

**Unified Program Newsletter
August 2015**

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California Environmental Protection Agency

California Air Resources Board (CARB) Stationary Source Refrigerant Management Program Project

The State of California's Assembly Bill 32 (Global Warming Solutions Act, 2006), affects facilities with refrigeration systems using more than 50 pounds of high global warming potential refrigerants, such as Freon, R-22, or other replacements. Common affected industries include cold storage warehouses, agriculture (cooled packing houses), industrial processing and manufacturing, food manufacturing, food distribution and supermarkets. **Facilities with refrigeration systems that use ammonia or CO² as their only form of refrigerant are not affected by this regulation.** In an effort to identify facilities with applicable refrigeration systems, the CARB has sent letters and postcards and has made phone calls to potentially affected businesses.

Many facilities that are currently reporting to Certified Unified Program Agencies (CUPAs) are potentially affected by the CARB Stationary Source Refrigerant Management Program regulation, aiming to reduce greenhouse gas emissions from large, commercial and industrial refrigeration systems. As part of this project and in the near future, the CARB will be requesting assistance from the CUPAs to reach out to these potentially affected facilities with the distribution of flyers and FAQs, or by informing CARB staff of potentially affected facilities. CARB will follow up with the potentially

affected facilities and assist with compliance. For more information, please contact the CARB Refrigerant Management Program at: (916) 324-2517, www.arb.ca.gov/cc/rmp/rmp.htm, or email: rmp@arb.ca.gov.

REMINDER: Annual Single Fee Summary Report (Report 2) for Fiscal Year 2014-2015 due September 30, 2015

Per California Code of Regulations, Title 27, Division 1, Subdivision 4, §15290(a), CUPAs must prepare the Annual Single Fee Summary Report (Report 2) for the previous fiscal year and submit it to CalEPA *no later than September 30, 2015*. Report 2 includes: the amount of the single fee billed and collected; the amount of any funds due to Participating Agencies and the amount transmitted; the amount of surcharge billed, waived and collected for each program (including the surcharge for the Aboveground Petroleum Storage Act Program); and a count of total regulated businesses, Underground Storage Tank (UST) facilities, USTs, onsite hazardous waste treatment facilities (including Permit by Rule, Conditionally Authorized and Exempt), California Accidental Release Prevention (CalARP) Program stationary sources and waivers granted, businesses subject to the CalARP Program and the total Aboveground Storage Tank regulated facilities.

Information contained within Report 2 is essential to adequately assess the implementation and fee accountability of the Unified Program for each CUPA as well as to convey the statewide success and accomplishments of California's Unified Program to the United States Environmental Protection Agency, California legislature and other interested persons.

The existing template adopted in Title 27, §15680, Appendix B, does not allow for the allocation of the applicable \$26.00 facility surcharge for the Aboveground Petroleum Storage Act (APSA), which became effective fiscal year 2014-2015. CalEPA will initiate the required rulemaking process later this year to remove the template from regulation. Until the template is removed from regulation, CalEPA has developed and is providing CUPAs with a draft template, available at: <http://www.calepa.ca.gov/CUPA/Publications> under the heading "Required Summary Reporting Forms and Instructions for 'CUPA-to-State' Reporting." CUPAs are encouraged, but not required, to use the draft template provided. If a CUPA does not wish to use the draft template, the APSA surcharge amounts assessed, collected and remitted must be documented.

Please remit Report 2 for Fiscal Year 2014-2015 to CalEPA by September 30, 2015 via:

Mail:
The Unified Program
California Environmental Protection Agency
P.O. Box 2815
Sacramento, California 95812

OR **Email:**
cupa@calepa.ca.gov
Subject: Report 2- Fiscal Year 14-15

REMINDER: Compliance Monitoring and Enforcement (CME) Data must be entered into CERS

Starting fiscal year 2014/2015, CME data must be submitted electronically within 30 days of each completed quarter [CCR Title 27, Division 1, Subdivision 4, §15290(b)]. Submittal deadlines are listed below:

Fiscal Year Quarterly 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

As of August 1, 2014, CUPAs are evaluated on quarterly CME electronic reporting requirements for inspection and enforcement activities occurring on or after July 1, 2013.

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).

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

State Water Resources Control Board

Underground Storage Tank Violations Result in \$1.35M Judgment Against San Francisco Municipal Transportation Agency

The State Water Resources Control Board (State Water Board) has reached a \$1.35 million settlement with the San Francisco Municipal Transportation Agency (SFMTA) for violating leak prevention requirements for hazardous substances at four underground storage tank (UST) facilities in San Francisco. These alleged violations included failure to monitor tank systems, failure to maintain adequate spill containment, failure to perform monthly designated operator inspections and falsifying monthly designated operator reports.

Under the terms of the settlement, the SFMTA will pay \$425,000 in civil penalties to the State Water Board; \$100,000 for the reimbursement of enforcement costs and \$375,000 will be suspended on the condition SFMTA completes several enhanced compliance actions. An additional \$450,000 is suspended on the condition SFMTA maintains compliance with underground storage tank laws and injunctive provisions for a period of five years.

