

Unified Program Newsletter – November 2023

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CalEPA

Title 27 Regulations Informational Workshops

Please join CalEPA Unified Program staff as we present additional changes and corrections to the regulatory package originally submitted in March 2023. These workshops will not discuss all changes to Title 27, but only additional changes to the original submission. All workshops will provide the same information and be presented via Zoom.

November 27, 2023, 11:00-11:30 AM

<https://us02web.zoom.us/j/81817489920?pwd=RWFdVDh4WHAzR25LQVlKRvJbJnIUT09>

+1 669 444 9171 US

Webinar ID: 818 1748 9920

Passcode: 492345

November 27, 2023, 2:00-2:30 PM

<https://us02web.zoom.us/j/87683286545?pwd=c2N4WXFqZVBKLzBtZ3FQOWpUV0pBdz09>

+1 669 444 9171 US

Webinar ID: 876 8328 6545 Passcode: 229028

November 28, 2023, 9:00-9:30 AM

<https://us02web.zoom.us/j/82019962024?pwd=R2NBRkQ1WGdJSFBrTFJRYW45V3VDUT09>

+1 669 444 9171 US

Webinar ID: 820 1996 2024 Passcode: 559445

HMBP/CalARP

Training Opportunities Webpages for Hazardous Materials Business Plan (HMBP) and California Accidental Release Prevention (CalARP) Programs

The HMBP/CalARP Unit has published training opportunities online to share learning opportunities for inspectors to acquire the technical expertise to implement elements of the HMBP and CalARP programs. These webpages include upcoming training opportunities and training resources to assist with onboarding new inspectors and advance the training needs of existing inspectors.

The Training Opportunities pages for HMBP and CalARP can be found at:

<https://calepa.ca.gov/hazardous-materials-business-plan-program/training-opportunities/>
<https://calepa.ca.gov/california-accidental-release-prevention/training-opportunities/>

If you have any questions regarding the HMBP and CalARP Training Opportunities, please contact CalEPA at HMBP@calepa.ca.gov or CalARP@calepa.ca.gov.

State Water Board

Facility Compliance Inspection Reporting

California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2713(d) requires the Unified Program Agency (UPA) to report to the State Water Resources Control Board (State Water Board), no later than January 31st each year, the number of underground storage tank (UST) facilities where a compliance inspection was not performed over the previous calendar year. The State Water Board is required to report annually to the United States Environmental Protection Agency (U.S. EPA) on several performance measures as part of the Energy Policy Act of 2005 (EPAAct). One of the EPAAct performance measures requires states to certify that a UST facility compliance inspection has been conducted at every UST facility at least once during the past three years, thereby meeting the federal inspection frequency. At the direction of U.S. EPA, the California Environmental Reporting System (CERS) will be used to verify each UPA has complied with the federal UST inspection frequency.

To assist UPAs in verifying the accuracy of UST facility compliance inspections, UPAs should use the [UST Routine Inspection Frequency](#) search tool in CERS. (<https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch>)

The State Water Board sent a [letter](#) to UPA managers on October 25, 2023, which included instructions on how to use the UST Routine Inspection Frequency search tool. UPAs should use this tool early to identify facilities where a compliance inspection has not been performed during the 2023 calendar year, or to ensure the correct data has been properly uploaded to CERS. This report will assist UPAs in identifying missing inspections or inaccurate data. State Water Board staff strongly suggest UPAs run the CERS UST Routine Inspection Frequency search now and again in mid-December. As a reminder, virtual or desk audit UST compliance inspections without an on-site element do not satisfy the UST compliance inspection provision of the EPA Act. (https://www.waterboards.ca.gov/water_issues/programs/ust/docs/ust-compliance-inspection-2024.pdf)

For more information regarding compliance inspections reporting requirements, contact Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Public Records Information Web Page

In addition to the UST compliance inspection reporting above, the EPA Act requires states to annually update a public summary of the number of current UST facilities, systems, inspections performed, and available data on unauthorized release sources and causes. On November 1, 2023, the State Water Board updated the [Public Records Summary Information](#) of Underground Storage Tanks web page. (https://www.waterboards.ca.gov/ust/leak_prevention/public_record_sum_info.html)

The reporting period for the summary is July 1, 2022, through June 30, 2023, and includes the percentage of UST systems in compliance with the technical compliance rate performance measure.

