



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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California Environmental Protection Agency

Aboveground Petroleum Storage Act (APSA) Surcharge

The Unified Program State Surcharge will increase to include a fee for the Aboveground Petroleum Storage Act (APSA). Beginning fiscal year 2014/2015, a \$26.00 APSA surcharge will be assessed on each tank facility regulated under APSA. The new APSA surcharge will cover the necessary and reasonable costs incurred by the Office of the State Fire Marshal (OSFM) to perform duties and responsibilities to implement, maintain and oversee the APSA program.

The Secretary for California Environmental Protection is required to establish the amount of the Unified Program State Surcharges. The Title 27 regulations provide the mechanism to publicly notice, receive public comments and finalize the Unified Program State Surcharges.

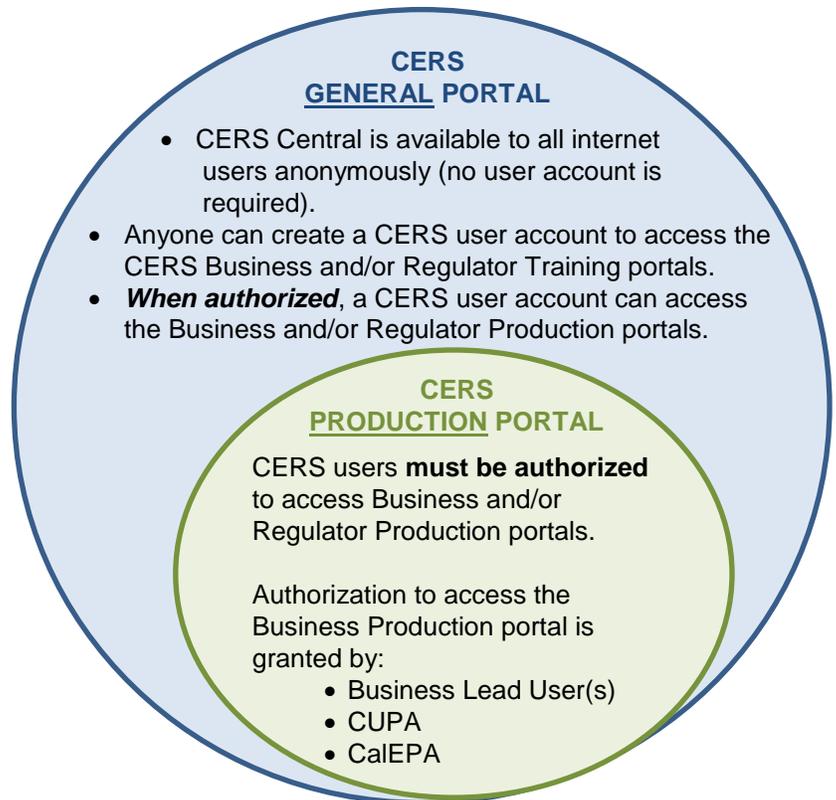
On April 15, 2014, CalEPA submitted the public notice regarding the new APSA surcharge to the Office of Administrative Law. The 30 day public comment period in the California Notice of Register is scheduled to begin Friday, April 25th and will end Saturday, May 24th. After accepting and considering public comments, the Secretary will publish the final APSA surcharge in the California Notice of Register. Title 27 requires CUPAs to begin assessing the state surcharge 60-days after the effective date of the surcharge. CUPAs will be responsible for assessing and collecting the new APSA surcharge during their normal billing cycle beginning fiscal year 2014/2015.

For questions regarding the APSA surcharge, please contact Jennifer Lorenzo, Office of the State Fire Marshal, at (916) 324-0232 or email Jennifer.Lorenzo@fire.ca.gov.

Requests for CERS Access to Obtain Regulated Facility and Business Information

Information for a regulated business that has been submitted electronically into the California Environmental Reporting System (CERS) can only be accessed by authorized persons, through the Business and/or Regulator Production portals. The following are examples of authorized persons:

- CERS users associated with the facility or business (e.g., employees or contractors)
- Unified Program state agency evaluator and regulator staff
- Certified Unified Program Agency (CUPA) regulators
- Participating Agency (PA) regulators
- Emergency Response Personnel
- U.S. EPA Region 9 authorized staff
- CERS users granted access by the facility or business "Business Lead User"



When a CERS user requests access to information contained within the production portal, associated with a specific regulated business, the request for access will be approved or denied by the "Business Lead User," the CUPA, or CalEPA as described below:

