

CUPA 101 & Common Violations

Sarah Yacoub

Sr. HMS



Introductions



Unified Program Agency - UPA

- SB 1082 in 1993 created the CalEPA Unified Hazardous Waste & Hazardous Materials Management Regulatory Program (Unified Program)
 - *CA Health and Safety Code (HSC), Division 20, Ch. 6.11 & 22 California Code of Regulations (CCR), title 27, Division 1, Subdivision 4, Ch. 1*
- Consolidation of 6 state-regulated environmental programs into 1, under CalEPA
 - Aboveground Petroleum Storage Act (APSA) program - CalFIRE
 - California Accidental Release Prevention (CalARP) program - CalEPA
 - **Hazardous Materials Business Plan (HMBP) program - CalEPA**
 - **Hazardous Materials Management Plan (HMMP) & Hazardous Material Inventory Statements (HMIS) - CalFIRE**
 - Hazardous Waste Generator & Onsite Hazardous Waste Treatment (Tiered Permitting) program - DTSC
 - Underground Storage Tank (UST) program - SWRCB



Certified Unified Program Agency - UPA

Mission of the UPA –

To protect public health and safety, to restore and enhance environmental quality, and sustain economic vitality through effective and efficient implementation of the six programs

Mission of SCDER –

We protect community by promoting a safe and healthy environment

CUPA –

Certification obtained by local agencies from CalEPA to administer the unified programs within one's jurisdiction

Subject to triennial evaluations for implementation of unified programs, and evaluation of the CUPAs capabilities and adherence to all program requirements

Stanislaus County CUPA – DER, HMD

- In addition to the 6 UP, Stanislaus County CUPA is also the administering agency for:
 - Monitoring Wells
 - Environmental Review Committee (ERC)/Site Mitigation
 - Medical Waste
 - Emergency Response; Stanislaus County Area Plan



SCHMD CUPA



Dominick Salazar

Sr. HMS



Sarah Yacoub

Sr. HMS



Alvin Lal

CUPA Manager



Yama Noorzai

Sr. HMS



Stephanie Freier

Sr. HMS

SCHMD – CUPA INSPECTORS



Ninos Shamoon

HMS II



Ali Arshad

HMS III



Resham Sandhu

HMS II



Maxwell Wagner

HMS II



Laurel McCuller

HMS II



Job Ramirez

HMS I

SCHMD – HHWF Staff



Devin Brown

Env. Tech



Edwin Ramirez

Env. Tech



Manish Singh

ERA



Isai Carrazco

ERA

Goal of program:

- To minimize harm to public health and safety and the environment from a release or threatened release of a HazMat
- Provides emergency responders with necessary info. to ensure protection of the public

What is a HMBP?

- Contains detailed information including:
- Hazardous materials inventory at facility
- Emergency Response Plan and procedures to be followed in the event of a reportable or threatened release of a HazMat
- Employee training plan; covers safety procedures in the event of a release or threatened release of a HazMat, includes initial and annual refresher trainings
- Annotated facility site map with required content; i.e. chemical storage locations, emergency reassembly areas, emergency equipment locations, etc.



HMBP PROGRAM

What is a Generator?

- “Any person, by site, whose act or process produces a hazardous waste identified or listed in Ch. 11 of the hazardous waste regulations or whose act first causes a hazardous waste to become subject to regulation”, 22 CCR § 66260.10
- A business or government agency, can also include a household

What is a Hazardous Waste?

- A waste with properties that make it potentially dangerous or harmful to human health or the environment
- By-products of manufacturing processes
- Discarded used materials
- Discarded unused commercial products such as solvents, household cleaners, pesticides or asbestos
- A waste can be hazardous because it has been listed as such either federally or by the state, or if it exhibits a characteristic of hazardous waste, i.e. reactive, corrosive, ignitable, or toxic

Generator Responsibility:

- Proper waste identification
- Storage
- Disposal
- “From cradle to grave”



HWG & TP PROGRAM

Purpose:

- To prevent accidental releases of extremely hazardous substances that can cause serious harm to the public and the environment, and to minimize damage if releases do occur
- Requires certain facilities to submit a Risk Management Plan(RMP)

What's a RMP?

- A document prepared by the facility containing detailed information including, but not limited to:
- Offsite consequence analysis
- The accident history at the facility
- Emergency response program
- Hazard review or process hazard analysis,
- Training

CalARP PROGRAM



Purpose:

- To protect public health and safety and the environment from releases of petroleum and other hazardous substances from USTs

What is a UST?

- Any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground



UST PROGRAM

Purpose:

- To protect human health, safety and the environment from a petroleum release or spill

What is petroleum?

- HSC §25270.2(h) defines petroleum as crude oil, or any fraction thereof that is a liquid at 60 degrees F and 14.7 pounds per square inch pressure.

What facilities are subject to APSA?

