

Unified Program Newsletter – March 2025

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CalEPA

CERS NextGen Update

CalEPA and their contractors are continuing work to build the new system on a Salesforce Platform. Phase 1 will provide comprehensive functionality for the Underground Storage Tank (UST) Program utilizing a \$4.5 million dollar grant from the Technology Modernization Fund (TMF). Phase 2 will build the remaining functionality.

NextGen will not be changing the reporting requirements set by oversight agencies.

NextGen will include enhanced data validation and required data fields. Entry of data fields will become required to complete a submission in NextGen when they are applicable to programs being reported. Additionally, multiple new data fields are being created to capture important information and improve collaboration between regulators and facilities.

Non-Required Data

- EPA ID - will force comparison against Hazardous Waste Tracking System (HWTS) data
- Dunn & Bradstreet number
- Assessor's Parcel Number
- Number of employees

For additional updates please attend one of the classes [at Unified Program Training Conference](#) March 24-27, 2025, at the Marriott, Anaheim, Orange County:

- *M-L1 CERS NEXTGEN - Monday 8 -10am*
- *TU-L3 CERS NEXTGEN (REGULATORS ONLY) - Tuesday 1pm -3pm*

Underground Storage Tanks (UST)

The proposed UST rulemaking by the State Water Board will impact data submitted to CERS after adoption. Below is a summary of key changes but is not a substitute for reading and understanding the regulations:

1. The Designated UST Operator Identification Form will become data entry, not a document upload.
2. The Monitoring Site Plan or map will be required to be submitted to CERS including:
 - a. A scaled diagram indicating the layout of the tank(s) and piping to the extent known, including containment sumps
 - b. Locations of all release detection equipment
 - c. If applicable, each vacuum, pressure, or hydrostatic interstitial monitoring zone (To scale)
3. UST Test results must be submitted through CERS
4. The UST Response Plan document uploaded as part of UST submittal
5. Certification of Installation/Modification submitted to CERS for new installs or significant modification.

For additional updates, please attend one of the classes [at Unified Program Training Conference](#) March 24-27, 2025, at the Marriott, Anaheim, Orange County:

- *M-C1 NEW UST REGULATIONS JAN 1, 2026: WHAT IT MEANS FOR YOU - Monday 8am-10am*
- *W-C2 Preparing For 2026 – UST Leak Prevention Program Update - Wednesday 10am-12pm*

Hazardous Materials Inventory

Currently, data quality of the hazardous materials business plans (HMBPs) submitted to CERS is poor and does not comply with applicable laws and regulations. Due to the poor quality of data, it has been determined that we will be unable to migrate all data

into the new format. When CERS NextGen is launched, previously submitted HMBPs will remain accessible in a read-only format. As such, when a facility submits an HMBP for the first time in CERS NextGen, the facility will need to manually enter all HMBP information, including the entry of the chemical inventory, in order to comply with the system requirements.

CalEPA anticipates that an excel template will be available for facilities to upload as a starting point for their HMBP submission in NextGen; but we cannot provide additional information about it at this time due to Technology Modernization Fund (TMF) grant prohibitions during Phase 1 of this project. More information will be made available as we are able to provide it.

Inventory Requirements are Driven by the Following:

1. California Health and Safety Code, Chapter 6.95, Article 1
2. California Code of Regulations, Title 19, Division 5, Chapter 1
3. 40 Code of Federal Regulations part 370
4. 29 Code of Federal Regulations 1910.1200

New Mandatory Hazardous Materials Inventory Data Fields

When submitting chemical inventory information into NextGen, facilities will be required to differentiate the type of hazardous material for which information is being provided. The data fields required to enable a submittal will differ depending on the type as outlined below:

Chemical

- Chemical Abstracts Service (CAS) Number
- Chemical name
- Federal hazard categories
- Extremely Hazardous Substance (EHS)
- Quantity
- Storage information

Mixture

- Chemical Abstracts Service (CAS) Number
- Common name
- Chemical components name
- Chemical components % by weight
- Extremely Hazardous Substance (EHS)
- Federal hazard categories
- Quantity
- Storage information

Hazardous Waste

- Chemical Abstracts Service (CAS) Number
- Common name
- Chemical components name
- Federal hazard categories
- Extremely Hazardous Substance (EHS)
- Quantity
- Storage information

