

Unified Program Newsletter – June 2021

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CalEPA

Meet CalEPA’s Enforcement Team

CalEPA’s Office of the Secretary is responsible for developing a program to ensure that the boards, departments and offices (BDOs) within CalEPA take *“consistent, effective and coordinated enforcement and compliance actions to protect public health and the environment”* [GC §12812.2(a)(1)].

In February 2020, Secretary Jared Blumenfeld published his [Enforcement Memo](#) which sets forth the basic elements of a proactive state environmental enforcement program. Secretary Blumenfeld’s memo also provides a framework to strengthen CalEPA’s coordination and oversight of enforcement work at the boards and the departments with the goal of achieving a high level of environmental compliance throughout the state.

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/02/CalEPA-Enforcement-Memo-Signed-Final.pdf>)

Members of CalEPA's new Enforcement Team are tasked with collectively assisting in the planning and implementation of the CalEPA Enforcement Strategy as outlined in the memo. Please join us in welcoming and congratulating CalEPA's new Enforcement Team: Linda Lye, Kristen McKinley, and Hasti Javid!

LINDA LYE, DEPUTY SECRETARY FOR LAW ENFORCEMENT AND GENERAL COUNSEL

Linda Lye was appointed by Governor Gavin Newsom in November 2019, to serve as Deputy Secretary for Law Enforcement and General Counsel and joined the CalEPA team in January 2021. Prior to her appointment, she served for two years as a superior court judge in Contra Costa County.

Before entering government service, Linda was a senior staff attorney at the American Civil Liberties Union Foundation of Northern California where she spearheaded litigation on issues that included surveillance, open government, voting rights, and lethal injection. Earlier in her career, Linda was a partner at Altshuler Berzon LLP in San Francisco, where she represented labor unions in state and federal court and before administrative agencies. Linda also served as a law clerk for the late Justice Ruth Bader Ginsburg of the Supreme Court of the United States and for appellate Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit.

Linda received her law degree from the University of California, Berkeley, where she graduated Order of the Coif, and her undergraduate degree from Yale College, where she graduated summa cum laude and Phi Beta Kappa.

ASSISTANT GENERAL COUNSEL FOR ENFORCEMENT – VACANT

This position is currently vacant. Please continue to check the [California Governor Appointments](https://www.gov.ca.gov/appointments/) website (under "Opportunities") for more details about this appointed position, if interested.

(<https://www.gov.ca.gov/appointments/>)

KRISTEN MCKINLEY, CALEPA ENVIRONMENTAL ENFORCEMENT PROGRAM MANAGER

Kristen McKinley joined the Office of the Secretary in August 2020. As the CalEPA Environmental Enforcement Manager, Kristen is responsible for managing the CalEPA Environmental Justice Task Force efforts and assisting in planning and implementing the CalEPA Enforcement Strategy.

Kristen has a Bachelor of Science degree in Biological Sciences and a Bachelor of Arts degree in Dance, both from the University of California, Davis. Throughout her career, she has gained extensive experience in enforcement and in coordinating with communities to understand and address their concerns.

She worked for six years for the Department of Toxic Substances Control (DTSC) assisting in criminal investigations of hazardous waste violations by providing sampling and scientific support. During her time at DTSC, she also participated in the formation

of new Environmental Justice Task Forces and coordinated with different community groups.

Kristen joined the California Air Resources Board (CARB) in 2014 as an investigator focusing on the enforcement of CARB's in-use diesel programs through field inspections and comprehensive fleet investigations. In addition, she was co-lead of the Environmental Justice Enforcement Team and lead for Environmental Justice issues in the Bay area. In 2017, Kristen was promoted to manage the newly created Freight Hub Enforcement Section. The team's enforcement efforts focused on non-compliant vehicles and equipment concentrated at warehouses and distribution centers, especially those located in disadvantaged communities, and improving CARB's heavy-duty diesel enforcement efforts by utilizing advanced field enforcement techniques.

Having worked for the California District Attorneys Association (CDA) and three of the six agencies under CalEPA, she has developed a broad understanding of the environmental regulatory and enforcement process. Kristen is committed to coordinating enforcement and compliance actions across all media to protect public health and the environment, while prioritizing communities with the highest pollution burdens and environmental risks.

