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Unified Program Guidance Letter 14-08

REPORTING UNDERGROUND STORAGE TANK INFORMATION

To: Unified Program Agencies and Regulated Businesses with Underground Storage Tanks

BACKGROUND

State law requires businesses to report Unified Program information electronically and required CalEPA to develop an electronic reporting system to support that requirement. To comply, CalEPA created CERS, the California Environmental Reporting System, a web based business reporting portal. To meet the required time frame for implementation, CalEPA planned that certain information would continue to be reported through the uploading of specifically identified documents in a pdf format. This approach kept CERS development costs down and was intended to improve efficiency for reporting information that was not yet identified as discrete data elements. Examples of such forms include the Emergency Contingency Plan and the site map portions of the Hazardous Materials Business Plan. CERS also provided for a miscellaneous document type upload for each program element as a contingency.

In 2013 after electronic reporting became mandatory, the State Water Resources Control Board (Water Board) and CalEPA began receiving complaints from the regulated business community and the Unified Program Agencies (UPAs) that the process of uploading documents for the Underground Storage Tank Program (UST Program) had created a significant new and unintended workload on both the businesses and the UPAs. These documents, including annual monitoring system certifications, spill bucket tests, and secondary containment testing certifications, are prepared by third parties on behalf of the regulated business, are required to be reported shortly after the work or tests are completed, and are required at times of the year other than the business's annual reporting cycle. A full list of these documents is included in the Appendix below.

ANALYSIS

Statute provides that the implementation must be cost effective and efficient for businesses and UPAs, and regulation requires the submission of the data identified in the Unified Program data dictionary. Both businesses and UPAs have reported a significant increase in the cost and effort needed to process the third party documents into files and upload them into CERS.

- Health and Safety Code Chapter 6.11 section 25404(e)(2)(A): 'No later than January 1, 2010, the secretary shall establish a statewide information management system....reported by regulated businesses pursuant to this subdivision and section 25507 ***in a manner that is most cost efficient and effective for both the regulated businesses and state and local agencies*** (Emphasis added).
- California Code of Regulations (CCR) Title 27 section 15188(b): 'Regulated businesses shall report required data applicable to their business to the UPA by electronic submission ***of the data elements described in the data dictionary*** (Emphasis added).

GUIDANCE

Pursuant to legislative intent to make electronic reporting cost efficient and effective, CalEPA and the Water Board have concluded that regulated businesses should have the option to either provide specific documents electronically as uploaded pdf files or to continue to be reported in the manner used before electronic reporting was implemented.

CalEPA, the Water Board, and the CUPA Forum Board are working together to improve the electronic reporting of the information on these documents to meet the legislative intent. If you have questions regarding the guidance letter, please contact Laura Fisher, Underground Tank Program Manager at Laura.Fisher@waterboards.ca.gov or John Paine, Unified Program Manager at john.paine@calepa.ca.gov.



Jim Bohon, Assistant Secretary
California Environmental Protection Agency

Appendix

UST Program Documents Covered by this Guidance Letter Submittal of these documents is required by CCR Title 23 but they are not defined in CCR Title 27 Data Dictionary
Monitoring System Annual Certification
Spill Bucket Testing Report
Secondary Containment Testing Report
Tank Integrity Test Report (Possible Unauthorized Release)
Tank Integrity Test Report (New Construction)
Tank Integrity Test Report (After Lining)
Tank Integrity Test Report (With Statistical Inventory Reconciliation)
Tank Integrity Test Report (With Manual Inventory Reconciliation)
Line Integrity Test Report (Suction Pipe)
Line Integrity Test Report (Gravity Pipe)
Statistical Inventory Reconciliation Annual Results Statement
Enhanced Leak Detection Test Report (New Construction)
Enhanced Leak Detection Test Report (Single-Walled Tanks within 1,000 Feet of Public Drinking Water Well(s))
Enhanced Leak Detection Test Report (Double-Walled Tanks within 1,000 Feet of Public Drinking Water Well(s))
Temporary Closure Tank Liquid Sampling Results
Tank Lining Structural Integrity Certification
Tank Lining Interior Lining Inspection Certification
Tank Bladder Minimized Puncture Threat Certification