

Unified Program Newsletter – January 2021

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CalEPA

Unified Program Training: Hazardous Materials Business Plan Annual Certification Training (AB1429)

Training Dates

January 27, 2021, at 11:00 am

January 27, 2021, at 2:00 pm

January 28, 2021, at 3:30 pm

Training Description:

Assembly Bill 1429 of 2019 (Chaptered by Secretary of State - Chapter 66, Statutes of 2019) changed the HMBP reporting 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 business owners/operators to annually review and certify that the HMBP information in the CERS is complete, accurate, and, if applicable, in compliance with EPCRA reporting requirements.

This Zoom meeting will provide Owners/Operators, Consultants, and CUPA Regulators with step-by-step instructions on how to:

- Determine if you are eligible for certification
- Determine if you are subject to EPCRA reporting requirements
- Steps to completing the certification

- Regulator options concerning certification

Training Materials & Instructor: CERS Technical Team/Unified Program

There are no materials required for this training. However, the [CERS Portal Help guidance](#) would be helpful.

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/09/CERS-Business-Portal-Help-NEW-Feature-AB1429-Self-Certification-9.15.20.pdf>)

Who Should Attend: Business Owners/Operators, Consultants, CUPA regulators.

Course Level & Prerequisite: There are no prerequisites to attend this meeting.

There will be no questions taken during the meeting. All questions should be emailed to cers@calepa.ca.gov or contact Steven Gailey at Steven.Gailey@calepa.ca.gov. A list of FAQs from the previous trainings in October 2020, will be posted on the CalEPA Unified Program web site shortly.

Dates & Time (PT):

January 27, 2021: 11:00a.m.

Zoom Webinar:

<https://us02web.zoom.us/j/82014995395?pwd=aGJJbHhGRVBnSIZFNlhJSk5TWkRIQT09>

Passcode: 865370

January 27, 2021: 2:00 p.m.

Zoom Webinar:

<https://us02web.zoom.us/j/81595467086?pwd=QVRFZEdBShJZms0YjVBQkZBbzhhvQT09>

Passcode: 865370

January 28, 2021: 3:30 p.m.

Zoom Webinar:

<https://us02web.zoom.us/j/83006319342?pwd=WHdxVp4UTcwV3FYY0NjU1BVdmVLQT09>

Passcode: 865370

CERS Version 3.5.0007 Deployed

Periodically, the deployment of new versions of CERS are essential to implement various system bug fixes and other tweaks to maintain the performance of the CERS infrastructure. The deployment of CERS version 3.5.0007 occurred on Monday, January 11, 2021. Below are the details of the changes implemented in this release. To view prior version deployments use the following link:

<https://cers.calepa.ca.gov/about-cers/version-history/>. Please contact the CERS Technical Support at cers@calepa.ca.gov for further assistance.

CERS Version 3.5.0007 Changes

Business Portal

- Removed warning text from Edit Tank ID popup window (Product Backlog Item 3091)

Regulator Portal

- Added validation for Violation - Actual RTC can be no later than current date (Product Backlog Item 2872)
- Updated UST Report 6 to remove unnecessary columns (Product Backlog Item 3062)
- Corrected duplicate USTs on UST reports caused by Tank ID changes (Product Backlog Item 2802)
- Corrected intermittent problem of inaccurate Last Inspection dates on Facility Detail Export (Product Backlog Item 3078)

Business and Regulator Portals

- Updated text/language for Question 6 Hazardous Waste on Business Activities form (Product Backlog Item 2871)
- Update version of Emergency Response and Contingency Plan Template (Product Backlog Item 2939)
- Updated the citation information on the UST Certification of Installation/Modification form (Product Backlog Item 3034)
- Corrected duplicate USTs listed on submittal print (Product Backlog Item 1632)
- Corrected PDF merging issues for submittal printing (Product Backlog Item 1381)

CERS Public

- Fixed Excel Export feature on CERS Data Element Search page (Product Backlog Item 1139)
- Updated contacts and other information on public facing Violation Library page (Product Backlog Item 1139)

