

Unified Program Newsletter – January 2024

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CalARP/HMBP

Assembly Bill 1716 – Amendments to HSC Chapter 6.95

CalEPA has issued an update to the regulated community subject to regulation under the Hazardous Materials Business Plan (HMBP) and the California Accidental Release Prevention (CalARP) program regarding Assembly Bill (AB) 1716. [View the CalEPA update on AB 1716.](#)

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2023/12/CalEPA-Update-on-AB-1716.pdf>)

AB 1716 was approved by the Governor on September 22, 2023, and became effective on January 1, 2024. This bill amends the following California Health and Safety Code (HSC), Chapter 6.95 Hazardous Materials Release Response Plans and Inventory provisions:

- Article 1 Business and Area Plans; and
- Article 2 Hazardous Materials Management.

If you have any general questions regarding the AB 1716 changes to HSC, Chapter 6.95, Article 1, please contact CalEPA at HMBP@calepa.ca.gov. If you have any general questions regarding the AB 1716 changes to HSC, Chapter 6.95, Article 2, please contact CalEPA at CalARP@calepa.ca.gov.

Senate Bill 740 – Amendments to HSC Chapter 6.95

CalEPA has issued an update to the regulated community subject to regulation under the Hazardous Materials Business Plan (HMBP) program regarding Senate Bill (SB) 740. [View the CalEPA update on SB 740](#).

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2023/12/CalEPA-Update-on-SB-740.pdf>)

SB 740 was approved by the Governor on September 30, 2023, and is effective on January 1, 2024. This bill adds Section 25536.8 to the California Health and Safety Code (HSC), Chapter 6.95 Hazardous Materials Release Response Plans and Inventory provisions, Article 2 Hazardous Materials Management.

In summary, the bill requires that a stationary source engaged in specified activities require that its contractors and any subcontractors use a skilled and trained workforce to perform all onsite work within an apprenticeable occupation in the building and construction trades. This is required at stationary sources with one or more covered processes that require the preparation and submission of a Risk Management Plan (RMP), when contracting for the performance of construction, alteration, demolition, installation, repair, or maintenance work at the stationary source. This applies to stationary sources engaged in the following activities, when undertaken for commercial purposes: manufacturing hydrogen, biofuels, or certain specified chemicals, or in capturing, sequestering, or using carbon dioxide in specified conditions.

If you have any general questions regarding the SB 740 changes to HSC Article 2, please contact CalEPA at CalARP@calepa.ca.gov.

Annual Unified Program Training Conference Outline

The CalARP Unit has published a training outline as a guide for inspectors to attend courses at the Annual Unified Program Training Conference based on their level of expertise. This outline was developed by the CalARP Track Coordinators to assist inspectors at various levels of expertise to further their knowledge and skills.

The CalARP training outline for the 26th California Unified Program Annual Training Conference can be found at: <https://calepa.ca.gov/california-accidental-release-prevention/training-opportunities/>.

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

CERS

CERS Stale User Account Deletion

A CERS regulator or business user account that has been inactive for 1 or more years is considered a stale account. Stale accounts pose a security risk as each accounts offers a malicious actor opportunity to gain access to CERS. To comply with CalEPA's Information Security policies, any CERS account with no login activity within 1 year will be disabled and removed. This includes first responder and other government account types.

CalEPA will be emailing users with no recent login activities to prompt a log-in. Please ensure users provided access to CERS who have not logged into CERS within the last year, log in before March 15, 2024, to prevent impacts to user access.

UPAs shall continue CERS access procedures remain in place per CCR, Title 27 as follows:

- Section 15180(e)(4), requiring established written procedures for providing HMRRP information to emergency response personnel and other appropriate government entities in accordance with HSC Section 25504(c); and
- Sections 15185(f) and 15100(b)(2)(B)(i)(c), requiring access to the information collected in CERS to be provided to local information management systems, and to agencies with shared responsibilities for protection of the public health and safety and the environment.

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.

(<https://www.waterboards.ca.gov/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.

