



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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## Unified Program Newsletter October 2009

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### California Environmental Protection Agency

#### **California Environmental Reporting System (CERS) Bulletin #4**

This bulletin provides an update to the Electronic Reporting Work Group and serves as an introduction to the UPA Help and Support Guide. Topics include:

1. Updates: Information to help you implement electronic reporting in your jurisdiction.
2. Action Items: These are suggestions for actions that you should be taking RIGHT NOW.
3. New FAQs: Aimed at answering many of your questions.

Bulletin #4 is now available on the Unified Program website  
at <http://www.calepa.ca.gov/CUPA/Documents/eReporting/Bulletin4.pdf>.

**Reminder:** January 1, 2013 all businesses and UPAs are required to report electronically.

### Department of Toxic Substances Control

#### **Final Notice for the 2009 EPA ID Number**

In late October or early November 2009, the Department of Toxic Substances Control (DTSC) will mail a Verification Questionnaire Final Notice to approximately 30,000 permanent EPA ID Number owners who did not return the 2009 Verification Questionnaire and fee documents that DTSC mailed on June 12, 2009.

Businesses are required to return the Verification Questionnaire and Fees Assessment forms to DTSC even if they do not owe fees or do not have changes to their facility information. Any generator, transporter or facility owner who fails to verify the accuracy of their EPA ID Number information is subject to suspension of their ID Number (Health and Safety Code section 25205.16(c).)

The EPA ID Number verification process is necessary to ensure that the data contained in the Hazardous Waste Tracking System (HWTS) is accurate. The annual verification also helps to ensure that businesses use the correct EPA ID Number for their hazardous waste activities.

DTSC will have dedicated telephone lines and staff to answer calls regarding the Verification Questionnaire and Manifest Fee Assessment process. Please refer Questionnaire and Fee 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 information about the verification process. In addition, businesses can find most of the answers to questions regarding the verification process in the Frequently Asked Questions (FAQs) document on the DTSC website at [http://www.dtsc.ca.gov/IDManifest/VQ\\_FAQ.cfm](http://www.dtsc.ca.gov/IDManifest/VQ_FAQ.cfm).

As part our normal EPA ID Number process, if a business needs a permanent EPA ID Number they should go to [www.dtsc.ca.gov/IDManifest/index.cfm](http://www.dtsc.ca.gov/IDManifest/index.cfm) and print out DTSC Form 1358. If a business needs a temporary EPA ID Number, they should call (800) 618-6942.

#### **New Enforcement Program Direction at DTSC – Community Policing**

Gale Filter, Program Director for the Department of Toxic Substances Control's Enforcement and Emergency Response Program, is taking the Department's Enforcement Program in new directions. Recently a proposal for creating a fundamental change in environmental enforcement was completed. The Environmental Hope and Health Partnership calls for changing environmental protection for the 21<sup>st</sup> century, making it smarter and results-oriented by including heretofore untapped resources in environmental justice communities. The proposal calls for the creation of green jobs and utilizes environmental enforcement tools such as predictive policing, data-mining techniques and community-based environmental prosecution.

The work under this program is community focused. Communities with the greatest burden of environmental pollution are identified and targeted enforcement work is done in the communities to reduce that environmental pollution burden. The work is done through a multi-agency approach. Companies located in these communities must be in compliance with all environmental laws and regulations. Successful community policing relies on timely and accurate data, effective tactics, rapid response and relentless follow up. Community residents play a pivotal role in the new program by working with government regulators in identifying environmental harms.

Gale Filter will be talking with the CUPA forum Board in December. The CUPA programs are being encouraged to be partners in this new approach. The Department's enforcement program will work with the CUPA Programs to modify the regulatory standards for CUPA programs and move away from a strictly numbers performance management systems to a new system that more accurately measures environmental gain.

One source of data that is available for this work is the data collected by communities through a process called "ground truthing". The ground truthing process begins when volunteers in the community are trained to recognize and map hazardous and sensitive sites. The volunteers then conduct inventories of the businesses in their neighborhood. During the summer of 2008, ground truthing was conducted in eight communities within Los Angeles County. Over the summer the volunteers mapped their neighborhoods and worked with researchers to compare their findings with official databases of regulatory agencies. The eight Los Angeles Communities are Boyle Heights, City of Commerce, The Figueroa Corridor, Maywood, Pacoima, South Los Angeles, Van Nuys and Wilmington

Often the companies identified through this process are companies that are “flying below the radar”. The companies have not stepped across the regulatory threshold by obtaining the business licenses and permits required to operate legally. Recently the City of Maywood provided information to the Department regarding three companies that met this description. Inspections were conducted and the companies were cited for violations of hazardous waste regulations.

### **Enforcement Bus Tours**

The beginning point for the Department in our efforts to work with communities is the enforcement bus tours and workshops. One of the most significant elements of the Environmental Justice tours is the effort that is made to reach out to community members. Planning for the tours begins with a dialogue directly with the people who live and work in the community. Enforcement staff seeks their input on the environmental problems that affect their lives. This approach is very different from the communications community residents normally have with their government. The difference is on priorities; the priorities for the tours are not the government’s priorities; they are the priorities of the people we serve. Often community members have never had a government organization reach out to them, they feel completely out of touch with the organizations that serve them. They have also not had the experience of working with government representatives, who are willing to go to the places they live, talk with them, listen to them and experience what it is like to live in their community.

