



California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



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Unified Program Newsletter June 2007

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California Environmental Protection Agency

CUPA Evaluations and Federal Facility Surcharge Payment Bulletin

This bulletin addresses the issue of surcharge collections by CUPAs and Cal/EPA's periodic evaluation of CUPAs. In summary, some federal agencies have asserted there is no clear waiver in federal law and payment of some of these fees by federal facilities has, in some cases, has been disputed. During the routine evaluation process, some CUPAs have been found deficient for failing to take enforcement action to collect state surcharge fees owned by the federal government. While this bulletin is in effect, Cal/EPA will not find a CUPA deficient in program implementation for failure to collect the portion of the General Oversight surcharge from federal facilities for the disputed program areas of Fire Code, Above Ground Tank and Business Plan programs. For additional detail, see the full text at <http://www.calepa.ca.gov/CUPA/bulletins/2007/060701.pdf>.

Attorney General's Request for Comments on CUPA Fee Issue

Mono County submitted a request for an opinion to the California Attorney General regarding whether CalTrans was obligated to pay the Unified Program Single Fee. The Attorney General's Office solicited comments and DTSC researched and prepared the comments on the matter. The comment letter sent to the Attorney General's Office represents Cal/EPA's, DTSC's, and SWRCB's position on the matter. In summary, CalTrans is obligated to pay the fee, except for that portion that supports the Aboveground Tank program element. For additional information, see the full text at <http://www.calepa.ca.gov/CUPA/bulletins/2007/Opinion07312.pdf>.

CUPA Innovation of the Month

For several years, Cal/EPA has been collecting examples of outstanding program innovations during the normal CUPA evaluation process. Beginning this month, we will be publishing an example of these innovations in each monthly newsletter. This month's innovation is from the City of Santa Monica CUPA.

The CUPA actively uses the administrative citation process as an enforcement tool to bring facilities back into compliance. Each year, the CUPA makes a concerted effort to issue permits at the beginning of the fiscal year, but only after all administrative requirements have been met. These administrative requirements include single fee invoice payment, chemical inventory updates, and annual certification of electronic monitoring equipment for UST systems. If the CUPA staff identify a pattern administrative violations, permits are withheld from non-compliant facilities until administrative requirements were met. For facilities that remain in violation and continue to operate without a valid permit, the CUPA refers these facilities to the City Attorney's office. The City and County are also working together to enforce the placement of liens on businesses who do not pay their invoices in a timely manner.

State Water Resources Control Board

Government-owned Tanks Compliance Report

The State of California must report to Federal EPA on the compliance status of government-owned tanks. On March 9th, the State Water Board sent a letter and reporting form to CUPAs/PAs to collect this information by May 30, 2007.

Government-owned tanks refer to all Federal, State, and local government tanks. The report will document all government-owned tanks that are "Out of Compliance" at the time of the report. Non-compliance is based on the full range of operational criteria, as defined by California law and regulations, not Federal requirements: permitting, corrosion protection, overfill prevention, spill prevention, tank and piping leak detection, tanks and piping repair, secondary containment, financial responsibility, and temporary closure. The report requires the identification of the tank, the tank owner, facility address, violation citation (violations of the above-noted criteria), date of last inspection, and the actions taken or will be taken (informal, formal, negotiating settlement, undetermined, or other) to ensure compliance.

As of May 23, 2007, thirty (30) local agencies have completed their non-compliance reports. The 2005 Energy Act requires California to submit facility-specific data to the US EPA and to post the results on our web site for all the world to see. Under the Unified Program, the state agencies have agreed to leave tank- and facility-specific tracking to the CUPAs/PAs, with the understanding that you will give it to us when we need it. We realize that this survey falls under the category of "other duties as assigned", but the State Water Board expects all CUPAs/PAs to take the time to complete this one-time report.

UST Program Contact: Marci Christofferson (mchristofferson@waterboards.ca.gov; 916-341-5594) or Laura Chaddock (lchaddock@waterboards.ca.gov; 916 341-5870).

