

Unified Program Newsletter – December 2024

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State Water Board

Notice of Proposed Underground Storage Tank Regulation Rewrite and Opportunity to Provide Comment

On November 22, 2024, the State Water Resources Control Board (State Water Board) notified underground storage tank (UST) stakeholders of proposed amendments to the California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations) through the [UST GovDelivery subscription list](https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=ust) (<https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=ust>). The proposed amendments are a complete rewrite of UST Regulations.

The 45-day public comment period for the proposed UST Regulations rewrite is now open and ends on January 7, 2025, at 12:00pm. Individuals may submit written comments relevant to the proposed regulatory action to the State Water Board’s Clerk to the Board by email at commentletters@waterboards.ca.gov, by fax at (916) 341-5620, or by mail or hand delivery to:

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (by mail)
1001 I St, 24th Floor, Sacramento, CA 95814 (by hand delivery)

The proposed rulemaking files and an unofficial crosswalk reference document can be found at the following link on the UST Leak Prevention website:
https://waterboards.ca.gov/water_issues/programs/ust/leak_prevention/chapter16/rewrite.html.

For more information regarding the proposed UST Regulations rewrite, contact:
Tom Henderson at (916) 319-9128 or Tom.Henderson@Waterboards.ca.gov.

Public Hearing on Proposed UST Regulation Rewrite

The State Water Board will hold a public hearing on the proposed UST Regulations rewrite rulemaking. The public hearing will occur at the following time and location:

Monday January 13, 2025, 1:00 to 4:00 p.m.

CalEPA Headquarters Building,
Sierra Hearing Room
1001 I Street - 2nd Floor
Sacramento, California 95814

The CalEPA Headquarters Building is accessible to people with disabilities.

The hearing can also be accessed remotely through **Zoom** at:
<https://waterboards.zoom.us/j/98471200195>
Meeting ID: 984 7120 0195

Oral comments will only be accepted at the public hearing. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed UST Regulations rewrite rulemaking. The State Water Board requests that people making oral comments at the hearing also submit a written copy of their testimony at the hearing. Please note, comments provided after the hearing will not be accepted by the State Water Board.

For more information regarding the UST Regulations rewrite public hearing, contact:
Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Facility Compliance Inspection Reporting

UST Regulations, section 2713(d) requires the Unified Program Agencies (UPA) to report to the State Water Board by January 31st each year the number of 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 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 all UST facilities have complied with the federal UST inspection frequency requirement.

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/Account/SignIn?ReturnUrl=%2fReports%2fUSTRoutineInspectionFrequencySearch3) (<https://cersregulator2.calepa.ca.gov/Account/SignIn?ReturnUrl=%2fReports%2fUSTRoutineInspectionFrequencySearch3>) search tool in the California Environmental Reporting System (CERS). The State Water Board sent a [letter](#) to UPA managers on October 18, 2024 (<https://www.waterboards.ca.gov/ust/docs/ust-compliance-inspection.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 2024 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 onsite 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.

DTSC

Updated Hazardous Waste Generator Summary Chart

With the adoption of the Generator Improvements Rule, the Regulatory Assistance Office has been working diligently to update web pages and documents. One of the most accessed items on the DTSC website over the past several years has been the Hazardous Waste Generator Summary Chart. In November, a new and updated version was posted as a web page rather than a PDF document. This updated version has more information than the previous version and includes a search function to allow users to quickly find what they are looking for. The page also has a function enabled so that the chart can be printed. The printed version can be the entire summary chart, or just a portion that was searched. You can find the new version at <https://dtsc.ca.gov/hazardous-waste-generator-summary-chart/>.

Generator Improvements Rule - FAQ Webpage Updates

- We have updated the Generator Improvements Rule (GIR) Frequently Asked Questions webpage! The updates include new questions, and a few revised answers based on inquiries from both the Certified Unified Program Agencies (CUPAs) and the regulated community. These additions and modifications aim to provide more clarity about GIR requirements.

You can explore the update at <https://dtsc.ca.gov/faqs-for-the-adoption-of-gir/>.

New questions: D5, D6, D7, E5

Modifications: D3, E1, E2, G1, J1, K4

- **Responses to CUPA Regulator Questions:** In addition to the public FAQ updates, we've received several specific questions from CUPAs intended for regulators. We're actively working to finalize responses to these questions. Once completed, the responses will be shared directly with CUPAs through our available channels.

Stay tuned for further updates and thank you for your continued collaboration!

Second Emergency Rulemaking Readoption for the Conditional Exemption for Undeployed Airbags

The second airbag emergency re-adoption package was approved by OAL on December 2, 2024. This extends the effective period of the airbag emergency regulations an additional 90 days starting on December 5, 2024, and will expire on March 6, 2025.

