

Unified Program Newsletter – August 2023

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CalEPA

CalEPA - Hazardous Materials Business Plan (HMBP) and California Accidental Release Prevention (CalARP) Programs

Surcharge Increases

CalEPA has received 4.0 permanent positions to support inspection and enforcement authority implementation for the HMBP and CalARP programs, including one attorney position to support the Unified Program. To support these positions the current CalARP program surcharge will increase from the current \$270 to \$370 per regulated business annually and the Unified Program Oversight surcharge to support the HMBP program will increase from the current \$84 to \$94 per regulated business annually.

The CalARP program surcharge current fee increase of \$100 per regulated business annually equates to a \$6.67 increase per year since the last fee increase 15 years ago and is in line with the average of \$6.80 yearly fee increase since the inception of the program. The HMBP program surcharge fees taken from a portion of the Unified Program Oversight surcharge have never been increased since the program's inception 25 years ago. The current fee increase of \$10.00 per regulated business annually equates to \$.40 increase yearly over the last 25 years.

In the coming weeks, CalEPA will submit documentation to the Office of Administrative Law for publication of the surcharge increases in the Z- Register, which will initiate a 30-day comment period. Once the comment period has closed and the comments reviewed, the revised surcharges will be published final in the Z-Register. CUPAs will then have 60 days to adopt the new surcharges.

For any questions, please contact Liz Brega at Elizabeth.Brega@calepa.ca.gov.

CalEnviroScreen and EJScreen Training: Environmental Justice Grant Tools for Community Action

The US Environmental Protection Agency (Region 9) and the Office of Environmental Health Hazard Assessment (OEHHA) are hosting two joint virtual trainings on [EJScreen](#) and [CalEnviroScreen](#). The training will provide an understanding of these two different mapping tools that can support communities in displaying potential vulnerabilities and pollution burdens across California.

(<https://www.epa.gov/ejscreen>)

(<https://oehha.ca.gov/calenviroscreen>)

This training is designed for community members and groups and non-profit organizations interested in using environmental justice (EJ) data tools in grant applications. The training includes a demonstration and an interactive breakout session for the first hour and a half, followed by an optional 30-minute office hour with OEHHA and EPA staff. The session will include simultaneous interpretation in Spanish.

[August 21 \(10-12pm\) Zoom registration](#)

(<https://www.zoomgov.com/meeting/register/vJlSf-yoqj4qHxaGluogEKaJEzBg4C5vpeY>)

[August 22 \(5-7pm\) Zoom registration](#)

(<https://www.zoomgov.com/meeting/register/vJlSdOmpqDwsHYoHbwZdQjRiUSL0Us--gNs>)

[Please see additional information on the trainings.](#)

(<https://oehha.ca.gov/calenviroscreen/cmr/calenviroscreen-and-ejscreen-training-environmental-justice-grant-tools>)

Usando CalEnviroScreen y EJScreen: Herramientas de Subvención de Justicia Ambiental para la Acción Comunitaria

La Agencia de Protección Ambiental de los Estados Unidos (Región 9) y la Oficina de Evaluación de Riesgos para la Salud Ambiental (OEHHA, en inglés) están juntos organizando una capacitación sobre [EJScreen](#) y [CalEnviroScreen](#). Esta capacitación ofrecerá una comprensión de dos herramientas de cartografía diferentes que pueden ayudar a las comunidades a demostrar posibles vulnerabilidades y cargas de la contaminación en todo California.

(<https://www.epa.gov/ejscreen>)

(<https://oehha.ca.gov/calenviroscreen>)

Esta capacitación está diseñada para miembros de la comunidad, grupos comunitarios y organizaciones sin fines de lucro interesadas en utilizar herramientas de datos de justicia ambiental en sus solicitudes. La capacitación incluye una demostración y una sesión interactiva durante la primera hora y media, seguida de una sesión opcional de

30 minutos con el personal de la OEHHA y la EPA. La sesión contará con interpretación simultánea en español.