Government participants see and experience firsthand how the cumulative impact of diesel trucks, industry, etc. affects the quality of life and health of the citizens living in an impacted community. They are able to talk with community representatives, listen to their concerns share information on steps that can be taken to alleviate those concerns. As a result of the tours government representatives feel a greater responsibility to work together and solve problems. The 100 day follow-up meeting brings accountability to the public into the forefront. It is harder to ignore the concerns of the public when you have met and spent the day with them. Mutual respect is developed. People begin to see things in a different way. Relationships are built.

Provided below are some of the most significant things that have happened as a result of our tours:

- The South Coast Air Quality Management District and the Department of Toxic Substances Control are working closely together on sites identified during the tours in the Los Angeles area. This collaboration has resulted in enforcement actions from both agencies on the Gregg Industries and Exide facilities. When faced with the need to modernize an old foundry operating in a residential community in order to bring it up to today’s environmental standards the Gregg Industries facility decided to close. The Exide facility is now responding to requirements from both the District and the Department in order to eliminate offsite releases of lead and clean up past contamination in and around the site.
- In Fresno and Imperial Counties the tours have resulted in the creation of forums to address environmental concerns that did not exist before. Several facilities have been inspected and are now required to address violations cited during the inspections. Also important are the avenues that now exist to discuss environmental problems that require long term, more effective solutions. Issues related to the New River and lead contamination in older homes are examples of the issues that are being addressed. New communication channels have enabled dialogue with local and state agencies to more effectively solve problems.

This Initiative is a prime example of government doing things differently and intelligently to better coordinate and respond to the needs of Californians. Who better to provide information and tips on environmental hazards and law-breaking than the Californians who live closest to it and see what’s going on every day in their communities. The Department’s Enforcement Program is eager to work with the CUPA’s to make this program even more successful.

### **Automated Manifest Correction Letters**

Pursuant to California Health and Safety Code, Section 25160.5, the Generator Information Services Section (GISS) has initiated automated manifest correction letters that are currently being sent to Treatment, Storage, and Disposal Facilities (TSDFs). After sending 30 and 60 day delinquent notices for failure to respond, GISS is now in the process of sending 90 day delinquent letters that will also be copied to DTSC’s Enforcement Branch and the Certified Unified Program Agencies (CUPAs).

Contact: Bonnie Amoruso at (916) 255-0881 or [bamoruso@dtsc.ca.gov](mailto:bamoruso@dtsc.ca.gov)

## **State Water Resources Control Board**

### **Proposed Regulation for Interim Variance for UST's Storing Certain Biodiesel Blends**

On August 14, 2009, the State Water Board posted notice to add section 2631.2 to Article 3 (commencing with section 2630), chapter 16, division 3, title 23 of the California Code of Regulations, which would provide a variance from specific independent testing and approval requirements for UST systems storing certain biodiesel blends. The State Water Board requested comments from interested persons to present any statements, arguments, or contentions relating to the proposed regulation. The comments were required to be submitted in writing and received by the State Water Board before the close of the written comment period in order to be considered by the State Water Board before it adopts the proposed regulation. The written comment period closed September 28, 2009.

On October 1, 2009, the State Water Board posted a notice of modifications to the original text of the above mentioned regulations. The modifications are reflected in strikeout and underline format (attached). If you have any comments regarding the proposed changes, the State Water Board will accept written comments. All written comments must be received by the State Water Board no later than 5:00 p.m. on October 15, 2009, and addressed to:

Ms. Laura Fisher  
Division of Water Quality  
State Water Resources Control Board  
P.O. Box 2231  
Sacramento, CA 95812  
(916) 341-5870

Comments may be submitted by e-mail to [lfisher@waterboards.ca.gov](mailto:lfisher@waterboards.ca.gov) or by fax to (916) 341-5808. Please limit your comments to the modifications of the originally-proposed text.

**UST Program Contact:** Laura S. Fisher [lfisher@waterboards.ca.gov](mailto:lfisher@waterboards.ca.gov); (916) 341-5870.

### **Biodiesel Guidance on California Biodiesel Alliance (CBA) Website**

We have been working closely with the CBA to develop forms to help make the biodiesel variance process smoother. While these forms are not in regulation the State Water Board UST Program staff recommends using these forms to assist with guiding UST owners in providing the proper documentation.

The forms are available for download on CBA's UST Compliance website at <http://www.californiabiodieselalliance.org/USTCompliance/tabid/63/Default.aspx>

The CBA's UST Compliance website also has a list of downloadable manufacturer compatibility documentation and leak detection statements that can be used to supplement the forms. The CBA continues to post documentation as it becomes available.

