

## Unified Program Newsletter – March 2023

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### DTSC

#### **Permit by Rule and Conditional Authorization Tiered Permitted Facilities Must Adjust Closure Cost Estimates for Inflation by March 1, 2023**

Financial assurance is required for tiered permitted facilities that are under the permit by rule (PBR) and conditional authorization (CA) tiers. Closure cost estimates are required as part of the closure plans under PBR and CA. Adjusted closure costs are estimated by multiplying the current cost estimate by the inflation factor.

The inflation factor in a closure plan’s closure cost estimate and a facility’s financial assurance mechanism should be calculated using the values provided by the U.S. Department of Commerce, Bureau of Economic Analysis (BEA): <https://www.bea.gov/> -> Tools -> Interactive Data -> National Data: GDP & Personal Income -> Begin using the data... -> Section 1 – Domestic Product and Income -> Table 1.1.9. Implicit Price Deflators for Gross Domestic Product (A) (Q) -> Line 27: Gross national product (GNP).

PBR and CA facilities are required to adjust closure cost estimates for inflation by March 1st of every year (California Code of Regulations, Title 22, Section 67450.13). Because the inflation factor for the full 2022 year will not be available until the end of March 2023, DTSC recommends using a ratio of the third quarter index numbers for the past two years to estimate the 2023 inflation factor.

As provided by the U.S. Department of Commerce, BEA in Line 27 of “Table 1.1.9. Implicit Price Deflators for Gross Domestic Product (A)(Q)” of “Section 1- Domestic Product and Income,” the 3rd quarter index number for 2022 is 128.241 and the 3rd quarter index number for 2021 is 119.688 The inflation factor for 2023, using 3<sup>rd</sup> quarter data, is 1.071, derived as follows:

Inflation Factor for 2023	=	3 <sup>rd</sup> Quarter GNP Data for 2022	÷	3 <sup>rd</sup> Quarter GNP Data for 2021
1.071		128.241		119.688

Contact: Matthew McCarron ([Matthew.Mccaron@dtsc.ca.gov](mailto:Matthew.Mccaron@dtsc.ca.gov)).

### **DTSC Enforcement Strategic Plan**

DTSC invites you to review and comment on the [DTSC Enforcement Strategic Plan](#). The public comment period will close on March 19, 2023. Please visit the [webpage](#) for more information on the goals and objectives. We look forward to your comments! (<https://dtsc.ca.gov/dtsc-enforcement-strategic-plan/>)

### **Booths at 25th California Unified Program Annual Training Conference**

Stop by DTSC’s booths at the 25th California Unified Program Annual Training Conference in Anaheim, California, from March 20-23, 2023. Staff from our Regulatory Assistance Office and Business Operations Unit (ID numbers, manifest, and transporters) will be manning the two booths.

### **Telephone Operation Hours**

Effective March 15, 2023, the hazardous waste ID number general assistance line (800-618-6942) and the eVQ System assistance line (1-877-454-4012) will be open from Monday through Friday from 9:00 AM to 3:00 PM.

### **Permanent State ID Number Application (DTSC Form 1358)**

Effective April 1, 2023, DTSC will no longer accept older versions of the DTSC Form 1358. Only the current version (revision date 12/2021) will be accepted. The current form version is located at [https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/GISS FORM 1358.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/GISS_FORM_1358.pdf).

### **2023 Manifest Data**

The 2023 manifest data is temporarily unavailable in the Hazardous Waste Tracking System (HWTS) due to required system upgrades. The data can be accessed in U.S. EPA's RCRAInfo System at <https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login>. You must have a RCRAInfo regulatory user account to access the manifest data.

## **Cal FIRE OSFM**

### **Aboveground Petroleum Storage Act (APSA) Advisory Committee**

The next APSA Advisory Committee will be held on April 11, 2023. An agenda will be posted at least 10 days before the meeting on the APSA Advisory Committee website (<https://osfm.fire.ca.gov/boards-committees/aboveground-petroleum-storage-act-advisory-committee/>).

### **CUPA Evaluation Assessment Checklists**

Checklists utilized by CAL FIRE – Office of the State Fire Marshal (OSFM) to assess the performance of a CUPA's implementation of the Hazardous Materials Management Plan and Hazardous Materials Inventory Statements (HMMP-HMIS) and APSA Programs are available on the OSFM website (<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/>). Click on the 'CUPA Evaluations' section for details.

