

Unified Program Newsletter – June 2019

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CalEPA

CERS Knowledge Base, Help Articles and FAQs

(<https://cers.calepa.ca.gov/newsletter-articles>)

How to Update Regulator Directory Information in CERS

(<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2019/06/How-to-Update-Regulator-Directory-Information-in-CERS.pdf>)

Changes to Unified Program Documents and Access

In order to comply with the State’s requirements for ADA accessibility (AB 434), historical Enforcement Summary reports and final CUPA evaluation reports that are not in an ADA-compliant format have been removed from public web access via CERS Central and CalEPA websites. Reports are available via login to CERS Central or by

request to CUPA@calepa.ca.gov. For questions please contact Hien Pham at Hien.Pham@calepa.ca.gov or Jennifer Rohde at Jennifer.Rohde@calepa.ca.gov.

The new Enforcement Summary form is ADA-Compliant and is available at <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Template.pdf>.

No Change in Amount of CUPA Oversight and Program Element Management Surcharges for Fiscal Year 2019/2020

In accordance with California Code of Regulations, Title 27, Section 15290, the Secretary has determined that there will be no change in the amount of the annual Certified Unified Program Agency (CUPA) oversight and program element management surcharges for fiscal year 2019 -2020 (July 1, 2019 – June 30, 2020). The annual CUPA oversight and program element management surcharges reflect the cost for state agencies to implement the Unified Program and are not inclusive of the single fee amounts established by each CUPA. The single fee amounts established by each CUPA reflect the necessary and reasonable costs for each CUPA to implement the Unified Program. The amounts of the annual CUPA oversight and program element management surcharges for fiscal year 2019/2020 are as follows:

CUPA Oversight

For each Regulated Facility: \$49.00

Aboveground Petroleum Storage Act (APSA)

For each Regulated Tank Facility: \$26.00

Underground Storage Tank (UST)

For each Regulated UST: \$20.00

California Accidental Release Program (CalARP)

For each Regulated Business: \$270.00

Refinery Safety for each Regulated Refinery Facility:

- Tier 1 (Equal to or greater than 200,000 daily barrel capacity): \$45,000.00
- Tier 2 (100,000 to 199,999 daily barrel capacity): \$27,500.00
- Tier 3 (50,000 to 99,999 daily barrel capacity): \$13,750.00
- Tier 4 (Less than 50,000 daily barrel capacity): \$3,500.00

CalEPA Request for Certified Unified Program Agency (CUPA) Annual Self-Audit Reports

In accordance with California Code of Regulations (CCR), Title 27, Section 15290(c), CalEPA is formally requesting each CUPA to provide the CUPA Self-Audit Report by October 15th on an annual basis, beginning with fiscal year 2018-2019 (July 1, 2018 – June 30, 2019). Each CUPA Self-Audit Report is to be emailed to CalEPA at cupa@calepa.ca.gov in an electronic format (Microsoft Word is preferred; pdf is acceptable).

The purpose of providing CalEPA with the CUPA Self-Audit Report annually is to facilitate ongoing assessment of the statewide effectiveness of self-auditing guidance provided to CUPAs and to determine the need for further guidance and training relative to conducting a self-audit and compiling a Self-Audit Report. Once received, CalEPA will retain each CUPA Self-Audit Report and will no longer include the Self-Audit Report in the information requested to conduct the triennial performance evaluation. CalEPA will not be assessing the content of individual CUPA Self-Audit Reports any more frequently than is currently performed during the triennial performance evaluation.

