

Initial Statement of Reasons

BACKGROUND:

In 1993, the legislature created Health and Safety Code Chapter 6.11, requiring California’s Secretary for Environmental Protection to establish a “unified hazardous waste and hazardous materials management” regulatory program (Unified Program).

The Unified Program protects Californians from hazardous waste and hazardous materials by ensuring equivalence throughout the state in regards to the consolidated adherence of established regulatory standards for coordinated and consistent implementation and enforcement of environmental and emergency management program elements. The following state agencies collaborate with CalEPA in the implementation of the Unified Program and are responsible for setting the standards of each of the Unified Program elements, as indicated below:

State Agency with Unified Program Responsibilities	Unified Program Element
California Secretary for Environmental Protection (CalEPA)	<ul style="list-style-type: none"> • Coordination and administration of the Unified Program • Certification of Unified Program Agencies
Governor’s Office of Emergency Services (Cal OES)	<ul style="list-style-type: none"> • California Accidental Release Prevention (CalARP) Program • Hazardous Materials Business Plan Program (Hazardous Materials Release Response Plans and Chemical Inventories) • Area Plans for Hazardous Materials Emergencies
Department of Toxic Substances Control (DTSC)	<ul style="list-style-type: none"> • Hazardous Waste Generator (HWG) Program • Onsite Hazardous Waste Treatment (Tiered Permitting: Conditionally Authorized, Conditionally Exempt, Permit By Rule)
CAL FIRE- Office of the State Fire Marshal (SFM)	<ul style="list-style-type: none"> • Aboveground Petroleum Storage Act (APSA) Program • California Fire Code: <ul style="list-style-type: none"> • Hazardous Materials Management Plans (HMMP) • Hazardous Materials Inventory Statements (HMIS)
State Water Resources Control Board (State Water Board)	<ul style="list-style-type: none"> • Underground Storage Tank (UST) Program

Under the oversight of CalEPA, enforcement of the standards for each Unified Program element are carried out by local agencies, which are generally city or county environmental health departments or fire departments. Each Unified Program state agency is responsible for providing technical assistance and evaluating the implementation of each Unified Program element by each local agency. Local agencies are certified by CalEPA and are known as Certified Unified Program Agencies (CUPAs). There are 81 CUPAs responsible for implementing the Unified Program. Within its local jurisdiction, each CUPA may have a formal agreement with a local agency to assist in the implementation of one or more Unified Program elements. Such an agency is called a Participating Agency (PA). Collectively, CUPAs and PAs are known as Unified Program Agencies (UPAs).

As a vital aspect of the Unified Program, Health and Safety Code section 25404 requires the development and utilization of a statewide information management system for regulated businesses and UPAs to report required Unified Program data electronically. CalEPA developed the California Environmental Reporting System (CERS) as the required statewide information management system. CERS is a statewide web-based database used by UPAs and regulated businesses to meet the mandatory Unified Program reporting requirements electronically. Utilization of CERS has replaced the majority of use of paper forms and documentation.

Some CUPAs have developed local electronic reporting portals, in lieu of CERS, for regulated businesses to use in order to meet the electronic reporting requirements of the Unified Program. CUPAs utilizing local electronic reporting portals also enter compliance, monitoring and enforcement information into the local portal rather than directly to CERS. Local electronic reporting portals may have additional features or services used solely by UPAs and regulated businesses that are not available in CERS, such as data management tools specific to the CUPA. CUPAs cannot require regulated businesses to use a portal to report required Unified Program information in place of CERS. Requiring a regulated business to electronically report required Unified Program data to CERS as well as a CUPA portal is prohibited. Whether CERS or a CUPA portal is used by UPAs or regulated businesses to report required Unified Program information electronically, data is automatically exchanged between CalEPA and the CUPA portal, making it available to all relevant regulatory agencies without duplication.

Shortly after UPAs and the regulated business communities were introduced to the initial version of CERS in 2009, CalEPA identified a number of technical and programmatic issues with CERS and the limited functionality for electronic reporting. In 2012, CalEPA released and introduced CERS 2, which was a build upon the initial CERS system incorporating many improvements. Since 2012, changes in regulatory requirements and implementation of the Unified Program have occurred, giving cause for building upon the current CERS 2 system and developing an updated release, otherwise referred to as CERS 3. CalEPA, Unified Program state agencies and UPAs

are anticipating development and release of CERS 3 to be completed by the end of March, 2019.

PURPOSE and NECESSITY:

It is necessary to revise the Data Dictionary within Title 27 of the California Code of Regulations (CCR) for the continuation of administering and accomplishing the Unified Program's objectives of coordination, consolidation and consistency in the protection of human health, safety and the environment. Though the reporting requirements for the APSA and UST Unified Program elements have evolved over time with adopted federal and state regulations, CERS 2 has remained the same. In order to enable the regulated business communities and the regulatory agencies to consistently abide by the electronic reporting requirements of the Unified Program, mandated by state and federal laws and regulations, it is necessary to develop enhancements to the existing CERS 2 system. As the existing CERS 2 system is enhanced, the Data Dictionary in Title 27 will also need to be updated as it is a parallel reflection of each of the data elements captured in electronic reporting to CERS.

The following proposed amendments to Title 27 are intended to introduce new and revise existing CERS data fields that will align the system with established reporting requirements of the APSA and UST Programs, improve the regulator and business user experience, improve the accuracy of required reporting and data reported, all of which will in turn, improve regulatory compliance and enforcement of the Unified Program throughout the state. Updating the Data Dictionary to include the additional CERS data fields is necessary for regulated businesses to comply with electronic reporting requirements established by the SFM and the State Water Board. Revision of Title 27 will advance statewide and cross-program coordination, enhance the clarity of and further foster the consistency of implementation of the Unified Program by state and local agencies. By providing clear and consistent regulatory language, regulated businesses, UPAs, and Unified Program state agency partners will be accomplishing the definitive goal of CalEPA in the administration and implementation of the Unified Program to reduce the impact of hazardous materials on public health and safety and the environment.

The majority of the proposed amendments to the Data Dictionary within Title 27 are non-substantive, as there is relatively minor regulatory effects or impacts on regulated businesses. In order to maintain parallel data exchange, and provide the method for UPAs to continue to utilize local data reporting and management systems independent of CERS, a minimal financial impact may be experienced in order to ensure local systems remain aligned with the new data fields and features being developed in CERS, as reflected in the Data Dictionary. California regulated businesses and regulating agencies will benefit from the development and release of CERS 3 as it will enhance the capabilities of the current reporting system by:

- Improving the usability and functionality of electronic reporting features
- Providing the ability to document compliance with federal and state regulations

Though CalEPA believes there will be minimal financial effect or workforce impact on regulated businesses and UPAs, the following proposed amendments to Title 27 are considered substantial as each pertains to updating the details of the data registry for any revision to data fields within CERS. Each of the revisions to the CERS data registry is necessary for the purpose of maintaining consistency with:

- Current electronic reporting requirements
- Practices and procedures aligned with each of the Unified Program elements
- Data quality and assurance among local data systems and CERS

The necessity and purpose detailing the reason and rationale for each of the proposed substantial changes recommended by Unified Program state agencies, UPAs and the Data Steering Committee are listed below, along with the regulatory effects of each.

