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CalEPA

[CERS Knowledge Base, Help Articles and FAQs](https://cers.calepa.ca.gov/newsletter-articles)

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

[How to Merge Facility Records for the Same Business at a New Location](https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2022/02/CERS-Regulator-Portal-Help-How-to-Merge-Facility-Records-for-the-Same-Business-at-a-New-Location.pdf)

(<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2022/02/CERS-Regulator-Portal-Help-How-to-Merge-Facility-Records-for-the-Same-Business-at-a-New-Location.pdf>)

California Code of Regulations, Title 27 - Unified Hazardous Waste and Hazardous Materials Management Regulatory Program Revisions

Virtual Informal Stakeholder Workshops

CalEPA is proposing changes to California Code of Regulations (CCR) title 27 (27 CCR), which affect the implementation and administration of the Unified Program. 27 CCR was last revised in 2017. It is necessary to revise, reorganize, and update 27 CCR to administer and accomplish the Unified Program’s objectives of coordination, consolidation, and consistency in the protection of human health, safety, and the environment. Updating the language of 27 CCR will advance statewide and cross-program coordination, enhance the clarity of, and further foster, the consistency of implementation of the Unified Program. Providing clear and consistent regulatory language ensures regulated businesses, Unified Program Agencies (UPA)s, and Unified Program state agency partners will be accomplishing the definitive goal of CalEPA in

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

the administration and implementation of the Unified Program to reduce the impact of hazardous materials on public health and safety and the environment.

CalEPA established a small workgroup of 31 members, with representatives from CalEPA, Department of Toxic Substances Control (DTSC), Office of the State Fire Marshal (OSFM), State Water Board (SWB), Certified Unified Program Agency (CUPA) Forum Board (CFB), and numerous CUPAs throughout the state to review 27 CCR. Beginning on April 1, 2021, this group met once every two weeks to review and make numerous substantive and non-substantive changes to the regulations.

Examples of non-substantive changes include:

- Capitalizing words that needed to be capitalized.
- Changing run-on sentences to make them easier to understand.
- Changing the outline format.
- Moving wording and information from one section to another for clarity.

Examples of Substantive changes include:

- Changing the Hazardous Material Release Response Plan (HMRRP) and California Accidental Release Reporting (CalARP) program oversight agency from California Office of Emergency Services (CalOES) to CalEPA with the adoption of AB 148 (Chapter 115, Statutes of 2021).
- Added the definition of Progressive Enforcement.
- Complete rewrites of sections 15210 Single Fee System and 15220 Fee Accountability.
- Streamlined the training and education requirements of section 15260 UPA Education and Training.
- Making the education and training requirements of PAs equal to the education and training requirements of a CUPA.
- Repeal section 15270 PA Education, Technical Expertise, and Training.
- Repeal Article 10 Businesses Reporting to CUPAs.
- Adopt Article 9 Appendices.
- Changing the Quarterly Transmittal Report to include a CERS Nextgen surcharge section.

The purpose of these informal stakeholder workshops is to give Unified Program stakeholders an opportunity to learn about the changes to Title 27, both substantive and non-substantive, and provide comments and questions about the changes. These comments will be evaluated and used to amend the regulations, if warranted.

During each of the scheduled workshops, CalEPA will be reviewing the substantial changes to the regulations, which include those previously mentioned. CalEPA will be using the Zoom virtual meeting platform to host the workshops. Because all workshops will cover the same information, there is no requirement to attend all of the workshops.

Virtual Workshop Dates

March 8, 2022, from 9:00 am to 11:00 am

<https://us02web.zoom.us/j/84734030457?pwd=MkRhWJtQ21McC9HZVRmdGUvOVhMdz09>

Passcode: 982432

March 9, 2022, from 1:00 pm to 3:00 pm

<https://us02web.zoom.us/j/83983987734?pwd=M2U1SDRpL0w5aUJDTUVWQ29ya0J6Zz09>

Passcode: 545174

March 14, 2022, from 9:00 am to 11:00 am

<https://us02web.zoom.us/j/82783390016?pwd=ZmUrb1RlZXdlRmRqNEdBu3JuMmITZz09>

Passcode: 739395

March 16, 2022, from 1:00 pm to 3:00 pm

<https://us02web.zoom.us/j/86862457813?pwd=aUs5VzM2RDhCMUtPd2NGb05VQIN3UT09>

Passcode: 847723

Who Should Attend: Regulated Business Owners/Operators, Consultants, UPA regulators, and interested members of the public.

The draft proposed regulations will be available on the CalEPA Unified Program website shortly.

