

Unified Program Newsletter – October 2023

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CalEPA

Formal Enforcement Summary

A new Formal Enforcement Summary form (Revised August 2023ADA) has been uploaded to the CalEPA Unified Program web page. The new form adds a section for adding the Enviroscreen score for the violator. This Enviroscreen score addition is currently a voluntary option but may change to a required field in the future. The addition of the Enviroscreen score was requested by the Strategic Plan Equitable Enforcement team to identify enforcement conducted in “California communities that are disproportionately burdened by multiple sources of pollution” (OEHHA CalEnviroscreen 4.0 web page <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>)

CERS NextGen Update

CalEPA is continuing work on the CERS NextGen project to move CERS to a supported platform, streamline processes, and re-align with the overall goals of the Unified Program.

In the Spring of this year, CalEPA released a solicitation package to the vendor community to implement the CERS NextGen system. After extensive deliberation, the decision was made to cancel the solicitation in late July due to budget concerns. Since

that time, CalEPA has worked to clarify the system requirements, refine the project scope to meet business and regulator needs, and pursue additional project funding.

To ensure our proposed requirements will continue to meet regulatory requirements, CalEPA will be splitting the project into two phases. Phase 1 will provide comprehensive functionality for the Underground Storage Tank (UST) Program. The UST program is the most complex program within CERS for data management and has the largest financial impacts through insurance and/or grant funding. California has historically received significant grant money from US EPA for the monitoring and cleanup of abandoned and leaking USTs. Current statutes require single-walled tanks to be removed by 2025. CalEPA anticipates a spike in the number of abandoned USTs, but lacks the technical infrastructure to collect and report the data because the current system is not capable of tracking abandoned tanks. Information pertaining to abandoned tanks is legally required to be tracked as part of the Federal Energy Policy Act of 2005, and annually reported to US EPA. Unless CalEPA updates CERS with the functionality necessary to track abandoned USTs, California may be unable to maintain compliance with Federal requirements and lose grant funding.

CalEPA is pleased to announce that we have been awarded 4.5 million dollars from the Technology Modernization Fund (TMF) to implement Phase 1. Funding will be utilized to configure a modern user-interface for public-facing digital services that can scale to support additional programs using a Salesforce solution. This includes key NextGen system functionality including:

- Creation of business, facility, and UST records in the system
- Development of the business and regulator user interface
- The reporting (“Submittals”) process of the UST program
- The local regulator’s submittal review and acceptance process
- Compliance activity documentation, monitoring, and return-to-compliance processes

Phase 1 will establish the technical foundation and functionality for the full replacement system. It will ensure the ability to track abandoned USTs and maintain funding availability. This phase will build out the new data structure and include critical functionality such as, business profiles and submittals, the two-way exchange of UPA data, and regulatory reports. Phase 2 of the Project will add the other five programs to the new system.

Procurement for three key contractors the system integrator, organization change management, and independent verification and validation is anticipated to begin by the end of the year.

After the successful completion the UST portion of CERS in 2024 CalEPA plans to immediately continue the CERS replacement project for the remaining five environmental regulatory programs as a “Phase II” effort. This includes the few remaining components of the data model specific to those regulatory programs, the

portion of the business User Interface specific to the remaining five environmental regulatory programs, workflows/automations, reporting, and other features defined in the detailed requirements.

At this time, we cannot provide additional details about the project timeline. However, once the contractors are on board, Phase 1 will be completed in 12 months. CalEPA will continue to provide updated project information as it becomes available.

CalEPA HMBP/CalARP Unit

Submittal Due Dates for The Hazardous Materials Business Plan Program; Guidance Document 23-01

CalEPA has issued a guidance document entitled “Submittal Due Dates for The Hazardous Materials Business Plan Program.” The purpose of this guidance is to summarize the requirements regarding submittal due dates for the Hazardous Materials Business Plan (HMBP) and to provide guidance to Unified Program Agencies (UPAs) and the regulated community for complying with all applicable requirements. The guidance document can be found [here](#).

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2023/09/HMBP-Guidance-Letter-23-01-HMBP-Submittal-Due-Date.pdf>)

If you have any questions regarding this guidance document, please contact CalEPA at HMBP@calepa.ca.gov.

State Water Board

Manufacturer’s Compatibility Guidelines

Compatibility is an essential aspect of underground storage tank (UST) operation. UST installers and service technicians are required to follow manufacturer’s compatibility guidelines when installing or repairing UST components. State Water Board staff are aware that adhesives commonly used for containment sump repairs are not always compatible with the hazardous substances stored. Several Unified Program Agencies (UPAs) have posed questions about the improper use of these adhesives acting as external seals on failed containment sump fittings. UST components and materials that are not installed or applied in accordance with the manufacturer’s compatibility guidelines must be removed and appropriately repaired or replaced.

For more information regarding manufacturer’s compatibility guidelines, contact: Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

Overfill Prevention Valve Manufacturer’s Training

Universal Valve Company (Universal) has developed training for their 47-20 overfill prevention valve. Universal states that this valve is compatible with waste oil and can provide positive shut-off overfill prevention for waste oil tanks. UPAs should ensure that

service technicians installing, servicing, or removing these overfill prevention valves are properly trained by the manufacturer.

The 47-20 overfill prevention valve from Universal is not applicable in all scenarios. The valve has a 2” opening, which requires additional tank top fittings if the waste oil tank is equipped with a standard 4” diameter fill riser. Emptying the tank through the 4” riser requires removing the 2” valve to empty the tank with a vacuum truck. Removing the 47-20 overfill prevention valve to empty the tank requires a service technician to remove and reinstall the valve each time the tank is emptied.