Additional information on the biodiesel variance regulatory requirements can be found at [http://www.waterboards.ca.gov/water\\_issues/programs/ust/regulatory/biodiesel\\_regs.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/regulatory/biodiesel_regs.shtml)

**UST Program Contact:** Laura S. Fisher [lfisher@waterboards.ca.gov](mailto:lfisher@waterboards.ca.gov); (916) 341-5870.

### **Regulation of B99 and B100**

In a letter dated July 20, 2009 the State Water Board clarified its position regarding the regulation of B99 and B100 (attached).

**UST Program Contact:** Laura S. Fisher [lfisher@waterboards.ca.gov](mailto:lfisher@waterboards.ca.gov); 916-341-5870.

### **Liquid Condensate Traps**

It has come to our attention that over the years several liquid condensate traps have been installed without permit or meeting the necessary design and construction requirements. On July 2, 2009, the State Water Board sent out correspondence advising UST owners/operators consult with CUPAs prior to the installation of any EVR system (attached). This coordination provides UST owners/operators the opportunity to bring the liquid condensate trap into compliance during the required EVR construction. If the CUPA is not consulted, and equipment is installed or if work has already started, there is a possibility that the liquid condensate trap may need to be removed or altered again to ensure that the liquid condensate trap is complaint with both the State Water Board and ARB regulations.

**UST Program Contact:** Laura S. Fisher [lfisher@waterboards.ca.gov](mailto:lfisher@waterboards.ca.gov); (916) 341-5870.

### **Updates to Matrix of Pipe Monitoring Applications**

On July 22, August 9, and September 30 the State Water Board updated the *Matrix of Pipe Monitoring Applications (nonmetallic and Metallic) for Gravity Flow, Vacuum, Pressure, and Interstitial Liquid Level Monitoring*. The most current version of the Matrix is attached.

**UST Program Contact:** Laura S. Fisher [lfisher@waterboards.ca.gov](mailto:lfisher@waterboards.ca.gov); (916) 341-5870.

### **E85 Storage in USTs**

California Health and Safety Code sections 25290.1, 25290.2, 25291, and 25292 require that the primary containment of a UST be compatible with the stored substance (such as a fuel and/or fuel additive), and that secondary containment be constructed to prevent structural weakening because of contact with any released substance. To implement these statutes, Title 23, California Code of Regulations sections 2631 and 2643 require that:

- a) The design and construction of the tank and piping be approved by an independent testing laboratory (Underwriters Laboratories (UL) certifications are used to meet this requirement);
- b) An owner or operator use UST system components made of, or lined with, materials that are compatible with the hazardous substances stored in the tank;
- c) The components approved for the installation of a UST system, on and after July 1, 2004, include a list of compatible products tested and the measured permeation rate of those products; and
- d) The leak detection equipment be tested and function with the fuel stored.

To assist with component selection and appropriate component ratings to comply with items a – c above, UL certifications for E85 are posted on UL's web site. Additionally, UL has a web site dedicated to the safety requirements to address material compatibility issues for high alcohol concentrated fuels (greater than 15 percent) (<http://www.ul.com/global/eng/pages/offerings/industries/chemicals/flammableandcombustiblefluids/fag>). UST staff responsible for compliance review of design and construction, as well as UST inspectors, should cross reference use of UL components in the field with the ethanol ratings outlined by UL.

With respect to item d) above, the owner/operator would need to choose leak detection tested and approved for functionality with E85. This equipment is listed in Local Guidance Letter 113.

**UST Program Contact:** Laura S. Fisher [lfisher@waterboards.ca.gov](mailto:lfisher@waterboards.ca.gov); (916) 341-5870.

### **CUPA Semi-Annual Reporting (Report 6)**

As of September 30, 2009, 98 of 99 CUPA/PAs submitted their Report 6s for the January – June 2009 period. 16 of 98 reports submitted were returned for corrections and 13 of those were resubmitted and accepted with 12 Report 6s being submitted after the due date. The number of corrections requested was down from 20 for the previous period but we still had eight agencies reporting SOC criteria the old way. We appreciate your reporting efforts. In the last report it was erroneously reported that the City of Victorville CUPA had given up their program. During this period the City of Newark CUPA turned over their program to the Alameda County Environmental Health CUPA, so currently there are 99 CUPA/PAs who submit Report 6.

Current number of UST facilities, UST systems, and routine inspections with SOC criteria are being recorded into our database and results will be reported in the next update.

You should have been contacted recently to verify your agency contact information. We are updating our CUPA Contacts list which we have linked to our UST website. If you find that your contact info on our webpage is inaccurate or needs updating please contact us. Thank you.

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

### **California Emergency Management Agency – None**

### **Office of the State Fire Marshal**

#### **Hazardous Materials Plan/Inventory Statement**

The Office of the State Fire Marshal updated its Hazardous Materials Management Plan/Hazardous Materials Inventory Statement program website, which may be viewed at <http://osfm.fire.ca.gov/cupa/cupa.php>.

Contact: Jennifer Lorenzo at (916) 324-0232 or [Jennifer.Lorenzo@fire.ca.gov](mailto:Jennifer.Lorenzo@fire.ca.gov)