



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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Time to Expedite Facility Electronic Reporting Efforts

The first year of electronic reporting is rapidly drawing to a close. As of September 1, 2013 only one-third of the state's regulated facilities have used CERS to report or verify at least some Business Plan information (see <http://cers.calepa.ca.gov/documents/statistics/ereportstatus/Sept2013.pdf>). Statutory mandates and state policy require ALL regulated facilities statewide to report business plan information or underground storage tank information electronically during 2013, either using CERS, or if the facility prefers, a local reporting portal that is capable of accepting data for all submittal elements required to be submitted by a facility.

Only 4 months remain in 2013 and nearly two-thirds of the state's regulated facilities are not current in CERS. Cal/EPA Unified Program staff will contact those CUPAs with local reporting portals to gather information on the number of facilities reporting to those portals in the next month. Regulated facilities need to aggressively move forward with their 2013 reporting, and UPAs need to step up their efforts to ensure their facilities remain compliant. **Facilities should move forward to meet their reporting requirements in a timely manner during the next four months. They should avoid postponing submittals until the last few days of 2013.** Cal/EPA does not have either the technical support or server resources to handle receiving most submittals in the last few weeks of the year.

If you have questions or need further information, please contact John Paine in the Unified Program office at (916) 327-5092 or john.paine@calepa.ca.gov.

Annual Summary Report Submission Reminder

The California Environmental Protection Agency (Cal/EPA) would like to remind all Certified Unified Program Agencies (CUPA) that the Fiscal Year 2012/2013 Annual Summary Reports 2, 3 and 4 are due to Cal/EPA on September 30, 2013. CUPAs may submit their hard copy reports by U.S. Mail, via fax, or email (see Cal/EPA contact information provided below).

As depicted in the April 2013 Unified Program Guidance Letter 13-05, titled "Submission of Annual Summary Reports and Formal Enforcement Summaries," Cal/EPA and CUPAs are in the process of deploying the necessary technology to allow for data exchange between local data systems and the California Environmental Reporting System (CERS). Until such a time that a CUPA is providing inspection and enforcement data to CERS, either electronically or through the online CERS website, Cal/EPA cannot generate the information required to replace the Annual Inspection Summary and Annual Enforcement Summary Reports. These reports provide necessary information to Cal/EPA and state agencies to effectively manage the state Unified Program.

Please submit the Fiscal Year 2012/2013 Annual Summary Reports 2, 3 and 4 using current forms by September 30, 2013. The forms can be found on Cal/EPA's website at www.calepa.ca.gov/CUPA/Publications. For questions or concerns please contact John Paine at John.Paine@calepa.ca.gov.

Cal/EPA Contact Information

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Title 27 Electronic Reporting Regulations - Final Adoption Delayed

Unfortunately, the Title 27 Electronic Reporting Regulations did not become final on August 26, 2013 as originally planned.

On August 21, 2013, Cal/EPA was contacted by the Office of Administrative Law (OAL) and informed that OAL found a major problem with the Title 27 Electronic Reporting rulemaking package. Specifically, the Initial Statement of Reasons (ISOR) did not adequately address the "necessity standard" by depicting the changes made to the existing regulations and the rationale for making those changes. After consulting with the OAL and under OAL's advisement, on August 23, 2013, Cal/EPA officially withdrew the Title 27 Electronic Reporting regulation package from the OAL's official review.

On August 26, 2013, OAL provided Cal/EPA with a complete list of all necessary changes that need to be made to the Title 27 Electronic Reporting rulemaking package before they are resubmitted to OAL for final review. Cal/EPA is currently making the necessary corrections to the rulemaking package, including the development of an addendum to ISOR. Once the corrections are made, Cal/EPA will be required to initiate another comment period, a minimum of 15-days, before resubmitting the entire rulemaking package to OAL for their final 30-day review. Another uncertainty is when the regulations will become effective, either upon submission to the Secretary of State or the 1st day of the quarter immediately following approval by OAL. Cal/EPA has provided a compelling argument to justify the need to have the effective

date of the regulations be sooner rather than later. However, the final determinations will not be known until OAL completes their final 30-day review. Cal/EPA anticipates having the Title 27 Electronic Reporting Regulations finalized on or before October 31, 2013.

Please direct any questions or concerns to John Paine at (916) 327-5092 or John.Paine@calepa.ca.gov.

Department of Toxic Substances Control - None

State Water Resources Control Board - None

Office of Emergency Services – Cal OES (formerly Cal EMA)

California Accidental Release Prevention (CalARP)

CalARP regulations have been submitted to the Office of Administrative Law. The public comment period will run from September 20, 2013 through November 4, 2013. A public hearing will be held at Cal OES headquarters on November 4, 2013.

For questions or concerns, please contact Jack Harrah at (916) 845-8759 or jack.harrah@calema.ca.gov.

Office of State Fire Marshal

Aboveground Petroleum Storage Act (APSA)

The regulations workgroup met via teleconference on July 8 and 31, 2013, to discuss various ideas for inclusion in the APSA regulations. The next regulations workgroup will meet on September 17, 2013.

The recycled underground storage tanks (USTs)-farm tanks workgroup has been established and first met on August 8, 2013. This group's main task will deal with the USTs recycled into aboveground storage tanks issue and develop a recommendation to the OSFM; other tasks include developing language for the APSA regulations. This group will next meet on September 16, 2013.

The APSA advisory committee last met on July 11, 2013, and will next meet on October 2, 2013. The meeting notices and minutes may be viewed at http://osfm.fire.ca.gov/advisorycommittees/advisorycommittees_apsa.php. For more information, please contact Jennifer Lorenzo at (916) 324-0232 or Jennifer.Lorenzo@fire.ca.gov.

California Fire Code

The 2013 California Fire Code has been adopted and will become effective January 1, 2014. For additional information, visit the California Building Standards Commission website at <http://www.bsc.ca.gov/codes.aspx>.

New OSFM “CUPA” Program Staff

OSFM would like to introduce the newest addition to the program. Kenneth Knoblock is our new Environmental Scientist. Kenneth acquired his B.S. in zoology from San Diego State University. After a stint in the National Marine Fisheries Service he was the Curator of Education at the El Paso Zoological Park in El Paso. Kenneth also practiced law for sixteen years. Kenneth is currently completing an M.A. in Conservation Biology at Cal State San Bernardino.