



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

EDMUND G. BROWN JR.
GOVERNOR

Unified Program Newsletter September 2014

IN THIS ISSUE:

- CalEPA** Annual Summary Reports
Violation Library Error: ID # 1010009
CERS: Emergency Response Map Feature
CERS: Spill Prevention Control and Countermeasure (SPCC) Plans
REMINDER: Compliance Monitoring and Enforcement (CME) Data
- DTSC** DTSC Quarterly Public Meeting
DTSC Q & A
- SWRCB** Assessing UST Systems for Earthquake Damage
Promoting Neighborhood Revitalization
Abandoned UST Initiative
\$1 Million Settlement with the City of Glendale
CA UST Enforcement Articles in EPA UST Newsletter
Revised Unified Program Guidance Letter 14-01
California Environmental Reporting System (CERS) Frequently Asked Questions (FAQs)
New Enhanced Vapor Recovery (EVR) Determination Letter
Reminder: Report 6 due September 1, 2014
- Cal OES** None
- CAL FIRE** Aboveground Petroleum Storage Act (APSA)
OSFM APSA Surcharge
Spill Prevention, Control, & Countermeasure (SPCC) Plans in CERS
Memorandum of Agreement (MOA) between DOGGR and OSFM
Underground Fuel Storage Tanks Prohibited for Use as Aboveground Fuel Storage Tanks

California Environmental Protection Agency

Annual Summary Reports

CUPAs will be required to only submit the Annual Single Fee Summary Report (for fiscal year 2013/2014) to CalEPA by September 30, 2014, and each subsequent fiscal year thereafter. CalEPA will extract the compliance, monitoring and enforcement (CME) data from CERS.

Report:	Previously known as:	Required by CCR Title 27, Division 1, Subdivision 4, Section:	Submit to CalEPA by:
Surcharge Transmittal Report	Report 1	15250	30 days after the end of each completed fiscal year quarter
Annual Single Fee Summary Report	Report 2	15290	September 30 th covering the previous fiscal year

The December 2013 amendment of CCR Title 27, Division 1, Subdivision 4, Section 15290(b) requires electronic reporting of compliance, monitoring and enforcement (CME) data to CalEPA 30 days after each completed fiscal year quarter. Because CME data is electronically submitted to CalEPA, the Annual Inspection Summary (Report 3) and Annual Enforcement Summary (Report 4) reports are no longer required to be submitted to CalEPA in paper form upon the completion of the fiscal year.

The Surcharge Transmittal and Annual Single Fee Summary Reports and instructions for completion are currently being revised to include fields relative to the Aboveground Petroleum Storage Act surcharge, which became effective June 20, 2014. The revised report templates and instructions will soon be available at: <http://www.calepa.ca.gov/CUPA/Publications/#CUPAtoState>.

Violation Library Error: ID # 1010009

CalEPA has corrected a minor error in the California Environmental Reporting System (CERS) violation library. It was intended for violation ID# 1010009 (Triennial Hazardous Materials Business Plan Review and Re-certification) to expire June 30, 2014 and be replaced by amended violation ID# 1010008 (Annual Review/Certification). However, violation ID# 1010009 remained active beyond June 30, 2014. CalEPA has amended the expiration date of violation ID# 1010009 so that it now expires August 20, 2014. CalEPA recommends that Unified Program Agencies use violation ID# 1010008 when reporting annual review/certification violations in CERS for inspections that occurred from July 1, 2014 through August 19, 2014.

CERS: Emergency Response Map Feature

CalEPA is currently working to reinstate the Emergency Response mapping feature in CERS. To gain access, emergency response personnel will need to submit a request to the CUPA for approval of specific user permissions. The mapping feature is not available to generic users or for a user ID assigned to a group with multiple users.

CERS: Spill Prevention Control and Countermeasure (SPCC) Plans

The Aboveground Petroleum Storage Act requires a SPCC Plan to be prepared at each tank facility (Health and Safety Code, Division 20, Chapter 6.67, Section 25270.4). SPCC Plans are not required submitted to regulators or uploaded into CERS and should not be uploaded into CERS as SPCC Plans are likely to contain confidential information pertaining to the regulated facility. Once an SPCC Plan has been submitted or uploaded into CERS and accepted by a CUPA, the SPCC Plan cannot be removed from CERS. Facilities subject to SPCC requirements shall keep a copy of the SPCC plan onsite. More information regarding uploading documentation regarding the Aboveground Petroleum Storage Act is available on the CERS Business portal.

REMINDER: Compliance Monitoring and Enforcement (CME) Data

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, Section 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

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.

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>).

