Compliance Within Established Standard:**

The following are the established standard timelines by specific program elements:

- ❑ HMRRP (Business Plan) – 30 days from the date of the deficiency notice (HSC Section 25505(a)(2)).
- ❑ CalARP – 30 days from the date of the deficiency notice.
- ❑ UST – 30 days from receipt of the inspection report (CCR Title 23, Section 2712(f))
- ❑ HW Generator – 60 days from receipt of the inspection report [HSC Section 25185(c)(3)]. If it is a minor violation, 30 days, pursuant to HSC Section 25187.8(b).
- ❑ RCRA LQGs – 60 days from receipt of the inspection report [HSC Section 25185(c)(3)]. If it is a minor violation, 30 days, pursuant to HSC Section 25187.8(b).

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- ❑ Recyclers – 60 days from receipt of the inspection report [HSC Section 25185(c)(3)]. If it is a minor violation, 30 days, pursuant to HSC Section 25187.8(b).
- ❑ PBR, CA, CE - 60 days from receipt of the inspection report [HSC Section 25185(c)(3)]. If it is a minor violation, 30 days, pursuant to HSC Section 25187.8(b).
- ❑ HHW - 60 days from receipt of the inspection report [HSC Section 25185(c)(3)]. If it is a minor violation, 30 days, pursuant to HSC Section 25187.8(b).

### **No. of Other Inspections:**

Title 27, section 15110 (a)(2) Other Inspection includes, but is not limited to, regulatory field activity such as complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations. It does not include routine inspections or field or site visits whose principle purposes are informational or educational, pollution prevention education, verification of administrative information, or orientations of new owners or operators. "Other Inspections" also includes verifications inspections for the administrative requirement of subdivision (c) of Section 25270.5 for owners and operators of aboveground storage tanks to prepare a spill prevention control and countermeasure plan.

### **A. Hazardous Materials Release Response Plans and Inventories (Business Plan):**

HSC, Division 20, Chapter 6.95, Article 1 (e) "Business plan" means a separate plan for each facility, site, or branch of a business which meets the requirements of Section 25504.

### **B. California Accidental Release Prevention (CalARP):**

HSC Chapter 6.95, Article 2, identifies the criteria for establishing which businesses are subject to regulation.

Section 25532 (a) "Accidental release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

(h) "Regulated substances accident risk" means a potential for the accidental release of a regulated substance into the environment that could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.

### **C. Underground Storage Tank (UST) Facilities:**

HSC Section 25281(e), "Facility" means any one, or combination of, underground storage tanks used by a single business entity at a single location or site. HSC, Chapter 6.67.

### **D. Aboveground Petroleum Storage Tank (AST) Facilities:**

HSC, Section 25270.2 (1) (j) "Storage" or "store" means the containment, handling, or treatment of petroleum, for any period of time, including on a temporary basis.

(k) "Storage tank" means any aboveground tank or container used for the storage of petroleum.

### **E. Hazardous Waste Generators (All):**

CCR Title 22 Section 66260.10. "Generator" or "Producer" means any person, by site, whose act or process produces hazardous waste identified or listed in chapter 11 of this division or whose act first causes a hazardous waste to become subject to regulation.

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### **F. RCRA Large Quantity Generators:**

CCR Title 22 Section 66262.34 (g) A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days without a permit or without having interim status provided that ...

### **G. Recyclers:**

HSC Section 25121.1 (a) "Recycling" means using, reusing, or reclaiming a recyclable material. Notwithstanding (a) above, for purposes of the fees, taxes and charges imposed pursuant to Article 7 "recycling" means the collecting, transporting, storing, transferring, handling, segregating, processing, using or reusing, or reclaiming of recyclable material to produce recycled material.

Also see HSC Section 25143.10 for the complete definition of a "recycler".

### **H. Onsite Hazardous Waste Treatment (PBR,CA, CE):**

HSC Section 25117.12. "Onsite facility" means a hazardous waste facility at which a hazardous waste is produced and which is owned by, leased to, or under the control of, the producer of the waste.

### **I. Permit by Rule (PBR)—Household HW (HHW)**

CCR Title 22 Section 66260.10 "Permit-by-rule" means a facility or activity is deemed to need a permit if it meets the requirements of the law. For purposes of the summary reporting this item does not include HHW activities authorized by variances

### **K. Combined Routine Inspections:**

CCR Title 27 Section 15110, "Combined Inspection" is an inspection of a regulated business conducted by one inspector representing two or more Unified Program elements or other program elements.

