

California Used Oil/Household Hazardous Waste 2009 Training & Conference

Golden Opportunities: Building Bridges Between Federal, State, Corporate and Local Environmental Leadership

Training Day: November 2, 2009 • **Conference:** November 3-4, 2009

Location: Hyatt Regency Sacramento Hotel • 1209 L St Sacramento, CA 95814

The Hyatt Regency Sacramento is offering a discounted group rate of \$84 single/double occupancy plus all prevailing city and state taxes. To make reservations, please call 1-800-233-1234 and request the CIWMB 2009 Conference room block. All group reservations must be made by Monday, October 12, 2009 at 5:00 p.m.

For up-to-date conference information, please check back soon. Registration information will be available in July! Interested in Presenting? Please complete the Presenter Online application at: www.cce.csus.edu/hhw-usedoil-cfp



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Unified Program Newsletter August 2009

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California Environmental Protection Agency

Annual Summary Reports Due to the Secretary by September 30, 2009

The Unified Program Section would like to remind the Certified Unified Program Agencies (CUPAs) that Summary Reports 2 through 4 are due to the Secretary by September 30, 2009, in accordance with the California Code of Regulations, Title 27, section 15290(a)(1-3). Please note that Cal/EPA will be accepting reports ONLY in the new forms (Reports 3 and 4) which may be found on Cal/EPA's website at www.calepa.ca.gov/CUPA/Publications. Data from these reports are used by the State and Federal agencies for a variety of purposes, including CUPA evaluations.

For questions or comment, please contact Farida Islam at fislam@calepa.ca.gov.

Business Plan and California Fire Code Program Dispute Resolution

On March 30, 2009, the Department of Defense (DoD) Regional Environmental Center (REC) for U.S. EPA Region 9 submitted a formal position to Cal/EPA covering Cal/EPA's regulatory authority regarding oversight and the subsequent assessment of fees at DoD facilities for the state's Business Plan and California Fire Code programs. DoD restated its ongoing position that Executive agencies are not legally authorized to expand the scope of sovereign immunity waivers beyond that which Congress has directed, which includes payment of fees. They further stated that DoD is not able to enter into any cooperative administrative agreements that would resolve the differences between federal and state regulatory authorities to provide for hazardous materials inventory reporting and emergency response planning to address the federal and State programs.

Cal/EPA has determined the following course of action for Cal/EPA and CUPAs that currently regulate DoD facilities in which a federally owned and operated DoD facility challenges the state's and local government authority to regulate them under the Business Plan and California Fire Code programs:

1. Cal/EPA will require federal DoD facilities that contest the state's authority regarding compliance with the Business Plan and California Fire Code programs to provide the CUPA a written declaration to that fact. Cal/EPA accepts DoD's March 30, 2009, letter, subject: California Business Plan Program, as meeting this requirement.
2. Upon receiving written declaration from a federal DoD facility, the CUPA will notify the facility that they shall be removed from the program oversight for business plan activities and their UPCF permit will be modified accordingly. A written declaration may be a notice of refusal to pay fees based on the lack of a waiver of sovereign immunity.
3. The CUPA shall submit a notification in writing to Cal/EPA Unified Program Section that the CUPA is revising the scope of its local program to remove the DoD facility from the Business Plan and California Fire Code program oversight.
4. Cal/EPA will notify U.S. EPA Region IX of DoD facilities that are not covered as part of the State's hazardous material reporting and management programs and request that U.S. EPA assume responsibility for the oversight of those facilities for compliance with federal law.
5. Cal/EPA will post on the Unified Program website a list of those DoD facilities that are not covered by the Business Plan and California Fire Code programs as public information.

While this bulletin is in effect Cal/EPA will not find a CUPA deficient in program implementation for failure to collect the associated program and general oversight surcharge fees from DoD facilities that dispute the state's authority to regulate the Business Plan and California Fire Code programs and that are in accordance with the provisions above. CUPAs must continue to enforce HWM, UST, CalARP and AST programs under the Unified Program at DoD facilities and to take appropriate action to collect environmental program and surcharge fees.