HASTI JAVID, CALEPA ENFORCEMENT OFFICER

Hasti Javid joined the Office of the Secretary in March 2021. As the CalEPA Enforcement Officer, Hasti is responsible for planning, coordinating, and implementing several CalEPA-wide enforcement efforts, including the CalEPA Enforcement Training Program, the CalEPA Single Complaint Tracking System, and assisting with planning and implementing the CalEPA Enforcement Strategy.

Hasti graduated from San Diego State University with a Bachelor of Science degree in Biological Sciences with emphasis in Zoology. Hasti started her career with the County of San Diego, Department of Environmental Health in May 2006, as a Vector Control Technician and transferred to the Hazardous Materials Division/Certified Unified Program Agency (CUPA) in September 2007, as a Medical Waste and Unified Program inspector.

During her 14-year career with the San Diego County CUPA, Hasti served in various roles such as but not limited to, Lead Inspector for the southern San Diego County district with a focus on Environmental Justice and enforcement; CUPA Enforcement Coordinator; CUPA Training Coordinator; and Emergency Responder on the afterhours Hazardous Incident Response Team. In addition to being the liaison between the CUPA and various law enforcement agencies, Hasti assisted the San Diego Narcotics Task Force Team 9 (marijuana eradication) in creating the San Diego County Marijuana Environmental Task Force, with the majority of that work being done on her personal time. Hasti was also instrumental in starting the Enforcement Technical Advisory Group for CUPAs statewide.

Hasti is a Registered Environmental Health Specialist and maintains numerous state certifications such as: Underground Storage Tank (UST) inspector, Aboveground Petroleum Storage Tank (APSA) inspector, CalOES certified Hazardous Materials Specialist, and 40-hour HAZWOPER. Hasti is also on the Executive Board of Directors for the California Hazardous Materials Investigators Association (CHMIA) where she volunteers her time to promote CHMIA's overall purpose and mission to encourage the cooperation and coordination of environmental crime investigations conducted by law enforcement and regulatory agencies at the federal, state, and local level.

To “meet” all members of the CalEPA executive management team and read their biographies, go to <https://calepa.ca.gov/about/bios/>.

CalEPA Complaint System Update

Effective March 8, 2021, Hasti Javid, CalEPA Enforcement Officer, is the new primary lead for the CalEPA Complaint System and is working diligently with the CalEPA IT team to make critical changes to the live system, while addressing more widespread functionality issues in the new/enhanced Complaint System currently under development. On April 30, 2021, a Survey Monkey was distributed to over 1,000 Local Agency Users to collect feedback on the current CalEPA Complaint System. To date, CalEPA received 27 responses to the Local Agency User survey. These responses will be reviewed by the Complaint System team and implemented into the new/enhanced Complaint System if determined to be relevant, user-friendly, functional, and/or efficient. A separate survey was distributed to the CalEPA Boards, Departments, and Offices (BDO) Agency Users.

Some of the immediate improvements and corrections that have been implemented into the live system include, but are not limited to:

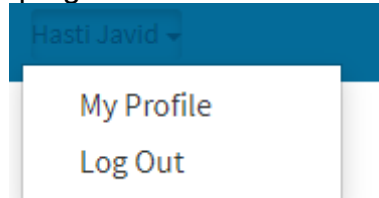
- Updates to the drop-down fields on the “Findings” form. Specifically, the addition of “Not Applicable” to the enforcement-related questions.
- Corrections made to allow reminder emails to be sent out to Local Agency Users.
- Enhancing the user interface to ensure State (BDO) Agency referrals are made to the appropriate organization initially. Please note that additional improvements are being implemented in the new/enhanced Complaint System for this purpose as well.

Based on recent and past feedback from Local Agency Users, the most consistent complaint about the current system is related to: (1) Designated complaint contacts not receiving emails from the complaint system; and (2) Referrals from State (BDO) Agency Users being directed to the wrong local agency. Regarding complaint contacts, the new/enhanced Complaint System will utilize the same or similar Lead User feature as the California Environmental Reporting System (CERS) which will allow each agency to designate their own agency Lead Users, who will then be responsible for maintaining and updating the users associated with their Local Agency User account. In the meantime, the CalEPA Complaint System team recommends the following for those

Local Agency Users who are still not receiving complaint referrals from the State (BDO) Agency Users:

1.) Login to the [Complaint External Partner Portal](https://calepacomplaints.secure.force.com/ExternalPartnerPortal).
(<https://calepacomplaints.secure.force.com/ExternalPartnerPortal>)

2.) Click on your name in the top right corner of the screen and select **MY PROFILE**.



