

**CHAPTER 1. UNIFIED HAZARDOUS WASTE AND HAZARDOUS MATERIALS  
MANAGEMENT REGULATORY PROGRAM**

**PART I. Definitions, Application, and Certification**

Text of Modified Regulations

The original proposal is shown as it is currently. Changes are illustrated by single underline for proposed additions and by strikeout for proposed deletions.

**Article 1. Introduction**

**§15100. Unified Program**

- (a) Health and Safety Code division 20, chapter 6.11, and these regulations outline the requirements for the Unified Program for hazardous materials and hazardous waste management. This division integrates requirements established pursuant to:
- (1) The Hazardous Waste Generator (HWG) program and the Hazardous Waste Onsite Treatment activities authorized under the permit-by-rule(~~PBR~~)<sub>1</sub>, conditionally authorized(~~CA~~)<sub>1</sub>, and conditionally exempt(~~CE~~) tiers - Health and Safety Code division 20, chapter 6.5 (generally supplemented by Cal. Code Regs., tit. 22, div. 4.5);
  - (2) The Aboveground Storage Tank (AST) program ~~Spill Prevention Control and Countermeasure Plan requirements~~ - Health and Safety Code division 20, chapter 6.67, ~~section 25270.5(c)~~<sub>1</sub>;
  - (3) The Underground Storage Tank (UST) program - Health and Safety Code division 20, chapter 6.7; (generally supplemented by the Cal. Code Regs., tit. 23, chs. 16 and 17);
  - (4) The Hazardous Materials Release Response Plans and Inventory (HMRRP) program - Health and Safety Code division 20, chapter 6.95, article 1 (generally supplemented by Cal. Code Regs., tit. 19, §§ 2620-2734);
  - (5) California Accidental Release Prevention (CalARP) program - Health and Safety Code division 20, chapter 6.95, article 2 (generally supplemented by Cal. Code Regs., tit. 19, §§ 2735.1-2785.1);
  - (6) The Hazardous Materials Management Plans and the Hazardous Materials Inventory Statement (HMMP/HMIS) requirements - California Fire Code ~~title 24, part 9~~ chapter 27, sections ~~8001.3.2~~2701.5.1 and ~~8001.3.3~~2701.5.2 (Cal. Code Regs., tit. 24, part 9).

## Title 27

### Division 1, Subdivision 4

- (b) The Secretary of the California Environmental Protection Agency (Secretary), state agency, and Certified Unified Program Agency (CUPA) responsibilities for Unified Program elements are clarified as follows:
- (1) The Secretary is responsible for:
    - (A) Adopting regulations for the administration and implementation of the Unified Program.
    - (B) Consolidating, coordinating, and making consistent the requirements of the Unified Program with requirements imposed by other government agencies on businesses regulated by the Unified Program, to the maximum extent feasible.
    - (C) Developing a Unified Program in close consultation with Department of Toxic Substances Control (DTSC), Governor's Office of Emergency Services (OES), Office of the State Fire Marshal (SFM), State Water Resources Control Board (SWRCB), local health officers and fire services, other interested local agencies, affected businesses, environmental organizations, and interested members of the public.
    - (D) Implementing a Unified Program that consolidates the administration of program elements.
    - (E) Implementing a Unified Program that ensures coordination and consistency of the regulations adopted for each program element, to the maximum extent feasible.
    - (F) Determining Unified Program implementation in each jurisdiction and certifying an agency as the CUPA, including approval of each ~~Participating Agency's~~SPA's implementation.
    - (G) Periodically reviewing each CUPA's ability to adequately implement the Unified Program.
    - (H) Managing the Unified Program surcharge account.
  - (2) The state agencies will establish and interpret statewide standards for those Unified Program elements for which they are responsible.
    - (A) OES has responsibility for the HMRRP program and the CalARP program.
    - ~~(B) To avoid overlap in responsibilities, CUPA and state agency responsibilities for the HMRRP and CalARP program elements are clarified as follows:~~