To view the full bulletin, go to http://www.calepa.ca.gov/CUPA/Bulletins/2009/0809_01.pdf

Cal/EPA Aboveground Petroleum Storage Act (APSA) Training Program Course Schedule Fall 2009

Cal/EPA, in cooperation with the California Specialized Training Institute (CSTI), is announcing the second round of *Aboveground Petroleum Storage Act (APSA)* training courses. CSTI and their subcontractor, ESCI EnviroServices, Inc., have developed the training program and will teach the courses. The courses scheduled for fall of 2009 are:

September 15-17, 2009	Los Angeles
September 21-23, 2009	Santa Ana
September 29- October 1, 2009	Modesto
October 6-8, 2009	Los Angeles
October 20-22, 2009	Roseville
October 27-29, 2009	San Jose

To enroll in one of these courses, please go to the CSTI website (www.csti.ca.gov) and click on the link for "Register Online" then navigate to the APSA courses under the "Hazardous Materials" section. If you have any questions about enrolling you can contact the CSTI Registrar at (805)-549-3344, or the course coordinator at (805)-549-3010.

CSTI Contact
Vance Bennett
(805) 549-3010
vance.bennett@oes.ca.gov.

Department of Toxic Substances Control – None

State Water Resources Control Board – None

California Emergency Management Agency – None

Office of the State Fire Marshal

California Code of Regulations Title 24 Rulemaking Continues

Six Code Advisory Committees advise the Building Standards Commission (BSC) and its staff on proposed building standards, which include building, fire, electrical, mechanical, and plumbing codes. These Code Advisory Committees annually review the technical merit of building standards proposed by state agencies and provide recommendations to the BSC. Committee members are appointed by the BSC and represent the public, building design professionals, the building and construction industry, local government building officials, fire officials, and other affected parties.

The BFO (building, fire, and other) Code Advisory Committee will meet on August 10, 11, and (potentially) 12, 2009, to ensure adequate opportunity for public participation and to perform a technical review of code changes pursuant to the law. The public is invited to attend and/or present comments at the Code Advisory Committee meetings.

For more information, go to BSC's website at http://www.bsc.ca.gov/prpsd_chngs/2009CACReview.htm.



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Unified Program Newsletter July 2009

IN THIS ISSUE:

Cal/EPA Environmental Enforcement Training (Solano, Contra Costa and Yolo Counties)

DTSC None

**SWRCB Approved Emergency Regulatory Action
Storage of Certain Biodiesel Blends
Biodiesel Guidance on UNIDOCS
E85 Storage in USTs
Testing Beaudreau EOS100 Smart Sensors
Ameron Continuous Interstitial Monitoring Method
Emco Wheaton EVR Phase II System
CUPA Semi-Annual Reporting (Report 6)
UST Program Staff Change**

Cal EMA None

OSFM None

California Environmental Protection Agency

Environmental Enforcement Training (Solano, Contra Costa and Yolo Counties)

This one-day course is offered free to government staff that work in Solano, Contra Costa and Yolo Counties. It is designed to help regulatory an enforcement personnel improve their skills in conducting effective and professional environmental inspections and investigations.

The course includes the following subjects:

- | | |
|------------------------------------|--------------------------------|
| 1. Access, Entry and Warrants | 5. Report Writing |
| 2. Conducting Effective Interviews | 6. Environmental Crimes |
| 3. Elements of a Violation | 7. Enforcement Options |
| 4. Evidence to Support a Violation | 8. Case Development & Referral |

This course is provided by the California Environmental Protection Agency in cooperation with the District Attorneys' offices of Solano, Contra Costa and Yolo Counties.

Location: Solano County Government Building
675 Texas Street
Fairfield, CA 94533

Date: August 6, 2009

For more information on Cal/EPA training, see <http://www.calepa.ca.gov/Enforcement/Training>

Department of Toxic Substances Control – None

State Water Resources Control Board

Approved Emergency Regulatory Action

Effective June 1, 2009, an emergency regulatory action was approved by the Office of Administrative Law which allows for the lawful storage of certain biodiesel blends up to 20% biodiesel, 80% petroleum diesel, commonly known as B20, in underground storage tanks (USTs) that have been tested and approved for storing petroleum diesel, if specified conditions are met. A copy of the approved emergency regulatory action, which contains the implementing regulations, can be found

at http://www.waterboards.ca.gov/water_issues/programs/ust/regulatory/biodiesel_regs.shtml

Please note that these emergency regulations (interim provisions) expire December 1, 2009. Therefore in the upcoming weeks State Water Board staff will begin the permanent rule-making process. As a result of the public rule-making process there is a possibility that the permanent regulations may differ from the emergency regulations and that additional or slightly differing requirements may need to be met in the near future.

