



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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## Unified Program Newsletter June 2014

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### California Environmental Protection Agency

#### **FREE Training: “Crude by Rail Emergency Response”**

Free training is available to first responders, fire departments, representatives of environmental health departments or other related agencies in jurisdictions (or within 10 miles of jurisdiction) where Burlington Northern Santa Fe (BNSF) or Union Pacific railways are used to primarily transport crude oil.

This 3-day training opportunity at the Transportation Technology Center, Inc., located in Pueblo, Colorado, is being provided July - December 2014 by the Security and Emergency Response Training Center (SERTC) and BNSF. BNSF will sponsor training and travel expenses for 736 individuals nationwide. For more information, please visit [www.bnsf.com/SERTC](http://www.bnsf.com/SERTC) or send an inquiry to [HazmatCommunityTraining@bnsf.com](mailto:HazmatCommunityTraining@bnsf.com). Union Pacific Railway is also sponsoring this class for California attendees, please send an inquiry to [cs Mayer@up.com](mailto:cs Mayer@up.com) or call (402) 544-5974 for more information.

#### **Aboveground Petroleum Storage Act (APSA) Surcharge**

The Unified Program State Surcharge will increase to include a fee for APSA. Beginning fiscal year 2014/2015, a \$26.00 APSA surcharge will be assessed on each tank facility regulated under APSA. The new APSA surcharge will cover necessary and reasonable costs incurred by OSFM to perform duties and responsibilities to implement, maintain and oversee the APSA program.

The Secretary for Environmental Protection is required to establish the amount of the Unified Program State Surcharges. The Title 27 regulations provide the mechanism to publicly notice, receive public comments and finalize the Unified Program State Surcharges.

On April 15, 2014, CalEPA publicly noticed the new APSA surcharge in the Office of Administrative Law’s California Notice of Register for 30 days. The 30 day public comment period ended Saturday, May 24.

No comments were received. In June, the Secretary will submit the APSA surcharge for final publication in the California Notice of Register, upon such time it will be considered effective. Title 27 requires CUPAs to begin assessing the state surcharge 60-days after the effective date. CUPAs will be responsible for assessing and collecting the new APSA surcharge during their normal billing cycle beginning fiscal year 2014/2015.

For questions regarding the APSA surcharge, please contact Jennifer Lorenzo, Office of the State Fire Marshal, at (916) 324-0232 or [Jennifer.Lorenzo@fire.ca.gov](mailto:Jennifer.Lorenzo@fire.ca.gov).

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

CME data for fiscal year 2013-2014 (July 1, 2013 – June 30, 2014) must be submitted electronically to CalEPA through the California Environmental Reporting System (CERS) 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](http://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. Submittal deadlines are listed below:

<b>Fiscal Year Quarterly CME Action Occurs (including updates)</b>	<b>Deadline for Electronic Submittal Of Quarterly CME Data</b>
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>).

**WSP Verbal Judo for Environmental Inspectors**

Please see the attached flyer regarding Verbal Judo training for regulatory inspectors that will be held in southern California in early August. Please share this information with others in your organization, your task force or any other government environmental inspectors who may be interested in this training.

Looking ahead, the annual Introduction to Criminal Environmental Enforcement class will be held in Orange County the week of September 8th, more information will be sent out soon.

**Department of Toxic Substances Control**

**Do CUPAs Have Jurisdiction over Facilities Handling E-Waste?**

During the course of hazardous waste generator inspections, CUPAs may encounter businesses that are either generating e-waste or collecting it from offsite. Should CUPAs be evaluating compliance with Title 22 e-waste regulations in the field?

A CUPA's authority to inspect and enforce e-waste standards is limited to sites where e-waste is *generated* only, and this activity accounts for about 1% of industry activity (with e-waste collection and recycling activities accounting for the other 99%). E-waste collectors (and recyclers) fall under DTSC's

inspection jurisdiction, and DTSC aims to inspect each e-waste collector in California once every four-five years. For companies that both generate and collect e-waste, only the generator activities fall under the CUPA's purview.

CUPAs with a concern about an e-waste collector in their area may refer the site to DTSC by contacting Rita Hypnarowski at 916-255-3699 or [rita.hypnarowski@dtsc.ca.gov](mailto:rita.hypnarowski@dtsc.ca.gov), or by submitting a complaint via the CalEPA online complaint system at [http://www.dtsc.ca.gov/database/CalEPA\\_Complaint/index.cfm](http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm).

**Alternative Financial Assurance Mechanism**

**Question:** Can a generator use an alternate mechanism, such as a Certificate of Deposit (CD), for the financial assurance for the closure cost estimates under a PBR tier for the treatment of RCRA exempt and nonRCRA hazardous wastes?

