



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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California Environmental Protection Agency

Unauthorized Access to Electronic Information of Regulated Facilities and Businesses

Concerns have been raised regarding the security of facility and business information submitted electronically via data transfer or entered directly into the California Environmental Reporting System (CERS).

Once information for a regulated facility or business has been submitted electronically into CERS, it can only be accessed by authorized persons, such as:

- CERS users associated with the facility or business (e.g., employees or contractors)
- Unified Program state agency evaluator and regulator staff
- Certified Unified Program Agency (CUPA) regulators
- Participating Agency (PA) regulators
- Emergency Response Personnel
- U.S. EPA Region 9 authorized staff
- CERS users granted access by the facility or business “Business Lead User”

Though a CERS user may have a CERS security access account, facility or business data cannot be accessed or seen unless the user is authorized to do so.

The Emergency Planning and Community Right-to-Know Act (EPCRA) requires businesses to disclose hazardous materials information to federal, state and local governments for emergency response purposes only, it is not shared with unauthorized individuals. Similarly, requests for access to e-Plan (the web-based emergency response system funded by U.S. EPA and U.S. Department of Homeland Security) are processed by CalEPA and are limited to individuals associated with emergency response agencies, CUPAs or PAs.

To deter unauthorized personnel from assuming access to regulated facility and business information in CERS, the following text will be posted on the “create CERS account” webpages for regulators and businesses:

“CERS is intended for use solely by individuals associated with regulated business facilities or with appropriate regulatory agencies. Under no circumstances should anyone attempt to use CERS as a way to gain access to information about any facilities with which they are not directly associated. For more information please contact your local CUPA. If you do not know who your local CUPA is go to <http://cers.calepa.ca.gov/Contacts/>.”

If you receive a request from an individual to access regulated facility or business information in CERS, and the individual is not known to be affiliated or associated with the regulated facility or business, CalEPA asks that you:

1. deny the request
2. forward the request to CalEPA via email to Dan Firth (dan.firth@calepa.ca.gov) or Melinda Blum (Melinda.blum@calepa.ca.gov). Please be sure to include:
 - o requestor name
 - o requestor contact information
 - o additional information that may be helpful

Requests received via CERS from the general public for information specific to a facility or business site are referred to the local jurisdictional CUPA for resolution. Requests for compiled or summary data, such as, “Which companies store Chemical ‘X’ in California?” are referred to the CalEPA Public Records Officer.

CalEPA continues to address concerns regarding the protection and security of electronic data. Within the next few years, CalEPA will provide a public access website where CERS data, subject to release under California’s Public Records Act, will be published. The business community will be notified when this project gets underway.

REMINDER:

Fiscal Year 2013-2014 Compliance Monitoring and Enforcement (CME) Data must be entered into CERS by July 30, 2014

CME data (inspection, violation and enforcement data) for fiscal year 2013-2014 (July 1, 2013 – June 30, 2014) must be submitted electronically to CalEPA as soon as practical, but no later than July 30, 2014 [pursuant to CCR, Title 27, Division 1, Subdivision 4, Chapter 1, Article 6, Section 15290(b) and (d)].

All CME data must include the complete detail record fields identified in the CERS Regulator Portal (<http://cers.calepa.ca.gov/>) and defined in the Unified Program Data Dictionary (www.calepa.ca.gov/LawsRegs/Regulations/T27/DataDict.pdf)

Starting fiscal year 2014-2015, CME data must be submitted electronically within 30 days of each completed quarter according to the submittal deadlines listed below:

Fiscal Year Quarter CME Action Occurs (including updates)	Deadline for Electronic Submittal Of Quarterly CME Data
July 1 – September 30	October 30
October 1 – December 31	January 30
January 1 – March 31	April 30
April 1 – June 30	July 30

Beginning August 1, 2014, CUPAs will be evaluated on quarterly CME electronic reporting requirements for inspection and enforcement activities occurring on or after July 1, 2013.

For more information, please refer to Unified Program Guidance Letter 14-02 (<http://www.calepa.ca.gov/CUPA/Bulletins/2014/Jan17.pdf>).