- If a "Business Lead User" for the business is established, the Business Lead User will approve or deny the request for access, including business organizations with facilities in more than one CUPA jurisdiction.
- If no "Business Lead User" exists for the business and all the business' facilities are located within the same CUPA jurisdiction, the CUPA will approve or deny the request for access.
 - Once verified with the business, the CUPA will approve the request for access. The CUPA may establish the user as the "Business Lead User" for the business. Future requests for user access will be approved or denied by the "Business Lead User."
- If no "Business Lead User" exists for the business and the business' facilities are located in more than one CUPA jurisdiction, CalEPA will approve or deny the request for access. CUPAs are not authorized to approve access requests for businesses with facilities located in more than one CUPA jurisdiction.
 - Requests for access to a multi-jurisdictional business must be submitted to CalEPA in writing on official company letterhead (via postal service or as an emailed pdf).
 - Once verified with the business, CalEPA will approve the request for access.

The CERS user requesting access to information associated with a specific regulated business may be asked to provide proof of affiliation or relationship to the business. The proof of authorization for access will be saved in CERS by the approver.

“Business Lead Users” or CUPAs receiving repeat requests for access to production portal information specific to regulated businesses by a CERS user with no affiliation or relationship to the business should forward the requester name and contact information to the CalEPA CERS Helpdesk (CERS@calepa.ca.gov). CalEPA will contact the requestor to determine the nature of the request for access to such information and will clarify that only affiliated and authorized users may be granted access to business information in the CERS production portal.

REMINDER: Fiscal Year 2013-2014 Compliance Monitoring and Enforcement (CME) Data must be entered into CERS by July 30, 2014

CME data (inspection, violation and enforcement data) for fiscal year 2013-2014 (July 1, 2013 – June 30, 2014) must be submitted electronically to CalEPA as soon as practical, but no later than July 30, 2014 [pursuant to CCR, Title 27, Division 1, Subdivision 4, Chapter 1, Article 6, Section 15290(b) and (d)].

All CME data must include the complete detail record fields identified in the CERS Regulator Portal (<http://cers.calepa.ca.gov/>) and defined in the Unified Program Data Dictionary (www.calepa.ca.gov/LawsRegs/Regulations/T27/DataDict.pdf)

Starting fiscal year 2014-2015, CME data must be submitted electronically within 30 days of each completed quarter according to the submittal deadlines listed below:

Fiscal Year Quarter CME Action Occurs (including updates)	Deadline for Electronic Submittal Of Quarterly CME Data
July 1 – September 30	October 30
October 1 – December 31	January 30
January 1 – March 31	April 30
April 1 – June 30	July 30

Beginning August 1, 2014, CUPAs will be evaluated on quarterly CME electronic reporting requirements for inspection and enforcement activities occurring on or after July 1, 2013.

For more information, please refer to Unified Program Guidance Letter 14-02 (<http://www.calepa.ca.gov/CUPA/Bulletins/2014/Jan17.pdf>).

Paul Penn appointed as Refinery Safety & Emergency Management Program Manager

Paul Penn has been appointed as the Refinery Safety & Emergency Management Program Manager within the Office of the Secretary of the California Environmental Protection Agency.

Paul has returned to state service after many years in the nonprofit and private sector including Kaiser Permanente, the Environmental Hazards Management Institute, and for the past decade at his own firm-EnMagine, Inc. (known for its HazMat for Healthcare™ training program).

“When the opportunity to contribute to substantive improvements regarding the public health and safety and environment arose at CalEPA, I could not let that opportunity pass by. There are moments when there is the interest, motivation, resources, and capability to effect positive change. I believe that for refineries and other high hazard facilities that this is one of those windows. The ability to work with state, local and federal partners; labor; communities; and industry may seem daunting to some but is very appealing to me.”

While in state service from 1988-1998, Mr. Penn worked at the Governor’s Office of Emergency Services as the SARA Title III Program Manager and the California Conservation Corps following the Huntington Beach oil spill where he managed their Oil Spill Response Program and was their Safety Officer. Following graduate school and prior to his first tenure with California Paul worked in San Benito County in charge of hazardous materials, hazardous waste, emergency medical services, and emergency management. Prior to that Paul was a professional ski patroller on Donner Summit (1975-1985).