Department of Toxic Substances Control

DTSC Quarterly Public Meeting

DTSC's next quarterly public meeting is set for September 10. See the agenda at: http://www.dtsc.ca.gov/GetInvolved/PublicMeetings/upload/Public_Meeting_Agenda_091014.pdf

DTSC Q & A:

Question: "Are remote sites that comply with applicable rules, required to check the generator box on the activities page in CERS?"

Answer: NO. A remote site is not required to check the generator box on the activities page in CERS. The reason for this is that pursuant to the provisions of HSC 25110.10, hazardous waste initially collected at a remote site and subsequently transported to a consolidation site, **shall be deemed to be generated at the consolidation site for purposes of this chapter** if the generator complies with the notification requirements..."(emphasis added). Therefore, the waste at the remote site is not deemed to have been generated until it gets to the consolidation site, therefore, they wouldn't technically be a generator in which they would check the generator box on CERS. Additionally, a remote site is not required to have an EPA ID number.

State Water Resources Control Board

Assessing UST Systems for Earthquake Damage

After a significant earthquake it is important to examine UST systems, as damaged or improperly operating UST systems can pose a high risk to human health, safety, and the environment. Following the August 24, 2014 Napa earthquake, State Water Board staff have prepared a guide titled "UST Earthquake Assessment" which covers the procedures for assessing USTs after an earthquake.

This document was sent via Lyris on August 25, 2014 and can be found under "Hot Topics" on the State Water Board website's UST Program page, http://www.swrcb.ca.gov/water_issues/programs/ust/.

Promoting Neighborhood Revitalization

By means of assessment and cleanup, abandoned gas station properties can be beneficial resources for community revitalization in neighborhoods that are impacted by environmental and health hazards. However, due to the high cleanup costs, many of these sites in California have remained vacant or underutilized for years. United States Environmental Protection Agency (EPA) and the California State Water Resources Control Board (Water Board) are working with local agencies, property owners, and community development partners to assess and cleanup these sites to make them available for resale and reuse, thereby bringing businesses and jobs back into these underserved areas.

On August 27, 2014, EPA removed three 4,000-5,000 gallon underground storage tanks (USTs) which held gasoline or diesel fuel and one 280 gallon waste-oil underground storage tank from a former gas station in Fresno, California. The site was occupied by a service station from 1937-1982. The USTs used by the service station ceased operating but remained in place. EPA contractors took water and soil samples to evaluate whether the storage tanks had leaked. If the tanks have leaked, EPA and the State and Regional Water Boards will assess the level of environmental cleanup required to further revitalize the site.

For more information about this event in Fresno, visit the website below. <http://www.epa.gov/region9/mediacenter/fresno-ust/>.

Abandoned UST Initiative

Sullivan International, US EPA, and the State Water Board continue to investigate non-compliant sites with abandoned USTs. The latest information regarding the Abandoned UST Initiative can be found in the August 2014 Fact Sheet at the website below.

http://www.waterboards.ca.gov/water_issues/programs/ust/abandoned_storage.shtml

\$1 Million Settlement with the City of Glendale

The State Water Resources Control Board (State Water Board) has reached a \$1 million settlement with the City of Glendale for alleged violations of regulations concerning storage of hazardous substances in USTs at 11 facilities owned by the city.

This lawsuit is the first enforcement action by the State Water Board's Office of Enforcement under the State Water Board's Government Owned and/or Operated Tank (GOT) initiative that started in 2010 with the assistance of the US Environmental Protection Agency and the second enforcement action by the State Water Board against a public entity for UST violations. The GOT initiative aims to level the playing field with respect to compliance and enforcement between privately and publicly owned and operated USTs. Below are links to the Press Release, Judgment, and Complaint.

Press Release http://www.waterboards.ca.gov/press_room/press_releases/2014/pr072514_glendale.pdf

Judgment

http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2014/glendale_judgment.pdf

Complaint

http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2014/glendale_complaint.pdf

CA UST Enforcement Articles in EPA UST Newsletter

NEIWPCC has recently published the current *LUSTLine*, a nation-wide bulletin on USTs, dated June 2014. This report was distributed via Lyris on July 8, 2014 and is also available at the link below:

http://www.neiwpcc.org/lustline/lustline_pdf/lustline_current.pdf

On page 3 is an article on UST cleanup financial fraud written by Kim Sellards of the State Water Board entitled "The Consultant Who Played Foul with the California UST Cleanup Fund."

Also, on page 18 is an article on UST enforcement written by Ben McLernon and Mike Vizzier of San Diego County entitled "Repurposing Penalties to Improve UST Operations."

Revised Unified Program Guidance Letter 14-01

On July 7, 2014, CalEPA published the Unified Program Guidance Letter 14-01 (Revised) – Onsite Maintenance of Required Unified Program Information. The revised letter explains that maintaining required Unified Program information onsite also denotes the option of being readily accessed onsite through electronic means by facility staff and UST inspector.