### **Which aboveground storage tanks (ASTs) are excluded from the APSA?**

The following tanks are excluded from the definition of an AST as described in Health and Safety Code (HSC), Chapter 6.67, Section 25270.2(a)(1) through (a)(8):

- a. A pressure vessel or boiler that is subject to Part 6 of Division 5 of the California Labor Code.
- b. A hazardous waste tank for which the owner or operator was issued a hazardous waste facilities permit by the California Department of Toxic Substances Control, or a permit by rule authorization from the Unified Program Agency.
- c. An oil production tank that is subject to Section 3106 of the California Public Resources Code.
- d. Oil-filled electrical equipment (transformers, etc.) that meets either of the following conditions:
  - i. The equipment contains less than 10,000 gallons of dielectric fluid.
  - ii. The equipment contains 10,000 gallons or more of dielectric fluid with PCB (polychlorinated biphenyls) levels less than 50 parts per million, and appropriate containment or diversionary structures or equipment are employed to prevent discharged oil from reaching a navigable water course, and the electrical equipment is visually inspected in accordance with the usual routine maintenance procedures of the owner or operator.
- e. A tank regulated as an underground storage tank and does not meet the definition of a tank in an underground area (TIUGA).
- f. Tanks located at a U.S. Department of Transportation regulated transportation-related tank facility.
- g. Tanks located on and operated by a farm that is exempt from the Federal Spill Prevention, Control, and Countermeasure (SPCC) rule requirements pursuant to the Code of Federal Regulations, Title 40, Part 112.

- h. A TIUGA that has the capacity to store less than 55 gallons of petroleum, has secondary containment, and is inspected monthly, if the owner or operator maintains a log of inspection records for review by the UPA upon request.

Any AST or TIUGA that does not contain petroleum consistent with the definition in HSC, Section 25270.2(h) is also not regulated under APSA.

For more information, visit the CAL FIRE-OSFM APSA Program website (<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/>).

## **State Water Board**

### **Single-Walled Underground Storage Tank Facility Data in Geo Tracker**

The State Water Resources Control Board (State Water Board) with extraordinary assistance from Redhorse Corporation has created single-walled underground storage tank (UST) web pages in GeoTracker. These pages are scheduled to become available to the public in a manner similar to Leaking Underground Storage Tank (LUST) cases, enabling stakeholders to generate a live-updated list of single-walled UST facilities and their locations.

The single-walled UST pages in Geotracker will be populated with records of the ongoing State Water Board correspondence concerning the December 31, 2025, single-walled closure deadline. Use of GeoTracker enables real-time differentiation of facilities with single-walled piping meeting the exemption criteria of California Code of Regulation, title 23, division 3, chapter 16 (UST Regulations), abandoned facilities, and facilities where all single-walled UST components have been closed or upgraded. Furthermore, pre-populating GeoTracker with site data will assist Regional Water Quality Control Boards and Local Oversight Programs in the event of confirmation of a release that prompts the opening of a LUST case at a single-walled UST facility.

For more information regarding single-walled facility UST data in GeoTracker, contact Mr. Johnny Wales at (804) 852-7274, or [Johnny.Wales@waterboards.ca.gov](mailto:Johnny.Wales@waterboards.ca.gov).

### **Automatic Tank Gauge Certification**

Service technicians are performing 0.2 gallon per hour in-tank simulated leak tests for USTs that use an automatic tank gauge probe to meet the quantitative release detection method requirements in UST Regulations, section 2643(b). During the monitoring system certification, some service technicians remove product from the tank at a specific rate to simulate a release and produce a failed 0.2 gallon per hour test result. This is not an approved manufacturer test method and cannot be used to verify functionality or certify the automatic tank gauge probe. Service technicians must follow

manufacturer's procedures for release detection equipment testing as required by UST Regulations, section 2638(a).

For additional information regarding automatic tank gauge certification, contact Mr. Austin Lemire-Baeten at (916) 327-5612, or [Austin.Lemire-Baeten@waterboards.ca.gov](mailto:Austin.Lemire-Baeten@waterboards.ca.gov), or Ms. Jenna Hartman at (916) 327-8563, or [Jenna.Hartman@waterboards.ca.gov](mailto:Jenna.Hartman@waterboards.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](mailto:cupa@calepa.ca.gov).***

**[CalEPA Unified Program Home Page](#)**