To lawfully comply with the interim provisions for the storage of biodiesel in USTs, owners must contact the Local Implementing Agency (also known as Certified Unified Program Agency) and follow the appropriate steps (see attached). A list of Local Implementing Agencies can be found

at http://www.waterboards.ca.gov/water_issues/programs/ust/contacts/docs/cupa.xls

For additional information please refer to the State Water Board's website

at http://www.waterboards.ca.gov/water_issues/programs/ust/ or contact Laura S. Fisher at (916) 341-5870 or lfisher@waterboards.ca.gov

UST Program Staff Change

Effective July 8, 2009, John Elkins will be moving from the Leak Prevention Technical Unit to the Office of Enforcement - UST Enforcement Unit. In this new position, John will be enforcing UST laws and regulations for California's UST Program. John will continue to provide training. To schedule training with John, please contact Ms. Laura S. Fisher at 916-341-5870 or lfisher@waterboards.ca.gov. Please take note of John's new contact information: John Elkins (916) 327-8088; jelkins@waterboards.ca.gov

Storage of Certain Biodiesel Blends

Effective June 1, 2009, an emergency regulatory action was approved by the Office of Administrative Law, which allows for the lawful storage of certain biodiesel blends up to 20% biodiesel, 80% petroleum diesel, commonly known as B20, in USTs if specified conditions are met. A copy of the approved emergency regulatory action, which contains the implementing regulations, can be found

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UST Program Contact: Laura S. Fisher (916) 341-5870; lfisher@waterboards.ca.gov

Biodiesel Guidance on UNIDOCs

On June 18, 2009, Unidocs posted a biodiesel guidance document outlining the interim regulations for UST systems storing biodiesel blends up to B20. To view the guidance document, please refer to the Unidocs at <http://www.unidocs.org/hazmat/ust/misc/index.html>

E85 Storage in USTs

California Health and Safety Code sections 25290.1, 25290.2, 25291, and 25292 require that the primary containment of a UST be compatible with the stored substance (such as a fuel and/or fuel additive), and that secondary containment be constructed to prevent structural weakening because of contact with any released substance. To implement these statutes, Title 23, California Code of Regulations sections 2631 and 2643 require that:

- a) The design and construction of the tank and piping be approved by an independent testing laboratory (Underwriters Laboratories (UL) certifications are used to meet this requirement);
- b) An owner or operator use UST system components made of, or lined with, materials that are compatible with the hazardous substances stored in the tank;
- c) The components approved for the installation of a UST system, on and after July 1, 2004, include a list of compatible products tested and the measured permeation rate of those products; and
- d) The leak detection equipment be tested and function with the fuel stored.

To assist with component selection and appropriate component ratings to comply with items a – c above, UL certifications for E85 are posted on UL's web site. Additionally, UL has a web site dedicated to the safety requirements to address material compatibility issues for high alcohol concentrated fuels (greater than 15 percent).^{1,2} UST staff responsible for compliance review of design and construction, as well as UST inspectors, should cross reference use of UL components in the field with the ethanol ratings outlined by UL.

With respect to item d above, the owner/operator would need to choose leak detection tested and approved for functionality with E85. This equipment is listed in Local Guidance Letter 113.

UST Program Contact: Laura S. Fisher (916) 341-5870; lfisher@waterboards.ca.gov

Testing Beaudreau EOS100 Smart Sensors

The EOS100 Smart Sensor is a programmable leak detection sensor that has a series of 5 individual optical sensors and is utilized in conjunction with an E-Site monitoring system. There has been some confusion in regards to which mode, Witness Test Mode or Normal Operation Mode, should be utilized while conducting the required annual monitoring system certification.

The EOS100 Smart Sensor can be programmed for positive shut down with a tamper resistant alarm, which activates an alarm condition when the sensor is raised from its original position in the secondary containment. When programmed for positive shutdown, as soon as the sensor is moved from its original placement, it activates a tamper resistant alarm condition. Lifting the leak detection sensor only tests the tamper resistant alarm and prevents the ability to verify the functionality of the other 5 optical sensors.

Due to the tamper resistant alarm condition preventing the ability to verify the functionality of the other 5 optical sensors on the leak detection sensor, Beaudreau created a "Witness Test Mode" in which the monitoring system de-activates the tamper resistant alarm condition after the first activation of that alarm. After the first tamper resistant alarm is activated, the sensor is reset and the functionality of the 5 optical sensors can be verified functional by placing them in water and fuel respectively.