[21 de agosto \(10-12 p.m.\) Registro de Zoom](https://www.zoomgov.com/meeting/register/vJlSf-yoqj4qHxaGluogEKaJEzBg4C5vpeY)

(<https://www.zoomgov.com/meeting/register/vJlSf-yoqj4qHxaGluogEKaJEzBg4C5vpeY>)

[22 de agosto \(5-7 p.m.\) Registro de Zoom](https://www.zoomgov.com/meeting/register/vJlSdOmpqDwsHYoHbwZdQjRiUSL0Us--gNs)

(<https://www.zoomgov.com/meeting/register/vJlSdOmpqDwsHYoHbwZdQjRiUSL0Us--gNs>)

State Water Board

Informational Webinars on the Chapter 16 Rewrite

As part of the California Code of Regulations, title 23, division 3, chapter 16 (Underground Storage Tank Regulations) rewrite, the State Water Resources Control Board (State Water Board) is inviting underground storage tank (UST) stakeholders to attend upcoming webinars that will review proposed changes prior to submitting the rulemaking in the fall of 2024. The webinars will cover proposed definitions, certification and licensing, construction, monitoring, and testing standards and provide stakeholders with an opportunity to ask questions or make suggestions regarding the proposed regulations.

The webinars will be held at the dates and times below and are open to the first 300 participants that log in. The webinars will have translation services available in both Spanish and Hindi. There is no reason to attend more than one webinar as each will cover the same material.

- **September 14, 2023, from 10:00 a.m. to 12:30 p.m.**
<https://waterboards.zoom.us/j/96852014618>
- **September 19, 2023, from 2:30 p.m. to 5:00 p.m.**
<https://waterboards.zoom.us/j/94306044536>
- **September 27, 2023, from 11:30 p.m. to 2:00 p.m.**
<https://waterboards.zoom.us/j/92209209924>

For more information regarding informational regulations webinars, contact:

Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

Report 6 Due September 1, 2022

The State Water Board distributed the Report 6 forms and instructions in early July to the Unified Program Agencies (UPAs) for the reporting period of January 1 through June 30, 2023. UPAs must submit Report 6 to staff no later than September 1, 2023.

For more information regarding Report 6 requirements, contact:

Char'Mane Robinson at (916) 327-1276 or Charmane.Robinson@waterboards.ca.gov.

Single-Walled UST Testing and Repairs

Single-walled UST systems that are out of compliance must return to compliance by completing all required repairs, upgrades, and testing. UPAs cannot exempt repairs, upgrades, or testing because the owner or operator plans to apply or has applied for permanent closure. Additionally, UPAs cannot forgo enforcement on single-walled UST owners and operators who fail to repair, upgrade, or test their single-walled UST systems within the 60-day compliance timeframe specified in Health and Safety Code, division 20, chapter 6.7, section 25288(d). Initiating permanent closure activities almost always exceeds the 60 days compliance timeframe. UPAs must apply progressive enforcement for all open violations, including but not limited to penalties and red tags, until the single-walled UST system is removed.

UPAs implement and enforce the UST Program to protect the waters of the State from hazardous substance releases from USTs. Single-walled UST systems pose an increased threat to groundwater due to their construction and advanced age. With approximately 2,000 single-walled UST systems remaining, it is imperative that UPAs implement and enforce UST Program requirements to ensure these systems are permanently closed before December 31, 2025.

For more information regarding single-walled UST testing and repairs, contact: Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Illegal Single-Walled Piping Repairs

In accordance with UST Regulations, section 2666(b)(2), buried single-walled piping connected to single-walled USTs must be upgraded to meet Article 3 construction standards if repaired or replaced. State Water Board staff are aware of instances where single-walled piping has failed a tightness test and has been repaired by the testing contractor and retested. If a single-walled pipe fails a tightness test, it cannot be repaired and may only be tested again after the pipe has been upgraded to secondarily contained pipe with continuous monitoring. UPAs should thoroughly review tightness test results for failures and illegal repairs. If single-walled piping fails during enhanced leak detection or line tightness testing, UPAs must require that the UST owner or operator to upgrade the failed pipe to meet all the requirements of Article 3 before subsequent tests are performed or the pipe is placed back into operation.

