

Unified Program Newsletter – December 2021

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CalEPA

State Oversight Surcharge

On June 25, 2021, the State Oversight surcharge increase became effective. A majority of the increase will fund the CERS NextGen project, which is expected to be completed in July 2025. Certified Unified Program Agencies (CUPAs) are required to begin assessing the new State Oversight surcharge no later than sixty days after the effective date of the new surcharge. Most CUPAs have or plan to assess the new State Oversight surcharge beginning this fiscal year. However, due to billing cycles, some CUPAs may not begin assessing the new State Oversight surcharge until next year’s billing cycle. CUPAs are expected to assess and collect the new State Oversight surcharge from each regulated business for four years.

The Oversight portion of the annual State Surcharge has increased from \$49 to \$84, with the increase allocated as follows:

- \$27 for the California Environmental Reporting System (CERS) NextGen project; and,
- \$8 to address the structural deficit related to the State Certified Unified Program Account

In Fiscal Year 2024/2025, CalEPA will adjust the Oversight Surcharge to cover costs for the ongoing maintenance and operations of CERS NextGen.

Surcharge Transmittal Report

Reminder to all CUPAs: The quarterly Surcharge Transmittal Report for FY 21/22 Quarter 2 (October 1 – December 31) is required to be submitted by **January 31, 2022**. The report template was revised on June 25, 2021, which can be found [here](#).

(https://calepa.ca.gov/wp-content/uploads/sites/6/2021/07/SURCHARGE-TRANSMITTAL-REPORT_20210709-ADA.pdf)

This template has a section for reporting the CERS Nextgen portion of the Oversight fee. CalEPA is requesting CUPAs use the revised template and separate the CERS Nextgen fee from the oversight fee. CalEPA also requests that Surcharge Transmittal Reports be submitted to CalEPA even if no surcharge monies were collected during the reporting period.

State Water Board

UST Closure Commitment Plan Webinars

As a reminder, the State Water Resources Control Board (State Water Board) will be hosting two remote webinars on the single-walled *UST Closure Commitment Plan* that was issued to owners and operators of single-walled underground storage tank (UST) systems on October 27, 2021. These plans were issued to call attention to potential obstacles and bottlenecks that owners and operators new to removing UST systems may not be aware of. Reviewing the contents of the plans is encouraged to avoid scheduling conflicts and supply chain issues as the December 31, 2025, deadline for removing single-walled systems approaches.

The workshops will be held on Microsoft Teams. The dates and times are:

- **December 14, 2021, from 10:00 a.m. to noon**
https://teams.microsoft.com/join/19%3ameeting_MmE3YTkyZjYtMTA0Yi00ZWU4LWE3MjltY2FIMWY0ZjhiMmUx%40thread.v2/0?context=%7b%22Tid%22%3a%22fe186a25-7d49-41e6-9941-05d2281d36c1%22%2c%22Oid%22%3a%224dfa19e1-3e4d-4d0d-95cb-d8e77468916b%22%7d
- **January 13, 2022, from 4:00 p.m. to 6:00 p.m.**
https://teams.microsoft.com/join/19%3ameeting_YzY3OWE3MjEtZmJjMC00OWQxLWFhNzEtNzQ3NDA3MmI5YzZm%40thread.v2/0?context=%7b%22Tid%22%3a%22fe186a25-7d49-41e6-9941-05d2281d36c1%22%2c%22Oid%22%3a%224dfa19e1-3e4d-4d0d-95cb-d8e77468916b%22%7d

For additional information regarding UST Closure Commitment Plans, contact: Mr. Johnny Wales at (804) 852-7274 or Johnny.Wales@waterboards.ca.gov, or Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

UST Facility Compliance Inspection Requirements

State Water Board staff are reminding the Unified Program Agencies (UPAs) of facility compliance inspection requirements. As discussed in https://www.waterboards.ca.gov/water_issues/programs/ust/cupa/updates/docs/november2021-ust.pdf, California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2713(d) requires the UPAs to report to the State Water Board the number of UST facilities that did not receive compliance inspections no later than January 31st each year. The State Water Board uses this information to report to the United States Environmental Protection Agency as part of the Energy Policy Act of 2015 (EPA Act). It's recommended that UPAs run the [search tool](#) now in CERS to identify which facilities have not had a compliance inspection in the 2021 calendar year and to ensure the correct data has been properly entered into CERS. Results from this report will assist UPAs in identifying facilities with missing inspections and/or inaccurate data.

