



UST Program Update November 2014

Unified Program Guidance Letter 14-08

CalEPA's Unified Program (UP) Guidance Letter 14-08 which addresses the reporting of underground storage tank (UST) information electronically has been published on October 27, 2014 and is posted at <http://www.calepa.ca.gov/CUPA/Bulletins>.

This Guidance Letter allows regulated businesses to choose their preferred method of reporting specified documents. Regulated businesses now have the option to either provide specific documents electronically as uploaded PDF files or to continue the historical reporting manner prior to the implementation of electronic reporting. The FAQ for which forms need to be uploaded to the California Electronic Reporting System (CERS) has been updated to reflect this Guidance Letter.

For questions regarding this Guidance Letter, contact Laura Fisher at laura.fisher@waterboards.ca.gov or John Paine at john.paine@calepa.ca.gov.

Updated CERS FAQ – Which UST Forms Must Be Uploaded

As a follow-up to the CalEPA UP Guidance Letter 14-08, the FAQ for which forms require uploading to CERS has been revised on October 28, 2014 and is posted at <https://cersbusiness.calepa.ca.gov/Help>.

This FAQ describes the reporting options for all UST related data and documents. In CERS, there are data entry screens where information is entered into fields, or where boxes or radio buttons are checked. There are also six specifically named documents that are uploaded as PDF files. The Guidance Letter does not affect these data entry screens or the specifically named documents. However, there are eighteen 'other required documents' that may now be reported as indicated in the Guidance Letter.

For questions regarding this FAQ, contact Gabe Herrera at gabriel.herrera@waterboards.ca.gov.

Updated CERS FAQ – How to Enter Red Tag Information

The FAQ on how to enter Red Tag information has been revised on October 23, 2014 and is posted at <https://cersregulator.calepa.ca.gov/Help>. This FAQ demonstrates how to enter Red Tag information in the Compliance Section, Enforcement Subsection, of CERS. For questions regarding this FAQ contact Gabe Herrera at gabriel.herrera@waterboards.ca.gov or (916) 319-9128.

New CERS FAQ – Reporting Abandoned USTs

A new FAQ regarding the reporting of abandoned USTs in CERS has been posted in the Regulator General Help Section of CERS, <https://cersregulator.calepa.ca.gov/Help>. All operational, temporarily closed, and abandoned USTs that were previously regulated shall be reported to CERS or to a local reporting portal, regardless if there are other Unified Program regulated activities at the site. Long-abandoned USTs that were never previously regulated and are not intended to be placed back into service are not required to be reported to CERS as long as a proposal to close or remove the UST(s) is submitted to the CUPA or PA having jurisdiction within 30 days of discovery. For questions regarding this FAQ contact Gabe Herrera at gabriel.herrera@waterboards.ca.gov or (916) 319-9128.

New CERS FAQ – Reporting Re-Inspections

A new FAQ regarding how to correctly report re-inspections (or follow-up inspections) and how to report related violations has been posted in the Regulator General Help Section of CERS, <https://cersregulator.calepa.ca.gov/Help>. As stated in the FAQ, re-inspections should be reported as ‘Other’ and only the initial inspection should be counted as a ‘Routine’ inspection. If violations were observed during the initial routine inspection, corrective and enforcement information should be entered into the routine inspection record. More information can be found on the FAQ document. For questions regarding this FAQ contact Gabe Herrera at gabriel.herrera@waterboards.ca.gov or (916) 319-9128.

New CERS FAQ – Download Business User Email Addresses

A new FAQ explaining how to download a list of user email addresses within the UPA’s jurisdiction has been posted in the Regulator General Help Section of CERS, <https://cersregulator.calepa.ca.gov/Help>. This feature gives the UPA the ability to make direct email contact with users associated with regulated facilities within their jurisdiction. More information can be found in the FAQ document. For questions regarding this FAQ contact Gabe Herrera at gabriel.herrera@waterboards.ca.gov or (916) 319-9128.

