

Unified Program Newsletter – May 2022

Contents

CalEPA.....	1
Formal Enforcement in CERS	1
State Water Board.....	5
Statute and Regulation Citations on UST Permits to Operate and Permit Conditions ..	5
Additions to Local Guidance Letter 113	6
Designated Operator Responsibilities.....	6
Compatibility of Sealants	7
Fiberglass Tanks Containing Ethanol Fuel Blends	8
Red Tag Webpage Update	8
DTSC	8
DTSC’s 2022 ID Number Verification Questionnaire Report Cycle	8

CalEPA

Formal Enforcement in CERS

Formal enforcement action is typically pursued after the Certified Unified Program Agency (CUPA) has completed an inspection and notified the operator of violations in writing. This initial violation notification is currently documented in the California Environmental Reporting System (CERS) as an inspection with associated violations.

To enter formal enforcement for a facility:

1. Sign into the CERS Regulator Portal and navigate to the appropriate Facility. For this example, we will be using “We Love Alpaca”

2. Select the Compliance link from the left-hand side of the screen.

Facility: We love alpaca (CERSID: 10180367)
Home » Facility Search » Facility Summary: 10180367

Facility Summary for CERS ID: 10180367

Facility Name: We love alpaca
Business Name: [We love alpaca \(Fremont City Fire Dep.](#)
CUPA: [Fremont City Fire Dep.](#)

Facility Information

We love alpaca	Remote Facility	Owned
12345 Abcde	No	Leonard
Fremont, CA 94539	Small Quantity	Fremont
(23) 456-7890	Facility	(925) 456-7890
No		

Compliance

[Summary](#)
[Submittals](#)
[Reporting Requirements](#)
[Compliance](#)
[Notifications](#)
[Manage Facility](#)
[Change UPA](#)
[Location Map](#)

3. Select "Create Enforcement Action."

Facility: We love alpaca (CERSID: 10180367)
Home » Facility Search » Facility Summary: 10180367 » Compliance

Compliance

View Compliance Records

- [View Inspections](#)
- [View Enforcement Actions](#)
- [View Violations](#)

Create Compliance Records

- [Create Inspection](#)
- [Create Enforcement Action](#)**

[Summary](#)
[Submittals](#)
[Reporting Requirements](#)
[Compliance](#)
[Notifications](#)

- Enter the applicable information in the form including the type of enforcement, enforcement docket number, date of settlement, Final penalty assessed, supplemental environmental project value, and a comment to summarize the case. Once data entry is complete select the Save button.

Create Enforcement Action: We love alpaca (CERS ID: 10180367)

Home » Facility » Enforcement Actions » Create

Create Enforcement Action: We love alpaca (CERS ID: 10180367)

Save Cancel

Enforcement Action Details

Date: 4/19/2022
 Regulator ID: Fremont City Fire Department
 Type: AEO - UP
 Formal Type: Administrative Civil Criminal Civil/Criminal
 Docket Number: 2022-testing
 Comments: Demo

Data Entry Status: Approved
 Date Referred Case Settled/Dropped: 4/12/2022
 Final Fine/Penalty Assessed: \$ 10000
 Supplemental Environmental Projects Value: \$ 500
 Red Tag Issued:

Save Cancel

- Once the enforcement summary has been saved it is time to link the enforcement to violations. In order to link violations to the enforcement case the violations must have been previously entered/uploaded into CERS as part of an inspection. To add the violation, select the “Add violation” button.

Enforcement Summary

Edit Cancel

Enforcement Information

Date: 4/19/2022
 Regulator ID: Fremont City Fire Department
 Type: AEO - UP
 Formal Type: Administrative
 Docket Number: 2022-testing
 Comments: Demo

Data Entry Status: Approved
 Date Referred Case Settled/Dropped: 4/12/2022
 Final Fine/Penalty Assessed: \$ 10000.0
 Supplemental Environmental Projects Value: \$ 500.00
 Red Tag Issued: No

Linked Violations

Add Violation

Occurred On	Type	Program	Class	Actual RTC	Violation Comment	Unlink
No Violations have been linked to this Enforcement						

Created By: Erika Michelotti on 4/19/2022 12:03 PM
 Last Updated By: Erika Michelotti on 4/19/2022 12:03 PM

Edit Cancel

- This will pull up a table of precious violations that can be linked to the enforcement by selecting the violation date.

