



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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## Unified Program Newsletter October 2010

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### California Environmental Protection Agency

#### **Cal/EPA Fuels Guidance Document Available**

Biofuels have become an issue of national attention. There are at least four major reasons why biofuels have come to the forefront of both policy and public attention: Concerns about global warming have led to a movement away from conventional fossil fuels and toward renewable biofuels; increasing demand for energy is a major driver of growth in all fields of fuel production, including biofuels; national security is seen by many as being threatened by continuous import of fuels or crude oils from countries that may be seen as hostile toward the United States, and the feed stocks for biofuels can be grown domestically or imported from more politically appealing countries. Lastly, there is a movement by some individuals to lead more locally based lifestyles and it is possible to produce some biofuels on an individual or community scale.

To those not immersed in the subject, the regulation of fuels can be confusing and difficult to understand. To address this confusion, the California Environmental Protection Agency has coordinated the creation of a draft document that is intended as a starting point for potential fuel users, marketers and producers to better identify the regulations and requirements affecting their fuels.

The document can be accessed through the following link: <http://www.calepa.ca.gov/biofuels/>  
The state agencies coordinated by CAL/EPA to create this document are: the Air Resources Board, Department of Food and Agriculture, the Office of the State Fire Marshal and the State Water Resources Control Board.  
For more information, please contact [Alexander Mitchell](mailto:amithchel@arb.ca.gov) at [amithchel@arb.ca.gov](mailto:amithchel@arb.ca.gov)

## **DTSC – None**

### **State Water Resources Control Board**

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

For the January – June 2010 period, 96 CUPAs and PAs (98% of the 98 CUPAs/PAs) submitted semi-annual reports (Report 6, Title 27 regulations). Eight of 96 reports submitted were returned for corrections and all 8 were resubmitted and accepted. Seven Report 6s were submitted after the due date. The number of corrections requested was up from seven for the previous period and we still had agencies reporting SOC criteria the old way. We appreciate your ongoing reporting efforts.

UST inspections for Significant Operational Compliance (SOC) totaled 7,694 compared to the previous period's 5,750 inspections. Local agencies reported that 7.9% of inspected facilities were in SOC with release detection only, 15.5% were in SOC with release prevention only, 69.7% were in SOC with both release detection and release prevention, and 6.9 % had violations for both release detection and release prevention. The corresponding percentages from the last period were very close to the current at 9.5%, 16.9%, 65.6%, and 8% respectively. UPAs issued 68 Red Tags during this period compared to 74 previously.

As of June 30, 2010, there were 14,716 UST facilities, with 71 new facilities and 191 facilities closed during the last 6 months. There are 38,243 active and 127,942 closed petroleum USTs with 128 new tanks opened and 329 tanks closed this period. There are 2,131 active and 21,482 closed hazardous substance USTs, with 12 new and 72 closed this period. There were adjustments to UST databases, as agencies cleaned up their data. During the reporting period, adjustments by UPAs decreased the number of regulated facilities by 87, removed 52 petroleum USTs, and decreased the number of hazardous substance USTs by 10. Consequently, by the end of the period there were 253 less active petroleum USTs, 70 fewer active hazardous substance USTs, and 207 fewer UST facilities in operation.

#### **Biodiesel Variance Reporting**

Biodiesel variances were reported along with the semiannual Report 6 for the January – June 2010 reporting period. Information pertaining to biodiesel variances is pursuant to CCR Title 23, Chapter 16, Section 2631.2. The number of variances for this period is shown below along with a breakdown by CUPA/PA. 96 CUPA/PAs submitted their Biodiesel Variance report.

- a. Number of variances issued for the storage of biodiesel = 17 (by 7 CUPA/PAs) compared to 31 and 14 last period. Total biodiesel variances issued to date = 48.
- b. Number of variances withdrawn for the storage of biodiesel = 0 and
- c. No biodiesel variances issued = 89 CUPA/PAs

#### **Variations Issued by CUPA/PA:**

The following cities issued variances: Mountain View (2) and Union City (1). The following counties issued variances: Fresno (3), Humboldt (1), Sacramento (7), San Bernardino (2), and Sonoma (1).

We appreciate your cooperation in tracking this new data.

#### **Red Tag Semi-Annual Reporting**

For the January - June 2010 semi-annual period, 20 CUPAs issued 68 Red Tags compared to 13 and 74 last period. [Counties of: Fresno (2), Imperial (3), Kings (2), Lassen (4), Los Angeles (10), Madera (3), Merced (3), Placer (5), San Bernardino (11), San Luis Obispo (2), Shasta (1), and Sonoma (5)] [Cities of Bakersfield (1), Berkeley (5), Los Angeles (1), Orange (1), Oxnard (1), Pasadena (5), San Leandro (1), and Union City (2)].

