

Unified Program Newsletter – March 2020

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CalEPA

CERS Knowledge Base, Help Articles and FAQs

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

How to Change or Update a Facility’s EPA ID Number in CERS

(<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2020/03/CERS-Newsletter-Article-February-2020.pdf>)

State Water Board

Converting Tank Contents from Conventional Diesel to 20 Percent Biodiesel

As of January 1, 2020, diesel containing up to 20 percent biodiesel (B20) meeting the American Society of Testing and Materials International standard D7467 is now recognized as equivalent to conventional diesel for the purpose of complying with existing approval requirements for double-walled underground storage tank (UST) systems, unless any material or component of the UST system has been determined to not be compatible with B20 (California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), sections 2631 and 2631.2).

Owners or operators are required to notify Unified Program Agencies (UPAs) 30 days prior to changing UST contents and must submit the UST content changes through the California Environmental Reporting System (CERS). If the UST contents are changing from conventional diesel to biodiesel up to B20, UST Regulations provide no provisions for plan check review or assessing associated fees. The State Water Resources Control Board (State Water Board) is taking this opportunity to remind UPAs that release detection equipment for B20, [as noted in LG 113](#), “may be used with all equipment listed for diesel whether or not the fuels are included on individual data sheets”

(https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/misc/biodiesel_eq.shtml).

For more information regarding converting tank contents from conventional diesel to B20, please contact Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Use of Line Leak Detectors on Emergency Generator Tank Systems

State Water Board staff have been notified that some line leak detectors (LLD) used on emergency generator tank systems are not always performing release detection under normal operating conditions. UST Regulations require LLDs to be capable of detecting a 3 gallon per hour (gph) release within one hour on double-walled pipe (UST Regulations, section 2636(f)(2)) or immediately on single-walled pipe (UST Regulations, section 2666(c)).

Electronic LLDs operating under normal conditions perform a 3 gph test each time the turbine shuts off. Emergency generator tank systems turn on the turbine as the associated day tank becomes low and calls for fuel. As the day tank fills and the turbine shuts off, the electronic LLD then would perform a 3 gph test. Inspectors have recently observed electronic LLDs on emergency generator tank systems using an automated signal from the monitoring panel, completely independent from the operation of the turbine pump and day tank, set to operate only on timed intervals. While this set up could be used in addition to normal operation of the turbine, some systems were using the generated signal from the monitoring panel exclusively. This described set up is incapable of performing a 3 gph test during normal operations.

If the LLD test is not associated with the actual operation of the turbine, a potential release from the pipe cannot be detected. Emergency generator tank system owners and operators are required to utilize LLDs that detect a leak under normal operating conditions. The scenario discussed above does not meet LLD requirements and if discovered, UPA inspectors shall issue violation 2030075, *Emergency Generator Tank System Line Leak Detector*.

For more information regarding use of LLDs on emergency generator tank systems, please contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Roya Raheb at (916) 341-5668 or Roya.Raheb@waterboards.ca.gov.

Designated Operator Identification and Statement of Understanding Forms in CERS

There continues to be a misunderstanding regarding when and how to use forms required by regulation that must be submitted through CERS. The Federal Reconciliation Regulations from 2018 developed several new forms required for use, and two of these forms, the *Designated Underground Storage Tank Operator Identification Form* and the *Statement of Understanding and Compliance Form* are unique in that they must be submitted through CERS when information from the existing documents in CERS is no longer applicable.

The *Designated Underground Storage Tank Operator Identification Form* requirements are explicit that the form needs be submitted to CERS only if a new facility is constructed or a change in designated operator at the facility. Any previously submitted document correctly identifying the designated operator is allowed but would need to be replaced with the regulatory form when the designated operator information changes. Likewise, the *Statement of Understanding and Compliance Form* only needs to be submitted to CERS when a new facility is constructed or when a change in the owner or operator occurs.

Additionally, if a facility submitted a single document to CERS prior to October 2018 that included both the designated operator identification and statement of understanding information, and one of the new forms is now required to be used based on a change at the facility, the original submittal and the new form would both be required in CERS. For example, an existing facility has changed designated operators but the owner or operator remains unchanged, then the existing statement of understanding is still acceptable, however a new *Designated Underground Storage Tank Operator Identification Form* would need to be used and submitted to CERS.

For more information regarding the new forms in regulation, please contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov.

Energy Policy Act Certification

On an annual basis the State Water Board is required to certify compliance with the UST provisions of the Energy Policy Act of 2005 (EPAct). One of these certification provisions requires states to confirm that the federal UST inspection frequency, as outlined in 42 U.S.C. §6991d, subdivision (c)(2), has been met. A positive certification to the United States Environmental Protection Agency (U.S. EPA) requires that all regulated USTs (operational and abandoned) are inspected at least once every three years.

