

Unified Program Newsletter – October 2018

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CalEPA

CERS Knowledge Base, Help, and FAQs

How to Change a Business Site Address

<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2018/10/October-2018-How-to-Change-Business-Site-Address-in-CERS.pdf>

Unified Program Violation Library Update

Effective October 1, 2018, the Unified Program Violation Library in the California Environmental Reporting System (CERS) has been updated. Updates include revisions to some existing violations, the addition of new violations, and the discontinuation of some violations (some violations can no longer be used for inspections that occur after September 30, 2018). For those CUPAs that maintain a local violation library in their data management system, please ensure that the local violation library has been updated with the latest version of the Unified Program Violation Library in CERS.

State Water Board

Amendments to the Underground Storage Tank (UST) Regulations

Amendments to California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations) became effective on October 1, 2018. This is the most substantial change to regulations in a decade. The amendments include changes to designated UST operator inspections; overfill prevention equipment inspections; testing and inspecting equipment after a repair; demonstrating compatibility; training of employees, and line leak detection of piping connected to emergency generator tank systems. A full version of the UST Regulations can be found at https://www.waterboards.ca.gov/ust/regulatory/docs/CCR_Ch16_10_2018.pdf

Local Guidance Letters and Informational Documents

The State Water Resources Control Board (State Water Board) is currently revising local guidance (LG) letters regarding compliance with the UST regulations. Additionally, State Water Board staff are drafting instructional documents in a question and answer format addressing UST requirements. These informational documents are targeted for all stakeholders. All new and updated guidance will be announced and distributed through the Lyris email distribution and posted on the UST Program website. The informational documents can be found under “Staying Connected” at

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

New and Revised Forms Required for Use as of October 1, 2018

As of October 1, 2018, the UST Regulations requires specific forms to be used to record testing and inspection results, training of facility employees, owner or operator statement of

understanding, and designated UST operator identification. The forms can be found in a PDF and Word fillable format at

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

For more information regarding the adopted amendments to the UST Regulations, please contact Mr. Cory Hootman at (916) 341-5668 or by email at Cory.Hootman@waterboards.ca.gov or Mr. Tom Henderson at (916) 319-9128 or by email at Tom.Henderson@waterboards.ca.gov.

Informative Webinars on UST Regulations and Report 6

State Water Board staff will be presenting several series of webinars as described below, designed to assist the various stakeholders with the changes to regulation and reporting. Please note, there is a limited number of video and call in connections available for each webinar. State Water Board staff encourage participants to be on time as we have been at capacity for past webinars. If you are able, we highly recommend calling in or joining the video as a group. 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

State Water Board staff have presented several webinars to the regulated community beginning in July 2018. Because of the overwhelming demand, staff will be presenting additional informational webinars on the new UST Regulations. These webinars are to assist the regulated community in complying with the regulations for testing, inspection, compatibility, upgrades and training.

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

October 24, 2018	9:00am – 12:00pm
November 7, 2018	9:00am – 12:00pm
November 21, 2018	9:00am – 12:00pm

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

UPAs – UST Regulations

The webinars for Unified Program Agencies (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 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.

Webinar dates and times for UPAs on new regulations are:

October 19, 2018	9:00am – 12:00pm
October 31, 2018	9:00am – 12:00pm
November 14, 2018	9:00am – 12:00pm
November 27, 2018	9:00am – 12:00pm

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

UPAs – Report 6 and Technical Compliance Rate

The State Water Board has provided detailed guidance to the UPAs on Report 6 and Technical Compliance Rate (TCR) through an updated LG letter. The updated LG-164 explains the new inspection and reporting criteria. LG letters can be found here:

https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/

Additionally, State Water Board staff has been hosting informative webinars to clarify changes to Report 6, TCR criteria and to address questions. Upcoming webinar date and time is provided below.

Webinar date and time for UPAs on Report 6 is:

October 23, 2018	9:00am – 12:00pm
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For more information regarding the upcoming webinars, please contact Mr. Cory Hootman at (916) 341-5668 or email at Cory.Hootman@waterboards.ca.gov or Mr. Tom Henderson at (916) 319-9128 or email at Tom.Henderson@waterboards.ca.gov.

Lyris Distribution

The State Water Board UST Leak Prevention Unit uses Lyris email distribution for all announcements and document distribution. State Water Board staff continues to find members of both the UPAs and regulated community who have not heard about the Lyris system. Consequently, the regular updates provided by the State Water Board may go unseen. State Water Board staff will continue to encourage Lyris participation at meetings, technical advisory groups, and regional gathering, but it is not enough. We request your assistance, UPA managers to assist staff, and designated operators and service technicians to assist owners and operators, in signing up for the Lyris emails.

