

Unified Program Newsletter – August 2020

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CalEPA

CERS Knowledge Base, Help Articles and FAQs

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

Business Portal Help: How to Complete an Aboveground Petroleum Storage Act (APSA) Submittal in CERS

(<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2020/08/CERS-Business-Portal-Help-Preparing-an-APSA-Submittal-in-CERS.pdf>)

NEW Hazardous Materials Business Plan (HMBP) Exemption Application Form

CalEPA, Cal OES and the CUPA Forum Board have collaborated to develop a new HMBP Exemption Application Form for temporary emergency generator deployment during Public Safety Power Shutoff (PSPS) events. The Unified Program Administration and Advisory Group (UPAAG) formally adopted the new form on July 22, 2020.

The California Health & Safety Code (HSC), Chapter 6.95, Section 25507(d) provides Unified Program Agencies (UPA) the ability to exempt a handler from HMBP

Air Resources Board • Department of Pesticide Regulation • Department of Resources Recycling and Recovery • Department of Toxic Substances Control Office of Environmental Health Hazard Assessment • State Water Resources Control Board • Regional Water Quality Control Boards

requirements. This form was developed to ensure state-wide consistency and to assist with this exemption process during PSPS events.

This new exemption application form may be used by a business owner/operator to request, from the UPA, an exemption from HMBP requirements when deploying an emergency power system (i.e. generator) on a temporary/emergency basis during a PSPS event. The UPA is required to review and approve the application for exemption. The UPA must also have the ability to receive public input when approving these applications.

The majority of these generators contain volumes of fuel that would be over threshold amounts and would be required to be disclosed on a HMBP. Based on our discussions, temporary generator deployments can be short term (less than a week) or more, typically fall within the range of 30 to 60 days. Due to the circumstances of an emergency event and potential for relocation of these generators in real-time, it was discussed that submittal of a HMBP into the California Environmental Reporting System (CERS) poses some challenges for industry and the UPAs (both for submittals and reviews).

A copy of the form will be posted on the CFB and Cal OES websites. If you have any questions or comments about the form, please feel free and reach out to:

Darwin Cheng, CFB HMBP Co-Issue Coordinator, dcheng@ochca.com

Frederick Chun, CFB HMBP Co-Issue Coordinator, fchun@santaclaraca.gov

Jack Harrah, Governor's Office of Emergency Services, Jack.Harrah@CalOES.ca.gov

John Paine, California Environmental Protection Agency, john.paine@calepa.ca.gov

State Water Board

Report 6 Due September 1, 2020

The State Water Resources Control Board (State Water Board) recently distributed the Report 6 forms and instructions to all UPAs for the reporting period of January 1 through June 30, 2020. UPAs must submit Report 6 to State Water Board staff no later than September 1, 2020.

The United States Environmental Protection Agency (U.S. EPA) revised the underground storage tank (UST) compliance performance measures known as technical compliance rate (TCR), to reflect changes to the 2015 federal UST regulations. Additionally, the U.S. EPA now requires states to provide the number of field constructed tanks (FCT) and airport hydrant systems (AHS) within their jurisdiction. At this time, UPAs will submit only the FCT as part of the Report 6, due September 1, 2020. Any UST where the primary containment was poured, assembled or constructed onsite, or in situ, must be identified and reported as an FCT.

Since reporting AHS data will require collaboration between State Water Board, UPAs, and operating hydrant system owners and operators to determine if an AHS is subject to UST codes and regulations, and therefore also subject to reporting, UPAs will report

AHS data as part of Report 6 on September 1, 2021. State Water Board will begin to coordinate with involved stakeholders this summer to gather AHS data.

For more information regarding Report 6 requirements please contact Mr. Steven Mullery at (916) 341-5850 or Steven.Mullery@waterboards.ca.gov, or Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

UST Reporting Regulations

On May 19, 2020, the State Water Board approved amendments to the California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), sections 2713 and 2716, and Appendices VI, VII, VIII, IX, XI and XIII (forms). The adopted amendments modify the reporting requirements of owners and operators, and UPAs. It is anticipated that the Office of Administrative Law will approve the amendments to the UST Regulations and file the amendments with the Secretary of State in August with an effective date of October 1, 2020.

As amended, UST Regulations, section 2713 modifies the semi-annual reporting requirements (Report 6) to include those items as part of the U.S. EPA performance measures of TCR. Additionally, to comply with UST reporting provisions of the 2005 Energy Policy Act, this section adds a requirement for UPAs to report the facilities where a compliance inspection has not been performed over that previous calendar year. Section 2716 is amended to require the UST owner or operator to sign all designated operator visual inspection reports within 72 hours from receipt of report from the designated operator. The forms have had substantial changes and will be required for use as of October 1, 2020. Additional guidance is forthcoming. Current information, updates and future guidance on the UST Regulations can be found on the [rulemaking web site](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/repregs/index.html) (https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/repregs/index.html).