For information regarding the public records web page, contact Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Tanks without Independent Testing Organization Approval

The State Water Board is aware of tanks available in California without approval from an independent testing organization such as Underwriter's Laboratories. UST Regulations, section 2631(b) requires the design and construction of the UST primary containment, including any integral secondary containment system, and all components used to construct the primary containment system to be approved by an independent testing organization.

UPA UST inspectors must ensure proper independent third-party testing organization labels are correctly affixed to the tank at installation. Tanks without proper labeling cannot be installed as USTs and must be rejected for installation.

For additional information regarding independent testing organization approval, contact Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Functionality Testing for Replaced Release Detection Equipment

Release detection equipment repair or replacement, including equipment replaced like-for-like, that occurs outside a system's annual monitoring certification is subject to functionality testing before the system is placed back into service. Service technicians must document functionality testing using the *Monitoring System Certification Form* and mark the type of action as "Repair." UPAs cannot waive documenting functionality testing on the *Monitoring System Certification Form* for release detection equipment repairs or like-for-like replacement. The UST owner or operator must provide the completed *Monitoring System Certification Form* to the UPA having jurisdiction over the facility within 30 days of performing the test and maintain the document for 36 months. Current [UST forms](#) can be found on the State Water Board UST Reporting and Inspection Forms web page.

(<https://www.waterboards.ca.gov/ust/publications/forms.html>)

For additional information regarding functionality testing for replaced sensors, contact Austin Lemire-Baeten at (916) 357-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

Dan Firth's Retirement

Dan Firth retired from state assistance in October of this year. Dan provided an invaluable resource to the UST community through CERS data discrepancy cleanup and development of new CERS report enhancements. Prior to working as a contractor with the State Water Board and the California Environmental Protection Agency, Dan worked in local hazardous materials and UPA programs in the state for 27 years. Dan will be missed, and we wish him all the best.

CERS FAQ: Reporting Permanent Closure and Installation of USTs

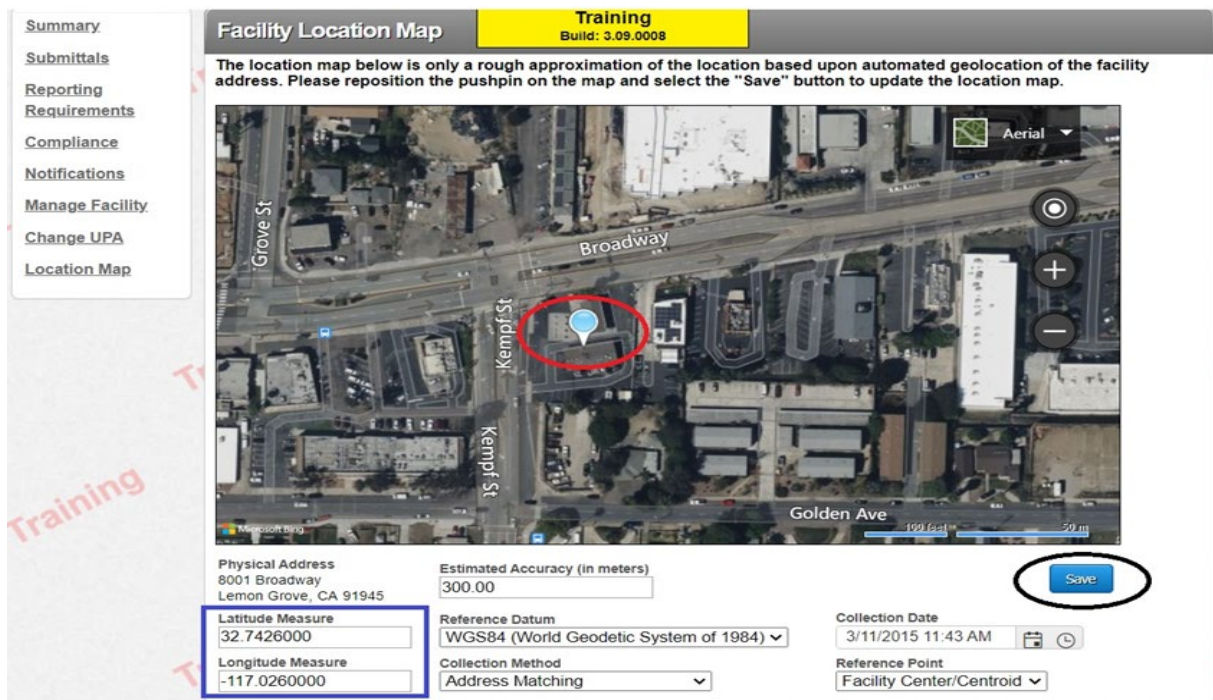
State Water Board staff developed a new CERS Frequently Asked Question (FAQ), *Reporting Closure of USTs and Installation of New USTs*, to assist UST owners or operators in reporting the permanent closure and subsequent installation of one or more new USTs at the same facility. This new [FAQ](#) is located on the State Water Board CERS FAQ web page.

