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Division 1, Subdivision 4

**CHAPTER 1. UNIFIED HAZARDOUS WASTE AND HAZARDOUS MATERIALS
MANAGEMENT REGULATORY PROGRAM**

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) ~~P~~program and the Onsite Hazardous Waste ~~Onsite-Treatment~~ activities authorized under the permit-by-rule (PBR), conditionally authorized (CA), and conditionally exempt (CE) tiers - Health and Safety Code division 20, chapter 6.5 (generally supplemented by Cal. Code Regs., tit. 22, div. 4.5);
- (2) The Aboveground Petroleum Storage Act Tank (ASTAPSA) ~~P~~program - Health and Safety Code division 20, chapter 6.67;
- (3) The Underground Storage Tank (UST) ~~P~~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) ~~P~~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) ~~P~~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.

(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:

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- (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 (Cal OES), Office of the State Fire Marshal (SFM), State Water Resources Control Board (SWRCB~~State Water Board~~), 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 (PA)-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 with Unified Program responsibilities will establish and interpret statewide standards for those Unified Program elements for which they are responsible.
- (A) Cal OES has responsibility for the HMRRP Program and the CalARP Program.
 - (B) SFM has responsibility for the APSA Program and the California Fire Code sections, as adopted pursuant to Health and Safety Code section 13143.9, concerning the HMMP/HMIS requirements.

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(G) To avoid overlap in responsibilities, CUPA and state agency SFM responsibilities for the HMMP/HMIS requirements (Health & Saf. Code, ch. 6.11, § 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~~25519 and California Code of Regulations, title 19, division 2, chapter 4, section 2620 et. seq.

(iii) ~~The CUPA will provide access to the information collected in the statewide information management system, local information management system or local reporting portal to those agencies with shared responsibilities for protection of the public health and safety and the environment.~~

(DC) ~~SWRCB~~State Water Board has responsibility for the UST Pprogram.

(E) To avoid overlap in responsibilities, CUPA and state agency State Water Board responsibilities for the UST Pprogram elements are clarified as follows:

(i) A CUPA may oversee the abatement of unauthorized releases of hazardous substances from underground storage tanks if it is authorized by State Water Board as a pursuant to the Local Oversight Program (LOP) listed in pursuant to 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.~~

(FD) DTSC has responsibility for the HWG Program, and the Onsite Hazardous Waste Treatment programs activities (PBR, CA, and CE), and additional requirements ~~programs~~ pursuant to the Health and Safety Code section 25404(c)(1).

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(G) To avoid overlap in responsibilities, CUPA and state agency DTSC responsibilities for the HWG Program and Onsite Hazardous Waste Treatment elementsactivities 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, § 66265.196(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 U.S. Environmental Protection Agency will retain responsibility for issuing EPA numbers.

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~~(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~~ accept 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 under conditionally authorized pursuant to Health and Safety Code section 25200.3; hazardous waste generators conducting treatment under 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.

~~(Hii)~~ 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 (UPA).

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

Note: 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.

Article 2. Definitions**§15110. Unified Program Definitions.**

- (a) Applicant Agency means a county, city or other qualified local agency that is applying to the Secretary to become a ~~Certified Unified Program Agency~~ CUPA.
- (b) ~~The~~ California Environmental Reporting System ~~or~~ (CERS) is the statewide information management system established by the Secretary to receive all data collected by the Unified Program Agencies and reported by regulated businesses, pursuant to Health and Safety Code chapter 6.11.
- (c) Certified Unified Program Agency ~~or~~ (CUPA) means the agency certified by the Secretary to implement the Unified Program in a specified jurisdiction, pursuant to Health and Safety Code chapter 6.11.
- (d) Data Collection. For the purposes of this division, terms related to ~~the~~ Unified Program information have the following meanings:
- (1) Data elements are the discrete data fields that define information required to be collected by applicable statutes or regulations. Data elements are defined in the Unified Program Data Dictionary.
 - (2) Submittal Element means a collection of related Unified Program data elements or document(s) that must be submitted by a regulated business as a single unit.
 - (3) Document means a collection of data that are not submitted as a set of standardized data elements either because the document's data are not suitable to define as discrete data elements, or the document's data elements are not yet defined in the Unified Program Data Dictionary. When a document needs to be submitted to meet Unified Program electronic reporting requirements, it shall be provided in the Portable Document Format (PDF) or other document format supported by CERS.
 - (4) Electronic reporting means the collection, submittal, and transfer of Unified Program data using electronic, ~~non-paper~~ media.

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- (5) Electronic Data Transfer (EDT) means the electronic exchange of Unified Program data elements or documents as one or more submittal elements as defined in the Unified Program Data Dictionary ~~by~~between Unified Program Agencies and Cal/EPA. EDT is performed using ~~data exchange technical specifications~~ Data Exchange Technical Specifications.
- (6) A Data Exchange Technical Specification is a standardized ~~format that identifies the format for exchanging Unified Program data between CERS and a local information management system or local reporting portal. The primary Data Exchange technical specifications~~ Technical Specifications for Unified Program electronic reporting involve Extensive Markup Language (XML) Schemasschemas that define how Unified Program data elements must be formatted or arranged to support XML-based electronic data exchange. ~~Other Data Exchange technical specifications~~ Technical Specifications also includes specifically formatted spreadsheets and other files for exchanging ~~certain~~ Unified Program data. Cal/EPA releases updated Data Exchange Technical Specifications after changes are approved to the Unified Program Data Dictionary.
- (e) Enforcement Actions. There are two types of Unified Program enforcement actions:
- (1) Formal Enforcement means a civil, criminal, or administrative action that mandates compliance, imposes sanctions, and results in an enforceable agreement or order. Enforceable agreement or order means the instrument creates an independent, affirmative obligation to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated business.
 - (2) Informal Enforcement means a notification to the regulated business of non-compliance and establishes an action and a date by which that non-compliance is to be corrected. Examples include a letter, ~~or~~ notice of violation, or notice to comply. ~~These actions do~~ Informal Enforcement does not impose sanctions.
- (f) Inspection Types. There are two types of Unified Program inspections, which for reporting purposes are mutually exclusive:
- (1) Routine Inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements.
 - (2) Other Inspection includes, but is not limited to, regulatory field activity such as re-inspections to verify compliance, complaint investigations, enforcement

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follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations. It does not include routine inspections or field or site visits whose principal purposes are informational or educational, pollution prevention education, verification of administrative information, or orientation of new owners or operators.

- (g) Local Information Management System is a data management system used by an UPA to collect, retain, and manage Unified Program data.
- (h) Local Reporting Portal is a public web site used by a CUPA to collect Unified Program data from regulated businesses within its jurisdiction.
- (i) Participating Agency (PA) means a state or local agency that has a formal agreement with the CUPA to implement one or more a program elements as part of the Unified Program.
- (j) Program Element or Unified Program Element means one of the six sets of requirements listed in section 15100(a) or any other requirements incorporated pursuant to Health and Safety Code chapter 6.11, section 25404.2(d).
- (k) Regulated Business means any of the following:
- (1) "person" as defined in:
 - (A) the Hazardous Waste Management Program, Health and Safety Code section 25118;
 - (B) the California Hazardous Substances Tax Law, Revenue and Taxation Code part 22, division 2, section 43006;
 - (C) the HMRRP pProgram, California Code of Regulations, title 19, section 2650;
 - (D) the CalARP pProgram, Health and Safety Code section 25532(m);
 - (E) the UST pProgram, Health and Safety Code section 25281(l); and
 - (F) the ASTAPSA pProgram, Health and Safety Code chapter 6.67, section 25270.2.
 - (2) "business" as defined in the HMRRP pProgram, Health and Safety Code sections 25501(~~ec~~) and 25501.4.
 - (3) "facility" as defined in the UST Pprogram, Health and Safety Code section 25281(f).

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- (4) “tank facility” as defined in the ~~ASTAPSA~~ Program, Health and Safety Code section 25270.2.
- (5) “hazardous waste facility” as defined in the Hazardous Waste Management Program, Health and Safety Code section 25117.1.
- (6) “stationary source” as defined in the CalARP Program, California Code of Regulations, title 19, section 2735.3(~~xx~~).
- (l) Signed or signature for purposes of electronic submissions means any symbol, including a digital signature defined in Government Code section 16.5, executed or adopted by a party with present intention to authenticate a writing.
- (m) Surcharge means an element of the single fee assessed by the CUPA on each regulated business that covers the necessary and reasonable cost of the state agencies in carrying out their responsibilities pursuant to Health and Safety Code section 25404.5(b).
- (n) Unified Program Agency (UPA) is the ~~Certified Unified Program Agency (CUPA)~~ or PA that implements one or more Unified Program elements.
- (o) Unified Program Consolidated Form (UPCF) is a standardized set of forms used before January 1, 2013, by CUPAs to collect Unified Program data from regulated businesses. The UPCF is a single, comprehensive format that consolidates business-to-CUPA reporting requirements within the Unified Program.
- (p) Unified Program Data Dictionary (data dictionary) defines data elements, data field size and type, and edit criteria for regulatory data that shall be collected and retained by an uPA. It has the following sections:
- (1) Business Section: for information reported from regulated businesses to UPAs. [Div. 3, subd. 1, chs. 1-4]
 - (2) CUPA Section: for ~~CUPA-to-s~~State reporting of CUPA activities or other information that shall be collected and retained by a CUPA and reported pursuant to section 15290. [Div. 3, subd. 1, ch. 5, Unified Agency Reporting]
- (q) Unified Program Facility Permit means those permits issued under the Unified Program. The permit may be a single permit or multiple permits in a single package which shall minimize duplicate information. It includes the underground storage tank permit, permit-by-rule, and any other permit or authorization requirements found under any local ordinance or requirement relating to the generation or handling of hazardous waste or materials. The Unified Program

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Facility Permit does not include the permitting requirements of a local ordinance that incorporates provisions of the California Fire or Building Code.

Note: Authority cited: Sections 25404(b), (c), (d) and (e), Health and Safety Code. Reference: Sections 25404(c) and (d), 25404.5(a) and 25532(k), Health and Safety Code; Section 43006, Revenue and Taxation Code; and the 1996 United States Environmental Protection Agency Enforcement Response Policy for the Resource Conservation and Recovery Act.

Article 3. Application Process**§15120. Certified Unified Program Agency Applicants**

- (a) Counties must apply.
- (b) Cities or other local agencies that qualify pursuant to Health and Safety Code section 25404.1(b)(2) may apply.
- (c) A city that incorporates after January 1, 1996, may apply for certification as a CUPA pursuant to Health and Safety Code section 25404.1(b)(2)(B) and section 15130(b) of this title. Any request to the Secretary for approval to apply for certification shall be submitted within 180 days of incorporation.
- (d) Two or more counties, cities or local agencies that propose to form a Joint Powers Agency (JPA) may apply on or before January 1, 1996.
 - (1) Cities or other local agencies that have formed or propose to form a JPA may apply if one of the following is true:
 - (A) A maximum of two member agencies of the JPA have not implemented the HMRRP pProgram or the UST pProgram prior to December 31, 1995, and at least one member agency has implemented the HMRRP pProgram or the UST pProgram prior to December 31, 1995; or
 - (B) The JPA has an agreement with the county to implement the Unified Program in the JPA's jurisdiction; or
 - (C) The county is a member agency of the JPA.
- (e) Each county shall and each city or local agency within the county that qualifies pursuant to Health and Safety Code section 25404.1(b)(2) and chooses to apply, shall apply for certification on or before January 1, 1996.
- (f) An applicant agency shall apply to the Secretary according to the provisions of sections 15130, 15150, and 15160.

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- (g) Applications shall be valid if they meet the requirements of this article and one copy is mailed to: California Environmental Protection Agency, Unified Program Section, 1001 "I" Street, P.O. Box 2815, Sacramento, California 95812.

Note: Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code.
Reference: Section 25404.1(b), Health and Safety Code.

§15130. Application Notices

- (a) A non-county agency, as defined in section 15120(c) and (d), that intends to apply for certification as a CUPA shall file with the Secretary and the county within which the city or other local agency is located, a letter that expresses the applicant's intent to apply. This "intent to apply" letter shall be valid if mailed to: California Environmental Protection Agency, Unified Program Section, 1001 "I" Street, P.O. Box 2815, Sacramento, California 95812.
- (b) Any request to the Secretary by a non-county agency for approval to apply for certification pursuant to Health and Safety Code section 25404.1(b)(2)(B) shall be submitted in writing.
- (1) In its request, the applicant shall specify the date it received the county's agreement or the reasons for failing to enter into an agreement. Any relevant correspondence to or from the county shall be attached to the request.
- (2) The Secretary shall respond within 45 days of receiving the request.

Note: Authority cited: Sections 25204(b) and 25404.6(c), Health and Safety Code.
Reference: Section 25404.1(b), Health and Safety Code.

**§15140. Must Proposed Participating Agencies Enter into Final Agreements with the Applicant Agency Before the Application is Submitted?
[Repealed]**

Note: Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code.
References: Section 25404.3(d), Health and Safety Code.

§15150. Information Provided in an Application

- (a) Identify which agency will be the point of contact within the CUPA.
- (1) An applicant agency shall designate only one administrative body, such as an internal department or office within a county or city, within that jurisdiction as the point of contact for Unified Program implementation.

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- (2) The governing body of the applicant agency may designate itself as the point of contact by not specifying any other.
 - (3) The applicant agency shall provide the name, address, phone number, e-mail, and facsimile number of the contact (use aAppendix A).
- (b) The application for certification as a CUPA shall be signed by at least one elected or appointed official who is authorized to represent the jurisdiction.
- (c) The application for certification shall include an Authorizations Section including a list and brief description of all ordinances and resolutions used in the Unified Program.
- (1) If overlapping authority will arise pursuant to certification under this division, the applicant agency shall include in the application, a discussion of how jurisdictional authority will be managed to ensure that health and safety are maintained within the jurisdiction.
 - (2) Copies of all UST ordinances required by Health and Safety Code chapter 6.7 must be provided.
- (d) The application for certification shall include an agreements section including copies of all agreements or draft agreements between the applicant agency and proposed PAs.
- (1) The agreements section shall include draft or final agreements between the applicant agency and all proposed PAs. Final copies of all agreements must be submitted to the Secretary prior to certification.
 - (A) If an applicant agency proposes that any agency other than itself implement any aspect of the single fee system, including the surcharge, the written agreement shall specify responsibilities of each agency. The written agreement shall:
 - (i) Identify responsibility for absorbing funds lost on non-payment of fees.
 - (ii) Identify under what conditions and authority fees will be waived.
 - (B) Include procedures for removing a PA required pursuant to 15180(e)(6).
 - (C) CUPAs may satisfy information collection, retention, and management requirements through agreements with PAs that serve as the repository of the information.