## Title 27

### Division 1, Subdivision 4

- ~~(i) OES will coordinate the consolidation of planning formats pursuant to Health and Safety Code section 25503.4.~~
- ~~(ii) OES will coordinate program responsibilities concerning HMRRP and CalARP activities.~~
- ~~(iii) OES will coordinate revisions to the single comprehensive hazardous material reporting form required pursuant to Health and Safety Code section 25503.3 and to the CalARP guidance document.~~
- ~~(iv) CUPAs will establish procedures for acceptance, tracking and maintenance of HMRRP and CalARP and acutely hazardous materials registration forms from regulated businesses.~~
- ~~(v) CUPAs will establish procedures for acceptance, tracking and maintenance of reports of any release or threatened release of a hazardous material which poses the potential for significant hazard.~~
- ~~(vi) CUPAs will integrate information from the business plans submitted into the development and implementation of an area plan, as defined in Health and Safety Code chapter 6.95, article 1, within their jurisdiction.~~
- ~~(vii) CUPAs shall ensure emergency response personnel and OES full access to information collected and maintained regarding implementation of HMRRP and CalARP program elements.~~
- (G) SFM has responsibility for California Fire Code sections 8001.32701.5.1 and 2701.5.2 and 8001.3.3, as adopted pursuant to Health and Safety Code section 13143.9, concerning the HMMP/HMIS.
- (D) To avoid overlap in responsibilities, CUPA and state agency responsibilities for the HMMP/HMIS (Health & Saf. Code, § 25404 (c)(6)) are clarified as follows:
  - (i) SFM will coordinate program responsibilities concerning the HMMP/HMIS.
  - (ii) HMMP/HMISs, when required, will comply with Health and Safety Code sections 25500 through 25545 and California Code of Regulations, title 19, division 2, chapter 4, section 2620 et. seq.
  - (iii) Each~~The~~ CUPA will ensure full~~provide~~ access to and availability of the information submitted under section ~~8001.3 (b) and (c)~~, part 9 of the California Code of Regulations, title 24, to any chief of any ~~county~~collected in the statewide information management system, local information management system or city fire department or district~~local~~

## Title 27

### Division 1, Subdivision 4

reporting portal to those agencies with shared responsibilityresponsibilities for protection of the public health and safety of and the environment. The CUPA will For those response agencies that do not have the capability to access electronic information, the Unified Program Agency (UPA) will forward the data collected, within 15 days of receipt and confirmation, to the county or city fire department or district.pursuant to Health and Safety Code chapter 6.95.

~~(E)~~ SWRCB has responsibility for the UST program ~~and represents the Regional Water Quality Control Boards for the AST Spill Prevention Control and Countermeasure plan verification.~~

~~(F)~~ To avoid overlap in responsibilities, CUPA and state agency responsibilities for the UST program elements are clarified as follows:

(i) A CUPA may oversee the abatement of unauthorized releases of hazardous substances from underground storage tanks pursuant to the Local Oversight Program (LOP) listed in Health and Safety Code section 25297.1, providing the following criteria are met:

1. The CUPA must demonstrate its capability to oversee corrective action by having two years of acceptable experience implementing the underground storage tank program under Regional Water Quality Control Board oversight after which time the CUPA may apply to the SWRCB to enter into an agreement for the LOP.
2. The funding source available to the SWRCB is sufficient to cover the LOP agreements.

~~(G)~~ DTSC has responsibility for the HWG and Onsite Hazardous Waste Treatment programs and additional programs pursuant to the Health and Safety Code section 25404(c)(1).

~~(H)~~ To avoid overlap in responsibilities, CUPA and state agency responsibilities for the HWG and Onsite Hazardous Waste Treatment elements are clarified as follows:

- (i) DTSC will coordinate, to the maximum extent feasible, the responsibilities concerning hazardous waste generators and onsite hazardous waste treatment activities with the CUPA at a hazardous waste Treatment, Storage and Disposal (TSD) facility.
- (ii) CUPAs may refer enforcement cases to the DTSC. DTSC may accept enforcement cases at its discretion.

