

Unified Program Newsletter – July 2024

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CalEPA

27 CCR Webinar Presentation

The PowerPoint presentation used during the 27 CCR webinar is available at:
<https://calepa.ca.gov/wp-content/uploads/sites/6/2024/06/California-Code-of-Regulations-title-27-Revised-Regulations.pdf>.

A copy of the webinar is also available on request at cupa@calepa.ca.gov.

Process for Federal Facilities Claiming Sovereign Immunity for the Hazardous Materials Business Plan Program and California Fire Code and Payment of Oversight Surcharge

In accordance with Unified Program Guidance Letter 21-01*, if a federal facility determines they "...are not legally authorized to expand the scope of sovereign immunity waivers beyond that which Congress has directed, which includes payment of fees.", then CUPAs are not required to collect fees or surcharges. Additionally, CUPAs are not required to perform compliance inspections for the Hazardous Materials Business Plan (HMBP) or Hazardous Materials Management Plan/Hazardous Materials Inventory Statement (HMMP/HMIS) of the California Fire Code (CFC).

All federal facilities must submit a written declaration to the CUPA of their choice to not waive their sovereign immunity and therefore not pay local or state fees for the HMBP and the CFC. The written declaration must identify the name and address of the facility. If a federal department, submits a declaration of not waiving sovereign immunity for all facilities under their "umbrella", the declaration must also include the name and address of all facilities covered under the declaration.

CUPAs are requested to send CalEPA all declarations already received using the Sovereign Immunity Form by email at CUPA@calepa.ca.gov with “Sovereign Immunity Form” as the Subject. The Unified Program Guidance Letter 21001 and the Sovereign Immunity form may be found on the CalEPA Unified Program website at:

<https://calepa.ca.gov/cupa/publications/>

* CalEPA Legal office is currently reviewing the revised UP Guidance Letter 21-01.

If you have any questions or concerns, please contact John Paine at (916) 327-5092, or John.Paine@calepa.ca.gov or Steven Gailey at (916) 318-8197 or Steven.Gailey@calepa.ca.gov.

DTSC

Generator Improvements Rule

The Generator Improvements Rule (GIR) became effective in California starting July 1, 2024. The rule adopts federal hazardous waste requirements that are equivalent to or more stringent than California’s existing hazardous waste program. The rulemaking also reorganizes several sections and makes other conforming updates to align with the federal regulatory structure. For additional information regarding the GIR, follow the links below.

- [GIR information webpage](https://dtsc.ca.gov/generator-improvements-rule/)
(<https://dtsc.ca.gov/generator-improvements-rule/>)
- [GIR rulemaking webpage](https://dtsc.ca.gov/regs/gir/)
(<https://dtsc.ca.gov/regs/gir/>)
- [Regulatory crosswalk](https://dtsc.ca.gov/wp-content/uploads/sites/31/2024/06/DTSC-Crosswalk-Generator-Improvements-Rule-6.4.2024-2.pdf)
(<https://dtsc.ca.gov/wp-content/uploads/sites/31/2024/06/DTSC-Crosswalk-Generator-Improvements-Rule-6.4.2024-2.pdf>)
- [Frequently asked questions \(FAQ\)](https://dtsc.ca.gov/faqs-for-the-adoption-of-gir/) (Link can also be found on right-hand side in the Hazardous Waste Links of the GIR information webpage) – answers to questions you may have regarding GIR
(<https://dtsc.ca.gov/faqs-for-the-adoption-of-gir/>)
- [Quick Reference Guide \(QRG\)](https://dtsc.ca.gov/generator-improvements-rule/) template and instructions (towards the top of the GIR information webpage, look for the ‘template’ link) - note that the QRG is a new requirement for individual large quantity generators to have succinct information available for emergency responders in the event they need to be called out to address an emergency
(<https://dtsc.ca.gov/generator-improvements-rule/>)

Currently, DTSC is working on a system to disseminate large quantity generator closure notifications (using EPA form 8700-12) to Unified Program Agencies through the Hazardous Waste Tracking System. Stay tuned for further updates.

Additionally, the CUPA Training and Assistance Unit is developing GIR trainings, dates to be announced soon.

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Program Guidance Document

The APSA Program Guidance document was revised. It is available on the OSFM [APSA webpage](https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act) (<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>). A revision history is included in the guidance document.

APSA Tank Facilities

Question: Which facilities are subject to the requirements of the APSA Program?

Answer: A tank facility is subject to the APSA if any of the three conditions below apply:

- The tank facility is subject to the spill prevention, control, and countermeasure (SPCC) rule requirements in the Code of Federal Regulations, Title 40, Part 112.
- The tank facility has a total petroleum storage capacity in aboveground storage tanks of 1,320 gallons or more.
- The tank facility has a total petroleum storage capacity of less than 1,320 gallons but has one or more tanks in underground areas (TIUGA) that are not excluded consistent with the Health and Safety Code, Section 25270.3(c)(3) exceptions. When the total petroleum storage capacity is less than 1,320 gallons, the following TIUGAs are excluded: tanks storing heating oil, hydraulic fluid used in closed loop mechanical systems, or acting as a sump, separator, clarifier, catch basin or storm drain.

For more information, visit the OSFM APSA webpage on “Is My Facility Regulated Under APSA?” which may be found at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/is-my-facility-regulated-under-the-aboveground-petroleum-storage-act>.

For more information on TIUGAs, visit the OSFM TIUGA webpage at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga>.

APSA Webinars

OSFM presented the first in a series of short informative APSA webinars at the end of June. If you would like a copy of the presentation, email cupa@fire.ca.gov. OSFM will be offering more webinars on a variety of APSA topics soon.

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](#)