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## Unified Program Newsletter – November 2018

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### CalEPA

#### CERS Knowledge Base, Help, and FAQs

#### Submittal Elements in CERS and the Submittal Element Resources

<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2018/11/Nov.-2018-CERS-Submittal-Elements-in-CERS-and-the-Submittal-Element-Resources.docx>

If you have questions, please email [cers@calepa.ca.gov](mailto:cers@calepa.ca.gov).

#### CERS 3 Proposed Regulations Available for Review

CalEPA has begun the formal regulatory rulemaking procedure with the Office of Administrative Law to adopt proposed revisions to the CERS Data Registry (Data Dictionary). The majority of

the proposed amendments are considered non-substantial as they have relatively minor regulatory effects or impacts on regulated businesses and Unified Program Agencies (UPAs). The implications of the non-substantial proposed regulatory changes will likely have substantial impacts on UPAs regarding the ability to maintain parallel data exchange and provide methods to continue to utilize local data reporting and management systems independent of the California Environmental Reporting System (CERS).

The proposed revisions to the title 27 Data Dictionary language are briefly summarized as follows:

- I. Addition of available selections to existing CERS Data Fields for specifying the types of action taken relative to an Underground Storage Tank (UST) and the UST Operating Permit Application information.
- II. The ability for CERS to automatically generate a unique identification number for each UST in CERS.
- III. Addition of available selections to existing CERS Data Fields for specifying the use of an UST and its contents.
- IV. Development of a new Chapter in the CERS Data Registry to capture and organize the four new CERS Data Fields for the APSA Program, which will provide the opportunity for regulated businesses to electronically report required information for regulated APSA facilities.

Non-substantial and substantial amendments, as well as the necessity and purpose for each, are detailed in the Initial Statement of Reasons (ISOR). The ISOR and any relative documents related to the proposed revisions are available at the CalEPA Unified Program Laws and Regulations webpage: <https://calepa.ca.gov/cupa/lawsregs/>

Upon the November 16, 2018, publication in the California Regulatory Notice Register, a 45-day public comment period for the proposed regulations will be established and is scheduled to end on December 31, 2018. It is the intent for the proposed regulations to become effective on April 1, 2019, to coincide with the release of and use of CERS 3.

For questions, please contact Melinda Blum at [Melinda.Blum@calepa.ca.gov](mailto:Melinda.Blum@calepa.ca.gov).

## State Water Board

### Informational Documents on the New UST Requirements of Title 23

State Water Resources Control Board (State Water Board) staff have developed and continue to develop informational documents to assist UST owners, operators, contactors, designated operators, service technicians, and regulators understand the new UST requirements that became effective October 1, 2018. The informational documents are presented in a question and answer format that can be easily updated as new questions arise. It's important to note that information contained in these documents, in many instances, supersedes previously

issued State Water Board guidance. At the conclusion of each document a table is included which identifies previously issued State Water Board guidance with superseded content. Informational documents regarding the emergency generator tank system, line leak detection requirements, overfill prevention equipment inspection requirements, spill container testing requirements, and secondary containment testing requirements have been distributed through the State Water Board email distribution system (known as Lyris), and are posted on the UST program website under “Staying Connected” 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/).

For more information regarding the new requirements, please contact Mr. Cory Hootman at (916) 341-5668 or [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### Informative Webinars on UST Regulations

State Water Board staff will be presenting the final informative webinars listed below, designed to assist the various stakeholders with the changes to regulation. All webinars will use the same web link, call in and pass codes shown 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.

### Regulated Community – UST Regulations

As of July 2018, State Water Board staff have presented five webinars to the regulated community. These webinars are to assist the regulated community in complying with the regulations for testing, inspection, compatibility, upgrades and designated operator requirements. The remaining two webinars are listed below.

Webinar dates and times for the regulated community on new regulations are:

#### **Webinar Information:**

Date: November 21, 2018

Time: 9:00 a.m. – 12:00 p.m.

The notice for the webinars for the regulated UST community can be found at:

[https://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/fed\\_rec\\_regs/reg\\_own\\_web.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs/reg_own_web.pdf)

### UPAs - UST Regulations

As of July, 2018, State Water Board staff has presented five (5) webinars to the Unified Program Agencies (UPAs). 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 remaining two webinars are listed below.

Webinar dates and times for UPAs on new regulations are:

**Webinar Information:**

Date: November 27, 2018

Time: 9:00 a.m. – 12:00 p.m.

The notice for the webinars for the regulated UST community can be found at:

[https://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/fed\\_rec\\_regs/reg\\_cup\\_web.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs/reg_cup_web.pdf)

For more information regarding the webinars, please contact Mr. Cory Hootman at (916) 341-5668 or [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Mr. Tom Henderson at (916) 319-9128 or email [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### Enhanced Leak Detection Testing for Hydrostatically Filled USTs

The State Water Board recently became aware that hydrostatically filled USTs installed on or after July 1, 2003, have not been tested using an independent third party evaluated enhance leak detection (ELD) test method. A third party evaluated ELD test method is now available for hydrostatically filled USTs. Hydrostatically filled USTs installed on or after September 14, 2018 shall use a third party evaluated ELD test method as found on LG-113. The State Water Board has received notifications to perform ELD tests by unapproved methods. USTs installed after September 14, 2018, which have been tested by unapproved methods must have an approved ELD test performed.

