

Unified Program Newsletter – March 2019

Contents

CalEPA.....	1
CERS Will Be Unavailable To All Users March 28 th through April 1 st	1
CANCELLED: CERS 3 Enhancement Demonstration Webinars.....	2
Experience CERS 3 Enhancements NOW!	2
CERS 3 Enhancements Deployed April 2, 2019.....	3
State Water Board.....	5
Adding Fluid to Hydrostatic Monitored Systems	5
Reuse of Pipe After Permanent Closure.....	5
Discarding Previously Closed or Removed USTs from Future CERS UST Submittals	6
Duplicate UST Cleanup in CERS.....	6
Cal FIRE OSFM	7
Assembly Bill (AB) 2902 Effective January 1, 2019	7
Tanks in Underground Areas (TIUGA).....	8

CalEPA

CERS Will Be Unavailable To All Users March 28th through April 1st

To deploy Version 3 of the California Environmental Reporting System (CERS 3) on Tuesday, April 2, 2019, it is necessary for CalEPA to make CERS access unavailable to **all** business and regulator users beginning Thursday, March 28th through Monday, April 1st.

Access to CERS 3 will be available beginning Tuesday, April 2, 2019.

- **Facilities with UST Program Reporting Requirements:**

CalEPA ***strongly*** encourages completing and submitting or discarding any unfinished Underground Storage Tank (UST) Program submittals currently in CERS **prior to Thursday, March 28th**. As CERS 3 will incorporate new UST Program reporting requirements, information within unfinished draft submittals currently in CERS may not be available or may no longer be accurate for completion and submittal once CERS 3 deploys.

- **Facilities with APSA Program Reporting Requirements:**

CalEPA ***strongly*** encourages completing and submitting or discarding any unfinished Aboveground Petroleum Storage Act (APSA) Program submittals and any Business Activities submittals currently in CERS **prior to Thursday, March 28th**. As CERS 3 will incorporate new APSA Program reporting requirements, information within unfinished Business Activities and APSA Program draft submittals currently in CERS may not be available or may no longer be accurate for completion and submittal once CERS 3 deploys.

For questions concerning submittal information and reporting requirements, please contact your local regulating Certified Unified Program Agency (CUPA) (<https://cersapps.calepa.ca.gov/Public/Directory>).

CANCELLED: CERS 3 Enhancement Demonstration Webinars

Due to unforeseen circumstances, CalEPA will be unable to host the intended webinars as follows:

March 21st, March 28th, April 4th, April 11th and April 18th

In the interim, please refer to the Webinar presentation at <https://cers.calepa.ca.gov/cers-3-project-status/> and click on CERS 3 Webinar Presentation.

Experience CERS 3 Enhancements NOW!

Take advantage of the opportunities to access the CERS Testing, Training and Staging environments to become familiar with each of the new CERS 3 enhancements.

- To access the CERS **Testing** environment:
 - Regulator Portal: <https://cersapps.calepa.ca.gov/Testing/Regulator/>
 - Business Portal: <https://cersapps.calepa.ca.gov/Testing/Business/>
 - EDT: <https://cersapps.calepa.ca.gov/Testing/EDT>
- To access the CERS **Training** environment:
 - Regulator Portal: <https://cersapps.calepa.ca.gov/Training/Regulator>
 - Business Portal: <https://cersapps.calepa.ca.gov/Training/Business>
- To access the CERS **Staging** environment:
 - Regulator Portal: <https://cersapps.calepa.ca.gov/Staging/Regulator/>
 - Business Portal: <https://cersapps.calepa.ca.gov/Staging/Business/>
 - EDT: <https://cersservices.calepa.ca.gov/Staging/>

For questions concerning the deployment of CERS 3, or for assistance in accessing the CERS Testing, Training, or Staging environments, please contact cers@calepa.ca.gov.

CERS 3 Enhancements Deployed April 2, 2019

CalEPA, CUPAs, and CUPA Data Services Vendors are diligently progressing toward the completion of development and testing of each of the CERS enhancements, which have been referred to as “the release of CERS 3.0.” CERS 3.0 is anticipated for use beginning April 2, 2019. Each of the CERS 3.0 enhancements is necessary as each is considered to be relative to existing reporting requirements for businesses to lawfully report facility information electronically.