For more information regarding 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.

Contractor License Change

It has come to the attention of State Water Board staff that the description for the Limited Specialty contractor license, C-61/D40, [Service Station Equipment and Maintenance Contractor](#) definition (https://www.cslb.ca.gov/About_Us/Library/Licensing_Classifications/C-61_Limited_Specialty/D-40_-_Service_Station_Equipment_And_Maintenance.aspx) was expanded by the California Contractors State License Board (CSLB). The modified license description includes *“the testing and adjustment of leak detection and vapor recovery equipment, such as automatic tank gauges, leak line detectors, vapor recovery lines, and in-station diagnostics.”* While staff noted the license modification for UST stakeholders any questions or comments in regard to this change must be addressed by the appropriate agency, the [CSLB](#) (https://www.cslb.ca.gov/about_us/contact_cslb.aspx).

U.S. EPA's Underground Storage Tank Grant and Program Review

Annually the U.S. EPA conducts a [performance evaluation](#) (https://geotracker.waterboards.ca.gov/regulators/library/8090268790/Letter_California_UST_Program_Review_2020.07.06.pdf) of the State Water Board UST Leak Prevention Unit. For State Fiscal Years 2017/2018 and 2018/2019 the U.S. EPA praised California's efforts at minimizing new releases from existing UST systems. The evaluation highlighted that California's UST release rate is less than one-sixth of that of the rest of the country with an annual ratio of new releases to operating USTs at 0.17%, compared to 1.06% for the rest of the country. It was also noted that data quality in CERS improved significantly, with 48 UPAs meeting CERS requirements for paperless reporting of Report 6. The U.S. EPA also commended California for promptly adopting new federal UST requirements, revising the CERS UST violation library, and reporting new US EPA performance measures in advance of the required effective dates.

The evaluation also highlighted some of our program challenges moving forward and asked for prioritization of specific items. California's requirement for closure of all single-walled USTs by 2025 may cause undo strain on the program, so the U.S. EPA recommended that California incentivize early closure of single-walled UST systems by updating the eligibility requirements for the State's Replacing, Removing, or Upgrading UST (RUST) program and pursuing enforcement on non-compliant single-walled UST facilities.

For more information regarding the US EPA's UST program review, contact: Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

International Code Council Record Verification

It has come to the attention of State Water Board staff that the International Code Council (ICC) has received inquiries regarding the verification of ICC California certificates for California UST Inspector (UI), UST System Operator (Designated) (UC), and California UST Service Technician (UT). The inquiries are from UPA UST inspectors who are unable to verify whether an ICC certificate for UI, UC, or UT is valid using the [ICC verification web page](https://www.iccsafe.org/verify/) (<https://www.iccsafe.org/verify/>).

ICC has identified multiple reasons why an ICC certificate record may not be found when using the ICC verification web page. Examples include, but are not limited to, the following:

Retaking an Exam – When retaking the ICC UI exam in lieu of using continuing education, the unique record number associated with the individual's original certification may change. In addition, when individuals retake their UC or UT exam, the unique record number associated with the individual's original certification may change. Therefore, UPA UST Inspectors may need to contact ICC to verify UI, UC, or UT certificates.

Expiration Dates – The ICC verification web page incorrectly identifies ICC UI, UC, and UT certificate expiration dates by two days for individuals taking ICC Exams between

September 2017, and January 2019. Therefore, UPA UST inspectors may need to contact ICC to verify UI, UC, or UT certificates.

If UPA UST inspectors find the ICC verification web page returns a message of “Member was not found, please try your search again”, “No Certifications On Record For this Member”, or other similar message, please contact Ms. Mary Barnett of ICC. Ms. Barnett will aid with finding appropriate ICC records and combine ICC records if applicable, allowing for appropriate use of the ICC verification web page for future ICC certificate verifications.

For more information regarding ICC verification, please contact Ms. Mary Barnett at 1 (888) 422-7233 ext. 3219 or MBarnett@iccsafe.org, or Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov.

Updating Unified Program Facility Permits

The Unified Program Facility Permit (UPFP), which includes the UST operating permits are required to be issued by UPAs pursuant to Health and Safety Code (HSC), Chapter 6.11, Section 25404(a). The UST operating permits, which are incorporated into the UPFP, are required to be consistent with both HSC, Section 25285 and UST Regulations, Section 2712. HSC, Section 25285 and UST Regulations, Section 2712 includes the requirements for UST operating permit issuance, permit terms and fees, as well as other permit conditions. UST operating permits are reviewed as part of the triennial CUPA Performance Evaluations and State Water Board staff have identified several CUPA permits and permit conditions not consistent with UST Regulations and HSC. Included below are some of the more common areas of inconsistencies:

