

§ 15100. Unified Program.

(a) Health and Safety Code (HSC) ~~d~~Division 20, ~~e~~Chapter 6.11, and these regulations outline the requirements for the Unified Program for hazardous materials and hazardous waste management. This division integrates requirements established pursuant to:

(1) The Hazardous Waste Generator (HWG) Program and the Onsite Hazardous Waste Treatment activities authorized under the permit-by-rule (PBR), conditionally authorized (CA), and conditionally exempt (CE) tiers -- HSC ~~d~~Division 20, ~~e~~Chapter 6.5 (~~generally supplemented by~~ and California Code of Regulations (CCR), ~~tit. Title 22, div. Division 4.5~~);

(2) The Aboveground Petroleum Storage Act (APSA) Program -- HSC ~~d~~Division 20, ~~e~~Chapter 6.67;

(3) The Underground Storage Tank (UST) Program -- HSC ~~d~~Division 20, ~~e~~Chapter 6.7; (~~generally supplemented by~~ and 23 CCR, ~~tit. 23, chs. Chapters 16 and 17~~);

(4) The Hazardous Materials Release Response Plans and Inventory (HMRRP) Program -- HSC ~~d~~Division 20, ~~e~~Chapter 6.95, ~~a~~Article 1 (~~generally supplemented by~~ and 19 CCR, ~~tit. 19, §§ 2620-2734~~) Division 2, Chapter 4;

(5) California Accidental Release Prevention (CalARP) Program -- HSC ~~d~~Division 20, ~~e~~Chapter 6.95, ~~a~~Article 2 (~~generally supplemented by~~ and 19 CCR, ~~tit. 19, §§ 2735.1-2785.1~~) Division 2, Chapter 4.5;

(6) The Hazardous Materials Management Plans (HMMP) and the Hazardous Materials Inventory Statement (HMMP/HMIS) requirements -- 24 CCR, Part 9 (California Fire Code) adopted pursuant to HSC Sections 13143.9 and 25404(c)(6). When applicable, HMMP and HMIS will comply with HSC Division 20, Chapter 6.95, Article 1, and 19 CCR, Division 2, Chapter 4.

(b) The responsibilities of the Secretary of the California Environmental Protection Agency (Secretary), Unified Program state agencies, and Certified Unified Program Agencies (CUPAs) ~~responsibilities for implementation of the Unified Program elements~~ are clarified as follows:

(1) The Secretary is responsible for:

(A) Adopting regulations for the administration and implementation of the Unified Program.

(B) Consolidating, coordinating, and making consistent the requirements of the Unified Program with requirements imposed by other government agencies on businesses regulated by the Unified Program, to the maximum extent feasible.

(C) Developing a Unified Program in close consultation with Department of Toxic Substances Control (DTSC), ~~Governor's Office of Emergency Services (Cal OES)~~, Department of Forestry and Fire Protection (CAL FIRE) -- Office of the State Fire Marshal (OSFM), State Water Resources Control Board (State Water Board), local health officers and fire services, other interested local agencies, affected businesses, environmental organizations, and interested members of the public.

(D) Implementing a Unified Program that consolidates the administration of program elements.

(E) Implementing a Unified Program that ensures coordination and consistency of the regulations adopted for each program element, to the maximum extent feasible.

(F) Determining Unified Program implementation in each jurisdiction and certifying an agency as the CUPA, including approval of the implementation of each Participating Agency (PA).

(G) Periodically evaluating each CUPA's ability to adequately implement the Unified Program.

(H) Maintaining the California Environmental Reporting System (CERS) in accordance with HSC 25404.9.

(I) Managing the State Certified Unified Program Agency Account (SCUPA Account) in accordance with HSC 25404.9.

(2) ~~The Unified Program state agencies with Unified Program responsibilities will establish and interpret statewide standards for those Unified Program elements for which they are responsible for:~~

(A) Maximizing coordination, consolidation, and consistency of the Unified Program;

(B) Participating in evaluating CUPAs as defined by the Secretary;

(C) Providing necessary guidance, training, and support to UPAs; and

(D) Establishing and interpreting statewide standards for Unified Program elements as follows:

~~(A) Cal OES/CalEPA has responsibility for the HMRRP Program and the CalARP Program.~~

~~(B) SFM has responsibility for the APSA Program pursuant to HSC section 25270.4.1(a) and the California Fire Code sections, as adopted pursuant to HSC section 13143.9, concerning and HMMP/ and HMIS requirements.~~

