



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Unified Program Newsletter – August 2018

In This Issue:

CalEPA	CERS Knowledge Base Help and FAQ's Unified Program Title 27 Regulations – Effective July 1, 2018 Unified Program Surcharge Component Assessments – Effective July 1, 2018
State Water Board	Adopted Amendments to the UST Regulations Revised Report 6 and New U.S. EPA Reporting Requirements Underground Storage Tank Program Evaluation Checklist Developmental CERS Data-Mining Tool on the Horizon
CalFIRE OSFM	Statue of Limitations for Aboveground Petroleum Storage Act Tanks in Underground Areas

CalEPA

CERS Knowledge Base Help and FAQ's

August 2018

Create Regulator Testing Portal Login

<https://cers.calepa.ca.gov/unified-program-bulletins-home/>

Unified Program Title 27 Regulations – Effective July 1, 2018

Revisions for the California Code of Regulations, Title 27 for Unified Program businesses and regulators took effect on July 1, 2018. Significant changes as they impact regulators and regulated businesses are summarized below:

- **Section 15100(b)(2)(G)(iii)(1): Unified Program**
 - For regulators: Unified Program Agencies (UPAs) are no longer required to establish procedures for accepting written Contingency Plan activation reports from regulated businesses.
 - For regulated business: No effect.

- **Section 15185©(5): Information Collection, Retention, and Management**
 - For regulators: Training records of UPA staff required by section 15260 and any other required training records specific to each program element must be retained for a minimum of five years.
 - For regulated businesses: No effect.

- **Section 15186.1(a) and (b): Standard Descriptions for Chemical Inventory Reporting**
 - For regulators: No effect.
 - For regulated businesses: Handlers shall report lead acid batteries and lead acid battery waste as part of a chemical inventory submission using the standard descriptions and values contained in the California Environmental Reporting System (CERS) Chemical Library using template CCL-106669.

- **Section 15188(e): Reporting Requirements – Business Responsibilities. And Appendix C**
 - For regulators: UPAs are now required to ensure a completed Trade Secret Disclosure (TSD) form accompanies each chemical or mixture claimed as a trade secret by the regulated business in the Hazardous Material Business Plan CERS submittal.
 - For regulated businesses: A TSD form must be submitted in the Hazardous Material Business Plan CERS submittal to affirm the belief of each chemical or mixture claimed or disclosed as a trade secret.

- **Section 15240(c)(5): State’s Surcharge Responsibilities**
 - For regulators: The Refinery Safety surcharge component applicable to regulated refinery facilities [as defined in California Code of Regulations, Title 19, section 2735.3(vv)] is now required to be assessed beginning Fiscal Year 2018/2019.
 - For regulated business: Regulated refinery facilities [as defined in California Code of Regulations, Title 19, section 2735.3(vv)] will be assessed the Refinery Safety surcharge component beginning Fiscal Year 2018/2019.

- **Section 15250(b)(2): CUPA Surcharge Responsibilities. And the Surcharge Transmittal Report**
 - For regulators: UPAs must now also send an electronic copy of the Surcharge Transmittal Report to CalEPA via email.
 - For regulated businesses: No effect.

- **Section 15290(a)(2): CUPA-to-State Reporting**
 - For regulators: UPAs must complete the additional “Total Counts” categories relative to the indicated program elements.
 - For regulated businesses: No effect.

- **Section 15290(a)(5): CUPA-to-State Reporting**
 - For regulators: UPAs must submit a Formal Enforcement Summary Report to CalEPA electronically, by email, until such a time when the information can be submitted to CERS.
 - For regulated businesses: No effect.

For question regarding the revisions to Title 27, please contact Melinda Blum at (916) 327-9560 or Melinda.Blum@calepa.ca.gov.

Unified Program Surcharge Component Assessments - Effective July 1, 2018

In accordance with California Code of Regulations, Title 27, section 15240: State's Surcharge Responsibilities, the amounts of each Unified Program surcharge component for the applicable program elements effective for Fiscal Year 2018/2019 are as follows:

Program Element Surcharge Component	Entity Assessed	Surcharge Assessment		
CUPA Oversight*	Each Regulated Business	\$49.00		
Aboveground Petroleum Storage Act (APSA)	Each Regulated Tank Facility	\$26.00		
Underground Storage Tank (UST) Program*	Each Regulated UST	\$20.00		
California Accidental Release Prevention (CalARP) Program	Each Regulated Business	\$270.00		
Refinery Safety**	Each Regulated Refinery	Tier 1:	200,000 or greater daily barrel capacity	\$45,000
		Tier 2:	100,000 to 199,999 daily barrel capacity	\$27,500
		Tier 3:	50,000 – 99,999 daily barrel capacity	\$13,750
		Tier 4:	Less than 50,000 Daily barrel capacity	\$3,500

*Effective fiscal year 2017/2018, the CUPA Oversight surcharge component increased by \$14 per regulated business and the UST surcharge component increased by \$5 per regulated tank.