3.) Update your **TITLE** to “*CUPA Complaint Contact.*”

Title:

CUPA Complaint Contact

If you have more than one complaint contact, you can update the **TITLE** field to reflect the “*Primary CUPA Complaint Contact*” and designate another person as the “*Secondary CUPA Complaint Contact*” and so on.

If your department has multiple divisions or programs that receive complaint referrals from the CalEPA Complaint System, you can update the **TITLE** for each user, as needed, to specify division or program leads based on their regulatory authority. For example, you can update the **TITLE** for individual users within your Local Agency User Account as the “*Housing Complaint Contact*” and/or “*LEA Complaint Contact,*” and so on.

Lastly, a CalEPA Complaint System User Manual is being developed for the new/enhanced Complaint System. Training materials for both State Agency and Local Agency Users are also under development.

The CalEPA Complaint System team appreciates those who took the time to complete the Survey Monkey and welcomes any additional feedback from its Local Agency and State Agency Users. To accommodate additional feedback, the deadline for both surveys has been extended to **July 9, 2021**. If you are a State (BDO) Agency User and would like to complete the survey, please contact Hasti Javid directly at Hasti.Javid@calepa.ca.gov. For Local Agency Users only, see Survey Monkey link below:

CalEPA Complaint System - Survey Monkey for Local Agency Users Only:

<https://www.surveymonkey.com/r/Local-Agency-Users>

- **Extended Deadline: July 9, 2021**

For general questions or concerns about the CalEPA Complaint System, please contact Hasti Javid, CalEPA Enforcement Officer, at Hasti.Javid@calepa.ca.gov.

State Water Board

Line Tightness Testing Requirements

State Water Resources Control Board (State Water Board) staff have fielded a number of questions regarding the annual line tightness testing requirements for secondarily contained pressurized underground pipe and whether the annual line tightness test can be performed by an electronic line leak detector (ELLD). Pressurized piping connected to underground storage tanks (UST) installed on or after July 1, 2004, are not required to perform an annual line tightness test and are therefore not included in this discussion.

The California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2636(f)(3) requires an annual simulated leak rate test capable of detecting a release equivalent to 0.1 gallon per hour (gph) at 150 percent of the normal operating pressure. Section 2636(f)(4) allows systems to utilize fail safe and positive shut off (FSPS) in lieu of the annual tightness test. Some systems, such as emergency generator systems, cannot utilize FSPS because of operational requirements and therefore the UST owner or operator must perform an annual line tightness test.

Simulated leak rate tests are a function of pressure, volume, and time. The standard line leak detector test performed annually requires a simulated leak rate of 3.0 gph (volume and time) at 10 pounds per square inch (pressure). This test could be performed at a pressure other than 10 pounds per square inch if there was a corresponding change in volume, time, or both. The ELLD can also modify the line tightness test parameters to arrive at the correct result. As the turbine can never exceed 100 percent operating pressure and therefore would not test at 150 percent of normal pressure, the ELLD achieves the simulated leak rate test results by either extending the time of the test, detecting a lesser volume, or both. ELLDs that are capable of performing the annual line tightness test must be listed in Local Guidance (LG) 113 — List of Leak Detection Equipment and Methods for Underground Storage Tanks (https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lq113/) as capable of performing a 0.1 gph line tightness test.

For additional information regarding line tightness testing requirements, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

Adhesive for NOV Pipe Fittings

NOV Fiberglass Pipe Systems has notified the State Water Board that due to ongoing shortages of a component chemical in the 8000 series resin kits, the PSX series resins will be shipped in lieu of the 8000 series resins on open purchase orders until the shortage is resolved. Both the 8000 series and PSX series resin kits are UL listed for use with all NOV pipe and fitting products. NOV notes this is the only solution available

for the time being and will keep the State Water Board and Unified Program Agencies (UPAs) apprised of any changes to the status of the 8000 resin kits moving forward. UST inspectors will be able to detect the PSX resin as the color is bright red rather than the usual opaque amber color of the 8000 series resin.