- Facility who is subject to the federal SPCC rule
- A facility who has a total petroleum storage capacity in ASTs of 1,320 gallons or more
- A tank facility who has a total petroleum storage capacity <1,320 gallons but has one or more TIUGAs that are not excluded

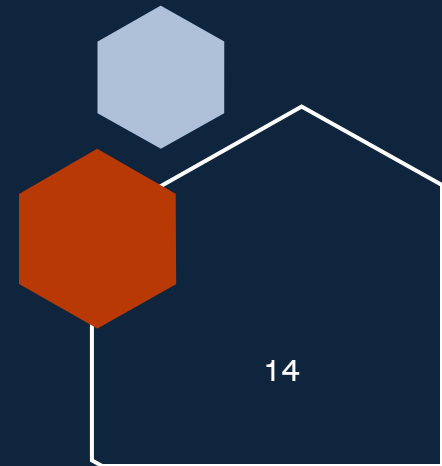


The graphic features the text 'APSA PROGRAM' in a bold, white, sans-serif font, centered within a large, dark blue hexagon with a thin white border. Below this main hexagon, there are two smaller hexagons: a solid orange one on the left and an orange-outlined one on the right.

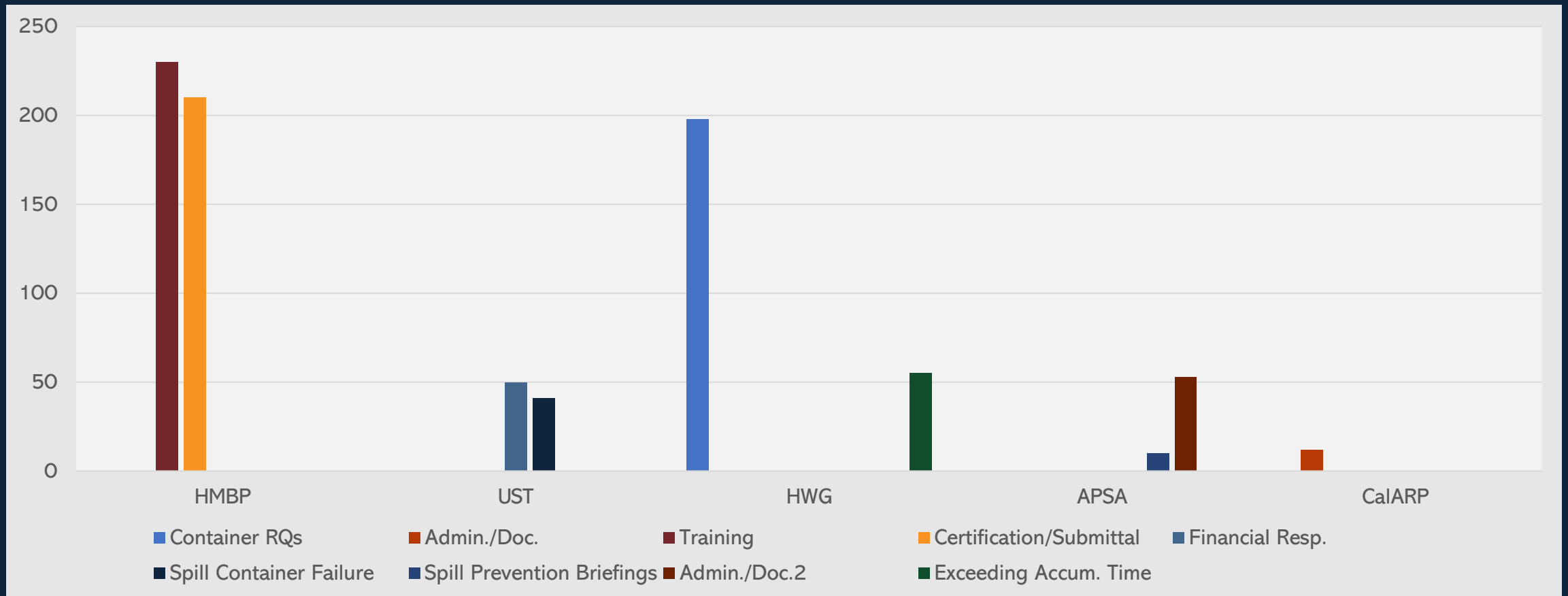
APSA PROGRAM

SCHMD – CUPA VIOLATIONS FY 23-24

HMBP	UST	HWG	APSA	CaIARP
1028	497	540	98	18



Most Common Violations



HMBP #2 Violation – Failure to review/certify the HMBP is complete/accurate: CA HSC § 25508.2 & Failure to electronically submit the HMBP as required: CA HSC § 25505, 25508(a)(1)

- AB 1429 – 1/1/20
- **Qualified** businesses now submit HMBPs *triennially*
- Annual certification required between submittals
- Eligibility criteria:
 - Must not be subject to APSA or EPRCRA RQ's
 - No active HMBP submittal in draft
 - No changes from last submittal
 - Last HMBP submittal status is either submitted, under review, or accepted
 - Last HMBP submitted within last 36 months
 - Last HMBP submittal dated on or after 1/1/19

Annual HMBP Certification (AB 1429)

