

Unified Program Newsletter – May 2024

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CalEPA

Approved California Code of Regulations, Title 27 (27 CCR) Regulation Changes

On March 14, 2024, the office of Administrative Law approved a rulemaking package that was submitted by the California Environmental Protection Agency. This rulemaking package was filed with the Secretary of State on March 14, 2024. All updates to 27 CCR become effective on July 1, 2024.

Please visit the Unified Program Proposed Regulations [webpage](https://calepa.ca.gov/unified-program-home/unified-program-proposed-regulations/) for more information. (<https://calepa.ca.gov/unified-program-home/unified-program-proposed-regulations/>)

27 CCR Webinars

CalEPA will be presenting three 27 CCR webinars to showcase some of the changes to the regulations which become effective July 1, 2024. While most of the changes are non-substantive, there are some changes that are, such as education and training requirements and new definitions. The webinars will be covering the same information, so there is no need to attend more than one webinar. CalEPA will not be fielding questions during the webinars.

The three webinars will be conducted on the following dates:

June 11, 2024, 9:00-10:00 am

June 12, 2024, 10:00-11:00 am

June 13, 2024, 2:00-3:00 pm

Links to the webinars may be found on the [CalEPA Unified Program](https://calepa.ca.gov/cupa/) home page. (<https://calepa.ca.gov/cupa/>)

CalARP/HMBP

Process Safety Performance Indicators for California Accidental Release Prevention (CalARP) Program 4 Facilities

The Process Safety Performance Indicators for CalARP Program 4 facilities are due to the Unified Program Agency (UPA) and to CalEPA by June 30, 2024. Facilities may submit the Process Safety Performance Indicators information to the CalARP@calepa.ca.gov inbox. Facilities may use the [Annual CalARP Process Safety Performance Indicator Form](#), or can submit the equivalent information required by 19 CCR Section 5110.19(h)(1) subsections (A) through (E). (<https://calepa.ca.gov/wp-content/uploads/sites/6/2024/04/Annual-Process-Safety-Performance-Indicator-Form-Fillable-Template-4.2.2024-1.pdf>)

Information regarding the requirements and access to the form can also be found on our [website](#).

([https://calepa.ca.gov/california-accidental-release-prevention/california-accidental-release-prevention-program-4-for-refineries/#:~:text=Process%20Safety%20Performance%20Indicators%20\(PSPI\)](https://calepa.ca.gov/california-accidental-release-prevention/california-accidental-release-prevention-program-4-for-refineries/#:~:text=Process%20Safety%20Performance%20Indicators%20(PSPI)))

Changes to the Hazardous Materials Business Plan (HMBP) and California Accidental Release Prevention (CalARP) Title 19 Regulations

On March 6, 2024, the Office of Administrative Law (OAL) approved a rulemaking package that was submitted by CalEPA pursuant to California Code of Regulations, Title 1, Section 100. This rulemaking package was filed with the Secretary of State on March 6, 2024.

The changes reflected in the rulemaking were needed as a result of Assembly Bill 148 (Chapter 115, Statutes of 2021), which transferred the responsibility for the HMBP and CalARP programs from the California Governor's Office of Emergency Services (Cal OES) to CalEPA.

CalEPA amended and relocated portions of California Code of Regulations, Title 19, Division 2, Chapters 4 and 4.5 into a new Division 5. CalEPA has also revised cross-references and added and deleted definitions. These updates do not materially alter

any requirement, right, responsibility, condition, prescription, or other regulatory element.

The documents below identify the changes to Title 19 that were approved by OAL. All updates to Title 19 are effective as of March 6, 2024.

- [Final Regulatory Text \(underline/strikeout version\) – HMBP](https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-1-Final_Underline_Strikeout.pdf)
(https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-1-Final_Underline_Strikeout.pdf)
- [Final Regulatory Text \(underline/strikeout version\) – CalARP](https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-2-Final_Underline_Strikeout.pdf)
(https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-2-Final_Underline_Strikeout.pdf)

CalEPA has also created a “regulatory crosswalk” which outlines the numbering of Title 19 prior to and after the amendments became effective. Please see [Guidance Document 24-01](#) for the regulatory crosswalk.

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/Guidance-Document-24-01-Regulatory-Crosswalk-for-HMBP-and-CalARP-Title-19-Changes.pdf>)

If you have any questions or concerns, please contact Elizabeth Brega at Elizabeth.Brega@calepa.ca.gov.