For additional information regarding changes to pipe fitting adhesives, contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

Use of California Environmental Reporting System “General” Violations When Specific Violations are Available

The State Water Board has observed an increase in the use of CERS “General” violations when specific violations are available. The consistent and correct use of specific violations is essential for a successful inspection and enforcement program. The use of specific violations provides UST owners or operators the correct citation for the compliance issue observed, allowing them to properly address the correct condition and further assist the UPA in resolving the compliance issue if further enforcement is required. CERS “General” violations do not include code citations, which are needed to understand which provision of the UST Program is being violated. UPAs may have difficulty achieving compliance if the UST owner or operator is not fully aware of the specific requirements. Additionally, the consistent and correct use of violations is required to achieve accurate Technical Compliance Rate (TCR) reporting by the State Water Board to the United States Environmental Protection Agency (U.S. EPA).

As described in LG 164-4—Reporting of Technical Compliance Rate (For use on or after July 1, 2020), (https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/docs/lg_164_4.pdf) TCR performance measures are used to assess national compliance with the federal UST Program as determined by the U.S. EPA. The use of a CERS “General” violation, rather than the specific TCR violation, could result in the incorrect reporting of TCR for that UST facility. For example, if UPAs observe a line leak detector not functioning properly, the violation would *never* be the CERS “General” violation number 2060. The correct violation would be the “Release Detection (USEPATCR 9d)” violation 2040025, for “Failure of the functional line leak detector monitoring pressurized piping”, which would include both the citation for the UST owner or operator as part of the inspection report, and properly count the TCR for the facility.

To ensure consistent and correct reporting, UST inspectors should familiarize themselves with the CERS violation library (<https://cersbusiness.calepa.ca.gov/Public/Violations>) to assist in using the correct violation, and prevent misuse of “General” violations. Violations associated with TCR compliance measures are identified in the CERS violation library with “USEPATCR” in the violation name. If a specific violation is not already available in the CERS violation library, UPAs are encouraged to propose to the State Water Board the potential addition of that violation to the CERS violation library.

For additional information regarding the use of CERS “General” violations when specific violations are available, contact:

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

Manufacturer Name Change for UST Leak Detection Equipment and Methods

Effective September 1, 2020, Praxair Services, Inc. changed its name to Linde Services, Inc. The State Water Board has confirmed with Linde Services, Inc. that training and services remain the same, and Local Guidance (LG) 113 — List of Leak Detection Equipment and Methods for Underground Storage Tanks (https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/) has been updated to reflect the name change from Praxair Services, Inc. leak detection equipment and methods to Linde Services Inc. The following UST leak detection equipment and methods were formerly listed under the manufacturer name Praxair Services, Inc. and will now be found under Linde Services, Inc.:

- *Tracer Tight for Large Aboveground Storage Tank Systems*
- *Tracer ALD 2000 Automated Tank Tightness Test*
- *Tracer ALD 2000 Automated Line Tightness Test*
- *Tracer Tight Line Test*
- *Tracer Tight (NVTTC)*
- *Tracer Tight (Vapor-Phase Detector)*
- *SeeperTrace™*

The State Water Board will additionally modify all other documented references of Praxair Services, Inc. to Linde Services, Inc.

For additional information regarding the manufacturer name change from Praxair Services, Inc. to Linde Services, Inc., contact:

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

DTSC

DTSC’s 2021 ID Number Verification Questionnaire Report Cycle to Begin July 6, 2021

DTSC’s 2021 Hazardous Waste ID Number Verification Questionnaire and Manifest Fees Assessment report cycle will begin Tuesday, July 6, 2021. Initial notifications to ID number holders required to complete the questionnaire will begin on July 6, 2021, and stagger over the course of two weeks to allow the Business Operations Unit to support the influx of telephone and email inquiries generated from the notifications.