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- (e) The application for certification shall be constructed in sections so as to meet the requirements and structure of aAppendix A, including the following:
- (1) A cover sheet. Use aAppendix A and complete all appropriate information.
 - (2) For a county applicant, documentation that cities within the county either intend or do not intend to apply to be a CUPA. Documentation may take the form of a listing of all cities within the county with an indication of whether they intend to apply or not.
 - (3) A description of the geographic scope of the proposed Unified Program in the jurisdiction.
 - (4) The number of regulated businesses within the jurisdiction, for each program element. Use aAppendix B, †Table 1 to provide this information.
 - (5) The organizational structure of the proposed Unified Program in the jurisdiction.
 - (6) A Unified Program Implementation Plan that provides:
 - (A) A description or implementation timeline that addresses all phases from startup through full operation.
 - (B) Specific information required for the Secretary's evaluation of the application pursuant to section 15170.
 - (C) For a transition from multiple billing statements and collection agencies within the Unified Program to a single billing statement and collection agency within the Unified Program, this shall:
 - (i) Provide for a transition period no longer than five years;
 - (ii) Provide for regulated businesses to receive a single billing statement annually that includes all recurring United Program activity fees;
 - (iii) Provide for regulated businesses to remit Unified Program fees with a single payment; and
 - (iv) Include provisions for instances of non-payment.
 - (7) Adequate information to determine that the applicant agency and any proposed PAs meet education, expertise and training requirements specified in sections 15260 and 15270.

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- (A) Table 2 and ~~Table~~ 4 may be used to provide this information.
- (B) If ~~Table~~ 2 and ~~Table~~ 4 are not used, the information required in the tables must be provided in some form.
- (8) A certification that the administrative procedures of the proposed Unified Program will meet the requirements of section 15180. Use ~~a~~Appendix B.
- (9) A Unified Program Facility Permit Plan that meets the requirements of section 15190.
- (10) An Inspection and Enforcement Program Plan that meets the requirements of section 15200.
- (11) A Fee Accountability Program in compliance with section 25404.5(c) of the Health and Safety Code and with sections 15210 and 15220 of this title.
- (12) A Single Fee System Implementation Plan that meets the requirements of section 15210.
- (13) A budget and funding mechanism for the Unified Program that meets the requirements of section 15170(~~ea~~)(3), staff time allocations, and certification that adequate resources exist to carry out the Unified Program. Appendix B, ~~Table~~ 3 may be used to provide information on staff time allocations. Appendix B will be used to certify adequate resources exist.
- (14) A description of how the CUPA will fulfill reporting requirements and certification that it will meet requirements of article 6 ~~below~~ of this title.
- (15) A summary of program implementation history that shall include the following information. Appendix B, ~~Table~~ 2 may be used to provide this information.
- (A) A list of the Unified Program elements that have been managed by the applicant agency and PAs for the past three years. This list shall include voluntarily consolidated programs.
- (B) A summary of inspection and enforcement activities within the scope of the Unified Program, undertaken within the past three years, including the types and numbers of inspections conducted and enforcement actions handled.
- (16) A description of recordkeeping and costs accounting systems.

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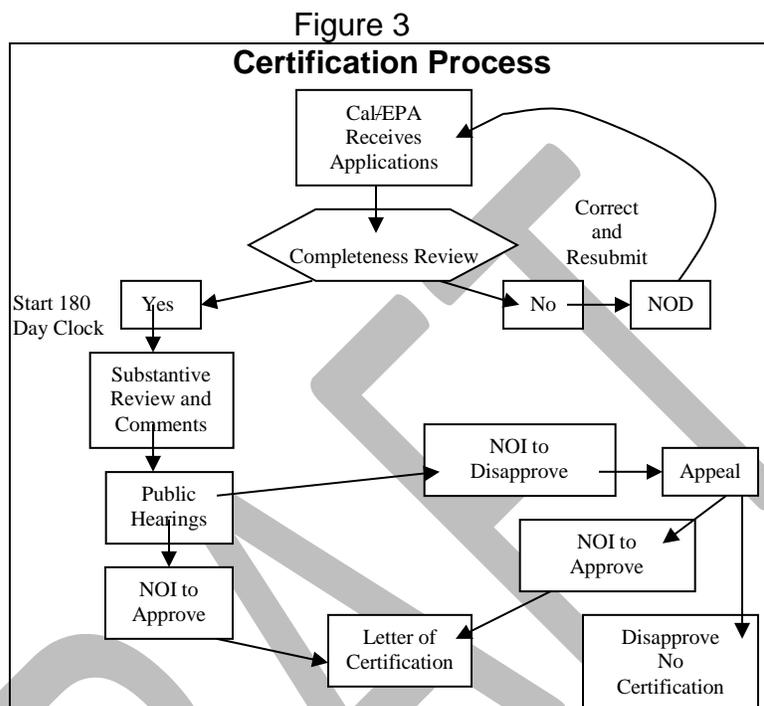
- (17) A description of the applicant agency's compliance with the criteria identified in the California Code of Regulations, title 22, section 66272.10 except subdivisions (b)(2) and (b)(3).
 - (18) A description of any additional programs incorporated into the Unified Program.
 - (19) An explanation of why the Secretary need not be concerned that certification of the applicant agency might lead to adverse impacts on the county.
 - (20) A description of how certification of the proposed Unified Program will lead to less fragmentation between jurisdictions within the county.
- (f) The application for certification shall contain a Single Fee System Implementation Plan that provides for a transition from multiple billing statements and collection agencies within the Unified Program, to a single billing statement and collection agency within the Unified Program.
- (1) The applicant agency shall implement the Single Fee System Implementation Plan upon certification.
 - (2) The applicant agency shall provide for public participation and review of the proposed Single Fee System Implementation Plan.
 - (3) A CUPA that has partially implemented the single fee system but requires an extension of the transition period may petition the Secretary for an exception of the five-year limit.
 - (A) The CUPA shall submit such petition at least one year prior to expiration of the five-year limit.
 - (B) The Secretary shall rule on such petitions within 180 days of receipt of the request for extension.

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

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Article 4. Certification Process and Responsibilities

§15160. Certification Process.



(a) Completeness review.

(1) Each application shall be reviewed to determine whether all required information has been provided. Such review shall be finished within 90 days of receipt of the application. Within the 90-day period:

(A) The Secretary shall send a notice of completeness to an applicant agency whose application has been determined to contain all necessary components; or

(B) The Secretary shall return an incomplete application to the applicant agency.

(i) The Secretary shall notify an applicant agency of an incomplete application by using a Notice of Deficiency (NOD).

(ii) In the NOD, the Secretary shall specify those provisions of the application that are not sufficient and the date by which the additional information is due.

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(b) State agency review and recommendation.

- (1) Applications that are found to be complete shall be reviewed pursuant to Health and Safety Code section 25404.3(b). In determining whether an applicant agency should be certified, the Secretary shall consider comments from the following or their designee:

Director of Department of Toxic Substances Control;
Director of the Office of Emergency Services;
State Fire Marshal; and
Executive Officer and Chairperson of the State Water Resources Control Board

- (2) Comments and recommendations to the Secretary shall be based on analysis of the application contents and consideration of the requirements of this division.

(c) Public hearing.

- (1) The Secretary shall hold a public hearing regarding the application for certification.
- (2) The Secretary may group public hearings for efficiency purposes.
- (3) The Secretary shall consider comments received as part of the public hearing in the determination of whether an applicant should be certified.

(d) The Notice of Intent (NOI).

- (1) The Secretary shall complete the review process and issue a NOI within 180 days of receipt of the complete application for certification.
 - (A) The Secretary shall issue a NOI to disapprove the application for certification if the Secretary finds the applicant agency should not be certified. The NOI to disapprove shall identify those areas of the Unified Program that are deficient.
 - (B) The Secretary shall issue a NOI to approve if the Secretary intends to approve an application for certification.
- (2) During periodic review of the Unified Program, or review of an amended application, if the Secretary finds the Unified Program or the Unified Program implementation to be deficient, the Secretary shall issue a NOI to withdraw certification. The NOI shall identify those areas of the Unified Program that are deficient.

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(e) Final Decision.

- (1) The Secretary's final decision shall be issued in writing to the applicant agency within 30 days of issuing the NOI except as provided in section 15160(f). The certification shall include the date upon which the CUPA's authority shall commence.
- (2) For purposes of this division and the California Code of Regulations, title 22, division 4.5, "certification" of a CUPA shall constitute "designation" pursuant to Health and Safety Code section 25180, of the responsible agency implementing chapter 6.5 of the Health and Safety Code, pursuant to the California Code of Regulations, title 22, section 66272.10.

(f) Certification Decision Appeal Process.

- (1) Within 30 days of receipt of a NOI to disapprove certification, the applicant agency may respond to the reasons specified and correct the deficiencies in its application.
- (2) Within 30 days of receipt of a NOI to withdraw certification, the CUPA may respond to the reasons specified and correct the deficiencies in its Unified Program.
- (3) In addition to its rights pursuant to (1) above, the applicant agency may request a second public hearing, at which time the Secretary shall hear the applicant agency's response to the reasons specified in the NOI to disapprove.
- (4) The appeal process shall be completed within 60 days of receipt of the appeal.
- (5) The Secretary's final decision on the certification decision appeal shall be issued in writing.

Note: Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code.
Reference: Sections 25404(d), 25404.3 and 25404.4(a), Health and Safety Code.

§15170. Criteria the Secretary Will Use to Evaluate Applications.

(a) The Secretary will evaluate applications based on the following:

- (1) Adequacy of education, expertise, and training as required by sections 15260 and 15270.
- (2) Adequacy of proposed resources including an analysis of:

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- (A) The number and type of regulated businesses within the jurisdiction;
 - (B) An estimate of the annual number of compliance and complaint inspections;
 - (C) The time allocation requirements of local agency staff shall be computed on a full-time equivalent basis, not to exceed 1776 work hours per year per person, for the following:
 - (i) Inspections and the related travel, research, analysis of findings, and documentation;
 - (ii) Inspection and enforcement activities including warnings, notices, meetings, hearings, legal proceedings, and documentation;
 - (iii) Permit activities including application reviews, modifications and revisions, and facility evaluations;
 - (iv) Training including field, meetings, seminars, workshops, courses and literature reviews; and
 - (v) Management including day-to-day operation scheduling and supervision.
 - (vi) Technical staff or contractors to support Unified Program electronic reporting mandates.
 - (D) An estimate of required staff and supervisory personnel to manage the single fee system, surcharge and fee accountability system;
 - (E) The number of support staff, both technical and non-technical, for all program elements; and
 - (F) Description of contacts, working relationship with local prosecution and law enforcement agencies (i.e., district attorneys, strike force memberships, etc.).
- (3) Proposed budget resources and funding mechanisms. The applicant agency shall include as part of the application, a summary of projected annual funding and expenses for the entire local Unified Program. Adequacy of budget resources and funding mechanisms shall be calculated as the ratio of funding to expenses, a value of one being the standard for most adequate.

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- (4) Past performance of the applicant agency and its proposed PAs in implementing hazardous materials and hazardous waste management programs.
- (5) Record keeping and cost accounting systems proposed for the Unified Program, including:
 - (A) Elements required by the Secretary pursuant to Health and Safety Code section 25404(c);
 - (B) A method for calculating program costs;
 - (C) Permit fee structure;
 - (D) Fee collection process; and
 - (E) Data management.
- (6) Compliance with the criteria in California Code of Regulations, title 22, section 66272.10, except for the requirement of paragraph (2) of subdivision (b) of that section related to county-wide jurisdiction and paragraph (3) of subdivision (b) of that section related to hazardous waste facilities.
- (7) Additional programs, including but not limited to programs such as hazardous waste source reduction and pollution prevention programs, incorporated in the Unified Program.
- (8) Identified adverse impacts on the county. The Secretary will give particular consideration to written comments or comments received during the public hearing.
- (9) The Unified Program throughout the entire county in which the applicant agency is located will be less fragmented between jurisdictions, as compared to before January 1, 1994, with regard to the administration of the provisions specified in Health and Safety Code section 25404(c). The Secretary shall consider, but shall not be limited to, the following measures of fragmentation. The applicant agency shall justify its certification with respect to these measures in the implementation plan required pursuant to California Code of Regulations, title 27, section 15150(e)(6).
 - (A) The number of agencies managing the six Unified Program elements listed in Health and Safety Code section 25404(c) within the county prior to January 1, 1994, and the number of agencies managing those program elements as proposed by the applicant agency.

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- (B) The number of agencies a regulated business had to work with for the Unified Program elements prior to January 1, 1994, and the number of agencies a regulated business will have to work with as proposed by the applicant agency.
- (10) Countywide coordination and consistency. The Secretary shall consider, but not be limited to the following:
 - (A) Agreements among the county, city, and local agency applicants indicating consistency with a countywide Unified Program.
- (11) The Secretary shall not certify an applicant agency that proposes to include PAs in the Unified Program, unless there is a finding that:
 - (A) It meets the requirements of Health and Safety Code section 25404.3(d)(1).
 - (B) The proposed PAs have met the education, training and experience requirements identified in sections 15260 and 15270, and have adequate resources to implement the program element(s) that the applicant agency has proposed it will take on.
 - (C) All necessary agreements are in place, pursuant to Health and Safety Code section 25404.3(d)(3).
- (12) The requirements of sections 15160(b) and 15160(c).
- (13) The implementation plan for the consolidation of permits, inspections, enforcement, and fees.
- (14) Documentation of authority to implement program elements.
- (15) If the program will be fully operational no later than one year after certification.

Note: Authority cited: Sections 25404(b), 25404.2(c), 25404.3(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.2(a) and (c), and 25404.3(b), (c) and (d), Health and Safety Code.

Part II. Operations

Article 5. Implementation and Maintenance of the Unified Program.