The revised 14-01 letter was sent out via Lyris on July 8, 2014 and is also available at <http://www.calepa.ca.gov/cupa/Bulletins/2014/July7.pdf>

For UST Program questions regarding this letter, contact Gabe Herrera at (916) 319-9128 or gabriel.herrera@waterboards.ca.gov. For all other Unified Program questions regarding this letter, contact John Paine at (916) 327-5092 or john.paine@calepa.ca.gov.

California Environmental Reporting System (CERS) Frequently Asked Questions (FAQs)

As a follow up to CalEPA's UP Guidance Letter 14-01, two new UST related FAQs were posted to the CERS Business Help section:

- **Are Hard Copies Required to be Kept Onsite?**
(This FAQ clarifies that hard copy UST permits must be kept onsite.)
- **Which UST Documents Require Uploading?**
(This FAQ also addresses which documents must be signed before they are uploaded to CERS. In addition, it clarifies that testing documents such as annual monitoring certifications and secondary containment tests are required to be uploaded into CERS.)

These FAQs were sent out via Lyris on July 8, 2014 and are also available at the link below: <https://cersbusiness.calepa.ca.gov/Help>

For questions or concerns regarding the FAQs, contact Gabe Herrera at (916) 319-9128 or gabriel.herrera@waterboards.ca.gov, or Dan Firth at (916) 445-5049 or daniel.firth@calepa.ca.gov.

New Enhanced Vapor Recovery (EVR) Determination Letter

A new EVR determination letter, dated March 27, 2014, has been posted to the State Water Board's EVR Multi-Agency Review Process website below:

http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/docs/evr_determination/emco_wheaton032714.pdf

Reminder: Report 6 due September 1, 2014

Report 6 for the January-June 2014 reporting period must be completed and submitted to gherrera@waterboards.ca.gov by September 1, 2014. For any assistance completing Report 6, contact Gabe Herrera at (916) 319-9128 or at gherrera@waterboards.ca.gov.

California Office of Emergency Services - None

CAL FIRE-Office of State Fire Marshal

Aboveground Petroleum Storage Act (APSA)

The Tanks in Underground Areas Subgroup will next meet on September 10, 2014, and the APSA Regulations Workgroup will next meet on September 18, 2014.

APSA Surcharge

The APSA surcharge of \$26.00 for each APSA tank facility is now in effect. CUPAs are required to assess and collect this surcharge starting this current fiscal year cycle.

Here are a few questions commonly asked about the APSA surcharge:

- a. *What facility is assessed the APSA surcharge?*
Answer: Each facility regulated under the APSA Program is assessed the APSA surcharge.
- b. *Is the APSA surcharge for each tank facility or each tank?*
Answer: The APSA surcharge is for each APSA regulated tank facility.
- c. *Where should CUPAs remit the collected APSA surcharge?*
Answer: CUPAs should follow the same procedures for remitting the other Unified Program state surcharges.

For questions or more information, please contact Jennifer Lorenzo at (916) 324-0332 or Jennifer.Lorenzo@fire.ca.gov.

Spill Prevention, Control, & Countermeasure (SPCC) Plans in CERS

SPCC Plans are not required to be submitted into the California Environmental Reporting System (CERS). Therefore, SPCC Plans should not be submitted to CERS.

Memorandum of Agreement (MOA) between DOGGR and OSFM

The 1998 MOA between the Division of Oil, Gas, and Geothermal Resources (DOGGR) and the CAL FIRE – Office of the State Fire Marshal (OSFM) concerning each agency's authority on tanks and pipelines has been updated to incorporate the APSA Program information. The MOA has been approved and signed by the Director of the Department of Conservation and the State Fire Marshal. If a Unified Program Agency has questions on a tank at a facility, then they may contact a DOGGR field staff and/or an OSFM Pipeline Safety Division staff to determine who has jurisdictional authority on a particular tank at a facility. Contacts for the OSFM Pipeline Safety Division may be found at http://osfm.fire.ca.gov/pipeline/pipeline_staff.php and contacts for DOGGR may be found at http://www.conservation.ca.gov/dog/pages/doggr_contacts.aspx.

Underground Fuel Storage Tanks Prohibited for Use as Aboveground Fuel Storage Tanks

The "Underground Fuel Storage Tanks Prohibited for Use as Aboveground Fuel Storage Tanks" Information Bulletin is now posted on the CAL FIRE – Office of the State Fire Marshal website at <http://osfm.fire.ca.gov/informationbulletin/informationbulletin.php>. This bulletin informs and advises the public on the prohibited use of converted steel underground storage tanks as aboveground storage tanks storing flammable or combustible liquids. If you have questions, please contact Denise Gibson at denise.gibson@fire.ca.gov or (916) 445-8289.