



# Industry Stakeholder Meeting

Presented by

Industry Technical Advisory Group (ITAG) | H3-3/29

**24th Annual California CUPA Training Conference**

**March 2022**

**Virtual Conference**



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# Other Important CUPA 2022 Info for You

- Most of last week's Sessions are available as "Watch Now"
- Slido for Polls/Q&A for 90% of Sessions
- Check for Post Zoom meeting follow up link in Q&A
- Zoom meetings – Use Q&A/Stay in meeting for post Session...there will be NO "Are you still watching?" in Zoom
- To earn CEUs, make sure to join the Session within the first 10 minutes for LIVE Sessions, click on "Are you still watching?" popups and attend at least 90% of the Session. Complete Session Evaluations and Conference Survey.



24th California Unified Program  
Annual Training Conference  
March 22, 23, 24, 29, 30, 31 - 2022

# Agenda

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Topic	Allotted Time
Welcome & ITAG Mission	5 minutes
Overview of Information	5 minutes
• Program: Hazardous Waste	15 minutes
• Program: HMBP	15 minutes
• Program: APSA	5 minutes
• Program: UST	5 minutes
• Program: General CUPA	5 minutes
• Program: CalARP	5 minutes
Next Steps & Conclusion	5 minutes

# Purpose ITAG

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## ➤ Mission

The Industry Technical Advisory Group (ITAG) serves to bridge communication between industry and agency so that all parties have a clear and uniform understanding of the law and regulations. The ultimate goal is for us all to achieve compliance for the betterment of public health, safety, and the environment.

## ➤ Subcommittees

- Hazardous Waste: Cara Bateman, PG&E
- HMPB/CERS: Sheila Caballero, Bridgestone Retail
- APSA: Mark Landin, Southern California Edison
- UST: Lori Lucas-Nakagawa, PG&E
- CUPA: Michelle Le, ITAG Chair

# Prelude

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- Information gathered in this presentation was collected between 2017 – 2022
- Method of data collection adapted in 2021/22 as a result of virtual platforms
- Presented material will cover existing issues, new issues, and recently closed for each program area

# Top 10 Existing Issues - 2021

Rank	Program	Issue
1*	HW	Lack of electronic system to mail manifests and exceptions letters to DTSC
1*	HW	Lack of DTSC/CUPA support on interpreting requirements
1*	HMBP	Lack of clear interpretation of what waste streams need to be reported in CERS (batteries, treated wood, oil filters)
4	HW	Lack of California alignment with federal Very Small Quantity Generator program causes confusion
5	HMBP	Inconsistency between CUPAs calculations for volume/amount to report in CERS (ex: propane)
6	HMBP	Inconsistent enforcement and double permitting occurs between CUPA and fire department
7	HMBP	Lack of responsiveness to HMBP approvals leads to outdated information being reported within CERS (not the most recent submittal)
8	HW	Lack of time to properly prepare the annual Electronic Waste Report due Feb 1st (Move to March 31st)
9	CUPA	Lack of industry training equivalent to CUPA training
10	CUPA	Lack of consistency with inspection change over (continuity gaps)



# Hazardous Waste – Existing 2021

Program	Remedy	Issue
HW	Legislation	Lack of California alignment with federal Very Small Quantity Generator program causes confusion
HW	Regulation	Lack of electronic system to mail manifests and exceptions letters to DTSC
HW	Regulation	Lack of time to properly prepare the annual Electronic Waste Report due Feb 1st (Move to March 31st)
HW	Regulation	Unclear requirements for episodic generation causes confusion
HW	Training	Lack of agency understanding of Small Quantity Generator requirements (imposing LQG)
HW	Training	Lack of knowledge by inspectors about retail hazardous waste processes
HW	Training	Inspectors are requiring hazardous waste label to include drum inventory for all contents (retail)
HW	Training	Inspectors requiring hard copy of manifests to be on site
HW	Training	Lack of clarity by the CUPAs that the generator is responsible for making waste determination



# Hazardous Waste New - 2022

Program	Remedy	Issue
HW	Administrative	How should LED lamps be managed?
HW	Administrative	How does the Generator Improvement Rule (GIR) apply to research institutions?
HW	Administrative	What is a contiguous site for EPA ID Number?
HW	Administrative	When the GIR is adopted, there is a concern that every hazardous waste container outside of a 90/180 accumulation area is going to be classified by the CUPA inspectors as needing to follow Satellite Accumulation Area (SAA) requirements.
HW	Administrative	CUPAs are being audited to make sure that Small Quantity Generator first responder notifications are made when this isn't required yet in California.