PROPOSED AMENDMENTS and DETAILED STATEMENT OF REASONS:

CERS Data Fields pertaining to the Underground Storage Tank Program Submittal Element

Amendments to California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations) by the State Water Resources Control Board (State Water Board) were necessary in response to the amendments made by the United States Environmental Protection Agency (U.S. EPA) in July 2015, to part 280 of 40 Code of Federal Regulations (Federal UST Regulations) for underground storage tank (UST) systems. Some of the new requirements to the Federal UST Regulations adopted in July 2015 became effective immediately on October 13, 2015, while others became effective and fully implemented through October 13, 2018. By amending the existing UST Regulations to adopt the requirements of the July 2015 Federal UST Regulations, the State Water Board modified the requirements of the existing California UST program (implemented and enforced by the State Water Board and UPAs) and groundwater protection policies. The July 2015 amendments made by the U.S. EPA to the Federal UST Regulations for UST systems revised UST system compliance performance measures, increasing emphasis on properly operating and maintaining UST equipment, in order to better assess national compliance with the federal UST program. Effective October 1, 2018, California UST owners and operators have one consolidated set of regulation requirements to comply with regarding UST systems in California. As amended, the UST Regulations are as stringent as the Federal UST Regulations and will better protect public health, safety, and the environment by reducing the number of releases of hazardous substances into the environment.

CERS Data Field ID 421

The California Department of Tax and Fee Administration (CDTFA) is replacing its legacy computer system, and it is estimated that in May 2019, the UST Maintenance Fee program will be converted. After conversion, any new issued UST Maintenance Fee Accounts will not have the same account numbering sequence or formatting as existing accounts. Currently, the CERS system automatically hard codes the “44” prefix for the Board of Equalization UST Maintenance Fee Account numbers and allows the business user to enter the last six digits. Once CDTFA begins issuing UST Maintenance Fee Accounts with the new system, the new UST Maintenance Fee Account numbering sequence and formatting will be three digits followed by six digits (xxx-xxxxxx). It is necessary for CERS to no longer automatically hard code the UST Maintenance Fee Account numbers with the “44” prefix so that UST Maintenance Fee Account numbers issued with the new CDTFA system will be sequentially valid and in the correct, compatible format.

CERS Data Field ID 421	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Codes/Criteria	deleting “, First Two Digits = 44”	As anticipated in May 2019, newly issued UST Maintenance Fee Program Account numbers will be in a new format, xxx-xxxxxx, and the prefix of “44” will no longer be considered valid by CDTFA.	<i>No regulatory effect.</i>

CERS Data Field ID 430

Adding the choices of “Split Facility,” “AST Change to UST,” and “UST Change to AST” provides the methodology to capture a more accurate “Type of Action” being reported in association with the “UST Operating Permit Application” for the regulated UST. Before HSC §25270.2(o) became effective, tanks in underground areas were previously regulated as USTs under HSC chapter 6.7 and California Code of Regulations, Title 23 §§25280-25299. As information for many regulated USTs has been reported in CERS prior to the reclassification of certain USTs as tanks in underground areas, and USTs will now be classified as tanks in underground areas and vice versa, the additional actions to be selected in CERS to note “AST Change to UST” and “UST Change to AST” need to be made available. Though it is not a frequent occurrence, the physical boundaries of a regulated facility can become divided into two facilities, each with different ownership, as noted by different CERS IDs. In an instance when a facility is split, and a change in ownership of a UST directly results as the facility is split, the

ability to select “Split Facility” in CERS will clearly identify the change in ownership of the same UST and will trigger resulting business processes to be conducted by the UPA and regulated facility to document and complete the facility split, occurring outside of CERS.

CERS Data Field ID 430	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Element	deleting “Tank”	“Tank” is redundant and already inferred with the use of “UST” which is an acronym in CERS for Underground Storage Tank.	<i>No regulatory effect.</i>
Codes/Criteria	inserting “9 = Split Facility” inserting “10 = AST Change to UST” inserting “11 = UST Change to AST”	Providing a “Split Facility” option allows the occurrence of a facility with one CERS ID to be split into more than one facility, each having its own CERS ID. When the facility is split, there may be a UST that is no longer physically located on the property of the initial facility. The unique CERS Tank ID # (Data Field ID 432a) will assist in maintaining the identity of each tank, regardless of the physical split among facilities. Providing the option for “AST Change to UST” and “UST Change to AST” allows the correct regulatory requirements to be applied to the tank as appropriate.	Provides the opportunity for additional actions to be selected in CERS when documenting the “Type of Action” necessary regarding UST information for the “UST Operating Permit Application.”

CERS Data Field ID 432a (NEW)

Though CalEPA, UPAs and the State Water Board have provided guidance and outreach to regulated businesses in various formats and through various means of communication, to clearly convey that once assigned to a tank, the tank identification number should never be changed. Notwithstanding efforts of outreach and guidance, it is still a common occurrence for the owner/operator of a regulated UST to assign the same tank identification number to various tanks as they are often times removed from and newly installed in the same physical location of the regulated facility. To ensure accurate information specific to a UST, such as compliance, monitoring and enforcement information, is captured and reported correctly in CERS, CalEPA, UPAs and the State Water Board have requested that a new CERS Data Field be created to reflect a CERS-generated UST identification number, that will always be unique to each UST, regardless of changes in location or ownership. The CERS-generated UST identification number is completely independent of the UST identification number established by the owner, reported in CERS Data Field ID 432.

CERS Data Field ID 432a (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
ID	inserting "432a"	This is the new ID for this new CERS Data Field.	<i>No regulatory effect.</i>
Element	inserting "CERS Tank ID #"	This new CERS Data Field establishes and provides a unique identification number for each regulated UST. The CERS issued UST identification number will never change, regardless of change in ownership, closure, reinstallation, removal, etc.	<i>No regulatory effect.</i>
Codes/Criteria	inserting "No Codes"	This indicates that no codes are needed for data entry. The unique CERS tank identification number for each regulated UST will automatically be generated by CERS, using the CERS ID of the facility currently owning the UST and a unique 3-digit identifier. CERS will automatically display the unique CERS Tank ID # in this CERS Data Field.	<i>No regulatory effect.</i>
Length	inserting "12"	A field length of 12 allows for the unique CERS tank identification number for each regulated UST to be comprised of the CERS ID of the facility currently owning the UST and a unique 3-digit identifier.	<i>No regulatory effect.</i>

CERS Data Field ID 432a (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Type	inserting "AN"	"AN" indicates an alpha- numerical value will be in the CERS Data Field.	<i>No regulatory effect.</i>
Information/ Description	inserting "This CERS Generated Tank ID # will be a unique ID # assigned to each and every UST in CERS. The ID # will consist of the CERS ID for the facility followed by a unique 3-digit # separated by a "-". Once assigned to a tank, the generated CERS ID tank number will never be changed regardless of change in ownership of the facility or business. No regulator or business user can edit the value in this data field."	A unique CERS Tank ID # will allow regulators and regulated businesses to better reference and document compliance for specific USTs, no matter change in location, replacement of, changes in ownership, etc.	<i>No regulatory effect.</i>
CERS Minimally Required Fields	inserting "False"	This is a data field that will be automatically populated by CERS. There is no requirement for a user to complete this data field.	<i>No regulatory effect.</i>

CERS Data Field ID 439

Since the deployment of CERS 2 in 2012, changes in industry relative to the type of use of USTs have occurred, giving cause for the need to update the listing of available options to select the specific type of use for the regulated UST. By providing regulated businesses the method to more accurately report tank use data in CERS, the overall data captured in CERS will also be more accurate.