**Answer:** Yes, a generator of a RCRA exempt or nonRCRA hazardous waste, that is performing an onsite treatment activity under PBR, may use an approved alternative financial assurance mechanism, including a CD. Although a certificate of deposit is specifically mentioned in the California Code of Regulations, Title 22, section 67450.13(a), it does not mean that all certificates of deposit are automatically acceptable.

The CUPA shall evaluate each alternative mechanism on a case by case basis, as required by 67450.13(c)(1)(A), to ensure that it meets the two tests regarding security (safe, stable and secure bank) and availability of funds (CUPA will be able to access funds).

Attached are three pages (34, 59-60) from the Financial Assurance for Closure of PBR, CA and CE Facilities – Self Paced Workbook, Revised 2007 Edition (presented at several CUPA conferences by DTSC). They cover alternative mechanisms for PBR.

For additional information, please contact Asha Arora at [asha.arora@dtsc.ca.gov](mailto:asha.arora@dtsc.ca.gov).

**State Water Resources Control Board**

**Significant Operational Compliance (SOC) Reporting in California Environmental Reporting System (CERS)**

CERS users should keep in mind that the SOC determination for an underground storage tank (UST) facility is based on the initial routine compliance inspection. SOC determinations should not be reported for re-inspections or for any type of *other* inspection. If a user is entering or planning to enter Compliance Monitoring and Enforcement (CME) data manually into CERS, they will see a reminder on the 'Create Inspection' screen shown below.

Program Element	Last Inspection	Last Submitted	Regulating UPA
<input type="checkbox"/> Hazardous Materials Release Response Plans (HMRRP)	4/10/2014	6/28/2013	Alameda
<input type="checkbox"/> California Accidental Release Prevention (CalARP)			Alameda
<input checked="" type="checkbox"/> Underground Storage Tank (UST)			Alameda
Inspection Comments	12/6/2013		
Significant Operational Compliance			
Compliance Inspection: Leave blank for Other Inspections			
<input type="checkbox"/> Aboveground Petroleum Storage Act (APSA)			Alameda
<input type="checkbox"/> Hazardous Waste Generator			Alameda
<input type="checkbox"/> Hazardous Waste RCRA Large Quantity Generator (RCRA LQG)			Alameda
<input type="checkbox"/> Hazardous Waste Recycler			Alameda
<input type="checkbox"/> Permit by Rule (PBR)			Alameda
<input type="checkbox"/> Conditionally Authorized (CA)			Alameda
<input type="checkbox"/> Conditionally Exempt (CE)			Alameda
<input type="checkbox"/> Household Hazardous Waste (HHW)			Alameda

### **Report 6**

The U.S. Environmental Protection Agency (U.S. EPA) has requested that the State Water Board provide a quarterly report on the status of Certified Unified Program Agencies' (CUPAs) efforts to complete the review and acceptance of UST business data and the submittal of UST related CME data in CERS. A draft report is in preparation that will provide a current baseline. The report will be based on the CUPA's latest Report 6 and data from CERS. The first regular status report is planned for August 2014 to give CUPAs time to meet the July 30 CME reporting deadline set by CalEPA. CUPAs are requested to review and accept UST business data as quickly as possible. UST related submittals that contain only minor errors or omissions can be accepted with conditions.

Most of the UST-related reports in CERS, including Report 6, are based on business submittal data that has been *accepted* by the CUPA. The reports were intentionally designed this way to ensure that the data in the reports is accurate based on the CUPA's review and acceptance of the data. Submittal information that has a status of *submitted, under review or not accepted* is not included in these reports. Once a CUPA has accepted at least one submittal from each of their UST facilities and they have entered correct SOC information in CERS for all routine initial compliance inspections from January 1, 2013 to date, the Report 6 and other UST data can be collected by the State Water Board from CERS and the CUPA will discontinue reporting every six months. Yuba County CUPA is the first to achieve this goal. For more information on this topic, contact Dan Firth at [daniel.firth@calepa.ca.gov](mailto:daniel.firth@calepa.ca.gov).

### **Abandoned Underground Storage Tank Initiative**

Sullivan, U.S. EPA, and the State Water Board are in the process of investigating non-compliant sites with abandoned USTs. The investigation will allow the assessment of any identified risks, such as leaking fuels, and address them to bring the sites into compliance. 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).

As a follow up to the Notices of Non Compliance issued as part of the Abandoned Tank Initiative, the State Water Board UST Program is issuing Notices of Violation (NOVs) to sites that have not yet complied with the abandonment requirements. NOVs started being sent out in May 2014 beginning with San Bernardino County and Fresno County. Prior to sending out the NOVs, current compliance status is confirmed with the Unified Program Agencies.

### **California Office of Emergency Services - None**

### **CAL FIRE - Office of State Fire Marshal - None**