

## Unified Program Newsletter – March 2021

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### State Water Board

#### **Updates to Local Guidance 150 – Underground Storage Tank Overfill Prevention Systems**

The State Water Resources Control Board (State Water Board) has updated Local Guidance (LG) 150 on overfill prevention equipment (OPE). The purpose of LG 150 is to clarify OPE requirements for underground storage tanks (USTs), the relation between OPE and secondary containment requirements, and when USTs may be exempt from OPE requirements. The document also provides guidance on the OPE inspection criteria, documentation, and record retention.

LG 150 and other LG letters can be found on the State Water Board’s UST Program – [Available Local Guidance \(LG\) Letters](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/) webpage

([https://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lgs/](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/)).

For additional information regarding LG 150, contact:  
Mr. Sean Farrow at (916) 324-7493 or [Sean.Farrow@waterboards.ca.gov](mailto:Sean.Farrow@waterboards.ca.gov), or  
Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### **Energy Policy Act of 2005 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 (EPAAct). One of these certification provisions requires states to confirm the federal 3-year minimum UST facility inspection frequency to the United States Environmental Protection Agency (U.S. EPA).

The U.S. EPA directed the State Water Board to utilize the California Environmental Reporting System (CERS) to the extent possible to verify Unified Program Agencies (UPAs) are meeting the federal 3-year minimum UST facility inspection frequency. In February 2021, State Water Board staff reviewed inspection data provided by the UPAs and from CERS for calendar year 2020. State Water Board staff then provided the U.S. EPA with a list of all UST systems requiring inspections, their corresponding inspection dates, and a final certification. State Water Board staff appreciates the diligence of UPAs in complying with the new inspection reporting requirements, for conducting all necessary inspections, and for providing timely responses to requested CERS review.

For additional information regarding the EPAAct Certification, contact:  
Ms. Jessica Botsford at (916) 341-7338 or [Jessica.Botsford@waterboards.ca.gov](mailto:Jessica.Botsford@waterboards.ca.gov), or  
Ms. Laura Fisher at (916) 341-5870 or [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov).

### **23rd Unified Program Annual Training Conference – Underground Storage Tank Leak Prevention Presentations**

The 23<sup>rd</sup> Unified Program Annual Training Conference (Conference) began February 2, 2021, and will continue through March 18, 2021. State Water Board staff appreciate the opportunity to present timely and diverse subject matter at this year's Conference, and further appreciates the UPAs efforts in adapting to this year's virtual platform and contributing their valuable knowledge and experience. The training sessions provide numerous opportunities to educate attendees on the intricacies of the UST Program, ultimately benefiting the long-term success of the Unified Program.

Below are brief summaries of UST Leak Prevention staff presentations:

#### **Panoramic View of the Underground Storage Tank Leak Prevention Program**

Laura Fisher presented an extensive overview of UST Program activities over the last year and upcoming activities planned for the future of the UST Program. The presentation covered California's continued small number of unauthorized releases compared to the national average as well as the connection between inspections and compliance. Additional topics included information on ongoing programs such as the EPAAct Certification, the State Water Board's response to COVID-19, Airport Hydrant Systems, improvements at the Office of Tank Tester Licensing, and UST regulations that became effective during 2020.

### **Improving Underground Storage Tank Programs by Proactively Reconciling Common Findings**

Jessica Botsford and Wesley Franks presented a discussion on some of the more common and important findings identified during triennial Certified Unified Program Agency (CUPA) Performance Evaluations, and proactive steps which can be taken to reconcile these occurrences. Session topics included closure of USTs, local ordinances, UST operating permits, temporary closure of USTs, abandoned USTs, and enhanced leak detection testing.

### **Infrequently Asked Questions Regarding Pipe**

Tom Henderson presented an in-depth perspective of all things piping to address difficult UST construction and monitoring questions. Additional topics covered included piping exemptions, single-walled piping requirements, secondary containment, line tightness testing requirements, new forms, and communication. Finally, Tom discussed the piping requirements for all UST systems after the single-walled tanks are permanently closed no later than December 31, 2025.

The presentations outlined above can be found on the [CUPA Forum webpage](https://calcupa.org/conference/index.html) (<https://calcupa.org/conference/index.html>). State Water Board staff look forward to seeing everyone in person at next year's Conference.

For additional information regarding UST Leak Prevention staff presentations, contact: Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov), or Ms. Jessica Botsford at (916) 341-7338 or [Jessica.Botsford@waterboards.ca.gov](mailto:Jessica.Botsford@waterboards.ca.gov).

