



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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Unified Program Newsletter August 2009

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Annual Summary Reports Due to the Secretary by September 30, 2009

The Unified Program Section would like to remind the Certified Unified Program Agencies (CUPAs) that Summary Reports 2 through 4 are due to the Secretary by September 30, 2009, in accordance with the California Code of Regulations, Title 27, section 15290(a)(1-3). Please note that Cal/EPA will be accepting reports ONLY in the new forms (Reports 3 and 4) which may be found on Cal/EPA's website at www.calepa.ca.gov/CUPA/Publications. Data from these reports are used by the State and Federal agencies for a variety of purposes, including CUPA evaluations.

For questions or comment, please contact Farida Islam at fislam@calepa.ca.gov.

Business Plan and California Fire Code Program Dispute Resolution

On March 30, 2009, the Department of Defense (DoD) Regional Environmental Center (REC) for U.S. EPA Region 9 submitted a formal position to Cal/EPA covering Cal/EPA's regulatory authority regarding oversight and the subsequent assessment of fees at DoD facilities for the state's Business Plan and California Fire Code programs. DoD restated its ongoing position that Executive agencies are not legally authorized to expand the scope of sovereign immunity waivers beyond that which Congress has directed, which includes payment of fees. They further stated that DoD is not able to enter into any cooperative administrative agreements that would resolve the differences between federal and state regulatory authorities to provide for hazardous materials inventory reporting and emergency response planning to address the federal and State programs.

Cal/EPA has determined the following course of action for Cal/EPA and CUPAs that currently regulate DoD facilities in which a federally owned and operated DoD facility challenges the state's and local government authority to regulate them under the Business Plan and California Fire Code programs:

1. Cal/EPA will require federal DoD facilities that contest the state's authority regarding compliance with the Business Plan and California Fire Code programs to provide the CUPA a written declaration to that fact. Cal/EPA accepts DoD's March 30, 2009, letter, subject: California Business Plan Program, as meeting this requirement.
2. Upon receiving written declaration from a federal DoD facility, the CUPA will notify the facility that they shall be removed from the program oversight for business plan activities and their UPCF permit will be modified accordingly. A written declaration may be a notice of refusal to pay fees based on the lack of a waiver of sovereign immunity.
3. The CUPA shall submit a notification in writing to Cal/EPA Unified Program Section that the CUPA is revising the scope of its local program to remove the DoD facility from the Business Plan and California Fire Code program oversight.
4. Cal/EPA will notify U.S. EPA Region IX of DoD facilities that are not covered as part of the State's hazardous material reporting and management programs and request that U.S. EPA assume responsibility for the oversight of those facilities for compliance with federal law.
5. Cal/EPA will post on the Unified Program website a list of those DoD facilities that are not covered by the Business Plan and California Fire Code programs as public information.

While this bulletin is in effect Cal/EPA will not find a CUPA deficient in program implementation for failure to collect the associated program and general oversight surcharge fees from DoD facilities that dispute the state's authority to regulate the Business Plan and California Fire Code programs and that are in accordance with the provisions above. CUPAs must continue to enforce HWM, UST, CalARP and AST programs under the Unified Program at DoD facilities and to take appropriate action to collect environmental program and surcharge fees.

To view the full bulletin, go to http://www.calepa.ca.gov/CUPA/Bulletins/2009/0809_01.pdf

Cal/EPA Aboveground Petroleum Storage Act (APSA) Training Program Course Schedule Fall 2009

Cal/EPA, in cooperation with the California Specialized Training Institute (CSTI), is announcing the second round of *Aboveground Petroleum Storage Act (APSA)* training courses. CSTI and their subcontractor, ESCI EnviroServices, Inc., have developed the training program and will teach the courses. The courses scheduled for fall of 2009 are:

September 15-17, 2009	Los Angeles
September 21-23, 2009	Santa Ana
September 29- October 1, 2009	Modesto
October 6-8, 2009	Los Angeles
October 20-22, 2009	Roseville
October 27-29, 2009	San Jose

To enroll in one of these courses, please go to the CSTI website (www.csti.ca.gov) and click on the link for "Register Online" then navigate to the APSA courses under the "Hazardous Materials" section. If you have any questions about enrolling you can contact the CSTI Registrar at (805)-549-3344, or the course coordinator at (805)-549-3010.

CSTI Contact
Vance Bennett
(805) 549-3010
vance.bennett@oes.ca.gov.

Department of Toxic Substances Control – None

State Water Resources Control Board – None

California Emergency Management Agency – None

Office of the State Fire Marshal

California Code of Regulations Title 24 Rulemaking Continues

Six Code Advisory Committees advise the Building Standards Commission (BSC) and its staff on proposed building standards, which include building, fire, electrical, mechanical, and plumbing codes. These Code Advisory Committees annually review the technical merit of building standards proposed by state agencies and provide recommendations to the BSC. Committee members are appointed by the BSC and represent the public, building design professionals, the building and construction industry, local government building officials, fire officials, and other affected parties.

The BFO (building, fire, and other) Code Advisory Committee will meet on August 10, 11, and (potentially) 12, 2009, to ensure adequate opportunity for public participation and to perform a technical review of code changes pursuant to the law. The public is invited to attend and/or present comments at the Code Advisory Committee meetings.

For more information, go to BSC's website at http://www.bsc.ca.gov/prpsd_chngs/2009CACReview.htm.