Proposed Rulemaking Packages

In conjunction with CalEPA, the State Water Board is working on a rulemaking package to change certain elements of Title 27. Proposed changes to Title 27 include updating all underground storage tank permitting forms. Other proposed changes to Title 27 include updating the tank installation certification and the monitoring plan forms. Report 6 information requirements are being updated and other minor changes to fix inconsistencies in Title 23 are being made. The web link for the rulemaking package is:

http://www.waterboards.ca.gov/ust/regulatory/rulemaking/regs_proposed.html

UST Program Contact: Terry Brazell (tbrazell@waterboards.ca.gov; 916-341-5645)

Advanced UST Inspector Training

State Water Board staff is offering Advanced UST Inspector Training in an 8-hour course for UST inspectors with at least two years of experience. The course covers requirements for new UST systems, including construction and monitoring requirements, plan-checks, installation inspections, post-installation testing, system start-up, and annual inspections. The course also includes a more in-depth discussion of topics from the basic inspector training course, including enforcement strategies, functional testing of line leak detectors, and applying regulations to atypical UST systems. There will be extensive Q&A, and inspectors will be encouraged to share their ideas and experiences with others. Each session will be limited to 50 registrants and the next offering will be June 7th in Redding. Information on further dates can be found at <http://www.cce.csus.edu/conferences/ust/at07/index.htm>.

Although the Sacramento class has already taken place, please continue to sign up if that is your preferred location. Even though some sessions are full, continue to sign up as we want to gauge interest in the possibility of a second class.

UST Program Contacts: John Elkins (jelkins@waterboards.ca.gov; 916-341-5668) and Scott Bacon (sbacon@waterboards.ca.gov; 916-341-5873).

Matrix of Pipe Monitoring Applications Update

On May 7, 2007, the State Water Board issued an updated version of the AB 2481/1702 pipe matrix: Matrix of Pipe Monitoring Applications: Gravity Flow, Vacuum (V), Pressure (P), and Interstitial Liquid Level Monitoring (ILLM). This version is the latest and most up-to-date. It should replace the all previous versions of the Matrix. The updated matrix, which helps identify piping that complies with the independent testing requirements of California Code of Regulations, Title 23, section 2631(b), and the original August 25, 2006 transmittal letter are posted on the following UST web page: http://www.waterboards.ca.gov/ust/leak_prevention/matrix.html
UST Program Contact: Laura Chaddock (lchaddock@waterboards.ca.gov; 916 341-5870).

CUPA Quarterly Reporting (Report 6)

For the July-September 2006 quarter, 90 CUPAs and PAs (89% of the 101 CUPAs/PAs) submitted quarterly reports (Report 6, Title 27 regulations). UST inspections for Significant Operational Compliance (SOC) totaled 3,523, compared to the previous quarter's 3,959 inspections. Local agencies reported that 79% of inspected facilities were in SOC with release detection requirements, 82% were in SOC with release prevention requirements, and 75% were in SOC with both release detection and release prevention requirements. CUPAs issued 15 Red Tags during this quarter.

As of September 30, 2006, there were 15,860 UST facilities; 37,744 active and 122,915 closed petroleum USTs; and 3,203 active and 20,246 closed hazardous substance USTs. During the July-September 2006 quarter, the following closures were reported: 127 petroleum USTs, and 53 hazardous substance USTs. There were 55 fewer UST facilities reported during this period.

UST Program Contact: Terry Snyder (tsnyder@waterboards.ca.gov; 916-341-5385)

Enhanced Leak Detection (ELD) Follow-up –new Geotracker Tools

As of the end of May 2007, a total of 53 CUPA's have provided updates. To save time and effort for everyone, we are reiterating our request for you to check the July 2006 spreadsheets we emailed and update them. That way, we can use the most current data in our future mail outs. If you provide us with information that the site is closed, ELD test results, or the tank owner provides ELD test results, we can skip the RFR process for those sites. If you haven't submitted your update, this is your last chance to do so. The next mailing is scheduled for June 2007.

To assist you with this project and other UST program tracking, the State Water Board has added several enhancements to Geotracker. Please make sure that all of your active sites are in Geotracker, and that they are correctly located. This will be a tremendous help when Requests for Reconsideration are processed.

Thanks again to the CUPAs for all of your efforts in this process.