Subscribe to the UST Program's Lyris email distribution list at

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

CalEPA Fuels Guidance Document

The updated CalEPA Fuels Guidance Document provides guidance to fuel producers and users about regulations affecting the storage and dispensing of various motor vehicle fuels. This guidance document is a collaborative effort between the California Air Resources Board, the California Department of Food and Agriculture - Division of Measurement Standards, the California Department of Forestry and Fire Protection - Office of the State Fire Marshal (OSFM) and the State Water Board to assist with current and future planning of motor vehicle fuel storage and dispensing.

The updated CalEPA Fuels Guidance Document can be found at <https://www.arb.ca.gov/fuels/calepafuelsguidance100218.pdf>

For more information regarding the CalEPA Fuel Guidance Document, please contact Laura Fisher at (916) 341 5870 or email at Laura.Fisher@waterboards.ca.gov.

Enhanced Leak Detection Testing for Hydrostatically Filled USTs

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 the appropriate third party evaluated ELD test method.

The technical guidance for the new ELD method can be found at 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 at Tom.Henderson@waterboards.ca.gov.

CERS UST Data Accuracy – A Continuous Improvement Effort

Why do we collect, store, and use data?

1. To inform data-driven management and planning activities – performance report cards, evaluation of program effectiveness, workplans, resource assignment, along with many other examples;
2. To inform critical decision making regarding the State Water Board mission and water management responsibilities – including water quality planning and policy, water allocation and use, permitting, program prioritization, etc.; and
3. To provide transparency to the many partners and stakeholders for their use, interests and purposes.

What are the guiding principles for State Water Board data management?

Data Accessibility – State Water Board values transparency and strives to make all critical data in CERS available to UPAs through Excel reports downloadable from CERS. State Water Board

explains the different data by providing information about each piece of data (metadata) as part of the data dictionary.

Understanding Data Quality and Integrity – State Water Board data are thoughtfully planned, of a known and useful quality, with specific practices to protect data integrity using standards and protocols.

Data Used to Govern – State Water Board uses data to govern or make decisions that are in the best interest of the mission of preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses.

Data Governance – our organization takes proactive steps to develop effective data and information technology management practices to ensure data flows to where it is needed in a timely manner while complying with data sharing policies.

The use of CERS has increased and improved since inception, which provides an opportunity to look closely at areas of improvement available to us. As a result, State Water Board has identified some issues with data quality that need to be addressed. With this update we focus on two pieces of data (the number of active USTs and submittal status) and provide information about a tool to assist UPAs with UST construction and monitoring data correctness and completeness.

For more information about these issues, please contact Ms. Lisa Jensen at (916) 319-0742 or email at Lisa.Jensen@waterboards.ca.gov.

CERS – Duplicate Tank Cleanup

The State Water Board's review of the CERS data finds there are 1,422 USTs that 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 identifier. Before that happens, State Water Board encourages all UPAs to close duplicate tanks and ensure all closed tanks have an accepted submittal that includes a tank closure date. Duplicate USTs and USTs that have not been properly closed in CERS will end up receiving a CERS Tank identifier and unnecessarily remove that identifier from use for any future UST. For duplicate tanks, even if subsequently an 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 UPA's tank data for consideration of paperless reporting, any duplicate USTs or closed USTs without closure dates in the UPA's jurisdiction would be considered as part of that evaluation.

For more information about removing duplicate tanks 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?](#) For further information contact Mr. Daniel Firth at (916) 341-5711 or email at Daniel.Firth@waterboards.ca.gov.

CERS – UST Submittal Status: ‘Not Acceptable’ or ‘Not Applicable’

Accepted submittals are required for UST facility and tank data to be included in CERS UST Facility/Tank Data Download Report and in electronic reporting of the Semi-Annual CERS Report 6. Some submittals are being incorrectly set to a status of “Not Applicable.” This creates problems for reporting the Semi-Annual CERS Report 6 and for annual Energy Policy Act of 2005 (EPACT) certification.

A submittal status of “Not Applicable” is for use under one of two conditions:

- A submittal is received from a facility that was never regulated under the UST program element; or
- A submittal is received from a facility that is no longer regulated under the UST program element.