CERS Data Field ID 439	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Codes/Criteria	Inserting "07 = Airport Hydrant System"	Provides the method for an additional option to select a more accurate type of UST use as documented in CERS for each regulated UST.	<i>No regulatory effect.</i>

CERS Data Field ID 440

Since the deployment of CERS 2 in 2012, changes in industry relative to the many different varieties of contents commonly stored in USTs have occurred, giving cause for the need to update the listing of available options of contents for business users to select to indicate what is stored in the regulated UST. By providing regulated businesses the methodology to more accurately report the type of contents stored in each tank in CERS, the overall data captured in CERS will also be more accurate.

CERS Data Field ID 440	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Codes/Criteria	deleting "08 = Petroleum Blend Fuel" and "10 = Ethanol" inserting "12 = E85, 13 = Biodiesel B6-B99, 14 = Biodiesel 100, 15 = Kerosene"	Petroleum Blend Fuel and Ethanol are considered obsolete and no longer utilized. E85, Biodiesel B6-B99, Biodiesel 100 and Kerosene are commonly used fuel types of contents found in USTs.	Provides the method for additional options to select more accurate fuel types as documented contents in CERS for each regulated UST.

CERS Data Fields pertaining to the Aboveground Petroleum Storage Act Program Submittal Element

On September 25, 2012, [AB 1566 \(Wieckowski\)](#) authorized the CAL FIRE-Office of the State Fire Marshal (SFM) the oversight responsibility of the Aboveground Petroleum Storage Act (APSA) effective January 1, 2013. APSA regulates facilities with aggregate aboveground petroleum storage capacities of 1,320 gallons or more, which includes aboveground storage containers or tanks with petroleum storage capacities of 55 gallons or greater. These facilities typically include large petroleum tank facilities, aboveground fuel tank stations and vehicle repair shops with aboveground petroleum storage tanks. APSA does not regulate non-petroleum products. Facilities with total petroleum storage quantities at or above 10,000 gallons are inspected at least once every three years by a Unified Program Agency (UPA) and are subject to reporting and fee requirements, while facilities with petroleum storage quantities equal to or greater than 1,320 gallons, but less than 10,000 gallons, are only subject to reporting and fee requirements. All APSA regulated facilities must meet the federal rule requirements for Spill, Prevention, Control and Countermeasure (SPCC) plans (<http://www.epa.gov/emergencies/content/spcc/index.htm>).

On October 2, 2015, [Senate Bill \(SB\) 612 \(Jackson\)](#) amended the definition of a “tank in an underground area” to tanks storing petroleum, sitting on or above the surface of the floor, located in structures that are at least 10 percent below the ground surface, and the structure in which the storage tank is located, at a minimum, provides secondary containment for the contents of the tank, piping, and ancillary equipment, until cleanup occurs. Under APSA, aboveground storage tanks include tanks in underground areas if certain conditions are met. Facilities with less than 1,320 gallons of petroleum are regulated under APSA if the facility has one or more tanks in an underground area; in this case, only the tanks in an underground area are subject to APSA.

The California [HSC, chapter 6.67, §§25270 – 25270.13](#) outline the requirements of aboveground storage of petroleum. Currently, an aboveground storage tank facility is regulated under APSA if the tank facility:

- Has a storage capacity of 1,320 gallons or more of petroleum, or
- Has one or more tanks in an underground area, as defined in California HSC, chapter 6.67, §25270.2(o), or
- Is subject to the federal SPCC plan rule specified in the Code of Federal Regulations, Title 40, Part 112

To maintain consistency with the requirements of HSC §25270.2(a), (h) and (o), and section 25270.4.5(b), and in order to effectively, efficiently and consistently implement the APSA element of the Unified Program at the state and local regulatory levels, the following data fields to be completed by business users in order to determine the applicability of data reporting requirements, and data to be reported, relative to the

APSA Program are being revised, developed, and included in the Data Dictionary and CERS 3 as follows:

Chapter 6: APSA Facility Information (NEW)

In order to capture and organize the new CERS Data Fields for the APSA Program a new Chapter has to be created in the CERS Data Registry, which is reflected in the Title 27 Data Dictionary.

Chapter 6: APSA Facility Information (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Functionality	Functionality to categorize and organize the new CERS Data Field IDs 800, 801, 802, and 803.	This new chapter is being created to provide the method for regulated businesses to electronically report required information for regulated APSA facilities.	Regulated businesses will be prompted to complete new CERS Data Field IDs 800, 801, 802 and 803 when applicable.

CERS Data Field ID 8

The functionality of the existing CERS Data Field ID 8 of the “Business Activities” section of the Facility Information Submittal Element is being revised. The business user, will be prompted to answer “Yes” or “No” to the following question in the CERS User Interface (UI):

“Does your facility own or operate aboveground petroleum storage tanks or containers AND:

- have a total aboveground petroleum storage capacity of 1,320 gallons or more, OR
- have one or more petroleum tanks in an underground area?”

If the business user answers “No,” the facility is not considered to be regulated under the APSA Program and no additional information is needed in CERS relative to the APSA Submittal element. If the business user answers “Yes,” the facility is considered to be regulated under the APSA Program and additional information is needed in CERS relative to the APSA Submittal element for the facility. The functionality of CERS Data Field ID 8 is being revised to trigger the completion of CERS Data Field ID 800 (a new CERS Data Field), which will determine whether or not the facility is considered conditionally exempt from the APSA Program.

CERS Data Field ID 8	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Functionality	Functionality of CERS Data Field ID 8 is being revised to trigger CERS Data Field ID 800 (new) to be completed when the answer provided is "Yes."	Aboveground petroleum storage capacity of 1,320 gallons or more indicates the facility is subject to the APSA Program. The Yes/No functionality of CERS Data Field ID 8 to prompt the completion of CERS Data Field ID 800 is necessary as the current Hazardous Materials Business Plan information, which is required to be submitted in CERS by regulated businesses, does not contain sufficient information to effectively, efficiently or consistently implement the APSA Program at the state and local levels.	Regulated businesses will be prompted to complete CERS Data Field ID 800 (new) when providing a "Yes" answer to CERS Data Field ID 8.

