

Unified Program Newsletter – June 2020

Contents

CalEPA.....	1
CERS Knowledge Base, Help Articles and FAQs.....	1
How to Create a New Organization (with no facilities added) in CERS.....	1
AB 1429: CERS HMBP Annual Certification.....	1
State Water Board.....	3
Adoption of Proposed Reporting Regulations.....	3
Changes to Report 6 and Associated Documents.....	3
UST Program Monthly Update Index.....	4
Lyris Email Distribution System.....	4
UST Inspector Training for Continuing Education.....	5
DTSC.....	6
RCRA “State Review Framework”.....	6
Cal FIRE OSFM.....	7
State Fire Marshal Appointment.....	7

CalEPA

CERS Knowledge Base, Help Articles and FAQs

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

[How to Create a New Organization \(with no facilities added\) in CERS](https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2020/06/CERS-Regulator-Portal-Help-Newsletter-Article-June-2020.pdf)

(<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2020/06/CERS-Regulator-Portal-Help-Newsletter-Article-June-2020.pdf>)

AB 1429: CERS HMBP Annual Certification

Background:

Assembly Bill 1429 of 2019 (Health and Safety Code Chapter 6.95 Article 1, Section 25508) modifies the Hazardous Material Business Plan (HMBP) program by changing the business plan submittal period from annually to once every three years for businesses not subject to EPCRA Tier II reporting requirements or the Aboveground Petroleum Storage Act. AB 1429 also requires these businesses to annually review and certify that the information in the California Environmental Reporting System (CERS) is complete, accurate, and in compliance with EPCRA. An electronic HMBP submittal to CERS satisfies this certification requirement. The businesses who are not subject to the EPCRA or APSA requirements will still be required to submit a complete HMBP every three years.

CERS currently does not have this HMBP certification functionality. CalEPA is currently working to develop the HMBP certification functionality in CERS, which will allow businesses to annually certify that the HMBP information in CERS is complete, accurate, and in compliance with EPCRA.

CERS Solution:

The CERS solution will create the functionality in CERS that will allow a business to certify annually that the information in CERS is complete, accurate, and in compliance with EPCRA in lieu of a complete HMBP submittal in CERS. The primary components of the CERS solution are:

- HMBP Certification Option to User Interface – insert a certification button to allow businesses to certify the HMBP information in CERS is accurate and complete instead of submitting a complete HMBP.
- Determining/Validating HMBP Certification Eligibility – submittal in past 36 months, not subject to EPCRA or APSA, etc.
- Add New Submittal Status “Certified” – The submittal will come in the system as certified and be automatically accepted with no further action required by CUPA.
- Add New Event Types/Notifications for “Certified” Submittals – email notifications, etc.
- Update Affected Reports – to add “certified” submissions.
- Update Windows Services – used for large user print jobs, large submittal, and inventory downloads, etc., to ease the burden on the server.
- Testing certification functionality (internal, external and portal CUPA’s) – This will be an ongoing process as the CalEPA IT Team completes sections of the overall update requirements. Subject matter experts and key stakeholders are involved in user acceptance testing for each of the major requirements. The deployment of new features will be created in the CERS test environment as they are completed. When there are testable units of functionality, SMEs and key stakeholders will be asked to participate in testing.
- Deployment in CERS – Once all requirements and functionality are completed, tested, and approved by the Unified Program and stakeholder community, the final solution will be deployed to the CERS production environment. At this point, eligible businesses can certify that the HMBP information in CERS is complete, accurate, and in compliance with EPCRA.

Status:

The Cal EPA IT Team have began development of the Annual HMBP Certification functionality in CERS. Development of each of the major requirements will use an iterative process where subject matter experts and key stakeholders are involved in each development iteration to provide input for the development of each requirement.

Anticipated Completion Date:

Mid-August – Early September 2020

Potential Future Additional Modifications:

- Allow businesses with multiple facilities to certify all qualified facilities at one time, rather than a single facility at a time;
- EDT Tier changes.

State Water Board

Adoption of Proposed Reporting Regulations

The proposed underground storage tank (UST) regulations for reporting were adopted at the May 19, 2020, Board Meeting conducted by the State Water Resources Control Board (State Water Board). The adopted UST regulations amend California Code of Regulations, title 23, division 3, chapter 16, (UST Regulations) sections 2713, 2716 and Appendices (forms). The adopted amendments modify the reporting requirements of owners and operators, and local agencies. The State Water Board also adopted significant modifications to certification, inspection, and testing forms.

