

Unified Program Newsletter – January 2023

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State Water Board

UST Facility Compliance Inspection Reporting Deadline

The State Water Resources Control Board (State Water Board) sent a letter to the Unified Program Agencies (UPAs) on November 18, 2022, 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 where a compliance inspection was not performed over the previous calendar year.

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 California Environmental Reporting System (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. 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 Energy Policy Act.

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

Report 6 Deadlines

State Water Board will soon distribute the Semi-Annual UST Program Report (Report 6) forms and instructions for the July 1 through December 31, 2022, reporting period. The completed Report 6 documents are due to the State Water Board no later than March 1, 2023. Consistent with the last several reporting periods, UPAs will continue to report field constructed tanks, facilities with USTs that have received a red tag, and facilities that have abandoned or temporarily closed USTs.

For additional information regarding Report 6 requirements, contact; Mr. Steven Mullery at (916) 341-5850 or Steven.Mullery@waterboards.ca.gov or Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Technical Compliance Rate for Abandoned Tanks

The UPAs are required to report the technical compliance rate (TCR) for inspected USTs, to include abandoned USTs, as part of the Report 6. The State Water Board then reports the collected TCR data to the United States Environmental Protection Agency (U.S. EPA). The State Water Board has recently observed TCR data for abandoned UST claiming the systems are in compliance and meet all the TCR requirements. In 2019, the State Water Board provided an [inspection checklist](#) for abandoned tanks to assist UPA Inspectors.

(https://www.waterboards.ca.gov/ust/docs/abandoned_storage/abust_inspection_letter_and_checklist.pdf)

The State Water Board encourages UPAs to utilize the inspection checklist as it ensures the abandoned UST is correctly noted as out of compliance and not meeting the TCR requirements. As a reminder, since abandoned tank facilities are often inaccessible, the annual compliance inspection may be performed without an on-site inspection component. Finally, abandoned USTs must be recorded in CERS. The State Water Board published in the [CERS Frequently Asked Questions](#) the process to report abandoned USTs in CERS in 2017.

(https://www.waterboards.ca.gov/ust/cers/tutorials/ru06_abandoned_usts.html)

For additional information regarding TCR for abandoned tanks, please contact: Mr. Austin Lemire-Baeten at (916) 327-5612, or Austin.Lemire-Baeten@waterboards.ca.gov.

UST Permanent Closure Notification

Beginning in 2018, the State Water Board clarified the UPA duties to notify a UST owner or operator in writing that a permanently closed UST has, to the satisfaction of the UPA, been removed from the UST program. State Water Board staff developed a UST permanent closure notification template that is now available on State Water Board CUPA Evaluation [website](#).

(<https://www.waterboards.ca.gov/ust/performance-evaluations.html>)

UPAs are encouraged to use this template to confirm that an owner or operator has properly closed their UST(s) in accordance with Health and Safety Code, chapter 6.7, section 25298(c) and UST Regulations, section 2672.

For additional information regarding the UST closure procedures, please contact Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

New UST Leak Prevention Staff

The UST Leak Prevention Unit is pleased to announce Ms. Char'Mane Robinson has been hired to support the Certified Unified Program Agency Performance Evaluation team. Char'Mane recently obtained her Master of Science in Environmental Geosciences from California State University East Bay. She previously worked at the Office of Information Management and Analysis, Surface Water Ambient Monitoring Program team and has also worked for the State Water Board, Office of Enforcement conducting field inspections of wastewater, drinking water, and industrial facilities. Char'Mane can be reached at Charmane.Robinson@waterboards.ca.gov.

Cal FIRE OSFM

Qualified Facility Spill Prevention, Control, and Countermeasure (SPCC) Plan Templates

Question: Can Aboveground Petroleum Storage Act (APSA) tank facility owners or operators use an SPCC Plan template?

Answer: Not all APSA tank facilities can use an SPCC Plan template. Only tank facilities that meet the “qualified facility” criteria under the Federal SPCC rule can use an SPCC Plan template.

The [Tier I Qualified Facility SPCC Plan template](https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/tier-i-qualified-facility-spcc-plan-template) is available on the U.S. Environmental Protection Agency (EPA) website.

(<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/tier-i-qualified-facility-spcc-plan-template>)

For additional information on the Tier I Qualified Facility SPCC Plan template, refer to Appendix G of the Code of Federal Regulations, Title 40, Part 112, and Chapter 1 of the *EPA SPCC Guidance for Regional Inspectors*.

The [Tier II Qualified Facility SPCC Plan template](https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/) is available on the CAL FIRE-Office of the State Fire Marshal APSA webpage.

(<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/>)

Professional engineer (PE)-certified SPCC Plans are required for tank facilities that do not meet the qualified facility criteria. The *EPA SPCC Guidance for Regional Inspectors* Appendix D contains a sample “Bulk Storage Facility SPCC Plan.” While not a template, this sample plan is an example of a PE-certified SPCC Plan.

While a tank facility storing less than 1,320 gallons of petroleum and has one or more tanks in an underground area (TIUGA) is not required by the Federal SPCC rule to prepare an SPCC Plan, APFA still requires the preparation of an SPCC Plan. This facility may use the Tier I Qualified Facility SPCC Plan template, Tier II Qualified Facility SPCC Plan template, or prepare a PE-certified SPCC Plan.

State Fire Marshal

Chief Mike Richwine retired in December 2022. Chief Daniel Berlant has been designated the Acting State Fire Marshal until such time that the Governor appoints a State Fire Marshal.

California Air Resources Board

Zero-Emission Forklift Rulemaking Workshop

As part of continued efforts to protect Californians from the impacts of air pollution and climate change, the California Air Resources Board, CARB, is currently developing a measure that could require forklift owners to replace their propane and gasoline forklifts with a battery-electric or fuel-cell version.

The next Zero-emission Forklift Rulemaking Workshop is scheduled for January 24, 2023 from 9:00 a.m. to 12:00 p.m. Register for the [Webinar](#).

(https://us06web.zoom.us/webinar/register/WN_seDQglUoSNSQHkNQi2goPg?utm_medium=email&utm_source=govdelivery)

Meeting materials will be made available in advance of the workshop on the [Zero-Emission Forklifts: Meetings and Workshops webpage](#).

(https://ww2.arb.ca.gov/our-work/programs/zero-emission-forklifts/zero-emission-forklifts-meetings-workshops?utm_medium=email&utm_source=govdelivery)

Questions: Please contact zeforklifts@arb.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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