CERS Data Field ID 8	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Information Description	deleting “Check the appropriate box to indicate if the”	To align language used consistently with similar language in the Information Description fields for other CERS Data Field IDs. This is redundant instruction to the business user as the provided “Yes/No” option in CERS relays the same instruction message	<i>No regulatory effect.</i>
	capitalizing “f” of “Facility”	the sentence now starts with “Facility”	<i>No regulatory effect.</i>
	inserting “must report if it”	to improve grammar and provide clarity in instruction to the business user	<i>No regulatory effect.</i>
	deleting “or” and inserting “, or tanks in underground areas”	to improve grammar and provide clarity in instruction to the business user	<i>No regulatory effect.</i>
	Replacing “0” with “2”	to accurately reference the citation	<i>No regulatory effect.</i>
	Deleting “‘Petroleum’ means crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure (§HSC 25270.2 (h)).	it is not necessary to include the definition of “Petroleum” in CERS when it is duplicative of existing text readily available to business and regulator users elsewhere in CERS and guidance documents provided by regulatory agencies.	<i>No regulatory effect.</i>

CERS Data Field ID 800 (NEW)

CERS Data Field ID 800 is a new CERS Data Field necessary to identify whether an APSA tank facility meets the exemption conditions as described in HSC §25270.4.5(b). Conditionally exempt APSA tank facilities are not required to prepare and implement an SPCC Plan under APSA and therefore, do not need to provide the certification or review date of the SPCC Plan, nor the total facility storage capacity, nor the number of tanks in underground areas. There are no other CERS Data Fields that are able to clearly identify conditionally exempt tank facilities relative to the APSA Program. Furthermore, the North American Industry Classification System (NAICS) and Standard Industrial Classification (SIC) Code CERS Data Fields available in the “Business Owner/Operator Identification” section of the Facility Information Submittal Element are not always completed by business users. CERS Data Field ID 800 is represented as a check box in the CERS UI and is considered a “minimally required” data field as its functionality triggers the business user to complete CERS Data Field IDs 801, 802 and 803 when the checkbox remains unselected. Selecting the checkbox indicates the facility is Conditionally Exempt, and the functionality of CERS Data Field ID 800 will alleviate the need for conditionally exempt APSA tank facilities to also complete Data Field IDs 801, 802 and 803. Without the functionality of CERS Data Field ID 800 there is no way for CERS to ascertain which APSA tank facilities should be prompted to provide the necessary information in CERS relative to the preparation and implementation of the SPCC Plan, which is done with the completion of CERS Data Field IDs 801, 802 and 803.

CERS Data Field ID 800 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Functionality	Functionality of CERS Data Field ID 800 will trigger CERS Data Field IDs 801, 802 and 803 to be completed when providing a “No” answer.	This new CERS Data Field is being developed to clearly identify APSA tank facilities that are conditionally exempt from submitting an SPCC Plan in accordance with HSC §25270.4.5(b).	Regulated business users will be prompted to complete CERS Data Field IDs 801, 802 and 803 when providing a “No” answer. Regulated businesses must indicate whether or not their APSA Tank Facility is conditionally exempt from submitting an SPCC Plan in accordance with HSC §25270.4.5(b) by utilizing the checkbox provided. Selecting the checkbox indicates the APSA tank facility is conditionally exempt.
ID	Inserting “800”	This is the new ID for this new CERS Data Field.	
Element	Inserting “Conditionally Exempt APSA Tank Facility”	This new CERS Data Field is being developed to clearly identify APSA tank facilities that are conditionally exempt from submitting an SPCC Plan in accordance with HSC §25270.4.5(b).	If the checkbox is not selected, which is equivalent to providing a “No” answer, the regulated business user will be prompted to complete CERS Data Field IDs 801, 802 and 803.
Codes/Criteria	Inserting a checkbox which will translate in CERS as “Y = Yes N = No” depending on whether or not the checkbox is selected.	Whether or not the checkbox is selected will indicate a response of Yes or No.	<i>No regulatory effect.</i>

CERS Data Field ID 800 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Length	inserting "1"	A field length of 1 allows for determining which response is selected, "Y" for Yes, and "N" for No, depending on whether or not the checkbox is selected.	<i>No regulatory effect.</i>
Type	inserting "AN"	"AN" indicates an alpha-numeric value will be entered into the data field.	<i>No regulatory effect.</i>
Information Description	<p>inserting "Indicates if the aboveground storage tank(s) or tank facility is located on and operated by a farm, nursery, logging site, or construction site and if the following conditions are met pursuant to HSC §25270.4.5(b):</p> <p>(1) No aboveground storage tank at the location exceeds 20,000 gallons; and</p> <p>(2) The cumulative storage capacity of the tank facility does not exceed 100,000 gallons."</p>	This new CERS Data Field is being developed to clearly identify APSA tank facilities that are conditionally exempt from submitting an SPCC Plan in accordance with HSC §25270.4.5(b).	If the checkbox is not selected, which is equivalent to providing a "No" answer, the regulated business user will be prompted to complete CERS Data Field IDs 801, 802 and 803.

CERS Data Field ID 800 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
CERS Minimally Required Fields	inserting "True"	This new CERS Data Field is being developed to clearly identify APSA tank facilities that are conditionally exempt from submitting an SPCC Plan in accordance with HSC §25270.4.5(b).	If the checkbox is not selected, which is equivalent to providing a "No" answer, the regulated business user will be prompted to complete CERS Data Field IDs 801, 802 and 803.

CERS Data Field ID 801 (NEW)

CERS Data Field ID 801 is a new CERS Data Field necessary to capture the "Date of the SPCC Plan Certification" or the "Date of the 5-Year Review of the SPCC Plan" for each applicable APSA tank facility. With the exception of conditionally exempt tank facilities, a tank facility that is regulated under the APSA Program is required to prepare an SPCC Plan, using the same format required by the Code of Federal Regulations, Title 40, Part 112. The SPCC Plan must be certified by the tank facility owner/operator (for a qualified facility SPCC Plan) and/or a professional engineer (for a full or hybrid SPCC Plan). A complete review and evaluation of the SPCC Plan must also be done at least once every five years by the tank facility owner/operator, and the review must be documented. SPCC Plans aren't required to be submitted to CERS. However, having the "Date of the SPCC Plan Certification" or the "Date of the 5-Year Review of the SPCC Plan" (whichever is more recent) in CERS will indicate whether an SPCC Plan has been prepared for the tank facility.

Capturing the "Date of the SPCC Plan Certification" or the "Date of the 5-Year Review of the SPCC Plan" (whichever is more recent) will also indicate whether the SPCC Plan was certified or reviewed recently within the last 5 years, or if a review of the SPCC Plan is past due (older than 5 years). Having the "Date of the SPCC Plan Certification" or the "Date of the 5-Year Review of the SPCC Plan" in CERS will enable UPAs to determine whether a tank facility meets the basic SPCC Plan requirements of APSA, since facilities that store at least 1,320 gallons but less than 10,000 gallons of petroleum are not required to be inspected by UPAs. Capturing the "Date of the SPCC Plan Certification" or the "Date of the 5-Year Review of the SPCC Plan" in CERS will also enable the SFM to evaluate UPAs in their implementation of the APSA Program, further ensuring facility compliance with the SPCC Plan requirements of APSA.

The CERS user interface will provide a tool for the user to select the date that applies for the "Date of the SPCC Plan Certification" or the "Date of the 5-Year Review of the SPCC Plan," whichever is more recent. A future date cannot be entered, the date must

be prior to or the same date as the date of the submittal to be considered valid. The submittal can be completed or submitted if there is no date entered; however, the user will receive a warning guidance message if there is no date entered. Though a date should be entered for a submittal in CERS, the data field itself is not a CERS “required” data field, as it is dependent upon the checkbox functionality of CERS Data Field ID 800.