The specific violations cited were as follows:

- 1) 29 violations for conditions at the UST facility threatening to cause a liquid release (Ch. 16, Sec. 2637)
- 2) 17 violations for conditions at the UST facility impairing the ability to detect a leak [Ch.16, Sec. 2636(f)(2)]
- 3) 22 violations for a chronic violation or recalcitrant facility operator/owner.

Please note when reporting Red Tags, list the total number of Red Tags affixed- not the number of facilities subject to Red Tags.

**UST Program Contacts:** Terry Snyder ([tsnyder@waterboards.ca.gov](mailto:tsnyder@waterboards.ca.gov); (916) 341-5385) or Terry Brazell ([tbrazell@waterboards.ca.gov](mailto:tbrazell@waterboards.ca.gov); (916) 341-5645).

### **Regulatory Status of UST's Storing Aqueous Urea Solution**

On August 31, 2010 the UST Program sent out correspondence concurring with the United States Environmental Protection Agency's position that UST's storing aqueous urea, commonly known as DEF, are not regulated. This correspondence is posted at [http://www.waterboards.ca.gov/ust/tech\\_notices/def\\_ltr083110.pdf](http://www.waterboards.ca.gov/ust/tech_notices/def_ltr083110.pdf).

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

### **Designated UST System Operator International Code Council Certification**

It has come to our attention that ICC now offers and "AU-Class A UST System Operator" and "BU-Class B UST System Operator" (both of which are national certifications). The variety of available certifications has resulted in questions as to the applicability of the ICC Class A, Class B, and other state "system operator certification of us in California.

The California Code of Regulations Section 2715(b) specifies that the designated UST operator must pass the California UST System Operator Exam and possess a current ICC California UST System Operator Certification. Therefore, national and other state specific certifications are not eligible for compliance purposes in California. Additional information can be found at [http://www.waterboards.ca.gov/ust/tech\\_notices/icc\\_cert081610.pdf](http://www.waterboards.ca.gov/ust/tech_notices/icc_cert081610.pdf).

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### **Supplement to LG-113**

On August 13, 2010 the UST Program sent out an interim supplement to LG 113. This supplement outlines some additional uses to various commonly used sensors. The supplement is posted on our website at [www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lq113/docs/lq113\\_vrsensors.pdf](http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lq113/docs/lq113_vrsensors.pdf).

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

### **Acceptable E85 Leak Detection**

The UST Program has compiled a list of E85 acceptable leak detection equipment. The information is posted at [http://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lq113/misc/e85veeder.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lq113/misc/e85veeder.shtml).

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### **Board of Equalization UST Storage Fee Account Number**

A UST Cleanup Fund Performance Audit completed February 22, 2010 indicated a significant number of UPA's are failing to collect the BOE Storage Fee Account Number on the Underground Storage Tank, Operating Permit Application – Facility Information (Formerly Form A).

Beginning immediately it is imperative that during inspection and permitting activities UPA's verify that the Storage Fee Account Number is properly identified. Inspection compliance or permit issuance should not be completed until the Storage Fee Account Number has been provided by the UST Owner.

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

**California Emergency Management Agency – None**

**Office of the State Fire Marshal**

**Vapor Systems Technologies (VST) Gas Nozzles**

Due to gasoline spraying incidents in the past couple of months, all gasoline station owners/operators with VST nozzles are mandated to remove the hold-open latches by October 15, 2010. A replacement nozzle has been developed and approved for use. Gasoline dispensing facilities will have the option to continue to use VST nozzles without the hold-open latches or opt to replace them with the newly developed VST nozzle.

The new nozzle is designed with a secondary hold-open latch release mechanism. Limited production of the new nozzles has begun and VST aims to have full production by the end of October. VST will be offering a \$105 core value for each VST nozzle core returned. The enhanced core value will be available through January 31, 2011.

If you have any questions, please contact the Vapor Recovery Program Coordinator, James Parsegian, at (916) 445-8415 or [James.Parsegian@fire.ca.gov](mailto:James.Parsegian@fire.ca.gov).

**California Fire Code**

The 2010 California Fire Code (California Code of Regulations, title 24, part 9) is now available for purchase from International Code Council. Visit their Web site at <http://www.iccsafe.org/Store/Pages/default.aspx>.