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CalEPA

EPA ID Validation Project

Summary

The CERS Environmental Protection Agency (EPA) ID Validation Tool went live on August 28th. The IT team is, and will continue to, monitor the implementation, and install enchantments to improve the tool. Analysis of submitted data shows the system is experiencing the anticipated failure rate of <5%.

The Numbers

Since the implementation of the new tool, about 4,000 facilities generating hazardous waste have completed a draft or submittal of the business activities section in CERS per week. The CERS IT team has overridden the validation for less than 10 facilities.

Over 200 facilities have failed to manually validate the EPA ID number by clicking the “Retrieve EPA ID” button in the business activities section of CERS. Facilities with this warning message should complete the manual validation with their next submittal to clear the error message.

Only 55 facilities have failed the validation tool. These facilities in general do not have a valid mailing address. A descriptive address such as a freeway or highway, or intersection generally does not allow for a match with HWTS.

Pending Enhancements

A few connectivity issues have occurred with the HWTS system since the implementation reducing the functionality of the tool. To abate this the IT team has added notifications to alert the team of a failure and increased the processing time for manual validations. This enables a prompt restoration of functionality to reduce the impact on facilities. A root cause analysis has been performed and additional measures have been implemented to prevent a reoccurrence.

One known issue is the inability to remove an incorrect or old EPA ID number from a facility. The IT team is working on a long-term solution to this pain point. Until this can be implemented the CERS IT team can manually remove an EPA ID number at the request of a CUPA or facility. Once the solution is implemented UPAs will be notified in the monthly newsletter.

The validation tool is not automatically validating EPA ID numbers in CERS with an EPA ID number starting with a lowercase letter. This will be corrected and should make the process simpler for those who have not used the tool to date.

CalEPA is evaluating potential options for new facilities as we explore options for Phase 2 of the project. Prior to making decisions Program will consult with UPAs and the business community. Phase 2 will not move forward until April 2023 at the earliest.

For questions, please contact Erika Michelotti at Erika.Michelotti@CalEPA.ca.gov

EPA ID Numbers – Common Questions and Answers¹

Do I Need a U.S. EPA ID Number, or a California ID Number?

Almost all business generators of hazardous waste in California that are not required to have a U.S. EPA ID Number must have a California ID Number. See California Code of Regulations title 22, section 66262.12.

In summary, except for the below-mentioned exemptions, if you generate only non-RCRA hazardous wastes, or you generate less than 100 kilograms of RCRA hazardous waste per month (or less than 1 kilogram of RCRA acutely hazardous waste), you must get a California ID Number. If you generate more than 100 kilograms of RCRA waste per month or more than 1 kilogram of RCRA acutely hazardous waste per month, then you must get a U.S. EPA ID Number.

Exemptions:

1. Generators handling only hazardous waste produced incidental to owning and maintaining their own place of residence do not need an ID Number, either federal or state.
2. Businesses whose ONLY hazardous waste generation is 100 kilograms or less per month of waste that is hazardous solely because of its silver content (“silver-only waste”) do not need an ID Number. This is true even if they treat the waste in silver-recovery units and then send the silver for reclamation. See Health and Safety Code section 25143.13. Also see the DTSC Fact Sheet, [“Onsite Tiered Permitting: Changes in Regulation of Silver Wastes”](https://dtsc.ca.gov/onsite-tiered-permitting-changes-in-regulation-of-silver-wastes-as-established-by-senate-bill-sb-2111/).
(<https://dtsc.ca.gov/onsite-tiered-permitting-changes-in-regulation-of-silver-wastes-as-established-by-senate-bill-sb-2111/>)
3. Businesses that generate and manage less than 11,000 lbs. (about 5 tons) of universal waste on- site at any one time may need to get a Federal EPA number. For information about obtaining a Federal EPA number go to the ID main webpage. For information about Universal Waste, see DTSC’s [“Managing Universal Waste in California.”](https://dtsc.ca.gov/managing-universal-waste-in-california-fact-sheet/)
(<https://dtsc.ca.gov/managing-universal-waste-in-california-fact-sheet/>)

How Many ID Numbers do I Need?