Please send all comments, recommendations, and questions to Steven Gailey, Senior Environmental Scientist, at Steven.Gailey@calepa.ca.gov with the subject line “27 CCR Changes”.

About Hazardous Waste Site Data

CUPA co-regulators can research hazardous waste site details in many ways. RCRAinfo is the United States' Environmental Protection Agency's (USEPA's) database of record for hazardous waste information. It receives Compliance, Monitoring, and Enforcement (CME) information from both CERS and Envirostor. Its data is shared to <https://echo.epa.gov> and to <https://hwts.dtsc.ca.gov>. Members of the public can log on to these sites to see basic details about sites. Regulators can get a login account to RCRAinfo, ECHO, and/or HWTS to see much more detailed manifest and compliance information about any specific site.

To tour the public resources in ECHO, see <https://echo.epa.gov/help/tutorials#rcradataflow>. You can use ECHO without an account to see basic compliance data, but to see compliance and manifest information in a single dashboard called RITA, get a regulator account for ECHO. Start at <https://echo.epa.gov>, click on the Login link, and follow the prompts to establish a

login.gov account. For more direct access to RCRAinfo data, start with <https://rcrainfo.epa.gov/rcrainfoprod/action/public/register/new-account> (Regulators only) and select "California" as your sponsor. RCRAinfo users are also eligible to use Metabase, from which you can query manifest details from hazardous waste handlers in your jurisdiction, updated from RCRAinfo nightly. Verify your activity flow from your local data system through CERS to RCRAinfo using Metabase.

For more information about RCRA CME data from California, contact Erika Michelotti (erika.michelotti@calepa.ca.gov) or Kristine Green (kristine.green@dtsc.ca.gov). Hazardous waste inspectors or data managers, to schedule a tour of RITA, RCRAinfo, and Metabase, contact janes.elizabeth@epa.gov.

State Water Board

California Environmental Reporting System Submittal History

State Water Board Resources Control Board (State Water Board) staff are reminding Unified Program Agencies (UPAs) that the California Environmental Reporting System (CERS) limits edits and modifications to the most current 15 submittals. As you are aware, some facilities may submit 10 or more submittals a year, which severely limits the UPAs' ability to repair longstanding deficiencies in the data. California Environmental Protection Agency (CalEPA) is aware of this limitation and plans to change this during a future upgrade to CERS, however this likely will not happen quickly.

Facilities with longstanding incorrect data with over 15 submittals will need to create a new facility submittal to correct the condition. In situations where the UPA for the facility has changed or the facility is no longer in business, the current regulator is encouraged to reach out to Mr. Dan Firth at Daniel.Firth@waterboards.ca.gov or CalEPA CERS assistance at cers@calepa.ca.gov to resolve the condition.

For more information regarding CERS submittal history, 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.

Compartmentalized Tank Denotation in CERS

In October 2021, it was discovered that approximately 500 tanks containing more than one substance were being improperly reported in CERS. Of these, several tanks contain diesel exhaust fluid (DEF), which in a [letter](https://www.waterboards.ca.gov/ust/tech_notices/docs/letter_def_2019.pdf) dated October 2, 2019 (https://www.waterboards.ca.gov/ust/tech_notices/docs/letter_def_2019.pdf), has been determined to be a non-hazardous substance and therefore not regulated under the underground storage tank (UST) program. It is important for facilities that have compartmentalized tanks containing DEF or other unregulated substances in at least one compartment to note this in CERS so that discrepancies in the count of stand-alone versus compartmentalized tanks is mitigated. Per the [CERS frequently asked question](https://www.waterboards.ca.gov/ust/cers/tutorials/bu06_tank_contents.html) (https://www.waterboards.ca.gov/ust/cers/tutorials/bu06_tank_contents.html) on reporting tank contents,

when reporting a tank that has at least one compartment containing an unregulated substance in CERS, add a comment in the “Additional Description” field that one of the compartments contains an unregulated substance. Include the name of the substance in this field as well.

For more information regarding compartmentalized tank denotation in CERS, 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.

Manufacturer’s Secondary Containment Test Method

The State Water Board has been notified that S. Bravo Systems has included the Dri-sump Containment Tightness Test method in their published standards for testing secondary containment. Although the Dri-sump method is now allowed to be used on Bravo sumps, as noted in several previous UST Monthly Program Updates, the requirements regarding methods used for secondary containment testing must meet one of the following, in the following order: 1) the method is included in the manufacturer’s published guidelines or standards for testing the secondary containment component; 2) if there are no manufacturer’s published guidelines or standards for testing the secondary containment component and the test method is specified in industry code or engineering standards; or 3) if there are no published manufacturer’s guidelines or standards for testing the secondary containment component, and if there are no applicable industry codes or engineering standards for testing the secondary containment component, the test method must be approved by a California registered professional engineer for testing the secondary containment component.

