



CalEPA Industry Stakeholder Meeting

Presented by

Michelle Le, MBA, REHS, CHMM

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Anaheim



www.calcupa.org

Charter

- **Problem Statement:** Absence of clear and consistent interpretation of laws & regulation by industry and CUPAs lead to perceived or actual non-compliant situations
- **Goal:** Produce a collective, organized, and prioritized set of opportunities and solutions that will improve compliance with, and the mutual understanding of laws and regulations



2018 Data and Progress



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Hazardous Waste

Issue
HWG - Inappropriate use of the hazardous waste tracking system causes perceived non-compliance issues. (HWTS can be inaccurate and incomplete and CUPAs are citing industry for not submitting manifests when they did) HWTS will not upload illegible manifest copies; No regulatory requirement for it manifest to be in HWTS
HWG - Unclear requirements for episodic generation DTSC committed to creating a factsheet.
HWG - Inefficient EPA ID process which causes a delay in obtaining a temporary Fed EPA number New process in place – myRCRA
HWG - Lack of California alignment with Federal Very Small Quantity Generator program causes confusion Regulation package being developed; “Accumulating Hazardous Waste at Generator Sites” factsheet
HWG - Inefficient duplication between manifesting and CERS data entry Different processes (CERS HW Inventory Page)
HWG - Lack of agency inspector understanding requirements for non-LQGs Inspector training (CUPAs ask for things that are not required for Small Quantity Generators)
HWG - Too much burden with used oil regulations SB2928 – relieves used oil management burden
HWG - Unable to query inactive EPA ID sites



Hazardous Materials Business Plan

Issue

HMBP - Lack of responsiveness to HMBP approvals leads to outdated information being reported within CERS (not the most recent submittal) CalEPA will develop guidance defining “accept” in CERS.

HMBP – Lack of lead time communication regarding regulatory change leads to excessive noncompliance and creates an industry financial and resource burden. (i.e. violations are being issued for Global Harmonization Classification. Announcement occurred on December 28th with active date of January 1st.)
This was an anomaly. CalEPA is working to prevent future recurrence.

HMBP -Inconsistent due dates between CUPA Regulators

HSC has language regarding due dates. If date has not been established, March 1 becomes the default due date.

HMBP - Inconsistency between CUPAs between volume/amount calculations to report (ex. propane)

See CalEPA policy memo UP-11-06.

HMBP - Inconsistent icon symbols on site plan legends

HSC requirements for symbols or local ordinance – proposed legislation in progress

HMBP - Separate CERS IDs trigger separate Unified Permits (i.e., double-billing)

CalEPA is working to correct this.

HMBP - Unclear HW & HM thresholds

Law is clear – Health & Safety code defines reporting thresholds. A local ordinance can be more stringent.



APSA

Issue

APSA - Lack of understanding of program by inspectors

Online training for inspectors implemented in Nov 2017.

Youngest CUPA program

Working on APSA FAQ documents

Training required by statute for all inspectors performing APSA inspections.

APSA - Inconsistent requirements for SPCC upload to CERS

FAQ exists; Under help materials in CERS it says not to upload the SPCC plan.

APSA - Lack of business understanding when PE stamp is required

Federal SPCC has a resource guide on their website; Regional federal SPCC training; factsheet on Region 9 ; OSFM has link on their website to support a jump to Region 9 website



UST

Issue
UST - Lack of violation closure in CERS
UST - <u>Unclear</u> CERS submittal requirements CERS submittal element are clearly described in the new UST regulations that went into effect late2018.

Cross-Functional/Other

Issue
General - Need more FAQs Ito CalEPA organize all CUPA regulated industry targeted FAQs in one area
General - Inconsistent enforcement within the same jurisdiction causes multiple revisions in CERS (HMBP and UST)
General - Regulators requirements other than what is prescribed in regulation/ordinance (HMBP and UST)
General - Inconsistent training of regulators causes extra work for industry (HMBP and UST)
General - Lack of CUPA appeal board (all programs)



2019 Data and Plan



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APSA Program

Program	Issue	Percent
APSA	Lack of industry training equivalent to CUPA training	40%
APSA	Lack of outreach to promote guidance/FAQs from some CUPAs (industry does not know these documents exist)	25%
APSA	Additional training for CUPA inspectors is needed; many don't understand APSA exemptions	21%
APSA	Lack of Tier 1 and Tier 2 example inspection forms creates non-compliance (missed opportunity)	15%