UST Program Contact: Terry Brazell (tbrazell@waterboards.ca.gov; 916-341-5645)

Department of Toxic Substances Control

2007 Annual Verification Questionnaire and Manifest Fees Assessment Mailing

On June 6, 2007 the Department of Toxic Substances Control (DTSC) will mail the 2007 Verification Questionnaire (VQ), Manifest Fees Assessment and EPA ID number verification fee to approximately 114,000 permanent and temporary EPA ID number holders.

DTSC will mail two different packages. The first package is to businesses with permanent California EPA ID numbers. These businesses must verify their facility information, and may or may not owe the EPA ID number verification fee or manifest fees. The second package is a manifest assessment for businesses with a

temporary California EPA ID number or an out-of-state EPA ID number. These businesses are responsible for manifest fees. Businesses are required to return all forms to DTSC, even if they do not owe fees or have changes to their facility information.

DTSC has dedicated telephone lines and staff to answer calls regarding the verification questionnaire and manifest assessment process. Please refer verification and manifest assessment questions to (877) 454-4012 (toll-free) if calling from within California, and (916) 255-4439 when calling from outside California. These telephone lines will be extremely busy for several weeks after the mailing. Callers will hear a recorded message while on hold, which provides them with the information about the verification process. We also recommend that businesses go to www.dtsc.ca.gov to look at our Frequently Asked Questions (FAQs) about the verification process. The FAQs can be found under "ID Numbers and Manifest Information" on the homepage. We hope these resources will assist businesses with their questions.

As part our normal ID number process, if a business needs a permanent ID number they should go to www.dtsc.ca.gov and print out DTSC Form 1358. If a business needs a temporary ID number they should call (800) 618-6942.

Training on New Standards for Treated Wood Waste

DTSC is proud to announce that they will be conducting training for the new Alternative Management Standards for Treated Wood Waste in June 2007 at several locations in the State. The Alternative Management Standards training will provide information on how treated wood waste (e.g., retaining walls, playgrounds, docks) can be managed. DTSC expects these standards to be effective on July 1, 2007.

At each location, there will be two training sessions. The morning session (9:00 am – Noon) will be for Certified Unified Program Agencies (CUPAs), Local Enforcement Agencies (LEAs) and DTSC Staff. The afternoon session (1:00 pm – 4:00 pm) will be for solid waste operators and treated wood waste generators. There is no registration fee.

For locations and to register online see

http://www.dtsc.ca.gov/HazardousWaste/TWW_Training_Registration.cfm. For more information contact DTSC at www_help@dtsc.ca.gov, call Matthew Mullinax at (916) 324-0064 or visit DTSC TWW webpage at http://www.dtsc.ca.gov/HazardousWaste/Treated_Wood_Waste.cfm.

Governor's Office of Emergency Services

Hazardous Materials Emergency Preparedness

The Office of Emergency Services in coordination with the six California Local Emergency Planning Committees is soliciting applications for the 07/08 Hazardous Materials Emergency Preparedness (HMEP) Grant. The projects funded under the grant may include:

- Development, improvement, and implementation of emergency plans.
- Exercises that test the emergency plans, hazards analysis, and response procedures for emergencies involving transportation of hazardous materials (including radioactive materials).
- Needs assessment for regional hazardous materials emergency response teams.
- Assessment of local response capabilities.
- Conducting emergency response drills and exercises associated with emergency preparedness plans.
- Special hazardous materials transportation related projects.

All applications should be submitted through the appropriate Local Emergency Planning Committee. For more information, visit OES webpage at

[http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/LEPC%20Information/\\$file/LEPCContacts.pdf](http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/LEPC%20Information/$file/LEPCContacts.pdf).

The HMEP Grant Guide has describes the essential grant process including the application forms, quarterly reporting requirements, and reimbursement procedures. For more information, visit OES webpage at <http://www.oes.ca.gov/Operational/OESHome.nsf/Content/10325B47C4A2F4EB88256EF3006F81F1?OpenDocument>

If you have any questions, please contact Michael Warren at (916) 845-8772 or Diana Melroe at (916) 845-8778.

The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to cupa@calepa.ca.gov.

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