Preparing for NextGen

1. The best thing facilities can do to prepare for NextGen is to ensure that chemical inventory information submitted to CERS accurately includes all data fields and information identified above in order to align with the new mandatory data fields. In particular, we recommend ensuring that CAS numbers and mixture components are properly reported.
2. We encourage stakeholders and CUPAs to join the new committee that has been created to develop a hazardous materials library for NextGen. The kickoff meeting will be in April. Please e-mail CERSNEXTGEN@calepa.ca.gov [requesting to be included in this workgroup or](#) for additional information.
3. Stakeholders and CUPAs are encouraged to join the Monthly meetings for up-to-date project information.
 - a. Public Townhall on the last Thursday of the month for Business Community and public
 - i. Next meeting is Thursday, April 24 from 1pm - 3pm
 - ii. [Sign up is available on the CERS NextGen website](#)
 - iii. You must sign up each month for the webinar
 - b. CERS NextGen Data Steering Sub-committee on the second Thursday of the month focused on UPAs experience
 - i. Please e-mail CERSNEXTGEN@calepa.ca.gov [requesting to be included in this workgroup or](#) for additional information.

**For additional updates please attend one of the classes [at Unified Program Training Conference](#) March 24-27, 2025, at the Marriott, Anaheim, Orange County:
*W-L1 CERS NEXTGEN HAZARDOUS MATERIALS INVENTORY PREPARATION -
Wednesday 8am -9:45am***

CalARP/HMBP

Annual Unified Program Training Conference Outline

The CalARP Unit has published a training outline as a guide for inspectors to attend courses at the Annual Unified Program Training Conference based on their level of

expertise. This outline was developed by the CalARP Track Coordinators to assist inspectors at various levels of expertise to further their knowledge and skills.

The CalARP training outline for the 27th California Unified Program Annual Training Conference can be found at: <https://calepa.ca.gov/california-accidental-release-prevention/training-opportunities/>.

If you have any questions regarding the CalARP Training Opportunities, please contact CalEPA CalARP@calepa.ca.gov.

Notice of Proposed Rulemaking - CalEPA CalARP Program 4 Regulations

CalEPA is providing notice of its intent to amend regulations pertaining to California Accidental Release Prevention program regulations in Title 19, Division 5, Chapter 2, of the California Code of Regulations, Sections 5050.3, 5110.1 5110.13, 5110.16, and 5130.6.

A copy of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the proposed regulatory text is available for review at: <https://calepa.ca.gov/rulemaking/>

Interested parties are invited to submit written comments on the proposed amendments during the public comment period, which begins on March 7, 2025. Comments must be received by April 22, 2025. Detailed information regarding how to submit comments is contained within the [Notice of Proposed Rulemaking](#). (<https://calepa.ca.gov/wp-content/uploads/2025/03/Final-CalARP-Notice-of-Proposed-Rulemaking.pdf>)

For more information or for questions regarding this rulemaking, please contact Elizabeth Brega at Elizabeth.Brega@calepa.ca.gov or Jeannie Lee at Jeannie.Lee@calepa.ca.gov.

Thank you for your attention to this matter, we appreciate your participation in the regulatory process.

State Water Board

Single-Walled Underground Storage Tank Outreach Survey

The State Water Resources Control Board (State Water Board) utilizes data from the California Environmental Reporting System (CERS) to track the progress of permanent closures of single-walled underground storage tanks (USTs). However, CERS does not always accurately reflect site conditions, including the permanent closure of single-walled USTs. To assist the State Water Board with planning and allocation of resources, the State Water Board is requesting additional single-walled UST facility information via a survey.

On February 26, 2025, the State Water Board sent a [letter](#) to Unified Program Agency (UPA) managers (<https://www.waterboards.ca.gov/ust/docs/2025/sw-ust-survey-letter->

2025.pdf) through the UST email subscription list requesting additional single-walled UST facility information via a single-walled UST survey. The single-walled UST survey will be sent this month to each UPA through the single-walled UST program email, DWQ-SWUST@waterboards.ca.gov. The State Water Board requests each UPA complete and return the survey via the single-walled UST program email, DWQ-SWUST@waterboards.ca.gov, by April 14, 2025.

For information regarding the single-walled UST survey, contact:
Jenna Hartman at (916) 327- 8563 or Jenna.Hartman@waterboards.ca.gov.

Permanent Closure Requirements – Closure in Place

California Code of Regulations, title 23, division 3, chapter 16, section 2672(a) requires that USTs subject to permanent closure be either removed or closed in place. Prior to closure, the UST owner or operator must submit closure plans to the UPA for approval.