EDT Services

- Added validation for Violation - Actual RTC can be no later than current date (Product Backlog Item 2872)

Updated documentation on EDT services web page for Tier 2 Regulator Facility Submittal Query endpoint to include new submittal element status “Certified” (Product Backlog Item 2660)

State Water Board

Webinars on Updated Underground Storage Tank Reporting Requirements for the Energy Policy Act of 2005

On November 23, 2020, the State Water Resources Control Board (State Water Board) issued [correspondence](https://www.waterboards.ca.gov/water_issues/programs/ust/docs/inspection_frequency_confirmation_energy_policy_act_certification.pdf)

(https://www.waterboards.ca.gov/water_issues/programs/ust/docs/inspection_frequency_confirmation_energy_policy_act_certification.pdf)

on the updated annual UST compliance inspection frequency reporting requirements for the Energy Policy Act of 2005 (EPA Act) to be completed by Unified Program Agencies (UPAs). On an annual basis the State Water Board is required to certify compliance with the Underground Storage Tank (UST) provisions of the EPA Act. One of these

provisions requires states to confirm that the federal UST compliance inspection frequency of once every three years, as outlined in 42 U.S.C. §6991d, subdivision (c)(2), has been met. To meet this requirement, California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), sections 2713(d)(1) and (2) were added, which require the UPAs to submit a report to the State Water Board by January 31 of each year which notes the number of facilities that did not receive an **on-site annual UST compliance inspection** over the last year. Effective October 1, 2020, amendments to the UST Regulations modify how UPAs report annual UST compliance inspection frequency data to the State Water Board.

In accordance with the UST Regulations, UPAs must generate UST compliance inspection frequency data using the California Environmental Reporting System (CERS), and report the following items from CERS in the submittal to the State Water Board: CERS ID, UST facility name, UST reporting requirement, date of last annual UST compliance inspection, and a written explanation of why an on-site annual UST compliance inspection was not performed. **UPAs only need to report facilities where an on-site annual UST compliance inspection was not performed during the calendar year 2020.** No submittal is required from UPAs with facilities where an on-site annual UST compliance inspection was performed during 2020. Pursuant to UST Regulations, reporting must include all regulated USTs, including temporarily closed and abandoned USTs.

To assist UPAs in the updated reporting requirement, State Water Board staff will be hosting two Zoom webinars on the following dates and times:

- January 13, 2021, from 10:00 AM – 11:00 AM
- January 20, 2021, from 10:00 AM – 11:00 AM

For additional Zoom webinar information and instructions on how to generate the CERS report, please visit our website: [Technical UST Program Notifications | California State Water Resources Control Board](https://www.waterboards.ca.gov/water_issues/programs/ust/insp_epac.html)

(https://www.waterboards.ca.gov/water_issues/programs/ust/insp_epac.html).

For more information regarding annual EPCRA reporting requirements or the upcoming Zoom webinars, please contact:

Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or
Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov.

Report 6 Dates and Deadlines

State Water Board will soon distribute the Report 6 forms and instructions for the reporting period of July 1, 2020 through December 31, 2020. Report 6 forms are due back to the State Water Board no later than March 1, 2021. Consistent with the last reporting period, UPAs must continue to report field constructed tanks, facilities with USTs that have received a red tag, and facilities that have abandoned or temporarily closed USTs.

For additional information regarding Report 6 requirements, 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.

Temporary Closure of UST Systems

The State Water Board is aware of USTs that have been improperly issued temporary closure permits by several UPAs. The State Water Board finds that UPAs have issued temporary closure permits to owners or operators as a means of mitigating the pursuit of permanent closure, when there is no intent or ability to bring the UST back into operation, and when the UST is allowed to be kept in temporary closure beyond the 12 months without having conducted mandatory soil sampling needed to extend UST temporary closure to 24 months. These practices fail to conform with the UST regulations and, ultimately, result in an increased number of abandoned USTs.