CERS Data Field ID 801 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
ID	inserting “801”	This is the new ID for this new CERS Data Field.	Regulated business users will be prompted to complete CERS Data Field ID 801 when providing a “No” answer to CERS Data Field ID 800.
Element	inserting “Date of SPCC Plan Certification or Date of 5-Year Review”	This new CERS Data Field is being developed to capture the date the regulated business provides as the “Date of the SPCC Plan Certification” or “Date of the 5-Year Review of the SPCC Plan.”	Regulated business users must provide the “Date of the SPCC Plan Certification” or “Date of the 5-Year Review of the SPCC Plan” as required by the Code of Federal Regulations, Title 40, Part 112. The SPCC Plan must be certified by the tank facility owner/operator (for a qualified facility SPCC Plan) and/or a professional engineer (for a full or hybrid SPCC Plan). The SPCC Plan must also be reviewed, with documentation of the review, at least once every 5 years.

CERS Data Field ID 801 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Codes/Criteria	inserting "YYYYMMDD"	This is a new CERS Data Field that provides the method for the business user to select a date from the calendar provided.	<i>No regulatory effect.</i>
Length	inserting "10"	A field length of 10 allows for the date selected by the business user to be displayed and captured as a date value consisting of a 4-digit year, 2-digit month and 2-digit day. Each "/" displayed will count as a value that will automatically separate the year and month, and month and day.	<i>No regulatory effect.</i>
Type	inserting "D"	"D" indicates a date value will be entered into the data field.	<i>No regulatory effect.</i>

CERS Data Field ID 801 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Information Description	inserting “Date of Spill Prevention, Control and Countermeasure (SPCC) Plan Certification or Date of 5-Year Review of the SPCC Plan, whichever is more recent.”	This new CERS Data Field is being developed to capture the date the regulated business provides as the “Date of the SPCC Plan Certification” or “Date of the 5-Year Review of the SPCC Plan.”	Regulated business users must provide the “Date of the SPCC Plan Certification” or “Date of the 5-Year Review of the SPCC Plan” as required by the Code of Federal Regulations, Title 40, Part 112. The SPCC Plan must be certified by the tank facility owner/operator (for a qualified facility SPCC Plan) and/or a professional engineer (for a full or hybrid SPCC Plan). The SPCC Plan must also be reviewed, with documentation of the review, at least once every 5 years.

CERS Data Field ID 802 (NEW)

CERS Data Field ID 802 is a new CERS Data Field necessary to identify the total amount of aboveground storage capacity of petroleum at the facility. An aboveground petroleum storage capacity of 1,320 gallons or more, or having one or more tanks in an underground area, indicates the facility is subject to the APSA Program. Aside from enabling local and state regulators to assess the relative risks from the amount of petroleum on site at the facility, capturing the total petroleum storage capacity of the facility in CERS will indicate whether the facility is required to be inspected by local UPAs at least once every three years because the facility stores 10,000 gallons or more of petroleum, per HSC §25270.5(a), and whether the facility is able to self-certify the SPCC Plan or have the SPCC Plan be certified by a professional engineer. Having the total petroleum storage capacity in CERS will also enable the SFM to evaluate UPAs in their implementation of the APSA Program, further ensuring APSA facility compliance with the mandated inspection frequency of regulated tank facilities.

The CERS UI will provide a numeric text box for the user to enter the total aboveground storage capacity of petroleum, in gallons, at the regulated tank facility. The submittal can be completed or submitted if there is no numerical value entered; however, the user will receive a warning guidance message if there is no numerical value entered. Though a numerical value should be entered for a submittal in CERS, the data field itself is not a CERS “required” field, as it is dependent upon the checkbox functionality of CERS Data Field ID 800.

CERS Data Field ID 802 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
ID	inserting “802”	This is the new ID for this new CERS Data Field.	Regulated businesses will be prompted to complete CERS Data Field ID 802 when providing a “No” answer to CERS Data Field ID 800.

CERS Data Field ID 802 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Element	inserting "Total Aboveground Storage Capacity of Petroleum"	This is a new CERS Data Field that provides the method for the businesses user to report the total aboveground storage capacity of petroleum at the regulated APSA tank facility.	Regulated business must report the total aboveground petroleum storage capacity at the regulated APSA tank facility in CERS. The total aboveground storage capacity of petroleum indicates whether the facility is required to be inspected by local UPAs at least once every three years (if the facility stores 10,000 gallons or more of petroleum), per HSC §25270.5(a), and whether the facility is able to self-certify the SPCC Plan or needs to have the SPCC Plan certified by a professional engineer.
Codes/Criteria	inserting "12 digit number"	This indicates that a numerical value of 12 digits in size can be entered in this data field.	<i>No regulatory effect.</i>
Length	inserting "12"	A field length of 12 allows for a regulated business to report a total aboveground petroleum storage capacity up to 999,999,999,999 gallons.	<i>No regulatory effect.</i>

CERS Data Field ID 802 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Type	inserting "N"	"N" indicates a numerical value will be entered into the data field.	<i>No regulatory effect.</i>
Information Description	<p>inserting "Total petroleum storage capacity (shell or design capacity) of all aboveground tanks, containers and equipment, including tanks in underground areas, with a shell capacity of 55 gallons or more of petroleum at the tank facility.</p> <p>"Petroleum" means crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure [HSC §25270.2(h)]."</p>	This new CERS Data Field is being developed to capture the total aboveground storage capacity of petroleum at the regulated APSA tank facility, in gallons.	Regulated business must report the total aboveground petroleum storage capacity at the regulated APSA tank facility in CERS. The total aboveground storage capacity of petroleum indicates whether the facility is required to be inspected by local UPAs at least once every three years (if the facility stores 10,000 gallons or more of petroleum), per HSC §25270.5(a), and whether the facility is able to self-certify the SPCC Plan or needs to have the SPCC Plan certified by a professional engineer.

CERS Data Field ID 803 (NEW)

CERS Data Field ID 803 is a new CERS Data Field necessary to capture the number of tanks in underground area(s) at the regulated tank facility. As defined in HSC §25270.2(o), tanks in underground areas are required to be inspected at least once every three years by local UPAs. Tanks in underground areas were previously subject to underground storage tank requirements of HSC chapter 6.7 and California Code of Regulations, Title 23. In addition to the APSA requirements for a tank facility, the owner/operator of a tank in an underground area has additional requirements pursuant to California Code of Regulations Title 24, Part 9 (California Fire Code). Capturing the

total number of tanks in underground area(s) in CERS will enable UPAs to prepare for the volume of triennial inspections to complete, including ensuring that all applicable requirements are met for each tank in an underground area, and the amount of time and resources for facility permit issuance. Having the total number of tanks in underground areas at the facility in CERS will also enable the SFM to evaluate UPAs in their implementation of the APSA Program, further ensuring APSA facility compliance with the proposed inspection frequency.

The CERS UI will provide a numeric text box for the user to enter the number of tanks in underground area(s) at the regulated tank facility. The submittal can be completed or submitted if there is no numerical value entered. However, the user will receive a warning guidance message if there is no numerical value entered. Though a numerical value should be entered for a submittal in CERS, the data field itself is not a CERS “required” field, as it is dependent upon the checkbox functionality of CERS Data Field ID 800.

