

Unified Program Newsletter – January 2026

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CalEPA

Changes in Local Program Implementation

As a reminder, Certified Unified Program Agencies (CUPAs) must implement the Unified Program in accordance with CalEPA's approval of the application for certification of the CUPA. CUPAs must notify and receive approval from the CalEPA Secretary prior to instituting significant changes in the Unified Program as required by California Code of Regulations, title 27, section 15300. This is especially important to ensure that inspections, enforcement actions, or other Unified Program activities are not later challenged on the grounds the CUPA, Participating Agency (PA), or Joint Participating Agency (JPA) lacked the authority to carry out those activities.

CUPA Performance Evaluations

CalEPA has implemented several process improvements to the CUPA Performance Evaluation process that benefits both CUPAs and the State. Some of the process improvements include simplifying the Supplemental Questionnaire, reducing the number of documents that the CUPAs need to submit, and simplifying the Workplan, which have helped to make the process more efficient. In addition, CalEPA and the state agencies finalized and are implementing the Deficiency Library: a toll used by the state evaluators to prepare and standardize the Summary of Findings reports. The Deficiency Library reflects a renewed focus on evaluating mission critical components of the Unified Program. In addition, as a result of the Deficiency Library, the Summary of Findings Reports will be significantly shorter, which will speed up the internal review process and the results of the evaluation will be provided to the CUPAs more quickly. Also, changes to the required corrective actions and resolutions have been made. The state will rely more heavily on information contained in the California Environmental Reporting System (CERS) to determine whether deficiencies and incidental findings have been corrected. This will help simplify and expedite the Evaluation Progress Reporting (EPR) process. CalEPA and the other state agencies are also examining other ways to make the EPR process less burdensome.

In 2026, we hope to further implement process improvements, such as:

- Development of an evaluation manual
- Revision of performance ratings
- Development of guidance documents (Self-Audit Report, Policies and Procedures)
- Increased presence with in-person assistance and attention to challenges of local program implementation

If you have any questions or need additional information, please contact Melinda.Blum@calepa.ca.gov.

State Water Board

Enforcement of the New Regulation Requirements

The underground storage tank (UST) community has reached out to the State Water Resources Control Board (State Water Board) for clarification on how the Unified Program Agencies (UPAs) should enforce the new requirements of [Title 23, chapter 16](#) (UST Regulations (<https://www.waterboards.ca.gov/ust/regulatory/docs/CCR23-Chapter-16-2026.pdf>)). Some UST owners and operators who were previously compliant may now be in violation and may take time to return to compliance. UPAs should address these violations in the same manner as other violations by citing the violation(s) and applying progressive enforcement.

In contrast, all single-walled UST systems were required to be permanently closed by December 31, 2025, pursuant to Health and Safety Code, chapter 6.7 (H&SC, 6.7). Single-walled UST systems do not meet the requirements of H&SC, 6.7, sections 25290.1, 25290.2, or 25291(a)(1) through (6) and are therefore in significant violation. UPAs are expected to immediately affix red tags to any remaining single-walled UST systems.

For questions on UST Regulations and associated enforcement actions, contact: Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov or Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Enforcement Data in CERS

The State Water Board anticipates an increase in formal enforcement actions as UPAs navigate the remaining single-walled USTs closures. All red tag and enforcement data must be entered into CERS. The State Water Board requests that UPAs enter all red tag and enforcement data into CERS at their earliest opportunity. UPAs needing assistance with entering red tag information in CERS should refer to the CERS FAQ, [How to Enter Red Tag Information](#) (https://www.waterboards.ca.gov/ust/cers/ru01_red_tag.html).

For questions regarding enforcement information in CERS, contact: Magnolia Busse at (916) 341-5870 or Magnolia.Busse@waterboards.ca.gov.

Release Detection Equipment Testing and the Compliance Inspection

It is common practice for UPAs to conduct annual compliance inspections in conjunction with the release detection equipment testing. However, UST Regulations do not require an inspector to witness the release detection equipment testing. Additionally, UST Regulations now require that the testing notification be submitted to the UPA 72 hours prior to the test. Therefore, if the UST owner or operator has provided the proper 72-hour notification, UPAs do not have the authority to require UST owners or operators to begin the test later for any reason, such as requiring the owner or operator to reschedule to a later date or requiring the service technician to wait for the UST inspector to arrive.