Mr. Penn emphasizes that the other part of his job is to more fully develop the CalEPA Emergency Response Management Committee (ERMaC). "I view this part of the job as particularly exciting. CalEPA has such a wealth of knowledge, skills, and experience that can benefit the communities and environment of California, and elsewhere. My goal is, number one, to keep our people safe and healthy and then to become the unparalleled leader in environmental emergency preparedness and response. In my opinion emergency management and environmental management are merely health and safety management on a grander scale. Our initial focus on refinery safety can be another one of those opportunities to maximize the ERMaC."

Department of Toxic Substances Control

Retail Notice of Data Availability (NODA)

On February 14, 2014, a NODA was published in the Federal Register (FR):

<http://www.epa.gov/waste/hazard/generation/retail.htm>. The NODA is doing a couple of things. The first thing is that the NODA is providing some background on the interaction U.S. Environmental Protection Agency (EPA) has had since 2009 with the retail industry, the evolution of how this industry has come to understand how RCRA affects them, and some of the enforcement actions that have been taken against them. The second part of the NODA goes into some of the information and data EPA has developed on the industry, such as size of the universe and the amount of hazardous waste the retail industry generates. The remaining part of the NODA are suggested questions and topics for industry, the States and non-profit organizations to either provide comments, information and/or data. Some of the major topics are: episodic generation, aerosol cans, reverse logistics, information on how a store operates its hazardous waste program, employee training, and questions on improving sustainability.

The NODA comes out of the executive order (EO) issued in 2010 that required federal agencies to perform a Retrospective Review of federal government regulations, and have EPA stakeholders give comment on areas where improvements could be made. The NODA is the next step for EPA to gather more information in order to develop a guidance document for this industry.

e-Manifest

The EPA issued a final rule that is a crucial step in the development of a national electronic manifest (e-Manifest) system, which will upgrade the current paper-based system of tracking hazardous waste to an electronic one.

<http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceec8525735900400c27/ac26524a3f956c6185257c6100717675!OpenDocument&Highlight=2,manifest>

State Water Resources Control Board

Matrix of Pipe Monitoring Applications

The Matrix of Pipe Monitoring Applications was updated on April 25, 2014. The matrix is a tool to assist the Certified Unified Program Agencies (CUPAs) with determining the identification of piping that complies with the independent testing requirements of California Code of Regulations, Title 23, section 2631. The updated matrix is posted at http://www.waterboards.ca.gov/ust/leak_prevention/matrix.shtml.

Owner Statement of Understanding

As a part of compliance with underground storage tank (UST) laws and regulations, owners are required to state that they understand UST requirements and that they are in compliance with those requirements. The following statement, previously included in the Designated UST Operator Identification statement, is now added to the UST Facility Information data entry screen in the California Environmental Reporting System (CERS).

"I certify that the information provided in this UST submittal is accurate and current, and that this facility complies with all applicable Underground Storage Tank requirements."

Whenever a UST facility submittal is made in CERS the business user is making this certification so no document upload will be necessary to meet this certification requirement.

UST Inspection Checklists

The CUPA Forum Board has revised the downloadable UST Inspection checklists previously posted to the CUPA and Decade Software websites so that they include clear identification of all required significant operational compliance (SOC) Release Detection and Release Prevention related violations as well as a SOC inspection summary to facilitate determination of the SOC status at the conclusion of the inspection. This ensures that the business is informed of the SOC status at the time of the inspection and will help ensure that SOC violations and status are accurately reported in CERS. The inspection checklists are available on the CUPA website at http://www.calcupa.net/technical/inspection_and_enforcement/icp/word.asp .

CERS UST Frequently Asked Questions (FAQ)

The requirement for International Code Council review of UST submittals FAQ was reformatted and has been posted to the Regulator Help section of CERS, <https://cersregulator.calepa.ca.gov/Help> .

Office of Tank Tester Licensing (OTTL)

OTTL continues to update Local Guidance (LG) 105 monthly. The LG letters are available on the State Water Board website at http://www.swrcb.ca.gov/water_issues/programs/ust/leak_prevention/lgs/ . Additionally, OTTL distributes a quarterly report to the UST Program electronic mailing list. The quarterly report for the period of January 2014 through March 2014 was sent out on April 9, 2014. This report contains information regarding individuals whose tank tester's license has expired, been suspended, or individuals that have been placed on probation. If there are questions regarding the OTTL program, contact Sean Farrow at 916-324-7493 or at sean.farrow@waterboards.ca.gov .

California Office of Emergency Services - None

CAL FIRE - Office of State Fire Marshal - None