It is also possible to test the functionality of the EOS100 Smart Sensor without placing the monitoring system into the "Witness Test Mode." Service technicians who possess the appropriate testing apparatus (consisting of a false bottom commonly referred to as the "puck" that the sensor rests on, and a slotted pipe holder), can test the other 5 optical sensors in the normal operating mode. This is accomplished by raising the sensor out of its original position in the secondary containment. This activates the tamper resistant alarm and places the system into positive shutdown. Then the leak detection sensor is placed into the testing apparatus and because it is sitting on a "puck", the tamper resistant alarm is cancelled. At this point, the entire testing apparatus is placed into fuel and water, respectively, to verify functionality of the 5 remaining optical sensors.

¹ <http://www.ul.com/global/eng/pages/offering/industries/chemicals/flammableandcombustiblefluids/fag>

² <http://www.ul.com/global/eng/pages/offering/industries/chemicals/flammableandcombustiblefluids/development/>

Therefore Witness Test Mode or Normal Operation Mode can be used to test the functionality of the leak detection sensors.

UST Program Contact: Laura S. Fisher (916) 341-5870; lfisher@waterboards.ca.gov

Ameron Continuous Interstitial Monitoring Method

Ameron International has incorrectly stated, in recent correspondence to UST contractors, that propylene glycol can be utilized in the interstitial space of the Ameron Dualoy Series pipe. The Ameron Continuous Interstitial Monitoring Method was tested and listed for use with a 30% CaCl₂ (brine) solution only. The limitation of brine is outlined in the listings posted with the National Workgroup on Leak Detection Evaluations, as with the State Water Resources Control Board's Local Guidance Letter 113. Solutions other than the brine are not covered under the evaluations, and therefore not approved for use.

This incorrect information provided by Ameron International about the appropriateness of using propylene glycol in lieu of brine, has resulted in the operation of tank systems that are non-compliant with the California Health and Safety Code Chapter 6.7 and Title 23, California Code of Regulations. During construction and routine compliance inspections Local Agency inspectors should verify that the appropriate brine solution is being utilized at facilities with Ameron Dualoy Series pipe using the Ameron Continuous Interstitial Monitoring Method.

UST Program Contact: Laura S. Fisher (916) 341-5870; lfisher@waterboards.ca.gov

Emco Wheaton EVR Phase II System

On June 17, 2009, State Water Board staff completed its review of the Emco Wheaton balance Phase II EVR system for use with the Hirt VCS-100 Vapor Processor and for use with and without the Franklin Fueling Incon vapor recovery monitoring and data transfer unit. The State Water Board determination can be found at http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/docs/evr_determination/emcowheaton_final.pdf.

UST Program Contact: Laura S. Fisher (916) 341-5870; lfisher@waterboards.ca.gov

CUPA Semi-Annual Reporting (Report 6)

The next round of semiannual Report 6 reporting is coming soon. Report 6 for the January – June 2009 period will be sent out via email in early July. Those reports of the number of facility and tank changes, annual compliance inspections (routine inspections) conducted, facilities with SOC violations, and Red Tags affixed will be due September 1, 2009.

For the July – December 2008 period, CUPA/PAs submitted 101 Report 6s. 21 of 101 reports submitted were returned for corrections and 20 of those were resubmitted and accepted. The number of corrections requested was down from 46 for initial reporting of data on the new and revised semiannual Report 6s. We appreciate your reporting efforts. This period, only 99 Report 6 forms will be issued as Victorville CUPA and Palo Alto PA are no longer conducting UST programs.

As some of you've experienced difficulties in opening and working with the last Report 6, we have made the next Report 6 Word document easier to open and save. After opening the Report 6 attachment in the email sent you, you will be asked to open the document as "Read Only". Please click on the "Read Only" button and it should open. The document is form-functional and you are only permitted to enter data/info in required fields, but there are other fields on the form to report changes or adjustments to previous data. This restriction protects the original information and alerts us to any changes. Then save and submit the Report 6 still protected. Thank you.

UST Program Contact: Terry Brazell (916)341-5645; tbrazell@waterboards.ca.gov

California Emergency Management Agency – None

Office of the State Fire Marshal – None