



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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Unified Program Newsletter March 2014

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Cal OES	None
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California Environmental Protection Agency

Hazardous Materials Enforcement Guidelines 2014

See Attachment.

Fiscal Year 2012-2013 Summary Report Data

Inspection and enforcement action information submitted by Certified Unified Program Agencies in Annual Summary Reports for Fiscal Year 2012-2013 has been compiled and will be available soon on the following Unified Program webpage: <http://www.calepa.ca.gov/CUPA/Publications/#SummaryReportData>.

Unified Program State Surcharge Increase

Unified Program State Surcharge will increase to include a fee for Aboveground Petroleum Storage Act (APSA). Beginning fiscal year 2014/2015, a \$26.00 APSA surcharge will be assessed on each tank facility regulated under APSA. The new APSA surcharge will cover the necessary and reasonable costs incurred by the Cal FIRE Office of the State Fire Marshal (OSFM) to perform duties and responsibilities to implement, maintain and oversee the APSA program.

The Secretary for California Environmental Protection Agency (CalEPA) is required to establish the amount of the Unified Program State Surcharges. The Title 27 regulations provide the mechanism to publicly notice, receive public comments and finalize the Unified Program State Surcharges.

In the next few months, CalEPA will publicly notice the new APSA surcharge in the California Notice of Register for a 30 day comment period and will provide information to stakeholders through email listings and the Unified Program listserv. After accepting and considering public comments, the Secretary will publish the final APSA surcharge in the California Notice of Register, to be effective May 1, 2014. Title 27 requires Certified Unified Program Agencies (CUPAs) to begin assessing the state surcharge 60-days after the effective date of the surcharge. Therefore, CUPAs will be responsible for assessing and collecting the new APSA surcharge beginning July 1, 2014, during their normal billing cycle for the fiscal year.

For questions regarding the APSA surcharge, please contact Jennifer Lorenzo, Cal FIRE Office of the State Fire Marshal, at (916) 324-0232 or by email: Jennifer.Lorenzo@fire.ca.gov.

Unified Program (UP) Guidance Letters

The following Guidance Letter was released in February and is available on the Unified Program Bulletins webpage: <http://www.calepa.ca.gov/CUPA/Bulletins/>

- **UP-14-05: Prioritizing Regulated Businesses' Electronic Submission of Unified Program Information, Chemicals of Concern Prioritization Table**

Pursuant to section 25404 (e) (4) of the California Health and Safety Code, all businesses regulated under the Unified Program are required to electronically submit Unified Program information into the statewide information management system California Environmental Reporting System (CERS) beginning January 1, 2013. To assist Unified Program Agencies with prioritizing the use of resources to ensure businesses are electronically reporting required information into CERS, CalEPA referenced existing information from the Department of Homeland Security and the California Accidental Release Prevention Program to develop a Chemicals of Concern Prioritization Table.

- **UP-14-07: Submittals Made by Military or Other Federal Government Operated Facilities in the California Environmental Reporting System (CERS)**

Throughout the state, many of these facilities are operated or managed by the military and other federal government entities. Congress has not waived sovereign immunity for the federal hazardous materials storage program at these facilities, thus preventing the UPA from implementing the state Business Plan law at some of these facilities. These facilities are instead reporting under the federal Emergency Planning and Community Right-to-Know Act (EPCRA) law. Because UPAs are not required to receive and review federally required submissions reported through CERS from the facilities where the state Business Plan requirement is not implemented, there is a lack of clarity and consistency in how UPAs process these federal facility submissions. This guidance letter provides instruction on how the UPA should process electronic submittals in CERS from these facilities.

California Environmental Reporting System (CERS)

A vast increase in CERS activity has been experienced by users in late February and is expected to continue through the month of March.

For the week of February 23, 2014, the average number of daily facility submittals was 750, nearly double the typical daily average of 350-400 facility submittals. Additionally, the average number of daily visits to the business portal for the week of February 23, 2014 is 3,500, whereas the typical daily average is 2,000 visits per day.

Average Number of Daily Facility Submittals in CERS



Average Number of Daily Business Portal Visits in CERS



As a result of significantly increased activity, the CERS system is operating slower at times, as has been expected. Due to the increased uploading activities, users may occasionally receive messages from CERS regarding server timeout, such as, “unable to process your request due to heavy/intense system activity,” or “Please wait for at least 15-30 seconds before trying your request again.” The upload of large inventories (300+ materials) will automatically be placed in a deferred processing mode and are typically completed within one-two hours. However, deferred inventory uploads may be canceled by the user and the information may be uploaded in smaller increments using the Inventory Upload’s Appended functionality (consisting of 200-300 materials).

CalEPA would like to thank the UPAs for their continued patience with the changes in electronic reporting requirements and appreciates the efforts of all whom are working diligently to comply.

Department of Toxic Substances Control

Financial Assurance and Inflation Factor (CCR, T22, 67450.13)

Financial assurance (FA) is required for tier permitting facilities that are under the permit by rule (PBR) and conditional authorization (CA) tiers. Closure cost estimates are required as part of the closure plans under PBR and CA. PBR and CA facilities are required to adjust their closure cost estimates for inflation by March 1st of every year.

Inflation adjustments should be made as follows: Inflation changes in a closure plan’s closure cost estimate and a facility’s financial assurance mechanism should be made using the U.S. Department of Commerce, Bureau of Economic Analysis (BEA).

The adjusted cost = current cost estimate x inflation factor.

How do you calculate the inflation factor?

Since the inflation factor for the full 2013 year does not come out until the end of March 2014, DTSC recommends you use the third quarter number of the past two years to get the inflation factor.

1. First select the tab from the following website <http://www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1>
SECTION 1 - DOMESTIC PRODUCT AND INCOME

2. Next select the tab:

Table 1.1.9. Implicit Price Deflators for Gross Domestic Product (A) (Q)

3. Use the 3rd quarter numbers from the Table 1.1.9, line 27 (gross national product). The 3rd quarter number for 2013 is 106.899 divided by the 3rd quarter number for 2012 which is 105.413.

Inflation factor for 2014 = $106.899/105.413 = 1.014$

Therefore, for facilities that must use the inflation factor before the end of March, use the 3rd quarter numbers. For all other facilities, use the annual number that comes out in early April.

Contact: Asha Arora at (510) 540-3874

State Water Resources Control Board - None

California Office of Emergency Services - None

Cal Fire-Office of State Fire Marshal

Aboveground Petroleum Storage Act (APSA)

The APSA Regulations Workgroup will next meet on March 17, 2014. The regulations subgroups (Subgroups A-C) will no longer meet individually but have been consolidated with the APSA Regulations Workgroup to continue and finalize the proposed regulation. The Tanks in Underground Areas Subgroup will next meet on Thursday March, 6, 2014.

The APSA Advisory Committee will next meet on April 10, 2014. The meeting notices and previous minutes may be viewed at http://osfm.fire.ca.gov/advisorycommittees/advisorycommittees_apsa.php.

For more information please contact Jennifer Lorenzo at (916) 324-0332 or Jennifer.Lorenzo@fire.ca.gov.

California Fire Code

The 2013 Edition of the California Fire Code is now in effect. All parts of the 2013 triennial edition of the California Building Standards Code (Title 24 of the California Code of Regulations), including the California Fire Code (Part 9), may now be viewed online at <http://www.bsc.ca.gov/codes.aspx> (click on the 2013 triennial edition).