

## **Part I. Definitions, Application, and Certification**

### **ARTICLE 1. INTRODUCTION**

#### **§15100. Unified Program**

- (a) Health and Safety Code division 20, chapter 6.11, and these regulations outline the requirements for the Unified Program for hazardous materials and hazardous waste management. This division integrates requirements established pursuant to:
- (1) The Hazardous Waste Generator (HWG) program and the Hazardous Waste Onsite Treatment activities authorized under the permit-by-rule, conditionally authorized, and conditionally exempt tiers - Health and Safety Code division 20, chapter 6.5 (generally supplemented by Cal. Code Regs., tit. 22, div. 4.5);
  - (2) The Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements - Health and Safety Code division 20, chapter 6.67, section 25270.5(c);
  - (3) The Underground Storage Tank (UST) program - Health and Safety Code division 20, chapter 6.7; (generally supplemented by the Cal. Code Regs., tit. 23, chs. 16 and 17);
  - (4) The Hazardous Materials Release Response Plans and Inventory (HMRRP) program - Health and Safety Code division 20, chapter 6.95, article 1 (generally supplemented by Cal. Code Regs., tit. 19, §§ 2620-2734);
  - (5) California Accidental Release Prevention (CalARP) program - Health and Safety Code division 20, chapter 6.95, article 2 (generally supplemented by Cal. Code Regs., tit. 19, §§ 2735.1-2785.1);
  - (6) The Hazardous Materials Management Plans and the Hazardous Materials Inventory Statement (HMMP/HMIS) requirements - California Fire Code title 24, part 9, sections 8001.3.2 and 8001.3.3.
- (b) The Secretary of the California Environmental Protection Agency (Secretary), state agency, and Certified Unified Program Agency (CUPA) responsibilities for Unified Program elements are clarified as follows:
- (1) The Secretary is responsible for:

- (A) Adopting regulations for the administration and implementation of the Unified Program.
  - (B) Consolidating, coordinating, and making consistent the requirements of the Unified Program with requirements imposed by other government agencies on businesses regulated by the Unified Program, to the maximum extent feasible.
  - (C) Developing a Unified Program in close consultation with Department of Toxic Substances Control (DTSC), Governor's Office of Emergency Services (OES), Office of the State Fire Marshal (SFM), State Water Resources Control Board (SWRCB), local health officers and fire services, other interested local agencies, affected businesses, environmental organizations, and interested members of the public.
  - (D) Implementing a Unified Program that consolidates the administration of program elements.
  - (E) Implementing a Unified Program that ensures coordination and consistency of the regulations adopted for each program element, to the maximum extent feasible.
  - (F) Determining Unified Program implementation in each jurisdiction and certifying an agency as the CUPA, including approval of each Participating Agency's implementation.
  - (G) Periodically reviewing each CUPA's ability to adequately implement the Unified Program.
  - (H) Managing the Unified Program surcharge account.
- (2) The state agencies will establish and interpret statewide standards for those Unified Program elements for which they are responsible.
- (A) OES has responsibility for the HMRRP program and CalARP program.
  - (B) To avoid overlap in responsibilities, CUPA and state agency responsibilities for the CalARP program elements are clarified as follows:
    - (i) OES will coordinate the consolidation of planning formats pursuant to Health and Safety Code section 25503.4.
    - (ii) OES will coordinate program responsibilities concerning CalARP activities.

- (iii) OES will coordinate revisions to the single comprehensive hazardous material reporting form required pursuant to Health and Safety Code section 25503.3 and to the CalARP guidance document.
  - (iv) CUPAs will establish procedures for acceptance, tracking and maintenance of CalARP and acutely hazardous materials registration forms from regulated businesses.
  - (v) CUPAs will establish procedures for acceptance, tracking and maintenance of reports of any release or threatened release of a hazardous material which poses the potential for significant hazard.
  - (vi) CUPAs will integrate information from the business plans submitted into the development and implementation of an area plan, as defined in Health and Safety Code chapter 6.95, article 1, within their jurisdiction.
  - (vii) CUPAs shall ensure emergency response personnel and OES full access to information collected and maintained regarding implementation of CalARP program elements.
- (C) SFM has responsibility for California Fire Code sections 8001.3.2 and 8001.3.3, as adopted pursuant to Health and Safety Code section 13143.9, concerning the HMMP/HMIS.
- (D) To avoid overlap in responsibilities, CUPA and state agency responsibilities for the HMMP/HMIS (Health & Saf. Code, § 25404 (c)(6)) are clarified as follows:
- (i) SFM will coordinate program responsibilities concerning the HMMP/HMIS.
  - (ii) HMMP/HMISs, when required, will comply with Health and Safety Code sections 25500 through 25545 and California Code of Regulations, title 19, division 2, chapter 4, section 2620 et. seq.
  - (iii) Each CUPA will ensure full access to and availability of information submitted under section 8001.3 (b) and (c), part 9 of the California Code of Regulations, title 24, to any chief of any county or city fire department or district with shared responsibility for protection of the public health and safety of the environment. The CUPA will forward the data collected, within 15 days of receipt and confirmation, to the county or city fire department or district.