(https://www.waterboards.ca.gov/ust/cers/tutorials/bu14_reporting_closure_and_new_installation.html)

For additional information regarding permanent closure and installation of USTs, please contact Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

UST Facility Location Data in CERS

The State Water Board and U.S. EPA’s contractor, Redhorse Corporation, use UST facility location data in CERS to make important decisions about each facility’s potential risk to health and human safety. When UPA staff review CERS submittals, they must verify facility addresses, confirm the site locations map correctly via the “Location Map” screen, and make corrections as needed, either by dragging the location pin or by manually entering the correct coordinates, and clicking the “save” button.



For questions about updating the UST facility location data in CERS, please contact Johnny Wales at (804) 852-7274 or Johnny.Wales@waterboards.ca.gov.

DTSC

Inactivation of ID Numbers Due to Non-Completion of DTSC’s 2023 Hazardous Waste ID Number Verification Questionnaire

Hazardous waste handlers that are required to complete the 2023 Verification Questionnaire and failed to do so by October 31st by 11:59 PM had their ID numbers inactivated on November 1st. The inactive date was backdated to June 30, 2023. The questionnaire and fees were due 30 days from the date the handler received their first notice in July 2023. Handlers were sent several notices. Inactivating ID numbers due to non-compliance with Health and Safety Code section 25205.16 helps DTSC clean up data for handlers that are not using their ID number(s) and do not respond to notices.

The eVQ System will be open until the end of this year to accept late submissions. If a handler has not completed their 2023 Verification Questionnaire, refer them to the information below. Inactive ID numbers can be reactivated in step 3 of the questionnaire.

- ▷ **Website:** <https://evq.dtsc.ca.gov>
- ▷ **Training Video:** <https://dtsc.ca.gov/evq-training-video/>
- ▷ **Email:** eVQ@dtsc.ca.gov
- ▷ **Phone:** 1-877-454-4012 (toll-free) Monday through Friday from 9:00 AM to 3:00 PM Pacific Time.

December is User Accounts Cleanup Month

What: The DTSC Office of Environmental Information Management's Business Operations Unit is designating December as User Accounts Cleanup Month. Employees no longer working for a regulatory agency or no longer needing access due to changes to their job responsibilities will have their Hazardous Waste Tracking System (HWTS) and RCRAInfo regulatory agency user accounts deactivated.