For more information regarding overfill prevention valve manufacturer’s training, contact:

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

Website Updates

Red Tag Data

The red tag application data as part of the January – June 2023 Semiannual UST Program Report (Report 6) has been updated and depicted on the [UST Red Tag Requirements and Guidance](#) webpage.

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

Single-Walled UST Data

The State Water Board has been keeping a [list of single-walled facilities](#) for reference on the *Permanent Closure Requirements for Underground Storage Tank with Single-Walled Components* web page. The list of single-walled facilities is collected from the California Environmental Reporting System’s data and updated quarterly, most recently in September 2023.

(<https://www.waterboards.ca.gov/ust/docs/swt-contacts.xlsx>)

For additional information regarding the website updates, contact:

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 welcome Magnolia Busse to the Certified Unified Program Agency Evaluation Team. Magnolia graduated from California State University Sacramento with a Bachelor of Science degree in geology with a minor in biology. Since then, she has worked professionally in an environmental laboratory focusing on water quality where she held roles as a chemist, microbiologist, department manager, project manager, and in quality assurance. Magnolia can be reached at Magnolia.Busse@waterboards.ca.gov.

DTSC

EPA's National Priority Initiatives

The USEPA's Office of Enforcement and Compliance has chosen six National Enforcement and Compliance Initiatives (NECIs) for FY 2024 to 2027. This comprises of new priority initiatives which includes mitigating climate change, addressing exposure to per- and polyfluoroalkyl substances chemicals (PFAS), and protecting communities from coal ash contamination, as well as continued priorities like reducing air toxics in overburdened communities, increasing compliance with drinking water standards, and chemical accident risk reduction. They chose these initiatives based on three criteria: the need to address serious environmental issues that affect human health and the environment, focus on areas where enforcement is needed to hold polluters accountable, and priorities in alignment with [EPA's Strategic Plan](#).

(<https://www.epa.gov/system/files/documents/2022-03/fy-2022-2026-epa-strategic-plan.pdf>)

Read the entire memo [here](#).

(<https://www.epa.gov/system/files/documents/2023-08/fy2024-27necis.pdf>)

Cal FIRE OSFM

Tank Facility Statement for Farms

Question: What is the tank facility statement reporting requirement for a farm under the Aboveground Petroleum Storage Act (APSA)?

Answer: Under APSA, an owner or operator of an APSA tank facility, including a farm, is required to annually submit a tank facility statement to the California Environmental Reporting System (CERS) on or before January 1st (Health and Safety Code [HSC] Section 25270.6(a)(1)). A tank facility statement includes the following information:

- Name and address of the tank facility,
- Contact person for the tank facility,
- Total storage capacity of the tank facility, and
- Location and contents of each petroleum aboveground storage tank that exceeds 10,000 gallons in storage capacity.

An owner or operator of an APSA tank facility is also allowed to submit a Hazardous Materials Business Plan (HMBP) in lieu of the tank facility statement to CERS (HSC Section 25270.6(a)(2)). However, under the HMBP statute, an APSA tank facility must annually submit an HMBP to CERS on or before March 1st, or by the date established by the Unified Program Agency (UPA) (HSC Sections 25508(a)(1)(B) and (a)(2)).

Under APSA, each owner or operator of an APSA tank facility, including a farm, is required to submit a **complete** HMBP to CERS to meet the tank facility statement

reporting requirement (HSC Section 25270.6(a)(2)). A **complete** HMBP includes the following elements (HSC Section 25505(a)):

- Facility information (business activities and owner/operator information),
- Hazardous materials inventory and site map,
- Emergency response plans and procedures, and
- Employee training program.

The provision that exempts farms from submitting certain elements of an HMBP to CERS when conditions are met under HSC Section 25507.1(a) is not explicitly recognized under the APSA statute.

The APSA tank facility statement is available for download from the OSFM website at <https://osfm.fire.ca.gov/media/bpgbb0px/reset-fillable-accessible-tank-facility-statement-form-25jan2021.pdf>. More information on the APSA tank facility statement reporting requirement is available on the OSFM website at <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements/>.

Training

Question: Are Unified Program Agency (UPA) inspectors required to complete and pass the APSA Basic Inspector Training program to conduct APSA inspections?

Answer: Yes. UPA inspectors must complete and satisfactorily pass the APSA Basic Inspector Training program prior to conducting any APSA inspections at facilities that are required to prepare an SPCC Plan in accordance with the APSA.

Note: UPA inspectors conducting inspections at conditionally exempt tank facilities only are not required to complete and pass the APSA Basic Inspector Training program.

Question: Is the APSA Basic Inspector Training program available for any interested parties?

Answer: The APSA Basic Inspector Training program is only available to UPA staff, not regulated tank facilities or other interested parties.

Question: Are training resources available to regulated facilities or other interested parties on the APSA Program?

Answer: Yes. The California CUPA Forum provides the California Unified Program training conference on an annual basis, usually during the month of February. This training conference provides various professional training courses in subjects related to

California Unified Program implementation, including courses related to the APSA and the SPCC rule.

Facilities and other interested parties are encouraged to attend. Various training courses are open to the industry and regulated community. For more information on the annual California Unified Program conference, visit the California CUPA Forum website at <https://www.calcupa.org/>.

Facilities may also contact their local CUPA to see if they offer training.

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](#)