

Unified Program Newsletter – September 2022

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CalEPA

EPA ID Validation Tool

Businesses in California subject to regulation under the Certified Unified Program Agency (CUPA) are required to electronically report and submit required information to the California Environmental Reporting System (CERS) in accordance with Title 27 California Code of Regulations section [15188\(b\)](#). All data fields on CERS web pages and defined in the Unified Program Data Dictionary are required to be completed by law. It is the responsibility of businesses and UPA's (Unified Program Agencies) to ensure data in CERS is accurate.

(<https://www.law.cornell.edu/regulations/california/27-CCR-15188>)

The CERS Environmental Protection Agency (EPA) ID Validation Tool went live on August 28th. Manual entry of a facility EPA ID number has been replaced with a comparison against Department of Toxic Substance Control's (DTSC) Hazardous Waste Tacking System (HWTS).

Since the go-live date more than 4,000 facilities have completed a submittal in CERS with over 2,500 being hazardous waste generators.

Only 80 hazardous waste generators (3%) have declined to accept an EPA ID from the EPA ID retrieval service. A review of facilities that did not complete the validation found incorrect EPA ID numbers, discrepancies in business names between HWTS and CERS, and sites reporting waste generation without an EPA ID. CalEPA will continue to monitor the tool and submittals the next few months.

EPA ID validation typically fails for the following reasons:

- ❖ EPA ID inactive for more than 4 years
 - Solution = reactive EPA ID, DTSC form 1358 or complete EVQ by contacting DTSC at eVQ@dtsc.ca.gov
(https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/GISS_FORM_1358.pdf)
- ❖ Temporary EPA IDs
 - Solution = obtain permanent EPA ID
(<https://dtsc.ca.gov/apply-for-hazardous-waste-epa-id-number/>)
- ❖ Non-verifiable postal address such as a college campus or military bases
 - EPA ID must be validated through CalEPA IT

Coming Soon to CalEPA – CUPA GIS Map

Background: CalEPA started a project to create a digital map of jurisdictional boundaries for Certified Unified Program Agencies (CUPAs) and their associated Participating Agencies (PAs).

What? CalEPA is creating a statewide CUPA GIS map in two phases. The first phase is focused on validating the boundaries for CUPAs whose jurisdiction matches county and/or city lines. The second phase will focus on CUPAs that require additional boundary edits. CalEPA will implement a CUPA GIS Portal to allow CUPA managers with no GIS expertise to review, validate, and modify their jurisdictional boundary.

Why? This effort is in response to challenges with determining CUPA and PA jurisdiction based on zip codes. The current zip code-based identification of jurisdictional boundaries is problematic in densely populated areas sometimes causing confusion over who has jurisdiction. This may result in delays coordinating emergency response activities. The map resulting from this project will be incorporated into CERS NextGen for regulator assignment. The CUPA GIS Project will establish an accurate dataset to increase efficiency for emergency response teams and address CUPA assignment challenges.

When? A contractor has been hired to create a user-friendly online portal to enable map edits on an Accessor's Parcel Number (APN) level. The portal is anticipated to be completed in winter of 2022. The first CUPA involvement is to complete the *CUPA GIS Project Initial Survey* that was emailed from Jennifer Rohde on August 25, 2022, and needs to be completed by September 9, 2022.

Who? Each CUPA will be asked to validate its boundaries and coordinate with CalEPA to make any needed changes. The CUPAs also will be responsible for validating their PA boundaries and ensuring they are accurately reflected in the Portal.

How? CUPA representatives will be trained on how to access the Portal to review existing boundaries and request boundary updates.

What's Next? On August 25, 2022, a survey link was emailed to CUPA managers to gather information about their awareness of the CUPA GIS Project, their existing boundaries, and the support they may need to prepare to use the Portal. The information gathered will be used to develop training and communication to help the CUPAs use the new Portal.

Stay Tuned for More: Look for the CUPA GIS Flyer and Frequently Asked Questions for more information about the CUPA GIS Project!

If you have questions about the CUPA GIS Project, we invite you to contact the CUPA GIS Project OCM Team at: Ivan.parra@calepa.ca.gov and Michelle.kirwan@calepa.ca.gov.