State Water Board staff will soon submit the completed rulemaking package to the Office of Administrative Law (OAL) for review and approval before being filed with the California Secretary of State. We will provide an effective date once we have been advised by OAL. A copy of the resolution adopting the proposed UST regulations will be posted on the State Water Board's [2020 Resolutions webpage](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/res20.html) shortly.

(https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/res20.html)

Additional information on the rulemaking package is available on the UST Program's Proposed [Reporting UST Regulations](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/repregs/index.html) webpage

(https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/repregs/index.html).

For additional information regarding the adopted UST Regulations, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Changes to Report 6 and Associated Documents

The United States Environmental Protection Agency (U.S. EPA) revised the UST compliance performance measures known as technical compliance rate (TCR), to reflect changes to the federal UST regulations of 2015. Additionally, the U.S. EPA requires states to provide the number of field constructed tanks (FCT) and airport hydrant systems (AHS) within their jurisdiction. Unified Program Agencies (UPAs) will submit the FCT data as part of the Report 6 due on September 1, 2020. Reporting AHS data will require collaboration between State Water Board, UPAs, and operating hydrant system owners and operators to determine if AHS are subject to UST regulation and therefore also subject to reporting. State Water Board will begin coordination this summer with all the involved regulatory agencies. UPAs will begin reporting AHS data as part of Report 6 due on September 1, 2021.

The U.S. EPA defines an FCT as:

A tank constructed in the field. For example, tanks constructed of concrete that is poured in the field, or steel or fiberglass tanks primarily fabricated in the field are considered field-constructed.

This is a broad definition and goes beyond what the State Water Board has historically termed as Bulk Field Constructed Storage Tanks ([LG-151](#))

(https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/151_3.shtml).

Therefore, any UST where either the primary or secondary containment was poured, assembled, or constructed onsite or in site must be identified and reported as an FCT in the upcoming Report 6 due on September 1, 2020.

Additionally, the Report 6 will require UPAs to identify using the CERS identification number, those facilities with USTs that have received a red tag during the report period, or have an abandoned or temporarily closed UST as of the closing date of the reporting period.

For additional information regarding changes to Report 6, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

UST Program Monthly Update Index

UST Program Monthly Updates are organized by topic in a searchable index. This index is available on the [UST Program Monthly Update web page](#)

(<https://www.waterboards.ca.gov/ust/cupa/updates/>).

Topics from 2014 to present may be found covering everything from new regulations to program guidance. In addition, the index identifies State Water Board staff contact information in the event UPAs have additional questions on covered topics. Many questions State Water Board staff receive can be answered using this index.

For additional information regarding the UST Program monthly update index, contact Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov, or Mr. Wesley Franks at (916) 319-0742 or Wesley.Franks@waterboards.ca.gov.

Lyris Email Distribution System

The UST Program uses a Lyris email distribution system (Lyris) to distribute UST Program correspondence. State Water Board staff continue to find members of both the UPAs and UST stakeholders who have not heard about Lyris, and as such, UST Program correspondence may go unseen. State Water Board staff continues to encourage Lyris participation at meetings, technical advisory groups, and regional gatherings, but there is more which can be done. Therefore, we encourage UPAs to assist their colleagues and UST stakeholders in signing up for Lyris.

To subscribe to the UST Program Lyris, please go to the UST Program [Lyris subscription web page](#)

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

State Water Board staff encourages UPAs to select “CUPA/PA UST Managers and Inspectors” and UST stakeholders to select any of the other lists available.

For addition information regarding signing up for Lyris, contact Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

UST Inspector Training for Continuing Education

Due to the COVID-19 pandemic shelter in place orders and limited training opportunities, UPA inspectors may need alternative training opportunities to meet the continuing education requirement for renewal of the International Code Council (ICC) UST Inspector certification. UST Regulations require inspectors to possess a current inspector certificate issued by the ICC. In addition, UST Regulations require the ICC inspector certificate to be renewed once every 24 months. UPA inspectors have the option to either re-take the ICC UST Inspector exam or use continuing education for renewal purposes.