§15180. Maintenance of Certification and Administration

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- (a) A CUPA shall implement the Unified Program consistent with the implementation plan submitted in compliance with section 15150(e)(6) and these regulations.
- (b) A CUPA shall maintain certification through the administration of the Unified Program in compliance with these regulations.
- (c) Any agency designated by the Secretary as the CUPA pursuant to Health and Safety Code section 25404.3(f)(2) must comply with the requirements in these regulations.
- (d) Any local agency authorized to continue its role, responsibilities, and authority pursuant to Health and Safety Code sections 25404.3(f)(2) or 25533(f) shall comply with the requirements in the regulations placed on CUPAs with the exception of articles 3, 4, and 7, sections 15210, 15220, 15240, 15250, and 15260.
- (e) The CUPA shall establish and implement the following Unified Program administrative procedures.
 - (1) Public participation procedures that:
 - (A) Ensure receipt and consideration of comments from regulated businesses and the public.
 - (B) Coordinate, consolidate, and make consistent locally required public hearings related to any Unified Program element.
 - (C) Coordinate, consolidate, and make consistent public notices for activities related to any Unified Program element.
 - (2) Records maintenance procedures that include:
 - (A) Identification of the records maintained.
 - (B) Minimum retention times.
 - (C) Archive procedures.
 - (D) Proper disposal methods.
 - (3) Procedures for responding to requests for information from the public, from government agencies with a legal right to access the information, or from emergency responders, including methods to prevent the release of confidential and trade secret information.

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- (4) Procedures for ~~forwarding~~ providing full access to, and the availability of, the HMRRP information to emergency response personnel and other appropriate governmental entities in accordance with Health and Safety Code sections ~~25503.5(d) and 25509.2(a)(3)~~ 25502(b).
- (5) Financial management procedures that include:
- (A) A single fee system in compliance with section 15210;
 - (B) A fee accountability program in compliance with section 15220; and
 - (C) A surcharge collection and reimbursement program in compliance with section 15250.
- (6) Procedures for the withdrawal or removal of a PA that include:
- (A) Providing notice;
 - (B) Stating causes;
 - (C) Taking public comment;
 - (D) Making appeals; and
 - (E) Resolving disputes.
- (7) Data management procedures that include:
- (A) The collection, retention, and management of electronic data and documents in compliance with section 15185;
 - (B) The transfer and exchange of electronic data through an applicable local information management system or local reporting portal in compliance with 15187; and
 - (C) The reporting of electronic data in compliance with section 15290.

Note: Authority cited: Sections 25404(b) and (e) and 25404.6, Health and Safety Code. Reference: Sections 25103, 25404.2(a) and (c), 25404.3(d), 25404.4(a)(1), 25404.5, 25500, 25506, ~~25509.2(a)(3)~~ and 25534.5, Health and Safety Code; and Section 6253 et seq., Government Code.

§15185. Information Collection, Retention, and Management.

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- (a) CUPAs shall collect, retain, and manage information needed to implement the Unified Program, including these regulations and all data specified in the Unified Program data dictionary. Data Dictionary Data and documents retained in CERS do not need to be also retained locally.
- (b) The data dictionary is contained in division 3, Electronic Submittal of Information. It defines data elements, data field size and type, and edit criteria for regulatory data that shall be collected, retained, and managed by a CUPA. It consists of the following sections:
 - (1) Division 3, Electronic Submittal of Information, includes data elements reported by a regulated business to a CUPA; and
 - (2) Division 3, Electronic Submittal of Information, includes data elements a CUPA reports to the state.
- (c) A CUPA shall retain the following information for a minimum of five years:
 - (1) Copies of self-audits, inspection reports, enforcement files, and UPCFs.
 - (2) All records related to hazardous waste enforcement actions from the date the enforcement action is resolved.
 - (3) Detailed records used to produce the summary reports submitted to the state.
 - (4) Surcharge billing and collection records following closure of any billing period, or until completion of any audit process, whichever is longer.
 - (5) Training records required by section 15260 of this chapter and any other required training records specific to each program element.
- (d) The Unified Program Data Dictionary data elements and submittal elements must be used for electronic reporting by businesses to a CUPA pursuant to this section or by a CUPA to the state pursuant to this section. The CUPA is not required to store or maintain the data in the data dictionary format, but must be able to electronically submit the data to Cal/EPA in the data dictionary formats using the data exchange technical specifications provided by Cal/EPA.
- (e) The CUPA shall ~~accept~~process all submittal elements from regulated businesses within their jurisdiction that include the relevant data elements as specified in the Unified Program Data Dictionary.
- (f) The CUPA may collect locally required supplemental information.

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- (1) CUPAs are prohibited from requesting duplicative information if the information is included in the data dictionary.
- (2) Locally required information must be adopted by local ordinance.
- (3) A description of locally required supplemental information requirements must be reported to Cal/EPA for inclusion in CERS.

~~(g) A CUPA shall provide access to information in accordance with section 15100(b)(2)(C)(iii).~~

~~(hg)~~ The Secretary may establish and maintain standard descriptions for chemical inventory reporting of common chemical products in the Unified Program Data Dictionary, located at title 27, division 3, subdivision 1. The UPA shall accept the standard descriptions for inventory reporting.

(h) Management of CUPA records, facility files, and documents, whether electronic or not, shall be organized so they are easily and clearly identifiable and readily available.

Note: Authority cited: Sections 25404(b), (c), (d) and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25201, 25201.4.1, 25201.5, 25201.13, 25201.14, 25281.2, 25218.9, 25286, 25287, ~~25503.5, 25505, 25506 and 25509~~, Health and Safety Code.

§15186. Unified Program Data Standards.

- (a) The Secretary shall establish and maintain a Unified Program Data Dictionary, located at title 27, division 3, subdivision 1, that lists, organizes, and describes the data to be collected and submitted by CUPAs in administering the programs listed in Health and Safety Code chapter 6.11. It shall contain:
 - (1) a listing of the data elements and the submittal elements reported by a regulated business to a CUPA.
 - (2) a listing of the data elements a CUPA reports to the state.
 - (3) a listing of the data elements required for electronic data exchange.
- (b) The Secretary shall review and amend, if necessary, the Unified Program Data Dictionary, located at title 27, division 3, subdivision 1, at least every two years in accordance with the Administrative Procedure Act.

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- (c) The state agency with assigned program responsibility shall identify and specify Unified Program Data Dictionary submittal options for data that cannot be divided into discrete data elements.
- (d) If a Unified Program reporting requirement is created by new statute or regulation that is not covered by the Unified Program Data Dictionary as defined in subdivision (a), the state agency with assigned program responsibility, in consultation with the Secretary, may develop and maintain a standard form that requires the statutory or regulatory information in a format that can be electronically uploaded to CERS, a local information management system, or a local reporting portal until such time that the new reporting requirement is integrated into the Unified Program Data Dictionary, CERS, local information management systems, and local reporting portals.

Note: Authority cited: Sections 25404(b), (c), (d), and (e); 25404.6(c), Health and Safety Code. Reference: Sections ~~25503.3~~, 25505, Health and Safety Code.

§15186.1. Standard Descriptions for Chemical Inventory Reporting

- (a) A handler that reports lead acid batteries as a part of a chemical inventory submission shall use the following standard descriptions:
- (1) Data element 205, Chemical Name, is "Lead Acid Batteries".
 - (2) Data element 206, Trade Secret, is "No".
 - (3) Data element 207, Common Name, is "Lead Acid Batteries".
 - (4) Data element 208, EHS, shall be left blank.
 - (5) Data element 209, CAS#, shall be left blank.
 - (6) Data element 210, Fire Code Hazard Classes, is "Corrosive".
 - (7) Data element 211, Hazardous Material Type, is "Mixture".
 - (8) Data element 212, Radioactive, is "No".
 - (9) Data element 214, Physical State, is "Liquid".
 - (10) Data element 215, Largest Container, shall be reported as gallons of electrolyte.
 - (11) Data element 216, Fed Hazard Categories, is data element 216d, "Acute Health" and data element 216e, "Chronic Health".

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- (12) Data element 217, Average Daily Amount, shall be reported as gallons of electrolyte.
- (13) Data element 218, Maximum Daily Amount, shall be reported as gallons of electrolyte.
- (14) Data element 221, Units, is "Gallons".
- (15) Data element 223, Storage Container, is data element 223r, "Other".
- (16) Data element 224, Storage Pressure, is "Ambient".
- (17) Data element 225, Storage Temperature, is "Ambient".
- (18) Data element 226, Hazardous Component 1 Percent by Weight, is "40".
- (19) Data element 227, Hazardous Component 1 Name, is "Sulfuric Acid".
- (20) Data element 228, Hazardous Component 1 EHS, is "Yes".
- (21) Data element 229, Hazardous Component 1 CAS#, is "7664-93-9".

Note: Authority cited: Sections 25404(b), (c), (d), and (e); 25404.6(c), Health and Safety Code. Reference: Section 25404, Health and Safety Code.

§15187. Local Information Management Systems – Electronic Reporting.

- (a) A CUPA may establish and implement a local reporting portal that can receive electronic data from regulated businesses within their own jurisdiction.
 - (1) A CUPA that establishes and implements a local reporting portal is required to ~~accept~~process all Unified Program data elements and submittal elements submitted by any regulated businesses in its jurisdiction.
 - (2) A CUPA's local reporting portal shall be able to transfer or exchange electronic data submitted by regulated businesses to CERS using the data exchange technical specifications provided by Cal/EPA.
- (b) A regulated business shall use CERS to meet regulatory reporting requirements. However, if a CUPA has a local reporting portal approved by Cal/EPA, then a regulated business may use the local reporting portal to meet regulatory reporting requirements.

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- (c) If not otherwise manually entered into CERS, a CUPA's local information management system shall be able to transfer inspection, violation, and enforcement information to CERS, using the data elements in the Unified Program Data Dictionary and the data exchange technical specifications provided by Cal/EPA.
- (d) Locally required supplemental information collected, if any, and the applicable local code citations shall be included in both the local information management system or local reporting portal and CERS.
- (e) PAs shall not have a local reporting portal unless provided by the CUPA for use by all regulated businesses to meet all Unified Program reporting requirements throughout the CUPA's jurisdiction.

Authority cited: Sections 25404(b), (c), (d), and (e); 25404.6(c), Health and Safety Code. Reference: Sections 25503(a), ~~25503.5(a) and (b)~~, 25505, 25509, Health and Safety Code.

§15187.1. What Are the Requirements for Use of Electronic Signatures with Electronic Submittals of Unified Program Information? [Repealed]

Note: Authority cited: Section 25404(e), Health and Safety Code, Sections 71061 and 71066, Public Resources Code; and Section 16.5(c), Government Code. References: Sections 71060 et seq., Public Resources Code, Section 16.5, Government Code, ABA, Section of Science and Technology, Digital Signature Guidelines, Legal Infrastructure for Certification Authorities and Secure Electronic Commerce, August 1, 1996, Sections 2B-113, 2B-115, 2B-118 of the Proposed Uniform Commercial Code, Section 250 of the California Evidence Code, and Section 1001(a) of the Federal Rules of Evidence.

§15188. Reporting Requirements – Business Responsibilities.

- (a) Regulated businesses are required to meet the reporting requirements of any applicable Unified Program element.
- (b) Regulated businesses shall report required data applicable to their business to the UPA by electronic submission of the data elements described in the data dictionary.
- (c) The business shall verify the accuracy of the data and documents submitted.
- (d) Regulated businesses shall comply with the established reporting timeframes (see Health and Safety Code, division 20, chapter 6.95, sections 25504, 25507, 25507.2, 25508, 25508.2 and 25512, effective January 1, 2014) or events (see Health and Safety Code, division 20, chapter 6.95, section 25508.1, effective

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January 1, 2014) that trigger the requirements for businesses to submit information required as a part of the Unified Program Data Dictionary. A UPA may establish other specific dates for submission of information consistent with state and federal law.

(e) If a business believes information reported in a chemical inventory submittal is trade secret the business shall provide support for that belief by completing, signing, and uploading a Trade Secret Disclosure form (Appendix C) for each chemical or mixture claimed at the time of submission.

(1) The business shall provide the following information on the Trade Secret Disclosure form (Appendix C):

(A) Chemical or Common Name believed to be trade secret.

(B) Affirm whether the chemical or mixture is part of any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that is believed to be trade secret (Health and Safety Code section 25512(a), Cal. Gov. Code section 6254.7(d)).

(C) Affirm whether any information about the chemical or mixture is part of a patent. If so, explain why it is still believed to be trade secret (Cal. Gov. Code section 6254.7(d)).

(D) Affirm whether the chemical or mixture is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade (Cal. Gov. Code section 6254.7(d)).

(E) Affirm whether the chemical or mixture derives independent economic value, commercial value, or a business advantage, actual or potential, in the process it is used. If not, explain why it is still believed to be trade secret (Cal. Civil Code section 3426.1(d)(1)).

(F) Affirm whether the chemical or mixture is generally known to the public or to other persons who can obtain economic value from its disclosure or use. If so, explain why it is still believed to be trade secret (Cal. Civil Code section 3426.1(d)(1)).

(G) Explain how the business is making reasonable efforts to maintain the secrecy of the chemical or mixture (Cal. Civil Code section 3426.1(d)(2)).

(2) For purposes of this subdivision trade secret is defined in Health and Safety Code section 25512(a) and (b), Government Code section 6254.7(d), Evidence Code section 1061(a)(1), and Civil Code section 3426.1(d).

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- (f) For reporting trade secret information relating to the UST Program refer to California Code of Regulations title 23, section 2714.
- (g) For reporting trade secret information relating to the California Accidental Release Prevention Program and submittal of information in a risk management plan by a stationary source refer to Health and Safety Code chapter 6.95, section 25538.
- (h) For reporting trade secret information relating to methods of hazardous waste handling and disposal as described in Health and Safety Code, chapter 6.5, section 25173, refer to Health and Safety Code chapter 6.8, section 25358.2.
- (e) Other documents may also be required by federal and state statutes and regulations or by local ordinance.

Note: Authority cited: Sections 25404(b), (c), (d), and (e); 25404.6(c), Health and Safety Code. Reference: Sections 25503.5, 25505, Health and Safety Code.

§15189. Digital Signatures. [Repealed]

Note: Authority cited: Section 25404(e), Health and Safety Code; Sections 71061 and 71066, Public Resources Code; and Section 16.5(c), Government Code. References: Section 71060 et seq., Public Resources Code; Section 16.5, Government Code; ABA, Section of Science and Technology, Digital Signature Guidelines, Legal Infrastructure for Certification Authorities and Secure Electronic Commerce, August 1, 1996, Sections 2B-113, 2B-115, 2B-118 of the Proposed Uniform Commercial Code; Section 250, Evidence Code; and Section 1001(a) of the Federal Rules of Evidence.