## Title 27

### Division 1, Subdivision 4

- (iii) CUPAs will establish procedures to accept the following reports from businesses:
  1. Contingency Plan activation report for permitted facilities (Cal. Code Regs., tit. 22, § 66264.56 (j) and 66265.56(j)).
  2. Release reports for tank systems or secondary containment systems reporting the release of a reportable quantity (Cal. Code Regs., tit. 22, § ~~6625~~66265.196(e)).
  3. Tiered Permitting Closure Reports.
- (iv) CUPAs will review source reduction documents required of businesses pursuant to Health and Safety Code, Sections 25244.19, 25244.20, and 25244.21; and may impose civil penalties pursuant to Health and Safety Code, Section 25244.21(a).
- (v) Hazardous Waste Manifest documents will continue to be submitted to DTSC.
- (vi) Hazardous Waste Manifest Exception Reports will continue to be submitted to DTSC.
- (vii) DTSC will retain responsibility for hazardous waste classifications.
- (viii) DTSC will retain responsibility for overseeing exports of hazardous waste out of the country.
- (ix) DTSC and the U.S. Environmental Protection Agency will retain responsibility for issuing EPA numbers.
- (x) DTSC will retain responsibility for the following elements of the Hazardous Waste Source Reduction and Management Review Act of 1989 (Health & Saf. Code § 25244.12 et. seq.):
  1. Conduct a technical and research assistance program pursuant to Health and Safety Code section 25244.17.
  2. Select at least two categories of generators by SIC Code every two years to identify successful source reduction measurers pursuant to Health and Safety Code section 25244.18 (a).
  3. Impose civil penalties pursuant to Health and Safety Code section 25244.18 (d)(2).

## Title 27

### Division 1, Subdivision 4

4. Report to the Legislature pursuant to Health and Safety Code section 25244.22.

(xi) DTSC will retain the responsibility to collect Biennial Reports specified in California Code of Regulations, title 22, section 66262.41.

(xii) DTSC will notify and coordinate with the appropriate CUPA regarding any investigation it will conduct of hazardous waste generators; hazardous waste generators conducting treatment conditionally authorized pursuant to Health and Safety Code section 25200.3; hazardous waste generators conducting treatment conditionally exempted pursuant to Health and Safety Code section 25201.5; and facilities deemed to hold a permit-by-rule pursuant to the regulations adopted by DTSC. Information related to an ongoing investigation shall remain confidential.

(H) State agencies' responsibilities include:

(i) Maximizing coordination, consolidation, and consistency of their Unified Program element(s) within the Unified Program.

(ii) Participating in evaluating CUPAs as defined by the Secretary.

(iii) Providing necessary guidance, training, and support to Unified Program Agencies.

(3) The Unified Program Agencies' responsibilities include implementing the requirements in Health and Safety Code chapter 6.11, these regulations, and the requirements for each program element.

Note:-Authority cited: Sections 25404(b), 25404.1(b)(1), 25404.3(f) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(b), (c) and (d), 25404.1, 25404.2(a) and (c), 25404.3(f), 25404.5 and 25533(f), Health and Safety Code.

#### HISTORY

1. New division 1, subdivision 4, chapter 1, article 1 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.

2. New division 1, subdivision 4, chapter 1, article 1 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.

3. New division 1, subdivision 4, chapter 1, article 1 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.

4. New division 1, subdivision 4, chapter 1, article 1 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 11-14-94 order including new subsections (a)-(a)(6), subsection relettering, amendment of newly designated subsections (b)-(b)(1), new subsection (b)(2) and subsection renumbering, repealer of former subsections (b)-(b)(6), new sections (c)-(g), subsection relettering and new Figure 1 designator transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).