CERS Data Field ID 803 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
ID	inserting “803”	This is the new ID for this new CERS Data Field.	Regulated businesses will be prompted to complete CERS Data Field ID 803 when providing a “No” answer to CERS Data Field ID 800.
Element	inserting “Number of Tanks in Underground Area(s)”	This new CERS Data Field is being developed to provide the method for the regulated business to identify and report the total number of tanks in underground areas at the facility.	Regulated businesses must identify and report the total number of tanks in underground areas at the facility, as defined by HSC §25270.2(o).
Codes/Criteria	inserting “5 digit number”	This indicates that a numerical value of 5 digits in size can be entered in this data field.	<i>No regulatory effect.</i>

CERS Data Field ID 803 (NEW)	Proposed Amendment	Necessity and Purpose	Regulatory Effect
Length	inserting "5"	A field length of 5 allows for a regulated business to report a total number of tanks in underground areas up to, and including, 99,999.	<i>No regulatory effect.</i>
Type	inserting "N"	"N" indicates a numerical value will be entered into the data field.	<i>No regulatory effect.</i>
Information Description	inserting "Total number of tanks in an underground area as defined in HSC §25270.2(o)."	This new CERS Data Field is being developed to provide the method for the regulated business to identify and report the total number of tanks in underground areas at the facility.	Regulated businesses must identify and report the total number of tanks in underground areas at the facility, as defined by HSC §25270.2(o).

STAKEHOLDER INVOLVEMENT

In 2014, for the purpose of obtaining feedback from the regulatory and regulated business communities regarding the utilization of CERS in order to meet the electronic reporting requirements of the Unified Program, the Unified Program and Policy Advisory Group (UPAAG) tasked the Data Steering Committee (DSC) with establishing a CERS 3 workgroup. The CERS 3 work group consisted of eight subcommittees, representing various aspects of CERS and Unified Program element subject areas of interest. Each subcommittee was comprised of over 75 representatives from state and local regulators, regulated business users (including environmental and public interests), technical advisory group representatives, and UPA local system data services vendors.

The CERS 3 workgroup operated to encourage Unified Program regulatory and regulated business communities to submit suggestions for enhancements to the CERS 2 system in order to better meet existing electronic reporting requirements of state and federal laws and regulations. CalEPA provided the opportunity for any individual visiting the CERS Central website to provide suggested enhancements to CERS by using a web-based submittal form. As the suggestion form was made available on the CERS

Central website, no CERS login was necessary in order to access it. The form was easily accessible by all stakeholders, UPAs, state agencies, the regulated community, data services vendors, and any other interested parties or any member of the general public who visited the CERS Central webpages. In providing an easily accessible opportunity for CERS end users and Unified Program beneficiaries to submit suggestions for enhancing the current CERS system, CalEPA was successful in outreach efforts, as evidenced by the large number of submissions received.

The CERS 3 workgroup assessed and reviewed each proposed enhancement to identify the necessity and regulatory applicability for each enhancement suggested by the Unified Program regulator and regulated business communities. Out of the 300 CERS 2 enhancements received, after review, the CERS 3 workgroup supported 172 for CERS 3 development and implementation. To ensure each of the 172 enhancements supported by the CERS 3 workgroup were necessary and could not be obtained by suggested alternatives or means other than development and implementation in CERS 3, in June 2015, the DSC held a three day workshop that included the CalEPA Technical Support Unit staff, UPA representatives, members of the CERS 3 workgroup and CUPA Forum Board representatives. The CUPA Forum Board is comprised of UPAs throughout California and leads the statewide association of UPAs in ensuring effective and efficient implementation of the Unified Program by consolidating, coordinating and making consistent the administration, permits, inspections and enforcement activities of local, state and federal environmental and emergency management program requirements.

At the 2015 workshop, after evaluation, it was decided that of the 172 enhancements reviewed, 110 were supported for CERS 3 development and implementation, 35 were not supported, 18 were deferred for action other than implementation and nine were deferred for further follow up action. Each of the 110 supported CERS 3 enhancements represent the diverse aspects of implementing the Unified Program and electronic reporting requirements that vastly improve the usability of CERS as a system for reporting quality facility, hazardous material, compliance and enforcement information.

Though the regulatory and regulated business communities of the Unified Program strongly endorse and are anticipating the development and implementation of each of the 110 supported CERS enhancements, due to the existing financial limitations experienced by UPAs, the expense of enhancing the development and implementation of local data reporting systems in order to parallel CERS 3 will be limited to include only those enhancements directly related to and dependent upon mandated Unified Program reporting requirements and elements of implementation.

EFFORT TO AVOID DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS

The Unified Program is unique to California. Therefore, Title 27 regulations are not in conflict with federal regulations, as there is no comparable federal program. In every effort, Title 27 regulations include citation references to existing state and federal regulations specific to each Unified Program element rather than including the specific text or duplicating the language of those references. Under the authority of Health and Safety Code section 25404(D), it is the statutory obligation of the Secretary to consolidate, coordinate, and make consistent, to the maximum extent feasible, the requirements of the Unified Program with other requirements imposed by federal, state, regional, or local agencies upon facilities regulated by the Unified Program. Therefore, the proposed revisions to Title 27 Unified Program regulations are not in conflict with any other existing regulations or requirements relating to Unified Program regulated facilities.

DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

The proposed regulations are not inconsistent or incompatible with existing state or federal regulations as they specifically relate to the existing implementation and enforcement requirements of the Unified Program.

DOCUMENTS AND STUDIES RELIED ON

None to include.

ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs within California

CalEPA has made a preliminary determination that it is unlikely that the proposed regulations will create or eliminate any jobs within California as they are relative to requirements for reporting facility information electronically by existing regulated businesses and for the review and acceptance of the information submitted by existing UPAs.

Creation of New Businesses or Elimination of Existing Businesses within California

CalEPA has made a preliminary determination that it is unlikely that the proposed regulations will create any new businesses or eliminate any existing businesses within California as they are relative to requirements for business that are already established. Further, the proposed regulations do not generate any new industrial or business need in order to obtain compliance. Regulated businesses are already required to electronically report facility information relative to each Unified Program element for review and acceptance by UPAs.

Expansion of Businesses Currently Doing Business within California

CalEPA has made a preliminary determination that it is unlikely that the proposed regulations will expand businesses currently doing business within California as they do not generate any new industrial or business need in order to obtain compliance. Synchronization of data within local data systems of UPAs and CERS, as reported by regulated businesses has been an aspect of implementing the Unified Program since 2010 [HSC §25404(e)].

Benefits of the Regulation

CalEPA anticipates that the proposed amendments to the regulations will benefit the protection of public health, welfare, safety and worker safety of all California residents and the environment. Consistency in providing APSA Program and UST Program required data in CERS will provide for improved accuracy of data captured statewide and used for various purposes, including the prevention and mitigation of environmental hazards by emergency response agencies. The proposed amendments improve the overall clarity, consistency and coordination of Unified Program regulations to ensure compliance with implementation and enforcement at the local regulatory level.