State Water Board

RUST Applications

The State Water Resources Control Board (State Water Board) processes a limited number of Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) applications per year. Currently, there are approximately 800 single-walled underground storage tank (UST) facilities required to be permanently closed by December 31, 2025. With current resources, the State Water Board may be able to process approximately 100 RUST applications prior to the removal deadline.

During review of RUST applications, the State Water Board analyst often observes incorrect or missing facility information, such as missing property owner information, an operator incorrectly listed as also being the UST owner, or a missing owner/operator agreement when it is required pursuant to California Code of Regulations, title 23, chapter 16 (UST Regulations), section 2620(b). Incorrect or missing owner and operator information may delay RUST application processing.

UST owner and operator information and the owner/operator agreement must be submitted in the California Environmental Reporting System (CERS) per UST Regulations, section 2711(a). When reviewing CERS submittals, Unified Program Agencies (UPAs) should ensure that the owner and operator information is accurate and that an owner/operator agreement is submitted, if applicable. Additionally, to keep

the UPAs informed regarding the RUST application process, the RUST analyst reviewing the grant or loan application will include UPA personnel in all nonconfidential correspondence.

For additional information regarding RUST applications, contact:
Johnny Wales at (804) 852-7274 or Johnny.Wales@redhorsecorp.com or
Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Designated UST Operator Responsibilities

The Designated UST Operator (DO) must identify and document compliance issues which cause the UST system to be out of compliance during the visual inspection, including reviewing testing and maintenance records to verify they have been completed in accordance with UST Regulations, section 2716(b)(3). All testing and maintenance compliance issues must be documented for testing and maintenance in section 10 of the Designated UST Operator Visual Inspection Report.

When reviewing testing and maintenance records, the DO must verify if testing and maintenance was completed within the timeframe required in UST Regulations and Health and Safety Code, division 20, chapter 6.7 (H&SC). Testing or maintenance is considered “complete” when all components are tested, regardless of whether a component fails or requires replacement during the test or maintenance. If the DO finds the test or maintenance was conducted, but components failed or required replacement, the DO should mark “Yes” for the test or maintenance in section 10 and note the failed or replaced component in section 3. If the DO finds the test was not completed within the required timeframe, the DO should mark “No” for the test or maintenance in section 10 and describe this compliance issue in section 3.

During the compliance inspection, UPAs should review the Designated UST Operator Visual Inspection Report for compliance with UST Regulations. Compliance issues that are not addressed or appropriately documented in the Designated UST Operator Visual Inspection Report should be cited as violations in the UPA’s inspection report.

For additional information regarding DO responsibilities, contact:
Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Enhanced Leak Detection Testing for New UST Construction

Enhanced Leak Detection (ELD) testing determines the integrity of a UST system through detection of both vapor and liquid phase releases at 0.005 gallons per hour from any portion of the UST system primary containment with a probability of detection of at least 95 percent and a probability of false alarm no greater than 5 percent per UST Regulations, section 2644.1. H&SC section 25290.1(j) and 25290.2(i) requires ELD testing to be performed before a newly installed UST system is placed in use.

As a reminder to UPA inspectors, ELD testing may be performed only on a newly installed UST system after all ground penetrating work or surface installation atop or immediately adjacent to the buried UST primary containment components are

completed, which includes, but is not limited to, backfilling, asphalt and concrete work, and any beautification requirements adjacent to UST components.

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

DTSC

Generator Improvements Rule

DTSC's Generator Improvements Rule (GIR) rulemaking package was approved by the Office of Administrative Law on May 6, 2024. The rulemaking adopts federal hazardous waste requirements that are equivalent to or more stringent than California's existing hazardous waste program. The rulemaking also reorganizes several sections and makes other conforming updates to align with the federal regulatory structure. The GIR will become effective in California starting July 1, 2024.

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Advisory Committee

The next APSA Advisory Committee meeting will be held on June 4, 2024. The agenda will be available 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>).

Emergency Generators and APSA

Question: Is there an APSA exemption for portable emergency generators?

Answer: There is no exemption for portable emergency generators with 55 gallons or more of petroleum.

Question: Is secondary containment required for portable emergency generators?

Answer: Yes.

For more information on secondary containment requirements, refer to Chapter 5 of the "Spill Prevention, Control, and Countermeasure (SPCC) Guidance for Regional Inspectors" on the U.S. Environmental Protection Agency website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spcc-guidance-regional-inspectors>.

For more information on APSA, refer to the APSA Program Guidance Document at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>.

APSA Webinars

APSA webinars are coming soon. The first series will be provided by OSFM in late June and will cover petroleum regulated under APSA. Details will be provided in next month's newsletter.

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](#)