New CERS FAQ – When to Report Repairs and New USTs

A new FAQ regarding when to report a new UST or repairs/modifications to existing USTs has been posted on the General Business Help Section of CERS, <https://cersbusiness.calepa.ca.gov/Help>. For new UST installations, until hazardous materials are added to a UST, there is no legal requirement for a business to report the tank in CERS. Therefore, the installation is not a reportable action in CERS. UPAs may not require a CERS UST submittal for the new tank as a condition for a permit to install a new UST. For repairs/modifications to existing USTs, permits may be required from the UPA. Any changes to the UST system must be reported to CERS by making a new UST submittal once the changes have been made. More information can be found in the FAQ document. For questions regarding this FAQ contact Gabe Herrera at gabriel.herrera@waterboards.ca.gov or (916) 319-9128.

New CERS FAQ – How to report BOE Numbers

A new FAQ on reporting BOE numbers has been posted on the General Business Help Section of CERS, <https://cersbusiness.calepa.ca.gov/Help>. The California Board of Equalization (BOE) requires that all UST owners have a BOE number for each facility. A BOE number is required to make a UST submittal in CERS. This FAQ goes into detail how to properly report Board of Equalization (BOE) numbers in CERS. For questions regarding this FAQ contact Gabe Herrera at gabriel.herrera@waterboards.ca.gov or (916) 319-9128.

New CERS FAQ – How to Report Tank Contents

A new FAQ on how to report tank contents been posted on the General Business Help Section of CERS, <https://cersbusiness.calepa.ca.gov/Help>. The tank contents in this FAQ are presumed to be regulated materials, which include ethanol containing gasoline, biodiesel and other petroleum containing substances. This FAQ demonstrates how tank contents should be reported in CERS. For example: the correct Tank Contents Selection for gasoline with more than 12% ethanol, including E85, shall be Petroleum Blend Fuel. More information can be found in the FAQ document. More information can be found in the FAQ document. For questions regarding this FAQ contact Gabe Herrera at gabriel.herrera@waterboards.ca.gov or (916) 319-9128.

Senate Bill No. 445 – Single-Walled UST Permanent Closure Provisions

On September 25, 2014, the Governor signed Senate Bill No. 445 (SB445) authored by Senate Member Hill. SB445 is an urgency statute that takes effect immediately. The complete text of SB445 can be found at the following website:

http://leginfo.ca.gov/pub/13-14/bill/sen/sb_0401-0450/sb_445_bill_20140925_chaptered.pdf

A State Water Resources Control Board (Water Board) letter which summarizes the single-walled UST permanent closure provisions of SB445 is posted at the following website:

http://www.waterboards.ca.gov/water_issues/programs/ust/docs/sb445_notification_lf%209_26.pdf

As stated in letter, more information is forthcoming. A Guidance Document regarding single-walled UST permanent closure is being prepared by State Water Board staff and will be released to the public upon completion.

Once the additional information is provided, and you still have questions regarding the single-walled UST permanent closure provisions of SB445, contact Laura Fisher at Laura.Fisher@waterboards.ca.gov or (916) 341-5870.

Senate Bill No. 445 – Fraud, Waste & Abuse Prevention Update

SB445 will assist with investigating and combating fraud against the Cleanup Fund (Fund) by:

- Authorizing the State Water Board to impose administrative civil liability penalties of up to \$500,000 per violation on those who make fraudulent claims and misrepresentations to the Fund;
- Barring claimants and consultants convicted of fraud against the Fund from further participation in the Fund;
- Authorizing the State Water Board to recover the costs associated with investigating and prosecuting fraud cases against the Fund from persons who were proven to have engaged in fraud; and
- Granting administrative authority to prosecute cases.

For questions regarding the Fraud, Waste, and Abuse Prevention Unit, contact Kim Sellards at kim.sellards@waterboards.ca.gov or (916) 341-5869.

Highlights of the New Law that affect the Fund and UST Program can be found at http://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/fund_gto/fund_update_sb445.pdf.

Senate Bill No. 445 – Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program Update

Several programs within the State Water Board were affected by SB445 including the RUST Program. An Overview of the key elements of SB 445 that relate to the RUST Program can be found on the RUST website at http://www.waterboards.ca.gov/water_issues/programs/ustcf/rust.shtml.

The State Water Board including the UST Leak Prevention Unit, UST Cleanup Fund Program, Orphan Site Cleanup Fund, Office of Enforcement, and the RUST Program are all working diligently to get information about SB 445 disseminated to the public. The RUST Program will be updating its website and its loan and grant applications.

For questions regarding the RUST Program, contact Janice Clemons at janice.clemons@waterboards.ca.gov or (916) 341-5657.