

Unified Program Newsletter – April 2023

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CalEPA

New Resource Hub for Local Engagement on Pesticide Topics

We're excited to announce the launch of the **Resource Hub for Local Engagement!**

In English (<http://bit.ly/DPRresources>) and Spanish (<http://bit.ly/DPRrecursos>), we have provided resources that communities and County Agricultural Commissioner (CAC) staff can use to promote CAC-community engagement. CACs are the first point of contact for local pesticide use questions and concerns.

Currently you can find resources for reporting pesticide problems, improving language access, and planning meetings, as well as farmworker resources and information about pesticide management in California. We will be continuing to update this website with new resources as they become available.

Please share this new resource webpage with your networks and community partners!

These resources were compiled and developed by an inter-stakeholder group including community leaders, County Agricultural Commissioners, Department of Pesticide Regulation staff, and UC Davis Center for Regional Change facilitators, and more information on this group can be found on the website.

Please let us know if you have any questions or feedback you would like to share.

California Code of Regulations, title 27 Regulation Changes

California Code of Regulation, title 27 (27C CCR) regulation change package was submitted to the Office of Administrative Law (OAL) on March 14, 2023, and entered in the California Register on March 24, 2023. The 45-day comment period began on March 24, 2023, and will end on May 8, 2023. A public hearing will be held on May 9, 2023, from 10:00 – 11:00 am.

Copies of the changes can be found at <https://calepa.ca.gov/cupa/Unified-Program-Regulations-45-Day-Public-Notice-and-Comment-Period/>.

Please submit all comments to CUPA@calepa.ca.gov with the subject line “27 CCR Changes Comments.”

Questions: Contact Steven Gailey at Steven.Gailey@calepa.ca.gov.

Congratulations and THANK YOU!!

For the last several months, CalEPA has worked with the CUPAs to identify and update CUPA geospatial jurisdictional boundaries. CalEPA extends a heartfelt THANK YOU to the CUPAs for actively contributing to the success of the CUPA GIS Project. You helped us achieve the following primary project goals:

- CUPAs being able to define and validate boundaries for themselves and their PAs without having to be GIS experts;
- Creating the ability for regulated businesses to identify which CUPA they report to - easily and accurately; and
- Helping Emergency Responders to quickly identify which CUPA(s) to coordinate with during an emergency.

We achieved a 99 percent response rate to the initial CUPA GIS Boundary Survey to validate boundaries and identify necessary changes to increase boundary accuracy. We attained 100 percent participation in follow-up sessions to implement real-time boundary modifications and validate Shapefile updates with the support of our vendor partner, Esri.

These efforts resulted in an accurate CUPA and PA geospatial map that will serve as the foundation for future efforts, including:

- Integrating with the CERS NextGen system or providing an online tool for regulated businesses to correctly identify the CUPA assignment for new facilities (target date Summer 2025).
- Sharing boundary information with the CalEPA Emergency Response Portal so it can be used for analysis during Emergency Response planning

CalEPA extends their gratitude for your support in making the CUPA GIS Project a success!

What's Next?

CalEPA will distribute a final validation survey to the CUPA Managers this month asking CUPAs to validate the updated boundaries.

CalEPA will distribute a brief Communications Effectiveness survey asking CUPA representatives to provide feedback about the CUPA GIS Project communications. We hope you will participate and share your candid feedback to help improve communications for future endeavors.

Stay tuned for more information in the coming months and again THANK YOU!!

CERS Scheduled Maintenance Event: April 19 – April 20, 2023

CERS will be unavailable to all users starting on **April 19 (Wed) at 9 AM thru April 20 (Thu) at 12 PM** for scheduled maintenance. We apologize for any inconvenience caused.

HMBP/CalARP

Interim Advisory on Handling and Management of Alcohol-based Hand Sanitizer

CalEPA, in conjunction with the Department of Toxic Substances Control (DTSC), has issued the "Interim Advisory on Handling and Management of Alcohol-based Hand Sanitizer." In summary, the coronavirus pandemic triggered the need for large volumes of alcohol-based hand sanitizer for businesses, schools, and other entities across California. Some of these entities procured alcohol-based hand sanitizer in excess of need and could not consume or manage the excess material. Alcohol-based hand sanitizer generally has a high alcohol content (usually at least 60%). Much of that alcohol-based hand sanitizer is now expiring. Alcohol-based hand sanitizer may be considered a hazardous material, and additionally, an ignitable hazardous waste once it is no longer usable for its intended purpose. This advisory discusses the requirements for the handling of alcohol-based hand sanitizer as a hazardous material subject to regulation under the Hazardous Materials Business Plan (HMBP) program. Additionally, this advisory discusses the requirements for management of alcohol-based hand sanitizer as a retrograde material or hazardous waste.