## Title 27

### Division 1, Subdivision 4

6. New part I heading, amendment of subsection (b)(4), new subsections (b)(4)(A)-(B), and amendment of Note filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order, including further amendment of subsections (b)(4)-(b)(4)(B), transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
8. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

## Article 2. Definitions

### §15110. Unified Program Definitions

- (a) Applicant Agency means a county, city or other qualified local agency that is applying to the Secretary to become a Certified Unified Program Agency.
- (b) California Environmental Reporting System or CERS is the statewide information management system established by the Secretary to receive all data collected by the Unified Program Agencies and reported by regulated businesses, pursuant to Health and Safety Code chapter 6.11.
- ~~(b)~~(c) Certified Unified Program Agency or CUPA means the agency certified by the Secretary to implement the Unified Program in a specified jurisdiction, pursuant to Health and Safety Code chapter 6.11.
- (ed) Data Collection. For the purposes of this division, terms related to the Unified Program information have the following meaning:
  - (1) Data elements are the discrete data fields that define information components required to be collected by applicable statutes or regulations.~~(2) Data transmission protocol means a standard for sharing electronic data elements are defined in the Unified Program Data Dictionary.~~
  - ~~(3)~~(2) Submittal Element means a collection of related Unified Program data elements or document(s) that must be submitted by a regulated business as a single unit.
  - (3) Document means a collection of data that are not submitted as a set of standardized data elements either because the document's data are not suitable to define as discrete data elements, or the document's data elements are not yet defined in the Unified Program Data Dictionary. When a document needs to be submitted to meet Unified Program electronic reporting requirements, it should be provided in the Portable Document Format (PDF) or other document format supported by CERS.
  - (4) Electronic reporting or sharing means the collection, submittal, and transfer of Unified Program data means transferring using electronic, non-paper media.

## Title 27

### Division 1, Subdivision 4

(5) Electronic Data Transfer (EDT) means the electronic exchange of Unified Program data elements or documents as one or more submittal elements as defined in the Unified Program Data Dictionary by Unified Program Agencies and Cal/EPA. EDT is performed using data exchange templates.

(6) A Data Exchange Template is a standardized format that identifies the format for exchanging Unified Program data between CERS and a local information using an electronic or magnetic media management system or local reporting portal. The primary Data Exchange Templates for Unified Program electronic reporting involve XML Schemas that define how Unified Program data elements must be formatted or arranged to support XML-based electronic data exchange. Other Data Exchange Templates include specifically formatted spreadsheets and other files for exchanging certain Unified Program data. Cal/EPA releases updated Data Exchange Templates after changes are approved to the Unified Program Data Dictionary.

~~(4) File format means how data is packaged in any mode.~~

~~(5) Format means the order, arrangement, style, and organization of the data elements comprising the Unified Program Consolidated Form.~~

~~(6) Media means the type of device used to share data from the source to a recipient. Examples include telecommunications transmissions, such as e-mail or direct computer-to-computer links and magnetic media such as disks, diskettes, tapes, and CD-ROM.~~

~~(7) Mode means the method by which data is shared. Common modes include e-mail, diskette, tape, and CD-ROM. Mode encompasses the file format and data transmission protocol.~~

~~(8) Multi-media means more than one environmental surrounding (air, water, or soil).~~

~~(d)~~(e) Enforcement Actions. There are two types of Unified Program enforcement actions:

(1) Formal Enforcement means a civil, criminal, or administrative action that mandates compliance, imposes sanctions, and results in an enforceable agreement or order. Enforceable agreement or order means the instrument creates an independent, affirmative obligation to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated business.

(2) Informal Enforcement means a notification to the regulated business of non-compliance and establishes an action and a date by which that non-



## Title 27

### Division 1, Subdivision 4

compliance is to be corrected. Examples include a letter or notice of violation. These actions do not impose sanctions.

(ef) Inspection Types. There are two types of Unified Program inspections, which for reporting purposes are mutually exclusive:

- (1) Routine Inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements.
- (2) Other Inspection includes, but is not limited to, regulatory field activity such as complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations. It does not include routine inspections or field or site visits whose principal purposes are informational or educational, pollution prevention education, verification of administrative information, or orientation of new owners or operators. ~~“Other Inspection” also includes verification inspections for the administrative requirement of 25270.5, subdivision (c), for owners and operators of aboveground storage tanks to prepare a spill prevention control and countermeasure plan.~~

(g) Local Information Management System is a data management system used by a UPA to collect, retain, and manage Unified Program data.