The U.S. EPA directed the State Water Board to utilize CERS to the extent possible to verify that UPAs are meeting the federal minimum 3-year facility inspection frequency. In January of 2020, State Water Board staff reviewed inspection data in CERS for calendar year 2019. Where inspection information was not available in CERS, State Water Board staff requested the information from the UPAs to document compliance.

On February 20, 2020 State Water Board staff provided the U.S. EPA with a list of all UST systems requiring inspections, and their corresponding inspection dates. The final certification was presented to the U.S. EPA in February, 2020. State Water Board staff appreciates UPAs conducting all necessary inspections as well as the timely responses to requested CERS review and updates. The UPAs diligent efforts made the EPAct certification possible.

For more information regarding the EPAct Certification please contact Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

22nd Annual Unified Program Training Conference Session Presentations

The 22nd Annual Unified Program Training Conference was held in Burlingame in early February of 2020. The State Water Board offered a number of training opportunities and participated in collaborative trainings with other state and local agencies. The presentations can be found on the [California CUPA Forum web page](https://calcupa.org/conference/index.html) (<https://calcupa.org/conference/index.html>).

State Water Board thanks all participants for sharing their knowledge and educating attendees at this years Unified Program Training Conference. Sessions provided timely and diverse subject matter and provided attendees the opportunity to ask questions in a friendly environment. State Water Board staff look forward to seeing everyone again next year.

Below are brief summaries of sessions State Water Board staff participated in:

Fast Track to UST Program Awareness

Laura Fisher presented an informational summary of program and release data, noting specifically the ridiculously low number of releases in comparison to other states and how annual inspections are the driving force for compliance. Also presented was information on ongoing programs such as the Energy Policy Act of 2005 Certification, Single-Walled Tank Initiative and B20 regulation implementation.

An Ounce of Leak Prevention

Jessica Botsford and Tom Henderson presented a session focusing on the implementation of the UST regulations and updates from 2019 including temporary closure, required site plans, satellite dispensers, among other topics.

Tanks in Underground Areas

Jennifer Lorenzo of the Office of the State Fire Marshal, Sande Pence of San Diego's Department of Environmental Health, and Tom Henderson of the State Water Board provided an overview and update of the Aboveground Petroleum Storage Act (APSA) program as it relates to Tanks in Underground Areas (TIUGAs), including an in-depth discussion on the piping requirements for TIUGAs per the fire code.

Single Wall Tank Removal from Start to Finish

Hannah Thompson of the Redhorse Corporation, on behalf of the State Water Board, and Grant Miner of the Fullerton Fire Department presented on what is currently being done as part of the single-walled UST closure requirements. The presentation also included discussion on important deadlines to remember, UST removal best management practices, and how to develop enforcement strategies for single-walled UST's not permanently closed by the December 31, 2025 deadline.

New RUST Staff

The State Water Board Replacing, Removing, or Upgrading Underground Storage Tank (RUST) Program has many new faces to assist with grants and loans for UST removals and upgrades. Listed below are the new RUST staff and their contact information.

McLean Reich
Program Manager
McLean.Reich@waterboards.ca.gov
(916) 341-5765

Grant Kuroko
Grants/Loan Analyst
Grant.Kuroko@waterboards.ca.gov
(916) 341-5676

Bryan Ayule
Grants/Loan Analyst
Bryan.Ayule@waterboards.ca.gov
(916) 341-5758

DTSC

GIR Section 100 Regulations Package

DTSC submitted the GIR Section 100 Package to OAL on February 18, 2020
(<https://oal.ca.gov/proposed-regulations/>)

OAL has 30 working days to review it and make a decision. DTSC will update you on the OAL decision once issued.

2019 Biennial Report Cycle Now Open

The federal 2019 Biennial Hazardous Waste Report submittal is required from all handlers that generated over 2,200 pounds of RCRA or 2.2 pounds of acute RCRA hazardous waste during any one month in the 2019 calendar year. This requirement was determined by a handler's hazardous waste manifest records submitted to the U.S. EPA for the 2019 calendar year. California has transitioned to the U.S. EPA's RCRAInfo Biennial Report module for the 2019 report. DTSC has created two short training videos to assist handlers in registering with [RCRAInfo](#)

(<https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login>) and completing the Biennial Report online:

[Quick and Easy MyRCRAid \(https://dtsc.ca.gov/myrcraid-training-video/\)](https://dtsc.ca.gov/myrcraid-training-video/)

The Biennial Report was due by March 1, 2020. For more information, please visit DTSC's [Biennial Report](#) page. If you have questions about the Biennial Report, please email brsstaff@dtsc.ca.gov.

