

§ 15110. Unified Program Definitions.

(a) Applicant Agency means a county, city or other qualified local agency that is applying to the Secretary to become a Certified Unified Program Agency (CUPA).

(b) The California Environmental Reporting System (CERS) is the statewide information management system established by the Secretary to receive ~~all data collected~~ reported by the Unified Program Agencies (UPAs) and ~~reported by regulated businesses~~, pursuant to HSC ~~Chapter 6.11~~.

(c) Certified Unified Program Agency (CUPA) means the agency certified by the Secretary to implement the Unified Program in a specified jurisdiction, pursuant to HSC ~~Chapter 6.11~~.

(d) Data Collection Reporting. For the purposes of this division, terms related to Unified Program information have the following meaning:

(1) Data elements are the discrete data fields that define information required to be ~~collected~~ reported by applicable statutes or regulations. Data elements are defined in the Unified Program Data Dictionary.

(2) Submittal Element means a collection of related Unified Program data elements or document(s) that must be submitted to CERS by a regulated business as a single unit.

(3) Document means a collection of data that are not submitted as a set of standardized data elements either because the document's data are not suitable to define as discrete data elements, or the document's data elements are not yet defined in the Unified Program Data Dictionary for Regulated Activities. When a document needs to be submitted to meet Unified Program electronic reporting requirements, it shall be provided in the Portable Document Format (PDF) or another document format supported by CERS.

(4) Electronic reporting means the collection, submittal, and transfer of Unified Program data using electronic media.

(5) Electronic Data Transfer (EDT) means the electronic exchange of Unified Program data elements or documents ~~as one or more submittal elements as defined in the Unified Program Data Dictionary between UPAs and CalEPA~~ CERS. EDT is performed using CERS Data Exchange Technical Specifications.

(6) ~~A Data Exchange Technical Specification is a standardized format for exchanging Unified Program data between CERS and a local information management system or local reporting portal. The Data Exchange Technical Specifications for Unified Program electronic reporting involve Extensive Markup Language (XML) schemas that define how Unified Program data elements must be formatted or arranged to support XML-based electronic data exchange. Data Exchange Technical Specifications also include specifically formatted spreadsheets and other files for exchanging Unified Program data. CalEPA releases updated Data Exchange Technical Specifications after changes are approved to the Unified Program Data Dictionary.~~ A Data Exchange Technical Specification specifies the methods, rules, and standards that facilitate the exchange of structured data across CalEPA CERS information system and local information management systems.

(e) Enforcement Actions. There are two types of Unified Program enforcement actions:

(1) Formal Enforcement means a civil, criminal, or administrative action towards the regulated business that mandates compliance, imposes sanctions, and results in an enforceable agreement or order. Enforceable agreement or order means the instrument creates an independent, affirmative obligation for the regulated business to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated business.

(2) Informal Enforcement means a notification to the regulated business of non-compliance ~~and that~~ establishes an action and a date by which that non-compliance is to be corrected. Examples include, but are not limited to, a letter, notice of violation (NOV), or notice to comply. Informal Enforcement does not impose sanctions.

(f) Incidental finding is a minor deviation in implementation of one or more Unified Program elements from the expected standards set forth in statute or regulation. It is a limited, non-systemic problem.

(g) Inspection Types. There are two types of Unified Program inspections, which for electronic reporting purposes are mutually exclusive:

(1) Routine Inspection is ~~a regularly scheduled~~ an on-site inspection to evaluate compliance pursuant to one or more program elements per the frequency identified in Section 15200(a)(2) or by the UPA in the Inspection and Enforcement (I&E) Plan.

(2) Other Inspection includes, but is not limited to, regulatory field activity such as re-inspections to verify compliance, complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations.

~~(3) It does not include routine inspections or f~~ Field or site visits whose principal sole purposes are informational or educational, pollution prevention education, ~~verification of administrative information,~~ or orientation of new owners or operators are not considered inspections.

~~(h)~~ Local Information Management System is a data management system, other than CERS, used by ~~a~~ UPA to electronically collect, retain, and manage Unified Program data.

~~(i)~~ Local Reporting Portal is a designated web site used by ~~a~~ UPA to collect Unified Program data from regulated businesses within its jurisdiction for reporting to CERS.

~~(j)~~ Participating Agency (PA) means a state or local agency that has a formal agreement with the CUPA to implement one or more ~~a~~ Unified program elements ~~as part of the Unified Program.~~

(k) Program deficiency is a major deviation in implementation of one or more Unified Program elements from the expected standards set forth in statute or regulation. It is a systemic problem that could impact the safety and protection of human health and the environment.