REMINDER:

Deficiency Progress Reports/Updates are due to CalEPA every 90 days following an Evaluation

If deficiencies are identified in a CUPA evaluation, it is the responsibility of the CUPA to provide CalEPA with an update on the status of correcting each identified deficiency. Updates or Deficiency Progress Reports must be submitted every 90 days following the date of the evaluation to the CalEPA evaluation team lead until all deficiencies have been acknowledged by CalEPA as corrected, or until the next evaluation is scheduled.

Submittal of Formal Enforcement Summaries to CalEPA within 30 days of Final Disposition, Judgment or Agreement

A Formal Enforcement Summary is to be submitted to CalEPA within 30 days after the final disposition, judgment, or agreement for each formal enforcement case, as required by CCR, Title 27, Division 1, Subdivision 4, Chapter 1, Article 6, Section 15290(c). Until Formal Enforcement Summary information can be submitted electronically and captured in CERS, Unified Program Agencies should submit the Formal Enforcement Summary Report via email as an attachment to cupa@calepa.ca.gov, by fax at (916) 322-5615, or by U.S. mail to CalEPA Unified Program, P.O. Box 2815, Sacramento, CA, 95812.

A fillable Formal Enforcement Summary template and instructions for completion are available on the internet at: <http://www.calepa.ca.gov/CUPA/Publications>.

Department of Toxic Substances Control

DTSC Enhances the Public's Access to Inspection and Enforcement Data

This information can be viewed at:

http://www.dtsc.ca.gov/PressRoom/upload/Media_Advisory-DTSC-Enhances-the-Publics-Access-to-Inspection-and-Enforcement-Data.pdf

State Water Resources Control Board

Enhanced Vapor Recovery (EVR) Determination

On March 27, 2014 the State Water Resources Control Board (State Water Board) issued a revised EVR Determination for the Emco Wheaton EMCO Model A1004EVR Spill Containment Series. The revision includes the addition of a factory-installed drain plug on the fill side. As outlined in the EVR Determination this component does not conflict with the requirements of the California Health and Safety Code, however additional compliance information is provided. The EVR Determination is posted at:

http://www.waterboards.ca.gov/ust/leak_prevention/evr_determination_letters.shtml

California Department of Industrial Relations – Proposed Tank Regulations

The California Department of Industrial Relations has transmitted regulations to the Office of Administrative Law requiring underground and aboveground storage tanks located in an areas that may be subject to flooding be properly anchored. Underground and aboveground storage tanks installed on or after October 1, 2014 that are located in an areas that may be subjected to flooding, as defined by the Federal Emergency Management Agency (FEMA), shall conform with the provisions of NFPA No. 30-1973, 2012, Chapter 21, Section 21.7.3, Chapter 22, Section 22.5.2.5, and Section 22.14, Chapter 23, Section 23.14, and Annex A.23.14. Underground and aboveground storage tanks in areas subject to flooding as defined by FEMA, installed prior to October 1, 2014, shall conform to either the foregoing provisions of the NFPA 30-2012 or to NFPA 30-1973, Appendix B.

More information can be found at:

http://www.dir.ca.gov/oshsb/Tank_storage_subject_to_flooding_precautionary_measures.html

Abandoned Underground Storage Tank Initiative

Sullivan, US EPA, and the State Water Board are in the process of investigating non-compliant sites with abandoned USTs. USTs are considered abandoned when regulated substances are no longer stored within those USTs and/or when monitoring requirements of the Operating Permit and of Title 23, California Health and Safety Code 25298, are not being implemented. (*Abandoned Underground Storage Tank Initiative Report*, April 2013). To date, 167 Notices of Non-Compliance have been issued to owners/operators statewide by the State Water Board. Beginning April 2014 Notice of Violations will be issued by the State Water Board to those owners/operators who failed to act accordingly as required by the Notice of Non-Compliance.

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 April 15, 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 have been meeting regularly and the next meeting date is on April 8, 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).