Edit Enforcement Action: Link Violations: Violation Search

The grid below lists all Violations found for the current facility. Click the Violation Date to link the violation to the Enforcement Action.

Drag a column header and drop it here to group by that column

Occurred On	Program	Class	Violation Description	Inspection Date
4/15/2022	Business Plan Program	Class 1	Failure to adequately establish and implement a business plan when storing/handling a hazardous material at or above reportable quantities.	4/15/2022
4/15/2022	Hazardous Waste Generator	Class 1	Failure of a universal waste handler to obtain an ID Number from DTSC prior to storing 5,000 kilograms or more of universal waste when a federal ID number is not required.	4/15/2022

1 - 2 of 2 items

- Once all applicable violations have been tied to the enforcement case select the Save button.

Edit Enforcement

Enforcement Action Details

Date: 4/19/2022
 Regulator ID: Fremont City Fire Department
 Type: AEO - UP
 Formal Type: Administrative Civil Criminal Civil/Criminal
 Docket Number: 2022-testing
 Comments: Demo

Data Entry Status: Approved
 Date Referred Case Settled/Dropped:
 Final Fine/Penalty Assessed: \$ 10000.00
 Supplemental Environmental Projects Value: \$ 500.00
 Red Tag Issued:

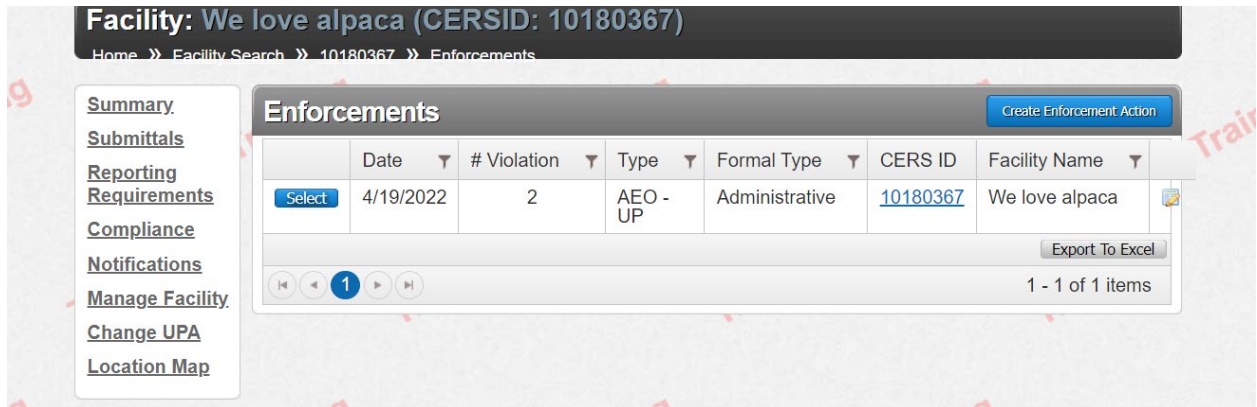
Linked Violations

Occurred On	Type	Program	Class	Actual RTC	Violation Comment
4/15/2022	Hazardous Materials Business Plan Implementation	Business Plan Program	Class 1	4/15/2022	bad news bears
4/15/2022	Universal Waste Handler: Department ID Number	Hazardous Waste Generator	Class 1	4/15/2022	alpaca not caught

Created By: Erika Michelotti on 4/19/2022 12:10 PM
 Last Updated By: Erika Michelotti on 4/19/2022 1:40 PM