CERS 3.0 will incorporate the following enhancements to the existing CERS system:

- **APSA Program:** Businesses will be able to report information in the new APSA submittal element. The existing language and functionality of Data Field ID 8 (Own or Operate Aboveground Petroleum Storage Tank) will prompt the completion of four new data fields specific to APSA program data, if applicable. The new data fields will indicate whether or not the facility is exempt from preparing and implementing a Spill Prevention, Control and Countermeasure (SPCC) Plan and if so, the date of the SPCC Plan Certification or Date of 5-Year Review, the total aboveground storage capacity of petroleum and the number of tanks in underground areas at the facility. In addition to the miscellaneous document upload option currently available, there will be a specific document upload feature for uploading Tank Facility Statements and available search functionality for APSA reported information.
 - ***To ensure a thorough transition of facility submittal data, CalEPA strongly encourages businesses to complete and submit or discard any unfinished APSA submittals in CERS before CERS 3 deploys. Information within unfinished draft submittals will not be available for completion after CERS 3 deploys.***
- **UST Program:**
 - **Unique UST identification number:** CERS will automatically issue a unique and specific tank identification number for each UST reported in CERS. This CERS issued identification number is independent of the identification used by facility owners and will never change, regardless of change in ownership, change in regulator, or change in the identification number issued by the facility owner.
 - **Type of Action:** With the establishment of Tanks In Underground Areas, CERS will provide the options to indicate whether a UST is being transferred to the APSA Program or whether an APSA tank is being transferred to the UST Program. Additionally, a new option to indicate if a facility is splitting into more than one, which would transfer ownership of an existing UST.
 - **Performance Measures Technical Compliance Rate (TCR) Replaces Significant Operational Compliance (SOC) Determination:** The Violation Library includes 36 NEW UST Program violations based Performance Measures

TCR. Performance Measures TCR violations will supersede SOC Determination violations for all inspections occurring on or after October 1, 2018. SOC Determination violations will apply to inspections occurring prior to October 1, 2018. The compliance, monitoring and enforcement (CME) report that reflects UST inspection summary data by regulator (Report 6) will also include Performance Measures TCR data required by the United States Environmental Protection Agency (U.S. EPA).

- **Tank Use and Tank Contents:** The valid value of “07 = Airport Hydrant System” will be added to the existing Data Field ID 439 (Tank Use). The following valid values will be added to the existing Data Field ID 440 (Tank Contents): E85, Biodiesel B6-B99, Biodiesel B100 and Kerosene, while Petroleum Blend Fuel and Ethanol will be removed.
- **Board of Equalization Number (BOE):** The California Department of Tax and Fee Administration is changing the format of BOE numbers that will be issued to new businesses starting spring 2019. CERS will continue the use of the format for existing businesses’ BOE numbers as well as those for state and federal facilities. However, CERS will also be able to accommodate the format on the new nine-digit BOE numbers issued to new businesses.
- ***To ensure a thorough transition of facility submittal data, CalEPA strongly encourages businesses to complete and submit or discard any unfinished UST submittals in CERS before CERS 3 deploys. Information within unfinished draft submittals will not be available for completion after CERS 3 deploys.***
- **CERS Reports and Queries:** Various reports and query capabilities have been revised to include the applicable new data captured in CERS.
- **Electronic Data Transfer:**
 - The data exchange for Dun and Bradstreet numbers will be revised to allow for leading zeros, and valid characters will be limited to 0-9.
 - Schema and code updates for all APSA and UST enhancements.

For additional information, please visit CERS Central (<https://cers.calepa.ca.gov>), the CERS 3 Project Status website (<https://cers.calepa.ca.gov/cers-3-project-status/>), or contact the CERS Technical Support Unit at cers@calepa.ca.gov.

State Water Board

Adding Fluid to Hydrostatic Monitored Systems

The State Water Resources Control Board (State Water Board) has received inquiries regarding the activity of adding fluid to hydrostatically monitored components. Hydrostatic monitoring is a release detection method used to monitor the integrity of both the primary and secondary containment by continuously monitoring the liquid level within the interstitial space. Static fluid level and correct fluid type is essential for hydrostatic monitoring to be effective in monitoring UST components, therefore:

- Adding fluid to hydrostatically monitored components for maintenance or calibration must only be performed by a UST service technician as described in section 2715(f). (California Code of Regulations, tit. 23, div. 3, ch. 16 (UST Regulations), §2638(b).);
- UST service technicians must maintain training by the manufacturer to add fluid, when required (UST Regulations, §2715(f)(2));
- UST service technicians must always add fluid in accordance with the manufacturer's recommendations (UST Regulations, §2638(a)); and
- UST service technicians must insure the correct type of monitoring fluid is used as adding the incorrect fluid type could adversely affect the operation of the monitored component (UST Regulations, §2638(a)).

