

## Unified Program Newsletter – July 2018

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### CalEPA

#### CERS Knowledge Base Help and FAQ's

Tips and Tricks' title has been changed. The new name is **CERS Knowledge Base Help and FAQ's**. The link will direct readers to CERS Central on the Resources tab under CERS Knowledge Base Help & FAQ's for the monthly CERS Knowledge Base Help and FAQ's.

#### July 2018

#### How do I Add/Remove Authorized Users in my CERS Facility?

<https://cers.calepa.ca.gov/wp-content/uploads/sites/61/2018/07/June-2018-CERS-Tips-And-Tricks-How-to-Update-Regulator-Directory-Info.docx>

### **Unified Program Title 27 Regulations: Effective July 1, 2018**

Various sections of California Code of Regulations, Title 27 have been revised and became effective July 1, 2018. Revisions to Title 27 were necessary in order to reorganize, update, and incorporate new parameters for administering the Unified Program and accomplishing the objectives of coordination, consolidation, and consistency in the protection of human health, safety, and the environment. Though the initial 45-day public comment period began November 3, 2017, outreach efforts to inform regulating and regulated partners began long before. Upon closure of the 45-day public comment period, an additional 15-day comment period was provided, and closed on March 28, 2018.

The vast majority of the adopted revisions are non-substantial amendments to the existing Unified Program requirements, having no effect or impact on regulated businesses, Unified Program Agencies or state agencies having Unified Program responsibilities. Substantial amendments have been adopted for the purpose of establishing consistency with current requirements, practices and procedures.

Non-substantial and substantial amendments, as well as the necessity and purpose for each, are detailed in the following rulemaking documents:

- [Initial Statement of Reasons](https://calepa.ca.gov/wp-content/uploads/sites/62/2017/11/Unified-Program-Title-27-ISOR-Oct-2017.pdf) (https://calepa.ca.gov/wp-content/uploads/sites/62/2017/11/Unified-Program-Title-27-ISOR-Oct-2017.pdf)
- [Initial Statement of Reasons- Supplement](https://calepa.ca.gov/wp-content/uploads/sites/62/2018/03/ISOR-Supplement.pdf) (https://calepa.ca.gov/wp-content/uploads/sites/62/2018/03/ISOR-Supplement.pdf), and
- [Final Statement of Reasons](https://calepa.ca.gov/wp-content/uploads/sites/62/2018/07/FSOR.pdf) (https://calepa.ca.gov/wp-content/uploads/sites/62/2018/07/FSOR.pdf).

The newly adopted text for Title 27 and the Data Dictionary is available on the Office of Administrative Law website at [https://govt.westlaw.com/calregs/index?\\_lrTS=20180705202345602&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/index?_lrTS=20180705202345602&transitionType=Default&contextData=(sc.Default))

For convenience, CalEPA has provided the amended regulatory text in PDF format available at <https://calepa.ca.gov/cupa/lawsregs/>.

For questions regarding the recent rulemaking, please email [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).

### **Expected Enhancements for CERS 3: March, 2019**

Development of the approved enhancements for the California Environmental Reporting System (CERS) is underway. CalEPA, Certified Unified Program Agencies (CUPAs) and CUPA Data Services Vendors are diligently progressing toward the completion of development and testing of each of the CERS enhancements, which have been referred to as the release of “CERS 3.0,” on schedule, as anticipated for use, beginning March,

2019. Each of the CERS 3.0 enhancements is considered required and necessary to lawfully report business and facility information electronically.

Below is a summary of the effects of each CERS 3.0 enhancement:

For the **Aboveground Petroleum Storage Tank Act (APSA) Program:**

- Business and regulator users will be able to report information in the new APSA submittal element. The existing language and functionality of Data Field ID 8 (Own or Operate Aboveground Petroleum Storage Tank) is being revised to prompt the completion of four new data fields specific to APSA program data. This is necessary as the current hazardous materials business plan information submitted to CERS by regulated businesses does not currently contain sufficient information to effectively, efficiently or consistently implement the APSA Program. Help Bubble text will also be revised.

If it is determined that the answer is “YES” to Data Field ID 8, the following new data field will be prompted for completion:

- Conditionally Exempt APSA Tank Facility: A yes or no response is required to indicate whether or not the facility is exempt from preparing and implementing a Spill Prevention, Control and Countermeasure (SPCC) Plan. A “No” response indicates a SPCC Plan must be prepared and implemented for the facility. The following new data fields will be prompted for completion:
  - Date of SPCC Plan Certification or Date of 5-Year Review: A date is required
  - Total aboveground storage capacity of petroleum: The total amount of all non-excluded aboveground storage capacity of petroleum
  - Number of tanks in underground areas: The total number of tanks in underground areas, as defined in Health and Safety Code section 25270.2(o), at the facility
- In addition to the miscellaneous document upload option currently available, there will be a specific document upload feature for uploading Tank Facility Statements. Additionally, there will be search functionality available for the information reported under the new APSA data fields and the ability to generate a basic submittal report for APSA facilities.