**Though the Refinery Safety surcharge component was adopted fiscal year 2017/2018, the authority for Unified Program Agencies to assess it was not adopted until July 1, 2018, making it effective fiscal year 2018/2019.

For questions, please contact Melinda Blum at (916) 327-9560 or Melinda.Blum@calepa.ca.gov.

State Water Board

Adopted Amendments to the UST Regulations

Informational Webinars for the Regulated Underground Storage Tank Community and Unified Program Agencies

The State Water Resources Control Board (State Water Board) adopted amendments to California Code of Regulations, title 23, division 3, chapter 16 at the State Water Board's June 5, 2018, Board Meeting. The adopted amendments to the regulations include, but are not limited to: 1) designated underground storage tank (UST) operator inspections; 2) overfill prevention equipment inspections; 3) testing and inspecting equipment after a repair; 4) demonstrating compatibility; 5) training of employees, and 6) line leak detection of piping connected to emergency generator tank systems. In preparation for the Office of Administrative Law's approval of the amendments, the State Water Board, on July 17, 2018, distributed through Lyris a notice of upcoming webinars to assist Unified Program Agencies (UPAs) and the regulated UST community in understanding the amendments of the regulations prior to implementation.

The webinars for UPAs are to provide information to assist UST regulators in verifying that UST owners and operators are complying with the amended regulations and includes, but is not limited to, the review of the California Environmental Reporting System (CERS) submittals, required forms, compatibility documentation, workplans for installation, replacement, and repairs of UST components, and how the annual inspection is affected by the amendments to the UST regulations. The webinars for the regulated UST community are to provide information regarding how to comply with the amended regulations for, but not limited to, testing, inspection, UST component compatibility, upgrades, and training.

Webinars Intended for the Unified Program Agencies

Webinar Information:

Date: August 15, 2018	Time: 1:00 p.m. to 4:00 p.m.
Date: September 12, 2018	Time: 1:00 p.m. to 4:00 p.m.

Webinars intended for the Regulated UST Community

Webinar Information:

Date: August 16, 2018	Time: 1:00 p.m. to 4:00 p.m.
Date: August 30, 2018	Time: 1:00 p.m. to 4:00 p.m.
Date: September 26, 2018	Time: 9:00 a.m. to 12:00 p.m.

The webinar can be accessed at:

<https://stateofcaswrcbweb.centurylinkccc.com/CenturylinkWeb/LauraFisher>

Telephone: 1-877-820-7831 Participant pass code: 683375#

Attendees may pose written questions during the webinar. To ask a question, click on the Q&A icon located at the top of the page. Questions will be address at the end of the webinar.

Updating Local Guidance

Consistent with previous UST regulation changes, the State Water Board is revising existing and drafting new Local Guidance (LG) letters regarding compliance with and enforcement of the adopted amendments to the UST regulations. Shortly, State Water Board staff will provide opportunity for UPA review and comment. Once the LG letter is completed the State Water Board will distribute through the UST Program's Lyris email list and post to the UST Program's website. A subscription to the UST Program's Lyris email list may be acquired at:

https://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.html.

Adopted Forms Soon to be Required

The amendments to the UST Regulations include adoption of forms required to be used by UST owners, operators, service technicians, and designated UST operators to comply with testing, inspections, and recordkeeping requirements. The forms are required to be used on and after October 1, 2018. To remind individuals these forms are not required to be used until October 1, a watermark has been included. Upon approval by Office of Administrative Law the watermarks will be removed to allow UST service technicians and designated UST operators to have full access to the adopted forms to prepare for the use of them on and after October 1, 2018. The forms can be found in a PDF and Word fillable format at:

https://www.waterboards.ca.gov/water_issues/programs/ust/forms/.

If you have questions regarding the adopted amendments to the UST Regulations, please contact Mr. Cory Hootman at (916) 341-5668 or Cory.Hootman@waterboards.ca.gov.

