

Unified Program Newsletter – December 2022

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CalEPA

CERS NextGen

The Request for Proposals (RFP) for the next phase of work was released this month with responses due by mid-January.

CalEPA will provide additional project updates on the [website](#) and through the listserv to enhance communication starting next year. Join the project list serve by visiting the [website](#).

(<http://cers.calepa.ca.gov/cersnextgen>)

CalEPA will be implementing the 2018 State of California Office of the Secretary California Environmental Protection Agency Record Retention Schedule with the transition to NextGen. A summary of how this schedule impacts CERS records has been prepared by Program and is available upon request. Details regarding implementation will continue to be ironed out as the project progresses. CalEPA anticipates collaborating with UPAs to develop a plan in 2024 to ensure local data is provided in a usable format before the transition to NextGen.

Questions: Please contact Erika Michelotti (Erika.Michelotti@calepa.ca.gov).

EPA ID Number Verification

The EPA ID field can now be cleared by a business marking “no” in the business activities section and completing a submittal. Note that the regulator will be able to see the old EPA ID on the facility summary page until they accept the submittal.

The CERS IT team continues to assess issues with the system and coordinate with DTSC and UPAs to correct EPA ID issues discovered during the validation process. Your patience with IT is appreciated as they are currently understaffed.

Based on feedback CalEPA will **not** be moving forward with Phase 2 next year to make an EPA ID mandatory for a CERS submittal. Phase 1 will remain in effect.

Questions: Please contact Erika Michelotti (Erika.Michelotti@calepa.ca.gov).

RCRA Data Errors

CalEPA has been working to enhance RCRA hazardous waste generator reporting to US EPA under a grant funded by US EPA. System updates have been completed and data is consistently being reported. At this time the project focus is shifting to data quality errors.

Starting early next year monthly e-mails will be sent to UPA managers identifying and requesting corrections to CME and EPA ID problems. Additional information will be provided to CUPA managers prior to the implementation of monthly communications.

State Water Board

UST Facility Compliance Inspection Reporting Requirements

On November 18, 2022, the State Water Resources Control Board (State Water Board) issued a letter to the Unified Program Agencies (UPAs) regarding the annual underground storage tank (UST) facility compliance inspection reporting requirements. California Code of Regulations, title 23, division 3, chapter 16 (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 that did not receive compliance inspections during the previous calendar year. The State Water Board utilizes the information submitted by the UPAs to certify compliance with the UST provisions of the Energy Policy Act of 2005 (EPAAct).

The State Water Board recommends that UPAs run the [UST Routine Inspection Frequency Search tool](#) found in California Environmental Reporting System (CERS) to identify which facilities have not had a compliance inspection in the 2022 calendar year and to ensure the data has been properly entered into CERS. Results from this report will assist UPAs in identifying facilities with missing inspections and/or inaccurate data. As a reminder, virtual or desk audit UST compliance inspections that do not have an on-site element do not satisfy the UST compliance inspection requirement.

(<https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch>)

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

Compatibility Documentation Requirements

Owners, operators, and UPAs have asked questions pertaining to compatibility documentation requirements for UST systems. UST Regulations, section 2631(b) requires independent testing organization approval for compatibility of primary containment including any integral secondary containment, coatings or linings, pipe fittings, monitoring systems, and level controls. If a particular hazardous substance was not part of the independent testing for compatibility, the manufacturer of the containment must provide an affirmative statement of compatibility noting the compatibility of the hazardous substance.

Compatibility documentation applies to other UST elements as well. All other equipment expected to come into contact with the stored hazardous substance, to include spill containment, overfill prevention, and ancillary equipment, requires compatibility documentation from an independent testing organization, the component manufacturer, a California registered professional engineer, or a nationally recognized industry code or engineering standard. Compatibility documentation must be provided to the UPA 30 days in advance of storing or changing hazardous substances. As specified in UST Regulations, section 2631(d), non-integral secondary containment systems must be designed and constructed in accordance with either an engineering specification approved by a state registered professional engineer, or a nationally recognized industry code or engineering standard. Non-integral secondary containment must be constructed of materials with sufficient thickness, density, and corrosion resistance to prevent structural weakening from contact with released hazardous substances. Owners and operators should not send compatibility documents to the Leak Prevention Unit as it does not have the authority to approve or disapprove equipment for compatibility with hazardous substances.