For closure in place, both the tank and/or associated piping may be closed in place. However, all piping associated with the UST is only permitted to be closed in place if removal damages structures or other pipes shared in a common trench. UPAs reviewing closure plans should determine if closure in place is appropriate and if sufficient justification has been provided for closing the piping in place before approving the plan.

For information regarding UST permanent closure requirements, contact:
Jenna Hartman at (916) 327- 8563 or Jenna.Hartman@waterboards.ca.gov.

Farewell

Brian Taylor, supervisor of the Office of Enforcement, UST Unit retired from State service on February 18, 2025. Brian assumed the supervisor role in 2019, and under his guidance, the UST Unit made significant contributions to advancing the single-walled UST closure initiative and addressing the removal of improperly abandoned USTs. We wish him the best.

DTSC

Emergency Regulations for the Conditional Exemption for Undeployed Airbags are Expired

The airbag emergency regulations that provided airbag waste handlers with a conditional exemption relieving some regulatory burdens related to the storage and transport of airbag waste expired on March 6, 2025, and are no longer in effect. Therefore, airbag handlers must manage airbag waste (i.e., undeployed airbag inflator and airbag module wastes) as hazardous waste in compliance with applicable regulations. DTSC intends to permanently adopt the airbag conditional exemption by January 2026.

Reminder about an important update regarding the Generator Improvements Rule (GIR) requirement.

Generators may accumulate as much as 55 gallons of non-acute hazardous waste and/or either 1 quart of liquid acute hazardous waste or 1 quart of extremely hazardous waste at the Satellite Accumulation Area (SAA) (22 CCR § 66262.15(a)).

As many of you may know, one change introduced by GIR pertains to the SAA regulations, which has been relocated from Section 66262.34 to Section 66262.15.

The US EPA has recently emphasized the changes to the SAA regulations under the 22 CCR 66262.15(a), generators may accumulate as much as 55 gallons of non-acute hazardous waste and/or either 1 quart of liquid acute hazardous waste or 1 quart of extremely hazardous waste at or near the generation point. Under the new regulations, the accumulation limits have shifted from allowing 55 gallons of a single waste stream to the combined limits.

If you would like to learn more about the new GIR requirements, please feel free to reach out to us via email at DTSC_CUPATrainers@dtsc.c.gov.

Upcoming Environmental Sampling for Enforcement Training Offered by DTSC

There are still spots available to join us for the Northern California sessions.

Thank you to everyone who has reached out to us so far. While we have received a high volume of inquiries from various parties, we want to ensure that all CUPAs have the chance to send their representatives to this training.

Each CUPA is welcome to send two representatives. If you need additional seats, please let us know, and we will happily place the additional staff(s) on the waiting list.

Please contact us by March 21, 2025. After March 21, 2025, we will start to add participants from the waiting list.



Environmental Sampling for Enforcement

Only 30 Seats Available

Location: DTSC
8800 Cal Center Dr.
Sacramento, CA 95826

Date: May 14, 2024
Time: 9:00 AM to 4:00PM

Upcoming Environmental Sampling for Enforcement Training for Southern California

The Department of Toxic Substances Control (DTSC) is excited to announce the Southern California training sessions focused on Environmental Sampling for Enforcement. These sessions will cover essential preparation and sampling techniques crucial for effective environmental enforcement.

Participants will gain comprehensive knowledge in various areas, including developing sampling strategies, selecting appropriate sampling equipment, and understanding laboratory analyses. The training will also cover how to interpret results and effectively present findings to build legally defensible cases. A significant component of the program will involve hands-on training, allowing participants to practice collecting and documenting different types of samples using various sampling tools.

The Southern California training session is scheduled for September 17, 2025, at the DTSC Chatsworth office located at 9211 Oakdale Avenue, Chatsworth, California. Due to the interactive nature of the training, spaces are limited to just 30 participants.

Don't miss this opportunity to enhance your skills in environmental sampling and enforcement. Priority will be given to CUPAs looking to develop their enforcement program.

For enrollment information please contact: [DTSC CUPATrainers@dtsc.ca.gov](mailto:DTSC_CUPATrainers@dtsc.ca.gov). We look forward to seeing you!