ID Numbers are site-specific and there is normally only one number at a business address. If you have a business that generates waste at multiple addresses that are not physically connected (contiguous), each address needs a separate ID Number. In the case where generators are independent businesses that operate in suites within the same building, each business must have their own ID Number.

¹ <https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2018/01/Hazwaste-Periodic-Waste-Generation.pdf>
<https://dtsc.ca.gov/epa-id-numbers-fs/>

Can a facility that generates hazardous waste rarely, but routinely, use a temporary EPA ID Number?

No. Temporary EPA ID Numbers are used for people or businesses who do not typically generate hazardous waste. Examples of non-routine (not ongoing) activities include asbestos abatement, removing underground tanks, and removing hazardous waste that was abandoned in a leased building. In other words, temporary State ID numbers are generally used for one time or short duration events.

A facility that does not normally generate hazardous waste and uses a temporary EPA ID number to ship waste generated for a one-time instance or a short duration event is generally not subject to hazardous waste permits, fees, and routine inspections.

How should a facility that generates hazardous waste rarely, but routinely, answer the Business Activities question, “Does your facility generate Hazardous Waste?”

A facility that routinely generates hazardous waste should report that the facility generates hazardous waste. Facilities should apply for a Permanent EPA ID number even if they generate waste Hazardous Waste rarely, but routinely. Also, facilities that generate waste rarely, but routinely, should report to CERS that they are a generator of hazardous waste.

Coming Soon to CalEPA – CUPA GIS Digital Boundary Map

What’s New?

A huge thank you for participating in our initial CUPA GIS Readiness Assessment Survey from August 25th to September 9th. We had an overwhelmingly positive response from 80% of CUPAs statewide. The information you provided is invaluable and will help drive future communications, activities, and materials related to the CUPA GIS Project. If you did not respond to the initial survey but would still like the opportunity to provide your input, we have reactivated it, allowing you to submit your CUPA’s response. You can find the original survey at: <https://tinyurl.com/46civ4a7>.

You’ve spoken, and we’ve heard you! We received several requests for more CUPA GIS Project related information. We are taking immediate action to provide another communication channel to you via a new CUPA GIS Project Webpage. The Webpage was developed to share general project information, regular project updates and will soon host Frequently Asked Questions, project materials, a project milestones timeline, and other resources. Please be patient as we continue to develop and add materials. Remember to bookmark the page for future updates. The Webpage can be accessed at: <https://cers.calepa.ca.gov/cupagis/>.

What’s Next?

The project continues to design and develop the CUPA GIS Boundary Map. The Project is targeting late November to email a Boundary Validation Survey to all CUPAs. The survey will provide the initially defined boundaries and allow the CUPAs to review and indicate if their boundaries need adjustment as part of the larger

jurisdictional boundary validation efforts. Additional information about the boundary survey will be shared in the upcoming weeks.

Stay Tuned for More

Access the CUPA GIS Project Webpage at: <https://cers.calepa.ca.gov/cupagis/>.

Look for the CUPA GIS Survey Flyer with information on the upcoming Boundary Survey in the next couple of weeks

Review the FAQs and Answers (will be posted to the webpage soon).

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.

State Water Board

Site-Specific Variance Reporting

The State Water Resources Control Board (State Water Board) will request the Unified Program Agencies (UPAs) report the number of site-specific variances (variance) within their jurisdiction as part of the upcoming Semiannual Underground Storage Tank Program Report (Report 6) due March 1, 2023. A site-specific variance allows a facility the use of an alternative method of construction or monitoring due to special circumstances that are not generally applicable to other facilities provided there is clear and convincing evidence that the alternative method will adequately protect the soil and waters of the State. Site-specific variances are requested by the underground storage tank (UST) facility owner through the UPAs and ultimately approved by the Regional Water Quality Control Boards.

As the deadline for permanent closure of single-walled systems approaches, the State Water Board will identify those variances for single-walled components that do not meet the requirements of Health and Safety Code chapter 6.7 (H&SC), section 25291(a)(1-6). Variances for systems not meeting the minimum secondary containment requirements must be revoked and be either permanently closed in accordance with California Code of Regulations title 23, division 3, chapter 16 (UST Regulations) or upgraded to meet the requirements prior to the December 31, 2025 deadline.