Why: Stale accounts pose a security risk. Each one of these accounts offers a bad actor an opportunity to gain access to the respective system's data and resources. Best practices and standards require that these accounts be removed or disabled within a set amount of time.

How to participate in this cleanup? If you are a manager or supervisor, e-mail myRCRAid@dtsc.ca.gov to request a list of active HWTS and RCRAInfo regulatory agency user accounts from your agency. Review the list to identify employees who are no longer with your agency or no longer need access, so that DTSC can deactivate these user accounts.

AB 1716 – Universal Waste Aerosol Cans

On December 9, 2019, the U.S. Environmental Protection Agency (EPA) published in the Federal Register the "Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations" rule.

This rule added hazardous waste aerosol cans to the federal universal waste program under the Resource Conservation and Recovery Act (RCRA) and adopted standards for their management.

This rule became effective on February 7, 2020 (84 FR 67202).

California's Health and Safety Code section 25159 requires DTSC to adopt or revise regulations as necessary to maintain RCRA authorization to administer the state hazardous waste program in lieu of the federal program. Many of California's

analogous provisions, located in the Health and Safety Code section 25201.16, are at least equivalent or more stringent than the federal universal waste program aerosol can provisions; however, some of California's requirements were less stringent than federal provisions. As an authorized state, California was required to modify its hazardous waste laws to ensure the universal waste aerosol can requirements were, at a minimum, equivalent to the federal standards.

On September 22, 2023, California Assembly Bill (AB) 1716 was signed and will go into effect on January 1, 2024. AB 1716 revises the definition of an aerosol can to "a nonrefillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas." Additionally, the bill requires universal waste aerosol cans, or the contents removed from a universal waste aerosol can must be transported or accumulated in a container that is protected from sources of heat. Also, the bill requires universal waste aerosol cans that show evidence of leakage must be packaged in a separate closed container or overpacked with absorbents, or immediately punctured and drained. The bill requires that when activities are conducted on universal waste aerosol cans, they remain intact. The bill revises and expands the duties of a universal waste handler by requiring the written operating procedure of the safe processing of universal waste aerosol cans to always be maintained onsite and the handler to maintain a copy of the manufacturer's specifications and instructions for the device used to puncture and drain the aerosol cans. Additionally, the bill requires the procedure to add protocols to minimize, mitigate, prevent, control, and clean up any unauthorized release. The bill requires the handler to recycle the empty punctured aerosol cans.

Cal FIRE OSFM

State Fire Marshal

On October 6, 2023, the Governor appointed Chief Daniel Berlant as the State Fire Marshal.

Aboveground Petroleum Storage Act (APSA) Website

Have you visited the Office of the State Fire Marshal [APSA Program](https://osfm.fire.ca.gov/boards-committees/aboveground-petroleum-storage-act-apsa-advisory-committee/) website recently? (<https://osfm.fire.ca.gov/boards-committees/aboveground-petroleum-storage-act-apsa-advisory-committee/>)

It contains various resources and information on the APSA Program, including links to the following:

- APSA Advisory Committee
- California Environmental Reporting System (CERS) Help Materials
- Frequently Asked Questions (FAQ)
- Federal Spill Prevention, Control, and Countermeasure (SPCC) Resources and FAQs

- SPPC Plan Templates for Tier I and Tier II Qualified Facilities
- Tank Facility Statement
- Tank in an Underground Area (TIUGA) FAQs

APSA Rulemaking

The APSA Program regulation package was submitted to the Office of Administrative Law (OAL). The 45-day comment period began on November 3, 2023, and will end on January 19, 2024. A public hearing will be held on January 19, 2024, from 9:00 AM – 12:00 PM.

Copies of the APSA Program regulation package may be found on the OSFM Code Development and Analysis Division Title 19 rulemaking website at:

<https://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/>.

Submit comments to title19regulations@fire.ca.gov.

If you have any questions, contact Jennifer Lorenzo at Jennifer.Lorenzo@fire.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.

[CalEPA Unified Program Home Page](#)