§15190. Permitting.

- (a) The UPA shall issue a Unified Program facility permit in accordance with these regulations.
- (b) The CUPA shall consolidate the permits issued under the Unified Program utilizing the Unified Program facility permit.
- (1) The UPA shall provide to regulated businesses Unified Program facility permit instructions for the specific requirements that are applicable to regulated businesses.
- (2) The UPA shall use CERS, a local information management system, or a local reporting portal to manage permit information.

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- (3) Additional locally required supplemental information must follow section 15185(f).
- (c) The CUPA shall provide for a single point of local contact for permit applicants. The program shall provide for a coordinated and consolidated permit process that provides regulated businesses a single point of local contact for obtaining information on, the requirements for, and the application process for the Unified Program facility permit.
- (d) The CUPA, in cooperation with the PAs, shall ensure timely decisions regarding Unified Program facility permits, including:
 - (1) Time lines and time limits of appeal processes;
 - (2) Provisions for preliminary check for application completeness;
 - (3) Provisions for technical review of permit applications by the responsible agency;
 - (4) A procedure for tracking permit applications, establishing follow-up protocol, and facilitating expeditious processing, when necessary.
- (e) The CUPA shall identify and utilize efficient methods of transmitting the permit.
- (f) The CUPA shall establish a permit cycle.
- (g) The CUPA shall evaluate the coordination, consolidation and consistency of the Unified Program facility permit process.
 - (1) Information obtained through the permit evaluation process shall be considered and used in modifying the Unified Program facility permit when appropriate.
- (h) The Unified Program facility permit shall include:
 - (1) The applicable program element(s) and authorizations that make up the Unified Program facility permit;
 - (2) The agency responsible for issuing the Unified Program facility permit;
 - (3) The permitted facility by business name and address;
 - (4) The permit issuance date;
 - (5) The permit expiration date; and

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(6) An addendum used to document permit conditions for each applicable element of the Unified Program.

(i) The CUPA shall address any coordination, consolidation, or consistency issues not specifically addressed above.

Note: Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code.
 Reference: Sections 25404.2(a)(1) and (2), 25299.6 and 25503.4, Health and Safety Code; and Section 8670.36.5, Government Code.

§15200. Inspection and Enforcement.

(a) The CUPA shall develop a written plan to implement an inspection and enforcement program. The Inspection and Enforcement Program plan shall be developed and implemented in cooperation with all PAs of the jurisdiction. The plan shall include:

(1) Provisions for administering all program elements.

(2) The following types of inspections shall be conducted according to the standards contained in statute and regulation:

(A) Hazardous waste generator inspections [refer to Health & Saf. Code, §§ 25150, 25159; Cal. Code Regs., tit. 22, div. 4.5, ch. 12];

(B) Inspection of Onsite Hazardous Waste Treatment activities under the CE, CA, and PBR tiers of Tiered Permitting [refer to Health & Saf. Code, §§ 25200.3, 25201.5; Cal. Code Regs., tit. 22, div. 4.5, ch. 45];

(C) UST Program inspections [refer to Health & Saf. Code, § 25288; Cal. Code Regs., tit. 23, div. 3, ch. 16, § 2712 et seq.];

(D) HMRRP Program inspections [refer to Health & Saf. Code, § 25500 et seq.];

(E) CalARP Program inspections [refer to Health & Saf. Code, § 25533 et seq.];

(F) ASTAPSA Program inspections [refer to Health & Saf. Code, § 25270.5 et seq.]; and

(G) Other inspections that may be consolidated pursuant to Health and Safety Code section 25404.2(a)(4).

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(3) A schedule of the inspection frequencies to be conducted that shall, at a minimum, meet the inspection frequencies mandated in statutes, as shown in figure 1.

(A) If there is no mandated inspection frequency, the CUPA shall establish an inspection frequency scheduling shall considering the following: local zoning requirements, population density, local ground water conditions, identified hazards of a type of business, quantity and types of hazardous materials, emergency response capability, compliance history, and any other pertinent local issues.

Figure 1 – MANDATED INSPECTION FREQUENCIES		
Program Element	Inspection Frequency	Statutory Reference
Hazardous Waste Generator Program	No mandated frequency	
<u>Onsite Hazardous Waste Treatment Activities – PBR, CA and CE</u>	Initial inspection within two years of notification and every three years thereafter	Health and Safety Code section 25201.4(b)
UST Program	At least once every year	Health and Safety Code section 25288(a)
HMRP and Inventories Program	At least once every three years	Health and Safety Code section 25508 25511(b)
CalARP Program	At least once every three years	Health and Safety Code section 25537
<u>ASTAPSA</u> Program	At least once every three years for tank facilities with 10,000 gallons or more of petroleum	Health and Safety Code section 25270.5(a)

(4) Coordination of inspection efforts between the CUPA and its PAs.

(5) Enforcement notification procedures that ensure:

(A) Appropriate confidentiality; and

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- (B) Coordination and timely notification of appropriate prosecuting agency(ies).
- (6) Identification of all available enforcement options.
- (7) Uniform and coordinated application of enforcement standards.
- (8) Identification of penalties and enforcement actions that are consistent and predictable for similar violations and no less stringent than state statute and regulations.
- (9) A description of the graduated series of enforcement actions the UPA shall initiate that may be taken by the UPAs, based on the severity of the violation.
- (10) Provisions for multi-media enforcement.
- (11) A description of how the CUPA minimizes or eliminates duplication, inconsistencies, and lack of coordination within the inspection and enforcement program.
- (12) ~~Provisions~~Procedures for coordinating enforcement efforts between the CUPA and its PAs.
- (13) ~~Provisions~~Procedures for addressing complaints, including but not limited to the receipt, investigation, enforcement, and closure of a complaint.
- (14) Provisions for ensuring the CUPA has sampling capability and ensuring the analysis of any material shall be performed by a state certified laboratory pursuant to Health and Safety Code chapter 6.5, section 25198.
- (b) The CUPA shall review the Inspection and Enforcement Program Plan annually and revise it as necessary~~shall at a minimum be reviewed annually by the CUPA.~~
- (1) The CUPA shall consult ~~with~~ and reach consensus with the PA prior to any changes that affect program elements for which the PA is responsible.
- ~~(2) The CUPA shall update the plan as necessary.~~
- (c) The CUPA shall participate in a multi-media enforcement approach to the unified inspection and enforcement program in order to promote the effective detection, abatement and deterrence of violations affecting more than one environmental medium or regulatory scheme.

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- (d) In addition to the mandatory elements of Health and Safety Code division 20, chapter 6.5, the CUPA may integrate optional waste reduction and pollution prevention programs into the unified inspection and enforcement program.
- (e) CUPAs are responsible for initiating enforcement actions when appropriate, but may also refer enforcement cases to the appropriate state or federal agency for their consideration.
- (f) These regulations shall not limit the authority of any state agency to investigate alleged violations of state law. These regulations shall not limit appropriate state agencies from taking any other actions that are mandated, allowed, or authorized pursuant to state law.

Note: Authority cited: Sections 25404, 25404.2 and 25404.6(c), Health and Safety Code; and Section 6254(f), Government Code. Reference: Sections 25404(c) and (d), 25404.2, 25404.2(a) and (c), 25404.4(b)(3), 25150, 25159, 25179.4, 25200.3, 25201.5, 25288, 25500 and 25533, Health and Safety Code; and Section 6254(f), Government Code.

§15210. Single Fee System.

- (a) Each CUPA shall implement a single fee system within its jurisdiction. The single fee system will do the following:
 - (1) Consolidates all fees currently mandated in statute and regulation used for local implementation of the Unified Program.
 - (2) Consolidates any other fees levied by a local agency specifically to fund their implementation of the programs specified in Health and Safety Code section 25404(c).
- (b) The single fee system may be used to charge fees for programs that are not listed as Unified Program elements in Health and Safety Code section 25404.5(c), if those programs are incorporated into the Unified Program.
- (c) The single fee system may reflect variations in cost to implement and maintain programs for different regulated businesses.
 - (1) Fee schedules shall be based on factors associated with the cost of implementing and maintaining programs.
 - (2) Fees may differ from one jurisdiction to the next, based on the necessary and reasonable costs to implement the Unified Program.

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- (3) The fee schedule may be adjusted by the CUPA to reflect changes in reasonable and necessary costs.
- (d) Provided the single fee system meets the minimum requirements of the law, a CUPA or a PA has the authority to determine the level of service it will provide and to set its fees to fund the necessary and reasonable costs of its program.
- (e) Each PA shall notify the CUPA of its program costs.
- (f) The CUPA shall ensure that all funds collected on behalf of the PA are forwarded to the PA.
 - (1) The CUPA shall pay the PA within 45 days of receiving fees designated for the PA unless the PA and CUPA agree in writing to an alternate schedule.
- (g) Each billing statement shall itemize the fees by program element, if those fee elements are calculated separately.
- (h) Fees for non-recurring activities of the CUPA or PA such as, but not limited to, the fee for an initial permit or special inspection, may be billed separately from the single fee billing.
- (i) The governing body of the CUPA shall establish the fee schedule for businesses regulated under the Unified Program. The governing body of the CUPA shall utilize the fee schedules established by the PAs and authorize the collection of those fees.
- (j) The CUPA or PA shall make fees schedules available to interested parties upon request.
- (k) The CUPA shall prepare and implement a plan to resolve fee disputes that arise between the CUPA and PAs, between a regulated business and either the PA or the CUPA, or between a regulated business and the state regarding the state surcharge.
 - (1) The CUPA shall attempt to resolve disputes involving the surcharge in the same manner used to resolve local fee disputes. Those disputes regarding the state surcharge that cannot be resolved locally may be referred to the Secretary for resolution.
 - (A) Disputes referred to the Secretary shall be in writing and shall include a recommendation for resolution.
- (l) The single fee system shall include mechanisms for the billing, collection, and transmittal of the state surcharge.

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- (1) The CUPA may show the state surcharge as a separate item or items within the single fee billing.

Note: Authority cited: Sections 25404, 25404(b), 25404.5, 25404.5(b) and (c), and 25404.6(c), Health and Safety Code. Reference: Sections 25404.1(a)(1), 25404.4, and 25404.5 Health and Safety Code.

§15220. Fee Accountability Program.

- (a) Each CUPA shall implement a fee accountability program designed to encourage efficient and cost-effective operation of the program for which the single fee and surcharge are assessed.

- (1) The fee accountability program shall be instituted before the single fee system. The fee accountability program shall include at a minimum the following elements:
- (A) Accounting for: the fee schedule, the actual amount billed, and the revenue collected.
 - (B) Discrete billable services, categorized as either site specific or general.
 - (C) Staff work hours required to implement the program.
 - (D) Direct program expenses including durable and disposable equipment.
 - (E) Indirect program expenses including overhead for facilities and administrative functions.
 - (F) The number of regulated businesses in each program element within the jurisdiction.
 - (G) Total number of regulated businesses in the jurisdiction.
 - (H) Quantity and range of services provided, including frequency of inspection.

- (2) The CUPA and PAs shall annually review and update the fee accountability program.

Note: Authority cited: Sections 25404, 25404(b), 25404.5, 25404.5(b) and (c) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.1(a)(1), 25404.4, and 25404.5, Health and Safety Code.

Title 27**Division 1, Subdivision 4****§15230. What Are a Participating Agency's Responsibilities Within the Single Fee System? [Repealed]**

Note: Authority cited: Sections 25404(b), 25404(a)(2) and (a)(3), Health and Safety Code. Reference: Section 25404.5(a)(2) and (3), Health and Safety Code.

§15240. State's Surcharge Responsibilities.

- (a) The Secretary shall determine the annual surcharge based on the assumptions, calculations, and supporting data that justify the reasonable and necessary costs of CUPA oversight and program element management by state agencies with responsibilities under the Unified Program.
- (1) The Secretary shall determine the amount of each surcharge component based upon information received from each state agency responsible for activities under Health and Safety Code division 20, chapter 6.11.
 - (2) Each state agency responsible for activities under Health and Safety Code division 20, chapter 6.11 shall submit to the Secretary, on a date specified by the Secretary, its projected reasonable and necessary costs, including the detailed supporting information to carry out responsibilities under Health and Safety Code division 20, chapter 6.11.
 - (3) Reasonable and necessary costs shall include but are not limited to, the costs of bad debts, and uncollected fees.
- (b) The Secretary shall review annually, and revise if necessary, the state surcharge to be assessed on regulated businesses. The state surcharge shall not be revised more than once per fiscal year.
- (c) The Secretary shall determine the amount of state surcharge to be assessed on each person regulated by the Unified Program in order to cover the necessary and reasonable costs of the state agencies in carrying out their responsibilities under Health and Safety Code division 20, chapter 6.11, pursuant to Health and Safety Code section 25404.5(b)(1). The state surcharge consists of the following components:
- (1) A component for oversight of each CUPA assessed on all regulated businesses.
 - (2) A component assessed on regulated businesses for each UST-underground storage tank that meets the criteria of Health and Safety Code section 25281(y)(1).

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- (3) A component assessed on regulated businesses under ~~the Health and Safety Code section 25531 et seq.,~~ for the CalARP P program.
- (A) This CalARP surcharge component is assessed on a ~~single company or~~ regulated business within a CUPA's jurisdiction, regardless of the business's number of stationary sources.
- (B) A regulated business is not required to pay the CalARP surcharge component at a stationary source if a CUPA makes a determination that there is not a significant likelihood of a regulated substances accident risk and does not require the preparation and submission of a risk management plan at that stationary source operated by that business in the CUPA's jurisdiction, pursuant to Health and Safety Code section 25534.
- (C) This CalARP surcharge component waiver is effective starting in the following fiscal year after the determination is made by the CUPA. If subsequent changes lead to a redetermination and a requirement by the CUPA for the regulated business to prepare and submit any risk management plan at any of the business's stationary source(s), then this the CalARP surcharge component will be assessed beginning in the following fiscal year.
- (4) A component assessed on regulated businesses ~~regulated under the Health and Safety Code section 25270 et. seq.,~~ for the Aboveground Petroleum Storage Act APSA Program.
- (5) A component assessed on petroleum refineries, as defined in California Code of Regulations title 19, section 2735.3(kk), for refinery safety.
- (d) The Secretary shall publish the amendments to the state surcharge in the California Regulatory Notice Register and accept comments on the proposed surcharge for 30 days.
- (e) Following the 30-day comment period required in subdivision (d) for this section, the Secretary will publish the final surcharge in the California Regulatory Notice Register.
- (f) Sixty days following the publishing of the final surcharge in the California Regulatory Notice Register, the CUPAs shall be responsible for collecting the new surcharge as part of their single fee system.