The CalEPA and DTSC Interim Advisory on Handling and Management of Alcohol-based Hand Sanitizer can be found at <https://calepa.ca.gov/wp-content/uploads/sites/6/2023/03/Interim-Advisory-on-Handling-and-Management-of-Alcohol-based-Hand-Sanitizer.pdf?emrc=35b1fd>.

If you have any questions regarding the handling of alcohol-based hand sanitizer as a hazardous material, please contact CalEPA at HMBP@calepa.ca.gov.

HMBP and CalARP Webpages Revamp

The Hazardous Materials Business Plan (HMBP)/California Accidental Release Prevention (CalARP) unit has revamped the HMBP and CalARP webpages. Additionally, the unit has created a new webpage called, “CUPA Performance Evaluation.” On this webpage, you will find forms used during the CUPA performance evaluation process by the HMBP/CalARP unit. Some of those forms consist of an “Evaluation Checklist,” “Facility File Review Checklist,” and “Area Plan Evaluation Checklist.”

The new webpage and forms can be found at <https://calepa.ca.gov/cupa-performance-evaluation>.

If you have any questions regarding the HMBP, CalARP, or CUPA performance evaluation webpages, please contact CalEPA at HMBP@calepa.ca.gov or CalARP@calepa.ca.gov.

DTSC

DTSC Administrative Penalty Regulation Rulemaking

DTSC wants to hear your thoughts about our proposed concepts for the Assessment of Administrative Penalties ([22 CCR 66272.60-66272.69](https://www.sos.ca.gov/CCR/CCRItems/22-CCR-66272.60-66272.69)) update.

([https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IA07ACB005B6111EC9451000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IA07ACB005B6111EC9451000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)))

We will host a virtual CUPA outreach session later this Spring to discuss the proposed revision concepts. These concepts incorporate feedback received from the 2019-2020 public outreach events attended by the CUPAs.

Please visit our [webpage](#) for updates regarding the upcoming virtual CUPA outreach session and contact us at penaltyregs@dtsc.ca.gov with any questions.

(<https://dtsc.ca.gov/penalty-regulations-revisions/>)

Cal FIRE OSFM

CERS – Aboveground Petroleum Storage Act (APSA) Documentation

The APSA Documentation section in CERS is for the tank facility statement reporting requirement (Health and Safety Code, Division 20, Chapter 6.67, Section 25270.6) or a local reporting requirement. Contact your local Unified Program Agency (UPA)

(<https://cersapps.calepa.ca.gov/Public/Directory/>) if their governing body has adopted additional local reporting requirement for the APSA Program.

The APSA Documentation section does **NOT** request the submittal or location of the Spill Prevention, Control, and Countermeasure (SPCC) Plan. An SPCC Plan is **NOT** required to be uploaded to CERS and, therefore, an SPCC Plan should **NOT** be uploaded to CERS.

An APSA tank facility must keep a copy of their 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.

If a tank facility is exempt from preparing an SPCC Plan because it meets certain conditions under APSA, the facility should **NOT** select 'Exempt' in the APSA Documentation section in CERS. **[NOTE: This is not the same as, nor should be confused with, the 'Conditionally-Exempt' check box in the APSA Facility Information section in CERS.]**

A facility meets the tank facility statement reporting requirement by either:

- (a) Uploading a tank facility statement through the APSA Documentation section or
- (b) Submitting a *complete* Hazardous Materials Business Plan (HMBP), which includes the Facility Information, Hazardous Materials Inventory, Site Map, and Emergency Response and Training Plans.

When submitting an HMBP, the facility may select the "Provided Elsewhere in CERS" option and 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.

If you have questions, contact OSFM staff at cupa@fire.ca.gov.

Are hazardous waste petroleum aboveground storage tanks (ASTs) regulated under APSA?

It depends. Some hazardous waste petroleum ASTs are excluded under APSA, as described in Health and Safety Code (HSC), Section 25270.2(a)(2), if the owner or operator of the storage tank has a hazardous waste facility permit from DTSC or a permit by rule authorization from the UPA for the storage tank.

Hazardous waste petroleum ASTs identified in the hazardous waste facility permit are not APSA regulated. However, hazardous waste petroleum ASTs at a DTSC permitted facility that are not listed in the hazardous waste facility permit may be regulated under the APSA.

Hazardous waste petroleum ASTs identified in the permit by rule authorization are not APSA regulated. However, hazardous waste petroleum ASTs not identified in the permit by rule authorization may be regulated under the APSA.

Note: Although a hazardous waste petroleum AST may not be APSA regulated due to the HSC Section 25270.2(a)(2) exclusion, hazardous waste ASTs containing oil are regulated per the Federal SPCC rule. When an SPCC Plan is required, hazardous waste petroleum ASTs and hazardous waste ASTs containing oil should be included in the plan.

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/).

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

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](#)