(h) Local Reporting Portal is a public web site used by a CUPA to collect Unified Program data from regulated businesses within its jurisdiction.

~~(fi)~~ Participating ~~agency~~ Agency (PA) means a state or local agency that has a formal agreement with the CUPA to implement one or more a program elements as part of the Unified Program.

(gj) Program Element means one of the six sets of requirements listed in section 15100(a) or any other requirements incorporated pursuant to Health and Safety Code chapter 6.11, section 25404.2(d).

~~(hk)~~ Regulated Business means any of the following:

(1) “person” as defined in:

(A) the Hazardous Waste Management Program, Health and Safety Code section 25118;

(B) the California Hazardous Substances Tax Law, Revenue and Taxation Code part 22, division 2, section 43006;

(C) the HMRRP program, title 19, section 2650;

## Title 27

### Division 1, Subdivision 4

- (D) the CalARP program, Health and Safety Code section 25532(m);
- (E) the UST program, Health and Safety Code section 25281(l); and
- (F) the AST program, Health and Safety Code chapter 6.67, section 25270.2(f).
- (2) “business” as defined in the HMRRP program, Health and Safety Code sections 25501(~~e~~) and 25501.4.
- (3) “facility” as defined in the UST program, Health and Safety Code section 25281(f).
- (4) “tank facility” as defined in the AST program, Health and Safety Code section 25270.2(~~h~~).
- (5) “hazardous waste facility” as defined in the Hazardous Waste Management program, Health and Safety Code section 25117.1.
- (6) “stationary source” as defined in the CalARP program, California Code of Regulations, title 19, section 2735.3(uu).
- (i) Signed or signature for purposes of electronic submissions means any symbol, including a digital signature defined in Government Code section 16.5, executed or adopted by a party with present intention to authenticate a writing.
- (j) Surcharge means an element of the single fee assessed by the CUPA on each regulated business that covers the necessary and reasonable cost of the state agencies in carrying out their responsibilities pursuant to Health and Safety Code section 25404.5(b).
- (k) Unified Program Agency (UPA) is the Certified Unified Program Agency (CUPA) or ~~participating agency (PA)~~ that implements one or more Unified Program elements.
- (l) Unified Program Consolidated Form (UPCF) is a standardized set of forms ~~to be used before January 1, 2013~~ by CUPAs to collect Unified Program ~~information~~data from regulated businesses. The UPCF is a single, comprehensive format that consolidates business-to-CUPA reporting requirements within the Unified Program.
- (m) Unified Program Data Dictionary (data dictionary) defines data elements, data field size and type, and edit criteria for regulatory data that shall be collected and retained by a ~~CUPA~~UPA. It has the following sections:

## **Title 27**

### **Division 1, Subdivision 4**

(1) Business Section: for information reported from businesses to CUPAsUPAs.  
[Div. 3, subd. 1, chs. 1-4]

(2) CUPA Section: for CUPA-to-state reporting of CUPA activities or other information that shall be collected and retained by a CUPA and reported pursuant to section 15290. [Div. 3, subd. 1, ch. 5, Unified Agency Reporting]

(~~ag~~) Unified Program Facility Permit means those permits issued under the Unified Program. The permit may be a single permit or multiple permits in a single package which shall minimize duplicate information. It includes the underground storage tank permit, permit-by-rule, and any other permit or authorization requirements found under any local ordinance or requirement relating to the generation or handling of hazardous waste or materials. The Unified Program Facility Permit does not include the permitting requirements of a local ordinance that incorporates provisions of the UniformCalifornia Fire or Building Code.

Note: Authority cited: Sections 25404(b), (c), (d) and (e), Health and Safety Code. Reference: Sections 25404(c) and (d), 25404.5(a) and 25532(k), Health and Safety Code; Section 43006, Revenue and Taxation Code; and the 1996 United States Environmental Protection Agency Enforcement Response Policy for the Resource Conservation and Recovery Act.