- (E) SWRCB has responsibility for the UST program and represents the Regional Water Quality Control Boards for the AST Spill Prevention Control and Countermeasure plan verification.
- (F) To avoid overlap in responsibilities, CUPA and state agency responsibilities for the UST program elements are clarified as follows:
  - (i) A CUPA may oversee the abatement of unauthorized releases of hazardous substances from underground storage tanks pursuant to the Local Oversight Program (LOP) listed in Health and Safety Code section 25297.1, providing the following criteria are met:
    1. The CUPA must demonstrate its capability to oversee corrective action by having two years of acceptable experience implementing the underground storage tank program under Regional Water Quality Control Board oversight after which time the CUPA may apply to the SWRCB to enter into an agreement for the LOP.
    2. The funding source available to the SWRCB is sufficient to cover the LOP agreements.
- (G) DTSC has responsibility for the HWG and Onsite Hazardous Waste Treatment programs.
- (H) To avoid overlap in responsibilities, CUPA and state agency responsibilities for the HWG and Onsite Hazardous Waste Treatment elements are clarified as follows:
  - (i) DTSC will coordinate, to the maximum extent feasible, the responsibilities concerning hazardous waste generators and onsite hazardous waste treatment activities with the CUPA at a hazardous waste Treatment, Storage and Disposal (TSD) facility.
  - (ii) CUPAs may refer enforcement cases to the DTSC. DTSC may accept enforcement cases at its discretion.
  - (iii) CUPAs will establish procedures to accept the following reports from businesses:
    1. Contingency Plan activation report for permitted facilities (Cal. Code Regs., tit. 22, § 66264.56 (j) and 66265.56(j)).
    2. Release reports for tank systems or secondary containment systems reporting the release of a reportable quantity (Cal. Code Regs., tit. 22, § 6625.196(e)).

### 3. Tiered Permitting Closure Reports.

- (iv) CUPAs will review source reduction documents required of businesses pursuant to Health and Safety Code, Sections 25244.19, 25244.20, and 25244.21; and may impose civil penalties pursuant to Health and Safety Code, Section 25244.21(a).
- (v) Hazardous Waste Manifest documents will continue to be submitted to DTSC.
- (vi) Hazardous Waste Manifest Exception Reports will continue to be submitted to DTSC.
- (vii) DTSC will retain responsibility for hazardous waste classifications.
- (viii) DTSC will retain responsibility for overseeing exports of hazardous waste out of the country.
- (ix) DTSC and the US Environmental Protection Agency will retain responsibility for issuing EPA numbers.
- (x) DTSC will retain responsibility for the following elements of the Hazardous Waste Source Reduction and Management Review Act of 1989 (Health & Saf. Code § 25244.12 et. seq.):
  - 1. Conduct a technical and research assistance program pursuant to Health and Safety Code section 25244.17.
  - 2. Select at least two categories of generators by SIC Code every two years to identify successful source reduction measurers pursuant to Health and Safety Code section 25244.18 (a).
  - 3. Impose civil penalties pursuant to Health and Safety Code section 25244.18 (d)(2).
  - 4. Report to the Legislature pursuant to Health and Safety Code section 25244.22.
- (xi) DTSC will retain the responsibility to collect Biennial Reports specified in California Code of Regulations, title 22, section 66262.41.
- (xii) DTSC will notify and coordinate with the appropriate CUPA regarding any investigation it will conduct of hazardous waste generators; hazardous waste generators conducting treatment conditionally authorized pursuant to Health and Safety Code section

25200.3; hazardous waste generators conducting treatment conditionally exempted pursuant to Health and Safety Code section 25201.5; and facilities deemed to hold a permit-by-rule pursuant to the regulations adopted by DTSC. Information related to an ongoing investigation shall remain confidential.

(l) State agencies' responsibilities include:

- (i) Maximizing coordination, consolidation, and consistency of their Unified Program element(s) within the Unified Program.
- (ii) Participating in evaluating CUPAs as defined by the Secretary.
- (iii) Providing necessary guidance, training, and support to Unified Program Agencies.

(3) The Unified Program Agencies' responsibilities include implementing the requirements in Health and Safety Code chapter 6.11, these regulations, and the requirements for each program element.

Authority cited: Sections 25404(b), 25404.1(b)(1), 25404.3(f) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(b), (c) and (d), 25404.1, 25404.2(a) and (c), 25404.3(f), 25404.5 and 25533(f), Health and Safety Code.

#### HISTORY

1. New division 1, subdivision 4, chapter 1, article 1 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New division 1, subdivision 4, chapter 1, article 1 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New division 1, subdivision 4, chapter 1, article 1 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New division 1, subdivision 4, chapter 1, article 1 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including new subsections (a)-(a)(6), subsection relettering, amendment of newly designated subsections (b)-(b)(1), new subsection (b)(2) and subsection renumbering, repealer of former subsections (b)-(b)(6), new sections (c)-(g), subsection relettering and new Figure 1 designator transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. New part I heading, amendment of subsection (b)(4), new subsections (b)(4)(A)-(B), and amendment of Note filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order, including further amendment of subsections (b)(4)-(b)(4)(B), transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
8. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).