### **State Water Board Underground Storage Tank Forms Web Page**

UST forms required for use by California Code of Regulation, title 23, chapter 16, and the Semi-Annual UST Report (Report 6) form, are now located on the newly developed State Water Board [UST Reporting and Inspection Forms webpage](https://www.waterboards.ca.gov/water_issues/programs/ust/publications/forms.html) ([https://www.waterboards.ca.gov/water\\_issues/programs/ust/publications/forms.html](https://www.waterboards.ca.gov/water_issues/programs/ust/publications/forms.html)).

For additional information regarding UST forms, contact: Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov), or Ms. Laura Fisher at (916) 341-5870 or [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov).

### **International Code Council Certification Using Proctored Remote Online Testing**

The International Code Council (ICC) has begun offering examinations for the California UST Inspector, California UST System Designated Operator, and California UST Service Technician using the [Proctored Remote Online Testing Option](https://www.iccsafe.org/professional-development/assessment-center/proctored-remote-online-testing/) (PRONTO) (<https://www.iccsafe.org/professional-development/assessment-center/proctored-remote-online-testing/>).

PRONTO will increase the timeliness of appointments and will assist those who may have been delayed from taking examinations due to social distancing associated with COVID-19 health and safety protocols. ICC examinations will continue to be available in person at Pearson VUE facilities.

For additional information regarding ICC examinations, contact:

Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov), or  
Ms. Laura Fisher at (916) 341-5870 or [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov).

### **United States Environmental Protection Agency’s Underground Storage Tank Finder**

The U.S. EPA has developed [UST Finder](https://www.epa.gov/ust/ust-finder) (<https://www.epa.gov/ust/ust-finder>), an ARCGIS, web-based application comprised of UST and leaking UST (LUST) information. UST Finder contains comprehensive data and mapping of USTs and LUST sites reported by the states and territories, which includes locations and facility information of both active and closed USTs and LUST sites. California UST information was obtained from CERS September 2020, and LUST information was obtained from GeoTracker February 2019. UST Finder also contains information on the proximity of USTs and LUST sites to:

- 1) surface and groundwater public drinking water protection areas;
- 2) estimated number of private domestic wells and number of people living nearby;
- 3) flood zones; and
- 4) wildfire events.

A user of UST Finder can import ARCGIS data files for additional layers not currently available in UST Finder, and export UST and LUST site information as ARCGIS data files for use by other software programs.

UST Finder is supported by the following web browsers: Google Chrome, Mozilla Firefox, Apple Safari, and Microsoft Edge. To assist with using UST Finder the U.S. EPA has also developed instructional guidance and three instructional videos. UPAs and other interested parties may access UST Finder and these guidance materials by using the link provided above or by navigating to the Division of Water Quality – [Underground Storage Tank Program webpage](https://www.waterboards.ca.gov/ust/) (<https://www.waterboards.ca.gov/ust/>) and clicking on the “U.S. EPA UST Finder” bullet in the section titled “From USEPA.”

For additional information regarding the U.S. EPA’s UST Finder, contact:

Mr. Sean Farrow at (916) 324-7493 or [Sean.Farrow@waterboards.ca.gov](mailto:Sean.Farrow@waterboards.ca.gov), or  
Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### **Updates to American Petroleum Institute Recommended Practice 1604 – Closure of Underground Petroleum Storage Tanks**

The American Petroleum Institute (API) has updated [Recommended Practice \(RP\) 1604, the Closure of Underground Petroleum Storage Tanks](https://standards.globalspec.com/std/14362425/api-rp-1604) (<https://standards.globalspec.com/std/14362425/api-rp-1604>), dated February, 2021. API’s updated RP 1604 covers procedures for the closure in place, permanent closure by removal, temporary closure, and off-site disposal of UST systems.

For additional information regarding API’s updated RP 1604, contact:

Mr. Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov), or  
Ms. Laura Fisher at (916) 341-5870 or [Laura.Fisher@waterboards.ca.gov](mailto: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](mailto:Tom.Henderson@waterboards.ca.gov), or Ms. Laura Fisher at (916) 341-5870 or [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov).

## **DTSC**

### **Treated Wood Waste Update**

The Department of Toxic Substances Control (DTSC) has added updates to the treated wood waste (TWW) [FAQ page](#).

(<https://dtsc.ca.gov/treated-wood-waste-tww-frequently-asked-questions/>)

When will DTSC be posting the list of names of the landfills that have received a variance on its website?