Note: Authority cited: Sections 25404(b) and (d), 25404.6(c) and 25531.2, Health and Safety Code. Reference: Sections 25404.5(b) and (d) and 25534, Health and Safety Code.

Title 27**Division 1, Subdivision 4****§15241. Establishing the Single Fee for Designated State Agencies.**

- (a) The Secretary shall determine the Unified Program single fee for any state agency designated to act as the CUPA pursuant to sections 25404.3 and 25404.5, subdivision (a)(2)(B) of the Health and Safety Code, based on data that sets forth the necessary and reasonable costs of CUPA implementation by that state agency, according to the methodology described in subdivision (c).
- (b) Each state agency designated to administer the Unified Program shall provide the Secretary with the information necessary to determine the amount of the single fee. Each designated agency shall annually submit to the Secretary, on a date specified by the Secretary, the amount of necessary and reasonable costs to carry out its responsibilities as the designated agency, including the supporting information requested by the Secretary. Necessary and reasonable costs shall include, but not be limited to, the costs of bad debts and uncollected fees.
- (c) The Secretary or the designated agency shall assess an annual fee on regulated businesses that is sufficient to recover the designated agency's net costs. The annual fee shall consist of a program element fee, levied on each program element to which a regulated business is subject within the CUPA's jurisdiction during the reporting period or any portion thereof, and a flat fee, levied equally on each regulated business within the CUPA's jurisdiction during the reporting period or any portion thereof. The initial reporting period is July 1, 2005, through June 30, 2006.
- (1) The program element fee shall be calculated for each business by multiplying a base rate by an hourly fee for each program element to which a business is subject. If a business is subject to multiple program elements, all program element fees to which it is subject shall be added to determine its total program element fee.
- (A) Program element fee categories include ASTAPSA, UST, CalARP, Refinery Safety, HMRRP, hazardous waste generator, hazardous waste recycler, and tiered permit. In determining the base rate, the Secretary may divide tanks and generators into categories of large, medium, and small, and divide tiered permits into categories of PBR, CA and CE. Businesses with multiple tiered permit operations at the same site will be subject to the tiered permit program element fee for only one such operation per site, which shall be for the operation that is subject to the highest fee.
- (B) Businesses that have filed documents required for permanent tank closure with the designated agency or its predecessor, and have discontinued storage of hazardous substances within the tank, shall not be subject to

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- the program element fee beginning with the reporting period after such documents have been filed, but shall be subject to cost recovery pursuant to subdivision (j).
- (2) The flat fee shall be calculated for each business by dividing the designated agency's net costs, minus all estimated program element fee receipts, by the total number of regulated businesses within the CUPA's jurisdiction.
- (d) In addition to the annual fee, the Secretary or the designated agency shall assess the annual state surcharge pursuant to section 25404.5, subdivision (b)(1) of the Health and Safety Code.
- (e) A transfer of ownership or operation of assets at a site shall not cause an additional fee to be assessed if the fee for the same reporting period has been paid by the previous owner or operator. Businesses with multiple program elements will be assigned the specified base rate for each element that is present at an individual site, except that businesses with more than one tank will be assigned the specified number of units based on the combined capacity of all active tanks per site, regardless of the number of such tanks.
- (f) The fee shall be due on the date or dates specified by the Secretary or the designated agency, which shall not be less than 30 days from the date of the bill. The fee may be assessed in a single billing or in more than one billing. A penalty of 10 percent shall be assessed on any payment that is not received as postmarked by the due date. Beginning on the first day of the calendar month following the due date, simple interest shall accrue monthly on any unpaid fee or portion thereof at the rate established by the State Board of Equalization pursuant to section 43155 of the Revenue and Taxation code, and shall continue until the fee is paid. The penalty or interest may be waived if the Secretary or the designated agency determines that the failure to make a timely payment was due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect. Mere disagreement with the fee assessment shall not be deemed reasonable cause. A person seeking to be relieved of penalty or interest shall submit a written statement to the Secretary or the designated agency, signed under penalty of perjury, setting forth the facts upon which he or she bases the claim for relief.
- (g) If the Secretary or the designated agency provides a refund because of an erroneous billing, the refund shall be subject to simple interest at the rate provided in section 43455 of the Revenue and Taxation Code, unless the erroneous billing was due to incorrect information provided by the person who receives the refund. No refund shall be granted unless the person who seeks the refund submits written notification of the error to the Secretary or the designated

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agency within one year of the date the person is notified of the fee or cost assessment.

- (h) Failure to pay the required fee or cost reimbursement may result in a suspension by the Secretary or the designated agency of the regulated business's right to conduct the activity that is subject to the fee. The regulated business will receive at least 30 days' notice of the suspension. Failure to pay the fee, or conducting the activity during the suspension, shall be deemed a violation of the regulatory law administered by the Secretary or the designated agency. Any suspension will be stayed during the appeal of the fee under subdivision (k).
- (i) The Secretary shall review annually, and revise if necessary according to the procedures set forth in this section, the fees assessed pursuant to this section. The Secretary shall not revise the fees more than once per fiscal year. The Secretary shall publish any proposed revisions to the fees in the California Regulatory Notice Register and accept comments on the proposed fees for 30 days thereafter. Following the 30-day comment period, the Secretary will consider comments and prepare a response that identifies the comments, the Secretary's findings, and the Secretary's final fee decisions. The Secretary will make responses available upon request and will publish the final fee in the California Regulatory Notice Register.
- (j) The Secretary or the designated agency may recover the cost of non-recurring activities directly from the person who receives the non-recurring activities, based on the total cost to the Secretary or designated agency of providing that non-recurring activity.
- (k) A person may dispute the assessment of the fee or cost recovery by submitting a petition to the director of the designated agency. The person must submit the petition, in writing, within one year of the date the person is notified of the fee or cost assessment. The petition must state the specific grounds upon which it is founded. If the matter cannot be resolved informally, the directory shall designate a hearing officer to decide the petition. The hearing officer shall be in neither a subordinate nor a supervisory or managerial position to any staff involved in making the initial determination. A hearing shall be conducted in person, by telephone, or by video conference at which all relevant evidence will be admissible. The hearing officer shall make the final decision to approve or deny the petition.

Note: Authority cited: Sections 25404 and 25404.6, Health and Safety Code.
Reference: Sections 25404.3, 25404.5 and 25404.6, Health and Safety Code.

§15242. Definitions.

The following definitions apply to section 15241 of this title:

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- (a) “Base rate” is an estimate of the designated agency’s workload standard (amount of time) to complete a program element task for each jurisdiction for which it acts as the CUPA.
- (b) “Business” or “regulated business” shall have the meaning of “regulated business” defined in section 15110 of this title.
- (c) “Generator” shall have the meaning of “generator” in section 66260.10 of title 22 of the California Code of Regulations. Notwithstanding this definition, a person shall not be subject to the program element fee or the flat fee solely for reason of any of the following: generation of waste that is not transported off site; removing soil for purposes of site mitigation; removing an unexpected or extraordinary spill of hazardous materials; or removing abandoned hazardous waste that was not produced in the course of conducting his or her business. Also, no program element fee or flat fee shall be assessed for any activity that is exempt from any fee pursuant to section 25174.7 or 25205.3 of the Health and Safety Code.
- (1) “Large generator” means a person who generates 500 or more tons of hazardous waste per calendar year.
- (2) “Medium generator” means a person who generates at least one ton but less than 500 tons of hazardous waste per calendar year.
- (3) “Small generator” means a person who generates hazardous waste in an amount less than one ton per calendar year.
- (d) “Hourly fee” is the designated agency’s hourly labor charge. It will be calculated by dividing 80 percent of the designated agency’s net annual costs by the total estimated annual workload hours to administer the program.
- (e) “Net costs” means projected costs to administer the Unified Program during the fiscal year, minus any money collected from grants, reimbursements, penalties, cost recoveries, and allocations from the Rural CUPA Reimbursement Account. Any surplus or deficit from the preceding fiscal year will be subtracted from or added to the designated agency’s cost projections for the following fiscal year.
- (f) “Non-recurring activities” shall include, but not be limited to, oversight of facility closure or of remedial activities, including closure or remedial activities required by an order issued by the designated agency or another government agency. “Non-recurring activities” do not include any of the following: a regulatory compliance inspection, the issuance or approval of a permit or other form of authorization, the issuance of an order for corrective action or penalties, a plan review, or any activity that is essential to carry out one or more of the foregoing regulatory activities.

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- (g) "Site" means real property that is owned or operated by the same person that is either contiguous or satisfies the meaning of "on site" in section 66260.10 of title 22 of the California Code of Regulations.
- (h) "Tank" means a storage tank or group of storage tanks.
- (1) "Large storage tank" means a storage tank or group of storage tanks with a total capacity per site of 34,000 gallons or more.
 - (2) "Medium storage tank" means a storage tank or group of storage tanks with a total capacity per site of at least 19,000 gallons but less than 34,000 gallons.
 - (3) "Small storage tank" means a storage tank or group of storage tanks with a total capacity per site of less than 19,000 gallons.
- (i) Except as otherwise stated in this section, words have the meanings provided by the following authorities, in order of precedence: (1) section 25404 of the Health and Safety Code; (2) section 15110 of this title, (3) article 2 (commencing with section 25110) of chapter 6.5 of division 20 of the Health and Safety Code; and (4) section 66260.10 of title 22 of the California Code of Regulations.

Note: Authority cited: Sections 25404 and 25404.6, Health and Safety Code.
Reference: Sections 25404.3, 25404.5 and 25404.6, Health and Safety Code.

§15250. CUPA Surcharge Responsibilities.

- (a) The CUPA shall collect the surcharge for all program elements within its ~~Unified Program~~ jurisdiction as part of their single fee system.
- (1) Willful or negligent failure to collect the surcharge may be a basis for withdrawing the CUPA's certification.
 - (2) The CUPA shall begin assessing the surcharge within its first billing cycle or within 12 months after the effective date of certification, whichever is shorter. The full surcharge will be assessed and collected within 12 months of the effective date of certification and every 12 months thereafter.
 - (3) The CUPA may waive the state surcharge for specific regulated businesses provided that the criteria for waiving the state surcharge meets the same standards as those established by the CUPA for waiving the single fee.
 - (A) The state surcharge may not be waived for any regulated business so long as the regulated business is assessed a fee under the single fee system.

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- (i) The Secretary may revoke the CUPA's authority to waive state surcharge fees if it is determined that the CUPA consistently does not make a reasonable, good faith effort to protect the state's interests or is not following the established criteria for waiving the state surcharge.
- (B) Notwithstanding the provisions of sections 15241 and 15242, if a CUPA prorates their fees for a regulated business in operation for part of a year, the applicable surcharge components may be prorated at the same rate.
- (b) The CUPA shall Remittance collected state surcharge revenues to the Secretary in accordance with section 15290 of this chapter.
- ~~(1) The CUPA shall transmit all collected state surcharge revenues to the Secretary quarterly, within 30 days of the end of each state fiscal quarter.~~
 - ~~(A) With each surcharge transmittal the CUPA shall separately report the amount of surcharge revenues collected for: CUPA oversight, regulated USTs, and the CalARP Program.~~
 - (B1) Failure to transmit the surcharge after collection may be a basis for withdrawing the CUPA's certification.
 - ~~(C) Remit the collected state surcharge revenues with a completed copy of the Surcharge Transmittal Report to:~~
 - Air Resources Board
 - Attn: Accounting
 - P.O. Box 1436
 - Sacramento, California 95812

Note: Authority cited: Sections 25404, 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.5(a)(1), (2) and (4) and 25404.5(b), Health and Safety Code.

§15260. CUPA – Education, Technical Expertise, and Training

- (a)(1) CUPAs shall meet the following minimum qualifications:
 - (A) CUPA technical program staff and supervisors who are involved in specific activities associated with oversight of the local Unified Program requirements must meet the following minimum educational requirements:

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- (i) Thirty semester units earned from an accredited college or institution ~~approved by the California Superintendent of Public Instruction under the provisions of California Education Code section 94310(b)~~, from one or more of the following disciplines:

(~~aa~~) Biology or microbiology

(~~bb~~) Chemistry, chemical engineering

(~~cc~~) Physics, physical science

(~~dd~~) Environmental science

(~~ee~~) Geology or soil science

(~~ff~~) Environmental health

(~~gg~~) Environmental or sanitary engineering

(~~hh~~) Toxicology

(~~ii~~) Industrial hygiene

(~~jj~~) Hazardous materials management

(~~kk~~) Fire science, fire technology;

- OR -

- (ii) Equivalent to graduation from an accredited college or university or equivalent degree ~~approved by the California Superintendent of Public Instruction under the provisions of California Education Code section 94301(b)~~ with major course work in the disciplines listed in paragraph

(a)(1)(A)(i);

- OR -

- (iii) Qualifying experience in hazardous materials management, regulation, analysis, or research; environmental research, monitoring, surveillance or enforcement; or resource recovery may be substituted for the required education, on the basis of one year of qualifying experience for 15 units of college course work authorized pursuant to paragraph (a)(1)(A)(i), for up to a maximum of 15 units.