The airbag emergency rulemaking amended hazardous waste regulations adding definitions for "airbag waste," "airbag waste collection facility," and "airbag waste handler." It further provides airbag waste handlers with a conditional exemption during the storage and transport of airbag waste to an airbag waste collection facility or a designated facility.

Inactivation of ID Numbers Due to Noncompletion of DTSC's 2024 Hazardous Waste ID Number Verification Questionnaire

Hazardous waste handlers that are required to complete the 2024 electronic Verification Questionnaire (eVQ) and failed to do so by December 1, 2024, had their ID number(s) inactivated on December 2, 2024. The inactive date was backdated to June 30, 2024. If a handler has not completed their 2024 eVQ, refer them to the information below. Inactive ID numbers can be easily reactivated in Step 3 of the questionnaire.

The eVQ System will be closed on December 31, 2024, at 5 p.m. PDT. If a handler has not completed their 2024 Verification Questionnaire, refer them to the information below. The 2025 eVQ report cycle is anticipated to open on January 31, 2025.

▷ **Website:** <https://evq.dtsc.ca.gov>

▷ **Training Video:** <https://dtsc.ca.gov/evq-training-video/>

▷ **Email:** eVQ@dtsc.ca.gov

Toll-free Number: 1-877-454-4012 Monday through Friday from 9 a.m. to 2 p.m. Pacific Time.

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Advisory Committee

The APSA Advisory Committee is seeking representation for the following groups:

- Northern Region CUPA Forum (alternate)
- Oil industry (alternate)
- Southern or central region fire department or district (alternate)
- Tank manufacturer (alternate)
- Telecommunications industry (primary and alternate)

If interested in becoming a committee voting member to represent one of the above groups, please send your letter of interest to the State Fire Marshal using the address below and email an electronic copy to cupa@fire.ca.gov.

State Fire Marshal
CAL FIRE – Office of the State Fire Marshal
P.O. Box 944246
Sacramento, CA 94244-2460

For more information on the advisory committee, visit the website at <https://osfm.fire.ca.gov/committees/aboveground-petroleum-storage-act-apsa-advisory-committee>.

Overfill Prevention at Substantial Harm Oil Facilities

In August 2024, U.S. EPA issued a technical alert on the failures of overfill prevention at substantial harm oil facilities. The technical alert is available on the U.S. EPA website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/technical-alert-failures-overfill-prevention>.

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 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>

APSA Webinars

Another APSA webinar is coming soon. This next series will be provided by OSFM in January 2025 and will cover APSA CERS submittals.

Use the link below to join the webinar on January 14 at 2:00-3:00 PM:

[Join the January 14 webinar via Microsoft Teams](https://teams.microsoft.com/join/19%3ameeting_ZjVhNjAwZTEtMWYzOS00NWNhLWFhZTkN2FjNzU3YTNjMjU1%40thread.v2/0?context=%7b%22Tid%22%3a%22447a4ca0-5405-454d-ad68-c98a520261f8%22%2c%22Oid%22%3a%2255dd5151-2626-4f47-82ff-87b7f7bc788f%22%7d)

(https://teams.microsoft.com/join/19%3ameeting_ZjVhNjAwZTEtMWYzOS00NWNhLWFhZTkN2FjNzU3YTNjMjU1%40thread.v2/0?context=%7b%22Tid%22%3a%22447a4ca0-5405-454d-ad68-c98a520261f8%22%2c%22Oid%22%3a%2255dd5151-2626-4f47-82ff-87b7f7bc788f%22%7d)

40thread.v2/0?context=%7b%22Tid%22%3a%22447a4ca0-5405-454d-ad68-c98a520261f8%22%2c%22Oid%22%3a%2255dd5151-2626-4f47-82ff-87b7f7bc788f%22%7d)

Meeting ID: 286 688 037 626

Passcode: uc34xP

Dial in by phone: +1 (650) 564-3271

Phone conference ID: 638 379 383#

Use the link below to join the webinar on January 15 at 10:00-11:00 AM:

[Join the January 15 webinar via Microsoft Teams](#)

(https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjRiMTdjODQtODUyOS00Yjc5LWI2ODgtOGMxMDcxMzNkMDVh%40thread.v2/0?context=%7b%22Tid%22%3a%22447a4ca0-5405-454d-ad68-c98a520261f8%22%2c%22Oid%22%3a%2255dd5151-2626-4f47-82ff-87b7f7bc788f%22%7d)

join/19%3ameeting_MjRiMTdjODQtODUyOS00Yjc5LWI2ODgtOGMxMDcxMzNkMDVh%40thread.v2/0?context=%7b%22Tid%22%3a%22447a4ca0-5405-454d-ad68-c98a520261f8%22%2c%22Oid%22%3a%2255dd5151-2626-4f47-82ff-87b7f7bc788f%22%7d)

Meeting ID: 265 713 736 666

Passcode: k88XG2tK

Dian in by phone: +1 (650) 564-3271

Phone conference ID: 469 718 819#

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](#)