

**Unified Program Newsletter  
October 2015**

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**Department of Toxic Substances Control**

**Senate Bill 612**

Senate Bill 612 was signed by the Governor on October 2, 2015. Of interest are the following two amendments to the Health and Safety Code (HSC). You can read the bill at:

[http://www.leginfo.ca.gov/cgi-bin/postquery?bill\\_number=sb\\_612&sess=CUR&house=B&search\\_type=email](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_612&sess=CUR&house=B&search_type=email)

**Added HSC, section 25158.1**

25158.1. (a) When making the quantity determinations for purposes of Section 66262.34 of Title 22 of Division 4.5 of the California Code of Regulations, as it may be amended consistent with this code, a generator shall include all hazardous waste that it has generated in any month, except for universal wastes managed pursuant to the requirements of Chapter 23 (commencing with Section 66273.1) of Division 4.5 of Title 22 of the California Code of Regulations.

(b) By December 1, 2016, the department shall adopt regulations incorporating the instructions to hazardous waste generators in subdivision (a) into its implementing regulations.

**Added HSC, section 25404(c)**

The unified program shall consolidate the administration of the following requirements and, to the maximum extent feasible within statutory constraints, shall ensure the coordination and consistency of any regulations adopted pursuant to those requirements:

(1) (A) Except as provided in subparagraphs (B) and (C), the requirements of Chapter 6.5 (commencing with Section 25100), and the regulations adopted by the department pursuant thereto that are applicable to all of the following:

- (i)
- (ii)
- (iii)
- (iv)
- (v)

(vi) Persons who receive used oil from consumers pursuant to Section 25250.11.

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

#### **Notification of Revised Federal UST Regulations to UST Owners and Operators**

The United States Environmental Protection Agency has recently made revisions to the federal underground storage tank (UST) regulations published in the Federal Register below.  
<http://www.gpo.gov/fdsys/pkg/FR-2015-07-15/pdf/2015-15914.pdf>

On August 20, 2015, the State Water Resources Control Board (State Water Board) issued a letter to UST owners and operators notifying them that they must comply with these new federal UST regulations in addition to California UST statutes and regulations. A copy of the letter is posted at the website below. [http://www.waterboards.ca.gov/ust/adm\\_notices/fed\\_regs\\_comp\\_deadline.pdf](http://www.waterboards.ca.gov/ust/adm_notices/fed_regs_comp_deadline.pdf)

Enclosed with the letter are tables to assist UST owners and operators in determining which of the new requirements in the federal UST regulations will affect USTs operated in the State of California. The tables contain compliance deadlines and a general description of each of the new federal UST regulations that are more stringent than current California UST statutes and regulations. The State Water Board will provide more detailed guidance on how to meet the new federal UST requirements in the near future. For questions regarding the letter or the tables, contact Cory Hootman at [cory.hootman@waterboards.ca.gov](mailto:cory.hootman@waterboards.ca.gov) or (916) 341-5668.

#### **CERS FAQ Update**

The CERS FAQ titled "General Reporting Requirements for UST Sites," located on the CERS Business Portal Help page has been updated to clarify that UST submittal elements are required to be submitted when the UST permit is due for renewal or when any information has changed. It is not required annually unless an annual UST permit is issued (the default UST permit period is five years, as defined in section 2712(c) of title 23 of the California Code of Regulations. For questions regarding the FAQ, contact Gabriel Herrera at [gabriel.herrera@waterboards.ca.gov](mailto:gabriel.herrera@waterboards.ca.gov) or (916) 319-9128.

#### **September 2015 CERS UST Status Report**

The State Water Board has recently published the latest quarterly status reports intended for tracking progress towards entering all UST related business and compliance, monitoring and enforcement (CME) data into the California Environmental Reporting System (CERS). The "September 2015 CERS UST Status Report" can be found at the website below.

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/qtrly\\_cersrpt\\_2015sept.pdf](http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/qtrly_cersrpt_2015sept.pdf)

The report shows 93.7% of UST sites are now in CERS. Since the first report in May 2014, there has been an increase from 33% to 61% of UST facilities that now have an accepted UST submittal and an increase from 9% to 74% that now have CME data. The report includes a breakdown by Unified Program Agency (UPA).

A new goal (Goal 4) has been added to the table that tracks the UPA's CERS related performance during the most recent CUPA evaluation. The State Water Board will use Goal 4 as a factor in its decision to allow UPA's to submit the Report 6 electronically. The next quarterly status report will be in December 2015.

### **Office of Tank Tester Licensing**

#### **Request for Interior Tank Lining Companies to Submit Notification of UST Lining Activities**

As previously advised in the September 2015 State Water Board Monthly updates, many CUPAs have expressed significant concern regarding compatibility issues associated with aging UST infrastructure. Particularly, it has been expressed that tank lining is occurring to repair or address these compatibility issues without understanding the root cause. As a result of the significant number of tank lining events going on throughout the state and not having a clear understanding as to why the increased lining events are occurring, the State Water Board Office of Tank Tester Licensing is requesting that tank lining companies notify the State Water Board 7 days prior to commencing any tank lining activities. This request is issued in the State Water Board letter below.

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/interior\\_tank\\_lining\\_notification\\_letter&form.pdf](http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/interior_tank_lining_notification_letter&form.pdf)

### **CAL FIRE - Office of State Fire Marshal**

#### **Tier II Qualified Facility Spill Prevention, Control, & Countermeasure (SPCC) Plan Template**

The Office of the State Fire Marshal (OSFM) has updated the Tier II Qualified Facility SPCC Plan Template, which was originally developed by the Aboveground Petroleum Storage Act (APSA) Working Group in May 2010 and modeled after the U.S. Environmental Protection Agency Tier I Qualified Facility SPCC Plan Template. In addition to general edits and updates to citations, the template now includes the following:

- Substantial harm criteria checklist;
- Requirements for qualified oil-filled operational equipment;
- Professional engineer (PE) certification and attestation (for a hybrid plan), including a table for the PE to describe the (1) alternative measures used for environmental equivalence, (2) impracticability determination and measures in lieu of secondary containment, and (3) alternative measures/procedures for produced water containers; and
- Effluent treatment facilities/systems log.

These updates were necessary to include current APSA and Federal SPCC requirements. The template may be found on the OSFM APSA website at: <http://osfm.fire.ca.gov/cupa/apsa.php>.