2019 Health and Safety Code has been uploaded to DTSC website

<https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/06/HSC-2018-Full-Doc.pdf>

Calculating Inflation Factor for PBR/CA Facilities

You may access to the [Bureau of Economic Analysis](#) at:
(<https://apps.bea.gov/iTable/iTable.cfm?reqid=19&step=2#reqid=19&step=2&isuri=1&1921=survey>)

On this webpage, go to Section 1 and scroll to Table 1.1.9

On Table 1.1.9 Implicit Price Deflators for Gross Domestic Product, go to line 27, and compare 2019 3rd Qtr. To 2018 3rd Qtr.

Inflation factor for 2019 = 3rd Qtr of 2019/3rd 2018= 112.574/110.668 = 1.01722 = 1.02 (rounded)

Note: [Index numbers, 2012=100] Seasonally adjusted
Bureau of Economic Analysis
Last Revised on: December 20, 2019 – Next Release Date: January 30, 2020

Upcoming Inspector Trainings

CalEPA Basic Inspector Academy (BIA)

The BIA is a free, three day training open to State, local, and tribal environmental enforcement staff. It teaches environmental agency inspectors and other compliance professionals core knowledge and skills, and cross-media awareness needed to conduct quality inspections. A prerequisite to this course is the CalEPA Fundamental Inspector Course (FIC) Online Training (AP106). FIC must be completed through ARB's training website before enrolling in BIA. Inspectors can register through [ARB's training website](#). [BIA Flyer](#) (PDF). BIA [Sample Agenda](#) (PDF). Walk-in registrations are not permitted.

(<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fssl.arb.ca.gov%2Ftraining%2Ftraining.htm&data=02%7C01%7CJennifer.Rohde%40calepa.ca.gov%7Cf9f732e72c504eef0c2308d7c1750136%7Cfedfd73812164730a902fd41fa7f4dbc%7C0%7C0%7C637190580597482039&sdata=3barrLxd%2BCzabbyJigOj2MP4tGXAT7nOVzX0YeQO5%2F8%3D&reserved=0>)

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(<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcalepa.ca.gov%2Fwp-content%2Fuploads%2Fsites%2F6%2F2019%2F04%2FBIA-Agenda-updated-April-2019.pdf&data=02%7C01%7CJennifer.Rohde%40calepa.ca.gov%7Cf9f732e72c504eef0c2308d7c1750136%7Cfedfd73812164730a902fd41fa7f4dbc%7C0%7C1%7C637190580597491995&sdata=t%2FtoOyq3lEg6fmTgtKw78u2icCrud07ET3b9KPwaYxk%3D&reserved=0>)

BIA Schedule 2020:

March 17-19, 2020 Rancho Cordova

April 21-23, 2020 Red Bluff

May 12-14, 2020 Cerritos

June 9-11, 2020 Monterey

For additional information about the BIA course, please visit [CalEPA Enforcement Training Resources](#)

(<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcalepa.ca.gov%2Fenforcement%2FEnforcement-Training-Resources%2F&data=02%7C01%7CJennifer.Rohde%40calepa.ca.gov%7Cf9f732e72c504eef0c2308d7c1750136%7Cfedfd73812164730a902fd41fa7f4dbc%7C0%7C0%7C637190580597501953&sdata=x1qscOc3FhMEPr59sHY1AjEHQFjC9HzE9e3kafymq0o%3D&reserved=0>)

or contact Julia Hooten at julia.hooten@waterboards.ca.gov or (916) 322-6010.

Cal FIRE OSFM

CAL FIRE Website

The Aboveground Petroleum Storage Act (APSA) tank facility statement and Tier II Qualified Facility Spill Prevention, Control, and Countermeasure (SPCC) Plan template are now available on the [APSA website](http://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/) (<http://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/>).

Refer to the 'Resources' section. Note the SPCC Plan template must be downloaded and printed; it's not a fillable form.

The 'Frequently Asked Questions' section of the APSA website includes more information on APSA petroleum and TIUGAs.

Contact the CAL FIRE-Office of the State Fire Marshal (OSFM) staff at cupa@fire.ca.gov if you want a document previously posted on the APSA or fire code Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statements (HMIS) website, such as those listed below. OSFM will make every effort to provide documents in a timely manner once requested.

- APSA farm fact sheet,
- Optional notification form on tanks in underground areas (TIUGA), or
- Monthly inspection checklist for APSA tank facilities with less than 1,320 gallons of petroleum and has one or more TIUGAs.

California Fire Code (California Code of Regulations, Title 24, Part 9)

The 2019 California Fire Code has been in effect since January 1, 2020.

To view the 2019 California Fire Code online, you may visit the [California Building Standards Commission website](https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo) (https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo). Click on the 2019 edition and scroll down to Part 9 of the California Code of Regulations, Title 24. Or you may visit the [International Code Council's website](https://codes.iccsafe.org/content/CFC2019P1) (https://codes.iccsafe.org/content/CFC2019P1).

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](#)