Pursuant to UST Regulations, section 2670, USTs may only be placed into temporary closure when the UST will be operational within the 12 consecutive months after which it enters temporary closure. UPAs may extend the 12-month temporary closure period by a maximum of an additional 12-months only *after* a site assessment is completed (UST Regulations, section 2672(d)). In addition to enforcing these temporary closure requirements, UPAs must ensure that the annual UST compliance inspection and State Water Board reporting requirements are maintained.

When a temporary closure permit is issued by the UPA, owners or operators must correctly report the temporarily closed UST in CERS by creating a CERS submittal for that UST system with the Type of Action listed as “Temporary UST Closure.” Further, UPAs must perform annual UST compliance inspections for all regulated UST facilities, which includes temporarily closed USTs. Finally, UPAs must accurately identify and report temporarily closed USTs in the Report 6.

For additional information regarding temporary closure of UST systems, 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.

DTSC

Treated Wood Waste

The statute (HSC 25150.7) and regulations (22 CCR 67386.1 et seq.) that allowed treated wood waste to be handled according to the alternative management standards expired December 31, 2020. Currently, all hazardous treated wood waste (not exempted by HSC 25143.1.5 as utility generated) must be managed in California as hazardous waste and transported to Class I hazardous waste landfills for disposal.

Information related to managing treated wood waste is available on DTSC’s [TWW webpage](#) which includes a [fact sheet](#).

(<https://dtsc.ca.gov/toxics-in-products/treated-wood-waste/>)

(<https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/12/2020-Treated-Wood-Waste-Factsheet-Update.pdf>)

Inactivation of ID Numbers Due to Non-Compliance with DTSC’s Hazardous Waste ID Number Verification Questionnaire and Fees Assessment

DTSC’s annual Verification Questionnaire and Fees Assessment for hazardous waste identification (ID) numbers and manifests are required by Health and Safety Code sections 25205.15 and 25205.16. Pursuant to section 25205.16(c), “Any generator, transporter, and facility operator who fails to comply with this section, or 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 to the generator, transporter, or facility operator and to any other authorized enforcement action.”

Hazardous waste handlers that are required to complete the 2020 Verification Questionnaire and haven’t done so by December 31, 2020, by 5:00 PM Pacific Time will have their ID number(s) inactivated on January 4, 2021. The inactive date will be backdated to June 30, 2020. The questionnaire and fees were due 30 days from the date the handler received their first notice in July 2020. Handlers have been sent at least three notices via email or U.S. Postal Service since that time. They have been given ample time (more than 120 days) to complete the questionnaire. Inactivating ID numbers due to non-compliance with Health and Safety Code sections 25205.15 and 25205.16 will also help DTSC clean up data for handlers that are not using their ID number and do not respond to notices.

The annual ID Number Verification Questionnaire history is now available to regulators with a Hazardous Waste Tracking System (HWTS) user account. To view the information, follow the steps below:

1. Log into your HWTS account at hwts.dtsc.ca.gov.
2. Enter the respective ID number or handler name into the search box and click on the magnifying glass icon.
3. Click on “View Profile”.
4. Scroll down the page until you see the heading “Annual ID Number Verifications”.

If a handler still hasn’t completed their Verification Questionnaire, please refer them to the information below:

Website (<https://evq.dtsc.ca.gov>)

Training Video (<https://dtsc.ca.gov/evq-training-video/>)

Email (eVQ@dtsc.ca.gov)

Phone: 1-877-454-4012 (toll-free) Monday through Friday from 9:00 AM to 4:00 PM Pacific Time.

Verification Questionnaire History Now Available on HWTS

The annual ID Number Verification Questionnaire history is now available to regulators with a Hazardous Waste Tracking System (HWTS) user account. To view the information, follow the steps below.

1. Log into your HWTS account at hwts.dtsc.ca.gov.
2. Enter the respective ID number or handler name into the search box and click on the magnifying glass icon.
3. Click on “View Profile”.
4. Scroll down the page until you see the heading “Annual ID Number Verifications”.

If you are a regulator and don't have an HWTS account, contact hwtsadm@dtsc.ca.gov.

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](#)