

Unified Program Newsletter – May 2023

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CalEPA

New CalEPA CUPA Performance Evaluation Team Lead

CalEPA is pleased to introduce our newest CUPA Performance Evaluation team lead, Jessica Snow. Ms. Snow is familiar with the realm of state service, including the emergency response and coordination activities that take place at our State Operations Center. Since starting with Cal OES in 2017, and in working at the Department of Health Care Services, and at the Department of Public Health, she has experience in evaluating programs and leading facilitation efforts that will parallel nicely with aspects of fulfilling the role as a CalEPA team lead evaluator. We are excited she has joined us!

State Water Board

Licensing Requirements for UST Installers and Service Technicians

The requirement to permanently close all single-walled underground storage tanks ([USTs](#)) is quickly approaching and approximately 2,000 UST systems will require closure or modification to prevent enforcement actions. The December 31, 2025, closure deadline is already creating a strain on equipment supply chains, and as we move closer to the deadline, the limitations of UST installers and service technicians will become an additional bottleneck to the closure process.

(https://www.waterboards.ca.gov/ust/single_walled.html)

The State Water Resources Control Board (State Water Board) and the Certified Unified Program Agencies (CUPAs) have provided continuous outreach and education regarding the closure deadline, still many UST owners or operators will fail to properly plan for the required closure. Single-walled UST systems that are not permanently closed on January 1, 2026, even if the owner or operator has made the system non-operational, will begin to accrue penalties at \$500 to \$5,000 per day, per tank, per violation. UST owners and operators may attempt to hire UST installers and service technicians from other states for services on their California USTs. To remove, install, or service a UST in California, individuals or the company that employs them must possess a license from the [California State Licensing Board](#) (CSLB).

(<https://www.cslb.ca.gov/>)

Those individuals without the proper license from the CSLB are not permitted to work in California. Additionally, UST installers and service technicians must also possess training by the manufacturer of equipment being installed and possess a current International Code Counsel UST Installation/Retrofitting certification or the California UST Service Technician certification. Licensing and certification requirements can be found in Title 23, division 3, chapter 16 (UST Regulations), section 2715, and are further outlined in [Local Guidance 167](#).

(https://www.waterboards.ca.gov/ust/leak_prevention/lgs/docs/lg-167-2.pdf)

For additional information regarding requirements for UST installers and service technicians, contact: Austin Lemire-Baeten at (916) 327-5612, or

Austin.Lemire-Baeten@waterboards.ca.gov.

For specific information regarding CSLB requirements, please contact the [California Contractors State License Board](#).

(https://www.cslb.ca.gov/About_us/Contact_CSLB.aspx)

Abandoned Underground Storage Tanks

The State Water Board has updated [Reporting Abandoned USTs](#) on the CERS Frequently Asked Questions webpage to further clarify which systems qualify as abandoned USTs, whether they need to be recorded in CERS, and what to do when an abandoned UST is encountered.

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

All USTs meeting the criteria of abandoned as described in the FAQ must be reported in CERS if they are not being permanently closed within a short time of discovery. Additionally, all abandoned USTs must be inspected annually and included as part of the *Semi-Annual UST Program Report* with the appropriate technical compliance rate information.

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

For additional information regarding abandoned USTs, contact: Austin Lemire-Baeten at (916) 327-5612, or Austin.Lemire-Baeten@waterboards.ca.gov, or Jenna Hartman at (916) 327-8563, or Jenna.Hartman@waterboards.ca.gov.

Spanish and Hindi Versions of *Musts for USTs*

The Environmental Protection Agency (EPA) has finalized the non-English versions of *Musts for USTs*. Spanish and Hindi versions of the document are available at the *Musts for USTs* page at <https://www.epa.gov/ust/musts-usts> and at the EPA's Publications Related to Underground Storage Tanks page at <https://www.epa.gov/ust/publications-related-underground-storage-tanks>. The EPA appreciates the hard work of their regional colleagues in reviewing, editing, and finalizing these documents. Versions of *Musts for USTs* in Bengali, Punjabi, and Farsi are in the draft stage. Individuals fluent in these languages who have a UST background are encouraged to reach out to Beth Zelenski at Zelenski.Elizabeth@epa.gov if they would like to contribute to the translation.