# Hazardous Waste – Recently Closed

Program	Issue	Comment
HW	Lack of DTSC/CUPA support on interpreting requirements	Use DTSC Regulatory Assistance Office for interpretations <b>email: <a href="mailto:RAO@dtsc.ca.gov">RAO@dtsc.ca.gov</a></b> ; DTSC is standing up an org to assist with waste determination
HW	Industry needs information about returning bulk containers to the supplier and what documentation is needed from the supplier	Guidance will be requested. <a href="#">Regulations can be found here.</a>
HW	What waste treatment doesn't need to be reported?	<a href="#">See DTSC tiered permit flowchart</a>
HW	Lack of guidance on when a hazardous waste tank certification is requirements. (would like to see this every 10 years)	Regulations regarding <a href="#">tank integrity testing for LQG can be found here</a>
HW	Used oil guidance needs to be updated. DTSC guidance is from 2008 and needs to be updated by agency/industry/CFB	<a href="#">Used Oil Factsheet</a> was published December 2021 and is located on the DTSC website
HW	Industry needs training on Small Quantity Generator recordkeeping requirements	Free industry courses review this information. See course on March 31 <sup>st</sup> , 2022.
HW	Industry needs clarification on which employees need to be trained	Employee Training Requirement Course will be provided on March 31 <sup>st</sup> at 1:00pm.
HW	DTSC is not transparent with regulatory and permit development	ITAG is now meeting with DTSC quarterly. It is also recommended that you subscribe to <a href="#">DTSC E-List</a>

# HMBP – Existing Issue 2021

Program	Remedy	Issue
HMBP	Administrative	Lack of clear interpretation of what waste streams need to be reported in CERS (batteries, treated wood, oil filters)
HMBP	Administrative	Lack of responsiveness to HMBP approvals leads to outdated information being reported within CERS (not the most recent submittal)
HMBP	Administrative	Training and clarification is needed for extremely hazardous/acute materials and waste.
HMBP	Administrative	CUPAs are requiring HMBP submittal every 365 days even though law states you must submit on or before the established due date
HMBP	Administrative	Industry needs a list of CUPAs that will accept tri-annual certifications
HMBP	Legislative	Need more consistent map requirements between CUPAs
HMBP	Legislative	Lack of definition for "occupied structure" per HSC 25507.2
HMBP	Legislative	Lack of definition for "significant change leads to CUPAs inconsistently requiring a 30-day interim update of HMBP
HMBP	Legislative	Lack of clear "facility" definition impacts how to report campus or sites with multiple buildings (one HMBP or several)

# HMBP – New Issues 2022

Program	Remedy	Issue
HM	Administrative	Some CUPAs/PAs are requiring training records to be uploaded in CERS
HM	Administrative	It appears that local ordinances are not being updated in CERS
HM	Administrative	How much detail is required on a facility map for emergency equipment? (ie: First-aid kits, fire extinguishes, eye wash, etc.)
HM	Administrative	Does a physical copy of the HMBP need to be maintained onsite?
HM	Administrative	Industry doesn't understand why CUPAs are sponsoring AB2059 which requires the documentation of moving hazardous materials from point a – point b (ex: warehouse to facility)

# HMBP – Recently Closed

Program	Issue	Comment
HMBP	Inconsistency between CUPAs calculations for volume/amount to report in CERS (ex: propane)	HSC 25507 (a)(1)(B) states that for compressed gasses, you look at the state at which it is stored to determine quantity. (propane is stored as a liquid) <i>*See CalEPA policy memo UP-11-06</i>
HMBP	Inconsistent enforcement and double permitting occurs between CUPA and fire department	It may appear that the fire department and CUPA are looking at the same thing, but they are not. The fire department reviews hazardous material facility information for building and occupancy reasons.
HMBP	CUPAs are requiring 55-gallon drum of solid to be reported even if weight is less than 500 pounds (ex: aerosol drum weighs 170 pounds)	HSC 25507 (a)(1)(A) requires hazardous materials to be reported if 55-gallons of liquid or 500 pounds of a solid.
HMBP	Lack of clear interpretation of what waste streams need to be reported in CERS (batteries, treated wood, oil filters)	Universal waste and other wastes managed on a bill of lading or non-hazardous manifest do not need to be reported
CERS	Unclear mechanism to close or deactivate an HMBP	In order to de-active an account in CERS, you must be able to change all the facility activities to “No.”

# HMBP/CERS – Existing Issues 2021

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Program	Remedy	Issue
CERS	Administrative	Draft data that has not been accepted by the CUPA is lost and/or not accessible when you do a mass import/export
CERS	CERS NextGen	Inefficient duplication between manifesting and CERS data entry
CERS	Administrative	Unclear mechanism to close or deactivate an HMBP
CERS	CERS NextGen	Reporting functions do not provide facility name or other pertinent information
CERS	Administrative	Need guidance on when things can be deleted in CERS
CERS	Administrative	Automated CERS emails are misleading for management. The not accepted for older versions of the plan causes confusion.