HMBP/CalARP Unit

HMBP/CalARP Unit to Begin Conducting Oversight Inspections During CUPA Evaluations

The HMBP/CalARP unit at CalEPA will begin to conduct oversight inspections as part of the CUPA evaluation process. An oversight inspection will be considered an inspection of an HMBP and/or a CalARP facility or facilities in which the CUPA inspector is responsible for and leads the inspection at a regulated facility that CalEPA chooses. CalEPA will evaluate the CUPA inspector's performance in conducting a complete, thorough, and adequate inspection at the regulated facility and will ensure that the CUPA inspector is properly applying all standards and identifying all violations correctly. The results and findings of the inspection will be incorporated into the Summary of Findings document. CalEPA will work with the CUPA to schedule any oversight inspections.

For more information or further questions please contact Elizabeth Brega at Elizabeth.brega@calepa.ca.gov.

Spotlight: Common CalARP Deficiency During CUPA Evaluations

A common CalARP deficiency that has been repeatedly documented is for the Annual CalARP Performance Audit not being completed or being incomplete. Information pertaining to the Annual CalARP Performance Audit can be found in [California Code of Regulations, Title 19, Div. 2, Chp. 4.5, Art. 10, Section 2780.5](#)

([https://govt.westlaw.com/calregs/Document/I2D1E46835BE511EC98C8000D3A7C4BC3?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I2D1E46835BE511EC98C8000D3A7C4BC3?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))

which lists the requirements. The regulatory requirements are also outlined below:

19 CCR § 2780.5 - Performance Audit Submission

(a) Beginning in fiscal year 1998 (July 1, 1998 - June 30, 1999), the UPA shall annually conduct an audit of its activities to implement the CalARP program. This audit is subject to the periodic review carried out pursuant to Section 25404.4(a)(1) of HSC.

(b) An audit report shall be compiled annually based upon the previous fiscal year's activities and shall contain an executive summary and a brief description of how the UPA is meeting the requirements of the program as listed in Section 2780.3. The audit shall include but is not limited to the following information:

- (1) a listing of stationary sources which have been audited.
- (2) a listing of stationary sources which have been requested to develop RMPs.
- (3) a listing of stationary sources which have been inspected.
- (4) a listing of stationary sources which have received public comments on the RMP.
- (5) a list of new or modified stationary sources.
- (6) a summary of enforcement actions initiated by the UPA identifying each stationary source.
- (7) a summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP program.
- (8) a list of those stationary sources determined by the UPA to be exempt from the chapter pursuant to Section 25534(b)(2).

CalEPA encourages all CUPAs to review the requirements and ensure compliance with the regulation.

For more information or further questions please contact the HMBP/CalARP unit at CalARP@calepa.ca.gov.

State Water Board

Corrosion Protection on Metal Components

Currently the underground storage tank (UST) universe has components constructed of metal in contact with soil that had corrosion protection coatings applied by the

manufacturer. Many of these coatings no longer provide corrosion protection, and therefore do not meet the corrosion protection requirements of California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), sections 2631(d), 2635(a), 2635(b), and 2636(b). Since these components are often poured into concrete or buried under other surface materials, it is difficult to determine if they are meeting the corrosion protection requirements.

During a compliance inspection, if corrosion is visible on the inside of metal components described above, such as spill containers, under dispenser containment, or jacketed single-walled steel tanks, the owner or operator must demonstrate to the satisfaction of the UPA that the metal components in contact with backfill materials meet the corrosion prevention requirements of UST Regulations. UST Regulations require systems to be properly protected against corrosion to prevent the possibility of release, structural weakening, and other damage. Further, UPAs shall not approve a repair to corroded components unless it can be demonstrated that the repair will prevent a release or structural failure per UST Regulations, section 2660(k).

For additional information regarding corrosion protection on metal components, contact: Mr. Austin Lemire-Baeten at (916) 327-5612, or Austin.Lemire-Baeten@waterboards.ca.gov.

Request to Submit Abstracts: 25th Annual CUPA Conference

The California CUPA Forum is requesting [abstracts](https://calcupa.org/submit-abstracts/index.html) for the 2023 CUPA Conference (<https://calcupa.org/submit-abstracts/index.html>).

