

Unified Program Newsletter – August 2021

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CalEPA

Hazardous Materials Business Plan, California Accidental Release Prevention, and Area Plan Programs - State Oversight Authority Transferred to California Environmental Protection Agency

On July 22, 2021, Governor Newsom signed AB148 which transferred state program oversight authority and responsibilities from California Office of Emergency Services (CalOES) to California Environmental Protection Agency (CalEPA) for the Hazardous Materials Business Plan (HMBP) and California Accidental Release Prevention (CalARP) programs, including the Area Plan . CalEPA and CalOES are working diligently to ensure an efficient and effective transfer of authority. CalEPA will be holding stakeholder meetings in September to identify and discuss priorities for the programs.

For additional information regarding the state oversight authority transfer to CalEPA, please contact John Elkins at John.Elkins@calepa.ca.gov.

State Water Board

Single-Walled UST Closure Commitment Plan

As the December 31, 2025, deadline approaches for permanent closure of single-walled underground storage tank (UST) systems, it is essential that UST owners and operators are aware of the closure process to mitigate missed deadlines, high system removal costs, and anticipated resource shortages. The State Water Resources Control Board (State Water Board), in collaboration with the United States Environmental Protection Agency (U.S. EPA) and Redhorse Corporation, will be reaching out to single-walled UST owners and operators requesting they submit a survey addressing the closure of their systems. The survey packet, titled the *UST Closure Commitment Plan*, discusses general timelines for UST closures and installs, and highlights potential bottlenecks in the closure process that may not be anticipated by UST owners and operators that have not previously closed a UST system.

The State Water Board is requesting the UST owners or operators submit the survey included in the UST Closure Commitment Plan allowing the State Water Board and Unified Program Agencies (UPAs) to further assist in the closure process. The survey asks UST owners and operators general questions about selecting a contractor, preparing and submitting plans and permits, and establishing funding for the closure project. The information provided will assist the State Water Board in tracking the single-walled UST facilities' progress towards permanent closure.

For additional information regarding single-walled UST Closure Commitment Plans, 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.

Motor Vehicle Fuels Stored in Single-Walled USTs

State Water Board staff have seen an increase in inquiries regarding the use of E85 in single-walled USTs. Single-walled USTs are extremely limited in storage capability because of compatibility requirements. California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2640.1 requires all single-walled USTs (including their accessories and linings) that store fuel blends greater than E10 or B5, demonstrate compatibility with the substance stored through approval from an independent testing organization, such as Underwriters Laboratories. Single-walled USTs installed after 1984 storing motor vehicle fuels are also required to demonstrate compatibility with the substance stored using an independent testing organization (UST Regulations, section 2631(k)). This requirement is substantially different than the compatibility requirements for secondarily contained USTs. For example, if an independent testing organization did not initially test and approve a secondarily contained UST to store a specific substance, a manufacturer's statement of compatibility could supplement the independent testing organization's approval to meet the compatibility requirement. Single-walled USTs are not authorized to use the manufacturer's statement of compatibility, and therefore only an independent testing

organization can approve the single-walled UST compatibility for fuel blends greater than E10 or B5.

For additional information regarding motor vehicle fuels stored in single-walled USTs, 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.

UST Operating Permits and Permit Conditions

In the August 2020 [UST Program Monthly Update](https://www.waterboards.ca.gov/water_issues/programs/ust/cupa/updates/docs/ust_program_monthly_update_august.pdf) (https://www.waterboards.ca.gov/water_issues/programs/ust/cupa/updates/docs/ust_program_monthly_update_august.pdf), the State Water Board provided UPAs guidance on updating UST operating permits and permit conditions consistent with the Health and Safety Code, chapter 6.7 (HSC) and UST Regulations. State Water Board evaluation staff are still finding UST operating permits and permit conditions inconsistent with HSC and UST Regulations. Examples include:

- UPAs not issuing UST operating permits and permit conditions under a Unified Program Facility Permit (UPFP) as required by HSC, chapter 6.11, section 25404(a)(6).
- UST operating permits and permit conditions referencing the California Fire Code and/or HSC, chapter 6.75 and California Code of Regulations, title 23, division 3, chapter 18. UPAs have no regulatory authority to reference elements not covered under the Unified Program.
- UST operating permits and permit conditions stating an owner or operator must report an “unauthorized occurrence” to an UPA within 24 hours after the release has been detected or should have been detected. UST owners or operators are required to report a “reportable release” to the UPA within 24 hours after a release has been detected or should have been detected (HSC, section 25295(a)(1)), transmit unauthorized release information to the UPA within five working days, and if necessary, report unauthorized release information to the Office of Emergency Services.

For more information on UST operating permits and permit conditions 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.

Reporting Requirements for Unauthorized Releases – Owners or Operators and UPAs

An unauthorized release is “reportable” if the hazardous substance escapes from the secondary containment, or from the primary containment, if no secondary containment exists, and increases the hazard of fire or explosion, or causes deterioration of the secondary containment of the UST system (HSC, section 25295(a)(1)). Pursuant to

HSC, section 25281(x), an unauthorized release is any release of any hazardous substance that does not conform to chapter 6.7.