Opportunities with CERS

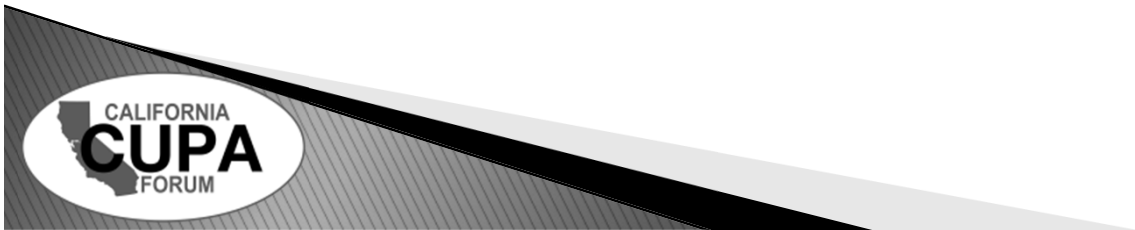
Program	Issue	Percent
CERS	Lack of ability to do universal changes to multiple plans (contingency plans; emergency coordinators; etc.)	34%
CERS	Reporting functions do not provide facility name or other pertinent data fields	20%
CERS	Lack of an easy method to remove facilities from CERS creates inefficiencies	17%
CERS	Draft data and data that has not been accepted by the CUPA is lost and/or accessible when you do a mass import/export.	13%
CERS	Agency contacts/locally collected information is not updated. (local ordinance details)	11%
CERS	Not easy to print CERS submittal elements	5%



HMBP Program

Program	Issue	Percent
HMBP	Lack of CUPA understanding of HMBP requirements for retail	75%
HMBP	Unclear acceptance criteria of plans in CERS (Accepted plans sometimes have actionable notes attached and industry does not see them until it is too late; CUPAs not accepting plans in a timely manner)	25%

HMBP Submittal HSC requirement is on or before the established due date however the 365 day timeline is still being maintained.



Hazardous Waste Program

Program	Issue	Percent
HazWaste	Inspectors lack knowledge of hazardous waste processes in retail operations	24%
HazWaste	Inspectors are writing violations for non-existent compliance requirements (manifests on-site, LQG requirements, filling out content on labels as inventory log)	20%
HazWaste	Inconsistent application of regulations across CUPAs and sometimes district attorney offices	18%
HazWaste	Time delays and lack of notification for EPA IDs	9%
HazWaste	Inappropriate use of the lagging hazardous waste tracking system causes perceived non-compliance issues	7%
HazWaste	Inspection reports do not contain violation specific information	7%
HazWaste	Agencies lacking responsiveness	7%
HazWaste	Lack of consolidated location for business compliance requirements	5%
HazWaste	Electronic waste reporting is too early in the calendar year; Feb 1 for waste generated on December 31st	2%



UST Program

Program	Issue	Percent
UST	Inconsistent CUPA requirements for when a permit is needed for overfill prevention systems or other UST component repair/replacements	39%
UST	New UST forms are problematic and don't reflect what is in regulation.	35%
UST	UST inspectors are requiring very specific and/or different information in CERS than what is onsite. (example: reject CERS submittal until sensor model numbers changed and/or until plus sign is added to TLS-350 model.)	26%



General Program Issues

Program	Issue	Percent
General	Training is not consistent within the same agency	24%
General	Inconsistent enforcement and double permitting of hazardous materials between CUPA and the fire code	20%
General	No clear escalation process for disputing compliance findings	16%
General	Agency training is not consistent/adequate between CUPAs (inspector asked to change the inventory (Global harmonization for HazWaste; symbols on maps and requiring N/A	15%
General	Contiguity gaps; inconsistencies with inspection change over	10%
General	Lack of an agency "no further action" process once violations are closed by industry	9%
General	Lack of timely solutions to recognized problems	6%



Other Opportunities

Important

- CUPAs still requiring 365 day HMBP submittals
- Reporting of solid waste accumulated in a 55 gallon drum (aerosols 167 pounds and not 500 pounds)
- CUPAs requiring Global Harmonization System categories for hazardous waste
- It's unclear who and when the empty container <5 gallons characterization is made. The generator may perform the empty test and it passes; however, after time and temp exposure an inspector may see a steady stream. This would now be classified as illegal disposal.

Emerging issues

- Fire and CUPA both require permits for the same UST components (spill buckets)
- Companies with EHS representatives need to be present for inspections (appt needed); look at Texas model
- CUPA inspectors asking for extra details on maps (NA being required for storm drains and/or natural gas lines)



Path Forward

➤ Major Opportunities

- Bridge fire code and CUPA programs (start with a meeting)
- Work with state agencies to develop guidance and FAQ for specific CUPA elements (target audience is CUPA and Industry)
- Consider starting an Industry CUPA Technical Advisory Group
- Develop comprehensive CERS end-user modification hitlist (industry and CUPA)
- Consider following other state inspection models for notifying EHS facility professionals prior to inspections



Contact

Send an email to Industry4CUPA@gmail.com
to get involved!