~~(i) To avoid overlap, CUPA and SFM responsibilities for the HMMP/HMIS requirements (HSC section 25404(c)(6)) are clarified as follows:~~

~~(a) SFM will coordinate program responsibilities concerning the HMMP/HMIS.~~

~~(b) HMMP/HMIS, when required, will comply with HSC sections 25500 through 25519 and CCR, title 19, division 2, chapter 4, section 2620 et. seq.~~

~~(c) The CUPA will provide access to the information collected in CERS, local information management systems or local reporting portals to those agencies with shared responsibilities for protection of the public health and safety and the environment.~~

(G) State Water Board has responsibility for the UST Program.

~~(i)a.~~ To avoid overlap, in GUPA and State Water Board responsibilities for the UST Program ~~are clarified as follows:~~

~~(a)1.~~ A GUPA may oversee the abatement of unauthorized releases of hazardous substances from USTs if it is authorized by the State Water Board as a Local Oversight Program (LOP) pursuant to HSC ~~s~~Section 25297.01.

~~(D)v.~~ DTSC has responsibility for the HWG Program, the Onsite Hazardous Waste Treatment activities (PBR, CA, and CE tiers), and additional requirements pursuant to HSC ~~s~~Section 25404(c)(1).

~~(i)a.~~ To avoid overlap, GUPA and DTSC responsibilities for the HWG Program and ~~Onsite Hazardous Waste Treatment~~ PBR, CA, and CE tier activities are clarified as follows:

~~(a)1.~~ DTSC will coordinate responsibilities concerning hazardous waste generators and Onsite Hazardous Waste Treatment activities with the GUPA at a hazardous waste Treatment, Storage and Disposal (TSD) facility.

~~(b)2.~~ The GUPA may refer enforcement cases to DTSC. DTSC may accept enforcement cases at its discretion.

~~(c)3.~~ The GUPA will establish procedures to accept the following reports from businesses:

~~4A.~~ Release reports for tank systems or secondary containment systems reporting the release of a reportable quantity (~~Cal. Code Regs., tit. 22 CCR, s~~Section 66265.196(e)).

~~2B.~~ Tiered Permitting Closure Reports.

~~(d4).~~ GUPAs will review source reduction documents required of businesses pursuant to HSC ~~s~~Sections 25244.19, 25244.20, and 25244.21; and may impose civil penalties pursuant to HSC ~~s~~Section 25244.21(a).

~~(e5).~~ Hazardous Waste Manifests ~~documents~~ will continue to be submitted to DTSC.

~~(f6).~~ Hazardous Waste Manifest Exception Reports will continue to be submitted to DTSC.

~~(g7).~~ DTSC will retain responsibility for hazardous waste classifications.

~~(h8).~~ DTSC will retain responsibility for overseeing exports of hazardous waste out of the country.

~~(i9).~~ DTSC and the U.S. Environmental Protection Agency (U.S. EPA) will retain responsibility for issuing EPA U. S. Environmental Protection Agency and California identification numbers.

~~(j10).~~ DTSC will retain the responsibility to accept Biennial Reports specified in 22 CCR, title 22, sSection 66262.41.

~~(k11).~~ DTSC will, to the maximum extent feasible, notify and coordinate with the appropriate CUPA regarding any investigation it will conduct of hazardous waste generators; hazardous waste generators conducting treatment under conditional authorization pursuant to HSC sSection 25200.3; hazardous waste generators conducting treatment under conditional exemption pursuant to HSC sSection 25201.5; and facilities deemed to hold a permit-by-rule pursuant to the regulations adopted by DTSC. Information related to an ongoing investigation shall remain confidential.

~~(E) State agencies' responsibilities include:~~

~~(i) Maximizing coordination, consolidation, and consistency of their Unified Program element(s) within the Unified Program.~~

~~(ii) Participating in evaluating CUPAs as defined by the Secretary.~~

~~(iii) Providing necessary guidance, training, and support to Unified Program Agencies (UPAs).~~

(3) UPA responsibilities include implementing the requirements in HSC eChapter 6.11, these regulations, and the requirements for each Unified pProgram element.

Note: Authority cited: Sections 25404(b), 25404.1(b)(1), 25404.3(f) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(b), 25404(c), 25404(d), 25404.1, 25404.2(a), 25404.2(c), 25404.3(f), 25404.5 and 25533(f), Health and Safety Code.