Single-Walled UST Deadline and Enforcement

The State Water Board has fielded numerous questions on the enforcement role of the UPAs in preparation for the single-walled UST closure deadline. State Water Board staff distributed a [letter to the UPAs](#) on December 20, 2023, discussing enforcement expectations of single-walled UST systems now and after the closure deadline.

(<https://www.waterboards.ca.gov/ust/docs/2023/upa-sw-enforcement-2023.pdf>)

Additionally, several single-walled UST owners and operators have assumed that the single-walled UST closure deadline was extended due to the extension of the UST Cleanup Fund. State Water Board staff distributed a [letter to single-walled UST facility owners and operators and stakeholders](#) on December 28, 2023, reiterating the permanent closure requirements and the State Water Board and UPA's role in enforcement of single-walled USTs.

(https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/sw-closure-req-2023.pdf)

For additional information regarding enforcement of single-walled USTs, contact: Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Report 6

The State Water Board will soon distribute the Semi-Annual UST Program Report (Report 6) forms and instructions for the July 1 through December 31, 2023, reporting period. The completed Report 6 documents are due to the State Water Board no later than March 1, 2024.

This reporting period, Report 6 forms will include two questions pertaining to enforcement of single-walled USTs that were not permanently closed by December 31, 2025. Additionally, the number of airport hydrant systems remaining at

the end of the reporting period has been removed. Consistent with the last several reporting periods, UPAs will continue to report field constructed tanks, facilities with USTs that have received a red tag, and facilities that have abandoned or temporarily closed USTs.

For additional information regarding Report 6 requirements, contact:

Mr. Steven Mullery at (916) 341-5850 or Steven.Mullery@waterboards.ca.gov or

Magnolia Busse at (916) 341-5780 or Magnolia.Busse@waterboards.ca.gov.

Office of Tank Tester Licensing Webpage Updates

The Office of Tank Tester Licensing (OTTL) has updated [Local Guidance \(LG\) letter 105](#) on the [OTTL website](#) to reflect the current list of State Water Board Licensed Tank Testers. In addition to LG- 105, the OTTL website offers links to OTTL Regulations, OTTL testing notification forms, and LG-113. The OTTL website also provides licensing information for applicants and study materials for the exam.

(https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/105_12.html)

(https://www.waterboards.ca.gov/ust/tank_testers/)

For additional information regarding the OTTL website updates, contact:

Kaitlin Cottrell at (916) 319-0742, or Kaitlin.Cottrell@waterboards.ca.gov.

DTSC

Save the Date for our Zoom Webinar!

The Department of Toxic Substances Control (DTSC) and the California Department of Tax and Fee Administration (CDTFA) invite you to join us for a webinar to learn about the 2023-24 hazardous waste fees payment and return process.

January 24, 2024

11:00 am – 2:00 pm

Zoom Webinar

Register at: https://dtsc-ca.gov.zoom.us/webinar/register/WN_F4LeK8S1Twet9j1K9T_s_g#/registration

With a focus on the Generation & Handling Fee, we will present an overview of how to file a return and pay the fee, as well as provide guidance on generators' roles and responsibilities to track manifest records, report to DTSC and CDTFA on hazardous waste generated, and provide an overview of the manifest correction process.

For the 2023-24 fiscal year, the Generation & Handling Fee rate is set at \$49.25 per ton or fraction of a ton of hazardous waste generated. The final payment and return are due on or before February 28, 2024.

Visit [DTSC's Fee webpages](https://dtsc.ca.gov/fees/) and [CDTFA's Online Services](https://onlineservices.cdtfa.ca.gov/_/) to learn more.

(<https://dtsc.ca.gov/fees/>)

(https://onlineservices.cdtfa.ca.gov/_/)

Have questions in advance? Submit them to our new [Comments and Questions database](https://app.smartsheet.com/b/form/8f86c77563dd49488d35cb2b0bafabb5) or contact us at .

(<https://app.smartsheet.com/b/form/8f86c77563dd49488d35cb2b0bafabb5>)

Follow DTSC on Social media!



Estimated Billing Notices

In early January, DTSC will be sending out estimated billing notices to all hazardous waste generators who have generated over 5 tons of hazardous waste in calendar year 2022, based on HWTS data. This letter is intended to inform generators of the upcoming Generation and Handling fee payment deadline of February 28.