For questions regarding the annual compliance inspection, contact: Michelle Suh at (916) 323-0878 or Michelle.Suh@waterboards.ca.gov.

Facility Compliance Inspection Reporting

UST Regulations section 2692(b) requires UPAs to report to the State Water Board, by January 31 each year, the number of UST facilities where a compliance inspection was not conducted during the previous calendar year. The State Water Board must also report annually to the United States Environmental Protection Agency (U.S. EPA) on several performance measures under the Energy Policy Act of 2005 (EPAct), including certification that all UST facilities have received a compliance inspection at least once every three years, in accordance with the federal inspection frequency requirement. At the direction of the U.S. EPA, CERS will be used to verify that each UPA has complied with the federal UST inspection frequency.

The State Water Board recommends that UPAs use the [UST Routine Inspection Frequency](#)

(<https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch>) search tool in CERS to verify the accuracy of UST facility compliance inspections. On October 17, 2025, the State Water Board provided a [letter](#) (<https://www.waterboards.ca.gov/ust/docs/ust-compliance-inspection.pdf>) to UPA managers that included instructions for utilizing the search tool. UPAs should use this tool to identify facilities where a compliance inspection has not been performed during the 2025 calendar year and to verify that accurate data has been reported to CERS.

For more information regarding compliance inspection reporting requirements, contact:

Magnolia Busse at (916) 341-5970 or Magnolia.Busse@waterboards.ca.gov.

Report 6 Due March 1, 2026

The State Water Board recently distributed the Report 6 forms and instructions to all UPAs for the reporting period of July 1, 2025, through December 31, 2025. UPAs must submit the completed Report 6 no later than March 1, 2026. Additionally, forms and instructions may be found on our website under [Report 6](#) and U.S. EPA Compliance Measures (https://www.waterboards.ca.gov/ust/leak_prevention/report_6.html).

If inaccurate Report 6 data is submitted, it will be returned to the UPA for corrections. Corrected Report 6 submissions must also be received by the March 1, 2026, deadline to avoid being considered late.

For more information regarding Report 6 requirements, contact:

Magnolia Busse at (916) 341-5870 or Magnolia.Busse@waterboards.ca.gov.

DTSC

Rulemaking Update:

Addition to the List of Covered Electronic Devices in Chapter 11, Appendix X, Subsection (c) and Chapter 10, Subsection 66260.201(e)

On December 18, 2025, the Office of Administrative Law (OAL) approved the Covered Electronic Devices (CEDs) second emergency readoption rulemaking package that

extends the effective period of the emergency regulations an additional two years. The readopted emergency regulations maintain the additional CEDs added by the initial emergency regulations adopted in December 2021 and readopted in December 2023. These CEDs are eligible for the Covered Electronic Waste Recycling Program that encourages the proper management of CED waste by providing reimbursement (derived from fees imposed by CalRecycle) to CED waste recyclers. The emergency regulations expire on December 21, 2027.

DTSC is developing a regular rulemaking package to permanently incorporate additional CEDs into the hazardous waste regulations.

2026 Annual Training Conference

DTSC will host “There Ought to Be a Law” at the 2026 Annual Training Conference on Thursday from 1-3pm. This session is intended to facilitate discussion of operational challenges encountered by CUPAs in implementing existing hazardous waste requirements, particularly where current statutes, regulations, or guidance may be unclear, difficult to implement, or not well aligned with real-world practices.

CUPAs are invited to complete a brief pre-conference survey to share examples of issues encountered in the field. Survey responses will be used to help identify common themes and structure conference discussions. This survey is informational in nature and is not intended to solicit legislative proposals or advocacy positions.

Here's the link to the Pre-Conference Survey: There Ought To Be A Law:
<https://forms.office.com/g/981EtcRSUr>

**Pre-Conference Survey: There
Ought To Be A Law**



Cal FIRE OSFM

Don't Overlook Tank Permit Requirements

If you recently acquired property with an existing diesel or gasoline aboveground storage tank (AST) or if you intend to install a new AST, it's important to ensure proper permitting and regulatory compliance.