As no other manufacturer has included Dri-sump in their published guidelines or standards for testing the secondary containment components, Dri-sump may only be used on Bravo sumps.

For more information regarding secondary containment testing, 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.

Violation for Piping Without Secondary Containment

Systems with single-walled vents or riser piping without the proper overflow prevention equipment as required by California Code of Regulations, Title 23, Division 3, Chapter 16, (UST Regulations), section 2636(a)(1), are being incorrectly cited in CERS as overflow protection equipment violations. These are construction violations as the pipe is incorrectly utilizing a secondary containment exemption. For UST systems incorrectly constructed without secondary containment, the UPA must use the CERS secondary containment violation *2060005 Double-Walled Construction After January 1, 1984*.

For more information regarding secondary containment violations, 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

Permit by Rule and Conditional Authorization Tiered Permitted Facilities Must Adjust Closure Cost Estimates for Inflation by March 1, 2022

Financial assurance is required for tiered permitted facilities that are under the permit by rule (PBR) and conditional authorization (CA) tiers. Closure cost estimates are required as part of the closure plans under PBR and CA. Adjusted closure costs are estimated by multiplying the current cost estimate and the estimated inflation factor.

The inflation factor in a closure plan’s closure cost estimate and a facility’s financial assurance mechanism should be calculated using the values provided by the U.S. Department of Commerce, Bureau of Economic Analysis (BEA): <https://www.bea.gov/> -> Tools -> Interactive Data -> National Data: GDP & Personal Income -> Begin using the data... -> Section 1 – Domestic Product and Income -> Table 1.1.9. Implicit Price Deflators for Gross Domestic Product (A) (Q) -> Line 27: Gross national product.

PBR and CA facilities are required to adjust closure cost estimates for inflation by March 1st of every year (California Code of Regulations, Title 22, Section 67450.13). Because the inflation factor for the full 2021 year will not be available until the end of March 2022, DTSC recommends using a ratio of the third quarter index numbers for the past two years to estimate the 2022 inflation factor.

As provided by the U.S. Department of Commerce, BEA in Line 27 of “Table 1.1.9. Implicit Price Deflators for Gross Domestic Product (A)(Q)” of “Section 1- Domestic Product and Income,” the 3rd quarter index number for 2021 is 119.093 and the 3rd quarter index number for 2020 is 113.873. The estimated inflation factor for 2022 is 1.046, derived as follows:

Estimated Inflation Factor for 2022	=	3 rd Quarter Inflation Factor for 2021	÷	3 rd Quarter Inflation Factor for 2020
1.046		119.093		113.873

Cal FIRE OSFM

CERS – Aboveground Petroleum Storage Act (APSA) Documentation

The APSA Documentation section in CERS is for the tank facility statement reporting requirement (Health and Safety Code, Division 20, Chapter 6.67, Section 25270.6) or a local reporting requirement. Contact your local [Unified Program Agency](#) if their governing body has adopted additional local reporting requirement for the APSA Program.

(<https://cersapps.calepa.ca.gov/Public/Directory/>)

The APSA Documentation section does **NOT** request the submittal or location of the Spill Prevention, Control, and Countermeasure (SPCC) Plan. An SPCC Plan is **NOT** required to be uploaded to CERS and, therefore, an SPCC Plan should **NOT** be uploaded to CERS.

An APSA tank facility must keep a copy of their SPCC Plan onsite if the facility is normally attended at least four hours per day, or at the nearest field office if the facility is not so attended.

If a tank facility is exempt from preparing an SPCC Plan because it meets certain conditions under APSA, the facility should **NOT** select 'Exempt' in the APSA Documentation section in CERS. **[NOTE: This is not the same as, nor should be confused with, the 'Conditionally-Exempt' check box in the APSA Facility Information section in CERS.]**

A facility meets the tank facility statement reporting requirement by either (1) uploading a tank facility statement through the APSA Documentation section or (2) submitting a *complete* Hazardous Materials Business Plan (HMBP), which includes the Facility Information, Hazardous Materials Inventory, Site Map, and Emergency Response and Training Plans.

When submitting an HMBP, the facility may select the "Provided Elsewhere in CERS" option and the "Hazardous Materials Inventory" option in the APSA Documentation section in CERS.

The following APSA Documentation options should **NOT** be selected: Public Internet URL, Provided to Regulator, Stored at Facility or Exempt.

If you have questions, contact OSFM staff at cupa@fire.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.

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