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## State Water Resources Control Board

January 30, 2017

To: Underground Storage Tank Owners and Operators, Unified Program Agencies, and Other Interested Parties

### **UNDERGROUND STORAGE TANK ELECTRONIC REPORTING AMENDED REGULATION EFFECTIVE JANUARY 1, 2017**

Effective January 1, 2017, chapter 16 of division 3 of title 23 of the California Code of Regulations (regulations) has been amended to implement the requirement to submit specified information and documentation from the Underground Storage Tank (UST) regulated community to Unified Program Agencies (UPAs), and from UPAs to the State Water Resources Control Board (State Water Board) electronically through a statewide data exchange system, the California Environmental Reporting System (CERS).

The amended regulations clarify or make specific existing reporting requirements under the UST Program by stating the method by which UST owners or operators and UPAs must submit specified information and documents to the State and the applicable UPA. These amendments did not create any new reporting requirements. Below is a summary of the amendments and includes a description of any new action required by UST owners or operators or UPAs.

#### **“Submit” Defined**

As amended, the regulations require UST owners or operators and UPAs to submit specified information or documents to CERS or a local reporting portal. Currently in CERS, there are specific locations for data dictionary defined data elements and specifically-named documents and one location for all other miscellaneous state required documents. Data element locations provide specific locations for UST owners and operators to enter discrete data.

Specifically-named document locations provide specific locations for UST owners and operators to upload specific documents (e.g., the UST Site Plan). Any document for which there is no specifically-named document location only can be submitted by UST owners and operators by uploading it to the miscellaneous state required documents location. In order to reduce workload and/or confusion, documents that would otherwise be submitted to CERS as miscellaneous state-required documents may be submitted in paper via hand-delivery, mail, facsimile, or other electronic methods until CERS is upgraded.

#### **Data Elements, Specifically-Named Documents, and All Other Miscellaneous State-Required Documents**

Since January 1, 2013 Health and Safety Code, division 20, chapter 6.11, section 25404(e)(4) has required UST owners and operators to submit required UST program information and documentation through CERS. As amended, the regulations specify that submittals must be

made through CERS or a local reporting portal. The information formerly collected on the forms listed below must be entered as data elements:

- UST Operating Permit Application -Facility Information (Formerly Form A);
- UST Operating Permit Application -Tank Information (Formerly Form B);
- UST Certification of Installation/ Modification (Formerly Form C); and
- UST Monitoring Plan (Formerly Form D).

This information has been defined in the CERS' data dictionary as data elements and must be entered into CERS by the UST owner or operator as discrete data.

In addition, the amended regulations require other specified documents to be submitted through CERS or a local reporting portal. Documents that have a specifically-named document location in CERS must be uploaded by the UST owner or operator to that location in CERS or a local reporting portal. The following documents must be uploaded to their specifically-named document locations in CERS:

- UST Monitoring Site Plan;
- UST Response Plan;
- Certification of Financial Responsibility;
- Letter from Chief Financial Officer;
- Owner/operator written agreement; and
- Owner Statement of Designated UST Operator Compliance.

Pursuant to the amended regulations, all required documents must be submitted through CERS or a local reporting portal. Required documents that do not currently have a specifically-named document location may be uploaded by the UST owner or operator to the miscellaneous state-required document location in CERS. In the alternative, until such time that the CERS creates a specifically-named document location for the document, the required document submittal may be made by hand-delivery, mail, or facsimile or other electronic methods, unless otherwise directed by the agency that will receive the submittal. The documents listed under "Other required documents" in the FAQ document "Which UST Forms Must Be Uploaded" on the CERS "Business Portal Help Materials" webpage must be submitted by uploading the documents to the miscellaneous state-required document location or hand-delivery, mail, facsimile or other electronic methods. The CERS "Business Portal Help Materials" is located at: <https://cersbusiness.calepa.ca.gov/Help>

### **Owner Statement of Compliance with UST Regulations and Identification of Designated UST Operator**

The amendments to the regulations clarify that the UST owner must provide a one-time statement acknowledging compliance with all applicable UST regulations and identify the designated UST operator within 30 days of installing an underground storage tank system. In addition, the amended regulations clarify that the UST owner must submit through CERS any change of designated UST operators no later than 30 days after the change occurs.