Adding hydrostatic fluid in response to an alarm condition always requires a UST service technician to determine and document the cause of the alarm. Adding hydrostatic fluid to prevent the release detection system from alarming is considered tampering and subject to a fine of not less than five thousand dollars or more than ten thousand dollars, by imprisonment in the county jail for not more than one year, or both in accordance with Health and Safety Code, chapter 6.7, section 25299(f)(2).

For more information regarding hydrostatic monitoring, please contact Mr. Tom Henderson at (916) 319-9128 or by email at Tom.Henderson@waterboards.ca.gov.

Reuse of Pipe After Permanent Closure

The State Water Board has had many inquiries regarding the reuse of pipe after permanent closure of USTs. Permanent closure requires all components of the UST be properly closed, including associated piping. However, all components of the UST are not required to be permanently closed in the same manner.

Permanent closure must comply with Health and Safety Code, chapter 6.5, division 20 (H&SC) and UST Regulations, section 2672. Permanent closure includes the proper removal and disposal of all solids, fluids and vapors, and the collection of applicable soil

and water samples. If considering reuse of piping in place, the reuse must meet all federal, state, and local rules.

When a single-walled tank is replaced with a double-walled tank, existing double-walled piping that is approved/listed by Underwriters Laboratory (UL) for vapor, pressure or hydrostatic (VPH) monitoring may be subject to reuse if VPH can be installed and operated in accordance with H&SC, section 25290.1(e). UL approved pipe can be found on the pipe matrix at:

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

For more information regarding piping reuse after permanent closure, please contact Mr. Tom Henderson at (916) 319-9128 or by email at

Tom.Henderson@waterboards.ca.gov.

Discarding Previously Closed or Removed USTs from Future CERS UST Submittals

When a UST is permanently closed in place or removed a CERS UST submittal is necessary to report the closure or removal of the UST. This submittal must include the correct Type of Action, either permanent closure in place or removal, and must include the Date of Closure or Removal.

Once the submittal closing or removing the UST(s) has been accepted it is no longer necessary to include the closed/removed UST(s) on future CERS submittals. A new CERS Frequently Asked Questions (FAQ) has been posted on the UST Program CERS FAQ page to assist in discarding the closed/removed tank(s) from future submittals.

The new FAQ may be found, under Business User FAQs, for reference at https://www.waterboards.ca.gov/water_issues/programs/ust/cers/faqs.html

For more information on CERS UST submittals, please contact Ms. Lisa Jensen at (916) 319-0742 or by email at Lisa.Jensen@waterboards.ca.gov.

Duplicate UST Cleanup in CERS

On January 9, 2019, CalEPA sent instructions to affected local agencies regarding removing duplicate USTs from CERS. In addition, CalEPA provided an Excel spreadsheet with the CERS ID and submittal information to provide affected local agencies the information necessary to address any duplicate USTs in their jurisdiction. On January 29, 2019, CalEPA followed up with a second list of new duplicate USTs and sent that list, and instructions, to only those local agencies with probable duplicate USTs.

It is important for affected local agencies to address duplicate tanks for a variety of reasons, including:

- Potential for mis-reporting the number of USTs on Report 6;

- Energy Policy Act of 2005 reporting by the State Water Board to U.S. EPA; and
- Ensuring only active USTs are assigned a unique CERS Tank ID with the rollout of CERS 3.

If you are an affected local agency, you should plan on completing the instructions for duplicate tank removal before the end of March, 2019.

For more information on duplicate USTs in CERS, please contact Ms. Lisa Jensen at (916) 319-0742 or by email at Lisa.Jensen@waterboards.ca.gov.

Cal FIRE OSFM

Assembly Bill (AB) 2902 Effective January 1, 2019

[AB 2902](#), which was approved by the Governor and chaptered into law on September 23, 2018, became 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 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 or 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 Office of the State Fire Marshal (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.

Tanks in Underground Areas (TIUGA)

Due to the amendments from AB 2902, a revised TIUGA fact sheet is now available on the CAL FIRE-OSFM APSA website at <http://osfm.fire.ca.gov/cupa/apsa>.

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.

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