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

State Water Board

Issuing Violations Consistent with Underground Storage Tank Regulations

The State Water Resources Control Board (State Water Board) has the responsibility to ensure requirements of California Code of Regulations, title 23, division 3, chapter 16 Underground Storage Tank (UST Regulations) and Health and Safety Code, division 20, chapter 6.7 (H&SC) are implemented consistently statewide, including issuing notices of violations. When UST Regulations and H&SC are implemented by a Unified Program Agency (UPA) inconsistently and violations are issued inappropriately, the State Water Board receives negative feedback from UST stakeholders. The primary purpose of the UST program is to ensure that UST systems comply with design and construction standards and are monitored, tested, inspected, and operated in a safe condition in accordance with applicable UST requirements. Violations may not be issued for equipment and activities that are not specifically required to comply with design, construction, monitoring, testing, and inspection requirements. For example, UPAs cannot issue a violation for not complying with secondary containment construction requirements for damaged secondary containment test boots because secondary containment test boots are not required to comply with design and construction requirements (UST Regulations, § 2630(c)). As another example, UPAs cannot issue a violation for not complying with designated UST operator inspection requirements for overfill prevention alarms that do not have an appropriate response documented because overfill alarms are not leak detection alarms (UST Regulations, Appendix XIII, § VIII.).

For more information regarding consistent implementation of the UST requirements please contact Mr. Cory Hootman at (916) 341-5668 or by email at Cory.Hootman@waterboards.ca.gov.

Notice of Proposed UST Biodiesel Regulations and Opportunity to Provide Comment

On May 12, 2019, the State Water Board distributed a Lyris email notifying regulators and stakeholders of proposed amendments to the UST Regulations, regarding the storage of biodiesel and the opportunity to comment on the amendments. The proposed amendment to section 2631 recognizes diesel containing 20 percent biodiesel (B20) as an equivalent to diesel stored in double-walled UST systems, unless any material or component of the UST system is determined not compatible with B20. The State Water Board also proposes to delete section 2631.2, which provided a temporary variance for biodiesel blends from June 1, 2009 to June 1, 2012, because it is inoperative.

On May 22, 2019, the State Water Board distributed a Lyris email notifying UST regulators and stakeholders of a revised notice regarding the proposed amendments for the storage of biodiesel and the opportunity to comment on the amendments. The revised notice extended the comment period.

The public comment period for the proposed UST biodiesel regulations is now open and ends on July 1, 2019, at noon. Any interested person may submit written comments relevant to the proposed regulatory action to the State Water Board's Clerk to the Board by email at commentletters@waterboards.ca.gov, by fax at (916) 341-5620, or by mail or hand delivery addressed to: Jeanine Townsend, Clerk to the Board, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-2000 (by mail) or 1001 I Street, 24th Floor, Sacramento, CA 95814 (by hand delivery).

The proposed rulemaking package and information required to submit comments is available at

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

For more information regarding the proposed UST biodiesel regulations, please contact Mr. Cory Hootman at (916) 341-5668 or by email at Cory.Hootman@waterboards.ca.gov.

Secondary Containment Under Dispensers

Unauthorized releases from product piping within a dispenser must be directed into monitored secondary containment. If a dispenser in combination with under-dispenser containment, under-dispenser spill containment, or control systems could expose backfill material to an unauthorized release from the product piping within the dispenser, an auxiliary device must be installed within or beneath the dispenser to effectively divert unauthorized releases into monitored secondary containment. Auxiliary devices of this type (e.g., deflector plates) are not under-dispenser spill containment or control

systems, nor are they required to be periodically tested as part of the secondary containment.

The UST owner or operator should consult with their UPA prior to installing any device intended to divert unauthorized releases into monitored secondary containment. Any unauthorized release from dispensers must be investigated, repaired, and recorded or reported by the UST owner or operator. This subject was detailed in a letter sent to the UST community which can be viewed here:

https://www.waterboards.ca.gov/ust/tech_notices/docs/disp_second_contain.pdf.

For more information regarding secondary containment under dispensers, 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.

Reviewing and Revising UPA Policies and Procedures

UPAs are required to have policies and procedures in place as part of their UPA certification. Occasionally, these policies and procedures will need revisions to stay current with changes to UST program requirements. Recently, there have been changes to UST program requirements such as permitting, overfill inspections, spill container testing, and regulatory forms. UPAs should revise and update their policies and procedures as necessary to ensure policies and procedures are current and consistent with UPA program implementation.

