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*Secretary for
Environmental Protection*

California Environmental Protection Agency

Unified Program Bulletin
0910-06 Revised

DATE: September 13, 2010
TO: All Unified Program Agencies
FROM: Unified Program Section
SUBJECT: BOE Number Collection

PURPOSE

To establish the framework that Cal/EPA, the State Board of Equalization (BOE) and local Certified Unified Program Agencies (CUPAs) will be able to use to ensure that critical information about underground storage tanks and owners is routinely collected by UPAs and communicated to BOE.

BACKGROUND

Cal/EPA oversees the administration of the Unified Hazardous Materials and Hazardous Waste Program (Unified Program), a legislatively created consolidation of six hazardous waste and materials programs administered by state and local agencies. The intent of the program is to improve consistency and uniformity in permitting, inspection and enforcement. Regulation of underground storage tanks (UST) is one of the six programs. Pursuant to the UST Program, each CUPA is required to permit and inspect the installation of new tanks and then inspect every underground tank system within its jurisdiction at least annually. The purpose of the permitting and inspection is to determine whether the tank system complies with the applicable program requirements established in state law.

One aspect of the annual inspection is to check information regarding the tank, including the BOE account number. This number is issued to the tank owner when the owner registers with BOE and is referred to as the BOE Number on the Unified Program Consolidated Forms. The information collected by BOE regarding USTs includes owner information and the tank installation site address. There is an annual fee paid by the tank owner to BOE that is associated with the BOE Number. The fee is a major funding source for leaking UST cleanup. A UST Cleanup Fund Performance Audit completed on February 22, 2010 indicated that a weak area in the information collection on USTs was from local agencies working for CUPAs, called Participating Agencies (PAs), implementing the UST program. A significant number of PAs were failing to collect BOE Numbers on their permitting documents, indicating that some owner/operators were not registering their USTs.

ANALYSIS

Cal/EPA's triennial evaluation of the CUPAs had previously identified weakness in coordination between CUPAs and their PAs, together called Unified Program Agencies (UPAs). While that statute allows for PAs to implement elements of the Unified Program, the CUPA remains ultimately responsible for the entire program. Evaluations from 2007 forward have included a more active look at this relationship.

Statute enacted in 2008 (Assembly Bill 2286 (Feuer)) mandates that all regulated businesses and all UPAs report electronically by January 1, 2013. The formal project implementing these requirements has been approved by all control agencies and is being implemented. Cal/EPA is currently implementing the California Environmental Reporting System (CERS) by which UPAs and regulated businesses will electronically report regulatory information from the six hazardous waste and hazardous materials programs in the Unified Program, including the UST program. CERS is currently up and running.

Most UPAs indicates they will be fully electronic by the summer of 2012. CERS will collect significant UST information, including the BOE Number, tank location and owner information. BOE can use this information to verify compliance with state UST laws if they are given access to CERS data.

ACTIONS

1. UPAs will develop and implement procedures to ensure that all UST owners/operators fully complete the required permit forms, which includes obtaining a BOE Number, for their USTs at the time of application for a permit or permit renewalⁱ.
2. UPAs will follow existing law which requires a graduated series of enforcement actions against an owner/operator that fails to comply with the law, including providing the BOE Number. This may include citation of a minor violation with a 30 day response timeⁱⁱ, followed by an administrative order to the owner/operator if they fail to respondⁱⁱⁱ, and other appropriate formal enforcement actions. UPAs will notify BOE of any owner/operator that fails to obtain a BOE Number within 30 days of notifying the owner/operator.
3. Cal/EPA will include, as a part of its CUPA evaluations, an evaluation criteria element to confirmation that the CUPA and their PA's have developed and implemented a procedure to ensure that complete UST information, including the BOE Number, are obtained from all UST owners/operators. If it is determined that the CUPA is not obtaining this required information it will be noted as a program deficiency on the CUPA's evaluation report. Cal/EPA will follow up on this deficiency to assure compliance.

4. Cal/EPA's CERS will electronically collect the BOE Number as part of the UST data exchanged with CUPAs and will provide this information to the BOE. Cal/EPA will work with the BOE to provide this information to them in a manner that is useful to them. This may include WEB access, the ability to run a special report or the exchange of the data directly with their system. BOE can use the data to verify if the number provided is valid and to follow up and investigate invalid numbers. Initial data exchanges with UPAs will begin in mid 2011. Current plans are to have the CERS fully populated with UST data before January 1, 2013. However Cal/EPA will provide this information sooner to the BOE if possible. Pilot projects to share data with BOE will begin as soon as is possible for both agencies.
5. Cal/EPA will work with SWRCB to provide training and/or informational materials to UPAs concerning the collection of UST information, including the BOE Number. Information will be provided through mechanisms such as, but not limited to, newsletters, policy letters, bulletins, locally provided training courses, and the annual CUPA Training Conference.

QUESTIONS

Please direct all questions regarding this policy to Jim Bohon, Unified Program Manager, (916) 327-5097 or jbohon@calepa.ca.gov.



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ⁱ Health and Safety Code, Section 25286 covers UST application for permit, including content and the BOE account number.

ⁱⁱ Health & Safety Code, Section 25404.1.2 covers minor violations and enforcement.

ⁱⁱⁱ Health and Safety Code, Section 25404.1.1 covers administrative orders.