For more information regarding compatibility documentation requirements, contact: Mr. Austin Lemire-Baeten at (916) 327-5612, or Austin.Lemire-Baeten@waterboards.ca.gov.

Sampling and Analysis Methods for Tank Closure

Some UST closure permits being issued by UPAs are requiring incorrect sample analysis. The Regional Water Quality Control Boards have recently required owners or operators of closed UST systems to collect additional samples because incorrect sample analysis was required by the UPA during closure activities. It is essential that UPAs issuing UST closure permits either remove the sample analysis details from the closure permit and direct the UST owner or operator to the appropriate cleanup

oversight agency, or ensure the correct analytical methods are utilized. Oftentimes, the cleanup oversight agencies are not aware of a UST closure until the UST has been permanently closed and the soil and groundwater analysis is submitted. If the soil and groundwater analysis is incorrect, for example, if the wrong EPA Method is utilized, additional sampling may be required.

UPAs should reach out to their UST cleanup oversight agency, either the Regional Water Quality Control Board or the Local Oversight Program and confirm sample collection and analysis methods based on the hazardous substances stored at the facility. For reference, the State Water Board in December 2015 issued the revised [Leaking Underground Fuel Tank \(LUFT\) Manual](#) with chapters 15 and 16 describing the analysis requirements for many common hazardous substances. Finally, if the UPA will be closing a UST with an uncommon hazardous substance, please reach out to the UST cleanup oversight agency with jurisdiction for assistance on proper sampling and analysis protocol.

(https://www.waterboards.ca.gov/water_issues/programs/ust/luft_manual/manual_dec2015.pdf)

For more information on sampling and analysis methods for tank closure, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Basic Inspector Training

Unified Program Agency (UPA) inspectors are required to complete and satisfactorily pass the APSA Basic Inspector Training program prior to conducting any APSA compliance inspections at facilities that are required to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan under APSA.

The APSA Basic Inspector Training program is only available to UPA staff, not regulated tank facilities or other interested parties. UPA staff interested in taking this training may send an email to cupa@fire.ca.gov, cc their supervisor or manager, and include their name, agency, and phone number in the email.

The California CUPA Forum provides the California Unified Program training conference on an annual basis. This conference provides various professional training courses in subjects related to California Unified Program implementation, including courses related to the APSA Program and the SPCC rule. The regulated community and other interested parties are encouraged to attend. Various training courses are open to industry and regulated community.

For more information on the annual California Unified Program training conference, visit the California CUPA Forum website at: <https://www.calcupa.org/>. Some courses from previous training conferences may be available on the California CUPA Forum website and YouTube.

Mandatory Items on Formal Inspection Reports for Integrity Testing

Question: Is a facility required to address mandatory items identified on a formal inspection report to comply with the integrity testing requirements of the Code of Federal Regulations, Title 40, Section 112.8(c)(6)?

Answer: Yes. Formal inspections performed by certified/authorized inspectors are conducted to determine the suitability for continued service under the industry standard. When the certified/authorized inspector's report identifies items that are required or mandatory to conform with the industry standard, these items must be appropriately addressed. In the case of some repairs, testing and a final inspection may also be required. Mandatory or required corrective actions must be completed or followed to fully implement the SPCC Plan.

Additional guidance is provided in [Chapter 7 Section 7.6 of the SPCC Guidance for Regional Inspectors](#).

(<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spill-prevention-control-and-countermeasure-9>)

The UPA may request documentation to verify a repair, if required on the formal inspection report, has been completed or identifies the rationale why the repair was not performed.

Cleanup and Abatement of Releases at APSA Tank Facilities

Question: Who is responsible for cleanup and abatement of releases from aboveground storage tanks and containers under the APSA Program?

Answer: Tank facility owners or operators are responsible for cleanup and abatement efforts related to releases from their storage tanks.

The State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards) may oversee and/or require the cleanup and abatement efforts. The reasonable expenses of the State and Regional Water Boards incurred in overseeing, or contracting for, cleanup or abatement efforts that result from a release at a tank facility is a charge against the owner or operator of the tank facility.

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](#)