The synchronization of facility data submitted to CERS by regulated businesses for each program element and accepted by UPAs in local data systems, in addition to compliance, monitoring and enforcement information submitted to CERS by UPAs, is essential for maintaining the integrity of data available in CERS and relied upon and utilized by the general public, regulated communities, regulatory communities and other regulatory database systems to obtain information regarding associated risks and hazards presented by regulated facilities to the surrounding community.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

Based on the analysis detailed below, CalEPA has initially concluded that there are no significant statewide adverse economic impacts directly affecting business.

- ***CERS Data Fields pertaining to the Aboveground Petroleum Storage Act Program Submittal Element***

The foreseen expenses associated with the development of the new APSA data fields in the APSA Program Submittal Element of CERS to be experienced by regulated APSA facilities as identified by CalEPA and SFM are all relative to the time needed for the business user of the regulated APSA facility to submit, review, revise, and possibly resubmit the annual CERS APSA Program Submittal Element consisting of CERS Data Field IDs 800, 801, 802, and 803. The foreseen expenses associated with the development of the new APSA data fields in the APSA Program Submittal Element of CERS to be experienced by UPAs as identified by CalEPA and SFM are all relative to the time needed for the regulator user of the UPA to review and accept or reject each annual CERS APSA Program Submittal Element consisting of CERS Data Field IDs 800, 801, 802, and 803.

All incomplete and non-submitted draft APSA submittals existing in CERS prior to the release and implementation of the new APSA submittal element in CERS 3 will need to be reestablished. Once the new APSA submittal element goes live in CERS, regulated business users will be required to review the answer previously indicated regarding aboveground petroleum storage (CERS Data Field ID 8). The CERS Facility Information draft submittal will need to be reviewed and revised if the original answer in CERS Data Field ID 8 of the Facility Information draft submittal no longer accurately reflects whether or not the facility stores petroleum in aboveground storage tanks, containers, or equipment of 55 gallons or more in shell capacity and the facility's total aboveground petroleum storage capacity is 1,320 gallons or more, or the facility has one or more petroleum tanks in an underground area as defined in HSC §25270.2(o).

Upon completion of CERS Data Field ID 8, all other applicable CERS Data Field IDs within the new APSA Facility Information section of the APSA Program submittal element will need to be completed. Each draft APSA Program submittal created after the new APSA Program submittal element goes live in CERS will automatically include the new APSA Facility Information CERS Data Field IDs for completion, as applicable. All APSA Program submittals that are submitted after the new APSA Facility Information and new CERS Data Field IDs are available in the CERS APSA submittal element will reflect the new APSA Facility Information and new CERS Data Field IDs, as applicable.

Assuming the hourly wage of the business user completing the CERS APSA Program submittal element is between the average hourly wage of an "Environmental Health Officer" and an "Environmental Scientist," CalEPA estimates the additional cost regulated businesses will experience to complete the four additional CERS Data Fields for the APSA Program submittal element to be extremely minimal, and will most likely be absorbed in the existing duties of the workload established by each regulated business. According to www.indeed.com, on October 25, 2018, the average annual salary for an "Environmental Health Officer" in California is \$101,396 and the average annual salary for an "Environmental Scientist" in California is \$52,298. Considering an average work week of 40 hours, and counting 52 weeks each year, an hourly salary for the "Environmental Health Officer" can be calculated as \$48.75 and an hourly salary for the "Environmental Scientist" can be calculated as \$25.14. As the effort required for completion of CERS Data Field ID 800 is simply checking a box, and as the information necessary to provide for completion of CERS Data Field IDs 801, 802 and 803 should be readily available, the time for the business user to complete the new CERS Data Fields of the APSA Program submittal element can be estimated to take no longer than 10 minutes. This equates to an estimated expense between \$8.13 and \$4.20 experienced by regulated businesses each year for employees to complete the new CERS Data Fields in the annual APSA Program submittal element for each regulated APSA facility.

As obtained from Annual Single Fee Summary Reports submitted by each UPA through October of 2018, and as verified in CERS on October 25, 2018, there are approximately

15,220 regulated APSA Program facilities in California. For all 15,220 regulated businesses having a regulated APSA facility, CalEPA projects a highly inflated estimate for the total statewide expense of completing the new CERS Data Fields for the annual APSA Program submittal element to be between \$123,739 and \$63,924. Considering completion of the new CERS Data Fields of the APSA Program submittal element are only necessary when applicable to the regulated APSA facility, it is more than practical for CalEPA to anticipate that the cost experienced by each regulator user with a regulated APSA Facility will actually be much less than projected.

UPAs will review each APSA Program submittal. Regulated businesses are required to submit the APSA Program submittal element annually, however if a significant change occurs in the operations of the facility, which impacts the APSA Program electronic reporting requirements, the regulated business must submit a revised APSA Program submittal to the regulating UPA. Each APSA Program submittal submitted by regulated businesses for regulated APSA facilities without an entry for CERS Data Field IDs 801, 802 and 803, when applicable, will be considered by the UPA to be incomplete and the submittal will not be accepted. Review and acceptance or rejection of each APSA Program submittal by the UPA will likely generate an extremely minor expense as a factor of the time it takes to complete the review and either accept or reject the APSA Program submittal through the local data system or CERS. CalEPA anticipates each UPA to follow existing processes for reviewing, accepting complete and rejecting incomplete information relative to regulated APSA facilities submitted to CERS by regulated businesses as is currently carried out with CERS submittals by regulated businesses for any program element. As UPAs currently review information submitted by regulated businesses for APSA facilities, the additional time it takes for the UPA to ensure the APSA Program submittal element is complete, upon each annual CERS submittal is anticipated to be nominal and is considered an expense that can be absorbed in the workload supported with the existing established local UPA single fee.

- ***CERS Data Fields pertaining to the Underground Storage Tank Program Submittal Element***

CalEPA and the State Water Board believe no additional expenses will be experienced by regulated businesses with regulated USTs or by UPAs resulting from the revisions made to the new and existing CERS Data Fields relative to the UST Program submittal element. Because the proposed changes are merely providing additional methods for clarification and specificity regarding UST activities; extending the explanation of purpose and intent for existing data fields; and creating the availability of a unique tank identification number for each UST (which is automatically generated by CERS), there are no new regulatory effects requiring effort from either regulated businesses or UPAs. There is no impact of additional time needed by regulated businesses or UPAs in association with the proposed regulations, therefore, as time relates to expense, there is no cost to be anticipated for regulated businesses or UPAs with the adoption of the proposed regulations.

- ***Development and Implementation of Electronic Data Transfer Capabilities Between CUPA Electronic Data Systems and CERS***

As required by HSC §25404(e)(2) CalEPA was given the responsibility to establish CERS as an electronic data reporting system capable of receiving all data collected by CUPAs and reported by regulated businesses in a manner most cost efficient and effective for regulated businesses and state and local regulatory agencies. In addition to providing the web-based user interface for businesses and regulators to access CERS, electronic machine-to-machine transfer of data must also be provided. The machine-to-machine transfer of data relates to local CUPA data system to CERS in a method of Electronic Data Transfer (EDT). The synchronization of facility submittal information for each program element submittal in CERS and local data systems, in addition to compliance, monitoring and enforcement information, is essential for maintaining the integrity of data available in CERS and relied upon by the general public, regulated communities, regulatory communities and other regulatory database systems utilized by the general public to obtain information regarding associated risks and hazards presented to the surrounding community by regulated facilities.