For additional information regarding *Musts for USTs*, contact: Beth Zelenski at Zelenski.Elizabeth@epa.gov, or Kenneth Dixon at Dixon.Kenneth@epa.gov.

Overfill Prevention Equipment on Waste Oil Tanks

As discussed in previous [Monthly updates](#), many waste oil tanks improperly apply both the secondary containment piping exemption described in UST Regulations, section 2636(a)(1) and the overfill prevention equipment (OPE) exemption from section 2635(c)(2).

(https://www.waterboards.ca.gov/water_issues/programs/ust/cupa/updates/docs/november2021-ust.pdf)

Because the secondary containment exemption requires very specific overfill performance measures, only one of these exemptions may be utilized. For systems that improperly utilize both exemptions, the owner or operator may:

- Secondarily contain all vent and/or riser piping;
- Utilize the automatic tank gauge and vent restrictor method if the vent restrictor was installed before October 1, 2018, notate these items in CERS as the OPE, and properly inspect those devices in accordance with UST Regulations, section 2637.2; or
- Install or inspect functional positive shutoff OPE in accordance with UST Regulations, sections 2635(c)(1)(C) and 2637.2.

Positive shutoff OPE has proven difficult with some waste oil systems due to product compatibility and flow rates. [Universal Valve Company](#) claims to provide a positive shutoff OPE valve that is compatible with waste oil.

(<http://www.universalvalve.com/default.asp>)

Additional guidance on overfill prevention requirements can be found in [Local Guidance 150](#).

(https://www.waterboards.ca.gov/ust/leak_prevention/lgs/docs/150-3.pdf)

For additional information regarding overfill prevention equipment on waste oil tanks, contact: Austin Lemire-Baeten at (916) 327-5612, or

Austin.Lemire-Baeten@waterboards.ca.gov.

CUPA Evaluation Facility Selection

As part of the CUPA Evaluation facility selection process, evaluation staff utilize the *UST Facility/Tank Data Download Report* and now include a random number generator (RNG) column to the excel spreadsheet. The RNG was added to remove any concerns of selection bias. While the State Water Board staff will still prioritize facilities based on certain characteristics such as systems with single-walled components or CUPA owned facilities, staff will only select those facilities as sequenced by the RNG. CUPAs may request the facility selection documents with the RNG component during the evaluation.

For additional information regarding the facility selection random number generator, contact: Char'Mane Robinson at (916) 327-1276, or

Charmane.Robinson@waterboards.ca.gov.

CUPA Evaluation Webpage Updates

The Leak Prevention Unit continues to develop resources to assist and clarify the CUPA evaluation process. These resources are found on the [CUPA Evaluation Webpage](#) to include the following new information.

(https://www.waterboards.ca.gov/water_issues/programs/ust/performance-evaluations.html)

UST Operating Permit Template

The UST Operating Permit Template has been provided to assist the CUPAs in developing their UST operating permit to meet the minimum UST permit requirements and correctly reference all applicable section codes.

CERS Quality Assurance List

Staff developed a [CERS Quality Assurance List](#) to assist CUPAs in performing their own CERS data review. The list includes the specific quality assurance items from the *UST Facility/Tank Data Download Report* reviewed by staff during the CUPA evaluation. Staff may review all or part of the listings during the CUPA evaluation. CUPAs should perform a review of their data on an annual basis. Upon request, State Water Board staff will provide training to CUPA staff.

(https://www.waterboards.ca.gov/water_issues/programs/ust/docs/cers-quality-assurance.pdf)

For additional information regarding the CUPA Evaluation Webpage Updates, contact: Kaitlin Cottrell at (916) 319-0742, or Kaitlin.Cottrell@waterboards.ca.gov, or Char'Mane Robinson at (916) 327-1276, or Charmane.Robinson@waterboards.ca.gov.

CERS Data Discrepancy Training

State Water Board staff are now offering training to CUPAs to review and identify data discrepancies using available CERS reports and Excel. The training will show CUPA staff how to quickly and thoroughly review CERS data and identify common discrepancies. Those interested should contact Kaitlin Cottrell to schedule a training time. Training may be provided remotely or in person.

For additional information regarding the CERS data discrepancy training, contact: Kaitlin Cottrell at (916) 319-0742, or Kaitlin.Cottrell@waterboards.ca.gov.