For additional information regarding the site-specific variance reporting, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Tank Tester License Applications without Manufacturer's Certifications

State Water Board staff have received several incomplete tank tester license applications where the applicant has not provided training certifications from the

manufacturer of the test method. Licensees are required to complete manufacturer training prior to using the test method, and to submit a certificate of completion or other proof of training to the Office of Tank Tester Licensing prior to using the test method or equipment per California Code of Regulations, title 23, division 3, chapter 17, section 2771(c). Acceptable test methods for testing tanks and piping are listed by manufacturer on Local Guidance 113 (LG-113)

(https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/misc/test_method_index.shtml). If a company providing the test method certification is no longer in business, applicants will not be able to receive training, and therefore these test methods are no longer considered valid for use. The State Water Board will not renew licenses for individuals who fail to submit copies of current certificates of completion or other proof of training for test methods on LG-113 as required by these regulations.

For additional information regarding tank tester license applications, contact: Ms. Kaitlin Cottrell at (916) 319-0742 or Kaitlin.Cottrell@waterboards.ca.gov.

UST Facility Compliance Inspection Requirements and the Energy Policy Act of 2005

UST Regulations, section 2713(d) requires the UPAs to report to the State Water Board no later than January 31st each year, the number of UST facilities where a compliance inspection was not performed over the previous calendar year. The State Water Board is required to report annually to the United States Environmental Protection Agency (U.S. EPA) on several performance measures as part of the Energy Policy Act of 2005 (EPAAct). One of the EPAAct performance measures requires states to certify that a UST facility compliance inspection has been conducted at every UST facility at least once during the past three years, thereby meeting the federal inspection frequency. At the direction of U.S. EPA, the California Environmental Reporting System (CERS) will be utilized to verify each UPA has complied with the federal UST inspection frequency.

To assist UPAs in verifying the accuracy of UST facility compliance inspections, the State Water Board and the California Environmental Protection Agency created the *UST Routine Inspection Frequency* search tool(<https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch>). UPAs should utilize this tool early to identify those facilities where a compliance inspection has not been performed during the 2022 calendar year, or to ensure the correct data has been properly uploaded to CERS. This report will assist UPAs in identifying missing inspections and/or inaccurate data. State Water Board staff strongly suggest UPAs run the CERS *UST Routine Inspection Frequency* search now and again in mid-December. As a reminder, virtual or desk audit UST compliance inspections without an on-site element do not satisfy the UST compliance inspection provision of the EPAAct.

For more information regarding compliance inspections reporting requirements, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Red Tag Data

The collected results of the July – December 2021 Report 6 are now available on the UST Leak Prevention webpage (https://www.waterboards.ca.gov/ust/leak_prevention/). Additionally, the red tag application data as part of the July – December 2021 Report 6 was updated and depicted on the [UST Red Tag Requirements and Guidance](https://www.waterboards.ca.gov/ust/enforcement/red_tag_regs_index.html) webpage. (https://www.waterboards.ca.gov/ust/enforcement/red_tag_regs_index.html)

For additional information regarding the tag application data, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

DTSC

Inactivation of ID Numbers Due to Non-Completion of DTSC's 2022 Hazardous Waste ID Number Verification Questionnaire and Fee Assessment

Hazardous waste handlers that are required to complete the 2022 Verification Questionnaire and fail to do so by October 31st by 5:00 PM will have their ID number(s) inactivated on November 1st. The inactive date will be backdated to June 30, 2022. The questionnaire and fees were due 30 days from the date the handler received their first notice in July 2022. Handlers have been sent several notices via email or U.S. Postal Service. They have been given more than 90 days to complete the questionnaire. Inactivating ID numbers due to non-compliance with Health and Safety Code section 25205.16 helps DTSC clean up data for handlers that are not using their ID number(s) and do not respond to notices.

The eVQ System will be open until the end of this year to accept late submissions. If a handler has not completed their 2022 Verification Questionnaire, refer them to the information below. Inactive ID numbers can be reactivated in step 3 of the questionnaire. Any fees owed must be paid, then posted by DTSC's Accounting Unit before the ID number will be reactivated.