CalEPA Technical Support Unit staff work closely with data services vendors regarding EDT implementation, development and resolution of local CUPA data systems, however, expenses incurred by CUPAs are to be addressed independent of any associated implementation, development and resolution relative to maintaining compatibility between the local CUPA data system and CERS. As specified in Title 27 §15185, data in CERS does not need to be retained locally, unless otherwise required by local rule or ordinance and the CUPA must be able to electronically submit the data to CERS using the data exchange technical specifications provided by CalEPA. Though CalEPA is mindful of expenditures experienced by CUPAs for the maintenance, and considers the fiscal impact that may be experienced by each CUPA, it is to be understood that CUPA expenditures for the implementation, development and resolution of local data systems are not a direct responsibility of CalEPA to address. Each CUPA is ultimately responsible for all aspects of EDT activities, including sustaining the compatibility of its local data system with CERS data reporting and capturing capabilities. The ability to maintain compatible EDT capabilities between local regulator data base systems and CERS, relative to each proposed new CERS Data Field and to the proposed changes of existing CERS Data Fields for the APSA Program and UST Program Submittal Elements is necessary to continue the consistency and integrity of Unified Program data reported electronically.

Most all CUPAs are supported by one of various available data services vendors approved by CalEPA for EDT activities. A CUPA is not obligated to utilize all EDT activities that their associated data services vendor has been approved for by CalEPA. The majority of the proposed changes affecting existing CERS Data Fields are considered by data services vendors to be low impact. The exchange of data relative to the new CERS Data Fields will generate the need for development of new EDT parameters between local CUPA data systems and CERS. Over the past year, CalEPA CERS Technical Support Unit staff have worked closely with each of the data services

vendors approved to provide EDT capabilities between local CUPA data systems and CERS to ensure the financial impacts of CUPAs for the development of their local data systems and the establishment of compatibility for the implementation of CERS 3 are less than minimal, and are addressed and considered as maintenance tasks in existing service contracts.

To more accurately estimate the likely financial impacts the development and implementation of CERS 3 would have on local data systems, CalEPA reached out to several CUPAs that are considered to have rural and urban regulatory jurisdictions, each having regulated communities of various sizes. The information provided in response by each of the CUPAs parallels the anticipated costs for CUPAs anticipated by CalEPA. There are three data services vendors utilized by the majority of all CUPAs, all of which have either stated no charges will be accrued for the development and implementation of CERS 3 to local systems, or costs will be minimal. One urban based CUPA considered to have a relatively large sized regulated community did provide a local cost estimate to be approximately \$6550.00, assuming average hourly service rates for vendor services at \$85.00 for 40 hours, technical assistance from the vendor to CUPA personnel at \$120.00 for 20 hours, and CUPA personnel for the verification of uploaded test data at \$75.00 for 10 hours. Of the 81 CUPAs, there are four known to CalEPA that do not utilize a data services vendor, or a local data system portal, solely using CERS to manage all electronic reporting required as a regulator, and as required for regulated businesses within their jurisdiction. These four CUPAs will not likely experience any financial impact as the transition from CERS 2 to CERS 3 will all be completed by existing CalEPA CERS Technical Support Unit staff. Considering the insight of the possible approximate financial impacts the single CUPA provided to CalEPA, though it is highly doubtful, if each of the remaining 76 CUPAs also experience similar expenses for the development and implementation of CERS 3 on local data systems, a total overall statewide cost could be projected as \$504,350.00.

CalEPA CERS Technical Support Unit staff have been diligent in obtaining no-cost commitments from the approved data services vendors for the development and implementation of the local data systems to be compatible with CERS 3, however, as CalEPA is not an authorized nor participating party in contracted services between the data services vendors and the CUPA, there is no way to guarantee there will be no possibility of unforeseen contractual expenses between data services vendors and CUPAs. Because CUPAs are utilizing various versions of various software releases compatible with CERS 2, depending on which data services vendor is contracted to provide support and services to the local system, there may be unknown associated costs in amounts not known to CalEPA regarding any additional advancements necessary for the development of existing local systems to be upgraded for CERS 3 compatibility.

The development and implementation of CERS 3 is being completed with existing staff and existing resources of the CalEPA Unified Program Technical Support Unit. Additional costs are not anticipated to be experienced by CalEPA as a result of the

development and implementation of CERS 3. Though the workload of development and implementation of CERS 3 has been prioritized over the enhancement of CERS 2 by the CalEPA CERS Technical Support Unit, maintenance and functionality of CERS 2 is not compromised. Once released, CERS 3 will replace the utilization of CERS 2. It is expected that it will take some time for the CUPAs and data services vendors to ensure the effective and efficient transition from the use of CERS 2 and local data systems to the use of CERS 3 and local data systems. This will require the CalEPA CERS Technical Support Unit to maintain the CERS 2 and CERS 3 systems simultaneously for a short period. Existing staff and resources within the CalEPA CERS Technical Support Unit are sufficient to accommodate the need for this transitional workload, therefore, experiencing no additional financial impact.

ALTERNATIVES CONSIDERED

For the majority of the proposed amendments to the Data Dictionary, there are no feasible alternatives to consider, as the revisions are essential due to the statutory requirement of HSC §25404 and the necessity of implementation and enforcement of various existing state and federal regulations and requirements for the APSA Program element.

CalEPA and the State Water Board have given much consideration, in cooperation with CUPAs, the UPAAG Data Steering Committee and the CERS 3 workgroup in regards to the necessity and purpose of moving forward with the proposed changes to the UST Program CERS Data Fields to be developed and implemented with CERS 3. Without providing the ability for the regulated community and the regulatory agencies to adequately report accurate information in CERS, that data in CERS will be compromised as the degree of its reliability and accuracy is completely reliant on the information entered by its users. Integrity of data within CERS is essential to the functionality and the purpose of the Unified Program, and removing the ability to rely on data from CERS could be tragic as the United States Environmental Protection Agency depends on CERS data for the implementation and enforcement of the federal UST Program in California. Additionally, CERS data feeds to the California Regulated Site Portal, Envirostore and other state regulatory databases with public and government access and dependability. If information in CERS is not accurate or reliable, as a result, the dependent agencies, general public and other electronic reporting information systems populated with CERS data will also be considered compromised and not accurate.

The proposed regulations improve the clarity and consistency of Unified Program data reported by regulated businesses and UPAs. As the purpose of establishing the Unified Program for consolidated, consistent and coordinated statewide implementation of various elements among various state agencies, and as Unified Program data must be entered and reported to CERS, no other alternative was considered for these changes.

The consistency and clarity that each of the proposed amendments offer will allow for more effective protection of the public health and safety and the environment by the regulated community, UPAs and the Unified Program state agencies.

It is the opinion of CalEPA and the state agencies with Unified Program responsibilities that no other reasonable alternatives will:

- provide an adequate method for reporting required information electronically to CERS
- be more effective in carrying out the purpose of clarifying and making consistent the ability to report required information to CERS
- be as effective and less burdensome to affected regulated businesses and regulators
- be more cost-effective for regulated businesses and regulators and as equally effective in implementing the statutory requirements of the Unified Program.