~~(l)~~ Program Element or Unified Program Element means one of the six sets of requirements listed in ~~s~~ Section 15100(a) or any other requirements incorporated in the Unified Program pursuant to HSC ~~e~~ Chapter 6.11, sSection 25404.2(d).

(m) Progressive Enforcement means a series of enforcement actions, progressing from informal enforcement to formal enforcement when a facility fails to demonstrate a return to compliance within the specified timeframe as required by statute, regulation, or local ordinance. If no timeframes are identified in statute, regulation, or local ordinance, the UPA shall determine the return to compliance timeframe.

(kn) Regulated Business means any of the following:

(1) "person" as defined in:

(A) the Hazardous Waste Management Program, HSC ~~s~~Section 25118;

(B) the California Hazardous Substances Tax Law, Revenue and Taxation Code ~~part 22, division 2,~~ ~~s~~Section 43006;

(C) the HMRRP Program, 19 CCR, title 19, ~~s~~Section ~~26502621~~;

(D) the CalARP Program, HSC ~~s~~Section 25532(~~mf~~);

(E) the UST Program, HSC ~~s~~Section 25281(~~l~~); and

(F) the APSA Program, HSC ~~e~~Chapter 6.67, ~~s~~Section 25270.2(g).

(2) "business" as defined in the HMRRP Program, HSC ~~s~~Section 25501(c).

(3) "facility" as defined in the UST Program, HSC ~~s~~Section 25281(f).

(4) "tank facility" as defined in the APSA Program, HSC ~~s~~Section 25270.2(n).

(5) "hazardous waste facility" as defined in the Hazardous Waste Management Program, HSC ~~s~~Section 25117.1.

(6) "stationary source" as defined in the CalARP Program, 19 CCR, title 19, ~~s~~Section 2735.3(~~xrrr~~).

(o) Secretary means the Secretary of the Environmental Protection Agency or their designee.

(~~lp~~) Signed or signature for purposes of electronic submissions means any symbol, including a digital signature defined in Government Code ~~s~~Section 16.5, executed or adopted by a party with present intention to authenticate a writing.

(~~mq~~) Surcharge means an element of the single fee assessed by the CUPA on each regulated business that covers the necessary and reasonable costs ~~effor~~ the state agencies ~~into~~ carrying out their responsibilities of Unified Program implementation pursuant to HSC ~~s~~Section 25404.5(b).

(~~nr~~) Unified Program Agency (UPA) is a CUPA or PA that implements one or more Unified Program elements.

~~(o) Unified Program Consolidated Form (UPCF) is a standardized set of forms used before January 1, 2013, by CUPAs to collect Unified Program data from regulated businesses. The UPCF is a single, comprehensive format that consolidates business-to-CUPA reporting requirements within the Unified Program.~~

(~~ps~~) Unified Program Data Dictionary for Regulated Activities (Data Dictionary) is the document

maintained by the Secretary that defines CERS data elements, data field size and type, and edit criteria for regulatory data that shall be reported and managed by regulated businesses and collected, retained and managed by an UPAs. The Data Dictionary is contained in Title 27 CCR, Division 3, Subdivision 1.

(1) Chapters 1-4 and 6 of the Data Dictionary pertain to information reported by regulated businesses ~~to UPAs~~.

(2) Chapter 5 of the Data Dictionary pertains to information reported by CUPAs to State reporting of CUPA activities or other information that shall be collected and retained by a CUPA and reported pursuant to ~~section 15290~~.

(~~q~~) Unified Program Facility Permit means those consolidated permits issued under the Unified Program. ~~The permit may be a single permit or multiple permits in a single package which shall minimize duplicate information. It includes the UST permit, permit by rule, and any other permit or authorization requirements found under any local ordinance or requirement relating to the generation or handling of hazardous waste or materials. The Unified Program Facility Permit does not include the permitting requirements of a local ordinance that incorporates provisions of the California Fire or Building Code.~~

Note: Authority cited: Sections 25404(b), 25404(c), 25404(d) and 25404(e), Health and Safety Code. Reference: Sections 25404(c), 25404(d), 25404.5(a) and 25532(k), Health and Safety Code; Section 43006, Revenue and Taxation Code; and ~~the~~ 1996 United States Environmental Protection Agency Enforcement Response Policy for the Resource Conservation and Recovery Act.