For the **Underground Storage Tank (UST) Program:**

- **Unique UST identification number:** CERS will automatically issue a unique and specific tank identification number for each UST reported in CERS. This will assist regulators in deciphering information for USTs on an individual basis, independent of facility owners as the tank identification number for installed tanks often changes when ownership is transferred.

- **Significant Operational Compliance (SOC):** The Violation Library will be revised to include the type of SOC based on UST Release Detection and UST Release Prevention violations issued during only “routine” UST inspections. The compliance, monitoring and enforcement report that reflects UST inspection summary data by regulator (Report 6) will also be amended to include necessary SOC data required by the United States Environmental Protection Agency.
- **Tank Use and Tank Contents:** The valid value of “07= Airport Hydrant System” will be added to the existing Data Field ID 439 (Tank Use). The following valid values will be added to the existing Data Field ID 440 (Tank Contents): E85, Biodiesel B6-B99, Biodiesel B100 and Kerosene, while Petroleum Blend Fuel and Ethanol will be removed.

For **Electronic Data Transfer:**

- The data exchange for Dun and Bradstreet numbers will be revised to allow for leading zeros, and valid characters will be limited to 0-9.

## **State Water Board**

### **Proposed Underground Storage Tank Regulations Adopted by the State Water Board**

The State Water Board adopted the proposed amendments to the California Underground Storage Tank (UST) regulations at the State Water Board’s June 5, 2018, Board Meeting. The adopted amendments to the regulations include, but are not limited to: 1) facility walkthrough inspections; 2) overfill prevention equipment inspections; 3) testing and inspecting equipment after a repair; 4) requirements for demonstrating compatibility; 5) training of employees prior to the first work day, and 6) line leak detection of piping connected to emergency generator tank systems. A copy of the draft text of the adopted amendments is located at:

[https://www.waterboards.ca.gov/board\\_info/agendas/2018/jun/060518\\_3\\_att\\_a\\_strike.pdf](https://www.waterboards.ca.gov/board_info/agendas/2018/jun/060518_3_att_a_strike.pdf)

The State Water Board will transmit the completed rulemaking package to the Office of Administrative Law for a 30-business day review before filing with the Secretary of State. The adopted amendments become effective on the first day of the quarter after filing the rulemaking package with the Secretary of State unless the proposed amendments provide a different effective date. State Water Board staff expect the proposed amendments to become effective the quarter beginning October 1, 2018. Information on the Title 23 Federal Reconciliation Proposed Regulations is available at [https://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/fed\\_rec\\_regs](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs).

State Water Board staff will be holding separate informational webinars for UST Regulators and UST owners and operators on the adopted amendments. The dates and times for the webinars will be announced shortly.

If you have questions regarding this matter, please contact Mr. Cory Hootman at (916) 341-5668 or [cory.hootman@waterboards.ca.gov](mailto:cory.hootman@waterboards.ca.gov).

### **Regulations for Tanks in Underground Areas Effective July 1, 2018**

On December 4, 2015, the State Water Board issued a technical UST program notification titled *Underground Storage Tank Provisions in Senate Bill No. 612 for Tanks in Underground Areas*. The notification informed Unified Program Agencies and other interested parties that the definition of a tank in an underground area (TIUGA) was modified. Some of the modified definition; however, did not take effect until regulations that apply to TIUGAs became effective. Regulations adopted by CalFIRE OSFM that apply to TIUGAs became effective July 1, 2018 (California Code of Regulations, title 24, part 9, chapter 57.) The flowchart enclosed in the December 4, 2015, technical notification titled *Flowchart for Determining if a Tank in Underground Area is an Aboveground Storage Tank (AST) or UST Effective After the Office of the State Fire Marshal Adopts Regulations for Tanks in Underground Areas* will assist UST regulators and UST owners and operators in determining if a tank system located in a below grade area is subject to aboveground storage tank or UST requirements. The December 4, 2015, notification and the enclosed referenced flowchart is located at [https://www.waterboards.ca.gov/water\\_issues/programs/ust/tech\\_notices/docs/sb612\\_20151204.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/tech_notices/docs/sb612_20151204.pdf)

Additional guidance concerning the transfer of USTs to ASTs in CERS that meet the definition of a TIUGA will made be available shortly.