What Should You Do?

- Check for Existing Permits**

Contact the local authority having jurisdiction (AHJ), which is typically the city or county fire department or building/planning office, to verify if a construction permit was ever issued for the existing AST or to request a construction permit for a new AST system.

- Apply for an Operating Permit**

Reach out to the local AHJ and CUPA to obtain the necessary permit(s) to operate the AST. Additional fire code or Unified Program requirements may be necessary, including inspections, reporting, secondary containment, and spill prevention measures.

You can determine the CUPA for your facility by visiting

<https://cersapps.calepa.ca.gov/Public/Directory>. You can then search using the county name, regulator type, or facility street address.

Can Single-Walled USTs Be Used As ASTs?

Now that the deadline for closure of single-walled underground storage tank (UST) systems has come and gone, owners or operators may be thinking about repurposing these tanks. However, the California Fire Code and Aboveground Petroleum Storage Act (APSA) program regulations do not allow any UST to be reused as an aboveground storage tank (AST).

Here's why:

- They are not built for aboveground use.** USTs are designed for underground placement and aren't reinforced to support the tank heads if placed aboveground.
- They are lacking safety features.** USTs lack emergency venting, which is necessary to relieve pressure in the event of a fire exposure. USTs do not have emergency vents since they are not subject to fire exposure while buried.
- Regulatory prohibition:** State regulations and industry standards do not allow the use of any UST as AST due to safety and environmental risks.

Consult your local AHJ and CUPA before making any changes to existing tank systems or installing new ASTs to ensure compliance.

For more information on the topic of repurposing USTs as ASTs, visit the following links:

- Underwriters Laboratories (UL): https://code-authorities.ul.com/wp-content/uploads/2014/04/ul_UndergroundTanksUsedAboveGround.pdf
- Steel Tank Institute (STI)/Steel Plate Fabrications Association (SPFA): <https://stispfa.org/resource/repurposing-underground-tanks-as-aboveground-tanks-a-dangerous-game/>
- CAL FIRE-OSFM Information Bulletin 14-005: https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/pipeline-safety-and-hazardous-materials/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/ib_final-usttoastosfmib_7-25-14.pdf
- CAL FIRE-OSFM Information Bulletin Addendum 14-005A: https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/pipeline-safety-and-hazardous-materials/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/addendum_14-005_012915_final.pdf

Email cupa@fire.ca.gov for questions on the abovementioned information bulletins.

Electronic Reporting Reminders

Each APSA tank facility, including a conditionally exempt tank facility, is required to complete and submit the APSA Facility Information to CERS in accordance with the California Code of Regulations (CCR), Title 19, Section 1614. The APSA Facility Information must be submitted in conjunction with the tank facility statement or Hazardous Materials Business Plan (HMBP) submittal (CCR Title 19, Section 1614(c)).

The APSA Facility Information is not the same as the tank facility statement. The tank facility statement is a separate annual reporting requirement (Health and Safety Code, Section 25270.6(a)). The tank facility statement is available from the [CAL FIRE-OSFM APSA website](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>) under the resources section. Complete the tank facility statement and upload it to CERS via the APSA documentation submittal. On the other hand, a complete HMBP submittal satisfies the tank facility statement requirement. To indicate if a complete HMBP has already been submitted, select “Provided Elsewhere in CERS” and “Hazardous Materials Inventory” in the APSA documentation submittal.

More information on CERS submittals for owners or operators may be found on the following websites:

- Aboveground Petroleum Storage Tank Facility Statement Reporting Requirements
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements>

- Preparing an APSA Submittal in CERS
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/preparing-an-aboveground-petroleum-storage-act>
- Should I File an SPCC Plan in CERS
<https://cers.calepa.ca.gov/wp-content/uploads/2017/04/should-i-file-an-spcc-plan-in-cers-.pdf>

SP001 Aboveground Tank System Inspector Training

The next SP001 Aboveground Tank System Inspector Training in California will be held in San Jose from April 20-24, 2026. The early registration deadline for this training is March 9, 2026. For more information, visit the STI/SPFA website at <https://stispfa.org/education/trainings-courses/sp001/>.

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](#)