Save Cancel

8. The enforcement action and affiliated violations will now display under Enforcements.



The Enforcement Summary in CERS closes the inspection/violation/enforcement loop, however it does not provide all information necessary to allow CalEPA to complete their reporting requirements. Until a reporting tool is completed and fully operational in CERS, CUPAs should continue to submit a completed Formal Enforcement Summary. The Formal Enforcement Summary Electronic Reporting Template and form instructions are available at: <http://www.calepa.ca.gov/CUPA/Publications/>

State Water Board

Statute and Regulation Citations on UST Permits to Operate and Permit Conditions

As part of the CUPA Performance Evaluation process, the State Water Resources Control Board (State Water Board) reviews the underground storage tank (UST) permit to operate and permit conditions for compliance with California Code of Regulations (CCR), title 23, division 3, chapter 16 (UST Regulations) and Health and Safety Code (H&SC), division 20, chapter 6.7 requirements. Evaluation staff have noted several CUPAs without Local Oversight Program (LOP) approval referencing H&SC, chapter 6.75 and CCR title 23, division 3, chapter 18 on the permit to operate and permit conditions. Since the vast majority of CUPAs do not have the LOP authority, the State Water Board has included a finding during the evaluation noting the permit to operate and permit conditions are inconsistent with CCR and H&SC. To correct this finding, CUPAs must revise the permit to operate and permit conditions by removing the cleanup statute and regulation citations and should cite the following revised citations on the permit to operate and permit conditions:

- CCR, title 23, division 3, chapter 16, sections 2610 - 2717.7; and
- H&SC, division 20, chapter 6.7, sections 25280 – 25296 and 25298 – 25299.6.

For more information regarding the UST permit to operate, contact:

Mr. Sean Farrow at Sean.Farrow@waterboards.ca.gov, or

Ms. Jenna Hartman at Jenna.Hartman@waterboards.ca.gov.

Additions to Local Guidance Letter 113

State Water Board staff have updated [Local Guidance Letter 113](#) (LG-113) to reflect recent release detection certifications by an independent third-party testing laboratory as meeting the release detection requirements equivalent to the Standard Test Procedures for Evaluating Leak Detection Methods – Automatic Tank Gauging Systems and Alternative Test Procedures for Evaluating Leak Detection Methods: Evaluation of Liquid Level Sensors. The Franklin Fueling EVO 600 and EVO 6000 monitoring panels in conjunction with various liquid level sensors and magnetostrictive probes have been posted to LG-113. CUPAs should anticipate the use of this release detection equipment at new and upgraded facilities and ensure service technicians have received training on these products through the manufacturer. Please note the limits to tank sizes and compatible substances for this equipment as outlined on LG-113. (https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/)

State Water Board staff are making additional modifications to LG-113 in an effort to improve the usability of the website. As LG-113 has grown over the years, some manufacturer information has become difficult to navigate. Moving forward, some equipment sections will be re-organized by the release detection device, with links to the associated monitoring panel. Franklin Fueling's listings have been updated to reflect this new structure, and other manufacturers' sections will be modified over the next several weeks.

For more information regarding additions to LG-113, contact:
Mr. Austin Lemire-Baeten at (916) 327-5612 or
Austin.Lemire-Baeten@waterboards.ca.gov.

Designated Operator Responsibilities

The State Water Board is aware of designated operators (DOs) performing UST facility inspections where an alarm has occurred in a sump, and instead of opening the sump and inspecting as required by UST Regulations, section 2716(b)(9), will call a service technician to perform the work after the inspection without noting the compliance issue in section 3 of the *Designated UST Operator Visual Inspection Report*. The State Water Board understands that in some circumstances, the DO may not be able to physically remove the sump lid, however, the unresolved issue must be noted in section 3 with follow-up action requirements by the UST owner or operator in section 5.

