



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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OSFM

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Cal/EPA Unified Program Bulletin on PA to CUPA Electronic Reporting Relationship

Assembly Bill 2286 (2008, Feuer) went into effect January 1, 2009, and requires all businesses and local government agencies regulated under the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) to use Internet to file Unified Program information. All regulated businesses and local government agencies in the State of California must use the internet to file by January 1, 2013. To establish the long term electronic information reporting relationship between the California Environmental Protection Agency (Cal/EPA), the CUPAs and PAs, Unified Program sent a bulletin (1011-01) to all Unified Program Agencies. It is now also posted on Unified Program website, http://www.calepa.ca.gov/CUPA/Bulletins/2011/April8_01.pdf.

Cal/EPA Unified Program Policy Memo for Lead Acid Battery Inventory Reporting – Guidance and Template

Cal/EPA Unified Program oversees six hazardous waste and materials programs administered by state and local agencies (<http://www.calepa.ca.gov/CUPA/About.htm>). The Hazardous Materials Release Response Plans and Inventories (HMBP) is one of the six programs. A policy Memo has been sent to all Unified Program Agencies by Cal/EPA Unified Program for Lead Acid Battery Inventory Reporting. The purpose of this memo is to establish a uniform inventory form and reporting format for lead acid batteries at hazardous materials businesses that California Environmental Protection Agency (Cal/EPA), local Certified Unified Program Agencies (CUPAs), and regulated businesses will be able to use to ensure that critical information about lead acid batteries is consistently collected and reported CUPAs. The policy memo (UP-11-03) is now posted on Unified Program Website, <http://www.calepa.ca.gov/CUPA/Bulletins/2011/April28.pdf>.

Most Frequent Deficiencies in Annual Summary Reports

Another year has nearly passed and CUPA's will be preparing their Annual Summary Reports for FY 2010/2011 to be submitted by September 30, 2011. The most frequent CUPA deficiency being observed during the triennial CUPA

evaluations is “not accurately reporting information on the Annual Summary Reports”. Cal/EPA recently published a CUPA Self-auditing and Reporting Guidance Document available on line at: <http://www.calepa.ca.gov/CUPA/Assistance/> or <http://www.calepa.ca.gov/CUPA/Documents/SelfAuditing.doc>.

CUPA's are encouraged to review this document for tips and guidance for completing the Annual Summary Reports, as well as their annual Self-audits, and annual review and update of the CUPA's Inspection and Enforcement Plans (I&E Plans). However, in this article, we would like to briefly address the most frequent deficiencies within the Annual Summary Reports, in descending order of occurrence.

Report 4:

“No. of Informal Enforcement Actions”: Informal enforcement actions include any action that notifies the regulated business of its non-compliance and establishes an action and a date by which that non-compliance is to be corrected. Informal actions do not impose sanctions. Therefore, this column must include ALL summaries of violations and/or notices to comply (inspection reports with violations) and notices of violation. It should also include in re-inspections (with or without fees), letters, phone calls or office hearings relating to enforcement or verification of compliance of any outstanding violations. CUPAs should also review the enforcement section of their I&E Plans.

“No. of Formal Actions”: Formal enforcement actions include any action that mandates compliance and initiates a civil, criminal, or administrative process resulting in an enforceable agreement or order. Therefore, this column must include a total of ALL AEO's (local and otherwise – “Total Number of AEO's”) and ALL (“Total Number”) of referrals. However, it should also include any action that imposes a penalty, including “Red Tags”, permit revocation, facility closure and quarantines. CUPAs should also review the enforcement section of their I&E Plans.

Report 3:

Column 2, No. of Regulated Businesses Inspected in each Program Element: This is the “the number of businesses” that received ANY kind of an inspection during the year.

Column 3, Number of Routine Inspections: A routine inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements. They are the inspections intended to meet the mandated inspection frequency for each program element and includes a complete inspection for compliance with the requirements of the program element.

Report 2:

The key for Report 2 is that the surcharges billed should closely match the numbers of businesses (total regulated, CalARP and UST) multiplied times the appropriate surcharge. While opening of new businesses, closing of businesses, and the billing cycle within a year will cause some fluctuations and inconsistency in the numbers, they should be relatively close and deviation should be explainable. The total collections remitted to the State should match what was actually submitted to the state (obtained from state database and/or CUPA Report 1's and copies of checks).

Any discrepancies in the reports should be noted as footnotes on the reports, or within the CUPA's Self-audit Report for that fiscal year. If a CUPA still has any questions, they should contact their Cal/EPA Unified Program staff contact.

DTSC - None

State Water Resources Control Board - None

California Emergency Management Agency - None

Office of the State Fire Marshal

California Fire Code

For a free online version of the 2010 California Fire Code (California Code of Regulations, title 24, part 9), visit the website at <http://publicecodes.citation.com/st/ca/st/b300v10/index.htm>