This will be the first in-person conference in several years, and provides training related to enhancing the Unified Program and improving consistency between the CUPAs and PAs throughout California.

The State Water Resources Control Board (State Water Board) realizes that the time required to prepare and present at the conference is a substantial commitment by both CUPA management and the individual presenting. Presenters receive International Code Council credit hours equal to the amount of time of their presentation. CUPAs that continue to meet their obligations in addition to providing presentations should be recognized for their outstanding achievements.

The California CUPA Forum has requested abstracts be submitted by September 9, 2022. Please note that speaker biographies must be submitted prior to the abstract submittal.

For additional information regarding the 25th Annual CUPA Conference abstracts, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Equipment Testing Intervals Following Repairs

State Water Board staff have fielded questions regarding testing, certification, or inspection (testing) schedules for repaired components. Repaired UST system components are required to be tested within 30 days of repair. Tests following repair procedures do not change the original inspection frequency for that component unless all like components are fully tested after the repair is completed. For example, if one overfill prevention component was repaired and subsequently tested, this, and all other overfill prevention components in the system are still subject to the original, 36-month test interval. However, if all overfill prevention components are fully tested at the time of the repair, this essentially moves the test date forward and the next periodic test is due 36 months later in accordance with UST Regulations, section 2620(e).

For additional information regarding testing intervals following repairs, contact: Mr. Austin Lemire-Baeten at (916) 327-5612, or Austin.Lemire-Baeten@waterboards.ca.gov.

Safe Suction Piping Outreach

State Water Board staff will be reaching out to UPAs to confirm which systems in their jurisdiction properly utilize safe suction piping construction. While single-walled USTs must be permanently closed before January 1, 2026, single-walled safe suction pipe connected to secondarily contained USTs installed before July 1, 2003, does not require permanent closure. It is imperative UPAs confirm these systems' piping meets the requirements for UST Regulations, section 2636(a)(3). Safe suction piping must operate at less than atmospheric pressure, be sloped such that all contents in the pipe drain back to the storage tank if suction is released, have no valve or pumps installed in the suction line below grade, and have an inspection method that readily demonstrates compliance with these requirements. The State Water Board will send a list to each UPA with safe suction pipe within their jurisdiction as listed in CERS. UPAs are requested to respond to the State Water Board within 90 days.

For additional information regarding safe suction piping outreach, contact: Mr. Austin Lemire-Baeten at (916) 327-5612, or Austin.Lemire-Baeten@waterboards.ca.gov.

USTs with No Accepted Submittals

A recent update to the CERS database in August 2022 includes a new UST Facility Search report. This report lists all sites where there has been a UST submittal or a

reported inspection regardless of whether the site's UST Reporting requirement is set to Applicable or Not Applicable. However, sites without accepted submittals may get excluded from CERS reports if their data is not properly entered or managed. Sites that may have abandoned UST systems may have been reported previously and could be any of the following scenarios:

- (a) Sites where the UST reporting requirement set to "Not Applicable," there is a non-accepted UST submittal, and the submittal does not include the UST Facility Operating Permit Application type of action.
- (b) Sites where the UST Reporting requirement is set to "Not Applicable" and there is one or more reported UST inspection.
- (c) Sites where the UST Reporting requirement is set to "Applicable," but there are no UST submittals or inspections.

For example, a tank will not be included in any CERS report if the latest submittal was rejected by the UPA, no follow-up submittal is made, the UST Reporting requirement is set to Not Applicable, and CERS shows no UST inspections were reported. UPAs should check which systems in their jurisdiction do not have any accepted CERS UST submittals and require the owner or operator to submit a new submittal for acceptance.

For additional information regarding USTs with no accepted submittals, contact: Mr. Dan Firth at Daniel.Firth@waterboards.ca.gov.