Environmental Sampling for Enforcement

Only 30 Seats Available

Exclusive Training for the Southern California CUPA

Location: DTSC
9211 Oakdale Avenue
Chatsworth, CA 91311

Date: September 17, 2025
Time: 9:00 AM to 4:00PM

To Enroll Contact: DTSC_CUPATrainers@dtsc.ca.gov

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Program Q&A

Question: A facility states that it is not near any navigable water or adjoining shoreline, and their catch basins do not discharge to any navigable water or adjoining shoreline. Therefore, the facility owner or operator claims that oil could not be reasonably expected to be discharged in quantities that may be harmful into navigable waters or adjoining shorelines.

Can the facility owner or operator select 'No' to the APSA question of the Business Activities or identify as 'conditionally exempt' on the APSA Facility Information section in CERS?

Answer: If a tank facility meets any of the applicability criteria described in Health and Safety Code (HSC), Section 25270.3, as shown below, then the tank facility owner or operator must select 'Yes' to the APSA question of the Business Activities in CERS.

1. Tank facility is subject to the Federal Spill Prevention, Control, and Countermeasure (SPCC) rule specified in the Code of Federal Regulations (CFR), Title 40, Part 112 (HSC, Section 25270.3(a)); or
2. Tank facility stores 1,320 gallons or more of petroleum (HSC, Section 2570.3(b)); or
3. Tank facility stores less than 1,320 gallons of petroleum and has one or more 55-gallon or larger stationary tanks in an underground area (TIUGA) (HSC, Section 25270.3(c)).

A 'tank facility' means one or more 55-gallon or larger aboveground storage tanks or containers, including any piping that is integral to the tanks, that contain petroleum and that are used by an owner or operator at a single location or site (HSC, Section 25270.2(n)).

A tank facility subject to APSA in accordance with HSC, Section 25270.3(a) has the potential threat of discharge to navigable waters or adjoining shorelines. However, under HSC, Section 25270.3(b) or (c), there is no explicit requirement for the tank facility to have a potential threat of discharge to navigable water or adjoining shoreline. The location of a tank facility does not matter if it is subject to APSA in accordance with HSC, Section 25270.3(b) or (c).

Additionally, HSC, Section 25270.4.5(a) states the following, "Except as provided in subdivision (b), the owner or operator of a storage tank at a tank facility subject to this chapter [APSA] shall prepare a spill prevention control and countermeasure plan applying good engineering practices to prevent petroleum releases using the same format required by Part 112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations, including owners and operators of tank facilities not subject to the general provisions in Section 112.1 of those

regulations.” The phrase, *“including owners and operators of tank facilities not subject to the general provisions in Section 112.1 of those regulations,”* addresses facilities that are subject to APSA per HSC, Section 25270.3(b) or (c), as they may be located far from any navigable water or adjoining shoreline.

Lastly, a ‘conditionally exempt’ tank facility must be *“located on and operated by* a farm, nursery, logging site, or construction site’. These tank facilities are only ‘conditionally exempt’ from preparing an SPCC Plan under APSA, because they meet certain conditions as specified in HSC, Section 25270.4.5(b). However, there is no such exemption under the Federal SPCC rule. ‘Conditionally exempt’ tank facilities are still subject to other APSA requirements, such as electronic reporting requirements and fees.

Question: Can facilities use an SPCC Plan template?

Answer: Not all facilities can use an SPCC Plan template. Only those facilities that meet the “qualified facility” criteria under the Federal SPCC rule can use an SPCC Plan template.

The Tier I Qualified Facility SPCC Plan template is available on the US EPA website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/tier-i-qualified-facility-spcc-plan-template>. For additional information on the SPCC Plan template for Tier I Qualified Facilities, refer to Appendix G of 40 CFR Part 112 and Chapter 1 of the SPCC Guidance for Regional Inspectors.

The Tier II Qualified Facility SPCC Plan template is available on the OSFM website at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>.

Professional engineer (PE)-certified SPCC Plans are required for facilities that do not meet the qualified facility criteria. The SPCC Guidance for Regional Inspectors Appendix D contains a sample Bulk Storage Facility SPCC Plan.

While tank facilities storing less than 1,320 gallons of petroleum and has one or more 55-gallon TIUGAs are not required by the Federal SPCC rule to create an SPCC Plan, APSA still requires the preparation of an SPCC Plan per HSC, Section 25270.4.5. Such facilities may use the Tier I Qualified Facility SPCC Plan template, the Tier II Qualified Facility SPCC Plan template, or prepare a PE-certified SPCC Plan.

More information may be found on the OSFM APSA Program website at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/is-my-farm-regulated-under-aboveground-petroleum-storage-act-apsa>.

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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