The Verification Questionnaire is completed through the [electronic Verification Questionnaire \(eVQ\) System](#). The eVQ System provides a fast and convenient way for required hazardous waste handlers to complete the annual Verification Questionnaire to

maintain the active status of their EPA ID numbers. If you receive any questions from your stakeholders regarding the questionnaire, refer them to the information below.

Website: evq.dtsc.ca.gov

FAQ: <https://dtsc.ca.gov/hazardous-waste-id-number-verification-questionnaire/>

Email: eVQ@dtsc.ca.gov

Telephone Number: 1-877-454-4012 (toll-free)

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 June 1, 2021.

- The **Advanced Search** has been modified to allow users to query ID numbers by issuance date. Regulators might find this search helpful in identifying new businesses subject to hazardous waste regulations. Users can access the **Advanced Search** feature by selecting **Handler Search** from the HWTS home page or through the **Reports** menu.
- The ability to search by a Generator or Transporter ID number has been added to the **TQR Detail Report by Manifest**. Users can now search by ID Number, City or County.

DTSC Online Reference Library (DORY)

DTSC provides access to documents and letters that have been written in response to questions regarding hazardous waste classification, recycling as well as other interpretive letters.

DORY is a searchable database that allows CUPAs to find previous DTSC issued documents written by DTSC and filed within the DTSC Online Reference Library and is accessible at this link: <https://dtsc.ca.gov/cserfs/dory/>

Unified Program Training Opportunities

For information on Unified Program inspector training visit:

<https://calepa.ca.gov/cupa/training/>

You can also sign up for McCoy's RCRA Seminars at:

<https://www.mccoysseminars.com/schedule.all.cfm>

Additionally, McCoy's has a "Compliance Corner" on their website that provides RCRA guidance on a variety of hazardous waste topics. It can be found at:

<https://www.mccoysseminars.com/cc/corner.cfm>

Cal OES

Draft Release Reporting Regulations

The Governor's Office of Emergency Services (Cal OES) is proud to announce that amendments to the Hazardous Material Release Reporting regulations (California Code of Regulations, Title 19, Division 2, Article 2, sections 2630-2632) are proceeding. The draft language can be reviewed at:

https://www.caloes.ca.gov/FireRescueSite/Documents/Release_Reporting_Proposed_Regulations_04142021.pdf.

Since it has been such a long time since the last public presentation of these draft regulations, Cal OES is sponsoring two public workshops via Teams. These workshops will be held:

June 22, 2021: 2:00pm to 4:00pm

Link to MS Teams meeting: [Click here to join the meeting](#)

Phone number: +1 (514) 906-4037

Conference ID: 580 199 686#

(https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F%2Fmeetup-join%2F19%3Ameeting_ODMxZTI2ZmltYTl4MC00ODhlLWJjMzQtZDIwZTYzYmM4Zjl2%40thread.v2%2F0%3Fcontent%3D%257b%2522Tid%2522%253a%2522ebf268ae-3036-4714-9f69-c9fd0e9dc6b9%2522%252c%2522Oid%2522%253a%2522dce04101-a308-49b8-a5e8-e9a3421841d9%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=175bf92d-47fb-4f8b-a858-ca35e755a36c&directDI=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true)

June 24, 2021: 2:00pm to 4:00pm

Link to MS Teams meeting: [Click here to join the meeting](#)

Phone number: +1 (514) 906-4037

Conference ID: 190 229 733#

(https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F%2Fmeetup-join%2F19%3Ameeting_MDcwYzFiYzgtNGE0Zi00NDg2LTkwM2UtMmM1ZjExMzI2OGZi%40thread.v2%2F0%3Fcontent%3D%257b%2522Tid%2522%253a%2522ebf268ae-3036-4714-9f69-c9fd0e9dc6b9%2522%252c%2522Oid%2522%253a%2522dce04101-a308-49b8-a5e8-e9a3421841d9%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=4966e3f8-8cd0-40b4-9b3b-8a0ca6d65974&directDI=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true)

Please review the draft language prior to the workshops. For reviewers who wish to respond, please be prepared to explain your comments and/or offer alternative language. Keep in mind that an earlier draft of these amendments was previously daylighted during a series of eight public workshops.

Your review comments may be emailed to: SpillReporting@caloes.ca.gov.

Thank you in advance for your constructive participation.

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](#)