

## Unified Program Newsletter – December 2023

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## CalEPA

### Unified Program Proposed Changes

The California Environmental Protection Agency (CalEPA) has made changes to the proposed rulemaking, amending the California Code of Regulations, title 27, division 1, subdivision 4, chapter 1, sections 15100-15330 and Appendices A-D. A written comment period for the modified regulatory proposal has been established beginning December 8, 2023, and closing on December 26, 2023. A copy of the 15-day notice, proposed text changes, and Initial Statement of Reasons (ISOR) Addendum are available at: <https://calepa.ca.gov/cupa/Unified-Program-Regulations-45-Day-Public-Notice-and-Comment-Period/>.

## **CERS Maintenance**

### **Upcoming CERS Scheduled Maintenance Event: December 22, 4PM-7PM**

The California Environmental Reporting System (CERS) will be **unavailable due to scheduled system maintenance on Friday 12/22/2023 from 4PM - 7PM.**

Please be sure to save all edits in CERS before 4PM to avoid losing any data.

If you have any questions or concerns about this scheduled maintenance event, please contact the CERS Technical Support Team at: [CERS@calepa.ca.gov](mailto:CERS@calepa.ca.gov).

## **US EPA**

### **US EPA's National Enforcement and Compliance Initiatives FY 2024-2027**

To meet these 21st century environmental challenges, the United States Environmental Protection Agency (US EPA) has selected six priority areas as National Enforcement and Compliance Initiatives (NECIs) for Fiscal Years 2024-2027. Please use the following link to access the NECIs for FY 2024-2027:

<https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives>.

## **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 US EPA on several performance measures as part of the Energy Policy Act of 2005 (EPA Act). One of the EPA Act 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 US 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](https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch) search tool in CERS (<https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch>). The State Water Board sent a [letter to UPA managers](https://www.waterboards.ca.gov/ust/docs/ust-compliance-inspection-2024.pdf) on October 25, 2023 (<https://www.waterboards.ca.gov/ust/docs/ust-compliance-inspection-2024.pdf>) 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.

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

### **Assembly Bills 1716 and 1115**

Assembly Bills (AB) 1716 and 1115 have been signed by Governor Newsom and amend Health and Safety Code, division 20 (H&SC) provisions of the Emergency Generator Tank Systems and the UST Cleanup Fund, effective January 1, 2024. On November 17, 2023, the State Water Board distributed a [letter to the UPAs and UST community](https://www.waterboards.ca.gov/ust/docs/2023/ust-statutory-provisions-ab-1716-and-ab-1115.pdf) (<https://www.waterboards.ca.gov/ust/docs/2023/ust-statutory-provisions-ab-1716-and-ab-1115.pdf>) that outlines the amended provisions and provides a link to the complete text of AB 1716 and 1115. The [amended version of H&SC](#), effective January 1, 2024, is currently available on the State Water Board website ([https://www.waterboards.ca.gov/water\\_issues/programs/ust/regulatory/docs/final-hsc-2024-access.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/regulatory/docs/final-hsc-2024-access.pdf)).

For more information regarding AB 1716 and 1115, contact: Jenna Hartman at (916) 327-8563 or [Jenna.Hartman@waterboards.ca.gov](mailto:Jenna.Hartman@waterboards.ca.gov).

### **UST Regulations Rewrite Website**

The State Water Board created the [UST Regulations Rewrite website](https://www.waterboards.ca.gov/ust/leak_prevention/chapter16.html) ([https://www.waterboards.ca.gov/ust/leak\\_prevention/chapter16.html](https://www.waterboards.ca.gov/ust/leak_prevention/chapter16.html)) to keep UPAs, owners, operators, and contractors updated on the regulation drafting process. The September 2023 informational webinars will be made available on the website in English, Spanish and Hindi. State Water Board staff will update the website as new information arises. The formal rulemaking process will begin in fall 2024, to include a 45-day comment period and public hearing.

For more information regarding the draft regulation website, contact: Austin Lemire-Baeten at (916) 327-5612 or [Austin.Lemire-Baeten@waterboards.ca.gov](mailto:Austin.Lemire-Baeten@waterboards.ca.gov).

## **DTSC**

### **DTSC's 2023 Hazardous Waste ID Number Verification Questionnaire Closure**

The 2023 electronic Verification Questionnaire (eVQ) report cycle will be closing on Friday, December 29<sup>th</sup> at 5:00 PM Pacific Time. Late submissions will be accepted until the report cycle closes. If a handler has not completed their 2023 Verification Questionnaire, refer them to the information below. Inactive ID numbers can easily be reactivated in step 3 of the questionnaire.

- ▷ **Website:** <https://evq.dtsc.ca.gov/Home.aspx>
- ▷ **Training Video:** <https://dtsc.ca.gov/evq-training-video/>
- ▷ **Email:** [eVQ@dtsc.ca.gov](mailto: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](mailto: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. Thank you for your participation.

## **Cal FIRE OSFM**

### **Website Change**

CAL FIRE transitioned to a new site for web content. The new Office of the State Fire Marshal (OSFM) webpages are as follows:

- Aboveground Petroleum Storage Act (APSA) Program  
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>

and

- Hazardous Materials Management and Hazardous Materials Inventory Statements (HMMP-HMIS) Program  
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/hazmat-materials-management-plan-and-inventory-statement>.

### **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 are available on the new OSFM Code Development and Analysis Division Title 19 rulemaking website at:

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

Submit comments to [title19regulations@fire.ca.gov](mailto:title19regulations@fire.ca.gov).

If you have any questions, contact Jennifer Lorenzo at [Jennifer.Lorenzo@fire.ca.gov](mailto:Jennifer.Lorenzo@fire.ca.gov).

### **Integrity Tests under APSA**

**Question:** What are the integrity testing requirements for aboveground storage tanks (ASTs) regulated under the APSA Program?

**Answer:** The Federal Spill Prevention, Control, and Countermeasure (SPCC) rule requires bulk storage containers to be tested or inspected for integrity on a regular schedule and whenever you make material repairs. These inspections or tests must be developed in accordance with industry standards. According to the Code of Federal Regulations (CFR), Title 40, Section 112.8(c)(6), “Examples of these integrity tests include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing,

ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing.”

For more information on inspection, evaluation, and testing requirements under the Federal SPCC rule, refer to the *SPCC Guidance for Regional Inspectors*, Chapter 7, which is available on the US EPA website at: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spcc-guidance-regional-inspectors>.

**Question:** What industry standards may be used for integrity testing?

**Answer:** The two main industry standards for aboveground steel tanks storing flammable and combustible liquids include the Steel Tank Institute (STI) SP001 Standard for the Inspection of Aboveground Storage Tanks and American Petroleum Institute (API) Standard 653 Inspection, Repair, Alteration, and Reconstruction. The STI SP001 Standard also covers portable containers, including steel/plastic drums, totes, and concrete exterior tanks. These industry standards contain the detailed requirements for ensuring that aboveground tanks and containers remain suitable for continued service.

For aboveground tanks or containers made of other materials, other industry standards may be applicable.

***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).***

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