The correct process for reporting a “reportable” unauthorized release is for an owner or operator to report the release within 24 hours to the UPA, and transmit information regarding the unauthorized release to the UPA no later than five working days after the date of the occurrence of the unauthorized “reportable” release. When reporting release information, owners or operators must provide the UPA with the following: 1) a description of the nature and volume of the unauthorized release; 2) the corrective or remedial actions undertaken; 3) any further corrective or remedial actions, including investigative actions, that will be needed to clean up the unauthorized release and abate the effects of the unauthorized release; 4) a time schedule for implementing the actions specified in HSC, section 25295(c); 5) the source and cause of the unauthorized release; 6) the UST system’s record of compliance with chapter 6.7, including data on equipment failures; and 7) any other information the State Water Board deems necessary to implement or comply with this chapter 6.7, chapter 6.75 (commencing with section 25299.10), or the federal act (HSC, section 25295(a)(1)).

In addition to the reporting requirements in HSC, section 25295(a)(1), UST owners or operators also may be required to comply with additional reporting requirements, including, but not limited to, reporting requirements in Water Code, sections 13271 and 13272 and reporting an unauthorized release to the Office of Emergency Services if emergency response personnel and equipment were involved at any time (HSC, section 25295(c)).

Each Regional Water Quality Control Board and each UPA also must submit a report to the State Water Board for all unauthorized releases in accordance with HSC, section 25295(b)(1).

For more information on UST operating permits and permit conditions 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.

Under-Dispenser Containment Requirements

State Water Board staff have recently fielded several questions pertaining to under-dispenser containment (UDC) requirements at facilities where riser pipes deliver fuel and a dispenser is not obvious. This construction type often occurs at airports where the UST product lines surface to risers attached to meters and hoses that supply delivery trucks. UST Regulations define dispensers as above or underground devices used for delivering hazardous substances from a UST. This includes metering and delivery devices and their related appurtenances.

In accordance with UST Regulations, all dispensers require UDCs to be installed that serve as secondary containment or otherwise prevent unauthorized releases from entering the environment. The absence of a traditional dispenser does not exempt a facility from the UDC requirement. Facilities that do not have UDCs beneath their

dispensers must install, test, and monitor UDCs meeting the requirements of UST Regulations, section 2636(g).

For additional information regarding UDC 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.

Updated UST Construction and Monitoring Table

State Water Board staff have updated the [UST Construction and Monitoring Table](https://www.waterboards.ca.gov/water_issues/programs/ust/tech_notices/docs/ust_construction_and_testing_requirements.pdf) (https://www.waterboards.ca.gov/water_issues/programs/ust/tech_notices/docs/ust_construction_and_testing_requirements.pdf) previously released in June 2008. Key modifications to the document include updates made in response to changes in the UST Regulations, a new testing requirements section, and increased accessibility. All sections in the new table include references to HSC, UST Regulations, and State Water Board Local Guidance documents.

For additional information regarding the updated UST Construction and Monitoring Table, 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.

DTSC

DTSC's 2021 ID Number Verification Questionnaire Report Cycle Began July 6, 2021

The Department of Toxic Substances Control's (DTSC) 2021 Hazardous Waste ID Number Verification Questionnaire and Manifest Fees Assessment report cycle began on Tuesday, July 6, 2021. Initial notifications to ID number holders required to complete the questionnaire began on July 6, 2021, and will be staggered 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 public 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: <https://dtsc.ca.gov/cserfs/dory/>. It can also be navigated to by visiting the Regulatory Assistance Office (RAO) webpage and browsing the RAO Related Links.

By performing keyword searches, CUPAs will be able to find resources that can help answer questions about hazardous waste determinations, exemptions, interpretations of regulations, and more. For example, if CUPAs are experiencing questions from their generators about Generators of Highly Controlled Used Oil and whether their used oil can qualify for a hazardous waste exclusion, please search the DORY for keyword "exclusion for used transformer oil" or "used oil exclusion" to find letters from the RAO that may address your questions.

Nationwide Incinerator Backlog

Due to many contributing factors, there is a nationwide backlog happening at incinerators throughout the country. Many generators with hazardous wastes that require incineration are having difficulty manifesting their wastes offsite within their 90- or 180-day accumulation limit due to many TSDFs, incinerator or otherwise, being backlogged. DTSC has been experiencing an unprecedented amount of Resource Conservation and Recovery Act (RCRA) 30-day extension requests due to this bottleneck effect.

At this time, DTSC is in communication with U.S. EPA about the situation and whether States have the authority to grant second/multiple 30-day extensions for RCRA wastes. Currently, U.S. EPA has not made a determination and DTSC will not be granting second/multiple 30-day extensions until we receive confirmation from U.S. EPA.

If generators in your jurisdiction have questions about submitting a RCRA 30-day accumulation extension, please refer them to DTSC's [website](https://dtsc.ca.gov/30-day-storage-extension-application/) (https://dtsc.ca.gov/30-day-storage-extension-application/) to review submission guidelines and the electronic extension application. Additionally, generators can send questions to 30dayextension@dtsc.ca.gov.

Unified Program Training Opportunities

For information on Unified Program inspector training visit:
<https://calepa.ca.gov/cupa/training/>

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.

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