State Water Board revised the correspondence *Implementation of Continuing Education Contact Hours for Renewal of California UST Inspector ICC Certification* dated September 10, 2019. A copy of this correspondence can be obtained on the [State Water Board UST Program - Certification and Training Information](#) web page.

(<https://www.waterboards.ca.gov/ust/training/docs/causticc20190910.pdf>)

In order to track and verify continuing education contact hours, UPA inspectors should use the [California ICC UST Inspector Contact Hour Verification Form](#)

(https://www.waterboards.ca.gov/ust/forms/docs/icc_contact_hr_verification.pdf).

UPA inspectors using the verification form will need their manager, supervisor, or trainer to sign off on the verification form and maintain the verification form for renewing their ICC UST Inspector certificate.

The list below identifies some web-based training topics and associated links for UST inspectors in the event inspectors need opportunities for continuing education in order to renew ICC UST Inspector certificates:

[U.S. EPA Virtual Training](#)

https://19january2017snapshot.epa.gov/ust/ust-lust-virtual-classroom_.html

[U.S. EPA UST and LUST Training](#)

<https://www.epa.gov/ust/ust-and-lust-training>

[New Federal UST Regulations \(CUPA Training Conference 2015\)](#)

https://youtu.be/--6gUR_9TBA

[Basic/Intermediate UST Inspections \(CUPA Training Conference 2015\)](https://www.youtube.com/watch?v=rleDNE5BYwY&feature=youtu.be)

<https://www.youtube.com/watch?v=rleDNE5BYwY&feature=youtu.be>

[Xerxes Installation](https://www.youtube.com/watch?v=fDwjDXg87dM)

<https://www.youtube.com/watch?v=fDwjDXg87dM>

[Emerging Fuels](https://www.youtube.com/watch?v=l2e9CWh92O8)

<https://www.youtube.com/watch?v=l2e9CWh92O8>

[Automatic Tank Gauges](https://www.youtube.com/watch?v=EUtCFAVB6_U)

https://www.youtube.com/watch?v=EUtCFAVB6_U

[Overfill Prevention](https://www.youtube.com/watch?v=ypsxe7XxSCc&t=11s)

<https://www.youtube.com/watch?v=ypsxe7XxSCc&t=11s>

[PEI 1200 Training](https://www.youtube.com/watch?v=k1I9digvjE8)

<https://www.youtube.com/watch?v=k1I9digvjE8>

[Beginner UST Inspector 101-The Basics \(CUPA Training Conference 2016\)](https://www.youtube.com/watch?v=jnXi7Uw5D5U)

<https://www.youtube.com/watch?v=jnXi7Uw5D5U>

Note: Some of the training identified in the table above is based on Federal and other state requirements.

For additional information regarding web-based training opportunities for continuing education in order to renew ICC UST Inspector certificates, contact Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

DTSC

RCRA “State Review Framework”

U.S. EPA HQ has revised its mechanism for displaying RCRA “State Review Framework” (SRF) compliance summary data to the public. The new user interface is a group of reports presented as a dashboard. The public (and registered regulator users) have access to 10 years’ worth of evaluation, violation, and enforcement data. These changes have been documented well in the ‘what’s new’ section of ECHO, but here are the highlights:

[How does RCRA info data get to ECHO?](https://echo.epa.gov/help/tutorials#rcradataflow)

<https://echo.epa.gov/help/tutorials#rcradataflow>

The old SRF dashboards have been retired and replaced with a new [RCRA dashboard](https://echo.epa.gov/trends/comparative-maps-dashboards/state-hazardous-waste-dashboard?state=National&view=activity).

<https://echo.epa.gov/trends/comparative-maps-dashboards/state-hazardous-waste-dashboard?state=National&view=activity>

To update compliance data steward information for your state please click on the “Contact Us” link on [EPA Web Application Access Page](https://echo.epa.gov/resources/echo-data/data-stewards#bystate).

<https://echo.epa.gov/resources/echo-data/data-stewards#bystate>

Please take some time to look at dashboard data for your state. Any feedback on the dashboard can be sent to kane.rebecca@epa.gov.

Cal FIRE OSFM

State Fire Marshal Appointment

Chief Michael Richwine was appointed as the State Fire Marshal by Governor Newsom on May 15, 2020. Information may be viewed on the [California Governor's Office website](#).

(<https://www.gov.ca.gov/2020/05/15/governor-newsom-announces-appointments-5-15-20/>)

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](#)