Any facility data included in a submittal with a status of “Not Applicable” is not included in the CERS UST reports. Do not use this submittal status for any submittal made by a facility that is regulated under the UST program element or has any active tanks. Do not use this submittal status when the facility owner/operator includes a UST tank closure date for the first time.

When a facility closes, or removes, all underground tanks an “Accepted” submittal is required to document the tank(s) closure and must include the tank closure dates. Only after such a submittal is received and given a submittal status of “Accepted” by the UPA is the tank(s) considered closed. Only then, and after the Reporting Requirement for the Submittal Element for Underground Storage Tanks of the facility is changed to “Not Applicable,” would a subsequent UST submittal from the business, be set to a status of “Not Applicable.”

A submittal status of “Not Accepted” is intended for UST submittals from facilities that are regulated under the UST program element and include inaccurate or incomplete UST information. The submittal is considered too deficient to be “Accepted” or accepted with conditions. Any facility data included in a submittal which is “Not Accepted” will not be included in the CERS UST reports.

UPAs may run a report in CERS to obtain a list of all submittals with a status of “Not Applicable.” It is recommended UPAs run this report and verify a submittal status of “Not Applicable” is used only as indicated above. To run this report in CERS go to the Submittal tab, select the appropriate Regulator name, Status = “Not Applicable,” and Element = “Underground Storage Tanks.”

For more information regarding CERS submittal status, please contact Mr. Daniel Firth at (916) 341-5711 or email at Daniel.Firth@waterboards.ca.gov.

CERS – Data-Mining, Training Update

State Water Board staff offers training to UPAs to dig deep into their CERS data using the available CERS reports and Excel. Beginning early in 2016 trainings were piloted as part of oversight inspections, today an agency can obtain training via a webinar, at their facility, or with a group of UPAs. As of September 1, 2018, 34 different UPAs and 145 individuals have received

data-mining training. The feedback has been positive, and the State Water Board has seen significant improvement in the UST tank monitoring and construction data in CERS as a direct result of training.

Sacramento County Environmental Health Management CUPA has taken the manual process of reviewing CERS data to a new level with a semi-automated tool. The CUPA is working with State Water Board staff to release the tool for use by all CUPAs for reviewing monitoring and construction data in CERS. At the upcoming CUPA conference, Ms. Jennea Monasterio and Ms. Lisa Jensen will offer a session dedicated to the rollout of this semi-automated CERS data-mining tool.

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

Enhanced Leak Detection, Request for Reconsideration – Conditional Approval

A UST facility owner/operator who has been notified to perform an ELD due to well-proximity may submit a Request for Reconsideration (RFR) to the State Water Board. The request will be reviewed and the well location and operational status will be verified. Following the review process the facility owner/operator will receive a letter indicating the status of their request. The three possible outcomes of the review are Denied, Approved, or a Conditional Approval.

A conditional approval for RFR means the facility owner/operator does not need to perform an ELD test if the public drinking water well conditions have changed by either becoming inactive or closing. In the event a facility receives a conditional approval for their RFR, UPAs must monitor changes in the well status. Water purveyors may drill new public drinking water wells in the same location, in which case ELD testing would be required for UST systems within 1,000 feet. The UPA must notify the facility owner/operator and the State Water Board, if an ELD test is required. Test results must be submitted to the State Water Board.

For more information regarding conditional approvals, please contact Ms. Jessica Botsford at (916) 341 7338 or email at Jessica.Botsford@waterboards.ca.gov.

DTSC

2018 electronic Verification Questionnaire

The 2018 Verification Questionnaire began Monday, October 1, 2018. Access to the electronic Verification Questionnaire (eVQ) is now open and users are able to complete the questionnaire. The annual Verification Questionnaire and fees assessment for hazardous waste ID numbers and hazardous waste manifests are required by Health and Safety Code sections 25205.15 and 25205.16.

If you receive any questions from the public regarding the questionnaire, please refer them to the information below.

Website: <https://evq.dtsc.ca.gov>
FAQ: https://dtsc.ca.gov/IDManifest/VQ_FAQ.cfm
email: eVQ@dtsc.ca.gov
Phone: (800) 618-6942

The Q&A document is on DTSC's website at https://www.dtsc.ca.gov/IDManifest/VQ_FAQ.cfm. If you have questions or need further clarification, please contact the eVQ staff at eVQ@dtsc.ca.gov.

CUPA Access to CalEPA'S On-Line Environmental Complaint System

The CalEPA Environmental Complaint System (ECS) became available to the public in 2016. It allows members of the public and regulatory agencies to input complaint information. Each CalEPA Board, Department and Office (BDO) manage their environmental complaints on this database and have a "File an Environmental Complaint" tab on their website homepage. This tab directs the user to the Complaint Input Form where complaint information is entered.