### **L. Joint Inspections:**

CCR Title 27 Section 15110 "Joint Inspection" is an inspection of a regulated business, conducted by two or more inspectors representing different Unified Program Agencies within a CUPA, specifically to evaluate operations within the expertise of those regulatory agencies.

### **M. Integrated or Multi-Media Inspections:**

CCR Title 27 Section 15110 "Integrated or Multi-Media Inspection" is an inspection either involving Unified Program and non-Unified Program Agencies and/or involving more than one environmental medium (i.e.; air, water, soil) of a regulated business that results in consolidating inspections

### **N. CalARP Program—Risk Management Plan Audits**

- (a) Title 27 Section 2775.2 In addition to inspections for the purpose of regulatory development and enforcement of the federal CAA, the AA shall periodically audit RMPs submitted under Article 3 of this chapter to review the adequacy of such RMPs and

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require revisions of RMPs when necessary to ensure compliance with Article 3 of this chapter. To the extent possible, any audit shall be fully coordinated with the Unified Program elements at a stationary source.

- (c) Exemption from audits. A stationary source with a Star or Merit ranking under OSHA's voluntary protection program shall be exempt from audits.

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### Report 4 – Annual Enforcement Summary Report

For summary reporting purposes the following are definitions that pertain to Report 2.

#### **Class I:**

HSC Title 22, Section 66260.10 a) a deviation from the requirements specified in Chapter 6.5 of Division 20 of the Health and Safety Code, or regulations, permit or interim status document conditions, standards, or requirements adopted pursuant to that chapter, that represents a significant threat to human health or safety or the environment, because of (1) the volume of the waste; (2) the relative hazard of the waste; or (3) the proximity of the population at risk, or that is significant enough that it could result in a failure to accomplish the following:

Assure that hazardous wastes are destined for and delivered to an authorized hazardous waste facility;

Prevent releases of hazardous waste or constituents to the environment during the active or post closure period of facility operation;

Assure early detection of such releases

Assure adequate financial resources in the case of releases; or Assure adequate financial resources to pay for facility closure

(F) Perform emergency clean-up operation or other corrective action for releases; or HSC 25110.8.5. (b) The deviation is a Class II violation which is a chronic violation or committed by a recalcitrant violator. "Class II Violation" has the same meaning as defined in Section 66260.10 of Title 22 of the California Code of Regulations.

#### **Class II (excluding minor):**

CCR Title 22 Section 2260.10 "Class II Violation" means a deviation from the requirements specified in Chapter 6.5 of Division 20 of the Health and Safety Code, or regulations, permit or interim status document conditions standards, or requirements adopted pursuant to that chapter, that is not a Class I violation.

#### **Minor:**

HSC 25404 (3) "Minor violation" means the failure of a person to comply with any requirement or condition of any applicable law, regulation, permit, information request, order, variance, or other requirement, whether procedural or substantive, of the unified program that the UPA is authorized to implement or enforce pursuant to this chapter, and that does not otherwise include any of the following:

#### **Other:**

These are non-hazardous waste violations in businesses subject to the requirements other than the hazardous waste requirements.

#### **No. of Informal Enforcement Actions:**

This is the total number of businesses with informal enforcement actions. CCR Title 27 Section 15110 "Informal Enforcement is an action other than a formal enforcement action that notifies the regulated business of its noncompliance and establishes a date by which that non-compliance is to be corrected. (Examples are a letter or notice of violation. Informal actions do not impose sanctions).

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### **Total No. of Formal Enforcement Actions Initiated within 135 days of Inspection or Determining Violation (Class I or Class II only, excluding minor):**

Title 27 Section 15110 "Formal Enforcement" is an action which mandates compliance and initiates a civil, criminal, or administrative process which results in an enforceable agreement or order. The instrument creates an independent, affirmative obligation to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated. (Examples include administrative orders and civil and criminal referrals to the appropriate prosecutor).

### **Number of Administrative Enforcement Actions:**

An administrative enforcement action is a formal means of enforcement utilized when a violator does not respond to informal action(s). An administrative enforcement action must impose penalties to be considered a formal enforcement action.

### **No. of Civil Enforcement Actions and Referrals:**

For purposes of this report, this is a count of all civil action taken, including referrals to other agencies for civil action.

### **No. of Criminal Enforcement Actions and Referrals:**

For purposes of this report, this is a count of all local criminal actions and referrals to other agencies for criminal action.

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