This feature allows a business owner/operator to annually certify that the information in their last HMBP submittal in CERS is complete, accurate, and complies with EPCRA, if applicable. This option may only be used for facilities that meet the eligibility requirements for annual certification, and that are not subject to EPCRA reporting or APSA requirements. Please click [here](#) to review eligibility requirements. **It is strongly advised that you carefully review your last HMBP submittal for accuracy before certifying.**

Certify



HMBP #2 Violation – Failure to review/certify the HMBP is complete/accurate: CA HSC § 25508.2 & **Failure to electronically submit the HMBP as required: CA HSC § 25505, 25508(a)(1)**

- AB 1429 changed the HMBP reporting RQs to allow for triennial submittals
- Dependent on:
 - EPCRA Tier II reporting RQs; or
 - APSA
- Common Reasons for Submittal Deficiency:
 - Lead user leaves
 - CERS doesn't send reminders; the CUPA tries to



UST Violation #1 – Failure to submit and maintain complete and current Certification of Financial Responsibility or other mechanism of financial assurance: 23 CCR § 2711(a)(11)

- Required for any owner/operator who assumes ownership of a regulated UST
- Demonstrative that owner/operator can pay for cleanup and third-party damages resulting from leaks

**State Water Resources Control Board
Underground Storage Tank Cleanup Fund**

**CERTIFICATION OF FINANCIAL RESPONSIBILITY
FOR UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM**

I am required to demonstrate Financial Responsibility in the Required amounts as specified in Section 2807, Chapter 18, Div. 3, Title 23, CCR:

A _____ 500,000 dollars per occurrence _____ 1 million dollars annual aggregate
or AND or
_____ 1 million dollars per occurrence _____ 2 million dollars annual aggregate

(Name of Tank Owner or Operator) hereby certifies that it is in compliance with the requirements of Section 2807, Article 3, Chapter 18, Division 3, Title 23, California Code of Regulations.
The mechanisms used to demonstrate financial responsibility as required by Section 2807 are as follows:

Mechanism Type	Name and Address of Issuer	Mechanism Number	Coverage Amount	Coverage Period	Corrective Action	Third Party Comp

Note:
This is a sample certification of a petroleum UST owner or operator using the State Cleanup Fund as the financial responsibility mechanism, in conjunction with the state alternative mechanism "Letter from Chief Financial Officer." For additional information and requirements refer to Title 23, Chapter 18, of the California Code of Regulations and Chapter 7.75 of the California Health and Safety Code.

Note: If you are using the State Fund as any part of your demonstration of financial responsibility, your execution and submission of this certification also certifies that you are in compliance with all conditions for participation in the Fund.

D

Facility Name	Facility Address
Facility Name	Facility Address
Facility Name	Facility Address

E

Signature of Tank Owner or Operator	Date	Name and Title of Tank Owner or Operator	Date
Signature of Witness or Notary	Date	Name of Witness or Notary	Date

CFR (Revised 09/2020) FILE: Original – Local Agency Copies – Facility/Site(s)

UST Violation #2 – Failure to meet the Spill Container requirements: 23 CCR § 2635(b)

- Requirements of spill containers:
 - Collect any hazardous substances spilled during product delivery
 - If made of metal, the exterior wall shall be protected from galvanic corrosion;
 - Shall have minimum capacity of 5 gallons;
 - Shall have a drain valve which allows drainage of collected spill into primary container, or provide a means to keep the spill container empty



HWG Violation # 1 – Failure to comply with HW container requirements: 22 CCR § 66262.34(d)

- Condition of container
- Compatibility of container
- Closed during accumulation
- Inspected weekly
- Labeled properly



HWG Violation #2 – Failure to dispose of HW within accumulation period: 22 CCR § 66262.34(a-d)

VSQG	SQG	LQG
180 days when hit 220 lbs./27 gal	180 days from start accumulation date	90 days from start accumulation date

Exceedance of permitted accumulation time has an associated economic benefit and warrants issuance of a Class II violation



APSA Violation #1 – Failure to conduct spill prevention briefings: CA HSC § 25270.4.5(a)

- Owner/operator shall schedule and conduct discharge prevention briefings for all oil-handling personnel at least once/year to assure adequate understanding of the SPCC
- Must highlight and describe known discharges or failures, malfunctioning components, and any recently developed precautionary measures



APSA Violation #2 – Administration/Documentation

- Violations pertain more so to the SPCC plan:
 - SPCC fails to adequately discuss all bulk storage containers
 - Failure to submit Tank Facility Statement in CERS
 - Doesn't adequately discuss overfill prevention, containment
 - Issues with facility diagram
 - Failure to prepare SPCC plan



Most Common CalARP Violations – Administration/Documentation

- Failure to promptly respond to compliance audit findings
- Deficiencies regarding Emergency Response Applicability RQs; 19 CCR § 5120.1
- Deficiencies with Executive Summary
- Failure to submit current CDX registration to the UPA





Thank you

Sarah Yacoub

syacoub@envres.org

<https://www.stancounty.com/er/hazmat/>