Revised Report 6 and New U.S. EPA Reporting Requirements

As previously advised in the June and July monthly updates, and July 9, 2018, Lyris distribution, the State Water Board is currently revising Report 6 to reflect the changes to California UST regulations and new United States Environmental Protection Agency (U.S. EPA) performance measures. States are required to use the new performance measures once they have implemented UST regulations that meet the 2015 federal UST regulations. California amended UST regulations become effective on October 1, 2018.

UPAs will continue to collect data using the current U.S. EPA performance measures, Significant Operational Compliance (SOC), through September 30, 2018. Data

collection for the new U.S. EPA performance measures, Technical Compliance Rate (TCR), will begin on October 1, 2018, with the implementation of the amended UST regulations and CERS violation library.

The State Water Board will provide detailed guidance to the CUPAs on TCR through an updated LG letter. The updated LG-164 will explain the new inspection and reporting criteria. Additionally, beginning in August, State Water Board staff will be hosting multiple informative webinars to clarify changes to the Report 6, TCR criteria and address questions. Webinar dates and times are provided below:

Webinar Information:

Date: August 23, 2018	Time: 1:00 p.m. to 3:00 p.m.
Date: September 11, 2018	Time: 1:00 p.m. to 3:00 p.m.
Date: September 26, 2018	Time: 1:00 p.m. to 3:00 p.m.
Date: October 11, 2018	Time: 9:00 a.m. to 11:00 a.m.
Date: October 23, 2018	Time: 9:00 a.m. to 11:00 a.m.

The webinar can be accessed at:

<https://stateofcaswrcbweb.centurylinkccc.com/CenturylinkWeb/LauraFisher>

Telephone: 1-877-820-7831 Participant pass code: 683375#

Attendees may pose written questions during the webinar. To ask a question, click on the Q&A icon located at the top of the page. Questions will be addressed at the end of the webinar.

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

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

Underground Storage Tank Program Evaluation Checklist

On December 6, 2017, State Water Board sent out a Lyris email with the CUPA Evaluation Checklist in the hopes the CUPAs would find it a useful guidance document in preparation for a performance evaluation, or when performing a self-audit for implementation of the Unified Program. This is a reminder that the Evaluation Checklist can be used internally by CUPAs. The Evaluation Checklist can be found at:

https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/cupa_evaluation_checklist_cover.pdf

Please note, the evaluation checklist is considered a “living” document and will be amended as Deficiency Library, statute, regulation, local guidance letters, and State Water Board correspondence are revised.

If you have questions regarding the checklist, please contact Ms. Lisa Jensen at (916) 319-0742 or Lisa.Jensen@waterboards.ca.gov.

Developmental CERs Data-Mining Tool on the Horizon

Over the past two years the State Water Board staff has been providing training to CUPAs on performing a manual analysis of CERS UST construction and monitoring data. Use of this method has resulted in a visible improvement in CERS data for accepted submittals. However, this method requires CUPAs to perform searches in a spreadsheet manually. Sacramento County Environmental Management Department CUPA (SCEMD) has used their technical expertise to create a semi-automated tool for an improved qualitative review of CERS UST construction and monitoring information. SCEMD recently shared the tool with State Water Board staff and the two agencies are collaborating to develop a comprehensive training program before formally providing the tool to CUPAs at the 21st Annual California Unified Program Training Conference in February, 2019.

Due to the level of complexity and the goal of providing a beneficial and user-friendly tool, the agencies are working closely together to refine presentation materials and will perform training sessions with CUPAs in advance of the conference to enhance training techniques. Ms. Lisa Jensen will begin training sessions in late August as the agencies continue to develop robust training materials.

For more information about obtaining CERS data-mining training, please contact Ms. Lisa Jensen at (916) 319-0742 or Lisa.Jensen@waterboards.ca.gov.

CalFIRE OSFM

Statute of Limitations for Aboveground Petroleum Storage Act (APSA)

[Assembly Bill \(AB\) 1980 \(Quirk\)](#) was approved by the Governor and chaptered into law on July 20, 2018. AB 1980 extends the statute of limitations for commencing civil enforcement actions for APSA violations from one (1) to five (5) years.

To view the full text of the bill, visit the [California Legislative Information website](http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1980) at http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1980.

Tanks in Underground Areas (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 at: 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 at:

<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 at:

<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 at:

<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 at:

http://osfm.fire.ca.gov/cupa/pdf/TIUGA_Notification_form-18May2018.pdf