For more information regarding single-walled piping upgrade requirements, contact: Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Request to Submit Abstracts: 26th Annual CUPA Conference

The California Certified Unified Program Agency (CUPA) Forum is requesting abstracts for the 2024 CUPA Conference (<https://calcupa.org/conference/index.html>). This annual conference provides training related to enhancing the Unified Program and improving consistency between the CUPAs and participating agencies throughout California. The California CUPA Forum requests abstracts be submitted by September 9th, 2023. The State Water Board realizes that the time required to prepare and present at the conference is a substantial commitment by both CUPA management and the individual presenting. CUPAs that continue to meet their obligations in addition to providing presentations should be recognized for their outstanding achievements. Please note that speaker biographies must be submitted prior to the abstract submittal. Abstracts and biographies can be submitted at www.calcupa.org.

For additional information regarding submitting abstracts to the 26th Annual CUPA Conference abstracts, contact: Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Underground Storage Tank Leak Prevention January – June 2022 Semiannual Report

The State Water Board has posted the California Underground Storage Tank Leak Prevention [January – June 2022 Semiannual Report](#) on the UST Leak Prevention website.

(https://www.waterboards.ca.gov/ust/leak_prevention/docs/epa-evaluations/ca_ust_janjun2022.pdf)

This report was developed in collaboration with the United States Environmental Protection Agency (U.S. EPA) and the State Water Board. Report data was sourced through the California Environmental Reporting System (CERS) and the California GeoTracker database. A few noteworthy data points include: single-walled USTs are four times more likely to have an unauthorized release than double-walled USTs; 40% of single-walled facilities have unresolved priority violations; and the removal of single-walled systems continues to be below the target rate to have all single-walled systems closed by the December 31, 2025, deadline.

For more information regarding the annual report, contact: Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Cal FIRE OSFM

Tank Facility Statement Reporting Requirements under the Aboveground Petroleum Storage Act (APSA)

Question: Must a tank facility file in the statewide information management system (CERS) either a tank facility statement or a complete Hazardous Materials Business Plan (HMBP), even if there were no changes from the previous submittal?

Answer: Yes. Annually filing either a tank facility statement or a complete HMBP in CERS is required in accordance with the APSA, even if there have been no changes in petroleum storage capacity at the facility.

Refer to the CERS help material “Aboveground Petroleum Storage Tank Facility Statement Reporting Requirements”, which may be found on the OSFM website at <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements/>.

Tank facilities that submit a tank facility statement may use the template available for download from the website at <https://osfm.fire.ca.gov/media/bpgbb0px/reset-fillable-accessible-tank-facility-statement-form-25jan2021.pdf> or the Resources section of the OSFM APSA website at <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/>.

A facility can submit its own version of the tank facility statement, but it must contain the following required information:

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

Tanks Prohibited for Use as Aboveground Petroleum Storage

Question: Can an underground storage tank (UST) be used aboveground to store petroleum?

Answer: No. The use of an UST for aboveground storage of petroleum does not meet the requirement for bulk storage containers under the Code of Federal Regulations (CFR), Title 40, Part 112, Section 112.8(c)(1) – “Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.” USTs are prohibited for aboveground storage of flammable and combustible liquids under the California Fire

Code (CFC) due to safety issues and structural reasons (CFC, Chapter 57, Section 5704.2.7, National Fire Protection Association [NFPA] 30, Section 21.3.4).

The OSFM prepared an Information Bulletin and addendum on this topic, located under the 2014 list of Information Bulletins on the OSFM Code Development and Analysis webpage at <https://osfm.fire.ca.gov/divisions/code-development-and-analysis/information-bulletins/>. Refer to Information Bulletin 14-005 titled “Underground Fuel Storage Tanks Prohibited for Use as Aboveground Fuel Storage Tanks” and the Information Bulletin 14-005-A Addendum. If you have questions about the Information Bulletin and addendum, email OSFM staff at cupa@fire.ca.gov.

References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: cupa@calepa.ca.gov.

[CalEPA Unified Program Home Page](#)