LG-162 has been updated to reflect the approved test method and can be found at

[https://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lgs/docs/162\\_4.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/docs/162_4.pdf)

The technical guidance for the new ELD method can be found at

[www.waterboards.ca.gov/ust/docs/hydrostatic\\_ELD\\_letter.pdf](http://www.waterboards.ca.gov/ust/docs/hydrostatic_ELD_letter.pdf)

For more information regarding ELD testing, please contact Mr. Tom Henderson at (916) 319-9128 or email [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### Assembly Bill No. 2902

On September 23, 2018, Governor Brown signed Assembly Bill No. 2902 (AB 2902) which amends Health and Safety Code, division 20, chapter 6.7 (H&SC, ch. 6.7) sections 25281.5, 25285, and 25292.3, effective January 1, 2019. AB 2902 makes changes to the emergency generator tank system definition, UST permitting conditions, red tag authority, as well as other changes.

Complete text of AB 2902 can be found at

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB2902](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2902)

For more information regarding AB 2902 please contact Ms. Laura Fisher at (916) 341-5870 or email [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov).

## Report 6 and CERS

The State Water Board has revised the Report 6 requirements to reflect the changes to California UST regulations and new United State Environmental Protection Agency (U.S. EPA) performance measures. UPAs were required to collect significant operational compliance (SOC) data through September 30, 2018. Data collection for the new U.S. EPA performance measures, Technical Compliance Rate (TCR), began on October 1, 2018.

Information previously collected on SOC performance measures, specifically release detection (RD) and release prevention (RP), will be utilized in the upcoming Report 6 for facilities inspected from July 1, 2018, through September 30, 2018, only. UST facilities inspected after this time will be using the new TCR performance measures only. While adding the SOC information into CERS for inspections conducted after October 1, 2018, will not adversely affect future reporting, it is not required.

For more information regarding Report 6, please contact Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

## CERS – Duplicate Tank Cleanup

The State Water Boards' review of CERS data finds there are 1,422 USTs which may be either duplicate tanks or tanks without a closure date. When CERS 3 is placed into service in early 2019, each active UST in CERS will automatically be assigned a unique CERS tank identification number. Before that happens, the State Water Board encourages all UPAs to close duplicate tanks and ensure all closed tanks have an accepted CERS submittal that includes a tank closure date. Duplicate USTs and USTs which have not been properly closed in CERS will end up receiving a CERS tank identification number and unnecessarily remove that identification number from use for any future UST. For duplicate tanks, even if a subsequent accepted tank closure submittal is made, the duplicate tank will remain permanently in the CERS master tank database as a real, closed tank and only through a review of the submittal 'additional information' field could it be identified as a duplicate tank closure.

Additionally, as State Water Board staff evaluates an individual UPAs' tank data for consideration of paperless reporting (Report 6), any duplicate USTs or closed USTs without closure dates in the UPA's jurisdiction would be considered as part of that evaluation. Duplicate USTs and permanently closed USTs without closure dates negatively impact the State Water Boards ability to make a positive certification for the United States Energy Policy Act of 2005. These USTs are listed in CERS as active tanks but without routine inspections being performed, and therefore not satisfying the three-year federal inspection frequency requirement.

For more information about removing duplicate USTs or ensuring USTs have tank closure dates, please review two related FAQs: [How a changed UST Tank ID should be handled](#) and [Can or should I change a UST Tank ID Number?](#) or contact Mr. Daniel Firth at (916) 341-5711 or email [Daniel.Firth@waterboards.ca.gov](mailto:Daniel.Firth@waterboards.ca.gov).

## DTSC

### Amendment to Title 27 Regulations for Inspection and Enforcement Plans

California Code of Regulations, Title 27, section 15200 was recently amended and new sections became effective on July 1, 2018. One of these subsections (a)(14), requires the CUPA to establish provisions in their Inspection and Enforcement Program Plan ensuring the CUPA has sampling capability and ensuring the analysis of any material be performed by a state certified laboratory pursuant to HSC, chapter 6.5, section 25198. Department of Toxic Substances Control (DTSC) will begin to discuss compliance with this subsection during the CUPA triennial evaluation period.

### Business Operations Unit Extends Its Telephone Hours

DTSC's Business Operations Unit, which is under the Office of Environmental Information Management (OEIM) has extended its telephone service hours to 9 a.m. – 4 p.m. Monday through Friday. The Business Operations Unit processes hazardous waste federal and state EPA ID numbers, transporter registrations and transporter quarterly reports, annual and biennial reports, oversees the annual Verification Questionnaire and fees assessment for hazardous waste Identification (ID) numbers and hazardous waste manifests, processes manifest corrections and answers questions on e-Manifest. If you need assistance with any of the above items, please call 1-800-618-6942.

### Access to e-Manifest Information

CUPAs can view manifests in the e-Manifest system by registering as a regulatory user in the RCRAInfo system. To register as a user in e-Manifest please visit <https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login>.

### 2018 Electronic Verification Questionnaire Update

As of November 1, 2018, 53% of required hazardous waste handlers have completed the 2018 electronic Verification Questionnaire (eVQ) to maintain the active status of their EPA ID numbers. DTSC will continue to send out notifications to handlers who are required to complete the 2018 eVQ. The 2018 eVQ submission and any fees are due 30 days from the date the notification is received. Please visit [evq.dtsc.ca.gov](http://evq.dtsc.ca.gov) for more information on the 2018 eVQ.

***References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).***

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