- (B) CUPA technical program staff and supervisors who are involved in specific activities associated with oversight of the local Unified Program requirements shall meet minimum hours of training or experience

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- requirements contained in subdivision (d)(3)(B) of this section, for all the following subject areas:
- (i) Regulatory overview;
 - (ii) Classification, identification, and chemistry of hazardous materials and hazardous waste;
 - (iii) Health and environmental effects of hazardous substances, including chemical exposure and route of entry;
 - (iv) Sampling methodologies and use of instrumentation for detection and sampling of hazardous substances;
 - (v) Conducting inspections and enforcement actions, and writing inspection reports and notice of violation;
 - (vi) Interviewing, case development, and collection and preservation of evidence.
- (b) One or more CUPA technical staff or supervisors, as needed to effectively meet the requirements of paragraphs (a)(1)(A) and (1)(B), shall meet the requirements of subdivision (d) of this section.
- (c) Technical staff and supervisors of the CUPA and PAs shall receive training in the following areas:
- (1) Hazardous materials and hazardous waste permitting, inspection and enforcement duties and responsibilities pursuant to state law and regulation, and to local ordinances and resolutions;
 - (2) Inspection techniques and scheduling, including evidence collection, chain of custody, sample preservation, and interviewing;
 - (3) Administration practices within a hazardous materials and hazardous waste program;
 - (4) Monitoring equipment, data evaluation, and interpretation of the results as related to hazardous materials and hazardous waste analysis; and
 - (5) Field staff health and safety training including: planning field inspections, safety equipment, on-site procedures, decontamination and hazard recognition and avoidance.
- (d)(1) Education Requirements:

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- (A) Equivalent to graduation from an accredited college or university or equivalent degree ~~approved by the California Superintendent of Public Instruction under the provisions of California Education Code section 94310(b)~~ with major coursework in biological, chemical, physical, environmental or soil science; environmental health; environmental or sanitary engineering; toxicology; industrial hygiene; or a related field. Additional qualifying experience in hazardous materials management, regulation, analysis, or research; environmental research, monitoring, surveillance or enforcement; or resource recovery may be substituted for the required education on the basis of one year of qualifying experience for each year of college work for up to a maximum of two years. When substituting experience for education, qualifying education must include a minimum of 30 semester units in natural science from an accredited college or equivalent units from an institution approved as above; or
- (B) Registration as an Environmental Health Specialist may be substituted for the required education.
- (2) Participating staff shall have a minimum of one year experience in conducting hazardous materials or hazardous waste regulatory compliance inspections.
- (3) Staff issuing enforcement orders shall complete the following minimum training:
- (A) Health and safety training as specified in section 5192(e) title 8, California Code of Regulations;
- (B) 100 hours of training in regulatory investigative techniques including training in the following subjects:
- (i) Federal and state statutes and regulations on hazardous waste control;
 - (ii) Conducting an inspection;
 - (iii) Waste classification;
 - (iv) Inspection report writing;
 - (v) Collection and preservation of samples;
 - (vi) Enforcement response options;
 - (vii) Writing reports of violation;

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- (viii) Interviewing;
 - (ix) Case development;
 - (x) Collection and preservation of evidence;
 - (xi) Witness training; and
 - (xii) Rules of evidence and the administrative hearing process.
- (C) Twenty-four hours of training in the following additional areas:
- (i) Training on penalty assessment and
 - (ii) Negotiation techniques.
- (D) It shall be the responsibility of the CUPA to document the training and experience of staff participating in this program.

Note: Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code.
Reference: Sections 25404(c) and (d), 25404.1(a)(1), and 25404.3(b)(1), (4), (5) and (7), Health and Safety Code.

§15270. PA – Education, Technical Expertise and Training.

- (a) A PA implementing one or more of the program elements on or before December 31, 1995, shall be considered qualified to implement those specific program element(s).
- (b) PA technical staff and supervisors shall meet the ongoing training requirements identified in section 15260(c).

Note: Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code.
Reference: Sections 25404(c) and (d), 25404.1(a)(1), 25404.1(b)(2) and (4) and 25404.3(b)(1), (4), (5) and (7), Health and Safety Code.

Article 6. CUPA Self-Auditing and Reporting

§15280. Self-Auditing.

- (a) The CUPA shall conduct an annual self-audit at the end of each state fiscal year and shall be maintained on file by the CUPA for a period of five years. Annual self-audit reports shall be completed by September 30 of each year. The time period covered by each self-audit is the state fiscal year from July 1 through June 30 of each year.

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- (1) The first self-audit report shall be produced by September 30 following a full year of operation as a CUPA.
 - (2) Upon written request of the Secretary or a state agency responsible for overseeing one or more program elements, the CUPA shall forward the self-audit to the person or agency making the request upon 60 days notice.
 - (3) For an agency authorized to continue its role, responsibilities, and authority for a program element or elements pursuant to Health and Safety Code sections 25404.3(f) or 25533(f), the self-audit shall only include information on the program element or elements that particular agency is authorized to continue to operate and shall not include information related to the surcharge or single fee system.
- (b) The self-audit shall assess the performance of the CUPAs and any PAs implementation of standards in statutes and regulations established by the Secretary or the state agencies responsible for one or more of the program elements.
- (c) The self-audit report shall include:
- (1) A report of deficiencies with a plan of correction.
 - (2) A narrative summary of the effectiveness of activities including, but not limited to:
 - (A) Permitting;
 - (B) Inspections;
 - (C) Enforcement; and
 - (D) The single fee system.
 - (3) An explanation of any discrepancies on the annual and quarterly reports of program activities submitted to the Secretary pursuant to section 15290 and the Unified Program requirements for those activities.
 - (4) The annual review and update of the fee accountability program as required by section 15220.
 - (5) A record of changes in local ordinances, resolutions, and agreements affecting the Unified Program.

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- (6) A summary of new programs being included in the Unified Program if applicable.

Note: Authority cited: Sections 25404, 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(b), (c) and (d), 25404.4(a)(1) and 25404.5(b), Health and Safety Code; and Title 23, Section 2713, California Code of Regulations.

§15290. CUPA-to-State Reporting.

- (a) The CUPA shall submit the following CUPA-to-State reports; ~~for the previous fiscal year to the Secretary by September 30 of each year.~~
- (1) The Surcharge Transmittal Report, in Appendix BC, shall be submitted to the Secretary no later than 30 days after the end of each state fiscal quarter as specified in subdivision (b) of this section.
- (A) The Surcharge Transmittal Report shall separately report the amount of surcharge revenues collected for:
- (i) CUPA Oversight;
 - (ii) Regulated underground storage tanks;
 - (iii) APSA Program;
 - (iv) CalARP Program; and
 - (v) Refinery Safety Program.
- (B) The CUPA shall remit the collected state surcharge revenues with a completed copy of the Surcharge Transmittal Report to:
- Air Resources Board
Attn: Accounting
P.O. Box 1436
Sacramento, California 95812
-AND-
- (i) Submit an electronic copy of the Surcharge Transmittal Report to:
- cupa@calepa.ca.gov
- (42) The Annual Single Fee Summary Report, in Appendix C, shall be submitted to the Secretary no later than September 30 of each year. ~~It includes:~~

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- (A) The Annual Single Fee Summary Report shall include the following information from the previous fiscal year:
- (i) The amount of the single fees billed, ~~waived~~, and ~~the amount~~ collected.
 - (Bii) The amount of ~~any funds due to single fees billed and collected by the CUPA on behalf of its PA(s), as well as and the amounts actually transmitted~~ ~~remitted and still owed to the PA(s).~~
 - (Giii) The amounts of surcharge billed, ~~the amount of surcharge waived, and the amount of surcharge collected, and still owed to the Secretary for each category identified in section 15240(c).~~
 - (iv) The total count for each of the following categories, within the jurisdiction of the CUPA, that were regulated during the previous fiscal year:
 - (I) Businesses assessed the CUPA Oversight;
 - (II) Hazardous waste generators;
 - (III) Large quantity hazardous waste generators;
 - (IV) RCRA large quantity hazardous waste generators;
 - (V) Small quantity hazardous waste generators;
 - (VI) Onsite hazardous waste treatment facilities - permit by rule (PBR);
 - (VII) Onsite hazardous waste treatment facilities - conditional authorization (CA);
 - (VIII) Onsite hazardous waste treatment facilities - conditional exemption (CE);
 - (IX) Stationary sources subject to the CalARP Program surcharge;
 - (X) Stationary sources granted an RMP waiver determination;
 - (XI) Aboveground storage tank facilities with the capacity to store 10,000 gallons or more of petroleum;
 - (XII) Petroleum refineries subject to the Refinery Safety surcharge; and
 - (XIII) Underground storage tanks.

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(~~D~~B) If the CUPA believes that the number of regulated businesses will change significantly in the current year or in the next year, then estimates of those changes for each program element ~~will~~shall be provided in a cover letter with the Annual Single Fee Summary Report.

(~~E~~) ~~A count for the year of the report of the total regulated businesses, UST facilities, USTs, onsite hazardous waste treatment facilities (PBR, CA, and CE), CalARP program stationary sources, waivers granted to stationary sources, and businesses subject to the CalARP program and the total AST regulated businesses.~~

(~~2~~C) ~~The CUPA shall submit the Annual Single Fee Summary Report shall be submitted by the CUPA to the Secretary using one of the following methods:~~

<p>GALIFORNIA ENVIRONMENTAL PROTECTION AGENCY UNIFIED PROGRAM SECTION</p> <p>U.S. MAIL: P.O. BOX 2815 SACRAMENTO, CALIFORNIA 95812-2815</p> <p>EXPRESS MAIL: 1001 "I" STREET SACRAMENTO, CALIFORNIA 95814</p>

(i) U.S. Postal Service at:

California Environmental Protection Agency
Unified Program Section
P.O. Box 2815
Sacramento, California 95812-2815; or

(ii) Express Mail at:

California Environmental Protection Agency
Unified Program Section
1001 "I" Street
Sacramento, California 95814; or

(iii) Email at:

cupa@calepa.ca.gov

(~~b~~3) ~~At least on a quarterly basis, each~~The CUPA shall report inspection, violation, and enforcement information for each program element to the

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~~Secretary through CERS no later than 30 days after the end of each state fiscal quarter a local information management system, local reporting portal, or CERS.~~

~~(1) Each CUPA shall submit inspection, violation, and enforcement information pertaining to local underground storage tank program including but not limited to release detection and release prevention requirements and Red Tag issuance in accordance with Health and Safety Code sections 25288, 25292.3, 25299, 25299.7(b), and California Code of Regulations title 23 Section 2712(c), (e), (g) and 2713(c).~~

~~(2A) Each PA shall report inspection, violation, and enforcement information to theits overseeing CUPA with jurisdiction over the geographic area or shall manually enter thethat information into CERS. The CUPA shall include inspection, violation, and enforcement information received from the PA as part of its quarterly submittal to the Secretary unless the PA manually entered the information into CERS. Each PA shall coordinate the distribution of information with its CUPA so that the CUPA may report the information in a timely manner.~~

~~(i) Each PA shall coordinate the distribution of its inspection, violation, and enforcement information with its overseeing CUPA so that the CUPA may report thethat information in a timely manner accordance with paragraph (3) of this section.~~

~~(B) The CUPA shall include the PA's inspection, violation, and enforcement information, received from the PA not already reported to CERS by the PA, as part of its quarterly submittal to the Secretary unless the PA manually entered the information into CERS reporting requirement.~~

~~(3) The inspection, violation, and enforcement information shall be submitted to the Secretary within 30 days after the end of each quarter.~~

~~(A) First quarter- January thru March, date due April 30.~~

~~(B) Second quarter- April thru June, date due July 30.~~

~~(C) Third quarter- July thru September, date due October 30.~~

~~(D) Fourth quarter- October thru December, date due January 30.~~

~~(4C) Regulated businesses shall be able to access electronically submitted inspection, violation, and enforcement information reported to CERS pertaining to their business through CERS.~~

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(4) On a semi-annual basis, each UPA shall report to State Water Board information pertaining to its local UST Program. The report shall include facility, tank, inspection, violation, and enforcement information including but not limited to facility and tank counts, release detection and release prevention compliance, and Red Tag issuance in accordance with Health and Safety Code sections 25288, 25292.3, 25299, 25299.7(b), and California Code of Regulations title 23 Section 2712(c), (g) and 2713(c).

(e5) Each CUPA shall submit a fFormal eEnforcement Summary rReport to the Secretary for each formal enforcement case that has received a final judgment. The fFormal eEnforcement Summary rReport shall be submitted using a local information management system, local reporting portal or CERS within 30 days after a final case disposition includes facility identification, violation summary, formal enforcement action, and the description of final disposition.

(A) No later than 30 days after a final judgement, the UPA shall submit the report to the following email address until such a time when that information can be reported in CERS:

cupa@calepa.ca.gov

(b) For purposes of this section, state fiscal quarters are specified as:

(1) First quarter – July 1 through September 30;

(2) Second quarter – October 1 through December 31;

(3) Third quarter – January 1 through March 31; and

(4) Fourth quarter – April 1 through June 30.

(dc) Nothing in this section shall limit the authority of the Secretary or state agencies with Unified Program responsibilities to request records or documents that are normally maintained by the CUPA in the course of implementing the Unified Program or otherwise required by law to be retained by the CUPA. The CUPA shall provide this information to the Secretary or state agencies with Unified Program responsibilities within no later than 60 days after the request.

(ed) The CUPA shall provide any other program reports required by federal or state law or regulation to the person or agency making the request within no later than 60 days after the request.

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- (~~f~~e) An agency authorized to operate a program element or elements pursuant to Health and Safety Code sections 25404.3(f) or 25533(f) shall only report information on the implementation of the program element or elements that particular agency is authorized to operate and shall not include information related to the surcharge or single fee system.
- (~~g~~f) If the Secretary or state agencies with Unified Program responsibilities do not receive current information on the regulated business from each CUPA, the Secretary or state agencies with Unified Program responsibilities may use whatever information is available to estimate the data ~~on~~ of that regulated business.
- (~~h~~g) The Secretary shall provide copies of the received summary reports required pursuant to this section 15290 to that are requested by any state agency with ~~program element responsibilities under the Unified Program upon request~~ Unified Program responsibilities.

Note: Authority cited: Sections 25404(b), (c), (d) and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25299.3(b), 25404(b), (c) and (d), 25404.4(a)(1) and 25404.5(b), Health and Safety Code.

