

Unified Program Newsletter – February 2023

Contents

CalEPA.....	1
CalEPA Update on Assembly Bill 2059	1
CUPA Boundary Edits – Please Read	2
State Water Board.....	3
Report 6 Due	3
UST Regulations Rewrite	3
CUPA Evaluations and Government Owned Tank Facilities	4
Manufacturer Supply Chain Limitations	4
DTSC	4
Electronic Verification Questionnaire (eVQ) System Closure	4
RCRAInfo Regulatory User Account Cleanup	4
Cal FIRE OSFM	5
Tanks in Underground Areas (TIUGA).....	5
Empty Tanks/Containers	5

CalEPA

CalEPA Update on Assembly Bill 2059

CalEPA has issued an update to the regulated community subject to regulation under the Hazardous Materials Business Plan (HMBP) program regarding [Assembly Bill \(AB\) 2059](#). The CalEPA update on AB 2059 can be found [HERE](#).

(https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2059)

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2022/12/CALEPA-UPDATE-ON-ASSEMBLY-BILL-2059.pdf>)

AB 2059 was approved on September 13, 2022, and is effective as of January 1, 2023. This bill amends the California Health and Safety Code (HSC), Chapter 6.95 Hazardous Materials Release Response Plans and Inventory, sections 25500, 25501, and 25507 and adds sections 25507.5 and 25508.3.

In summary, the bill expands the scope of hazardous materials subject to regulation by narrowing the definition of “consumer product.” The bill requires a “supplier,” as defined, that sells or provides a certain amount of hazardous materials meeting certain requirements to a business in the state in certain quantities to maintain records containing specified information regarding the sale or provision of the hazardous materials for a minimum of one year and requires suppliers to make those records available to a Unified Program Agency (UPA) within five days when requested. The bill, except as provided, requires a handler subject to the business plan requirement, if directed by a UPA during an investigation or inspection, to notify the UPA if hazardous materials in certain quantities are to be removed from the storage or handling location

and transferred to another location, and to disclose to the UPA certain information regarding the transfer.

If you have any general questions regarding AB 2059, please contact CalEPA at HMBP@calepa.ca.gov.

CUPA Boundary Edits – Please Read

What's New?

Thank you all for responding to the Certified Unified Program Agency (CUPA) Boundary Survey! The Project Team reviewed and analyzed the responses and validated that 75% of the CUPAs DO NOT require boundary edits.

The remaining 25% require various levels of boundary updates. Over the next several weeks, the Project Team will engage with the CUPAs to facilitate the required edits.

Please review the following list as CUPAs identified for boundary update activities, including a Boundary Update Kickoff, Web Application Boundary Edit Training, Edit Support Office Hours, and follow up with individual CUPAs as needed.

*Amador County Environmental Health
Berkeley City Toxics Management Division
Butte County Environmental Health
Fremont City Fire Department
Hayward City Fire Department
Kern County Environmental Health Services Department
Livermore-Pleasanton Fire Department
Long Beach Environmental Health
Los Angeles City Fire Department
Los Angeles County Fire Department
San Luis Obispo County Environmental Health
San Mateo County Environmental Health
Santa Clara City Fire Department
Santa Clara County Environmental Health
Santa Cruz County Environmental Health
Santa Monica Fire Department
Tulare County Environmental Health
Union City Environmental Programs*

If you are not listed above and think you should be included, please email the CUPA GIS Project OCM Team as soon as possible at:

Ivan.parra@calepa.ca.gov and Michelle.kirwan@calepa.ca.gov.

What's Next?

The CUPAs listed above have received invitations to the Kickoff, Training Sessions, and individual working sessions, if applicable. Please respond to the invitations if you have not already done so.

The Project Team is targeting completion of the boundary edit process no later than the end of March 2023.

ALL CUPAS, including those not requiring boundary edits, will be asked to participate in a final map boundary validation survey in April. This validation survey will be similar to the initial survey conducted in December 2022.

Remember, 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

Report 6 Due

On January 6, 2023, State Water Resources Control Board (State Water Board) staff distributed the Semi-Annual Underground Storage Tank (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, CUPAs will continue to report field constructed tanks, facilities with USTs that have received a red tag, and facilities with 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.

UST Regulations Rewrite

The State Water Board is rewriting California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations) in preparation of the permanent closure of all single-walled USTs. The proposed UST Regulations have an expected effective date of January 1, 2026.

From September through December 2022, the State Water Board met regularly with select CUPAs and private sector stakeholders to critically examine the proposed changes to UST Regulations. Over the next several months, the State Water Board will review the proposed modifications provided by the stakeholders, modify forms to be appropriate for secondarily contained systems, and begin to prepare rulemaking and financial analysis documents. State Water Board staff expect to provide webinars this summer for other members of industry to review and ask questions about the proposed regulations.

