

## UNIFIED PROGRAM NEWSLETTER FOR FEBRUARY 2016

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### California Environmental Protection Agency

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

<b>Fiscal Year Quarterly CME Action Occurs (including updates)</b>	<b>Deadline for Electronic Submittal Of Quarterly CME Data</b>
July 1 – September 30	October 30
October 1 – December 31	January 30
January 1 – March 31	April 30
April 1 – June 30	July 30

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

All CME data must include the complete detail record fields identified in the CERS Regulator Portal (<http://cers.calepa.ca.gov/>) and defined in the Unified Program Data Dictionary ([www.calepa.ca.gov/LawsRegs/Regulations/T27/DataDict.pdf](http://www.calepa.ca.gov/LawsRegs/Regulations/T27/DataDict.pdf)).

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

#### **CERS Tips and Tricks**

CERS Tips and Tricks include helpful explanations and resolutions regarding current issues recently received by the CERS Technical Support Team (CTST). If you have questions or concerns, please contact the CTST at [cers@calepa.ca.gov](mailto:cers@calepa.ca.gov).

When should the CERS ID change for a regulated facility or business?

Once issued to a regulated facility or business, a CERS ID should remain unchanged regardless of owner or operator changes, or changes to the business or facility name. If the address of a regulated facility or business changes, but the physical location stays the same, the CERS ID should also remain unchanged. The CERS ID will not change for a facility or business if the local jurisdiction renames a street or renumbers the street address. ***If the physical location of the regulated facility or business does not change, the issued CERS ID should not change.***

A regulated facility or business should only be issued a different CERS ID when the facility or business physically moves to a different location. Often times, in the case of a physical relocation, the new location already has an existing CERS ID, and the facility or business should be issued the existing CERS ID at the new location.

California Code of Regulations, title 26, division 3, subdivision 1, Data Dictionary for Regulated Activities defines the CERS ID as: "A CalEPA assigned 8- or 9-digit ID to uniquely identify a facility in CERS. The CERS ID should remain unchanged across different owners/operators of a facility."

If a business changes its name, when will the new name be reflected in CERS?

The new business name will not appear in the CERS Business Portal until the local regulator has "accepted" the submittal element(s) showing the name change for the regulated business.

**State Water Resources Control Board**

**Updated Forms Available in Unidocs**

Two underground storage tank (UST) updates were made to the Unidocs website at [www.unidocs.org](http://www.unidocs.org). The updated forms are the "Designated Underground Storage Tank Operator Notification Form" and the "Written Agreement Between Underground Storage Tank Permit Holder and Underground Storage Tank Operator." Just a reminder that even though these forms are helpful for UST owners and operators, and useful in creating consistency, it is not a regulatory requirement for these forms to be used when transmitting information.

Please contact Gabriel Herrera at [gabriel.herrera@waterboards.ca.gov](mailto:gabriel.herrera@waterboards.ca.gov) or (916) 319-9128 if you have any questions.

**December 2015 Quarterly UST Status Report**

The December 2015 Quarterly UST Status Report was submitted to the U.S. EPA in January and posted to our website at [http://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/updates/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/updates/index.shtml). The report outlines the status, by certified unified program agency (CUPA), of the effort to enter UST related business and compliance, monitoring, and enforcement (CME) data into the California Environmental Reporting System (CERS). The report shows continued progress by many CUPAs. A new goal (goal 4) was added to the report to provide an indication of the quality of the reported data. Goal 4 is determined by a recent evaluation of the CUPA by the State Water Resources Control Board (State Water Board). The report shows 19 CUPAs now meet all three of the EPA goals, up from 8 in the previous quarter. Six of those additionally meet the new goal 4.

Please contact Dan Firth at [daniel.firth@calepa.ca.gov](mailto:daniel.firth@calepa.ca.gov) if you have any questions.

**CAL FIRE – Office of State Fire Marshal**

**Tanks in Underground Areas**

[Senate Bill \(SB\) 612 \(Jackson, Ch. 452, Stats. of 2015\)](#) amended the definition of a "tank in an underground area." Under the Aboveground Petroleum Storage Act (APSA), aboveground storage tanks now include tanks in underground areas if certain conditions are met. Facilities with less than

1,320 gallons of petroleum are also regulated under APSA if it has one or more tanks in an underground area; in this case, only the tanks in an underground area are subject to APSA. Effective January 1, 2016, facilities now regulated under APSA should prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan, annually submit a tank facility statement or a Hazardous Materials Business Plan into CERS, and pay the APSA state surcharge. For more information, guidance may be found on the Office of the State Fire Marshal (OSFM) APSA website at <http://osfm.fire.ca.gov/cupa/pdf/SB612-tanks-in-underground-areas.pdf>.

#### **Aboveground Storage Tank Facility Statements**

A facility that is regulated under APSA is required to file an annual tank facility statement into CERS. However, if the facility owner or operator submits an annual hazardous materials business plan to CERS and complies with the business plan program, then the facility owner or operator satisfies the annual tank facility statement requirement.

Federal facilities and residences, other than single family homes with aboveground heating oil tanks, are not required to submit a hazardous materials business plan but may be required to submit annual tank facility statements.

Effective January 1, 2016, SB 612 amended the tank facility statement to only require the following:

- a. Name and address of the tank facility,
- b. A contact person for the tank facility,
- c. The total total storage capacity of the tank facility, and
- d. The location and contents of each petroleum storage tank that exceeds 10,000 gallons in storage capacity.

#### **APSA State Surcharge**

Certified Unified Program Agencies (CUPA) are responsible for assessing and collecting the APSA state surcharge. Facilities now subject to APSA due to SB 612 must pay the APSA state surcharge to their CUPA. This includes facilities with a tank in an underground area that contains petroleum to be used or previously used as a lubricant or coolant in motor engines, transmissions, or oil-filled operational or manufacturing equipment. Farm facilities that are now excluded from APSA due to SB 612 do not have to pay the APSA state surcharge. Farm facilities conditionally exempt from preparing the SPCC plan under APSA are still subject to the state surcharge unless the CUPA does not assess any single fees on the tank facility.

#### **Farms and SB 612**

SB 612 aligned the applicability threshold for a farm under APSA with the applicability threshold for a farm under the federal SPCC requirements, effective January 1, 2016. APSA still regulates a tank or tank facility located on and operated by a farm regardless of its location with respect to navigable waters or adjoining shorelines. For information on the requirements for farms pursuant to SB 612 and APSA, a fact sheet may be found on the OSFM APSA website at [http://osfm.fire.ca.gov/cupa/pdf/Farm\\_Fact\\_Sheet\\_26Jan2016.pdf](http://osfm.fire.ca.gov/cupa/pdf/Farm_Fact_Sheet_26Jan2016.pdf).