In the event that generators reach out to their CUPA with questions or concerns about the letter, those generators can submit their questions directly to DTSC at

<https://dtsc.ca.gov/submit-comments-and-feedback/> or via the fees@dtsc.ca.gov inbox.

Data Verification Process and Preparation: State Review Framework

The State Review Framework (SRF) is fast approaching! Friendly reminder that the U.S. Environmental Protection Agency (U.S. EPA) uses the SRF to evaluate State enforcement activities related to the Clean Air Act (CAA), Clean Water Act (CWA) and Resource Conservation & Recovery Act (RCRA) Programs. For CUPAs, the SRF evaluation is focused on compliance inspections and enforcement of RCRA hazardous waste generators. The deadline for CUPAs to upload enforcement & compliance data into the California Environmental Reporting System (CERS) for the fourth quarter of 2023 fiscal year is April 1, 2024. CUPAs should follow their regular procedures to ensure accurate updates in CERS (dates of inspections, violations, return to compliance, etc.). CUPAs should also consider ensuring that data entered for the SRF framework time period (October 1, 2022 – September 30, 2023) is accurate. A few resources and tools CUPAs can utilize for validating CERS data include:

- [ECHO Data Verification Tool](http://www.echo.epa.gov): this tool simplifies the data verification process by providing detailed data insights. Ensure you log in to ECHO Gov as it has features, like the data verification app, that are hidden for anonymous users. (<http://www.echo.epa.gov>)
- Sign up for an upcoming [ECHO Webinar](https://echo.epa.gov/help/training). (<https://echo.epa.gov/help/training>).

- Review [common data problems](#) and the [State Review Framework](#) data verification process (ECHO Gov login required).
(<https://echo.epa.gov/resources/echo-data/known-data-problems>)
(https://wamssoprd.epa.gov/oamfed/idp/samlv20?SAMLRequest=hVLLbslwEPyVyHcISVALVkaKBCQkWiH6OPRSWclSLMWPejfQ%2Fn3toFJ6KD3ZGs94Z8bOUajG8qKlvd7Cewtl0YdqNPLuYMJap7kRKJFroQA5VfyhuFvztD%2Fg1hkylWnYheS6QiCCI2k0i1blhL3OZlmapuUyK%2BfjZHRbzLIbvX0tl%2BNFspHlBYuewaHnT5iXexFiCyUJDR5aJAOe4OkI6SPyYhnGR%2BOXIhU%2BgxSC%2BpUeyKLPI6PQiEa6%2Bo%2BWNF%2FM4fYCLWDOpa1jYPvQ%2BqvnXuNEG6%2BlqE6kXjVOufXnlS2kZUkFi2Nq6CrcsJ2okElhjc%2BszzAGSm%2BKwjDWgXuAdxBVvC0Xf%2FYhWpvzk6DvdgapC2gDcPZNA8Y79pw079FckjUgkQeX%2FLz05vf%2B2SrcmO8%2Bc9gXYI%2FggdE1r1dR%2BXkhEbpC%2FCRmsYc5w4E%2BZjKWmDx9DTy98%2BafgE%3D&RelayState=https%3A%2F%2Fecho.epa.gov%2Fnode%2F22%3Fcheck_logged_in%3D1%26check_logged_in%3D1%3Fcheck_logged_in%3D1&SigAlg=http%3A%2F%2Fwww.w3.org%2F2001%2F04%2Fxmldsig-more%23rsa-sha256&Signature=R9x9L7u6z9qfPDr1EalAFwLClJGC0i9Tfuu674li0dkvg7gkmuxUC9o06nD8ANzva8J7K6a13zc2TOMV%2B79fUPyBuZOkZmySkSt28v%2B7OW%2FCN7fe2cDploQy820FKISzb91IKTfvF%2FkklwlsNZvg0rDMNTy417fj7KCjTwBlpnt7W2XlVnCCNPXJRki4nJCilihgMwLImTcTp5lso5QqVF18j1bi9jBHQF%2F%2BPT6XyDif7Mv0zJuTsyncYZns1HegNBkxkSjQ4K1Uyfw2eqeo9NVEpZgMpaWS6dlmjAZC6rcsTSU%2FQgqshDg%2BVKILIm5BNYni93v%2FpKnqtA9IHjRx2YDw%3D%3D)

For more guidance, contact julie.pettijohn@dtsc.ca.gov.