▷ **Website:** <https://evq.dtsc.ca.gov>

U.S. EPA Management Standards for Hazardous Waste Pharmaceuticals

The Department of Toxic Substances Control (DTSC) will be hosting a virtual workshop on November 9, 2022, at 10am to provide information on U.S. EPA's Management Standards for Hazardous Waste Pharmaceuticals Rule and its potential adoption in California. The rule sets forth new regulations for healthcare facilities and reverse distributors managing pharmaceuticals that are hazardous waste. The objectives of the workshop are to provide an overview of the rule, discuss DTSC's evaluation of the rule, and seek input from the public on adoption in California. More information, including how to register for the workshop, can be found at: <https://dtsc.ca.gov/pharmaceutical-waste-rulemaking>.

Memorandum of Understanding on Collaborative Efforts on Enforcement and Compliance Assurance in Overburdened Communities

USEPA and CalEPA have entered into a Memorandum of Understanding (MOU) on Collaborative Efforts on Enforcement and Compliance Assurance in Overburdened Communities. The MOU has resulted in an Environmental Justice Enforcement Action Plan that focuses on (1) Enhanced, sustained community engagement; (2) Creation of a Rapid Response Task Force; and (3) Development of tools for coordinated enforcement engagement. To learn more, click [here](#).

Cal FIRE OSFM

Inspections at Facilities by Unified Program Agencies (UPA)

Question: How frequently can a facility expect an inspection by the UPA for compliance with the Aboveground Petroleum Storage Act (APSA)?

Answer: As often as the UPA determines an inspection is needed.

Health and Safety Code (HSC) Section 25270.5(a) requires the UPA to inspect tank facilities with petroleum storage capacity of 10,000 gallons or more, at minimum, once every three years.

UPAs may develop an alternative inspection and compliance plan in accordance with HSC Section 25270.5(b). For example, an UPA's alternative inspection plan could establish an annual inspection frequency at tank facilities with petroleum storage capacity of 10,000 gallons or more, or a triennial inspection frequency at all APSA tank facilities.

Tank facilities that are conditionally exempt from preparing an SPCC Plan under APSA for meeting certain conditions as described in HSC Section 25270.4.5(b) may expect a periodic UPA inspection to verify compliance with the terms of the conditional exemption per HSC Section 25270.4.5(b)(2).

In addition to routine inspections, UPAs can also perform other inspections, such as follow-up inspection, reinspection, or a complaint investigation.

An owner or operator of a tank facility may contact their UPA about inspection frequency and policy.

Should I File a Spill Prevention, Control, and Countermeasure (SPCC) Plan in CERS?

Answer: No.

APSA requires an SPCC Plan to be prepared and implemented by the owner or operator of each tank facility (HSC Section 25270.4.5). In implementing the APSA Program, local UPAs are required to review SPCC Plans and ensure that such plans have been prepared and implemented in compliance with APSA and the federal SPCC requirements (Code of Federal Regulations [CFR], Title 40, Part 112).

Therefore, SPCC Plans are required to be provided to the UPA upon request. However, SPCC Plans are not required to be uploaded into CERS. SPCC Plans are likely to contain confidential information pertaining to the regulated facility. Once an SPCC Plan has been submitted or uploaded into CERS and accepted by an UPA, it cannot be removed from CERS as it is a part of a legal submittal.

APSA tank facilities must keep a copy of the 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 (HSC Section 25270.4.5(a) with reference to 40 CFR Section 112.3(e)(1)).

CERS – APSA Documentation

The APSA Documentation section in CERS is for the tank facility statement reporting requirement (HSC Section 25270.6(a)) or a local reporting requirement. There is currently no local reporting requirement required by any UPA for the APSA Program.

The APSA Documentation section is not for the submittal or location of the SPCC Plan. Also, if a tank facility is conditionally exempt from preparing an SPCC Plan under APSA, because it meets certain conditions per HSC Section 25270.4.5(b), the facility should not select 'Exempt' in the APSA Documentation section in CERS.

A facility meets the tank facility statement reporting requirement by either uploading a tank facility statement through the APSA Documentation section or submitting a **complete** Hazardous Materials Business Plan (HMBP).

To indicate the facility is using the HMBP to meet the APSA tank facility statement requirement, the facility should select the 'Provided Elsewhere in CERS' option and then select 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.

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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