If you have questions regarding this matter, please contact Mr. Cory Hootman at (916) 341-5668 or [cory.hootman@waterboards.ca.gov](mailto:cory.hootman@waterboards.ca.gov).

### **Final Revised CERS Violation Library**

The final revised CERS violation library has been distributed to the CUPAs. The final revised UST violation library reflects the amendments to California UST Regulations, changes to the United States Environmental Protection Agency (US EPA) reporting requirements, and recommendations made by the CUPAs. The new CERS Violation Library will become effective on October 1, 2018.

If you have questions regarding the violation library, please contact Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### **New US EPA Reporting Requirements**

The State Water Board is currently revising the new Report 6 reporting requirements to reflect the changes to California UST regulations and new US EPA performance measures. CUPAs will continue to collect significant operational compliance (SOC) data through September 30, 2018. Data collection for the new US EPA performance measures, Technical Compliance Rate (TCR), will begin on October 1, 2018. The TCR data collection coincides with the implementation of the new California UST Regulations and amended CERS violation library.

The State Water Board will provide detailed guidance to the CUPAs regarding new inspection and reporting criteria. Additionally, the State Water Board will be hosting multiple informative webinars from August through October to clarify the criteria and address questions. Webinar dates and times will be provided through Lyris email distribution. Please sign up for Lyris at

[https://www.waterboards.ca.gov/resources/email\\_subscriptions/ust\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.html)

Finally, the State Water Board staff will continue working with CalEPA to address enhancements to CERS and ensure successful data collection and reporting to the US EPA.

If you have questions regarding the Report 6 or performance criteria, please contact Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### **OSFM**

#### **Tank In an Under Ground Area (TIUGA)**

All TIUGAs are now subject to the Aboveground Petroleum Storage Act (APSA). For more information, see the following documents:

A manual of the laws and regulations specific to TIUGAs from Health and Safety Code Chapter 6.67 and the 2016 California Fire Code

[http://osfm.fire.ca.gov/cupa/pdf/TIUGA-Laws-n-Regs\\_04Apr2018.pdf](http://osfm.fire.ca.gov/cupa/pdf/TIUGA-Laws-n-Regs_04Apr2018.pdf)

An information bulletin to clarify the exceptions to 2016 California Fire Code, Section 5703.6.2.2

<http://osfm.fire.ca.gov/informationbulletin/pdf/2018/2018-005%20-%20California%20Code%20of%20Regulations,%20Title%2024,%20Part%209.pdf>

A revised fact sheet on TIUGAs

<http://osfm.fire.ca.gov/cupa/pdf/TIUGA-FactSheet-23Apr2018.pdf>;

A monthly inspection checklist for facilities with one or more TIUGAs and less than 1,320 gallons of petroleum

<http://osfm.fire.ca.gov/cupa/pdf/TIUGA-MonthlyInspectionChecklist.docx>

A TIUGA notification form for *optional* use by owner/operators to notify their Unified Program Agency of a potential TIUGA at their facility

[http://osfm.fire.ca.gov/cupa/pdf/TIUGA\\_Notification\\_form-18May2018.pdf](http://osfm.fire.ca.gov/cupa/pdf/TIUGA_Notification_form-18May2018.pdf)

## **Cal OES**

### **Changes to Health & Safety Code, Chapter 6.95 and the California Code of Regulations, Title 19, Chapter 4**

Cal OES has observed that some of the citations in CUPAs' Area Plan, for both the Health & Safety Code, Chapter 6.95, and Title 19 are incorrect or no longer applicable. This is due to changes both to the law and a "renumbering" of the Title 19 regulations in March, 2016.

The current citations can be located at

<http://www.caloes.ca.gov/FireRescueSite/Documents/Chapter%204%20Renumbering%20Effective%2011MAY16.pdf>

Section 2620 is still 2620.

Section 2650 is now 2621.

Section 2660 is now 2622.

Section 2720 is now 2640.

Section 2722 is now 2642.

Section 2723 is now 2643.

Section 2724 is now 2644.

Section 2725 is now 2645.

Section 2726 is now 2646.

Section 2727 is now 2647.

Section 2728 is now 2648.

Section 2729 is now 2650.

Section 2729.1 is now 2651.

Section 2729.2 is now 2652.

Section 2729.3 is now 2653.

Section 2729.4 is now 2654.

Section 2729.5 is now 2655.

Section 2729.6 is now 2656.

Section 2729.7 is now 2657.

Section 2731 is now 2658.

Section 2732 is now 2659.  
Section 2733 is now 2670.  
Section 2734 is now 2671.

Cal OES recommends that each CUPA, during the next Area Plan review, revise the citations in their Area Plan and other applicable documents, as necessary, to reflect the correct citations.

***CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please provide your comments and suggestions to: [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).***

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