- Permit conditions indicate UST owners or operators shall notify the CUPA of changes in substance stored within 30 days, while the regulatory requirement is to notify the CUPA 30 days *prior* to any change in substance stored.
- Permit conditions indicate hard copies of UST operating permits shall be maintained on-site, while the regulatory requirement is for permits to be maintained as a hard copy on-site, or electronically.
- Permit conditions indicate monitoring and maintenance records shall be maintained on-site, while the regulatory requirement is for these records to be maintained on-site, or off-site at a readily accessible location if approved by the local agency.
- Permit conditions indicate the permit is to be displayed in a conspicuous location, while, absent of a local ordinance, this is not required by regulation.
- Permit conditions indicate that facility information and documentation be submitted to the CUPA, while the regulatory requirement is for such documentation to be submitted via CERS or local agency portal.
- Omission of CERS IDs from permits, while the regulatory requirement is to include them on permits.

To ensure UST operating permits and permit conditions meet regulatory requirements, State Water Board staff suggest reviewing the UST operating permits and permit conditions in advance of the CUPAs permit issuance cycle and/or before issuing new permits.

For more information regarding updating UST operating permits please contact: Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov, or Mr. Sean Farrow at (916) 324-7493 or Sean.Farrow@waterboards.ca.gov.

DTSC

DTSC's 2020 ID Number Verification Questionnaire

Anyone who generates, transports, offers for transport, treats, stores, or disposes of hazardous waste must have a hazardous waste identification (ID) number, which is used to identify the hazardous waste handler and track the hazardous waste from the point of origin to its final disposal ("cradle to grave"). The purpose of this verification is to ensure that the information on record for the EPA ID Number is correct and current.

The annual Verification Questionnaire and fees assessment for hazardous waste ID numbers and hazardous waste manifests is required by Health & Safety Code section 25205.15 and 25205.16. Any generator, transporter, or facility operator who fails to provide information required by the department to verify the accuracy of hazardous waste activity data shall be subject to suspension of any and all identification numbers assigned and to any other enforcement action (Health & Safety Code section 25205.16(c)).

The 2020 Verification Questionnaire began Wednesday, July 1, 2020. Access to the electronic Verification Questionnaire (eVQ) System is open and users can complete the questionnaire. The annual Verification Questionnaire and fees assessment for hazardous waste ID numbers and hazardous waste manifests are required by the California Health & 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/hazardous-waste-id-number-verification-questionnaire/>

Email: eVQ@dtsc.ca.gov

Phone: 1-877-454-4012 (toll-free)

Cal FIRE OSFM

Assistant State Fire Marshal Appointment

Chief Wendy Collins was appointed as the Assistant State Fire Marshal by Governor Newsom on July 6, 2020. Information may be viewed at <https://www.gov.ca.gov/2020/07/06/governor-newsom-announces-appointments-7-6-20/>.

CAL FIRE Website

The 'Frequently Asked Questions (FAQ)' section of the Office of the State Fire Marshal (OSFM) Aboveground Petroleum Storage Act (APSA) program website now includes [farms](https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/farms/) (https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/farms/). Information is similar to the 2016 APSA farm fact sheet, but it does not contain the flowchart.

The FAQ section of the APSA website also includes information on APSA petroleum and tanks in underground areas (TIUGA).

Contact the OSFM staff at cupa@fire.ca.gov if you want a document previously posted on the CAL FIRE website, such as those listed below. OSFM will make every effort to provide documents in a timely manner once requested.

- Optional notification form on TIUGAs, or
- Monthly inspection checklist for APSA tank facilities with less than 1,320 gallons of petroleum and has one or more TIUGAs.

Recruitment of Environmental Scientists

CAL FIRE will be in the process of filling two Environmental Scientist positions under the OSFM "CUPA" Program in the next several weeks. Information will be posted on the [CalCareers website](https://www.calcareers.ca.gov/CalHRPublic/Search/JobSearchResults.aspx#kw=ENVIRONMENTAL%20SCIENTIST).

(<https://www.calcareers.ca.gov/CalHRPublic/Search/JobSearchResults.aspx#kw=ENVIRONMENTAL%20SCIENTIST>)

Main duties of the Environmental Scientists will include the evaluation of Unified Program Agencies, in coordination with other state agencies, in their implementation of the APSA program and the requirements of the fire code hazardous materials management plan (HMMP) and hazardous materials inventory statements (HMIS). The Environmental Scientists will also conduct training and develop or update guidance materials on the APSA and HMMP-HMIS programs.

Contact the OSFM staff at cupa@fire.ca.gov for additional information.

Cal OES

Updated Contact for Cal OES

As of July 1, 2020, Denise Gibson has left Cal OES for another state agency. Please contact Jack Harrah at Jack.Harrah@caloes.ca.gov with any questions or concerns.

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](#)