DTSC will be issuing the first disposal facility variances to landfills on March 2, 2021.

DTSC expects that the landfills may take a few days to read their variances and train their staff prior to accepting any treated wood. DTSC will be asking the landfills that receive a variance to notify us when they are ready to start accepting treated wood. Only then will DTSC post the names of the landfills on our website. The intent in delaying posting the names is to prevent anyone from being turned away because the landfills are not ready to begin accepting treated wood. DTSC recommends checking

back on the website beginning on Thursday, March 4, 2021. The list should be updated daily as more landfills begin accepting treated wood.

If you have any questions about the TWW variance process, please refer to the information DTSC's website such as the TWW fact sheet and FAQs or send an email to [TWW\\_help@dtsc.ca.gov](mailto:TWW_help@dtsc.ca.gov).

### **Legislative Bills**

Some of the legislative bills that we are currently tracking are:

AB 318, Levine

Hazardous waste: classification: exclusions: green waste.

Introduced: 1/26/2021

Would exclude green waste from classification as a hazardous waste, provided it hasn't been contaminated during the production, harvest, or processing stage. Would require that green waste be disposed of in a permitted class I, II, or III disposal unit or in a compostable materials handling operation.

AB 332, (Committee on Environmental Safety and Toxic Materials)

Hazardous waste: treated wood waste: management standards.

Introduced: 1/27/2021

Would require the alternative management standards for treated wood waste adopted in DTSC regulations that sunset on December 31, 2020, to remain valid unless repealed.

AB 684, Fong

Hazardous waste: treated wood waste.

Introduced: 2/16/2021

Would require treated wood waste to be disposed of in either a Class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill unit that meets specified requirements.

SB 502, Allen

Introduced: 2/17/2021

Would delete the requirement that a Certified Unified Program Agency conduct an inspection of the certified appliance recycling facility as soon as is practicable after certification, and following the inspection, to transmit the results of the inspection to DTSC.

### **Training**

DTSC had several seats available at the Western States Project's Training Program for "Inspector Safety Training". Those positions were offered to rural CUPAs.

### **DTSC Hazardous Waste Tracking System Enhancements**

DTSC's Office of Environmental Information Management has released the following enhancements to the Hazardous Waste Tracking System (HWTS) as of February 28, 2021:

- All HWTS account holders are required to accept and acknowledge a new [Hazardous Waste Tracking System Terms of Use Agreement](https://hwts.dtsc.ca.gov/documents/20200106_HWTSUserAgreement.pdf).  
(hwts.dtsc.ca.gov/documents/20200106\_HWTSUserAgreement.pdf)  
Upon login, users will be prompted to review and acknowledge the Agreement. The Agreement must be accepted to maintain regulatory access. Account holders will only be required to accept the Agreement once.

To request a HWTS account, please complete and submit a [HWTS Account Request Form](#).

(app.smartsheet.com/b/form/8c9e3e99f9c444e69253e778e93b26f2)

For HWTS account assistance, please email [HWTSadmn@dtsc.ca.gov](mailto:HWTSadmn@dtsc.ca.gov).

- Regulatory users can now view the completion history for DTSC's annual Verification Questionnaire and Fees Assessment for hazardous waste identification (ID) numbers and manifests, also known as eVQ. The history can be reviewed for each ID number holder on the Handler Profile page.
- The **Generator Waste Summary by Region** report, formerly referred to as the CUPA Report, is now available for users with a HWTS regulatory account. The report includes all Hazardous Waste Handler ID numbers that shipped hazardous waste within a specified region and timeframe. The report is helpful for identifying the number of generators within a jurisdiction, new businesses via ID number issuance date, and aid in determining a generator's status using the total amount of non-RCRA and RCRA wastes reported.
- The **TQR Detail Report by Manifest** is now available for users with an HWTS regulatory account. This report returns data from the Transporter Quarterly Report (TQR) submissions by hazardous waste transporters operating under the consolidated manifesting procedure. This report contains the Generator ID number and detailed waste information from each receipt used in conjunction with the consolidated manifest. Please note, per the HWTS Terms of Use Agreement, users shall not disclose the association between any specific transporter and generator. The information in this report may only be discussed among, shared with, or otherwise disclosed to, your manager and any other Authorized Users and/or appropriate personnel of law enforcement authorities working in coordination with, or acting on behalf of, your agency.

***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](mailto:cupa@calepa.ca.gov).***

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