



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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## **Unified Program Guidance Letter 14-07**

### **SUBMITTALS MADE BY MILITARY OR OTHER FEDERAL GOVERNMENT OPERATED FACILITIES IN THE CALIFORNIA ENVIRONMENTAL REPORTING SYSTEM (CERS)**

To: Unified Program Agencies (UPA)

Within the jurisdiction of the Unified Program and as required by Health and Safety Code, Chapter 6.11, Section 25404(e)(4) and Chapter 6.95, Article 1, a regulated facility that manufactures, produces, or uses hazardous materials or hazardous waste is required to report Business Plan information and documents electronically to its UPA using CERS or a local reporting portal that exchanges data with CERS. This includes chemical inventory, employee training and facility release response information. For facilities in the state, reporting Business Plan information makes them compliant with similar federal requirements.

Throughout the state, many of these facilities are operated or managed by the military and other federal government entities. Congress has not waived sovereign immunity for the federal hazardous materials storage program at these facilities, thus preventing the UPA from implementing the state Business Plan law at some of these facilities. These facilities are instead reporting under the federal Emergency Planning and Community Right-to-Know Act (EPCRA) law. For more information about federal immunity refer to the Unified Program Bulletin 0809-01 and the Unified Program Guidance Letter 12-01 Amended. Because UPAs are not required to receive and review federally required submissions reported through CERS from the facilities where the state Business Plan requirement is not implemented, there is a lack of clarity and consistency in how UPAs process these federal facility submissions. This guidance letter provides instruction on how the UPA should process electronic submittals in CERS from these facilities.

The California Environmental Protection Agency (CalEPA) desires that military and other federal government facilities submit information to CERS to meet their state and federal reporting obligations for the state's Unified Program and the federal EPCRA 312 Hazardous Chemical Inventory Reporting program. CalEPA recommends UPAs take

the following actions where submittals to CERS are made by military and other federal government facilities:

1. Do not reject the Business Plan submittal.
2. Do not review the Business Plan submittal for completeness.
3. Change the submittal status of the Business Plan submittal in CERS to **'accepted'** and add the following language in the submittal text field:

"This submittal is 'accepted' in accordance with Unified Program Guidance Letter 14-07. The submittal has not been reviewed for completeness by the UPA as there is no requirement in law to review and to validate this data. Neither the UPA nor CalEPA attests to the completeness or validity of the information. The chemical inventory submission does not relieve the facility from emergency planning efforts with police, fire, hospitals, emergency service providers and local emergency responders or agencies."

Please direct questions regarding reporting requirements to John Paine, Program Manager, CalEPA Unified Program, at (916) 327-5092 or email [john.paine@calepa.ca.gov](mailto:john.paine@calepa.ca.gov).

Original signed by Jim Bohon

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Jim Bohon, Assistant Secretary  
California Environmental Protection Agency