

Unified Program Newsletter – October 2019

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CalEPA

CERS NextGen Update

CalEPA kicked off a Business Process Analysis and Re-Engineering project, CERS NextGen, last March to thoroughly examine the current CERS tool for issues and to look at the future needs of its users. Between April and August, CalEPA and our contractor documented the existing processes and worked with dozens of stakeholder representatives from businesses, local governments, state agencies, and US EPA to validate those processes. Based the information from the stakeholder, analysis of previous survey responses, and 240+ proposed enhancements that had been submitted since CERS went live, we have identified over 120 issues, or “pain points”. This provided the basis for a set of draft recommendations and high level functions for the potential next generation of CERS. These draft recommendations and the high level functions will be shared and discussed with the stakeholders in November through a number of working sessions. The outcome will be to finalize a future direction for CERS with defined processes founded on well-defined business goals and objectives. In December and January, we will be engaging with stakeholders again to help craft a set of mid-level requirements for a solution that fulfill those defined business goals and objectives.

State Water Board

Report 6

The State Water Resources Control Board (State Water Board) would like to take the opportunity to thank all Unified Program Agencies (UPAs) for successfully submitting the Semi-Annual UST Program Report 6 (Report 6) on time for the January-June, 2019, period. We appreciate all the hard work to produce timely and accurate Report 6 submittals. Report 6 is an essential report for the State Water Board to report data to the United States Environmental Protection Agency to assess national compliance with the federal underground storage tank (UST) program.

Report 6 is available in the California Environmental Reporting System (CERS) UST Program Reports. The Report 6 data is derived automatically from the inspection reports as they are uploaded to CERS. CERS identifies the technical compliance rate performance measure through specific violations from the 2019 violation library and automatically calculates the necessary information for Report 6. Paperless reporting of the Report 6 is available, and the State Water Board encourages UPAs not yet approved for paperless reporting to continue or begin the process to receive approval for paperless reporting. Prior to being approved for paperless reporting, facility information in CERS including installation dates, system construction, and monitoring information needs to be current and correct. Currently, 36 UPAs are approved for the paperless reporting process.

For UPAs to begin the Report 6 data review process for paperless reporting, please contact Mr. Daniel Firth at (916) 341-5711 or by email at Daniel.Firth@waterboards.ca.gov or with general questions on the Report 6, please contact Mr. Steven Mullery at (916) 341-5850 or by email at Steven.Mullery@waterboards.ca.gov.

California International Code Council Underground Storage Tank Inspector Certification Renewal Updates

The State Water Board, in collaboration with UPA representatives from each of the four regions and the International Code Council (ICC), has updated the ICC California UST Inspector Certification renewal guidelines for continuing education contact hours. At the same time, ICC has updated the application form for renewal of certification. The revision to guidelines is the first since 2007 and incorporates revisions to update language, reference current regulatory requirements, and update language for

qualifying subject matter. Representatives from the UPAs and ICC provided significant support during this process and their time is appreciated.

The State Water Board would like to recognize the following individuals for their dedication and support with the guidance: John Elkins, Sacramento County Environmental Management Department; Monica Hanley, Santa Monica Fire Department; Royce Long, Los Angeles City Fire Department; Ernie Medina, Bakersfield City Fire Department; Lindsay Morgado, Santa Clara County Fire Department; Eric Scott, Glenn County Air Pollution Control District; Mary Barnett, International Code Council; and Doug Hatch, International Code Council.

In addition to our external partners, we would like to extend our appreciation to those at the State Water Board who provided their insight and expertise to ensure all moving parts came together seamlessly. This includes representatives of the Office of Enforcement, Office of Chief Counsel, and UST – Leak Prevention Unit.

Information on remaining current with ICC certification, a copy of the State Water Board letter to Local Agencies regarding implementation of contact hours for renewal of CA UST ICC certification, and information on the use of contact hours can be found under the UST Inspector [section of the UST Program – Certification and Training Information webpage](#)

(https://www.waterboards.ca.gov/water_issues/programs/ust/training/icc_cert_info.shtml#inspector).

For more information regarding the ICC continuing education renewal updates, please contact Ms. Laura Fisher at (916) 341-5870 or by email at Laura.Fisher@waterboards.ca.gov.