25th Annual CUPA Conference – UST Leak Prevention Presentations

The 25th CUPA Conference was held March 20-23, 2023, in Anaheim, California. Leak Prevention staff appreciate the opportunity to discuss current UST subject matter and answer both technical and administrative questions pertaining to the UST Program. The training sessions offered many opportunities to educate attendees on the intricacies of the UST Program. Below are brief summaries of UST Leak Prevention presentations:

Year in Review for 2022

Tom Henderson provided the yearly update of the State Water Board's UST Program. He covered program statistics, specific reuse of single-walled tanks, the Chapter 16 rewrite, and abandoned USTs. Tom also discussed site-specific variances for single-walled components, modifications to select local guidance letters, and the critical importance of proper enforcement.

CUPA Performance Evaluation Process

Kaitlin Cottrell and Jenna Hartman presented on the CUPA Performance Evaluation Process. They discussed State Water Board UST evaluation updates, including staff changes, focusing on single-walled UST systems during the evaluation process, updates to the CUPA Evaluation webpage and improvements made to the UST evaluation process. State Water Board staff will continue to provide additional support for CUPAs, including CERS training for CUPA staff beginning in May 2023.

Single-walled USTs

Austin Lemire-Baeten presented on what constitutes as a single-walled UST, how these systems can be monitored, tested, and repaired, and the processes involved to close or replace single-walled systems with secondarily contained systems. The deadline for single-walled UST closure is December 31, 2025.

New UST Leak Prevention Staff

The UST Leak Prevention Unit is pleased to announce Mr. Jason Carter has joined the CUPA Evaluation team. Jason received a Bachelor of Science degree in Biology from the University of Oregon and has worked as an Environmental Scientist for the State Water Board's Division of Drinking Water, where he has worked as a regional coordinator for the Harmful Algal Bloom Program. Jason can be reached at Jason.Carter@waterboards.ca.gov.

DTSC

Environmental Enforcement Priorities

On April 13, 2023, CalEPA Secretary Garcia issued a new memorandum outlining environmental enforcement priorities for the agency. The memo emphasizes that every Californian deserves to live, work, and recreate in a clean and safe environment and underscores that robust enforcement is essential to achieving that goal. The memo establishes three pillars that should guide the enforcement work occurring throughout CalEPA: (1) equity-centered enforcement; (2) cross-agency coordination and collaboration; and (3) utilization of all available enforcement tools. It provides details regarding each pillar and also describes how CalEPA enforcement initiatives like the Environmental Justice Task Force and the CalEPA-USEPA Environmental Justice Enforcement MOU align with these priorities.

Please take a look at the [memo](#) and share it with your staff and networks.

(https://calepa.ca.gov/wp-content/uploads/sites/6/2023/04/Secty-Garcia-2023-Enforcement-Memo_Final.pdf)

Hazardous Waste Management Report and Plan

In July 2021, [Senate Bill 158](#) (SB158) was approved and changed [California Health and Safety Code \(HSC\) 25135](#) to require DTSC to develop Hazardous Waste Management Reports and Plans.

(https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB158)

(https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=20.&title=&part=&chapter=6.5.&article=3.5.)

DTSC is to issue a Hazardous Waste Management Report every three years, beginning in 2023, and develop Hazardous Waste Management Plans for approval by the Board of Environmental Safety every three years, beginning in 2025. The first Hazardous Waste Management Report is the starting point for a current and cohesive understanding of hazardous waste management in California. It provides information about generation, transportation, treatment, storage, and disposal of hazardous waste in the state. A few key findings of the report include the following:

- Over the past 40 years, the number of operating hazardous waste facilities with a full RCRA Equivalent Permit has decreased from more than 400 to fewer than 100. Conversely, the number of generators has almost doubled from approximately 55,000 in 2010 to nearly 100,000 in 2021.

- The total quantity of manifested hazardous waste generated annually has ranged from almost 1.5 million tons to almost 2.0 million tons since 2010.
- Three waste streams – contaminated soil, waste oil and mixed oil, and other inorganic debris – make up approximately 65 percent of all hazardous waste generated since 2010.
- California’s criteria for identification of hazardous waste were developed in the early 1980s and rely on assumptions and justifications that must be reviewed to ensure they are consistent with current science and technology.