Article 7. Changes in the Program**§15300. Prior Notification and Approval by the Secretary.**

- (a) A CUPA must notify and receive approval from the Secretary prior to instituting the following significant changes:
- (1) Addition or deletion of a program element;
 - (2) Replacement or addition of a PA.
- (b) The CUPA shall submit a proposal for change in the Unified Program to the Secretary. The proposal shall include the following if applicable:
- (1) Explanation of the proposed changes in sufficient detail to enable a full understanding of the roles and responsibilities of the CUPA, each member of a Joint Powers Authority (JPA), and all PAs;
 - (2) PA agreements for any new PAs or any changes in the role or responsibilities of any PA;
 - (3) Adequate information to enable the Secretary to determine that agencies proposed to implement some element of the Unified Program meet

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requirements including technical expertise, training, and education applicable to those elements; and

- (4) Sufficient information to enable the Secretary to determine that adequate resources exist to carry out all aspects of the Unified Program.
- (c) The CUPA shall notify any affected PA.
- (d) Any PA implementing a program element that is subject to proposed change shall have the opportunity to comment on the proposed change.
- (e) The Secretary shall review proposed changes to a Unified Program in consultation with other affected state agencies.
 - (1) The Secretary may conduct a public hearing if in the Secretary's opinion the proposed changes are likely to generate significant public interest.
- (f) The Secretary shall approve or disapprove of the CUPA's proposal within 60 days of receipt of the proposal by certified mail.
- (g) Within 30 days of receipt of the Secretary's decision, the CUPA may appeal a decision pursuant to this section.
 - (1) The appeal shall respond to the reasons specified in the Secretary's decision and may propose additional changes necessary to correct deficiencies in the original proposal.
 - (2) The appeal process shall be completed within 60 days of receipt of the appeal.
 - (3) The Secretary's final decision on the proposal changes shall be issued by certified mail within the 60-day appeal timeframe.

Note: Authority cited: Sections 25404, 25404(b), and 25404.6(c), Health and Safety Code. Reference: Sections 25404.2(c), 25404.3, 25404.3(d), and 25404.4(a), Health and Safety Code.

§15310. What Are the Notification and Approval Procedures for Activities Which Require Prior Approval from the Secretary? [Repealed]

Note: Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Sections 25404.2(c), 25404.3 and 25404.4(a), Health and Safety Code.

§15320. Withdrawal of a Certification.

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- (a) If the Secretary finds the CUPA is not adequately implementing Unified Program requirements, ~~program or the program implementation to be deficient~~, the Secretary may:
- (1) Issue a Notice of Intent to withdraw certification or
 - (2) Enter into a Program Improvement Agreement with the CUPA to correct ~~the deficiencies~~ and make necessary improvements.
- (b) A Notice of Intent to withdraw certification shall include specific reasons why the CUPA has failed to ~~meet its obligations, in accordance with section 25404.4 of the Health and Safety Code~~, to adequately implement the Unified Program within its jurisdiction in accordance with section 25404.4 of the Health and Safety Code.
- (1) A period of 60 days shall be allowed for the CUPA to respond to the Notice of Intent to withdraw certification and to correct deficiencies.
 - (2) A public hearing may be scheduled, at which the Secretary may hear the CUPA's response to the Notice of Intent to withdraw.
- (c) If a city or JPA certified as a CUPA and implementing the Unified Program within a city desires to withdraw as a CUPA, it shall give 180 days' notice to the Secretary and to the county within which the city is located or to the JPA with which the county has an agreement to implement the Unified Program prior to withdrawing from its Unified Program obligations. A successor CUPA will be chosen in accordance with the provisions of section 25404.3(f) of the Health and Safety Code.

Note: Authority cited: Sections 25404, 25404(b), 25404.3(g) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.3(g) and 25404.4(a), Health and Safety Code.

Article 8. Performance Evaluations**§15330. Evaluation of CUPAs and PAs.**

- (a) The Secretary shall evaluate a CUPA's implementation of the Unified Program requirements of in accordance with Health and Safety Code chapter 6.11, and California Code of Regulations, title 27, chapter 1 of this title, and other performance requirements established in statute and regulation by state agencies with Unified Program responsibilities at least once every three years. ~~The Secretary shall coordinate the evaluation of a CUPA with all state agencies with Unified Program responsibilities.~~

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(1) The Secretary shall coordinate the evaluation of a CUPA with all state agencies with Unified Program responsibilities. The annual self-auditing and reporting requirements pursuant to sections 15280 and 15290 and the specific performance standards established in regulation by the Secretary or the state agencies responsible for one or more of the program elements shall be used for the evaluation of the CUPA.

(2) By agreement with the overseeing CUPA the Secretary may assess the performance of a PA during the CUPA's evaluation.

(b) Evaluations will be conducted according to the following process:

(1) Each CUPA due for an evaluation will receive a notification letter that requires the CUPA to provide requested documentation and information. Requested documentation includes, but is not limited to, Unified Program administrative documents maintained by the CUPA, CUPA policies and procedures, documents related to any program element not already available in CERS, and facility file information.

(A) Documents and information requested in the evaluation notification letter shall be provided electronically no later than 60 days after the request, unless a longer period of time is approved by the Secretary.

(2) The Secretary and state agencies with Unified Program responsibilities will review documents and information including, but not limited to, documents and information provided by the CUPA, information in CERS, documents from previous evaluations, the CUPA's application information, and if necessary additional information reviewed during a visit to the CUPA's office.

(3) State agencies with Unified Program responsibilities may:

(A) Oversee one or more field inspections conducted by CUPA personnel to verify inspections are conducted according to applicable requirements.

(B) Conduct separate inspections to verify inspections were conducted in accordance with state law.

(4) The Secretary and state agencies with Unified Program responsibilities may conduct meetings with CUPA personnel to review and discuss the findings of the evaluation.

(5) The CUPA will be informed of the results of the evaluation using a Summary of Findings Report outlining identified deficiencies with corrective actions that must be met within required timeframes.

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(6) The CUPA shall provide updates to the Secretary using Deficiency Progress Reports detailing progress toward correcting each deficiency.

(A) Deficiency Progress Reports shall be provided electronically beginning 90 days after the evaluation exit meeting and every 90 days thereafter until all deficiencies are considered corrected by the Secretary.

~~(2c)~~ Nothing in this section shall limit the authority of the Secretary to request records or documents for use in conducting the state performance evaluation that are normally maintained by the CUPA in the course of implementing the Unified Program or otherwise required by law to be retained by the CUPA.

~~(3) For an agency authorized to continue its role, responsibilities, and authority for a program element or elements pursuant to Health and Safety Code sections 25404.3(f) or 25533(f), the performance evaluation shall only cover the program element or elements that particular agency is authorized to continue to operate.~~

~~(bd)~~ The CUPA shall evaluate its PAs on an annual basis at the time of the self-audit pursuant to section 15280 of this chapter, or as necessary to maintain standards required in Health and Safety Code, chapter 6.11, the statutes governing specific program elements, and the specific performance standards established in regulation by the Secretary or the state agencies ~~responsible for overseeing one or more of the program elements~~ with Unified Program responsibilities.

(1) A PA that ceases to meet minimum qualifications or fails to implement its program element(s) as described in the Unified Program application approved by the Secretary at any time during the term of its agreement with the CUPA shall enter into a ~~p~~Program ~~i~~mprovement ~~a~~Agreement with the CUPA. The ~~p~~Program ~~i~~mprovement ~~a~~Agreement shall specify the areas of improvement, minimum accomplishments necessary, and time frames that shall be met.

(A) The CUPA may apply to the Secretary, in accordance with section 15300, for approval to remove or replace a PA that fails to perform according to the ~~p~~Program ~~i~~mprovement ~~a~~Agreement.

Note: Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code.
Reference: Sections 25143.10, 25144.6, 25200.3, 25201, 25201.5, 25201.13, 25201.14, 25286, 25287, 25404.2(c), 25404.3(d), 25404.4(a)(1) and 25506, Health and Safety Code.

Article 9. Unified Program Standardized Forms and Formats [Repealed]**§15400. Unified Program Consolidated Form. [Repealed]**

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Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25218.2, 25218.9, 25245.4, 25286, 25287, 25503.5, 25505, 25506 and 25509, Health and Safety Code.

§15400.1. Format of the UPCF and its Required Elements. [Repealed]

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25218.2, 25218.9, 25245.4, 25286, 25287, 25503.5, 25505, 25506 and 25509, Health and Safety Code.

§15400.2. What is the relationship between the UPCF and the forms previously adopted by State departments for the individual program elements? [Repealed]

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25218.2, 25218.9, 25245.4, 25286, 25287, 25503.5, 25505, 25506 and 25509, Health and Safety Code.

§15400.3. Use the UPCF and Alternative Versions. [Repealed]

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25503.5(a) and (b)(1) and (2), 25505 and 25509, Health and Safety Code.

§15400.4. CUPA-Required Additional Information. [Repealed]

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25503.5(a) and 25505, Health and Safety Code.

Article 10. Business Reporting to CUPAs**§15600. Required Business-to-CUPA Submission. [Repealed]**

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25218.2, 25218.9, 25245.4, 25286, 25287, 25503.5, 25505, 25506 and 25509, Health and Safety Code.

§15610. Use of UPCF and Business-Generated Facsimiles. [Repealed]

Note: Authority cited: Sections 25404(b), (c), (d), and (e), 25404.6(c) and 25505(d), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3,

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25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25218.2, 25218.9, 25245.4, 25286, 25287, 25501, 25503.3(b) and (c), 25503.5(c), 25505, 25506 and 25509, Health and Safety Code.

§15620. Updated, Amended, Revised, or Resubmitted UPCF. [Repealed]

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25218.2, 25218.9, 25245.4, 25286, 25287, 25503.5, 25505, 25506 and 25509, Health and Safety Code.

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**Appendix A Certified Unified Program Agency (CUPA) Application Cover Sheet
Completeness Checklist**

Appendix A Certified Unified Program Agency (CUPA) Application Cover Sheet Completeness Checklist

JURISDICTION NAME: _____
 CONTACT PERSON NAME: _____
 ADDRESS: _____
 MAILING ADDRESS (if different): _____
 DATE OF APPLICATION: _____
 TELEPHONE NUMBER: _____ FACSIMILE NUMBER: _____

ITEM	DESCRIPTION	CITATION	PAGE#
1	Appendix A/or this checklist	15150(e)(1)	
2	Demographic Information	15150(e)(4)	
3	Applicant Information	15150	
4	Implementation History	15150(e)(16)	
5	Geographic Scope	15150(e)(3), (e)(2)	
6	Structure of CUPA	15150(e)(5)	
7	Authorization	15150(c)	
7A	Regulatory Authority		
7B	Ordinances & Resolutions	15150(c)(1) & (2)	
8	CUPA and PA Issues	15150(d)	
9	Unified Program Implementation Plan	15150(e)(6)	
10	Consolidated Permit Plan	15150(e)(10)	
11	Inspection & Enforcement Plan	15150(e)(11)	
12	Fee Accountability Program	15150(e)(12)	
12A	Staff Resource Adequacy	15170(b)(3)(A-E) (b)(4), (b)(5)	
12B	Budget Adequacy/Annual Funding	15150(e)(14) 15170(c)	
12C	Contents of Fee Accountability Program and Cost Calculation Methods	15170(f) 15210(b)(1)	
13	Single Fee Implementation Plan	15150(e)(13)	
14	Reporting & Auditing Requirements	15150(e)(15)	
15	Recordkeeping & Cost Accounting Systems	15150(e)(17)	
16	Title 22, CCR, Section 66272.10 Compliance	15150(e)(18)	
17	Training and Technical Expertise 15150(e)(7)		
			15150(e)(8)
18	Additional Programs Elements	15150(e)(19)	
19	No Adverse Impacts/Less Fragmentation/Coordination and Consistency	15150(e)(20) 15150(e)(21)	
20	Certifications	15150(e)(9)	
			15150(e)(14)
			15150(e)(15)
21	Signature of Authorized Representative	15150(b)	
22	County Waiver of Surcharge Assessment HSC 25404.5(d) (Optional)		

TABLES			
1	Enumerations/Demographic Information	15150(e)(4)	
2	Summary of Program Activities	15150(e)(16)	
3	Time Allocation of Staff	15150(e)(14) 15170(b)	
4	Training and Technical Expertise	15150(e)(7) 15150(e)(8)	
5	Reporting and Auditing Requirements		
6	Reporting and Auditing Requirements		
7	Surcharge Transmittal Report 15250(b)		
8	Annual Single Fee Summary Report	15280(b)	
CHARTS			
	Implementation Timeline	15150(e)(6)(A)	
FIGURE			
	Organizational Chart	15150(e)(5)	

Only one signature will be required for the Certified Unified Program Agency Application. Please see the signature block located in Attachment 2 (Certification Sheet).

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Appendix B Certified Unified Program Agency (CUPA) Applicant Certification

I hereby certify the following:

1. I have read and understand Sections 15130 and 15150(e)(9), (14) and (15) of Article 3, Chapter 1, Subdivision 4, Division 1, Title 27 of the California Code of Regulations (CCR).
2. The administrative procedures of the proposed Unified Program, as implemented by my agency, will meet the standards described in Section 15180 of Title 27, CCR.
3. The Unified Program, as implemented by my agency, will meet the reporting requirements as described in Article 6 of Title 27, CCR.
4. All responsible agencies involved in the implementation of the Unified Program, as proposed by this application, have adequate resources to carry out the Unified Program.
5. If I am a non-county entity, ~~that~~ I have notified the county of my intent to apply to administer the Unified Program within my jurisdiction.
6. I agree to use state certified laboratories for analysis required under the Hazardous Waste Generator Program by Health and Safety Code Chapter 6.5 (refer to Health and Safety Code Section 25198)
7. The information provided within this application is true to the best of my knowledge.
8. I understand that this certification is an integral part of the formal application for certification as a Certified Unified Program Agency, and that any false statement may be grounds for denial or revocation of the Unified Program authorization by the Secretary of the California Environmental Protection Agency.

Signature of Elected Official or Authorized Representative

Date

Title

Jurisdiction

(CalEPA 1/17)

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Jurisdiction _____

Table 1
ENUMERATIONS/DEMOGRAPHIC INFORMATION

<u>PROGRAM /ACTIVITIES</u>	<u>#_OF BUSINESSES OR #_USTs</u>	<u>MANDATED INSPECTION FREQUENCY</u>	<u>APPLICANT INSPECTION FREQUENCY</u>	<u>AGENCY TO INSPECT</u>
Total \$# of all regulated businesses				
UST program facilities		At least once every 3 years		
Total # of USTs				
<u>SPCC/APSAs</u>		At least once every 3 years for tank facilities with 10,000 gallons or more of petroleum		
HMMP*				
HMRRP		At least once every 3 years		
<u>HWG</u>		No mandated frequency**		
PBR		Initial inspection within 2 years of notification and at least once every 3 years thereafter		
CA		Initial inspection within 2 years of notification and at least once every 3 years thereafter		
CE		Initial inspection within 2 years of notification and at least once every 3 years thereafter		
<u>RMPP/CalARP</u>		At least once every 3 years		
Generators		no mandated frequency**		

*If the HMMP is fully covered by the HMRRP, leave this row blank.