Government Owned Tanks Initiative

State Water Board's Office of Enforcement conducts inspections at government owned tanks (GOT) facilities as part of the GOT Initiative. The purpose of the GOT Initiative is to gain compliance with state and federal laws at UST facilities owned and/or operated by government agencies by conducting file reviews, performing site inspections, and taking enforcement actions when appropriate. For more information regarding the GOT Initiative, please visit the [UST Enforcement website](#)

(https://www.waterboards.ca.gov/water_issues/programs/enforcement/tanks.html).

GOT Initiative compliance and enforcement letters from 2014 to present can be found on the [Government Tank Initiative - Compliance and Enforcement Letters website](#)

(https://www.waterboards.ca.gov/water_issues/programs/enforcement/compliance_enforcement_letters).

For more information regarding the GOT Initiative, please contact Mr. Brian Taylor at (916) 323-0600 or by email at Brian.Taylor@waterboards.ca.gov.

UST Regulation Package for the Storage of Diesel Containing up to 20 Percent Biodiesel Submitted to the Office of Administrative Law for Review

The complete UST regulation package for the storage of diesel containing up to 20 percent biodiesel (B20) has been submitted to the Office of Administrative Law (OAL) for a 30 business-day review. The proposed UST regulations amends California Code

of Regulations, title 23, division 3, chapter 16, article 3, sections 2631 and 2631.2. The proposed amendment to section 2631 recognizes B20 as an equivalent to diesel stored in double-walled UST systems, unless any material or component of the UST system is determined not compatible with B20. The adopted amendments also delete section 2631.2, which provides a temporary variance for biodiesel blends from June 1, 2009, to June 1, 2012, because it is inoperative. Once approved by OAL, the next step is for the package to be filed with the California Secretary of State. An effective date will be provided once the State Water Board has been advised by OAL.

More information on the rulemaking package is available on the UST Program's [Proposed Biodiesel UST Regulations webpage](#)

(https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/bio_regs/bio_fsor.pdf).

For more information regarding the proposed UST Biodiesel Regulations, please contact Ms. Laura Fisher at (916) 341-5870 or by email at

Laura.Fisher@waterboards.ca.gov.

Accessible UST Forms in Regulation

On October 14, 2017, the California government passed Government Code, title 2, division 3, chapter 5.6, section 11546.7 which requires compliance with the accessibility standards for disabled or impaired persons. The State Water Board does not discriminate based on a disability or impairment, nor does it exclude persons with a disability or impairment from participation in any program or activity. Accordingly, all State Water Board programs will provide access to services and facilities to persons with disabilities in accordance with Title II of the Americans with Disabilities Act to include digital accessibility. Without digital accessibility, millions of Californians experience barriers when using the internet to search for services, file forms, or access content on state government websites.

Currently State Water Board staff are modifying the forms found in the UST regulations. While the function of some forms will be amended in a forthcoming rulemaking package, the modifications for accessibility of the forms is currently in progress. These forms are in regulations and cannot be modified, to include changing the format, size, or adding of company logos or advertisements. The modified forms will initially be available only in portable document format (PDF).

The PDF forms require a recent version of Adobe Reader to view. The Adobe Acrobat Reader may already be installed on your computer as a “plug-in” or “helper application” for your web browser. To find out, click on the PDF link for the document you are interested in. If the Adobe Acrobat Reader is properly installed on your computer, the Reader will either download or automatically open a PDF copy of the document, depending on your browser and how it is configured. If the Adobe Acrobat Reader is not installed on your computer, it can be found, free of charge, at the [Adobe Acrobat Reader download page](#)

(<http://www.adobe.com/products/acrobat/readstep2/>).

For more information regarding the accessible forms, please contact Mr. Tom Henderson at (916) 319-9128 or by email at Tom.Henderson@waterboards.ca.gov.