For more information, view a copy of the complaint and settlement agreement at the website below. http://www.waterboards.ca.gov/water_issues/programs/enforcement/orders_actions.shtml

A copy of the full press release can be found at: http://www.waterboards.ca.gov/press_room/press_releases/2015/pr072715_muni_enforcement.pdf.

Single-Walled UST Correspondence

On July 7, 2015, the State Water Board issued a notice regarding the new single-walled UST closure requirements. The notice was distributed to all owners and/or operators of single-walled USTs, as identified by the Unified Program Agencies (UPAs). The letter provided information on how to comply with the new requirements, what funding sources are available to assist with compliance, and who to contact for questions or concerns. A copy of this letter can be found at: http://www.waterboards.ca.gov/ust/single_walled/docs/sw_ust_owner_operator_ltr.pdf.

For more information on the single-walled UST closure requirements, visit the website below. http://www.waterboards.ca.gov/ust/single_walled/

Compatibility of USTs Storing Gasoline with Ethanol

On June 24, 2015, the State Water Board issued a technical notice outlining the types of documentation that can be used to demonstrate compliance with the compatibility requirements of California's Health and Safety Code. For fiber reinforced plastic (FRP) tanks that store gasoline with ethanol, the technical notice states that a UL 1316 listing/approval which includes "alcohol" or "alcohol mixtures" may satisfy the requirement that the primary containment be compatible with the stored substance. Tanks installed before January 1, 1991 may also, in lieu of a UL approval/listing, use a manufacturer's affirmative statement of compatibility for the specific substance stored to demonstrate compliance. A table is attached to the technical notice to assist in determining what documentation is necessary and available to demonstrate that an FRP tank is in compliance with the primary containment compatibility requirement of California's Health and Safety Code, chapter 6.7,

sections 25292.05, 25291, 25290.2, and 25290.1. The table consists of the most common FRP tank manufacturers and what documentation can be used to satisfy the compatibility requirement. The technical document is posted at:

http://www.waterboards.ca.gov/ust/tech_notices/docs/ethanol_tank_compatibility_letter.pdf.

Local Guidance 171

On July 24, 2015, the State Water Board released Local Guidance (LG) 171 - Permanent Closure of Underground Storage Tanks That Do Not Meet Health and Safety Code, Chapter 6.7, Section 25291, Subdivisions (a)(1)-(6). LG 171 summarizes the main provisions of Senate Bill 445 (Stats. 2014, Ch. 547) that apply to UST design and construction. These changes are reflected in Health and Safety Code, section 25292.05. The guidance was drafted in an attempt to make it easier for owners and operators of underground storage tanks (USTs), Unified Program Agency staff, and other interested parties to identify USTs subject to SB445. In addition, LG 171 specifies what actions are necessary if the UST does not comply with Health and Safety Code, chapter 6.7, section 25291(a)(1)-(6). LG 171 is posted at:

http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/docs/lg171.pdf.

Abandoned UST Initiative

Sullivan International, the United States Environmental Protection Agency, and the State Water Board continue to investigate non-compliant sites with abandoned USTs throughout the state of California. Information regarding the Abandoned UST Initiative can be found at:

http://waterboards.ca.gov/ust/abandoned_storage.shtml.

The latest information regarding the Abandoned UST Initiative can be found in the July 2015 Abandoned Underground Storage Tank Initiative Progress Report below.

http://waterboards.ca.gov/ust/docs/abandoned_storage/ab_ust_initprogrpt_072015.pdf

Also, a list of current abandoned USTs, as well as previously abandoned USTs that are now in compliance can be found in the July 2015 Abandoned UST Inventory below.

http://waterboards.ca.gov/ust/docs/abandoned_storage/ab_ustandprev_comp.pdf

CAL FIRE - Office of State Fire Marshal

Farms and the Federal Water Resources Reform and Development Act

The United States Environmental Protection Agency (US EPA) has completed and published the study required under the Water Resources Reform and Development Act (WRRDA) to determine the aggregate aboveground oil storage capacity threshold for farms subject to the federal Spill Prevention, Control, and Countermeasure (SPCC) rule. The study determined the threshold for minimum oil storage at a farm subject to the federal SPCC rule to be 2,500 gallons. However, until the federal SPCC rule is amended to incorporate the findings of the study, the threshold provided in WRRDA remains effective.

A factsheet on WRRDA can be found on US EPA's website at

http://www.epa.gov/emergencies/docs/oil/spcc/spcc_wrrda.pdf. Questions regarding the WRRDA fact sheet should be referred to the "For More Information" section of the fact sheet.

The US EPA study on farms may be found on US EPA's website at <http://www2.epa.gov/oil-spills-prevention-and-preparedness-regulations/oil-storage-us-farms-risks-and-opportunities>. Questions or comments regarding the study should be referred to [US EPA](http://www.epa.gov).

Please note that WRRDA does not change the Aboveground Petroleum Storage Act (APSA).