**Although the Hazardous Waste Generator Program (HWG) has no mandated inspection frequency, if generator HWG inspections are to be incorporated as part of the Unified Program, their inspection frequency should be and coordinated with the inspection frequencies of the other Unified Program elements.

Regulatory Citations:

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~~CCR, Title 27, CCR-Section 15150(e)(4) and (16)~~

~~Title 27, CCR-Section 15710(b)(1)~~

~~CCR, Title 27, CCR-Section 15200(a**b**), (b), and (f)~~

~~Title 27, CCR-Section 15200(f)(1)(A-C)~~

~~CCR, Title 27, CCR-Section 15210(b)(1)(F-H)~~

~~Title 27, CCR-Section 15150(e)(16)~~

~~Title 27, CCR-Section 15200(b)(1-5)~~

(Cal/EPA T01 41/9517)

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Instructions for Table 1

Fill in the Jurisdiction name that is the reporting applicant agency or CUPA.
 Fill out the blank and unshaded boxes.

OF BUSINESSES - Number of businesses regulated under each of the programs listed.
MANDATED INSPECTION FREQUENCY - Lists the statutorily required minimum inspection frequency.

APPLICANT INSPECTION FREQUENCY - The inspection frequency established by the applicant agency in the Inspection and Enforcement Plan.

AGENCY TO INSPECT - Which internal CUPA department, office, or agency will inspect or which external local government (participating agency) will inspect.

Total # of all regulated businesses - Total of all businesses within all regulated programs. Do not double count businesses for this total.

Example: A business that stores hazardous waste in two underground tanks for use in an onsite PBR treatment process.

This business would count as one (1) regulated business for the “Total # of all regulated businesses” block of the chart. This same business would count as one (1) regulated business in the ~~Underground Storage Tank program (UST Pprogram)~~ with a total of two Underground Storage Tanks (~~UST’s~~), one (1) regulated business in the HMRRP, one (1) regulated business in the generator program, and one (1) regulated business in the PBR Onsite Hazardous Waste Treatment Pprogram.

UST Pprogram - Underground Storage Tank Pprogram

Total # of USTs - Total number of underground storage tanks that the business has onsite.

SPCC - Spill Prevention Control and Countermeasure Plan.

HMMP - Hazardous Material Management Plan.

HMRRP - Hazardous Materials Release Response Plan and Inventory Program.

PBR - Permit-By-Rule Onsite Hazardous Waste Treatment Pprogram.

CA - Conditionally Authorized Onsite Hazardous Waste Treatment Pprogram.

CE - Conditionally Exempt Onsite Hazardous Waste Treatment Pprogram.

RMPPCalARP - ~~Risk Management and California Accidental Release~~ Prevention Program.

Generators - Hazardous Waste Generator Pprogram.

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Jurisdiction: _____

TABLE 2

SUMMARY OF PROGRAM ACTIVITIES

FISCAL YEAR _____/_____

	PROGRAM HISTORY		INSPECTIONS					ENFORCEMENT ACTIONS TAKEN					
	PROGRAM IN PLACE DURING ABOVE FISCAL YR? (Y/N)	ESTIMATED BUDGET FOR THIS PROGRAM DURING THE FISCAL YEAR ABOVE. (IF PROGRAM WAS IN PLACE)	# OF ROUTINE PLANNED	# OF ROUTINE COMPLETE D	# OF COMPLAINT COMPLETE D	# OF MINOR VIOLS	# OF MAJOR VIOLS	INFORMAL ACTION/ RETURNED TO COMPLIANCE	ADMIN	CIVIL	CRIMINAL	TOTAL PENALTIES ASSESSED	TOTAL PENALTIES COLLECTED
UST													
SPCCAPSA													
HMMP													
HMRRP													
HWG													
PBR													
CA													
CE													
RMPPCalARP													
GENERATOR													

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Regulatory Citations:

Title 27 CCR Section 15280(a)(2), Title 27 CCR Sections 15150(e)(156)(B)

(Cal/EPA T02 14/9517)

Instructions for Table 2

Fill in the Jurisdiction name that is the reporting applicant agency or CUPA. Fill in the fiscal year that the Table is used for. Fill out the blank and unshaded boxes. See instructions for Table 1 for definitions of program abbreviations.

PROGRAM HISTORY: PROGRAM IN PLACE IN ABOVE FISCAL YR? (Y/N) - Insert yes or no as appropriate.

ESTIMATED BUDGET FOR THIS PROGRAM DURING THE FISCAL YR ABOVE (IF PROGRAM WAS IN PLACE) - Give the dollar amount of the estimated budget or the actual budget.

INSPECTIONS: # OF ROUTINE PLANNED - Number of routine inspections planned in the fiscal year noted.

OF ROUTINE COMPLETED - Number of routine inspections Completed in the fiscal year noted.

OF COMPLAINT COMPLETED - Number of complaint inspections completed in the fiscal year noted.

OF MINOR VIOLS - Number of minor violations in the fiscal year noted.

OF MAJOR VIOL - Number of major violations in the fiscal year noted.

ENFORCEMENT ACTIONS TAKEN: INFORMAL ACTION/RETURNED TO COMPLIANCE - The number of informal enforcement actions or return to compliance actions taken during the fiscal year noted.

ADMIN - The number of administrative enforcement actions taken during the fiscal year noted.

CIVIL - The number of civil enforcement actions taken during the fiscal year noted.

CRIMINAL - The number of criminal enforcement actions taken during the fiscal year noted.

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TOTAL PENALTIES ASSESSED - The total dollar amount of penalties assessed in the fiscal year noted.

TOTAL PENALTIES COLLECTED - The total dollar amount of penalties collected in the fiscal year noted.

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Jurisdiction: _____

TABLE 3
TIME ALLOCATION OF STAFF

	# of inspections/yr *See 1 below	hrs/ inspection	tot. (hrs/yr)	# of enforcements/yr *See 2 below	hrs/ enforcement	tot. enforcement (hrs/yr)	# of permit/ yr *See 3 below	hrs/ permit	tot. permit (hrs/ yr)	# of trainings/ yr. *See 4 below	hrs/ training	tot. training (hrs/yr)	tot. managerial hrs *See 5 below	All Other Indirect Activities
UST														
SPCCAPSA														
HMMP														
HMRRP														
HWG														
PBR														
CA														
CE														
RMPPCalARP														
GENER														
TOTAL														

The following are guidelines/definitions to be used in determining time allocations:

1. Inspection: inspections travel, research, analysis of findings, documentation, warnings and notices
2. Enforcement: includes warnings, notices, meetings, hearings, legal proceedings and documentation
3. Permit activities: includes application review, modification, revision and evaluation
4. Training: includes field, meeting, seminars, workshops, courses and literature reviews
5. Management: includes day-to-day scheduling and supervision

Regulatory Citations:

CCR, Title 27, CCR-Sections 15170(b)(3)(A-E)

Title 27 CCR Sections 15170(b)(4)

Title 27 CCR Sections 15170(b)(5)

CCR, Title 27, CCR-Sections 15150(e)(134)

(Cal/EPA T03 14/9517)

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Jurisdiction _____

TABLE 4
TRAINING AND EXPERTISE

Job Title	Please indicate the number of staff with experience Related to any/all program elements:			
	0-2 years	3-5 years	6-9 years	10+ years

It is suggested that all job titles in the first column of the table be provided in the following format for each applicable program element: Program element, staff level.

Example: UST, Supervisor(s) Generator, Field Staff

See instructions for Table 1 for program abbreviations.

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Date Submitted: _____ Fiscal Year: _____

Check Number: _____ Telephone Number: () _____

Completed By: _____ CUPA: _____

SURCHARGE TRANSMITTAL REPORT 27 CCR §15250	
	Total Amount of Surcharge Remitted
CUPA OVERSIGHT	_____
ELECTRONIC REPORTING	_____
UNDERGROUND STORAGE TANKS	_____
CALARP	_____
TOTAL	_____

This Surcharge Transmittal Report, or a copy thereof, OR a substantially equivalent report shall be completed and submitted to the Secretary as a cover document each time surcharge revenues are remitted. Please staple the remittance check to this form when submitting surcharge revenues.

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ANNUAL SINGLE FEE SUMMARY REPORT

27 CCR § 15290

Completed By: _____
 Date Submitted: _____
 Telephone: _____
 Fiscal Year: _____
 CUPA: _____

	Total amount of single fee billed	Total amount of single fee waived	Total amount of single fee collected		
SINGLE FEE					
	Amount of single fee billed for PAs	Total amount of single fee collected for PAs	Total amount of single fee remitted for PAs	Total amount of single fee still owed PAs	
PARTICIPATING AGENCIES					
	Total amount of surcharge billed	Total amount of surcharge waived	Surcharge collected	Total collections remitted to State	Total Amount owed to State
SURCHARGE					
CUPA Oversight					
CalARP					
UST					
SURCHARGE TOTALS					

Counts					
Total Regulated Businesses		Underground Storage Tanks		Underground Storage Tank Facilities	
Permit By Rule		Conditional Authorization		Conditional Exemption	
CalARP Program — Total Stationary Sources		Total Businesses Subject to CalARP Program Surcharge		Total Stationary Sources Granted a RMP Waiver Determination	

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Appendix C Certified Unified Program Agency (CUPA) Reports and Forms

<u>SURCHARGE TRANSMITTAL REPORT (Report 1)</u>			
<u>27 CCR § 15240 and 15250</u>			
CUPA:			
Date Submitted:			
Fiscal Year of Accrued Surcharges:		<u>Fiscal Quarter of Accrued Surcharges:</u>	
Check Number:			
Completed By:			
Telephone Number:			
			<u>Amount Remitted</u>
<u>CUPA OVERSIGHT</u>			_____
<u>ABOVEGROUND PETROLEUM STORAGE ACT (APSA)</u>			_____
<u>UNDERGROUND STORAGE TANK PROGRAM</u>			_____
<u>CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM (CalARP)</u>			_____
<u>REFINERY SAFETY</u>			_____
<u>TOTAL</u>			_____
<p><u>This Surcharge Transmittal Report, or a copy thereof, OR a substantially equivalent report shall be completed and submitted to the Secretary as a cover document each time surcharge revenues are remitted. Please staple the remittance check to this form when submitting surcharge revenues.</u></p> <p><u>Please make remittance payable to the Secretary for Environmental Protection.</u></p> <p><u>The Surcharge Transmittal Report and remittance can be submitted to CalEPA, care of the Air Resources Board, at: _____</u></p> <p style="text-align: center;"><u>Air Resources Board</u></p>			

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Attn: Accounting
P.O. Box 1436
Sacramento, California 95812

For questions, please contact the Unified Program at (916) 327-9559.

<u>Report 2</u> <u>ANNUAL SINGLE FEE SUMMARY REPORT</u> <u>27 CCR§ 15290</u>					
<u>CUPA:</u>	_____			<u>Fiscal Year:</u>	_____
<u>Completed By:</u>	_____			<u>Date Submitted</u>	_____
<u>Telephone Number:</u>	_____				
	<u>Total amount of single fee billed</u>	<u>Total amount of single fee waived</u>	<u>Total amount of single fee collected</u>		
<u>SINGLE FEE</u>	_____	_____	_____		
	<u>Amount of single fee billed for PAs</u>	<u>Total amount of single fee collected for PAs</u>	<u>Total amount of single fee remitted for PAs</u>	<u>Total amount of single fee still owed PAs</u>	
<u>PARTICIPATING AGENCIES</u>	_____	_____	_____	_____	
	<u>Total amount of surcharge billed</u>	<u>Total amount of surcharge waived</u>	<u>Total Amount of Surcharge collected</u>	<u>Total collections remitted to State</u>	<u>Total Amount owed to State</u>
<u>CUPA Oversight</u>	_____	_____	_____	_____	_____
<u>CalARP</u>	_____	_____	_____	_____	_____
<u>UST</u>	_____	_____	_____	_____	_____

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<u>APSA</u>	_____	_____	_____	_____	_____
<u>Refinery Safety</u>	_____	_____	_____	_____	_____
<u>SURCHARGE TOTALS</u>	_____	_____	_____	_____	_____

COUNTS					
<u>Businesses Assessed Oversight Surcharge</u>	_____	<u>APSA at or over 10,000 gallons of petroleum</u>	_____	<u>Underground Storage Tanks</u>	
<u>Permit by Rule</u>	_____	<u>Conditional Authorization</u>	_____	<u>Conditional Exemption</u>	
<u>LQG</u>	_____	<u>RCRA LQG</u>	_____	<u>SQG</u>	
<u>Hazardous Waste Generators</u>	_____	<u>Total Businesses Subject to CalARP Program Surcharge</u>	_____	<u>Total Stationary Sources Granted an RMP Waiver Determination</u>	
<u>Refineries assessed Refinery Safety Surcharge</u>	_____				

	<p align="center"><u>California Environmental Protection Agency</u> <u>Trade Secret Disclosure Form</u> <u>California Code of Regulations, Title 27, Section 15188(e)</u></p>	
	<p>Part 1. Chemical Identification Information</p>	
1. Chemical or Common Name		
<p>Part 2. Respond to the Following Questions Regarding the Above Named Chemical</p>		
2. Is the chemical or mixture considered part of any		Yes or No

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formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information believed to be trade secret?	
3. Is any reported information about this chemical or mixture part of a patent?	Yes or No
	If YES, explain why it is still believed to be trade secret.
4. Is the chemical or mixture known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade?	Yes or No
5. Does the chemical or mixture derive independent economic value, commercial value, or a business advantage, actual or potential, in the process it is used?	Yes or No
	If NO, explain why it is still believed to be trade secret.
6. Is the chemical or mixture generally known to the public or to other persons who can obtain economic value from its disclosure or use?	Yes or No
	If YES, explain why it is still believed to be trade secret.
7. Explain how your business is making reasonable efforts to maintain the secrecy of the chemical or mixture.	
Part 3. Certification	
I certify under penalty of law that I have personally examined the information submitted in this and all attached documents. Based on my inquiry of those individuals responsible for obtaining the information, I certify that the submitted information is true, accurate, and complete, and that these portions of this form	

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claimed as confidential would, if disclosed, reveal the chemical or mixture being claimed as trade secret, or would reveal other confidential business or trade secret information.

I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

Printed Name	Date
Signed Name	

(CalEPA 1/17)

DRAFT