Further, the DO must properly complete sections 8 and 9 as shown:

8. RELEASE DETECTION ALARM HISTORY			
<i>Attach a copy of the alarm history report/log to this report.</i>	Yes	No	NA
Is the monitoring system powered on and in proper operating mode?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has each alarm since the previous inspection been responded to appropriately? (Attach documentation verifying appropriate service to this report.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have all containment sumps that have had an alarm since the previous designated UST operator inspection report, been responded to by a qualified service technician?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. UST SYSTEM INSPECTION					
<i>List below and in Section 3 all containment sumps that have had a release detection alarm since the previous Designated UST Operator Inspection Report and have not been responded to by a qualified service technician. Containment sumps listed below require a visual inspection for damage, water, debris, hazardous substance, and proper sensor location.</i>					
<i>Is the containment sump free of damage, water, debris, and hazardous substances?</i>					
Containment Sump ID	Yes	No	Containment Sump ID	Yes	No
Tank X-Turbine Sump	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

During the visual inspection, the DO is responsible for addressing a variety of compliance issues as part of the inspection procedure. As such, by not inspecting a sump with a release detection alarm, the DO has not verified that each alarm condition was documented and responded to appropriately. UST inspectors review the Designated UST Operator Visual Inspection Report as part of the UST routine compliance inspection. Compliance issues that are not addressed or documented appropriately are violations and need to be included in the inspection report.

For more information regarding the responsibilities of designated operators, contact: Mr. Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

Compatibility of Sealants

State Water Board staff have recently fielded questions pertaining to compatibility of materials used in UST systems that are incidental to the containment system. As described in H&SC, chapter 6.7, sections 25290.1(c), 25290.2(c), and 25291(a), compatibility is an essential property of UST containment. While not explicitly stated, product compatibility applies to adhesives, sealants, pipe dope, and related materials that are part of the containment system and therefore must be compatible.

For more information regarding compatibility, contact: Mr. Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

Fiberglass Tanks Containing Ethanol Fuel Blends

State Water Board staff are reminding stakeholders that fiberglass USTs must have an Underwriter's Laboratory (UL) 1316 listing that explicitly includes a rating for alcohol or alcohol mixtures when storing ethanol blends above E10. For tanks installed before 1991, an affirmative statement of compatibility from the manufacturer or approval by an independent testing organization that specifically approves the tank for ethanol blends can be used if the tank does not have a UL 1316 listing that includes alcohol. State Water Board staff issued a [letter addressing ethanol compatibility](#) in July 2015 that contains additional resources relevant to fiberglass compatibility.

(https://www.waterboards.ca.gov/ust/tech_notices/docs/ethanol_tank_compatibility_letter.pdf)

For more information regarding fiberglass tanks containing ethanol fuel blends, contact: Mr. Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

Red Tag Webpage Update

The State Water Board has recently updated the [UST Red Tag Requirements and Guidance](#) webpage to include the latest statistics regarding red tagged facilities and significant violations for the 2021 cycle. This webpage reports the number of red tags affixed and number of significant violations per year. This data is further broken down by reporting period and type of significant violation. To note, the number of red tagged facilities is higher in 2021 than during the 2020 reporting cycle, though is roughly the average for prior years. Additionally, significant violations in 2021 were mostly issued to chronic or recalcitrant facilities. The webpage is updated semi-annually and analyzed for significant violation trends.

(https://www.waterboards.ca.gov/ust/enforcement/red_tag_regs_index.html)

For more information regarding red tag webpage updates, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

DTSC

DTSC's 2022 ID Number Verification Questionnaire Report Cycle

The Department of Toxic Substances Control's (DTSC) 2022 Hazardous Waste ID Number Verification Questionnaire and Manifest Fees Assessment report cycle will open on or after July 5, 2022. Initial notifications to ID number holders required to complete the questionnaire will be emailed when the cycle launches. ID number holders without an email address on file will receive paper notifications. The notifications will stagger over the course of two to three weeks to allow the Business Operations Unit to support the influx of telephone and email inquiries generated from the notifications.

Effective January 1, 2022, [Senate Bill \(SB\) 158](#) eliminated the ID number verification fee. This fee will not be assessed in the 2022 Verification Questionnaire cycle. However, the manifest fees will still be assessed. Please note that the manifest fees assessed within the Verification Questionnaire are not the same as the U.S. EPA's e-Manifest user fees.

(https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB158)

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](#)