Future hazardous waste management planning will include work in four primary areas:

- Hazardous Waste Criteria
- Waste Reduction
- Capacity Assurance
- Environmental Justice

DTSC plans to host two additional public workshops to receive public input when the draft report is released in the coming months. Previous workshops, upcoming events, and the current report and plan status are available on the [Hazardous Waste Management Plan Website](https://dtsc.ca.gov/hazardous-waste-management-plan/).

(<https://dtsc.ca.gov/hazardous-waste-management-plan/>)

Interim Advisory on Handling and Management of Alcohol-based Hand Sanitizer (March 16, 2023)

CalEPA and DTSC have published an [advisory](#) for California schools, businesses, and other entities regarding the requirements for the management of expired/unusable alcohol-based hand sanitizer. In response to the COVID-19 pandemic, many California entities obtained alcohol-based hand sanitizer in quantities greater than they could use, sell, or distribute. Many now find that their hand sanitizer is reaching, or has exceeded, its expiration date or is no longer usable for its intended purpose. The Interim Advisory explains CalEPA’s requirements for the handling of hazardous materials, including business plans and their submittal through the California Environmental Reporting System (CERS). The Interim Advisory also summarizes management options for retrograde or waste alcohol-based hand sanitizer. These management options include returning retrograde material to the original manufacturer, and recycling or disposal of waste alcohol-based hand sanitizer. Finally, the Interim Advisory links to the U.S. Food and Drug Administration’s website, which contains health warnings regarding hand sanitizer produced during the pandemic.

(<https://dtsc.ca.gov/wp-content/uploads/sites/31/2023/03/Interim-Advisory-on-Handling-and-Management-of-Alcohol-based-Hand-Sanitizer.pdf?emrc=1c637f>)

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Advisory Committee

The next APSA Advisory Committee will be on June 20, 2023, at 9:30 am. 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/).

(<https://osfm.fire.ca.gov/boards-committees/aboveground-petroleum-storage-act-advisory-committee/>)

How often must a tank facility owner or operator perform inspections of their petroleum aboveground storage tanks (ASTs), containers, and/or equipment?

Each tank facility owner or operator subject to APSA is required to perform periodic tank inspections that comply with the latest requirements of the Code of Federal Regulations (CFR), Title 40, Part 112. Inspection frequencies for all APSA regulated tanks must be described in a facility's Spill Prevention, Control, and Countermeasure (SPCC) Plan. The tank facility owner or operator and/or the certifying professional engineer must determine the appropriate tank inspection frequency in accordance with good engineering practice and relevant industry standards as part of SPCC Plan creation.

Are all petroleum ASTs at onshore oil and gas production facilities excluded from the APSA?

It depends.

In 2014, a Memorandum of Agreement (MOA) was developed between the Department of Conservation-California Geologic Energy Management Division (CalGEM, formerly known as the Division of Oil, Gas, and Geothermal Resources (DOGGR)) and CAL FIRE-Office of the State Fire Marshal (OSFM) to clarify agency responsibilities. Per the MOA, CalGEM has jurisdiction over all tanks and pipelines that exist on the lease between the wellhead and the point of custody transfer to a common carrier, pipeline company, refinery, or other third-party for purposes of sales, distribution, or further processing. This includes standalone tanks on the lease, not connected to the wellhead by physical pipeline, that are integrally associated with oil and gas production.

CAL FIRE-OSFM jurisdiction relative to tanks and pipelines begins at the point of custody transfer, such as a truck loading dock or lease automatic custody transfer unit. Beyond the custody transfer point, OSFM Pipeline Safety Division jurisdiction applies to hazardous liquid pipelines and breakout tanks, while APSA regulates applicable petroleum ASTs, containers, and associated piping.

Should a Unified Program Agency (UPA) have jurisdictional authority questions regarding a specific tank, container or pipeline at an oil and gas production facility, they may contact a CalGEM staff and/or a CAL FIRE-OSFM Pipeline Safety Division and 'CUPA' staff. The UPA can then assess which specific ASTs or containers and associated piping may be APSA regulated.

Onshore oil and gas production facilities are regulated under the Federal SPCC rule and must comply with the 40 CFR Part 112 requirements. When an SPCC Plan is required, all relevant oil and petroleum ASTs should be included in the plan.

You may contact the CAL FIRE-OSFM Pipeline Safety Division and 'CUPA' staff at (916) 263-6300.

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](#)