Internal Stand Alone Tank Systems

As the drive to remove and replace single-wall USTs accelerates, owners and operators are seeking out different solutions for replacing their existing systems. The State Water Board issued a [letter](#) in January 2015 (https://www.waterboards.ca.gov/ust/docs/tank_tech.pdf) describing Internal Stand Alone Tank Systems (ISATS) and their applicability for owners of single-walled USTs. For the ISATS to be a valid method for replacing the original tank, the original UST must be permanently closed in accordance with UST Regulations, section 2672. The new system is subject to Health and Safety Code, chapter 6.7 (H&SC), section 25290.1(e) and is required to be monitored through vapor, pressure, or hydrostatic pressure methods. The ISATS qualifies as a newly constructed tank, therefore individuals installing the system must possess the appropriate licensing and certifications pursuant to UST Regulations, section 2715 and [Local Guidance letter 167-2](#) (https://www.waterboards.ca.gov/ust/leak_prevention/lgs/docs/lg-167-2.pdf). Post-installation enhanced leak detection testing in accordance with H&SC, section 25290.1(j) is also required before the new tank can be operational. Additional details, restrictions, and requirements for using these systems can be found in the State Water Board's letter from January 2015.

For additional information regarding the ISATS, contact:
Mr. Austin Lemire-Baeten at (916) 327-5612, or
Austin.Lemire-Baeten@waterboards.ca.gov.

Cal FIRE OSFM

Underground Storage Tanks (UST) as Aboveground Storage Tanks (AST)

Question: Can a UST be used aboveground to store petroleum?

Answer: No.

USTs are prohibited for aboveground storage of flammable and combustible liquids under the California Fire Code (CFC) due to safety issues and structural reasons (2019 CFC, Section 5704.2.7 and National Fire Protection Association 30, Section 21.3.4).

Refer to the following 2014 Information Bulletins posted on the CAL FIRE-OSFM website at <https://osfm.fire.ca.gov/divisions/code-development-and-analysis/information-bulletins/>.

- Information Bulletin 14-005 “Underground Fuel Storage Tanks Prohibited for Use as Aboveground Fuel Storage Tanks”
- Information Bulletin 14-005-A “Addendum - Underground Fuel Storage Tanks Prohibited for Use as Aboveground Fuel Storage Tanks”

In addition, the Code of Federal Regulations (CFR), Title 40, Part 112, Section 112.8(c)(1) states a facility may “[not] use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.”

If you have questions, send an email to cupa@fire.ca.gov.

Spill Prevention, Control, and Countermeasure (SPCC) Plan Exemption for Farms under the Aboveground Petroleum Storage Act (APSA)

The **Water Resources Reform and Development Act (WRRDA)** of 2014 changed the applicability provisions and the criteria for self-certification of SPCC Plans for farms. For more details, refer to the WRRDA fact sheet on the U.S. Environmental Protection Agency (US EPA) website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/farms-fact-sheet-explaining-impact-water>.

Under WRRDA, a farm is not required to have an SPCC Plan if it has:

- An aggregate aboveground **oil** storage capacity less than 2,500 gallons
OR
- An aggregate aboveground **oil** storage capacity greater than 2,500 gallons and less than 6,000 gallons; **AND**
- No reportable discharge history.

A farmer can self-certify the SPCC Plan if the farm has:

- An aggregate aboveground **oil** storage capacity greater than 6,000 gallons but less than 20,000 gallons;
- No individual tank with a capacity greater than 10,000 gallons; **AND**
- No reportable discharge history.

APSA SPCC Plan Conditional Exemption

A farm is conditionally exempt from the requirement to prepare an SPCC Plan in California under the APSA program provided that the owner or operator of the farm:

- Has no single petroleum storage tank with a capacity larger than 20,000 gallons,
- Has an aggregate petroleum storage capacity not exceeding 100,000 gallons,
- Conducts daily inspections of their aboveground petroleum storage tanks,
- Allows UPA inspectors to conduct periodic inspections, and
- Installs secondary containment if requested to do so by the UPA. [HSC, Section 25270.4.5(b)]

This APSA conditional exemption is specific to the California APSA program only. Federal SPCC requirements may still apply, including requirements to prepare and implement an SPCC Plan, irrespective of a farm's qualification for the APSA conditional exemption.

For more information on farms, visit the following resources.

- OSFM APSA farms webpage at <https://osfm.fire.ca.gov/divisions.pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/farms>
- APSA Program Guidance Document at <https://osfm.fire.ca.gov/media/z4zlg3pr/apsa-faq-12apr2021-final.pdf>
- US EPA SPCC for agriculture webpage at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spill-prevention-control-and-countermeasure-spcc>

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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