UPAs should keep apprised of all changes to UST program requirements and revise policies and procedures as necessary. One way to keep up with changes to UST program requirements is by signing up for the UST program listserv. To subscribe to the UST program listserv, please visit the following:

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

For more information regarding updating policies and procedures, or subscribing to the UST program listserv, please contact Mr. Sean Farrow at (916) 324-7493 or by email at Sean.Farrow@waterboards.ca.gov, Ms. Lisa Jensen at (916) 319-0742 or by email at Lisa.Jensen@waterboards.ca.gov, or Ms. Jessica Botsford at (916) 341-7338 or by email at Jessica.Botsford@waterboards.ca.gov.

Testing and Inspections Deadlines

Testing and inspections that must be completed before or during the month the testing or inspection is required. Testing and inspections performed early – performed before the month the testing or inspection is required to be completed – must perform the next test or inspection before or during the month the early testing or inspection was performed. Testing and inspections performed late – performed after the month the

testing or inspection is required to be completed – must perform the next test or inspection before or during the month the testing or inspection was previously required (UST Regulations, § 2620(e)). This provision does not apply to testing or inspections for which the UST Regulations require the testing or inspection to be complete in units of days (e.g., designated UST operator inspections, repair testing, repair inspections, etc.).

For more information regarding testing and inspection deadlines please contact Mr. Cory Hootman at (916) 341-5668 or by email at Cory.Hootman@waterboards.ca.gov.

International Code Council California Specific Exams Revised

The State Water Board convened a committee of designated UST operators, UST service technicians, UST inspectors, and other stakeholders to revise the California specific International Code Council (ICC) UST exams to reflect changes in UST statute, regulations, and reference materials. Specifically, the California UST Inspector, California UST Service Technician, and California UST System Operator exams were revised to modify content regarding, but not limited to; issuance of UST operating permits, red tag requirements, and overfill prevention equipment inspection requirements. In addition, the references used to study for these exams have been updated to include the most recent published editions. State Water Board staff will provide notification through Lyris email, the State Water Board UST Program's webpage and the monthly UST Program Update when the revised ICC UST exams begin to be offered. In addition, the exam references located on the State Water Board UST Program's California UST System Exam References webpage will be updated with the latest ICC UST exam reference materials at that time. Although subject to change, we expect the revised exams to be offered beginning in July 2019.

For more information regarding the revised California specific ICC UST exams, please contact Mr. Cory Hootman at (916) 341-5668 or by email at Cory.Hootman@waterboards.ca.gov.

DTSC

DTSC's Newly Designed Website

DTSC has recently launched a newly designed website. Some of the permalinks for the hazardous waste EPA ID numbers and manifest information have been renamed. To navigate to the hazardous waste webpages go to [DTSC homepage](#) and hover over the "Hazardous Waste" icon for a drop-down menu.

Verification Questionnaire Webinar

Anyone who has a hazardous waste identification (ID) number must respond to the annual Verification Questionnaire issued by DTSC. Join DTSC on July 10, 2019, at

10:00 AM (PDT) for a 1-hour webinar on this annual Verification Questionnaire. This webinar will help you understand the Verification Questionnaire requirements and the electronic Verification Questionnaire (eVQ) system. There will also be a demonstration on how a user would complete the electronic Verification Questionnaire from start to finish. [Register now](#). Additional information can be found in the [Verification Questionnaire webpage](#).

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Advisory Committee

The APSA Advisory Committee meeting was held on June 18, 2019. For more information, visit the Office of the State Fire Marshal (OSFM) APSA Advisory Committee website at http://osfm.fire.ca.gov/advisorycommittees/advisorycommittees_apsa.

Preparing an APSA Submittal in CERS

A fact sheet to assist owners/operators of tank facilities in completing and submitting an APSA submittal in CERS is now available on the CERS Help Materials website at <https://cers.calepa.ca.gov/about-cers/help-materials/>. Refer to the fact sheet called 'Preparing an APSA Submittal'.

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](#)