2023 Biennial Report Cycle is Now Open

The federal 2023 Biennial Hazardous Waste Report cycle opened on January 2, 2024. The federal and state hazardous waste regulations require certain federally-regulated (RCRA) hazardous waste generators, as well as, facilities that treat, store, or dispose of RCRA hazardous waste, to report their hazardous waste activities biennially in odd-numbered calendar years. The Biennial Report is filed electronically through U.S. EPA's RCRAInfo Biennial Report module and is due by March 1, 2024. If you receive any questions from your stakeholders regarding the Biennial Report, refer them to the information below.

Website: <https://dtsc.ca.gov/biennial-reports-information/>

FAQ: <https://dtsc.ca.gov/biennial-frequently-asked-questions-faqs/>

Email: BRSstaff@dtsc.ca.gov

Toll-free Number: 1-800-618-6942, Monday to Friday from 9AM-3PM Pacific Time.

2023 Electronic Verification Questionnaire (eVQ) Report Cycle Closed

The 2023 eVQ report cycle was closed on December 29, 2023. Hazardous waste ID number holders will need to complete the respective form based on their ID number type (federal or state) to reactivate an ID number. For more information on how to reactivate an ID number, go to <https://dtsc.ca.gov/reactivate-epa-id-number>.

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Advisory Committee

The next APSA Advisory Committee will be held on January 24, 2024. An agenda will be posted at least 10 days before the meeting on the [APSA Advisory Committee](#) website.

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

APSA Rulemaking

The 45-day comment period for the APSA Program regulation package will end on January 19, 2024.

A public hearing will also be held on January 19, 2024, from 9:00 AM – 12:00 PM. The public hearing will be held in person and virtually via Microsoft Teams.

In person:

CAL FIRE

710 Riverpoint Court, Suite 150

Conference Room 101

West Sacramento, CA 95605

Teams (remote participation):

Meeting ID: 240 154 319 261

Passcode: y2dfQe

[Click here to join the meeting](#) or copy and paste the full link text below in your browser.

https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F%2Fmeetup-join%2F19%3Ameeting_ZDcyZDk0MzktMmE0Ny00YmE0LWJiYTItZjg0YmQyMzZmYmE5%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522447a4ca0-5405-454d-ad68-c98a520261f8%2522%252c%2522Oid%2522%253a%252255dd5151-2626-4f47-82ff-87b7f7bc788f%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=ae8befb8-af4e-4990-8a96-a5d07d535598&directDI=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true

Teleconference Number (audio only):

+1 650-564-3271

Phone Conference ID: 712 737 262#

Copies of the APSA Program regulation package are available on the 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.

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

APSA Tank Facility Statement

Question: When is the tank facility statement required to be submitted to the California Environmental Reporting System (CERS)?

Answer: On or before January 1st, annually.

Question: Is the tank facility statement required to be submitted to CERS if a tank facility has already submitted a **complete** Hazardous Materials Business Plan (HMBP)?

Answer: No. However, to indicate your tank facility has submitted a **complete** HMBP in lieu of the tank facility statement as allowed under Health and Safety Code, Section 25270.6(a)(2), your tank facility should complete the 'Aboveground Petroleum Storage Act Documentation' by selecting 'Provided Elsewhere in CERS', choose 'Hazardous Materials Inventory', and then click on the 'Save' button.

Your tank facility may download the Tank Facility Statement form under the Resources section at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>.

More information on APSA CERS submittals may be found on the following OSFM websites:

- Aboveground Petroleum Storage Tank Facility Statement Reporting Requirements
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements>

- Is My Facility Regulated Under APSA?

<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/is-my-facility-regulated-under-the-aboveground-petroleum-storage-act>

- Preparing an APSA Submittal in CERS

<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/preparing-an-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](#)