\*No new issues

\*No recently closed issues to share

# APSA – Existing Issues 2021

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- All existing APSA issues have been closed
- Special thanks to Jennifer Lorenzo with the Office of the State Fire Marshal for her partnership and Mark Landin for his leadership



# APSA – New Issues 2022

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Program	Remedy	Issue
APSA	Administrative	Will single-walled ASTs be phased out like single-walled USTs

# APSA – Recently Closed

Program	Issue	Comment
APSA	Lack of industry knowledge about CUPA role and P.E. issued SPCC plans	The CUPAs role is to ensure the SPCC meets the regulatory requirements and is being implemented as written.
APSA	Lack of understanding of CUPAs of APSA exemptions	The Office of State Fire Marshal released a frequently asked question (FAQ) document in April 2021. This document contains information about APSA exemptions. <a href="#">See FAQ Section 2</a> for APSA applicability.
APSA	Lack of guidance about SPCC requirements for portable emergency generators	Tier 1 SPCC is required if more than 1320 gallons of oil is being managed. See FAQ question 2.5.
APSA	Lack of business understanding of when a PE stamp is required for SPCC	See FAQ question 4.9
APSA	Clarification of Tanks In Underground Area (TIUGA) requirements is needed for CERS	<a href="#">See OSFM TIUGA Page.</a>
APSA	CUPAs are not trained on APSA	All CUPA inspectors that perform APSA inspections must be trained.
APSA	Industry needs guidance on what is reportable, or petroleum based for APSA.	Check Safety Data Sheet for petroleum content. APSA regulates petroleum oil, fractions of crude oil, and products derived from crude oil in liquid form. APSA does not regulate petroleum or crude oil fractions in <u>solid or gaseous</u> form at 60°F and 14.7 psi. <a href="#">Click here for more information.</a>

# UST – Existing Issues 2021

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Program	Remedy	Issue
UST	Administrative	Information on waterboard website needs to be updated

# UST – New Issues 2022

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Program	Remedy	Issue
UST	Administrative	When will the TLS 450 Plus be approved in California? Has the state considered incentives to increase remote monitoring?

# UST – Recently Closed

Program	Issue	Comment
UST	Regulatory changes are not effectively communicated to designated operators and tank testers. Industry learns about change when a Notice of Violation is issued.	Industry communication is important and an area of focus. As a starting point, subscribe to <a href="#">CalEPA Unified Program Listserv</a> .
UST	Inspectors don't understand overfill prevention options in Title 23 and are requiring everything onsite to be listed in CERS	Please note that <a href="#">Waterboard Local Guidance Letter 150-3</a> details overfill prevention system requirements.
UST	When is a sump a sump versus a UST? What if the basement is at grade on one side (ie: hilltop)?	You may want to solicit an interpretation for this particular facility from the waterboard.
UST	Exposed or aboveground (roof-top) piping connected to an emergency generator is a problem for regulators to interpret	Local Guidance Letter 152 for Aboveground Piping Associated with USTs is under revision.
UST	When are Designated Operator reports due?	Per Title 23 Section 2716 (a) the designated operator must perform an inspection at least once every 30 days.
UST	Consider changing UST DO time to no less than 21 days or no more than 45 days apart. Every 30 days is difficult.	The 30-day designated operator inspection timeline is set in federal law.

# CUPA – Existing Issues 2021

Program	Remedy	Issue
CUPA	Administrative	Lack of industry training equivalent to CUPA training
CUPA	Administrative	Lack of consistency with inspector change over (continuity gaps)
CUPA	Administrative	Lack of agency "no further action" process once violations are closed leads to incomplete industry records
CUPA	Administrative	Lack of CUPA appeal board leads to friction between business and regulators
CUPA	Administrative	Inspection reports do not contain violation information to industry is unable to verify citation/make adequate correction
CUPA	Administrative	CUPAs need a more thorough understanding of industry processes
CUPA	Administrative	CUPAs should stop using their own portal. Businesses in multiple jurisdictions struggle to determine which one to use.
CUPA	Administrative	CUPAs should be required to agree by a 2/3 majority for policy change. CUPAs should not be allowed to "opt out"
CUPA	Administrative	HMBP - Inspectors showing up with a "gotcha" attitude.

\*No new issues

\*No recently closed issues to share

# CalARP – Existing 2021

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Program	Issue
CalARP	Inconsistent use of alternative models
CalARP	Management of Change (MOC) is not understood by the CUPAs. (simple additions to piping do not trigger MOC but CUPA thinks that it does)

\*No new issues

\*No recently closed issues to share



# Subcommittee Contacts

Committee	Chair	Email
Hazardous Waste	Cara Bateman	<a href="mailto:Cara.Bateman@pge.com">Cara.Bateman@pge.com</a>
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\* Special thanks to Sheila Caballero for serving as the HMBP/CERS subcommittee chair 2021-2022



# Any Questions?

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Chair, ITAG

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# Resources – Useful Links

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- [CalEPA Policy Bulletins](#)
- [CalEPA Unified Program Home Page](#)
- [DTSC Fact Sheets](#)
- [Office of State Fire Marshal – TIUGA Page](#)
- [Waterboard – Local Guidance Letters](#)
- [DTSC – Empty Container Management](#)
- [OES Spill Reporting](#)
- [OES HMBP and CalARP Information](#)