(<https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch>)

As a reminder, virtual or desk audit UST compliance inspections that do not have an on-site element do not satisfy the UST compliance inspection requirements of the EPA Act.

For more information regarding compliance inspections reporting requirements, contact: Mr. Johnny Wales at (804) 852-7274 or Johnny.Wales@waterboards.ca.gov, or Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Requirements for Service Technicians

State Water Board staff have fielded questions pertaining to the requirements for service technicians conducting UST work. As required by UST Regulations, section 2715(f)(4), service technicians themselves do not need to hold certification from the International Code Council (ICC) provided they are working under the personal supervision of someone who does hold ICC certification and is present on site while the work is occurring. Individuals performing the work of a service technician must possess manufacturer's certification for each component that is serviced as outlined in UST Regulations, section 2715(f)(2). This requirement applies to any individual performing work on UST components. Further, manufacturer's refreshers training for each component must be completed at most every 36 months, unless the time interval required by the manufacturer is shorter (UST Regulations, section 2715(f)(3)). https://www.waterboards.ca.gov/ust/leak_prevention/lgs/docs/lg-167-2.pdf provides further information on the scopes of work for individuals servicing UST systems.

For additional information regarding the requirements for service technicians, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

DTSC

DTSC's Response to JUUL Labs, Inc.'s Letter Concerning their Proposed Recycling Program

The Department of Toxic Substances Control (DTSC) responded to a letter from JUUL Labs, Inc. (JLI) requesting concurrence concerning their proposed collection and recycling program for post-consumer e-cigarette devices and nicotine pods. Specifically, JLI wanted DTSC's concurrence that they could collect discarded JUULpods and JUUL Devices through two mechanisms: a) on-site collection such as retail outlets, and b) mail-in return by the consumer. JLI also wanted DTSC's concurrence that the discarded JUUL devices could be managed as universal waste and the discarded JUULpods as non-hazardous waste.

It was determined that JLI's e-cigarette devices, known as JUUL Devices, could potentially be managed as universal waste (UW) as long as the device had not been contaminated by the nicotine containing e-liquid. Because JUUL Devices contain a lithium-ion battery, the JUUL Device could be managed as a UW electronic device and the lithium-ion battery contained in the device as a UW battery. Any retail store collecting discarded JUUL Devices from households are required to be universal waste handlers and follow all applicable universal waste regulations should they choose to accept these discarded devices.

JLI's nicotine containing pods, known as JUULpods, are considered an acute hazardous waste when discarded because they contain nicotine, which is a P-listed acute hazardous waste (P075). However, because JUULpods are a household hazardous waste, they can be exempt from hazardous waste regulations if they are emptied by removing all of the liquid contents that can be removed using practices commonly employed to remove materials from that type of container. Meaning, if the household has fully vaped all the contents of the container to the point of where no vapor is produced, then it is considered empty. This exemption applies only to households and not to handlers or recyclers. Empty JUULpods would be considered a non-hazardous waste and could be collected by retailers or mailed via JLI's specified envelopes to be recycled.

A copy of the response letter can be found on the DTSC [Online Reference Library](https://dtsc.ca.gov/dory/) (DORY).

(<https://dtsc.ca.gov/dory/>)

Cal FIRE OSFM

Revised CERS Help Materials for the Aboveground Petroleum Storage Act (APSA) Program

The following CERS help material has been updated and is now posted on the CAL FIRE-OSFM [APSA website](https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/). Refer to the CERS Resources section.

(<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/>)

- [Preparing an APSA Submittal in CERS](https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/preparing-an-apsa-submittal-in-cers/)
(<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/preparing-an-apsa-submittal-in-cers/>)

Other revised CERS help materials available on the CAL FIRE-OSFM APSA website are as follows:

- [Aboveground Petroleum Storage Tank Facility Statement Reporting Requirements](https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements/)
(<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements/>)
- [Is My Facility Regulated Under APSA?](https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/is-my-facility-regulated-under-apsa/)
(<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/is-my-facility-regulated-under-apsa/>)

If you have questions, contact OSFM staff at cupa@fire.ca.gov.

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.

[CalEPA Unified Program Home Page](#)