### **GeoTracker**

In addition to the requirements for UST owners or operators to submit specified information or documents through CERS, regulations also require UST owners or operators to submit other information or documents electronically through the state Geographic Information System mapping database, GeoTracker. As amended, the regulations specify what information or documents must be submitted through GeoTracker. Additionally, the regulations provide that where a submittal method is not specified, the information or document may be submitted by the

UST owner or operator by hand-delivery, mail, or facsimile or other electronic methods, unless otherwise directed by the State Water Board or local agency that will receive the submittal. The following information must be submitted through GeoTracker:

- Investigation, monitoring, and other corrective actions report;
- Free product removal report;
- Corrective action workplan;
  - Before initiating any work;
  - During preliminary site assessment phase;
- Results of implementation of the corrective action plan; and
- Monitoring data and an evaluation of the results.

### **Trade Secret Provision**

Section 2711 of the regulations requires an applicant for a permit to operate a UST, for renewal of the permit, or for a site-specific variance, to supply information which the person may believe is a trade secret. Applicants must identify in writing all information supplied with the application which the person believes is a trade secret in conjunction with a legal justification for the request for confidentiality. Information found to be confidential or which is being reviewed for confidentiality must be filed in a separate “confidential” file. CERS does not yet have a mechanism to distinguish information that has been determined to be confidential from public data. Until such time as CERS is upgraded to include such a mechanism, if a document or portion of a document is filed in a “confidential” file, a notation must be made in the Addition Information field on the Business Activities page in CERS. This notation must indicate that confidential information is included in the application for a permit or site-specific variance. In the event of a request for records, the UPA must check the Addition Information field on the Business Activities page for a notation indicating confidential information is identified in the “confidential” file and then must consult its “confidential” files before responding to the request for records to ensure that confidential information is kept confidential.

### **UPA Reporting Requirements**

Regulations require UPAs to periodically submit UST information to the State Water Board. As amended, the regulations require that UPAs submit required information to the State Water Board through CERS whenever possible.

As amended, the regulations require UPAs to submit formal and informal enforcement actions, including the specific violation for which the UPA took the enforcement action, through CERS instead of providing the documentation formerly known as the “Annual Enforcement Summary Report 4.”

Regulations require UPAs to provide the documentation formerly known as “Semi-Annual Underground Storage Tank Program Report 6” on semi-annual basis. As amended, the regulations require UPAs to submit information pertaining to local UST program implementation and enforcement activities, through CERS. In coordination with the State Water Board, the California Environmental Protection Agency developed the ability to calculate the “Semi-Annual Underground Storage Tank Program Report 6” information from CERS, “CERS Report 6” (paperless reporting). When authorized by the State Water Board, UPAs that have complete and current UST related data in CERS may use paperless reporting. UPAs approved by the State Water Board for paperless reporting are required to review their data in CERS for each reporting period, identify any discrepancies to the number of closed USTs, and certify that the all data in the “CERS Report 6” is correct. UPAs not authorized by the State Water Board for

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paperless reporting must provide the "Semi-Annual Underground Storage Tank Program Report 6." by hand-delivery, mail, or facsimile or other electronic methods. More information on the submission options to meet section 2713(c) of the regulations is located at:

[http://waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/soc\\_paperless.pdf](http://waterboards.ca.gov/water_issues/programs/ust/adm_notices/soc_paperless.pdf)

If you have any questions regarding this letter, please contact Mr. Cory Hootman at (916) 341-5668 or by email at [cory.hootman@waterboards.ca.gov](mailto:cory.hootman@waterboards.ca.gov).

Sincerely,



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