Closing Tanks in Previously Archived ‘Unaccepted’ Submittals

Some facilities owners/operators have not properly reported in CERS closed or removed USTs in archived submittals that were not accepted by the UPA because they do not have access to the archived submittals. The following process resolves this dilemma:

1. The UPA must set the submittal status of the most recent archived submittal that includes these tanks to = Accepted or Accepted with Conditions and include an Inspector Comment: “This submittal has been accepted solely to enable the tank(s) to be properly reported closed in CERS.”
2. The current facility creates a new submittal based on the archived accepted submittal. This ensures that no new tank identifications (IDs) are created. If this submittal closes all tanks at the facility, then the UST Facility Operating Permit Application Type of Action must = Permanent Facility Closure. The tank Type of Action must be = Closed in Place or Removed and the install date and closure date for each tank must be provided. If the install date is unknown use 1/1/1900. If there is no current facility the UPA can add themselves to the previous business organization and make this closure submittal on their behalf. When making a closure submittal on the behalf of the previous business organization, add a comment that the submittal is made on behalf of the previous business organization solely to report the closure/removal of the tanks.
3. The UPA accepts this submittal or accepts with conditions. A comment may be appropriate to clarify that this submittal was to correctly report previously closed or removed tanks by the previous business organization.

For more information regarding closing tanks in previously archived ‘Unaccepted’ submittals or other questions relating to reporting closed or removed tanks in CERS, please contact Mr. Dan Firth at Daniel.Firth@waterboards.ca.gov.

Accessing Tank IDs in Previously Archived ‘Accepted’ Submittals

Some facilities have archived, accepted submittals for tanks that were active at the time. With the release of CERS 3, active tank IDs, CERS Tank IDs, and tank data are displayed when a new facility starts a submittal to help prevent creating duplicate tanks in CERS. UPAs should work with new facilities to ensure they use the: 1) existing CERS Tank ID; and 2) tank data for their initial submittal, regardless of whether it is for an active tank or to report a tank closure/removal that was last reported active in the archived submittal. The new facility can edit the Tank ID field if needed for their use but the CERS Tank ID and the tank’s associated data will be incorporated automatically in their initial submittal.

For more information regarding accessing tank IDs in previously archived 'Accepted' submittals or other questions relating to reporting closed or removed tanks in CERS, please contact Mr. Dan Firth at Daniel.Firth@waterboards.ca.gov.

DTSC

2019 Verification Questionnaire Report Cycle Update

The Department of Toxic Substances Control's (DTSC) 2019 EPA ID Number Verification Questionnaire report cycle is still open. Over 82,000 EPA ID numbers have been verified. The Verification Questionnaire is completed through the [electronic Verification Questionnaire \(eVQ\) System](#). Hazardous waste handlers that need assistance with the Verification Questionnaire can email eVQ@dtsc.ca.gov or call 1-877-454-4012, Monday - Friday from 9:00 a.m. to 4:00 p.m. (PDT).

(<https://evq.dtsc.ca.gov/Home.aspx>)

Violations Scoring Procedure

The violations scoring procedure (VSP) regulations, found at [California Code of Regulations, title 22, sections 66271.50 through 66271.57](#), took effect on January 1, 2019. The VSP regulations apply to all operating permitted hazardous waste facilities, except for those facilities *solely* authorized under a post-closure permit or order, or a permit or permit modification for closure only. The regulations require DTSC to comprehensively evaluate each hazardous waste facility's compliance history as part of the permit decision-making process. The regulations establish a systematic process for evaluating and characterizing a hazardous waste facility's compliance with substantive hazardous waste management requirements. Please refer to DTSC's [VSP](#) webpage for information.

([https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I2AD19BB73CDC4B46B5CE80C2B4C2AA83&originationContext=documenttoc&transitionType=Dehttps://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I2AD19BB73CDC4B46B5CE80C2B4C2AA83&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)fa ult&contextData=\(sc.Default\)\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I2AD19BB73CDC4B46B5CE80C2B4C2AA83&originationContext=documenttoc&transitionType=Dehttps://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I2AD19BB73CDC4B46B5CE80C2B4C2AA83&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)fa ult&contextData=(sc.Default))))

(<https://dtsc.ca.gov/violations-scoring-procedure/>)

On October 9, 2019, DTSC released its first statewide hazardous waste facility [scorecard](#) ranking the 78 operating permitted facilities in California that treat, store, or dispose of hazardous waste. The [press release](#) provides additional information.

(<https://dtsc.ca.gov/violations-scoring-procedure/>)

(<https://dtsc.ca.gov/2019/10/09/vsp-news-release/>)

On October 21, 2019, DTSC will hold two informational webinars on the VSP. Please check the [VSP](#) webpage for information on webinar times and registration, to be posted after October 14, 2019.

(<https://dtsc.ca.gov/violations-scoring-procedure/>)

References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: cupa@calepa.ca.gov.

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