Incoming complaints are processed by BDOs and either assigned to their staff, closed, or referred to another regulatory entity for response. A large percentage of complaints are referred to CUPAs.

CUPAs can access the CalEPA Complaint Database through an External Partner Portal Link (EPPL) at <https://calepacomplaints.secure.force.com/ExternalPartnerPortal/>. The EPPL allows CUPAs to review complaints that were referred to them, and submit follow-up reports. Select "Request Access" under the Sign-In Submit Button in the link above to obtain access to the EPPL.

July 2018 Health and Safety Code

The Health and Safety Code (HSC) has been updated to reflect 2017 statutory changes that were in effect as of January 1, 2018. These changes are to the Hazardous Waste and Hazardous Substances Law. You can find the HSC at DTSC's website at <https://dtsc.ca.gov/LawsRegsPolicies/Regs/upload/Complete-2017-HSC.pdf>.

Emergency Regulations: Determining the Initial Penalty for Each Violation

Effective January 1, 2018, AB 245 amended Health and Safety Code sections 25188, 25189, and 25189.2 to increase administrative and civil penalties to a maximum of \$70,000 per day per violation. As a result, the regulations in Title 22, section 66272.62 needed to be changed to conform to the new statutory maximum.

The emergency regulations were adopted July 5, 2018, and are now effective. The expiration date will be January 3, 2019. The emergency regulations along with all other documents pertaining to this rulemaking file can be found on DTSC's website at <https://dtsc.ca.gov/LawsRegsPolicies/Regs/determining-initial-penalty-each-violation.cfm>.

CalFIRE OSFM

Aboveground Petroleum Storage Act (APSA) Advisory Committee

The next APSA Advisory Committee meeting will be held on October 19, 2018. For more information, visit the OSFM APSA Advisory Committee website at http://osfm.fire.ca.gov/advisorycommittees/advisorycommittees_apsa.

Assembly Bill (AB) 2902

[AB 2902](#) was approved by the Governor and chaptered into law on September 23, 2018, and becomes effective on January 1, 2019. AB 2902 makes various amendments to APSA as follows:

- a. Clarifies the definition of an ‘aboveground storage tank’ or ‘storage tank’ to include a tank or a **container** that has the capacity to store 55 gallons or more of petroleum that is substantially or totally above the surface of the ground.
- b. Excludes from the definition of an ‘aboveground storage tank’ or ‘storage tank’ a tank containing hazardous waste or extremely hazardous waste if the owner or operator of the tank has a hazardous waste facilities permit from the Department of Toxic Substances Control (DTSC) or **a permit by rule authorization from a Unified Program Agency** for the storage tank.
- c. Excludes from the definition of an ‘aboveground storage tank’ or ‘storage tank’ a tank in an underground area that has the capacity to store less than 55 gallons of petroleum, has secondary containment, and is inspected monthly, if the owner or operator maintains a log of inspection records for review by the Unified Program Agency upon request.
- d. Clarifies the definition of a ‘tank in an underground area’ to be a **stationary** storage tank.
- e. Clarifies that, **except for an emergency vent that is solely designed to relieve excessive internal pressure**, all piping connected to the tank in an underground area, including any portion of a vent line, vapor recovery line, or fill pipe that is beneath the surface of the ground, and all ancillary equipment, **that is designed and constructed to contain petroleum**, can be visually inspected by direct viewing or has both secondary containment and leak detection that meet the requirements adopted by the OSFM.
- f. Clarifies that direct viewing of the exterior of a tank in an underground area is not required if inspections of the interstitial space or containment structure are performed

or if the storage tank has a mechanical or electronic device that will detect leaks in the interstitial space or containment structure, and alert the tank operator.

- g. Clarifies that if a tank facility has a storage capacity of less than 1,320 gallons of petroleum, the following tanks in an underground area are not subject to APSA:
 - i. The tank holds hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, or other similar devices.
 - ii. The tank is a heating oil tank.
 - iii. The tank is a sump, separator, clarifier, catch basin, or storm drain.
- h. Clarifies that the owner or operator of a tank facility with a storage capacity of less than 1,320 gallons of petroleum and has one or more tanks in an underground area may use the format adopted by the OSFM to prepare a spill prevention, control, and countermeasure plan.

To view the full text of the bill, visit the California Legislative Information website at http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2902.

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

[CalEPA Unified Program Home Page](#)