For additional information regarding the UST regulations rewrite, contact:

Mr. Austin Lemire-Baeten at (916) 327-5612, or Austin.Lemire-Baeten@waterboards.ca.gov.

CUPA Evaluations and Government Owned Tank Facilities

The Government Owned Tanks (GOT) program led by the State Water Board, Office of Enforcement (OE) is no longer actively reviewing government owned UST facilities. The OE will review GOT facilities as they overlap other enforcement programs or upon recommendation. Continued assessment of locally owned or operated facilities will remain part of the State Water Board's CUPA evaluations. If available, the State Water Board will select UST facilities that are owned or operated by the CUPA's governing body during the facility file selection process. Information regarding the OE's GOT program can be found on their [web site](#).

(https://www.waterboards.ca.gov/water_issues/programs/enforcement/tanks.html)

For additional information regarding GOT facilities, contact:

Ms. Kaitlin Cottrell at (916) 319-0742, or Kaitlin.Cottrell@waterboards.ca.gov.

Manufacturer Supply Chain Limitations

The State Water Board is aware of supply chain problems impacting Veeder Root TLS-350 ROM board memory chips. Veeder Root is working with an additional supplier to mitigate the issue. The new ROM board is currently in testing with the California Air Resources Board. If a facility requires a replacement ROM board, software version 136/336 with the updated onboard refueling vapor recovery tables must be ordered.

For additional information regarding Veeder Root's TLS-350 software, contact:

Veeder Root customer service at customerservice@veeder.com.

DTSC

Electronic Verification Questionnaire (eVQ) System Closure

The eVQ System will be closed for maintenance and upgrades starting March 2nd until the next report cycle opens in July 2023. Hazardous waste ID number holders who would like to reactivate their ID numbers will need to complete the appropriate form after March 2nd. For more information on how to reactivate an ID number, go to

<https://dtsc.ca.gov/reactivate-epa-id-number/>.

RCRAInfo Regulatory User Account Cleanup

Do you have a former employee that has a RCRAInfo regulatory user account and the account has not been deactivated or you are unsure if it was deactivated? If you are a manager or supervisor, you may request to have a report of *active* RCRAInfo regulatory users for your agency. This report allows you to identify users who are no longer employed with your agency so that the DTSC can deactivate these accounts. To request this report, email myRCRAid@dtsc.ca.gov. On the subject line of the email write "RCRAInfo Regulatory Account User Cleanup." Thank you for helping us cleanup RCRAInfo accounts.

Cal FIRE OSFM

Tanks in Underground Areas (TIUGA)

Question: Are tank facilities with less than 1,320 gallons of petroleum subject to the Aboveground Petroleum Storage Act (APSA)?

Answer: Yes, if the tank facility has a TIUGA (Health and Safety Code, Chapter 6.67, Section 25270.3(c)). Only the TIUGAs are subject to APSA if a tank facility has less than 1,320 gallons of total aboveground petroleum storage capacity. However, the following TIUGAs are excluded from the requirements of APSA if a tank facility has less than 1,320 gallons of total aboveground petroleum storage capacity (including TIUGAs):

- The tank holds hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, or other similar devices.
- The tank is a heating oil tank.
- The tank is a sump, separator, clarifier, catch basin, or storm drain.

If a tank facility has a total aboveground petroleum storage capacity of 1,320 gallons or more (including TIUGAs), then a TIUGA storing hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, or other similar devices is subject to the requirements of APSA.

More information on TIUGAs is available on the [CAL FIRE-Office of the State Fire Marshal website](https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/).

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

Empty Tanks/Containers

Question: Are petroleum aboveground storage tanks (AST) that are empty or no longer in service still regulated under the APSA, and should the ASTs continue to be included in a facility's Spill Prevention, Control, and Countermeasure (SPCC) Plan?

Answer: Yes. Neither the APSA nor the SPCC rule defines 'empty' or 'no longer in service.' Unless the petroleum ASTs or containers have been 'permanently closed' consistent with the Code of Federal Regulations (CFR), Title 40, Part 112 requirements, the tanks or containers remain APSA regulated, and must be included in the facility SPCC Plan.

A 'permanently closed' container, as defined in 40 CFR Part 112, Section 112.2, means:

- “(1) All liquid and sludge has been removed from each container and connecting line; and
(2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.”

For more information on ‘permanently closed’ containers, refer to the *SPCC Guidance for Regional Inspectors*, Chapter 2, Section 2.8.1. The *SPCC Guidance for Regional Inspectors* is available on the [U.S. Environmental Protection Agency website](https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spcc-guidance-regional-inspectors).

(<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spcc-guidance-regional-inspectors>)

ASTs that previously contained petroleum that have been ‘permanently closed’ per the SPCC rule requirements are not required to be included in the facility SPCC Plan and are not APSA regulated.

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](#)