#### **HISTORY**

1. New article 2 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New article 2 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New article 2 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New article 2 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsections (a)(3)-(a)(7), (a)(9)-(a)(11) and repealer of subsection (a)(12) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of section and Note filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order, including further amendments, transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
8. Amendment of subsection (d)(6) and Note filed 3-5-2002; operative 3-5-2002 (Register 2002, No. 10).
9. Amendment of subsection (a) -- Unified Program Data Directory, subsections (1)-(2), and subsection (a) -- Unified Program Consolidated Form filed 11-16-2004; operative 12-16-2004 (Register 2004, No. 47).
10. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
11. Change without regulatory effect amending subsection (f) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

### **Article 3. Application Process**

#### **§15120. Certified Unified Program Agency Applicants**

**Title 27**  
**Division 1, Subdivision 4**

- (a) Counties must apply.
- (b) Cities or other local agencies that qualify pursuant to Health and Safety Code section 25404.1(b)(2) may apply.
- (c) A city that incorporates after January 1, 1996, may apply for certification as a CUPA pursuant to Health and Safety Code section 25404.1(b)(2)(B) and section 15130(b) of this title. Any request to the Secretary for approval to apply for certification shall be submitted within 180 days of incorporation.
- (d) Two or more counties, cities or local agencies that propose to form a Joint Powers Agency (JPA) may apply on or before January 1, 1996.
  - (1) Cities or other local agencies that have formed or propose to form a JPA may apply if one of the following is true:
    - (A) A maximum of two member agencies of the JPA have not implemented the HMRRP program or the UST program prior to December 31, 1995, and at least one member agency has implemented the HMRRP program or the UST program prior to December 31, 1995; or
    - (B) The JPA has an agreement with the county to implement the Unified Program in the JPA's jurisdiction; or
    - (C) The county is a member agency of the JPA.
- (e) Each county shall and each city or local agency within the county that qualifies pursuant to Health and Safety Code section 25404.1(b)(2) and chooses to apply, shall apply for certification on or before January 1, 1996.
- (f) An applicant agency shall apply to the Secretary according to the provisions of sections 15130, 15150, and 15160.
- (g) Applications shall be valid if they meet the requirements of this article and one copy is mailed to: California Environmental Protection Agency, Unified Program Section, 1001 "I" Street, P.O. Box 2815, Sacramento, California 95812.

Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Section 25404.1(b), Health and Safety Code.

**HISTORY**

- 1. New article 3 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
- 2. New article 3 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.

## **Title 27**

### **Division 1, Subdivision 4**

3. New article 3 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New article 3 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order including new subsections (c)(1)-(c)(1)(iii) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

### **§15130. Application Notices**

- (a) A non-county agency, as defined in section 15120(c) and (d), that intends to apply for certification as a CUPA shall file with the Secretary and the county within which the city or other local agency is located, a letter that expresses the applicant's intent to apply. This "intent to apply" letter shall be valid if mailed to: California Environmental Protection Agency, Unified Program Section, 1001 "I" Street, P.O. Box 2815, Sacramento, California 95812.
- (b) Any request to the Secretary by a non-county agency for approval to apply for certification pursuant to Health and Safety Code section 25404.1(b)(2)(B) shall be submitted in writing.
  - (1) In its request, the applicant shall specify the date it received the county's agreement or the reasons for failing to enter into an agreement. Any relevant correspondence to or from the county shall be attached to the request.
  - (2) The Secretary shall respond within 45 days of receiving the request.

Authority cited: Sections 25204(b) and 25404.6(c), Health and Safety Code.

Reference: Section 25404.1(b), Health and Safety Code.

#### **HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order including amendment of subsections (a)(1), (b)(1) and (d)-(g) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

### **§15140 Must proposed participating agencies PAs enter into final agreements with the applicant agency before the application is submitted?**

**Title 27**  
**Division 1, Subdivision 4**

Note:-Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code.  
References: Sections 25404.3(d), Health and Safety Code.

**HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order including amendment of subsection (a) and Note and new Figure 2 designator transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Repealer filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
7. Change without regulatory effect amending section heading filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

**§15150. Information Provided in an Application**

- (a) Identify which agency will be the point of contact within the CUPA.
- (1) An applicant agency shall designate only one administrative body, such as an internal department or office within a county or city, within that jurisdiction as the point of contact for Unified Program implementation.
  - (2) The governing body of the applicant agency may designate itself as the point of contact by not specifying any other.
  - (3) The applicant agency shall provide the name, address, phone number, e-mail, and facsimile number of the contact (use appendix A).
- (b) The application for certification as a CUPA shall be signed by at least one elected or appointed official who is authorized to represent the jurisdiction.
- (c) The application for certification shall include an Authorizations Section including a list and brief description of all ordinances and resolutions used in the Unified Program.
- (1) If overlapping authority will arise pursuant to certification under this division, the applicant agency shall include in the application, a discussion of how jurisdictional authority will be managed to ensure that health and safety are maintained within the jurisdiction.

## **Title 27**

### **Division 1, Subdivision 4**

- (2) Copies of all UST ordinances required by Health and Safety Code chapter 6.7 must be provided.
- (d) The application for certification shall include an Agreements Section including copies of all agreements or draft agreements between the applicant agency and proposed PA'sPAs.
  - (1) The Agreements Section shall include draft or final agreements between the applicant agency and all PA'sproposed PAs. Final copies of all agreements must be submitted to the Secretary prior to certification.
    - (A) If an applicant agency proposes that any agency other than itself implement any aspect of the single fee system, including the surcharge, the written agreement shall specify responsibilities of each agency. The written agreement shall:
      - (i) Identify responsibility for absorbing funds lost on non-payment of fees.
      - (ii) Identify under what conditions and authority fees will be waived.
    - (B) Include procedures for removing a PA required pursuant to 15180(e)(6).
    - (C) CUPAs may satisfy information collection, retention, and management requirement through agreements with PA'sPAs that serve as the repository of the information.
- (e) The application for certification shall be constructed in sections so as to meet the requirements and structure of appendix A, including the following:
  - (1) A cover sheet. Use appendix A and complete all appropriate information.
  - (2) For a county applicant, documentation that cities within the county either intend or do not intend to apply to be a CUPA. Documentation may take the form of a listing of all cities within the county with an indication of whether they intend to apply or not.
  - (3) A description of the geographic scope of the proposed Unified Program in the jurisdiction.
  - (4) The number of regulated businesses within the jurisdiction for each program element. Use appendix B, table 1 to provide this information.
  - (5) The organizational structure of the proposed Unified Program in the jurisdiction.
  - (6) A Unified Program Implementation Plan that provides:

## Title 27

### Division 1, Subdivision 4

- (A) A description or implementation timeline that addresses all phases from startup through full operation.
- (B) Specific information required for the Secretary's evaluation of the application\_pursuant to section 15170.
- (C) For a transition from multiple billing statements and collection agencies within the Unified Program to a single billing statement and collection agency within the Unified Program, this shall:
  - (i) Provide for a transition period no longer than five years;
  - (ii) Provide for regulated businesses to receive a single billing statement annually that includes all recurring United Program activity fees;
  - (iii) Provide for regulated businesses to remit Unified Program fees with a single payment; and
  - (iv) Include provisions for instances of non-payment.
- (7) Adequate information to determine that the applicant agency and any proposed PA'sSPAs meet education, expertise and training requirements specified in sections 15260 and 15270.
  - (A) Table 2 and table 4 may be used to provide this information.
  - (B) If ~~Table~~table 2 and table 4 are not used, the information required in the tables must be provided in some form.
- (8) A certification that the administrative procedures of the proposed Unified Program will meet the requirements of section 15180. Use appendix B.
- (9) A Unified Program Facility Permit Plan that meets the requirements of section 15190.
- (10) An Inspection and Enforcement Program Plan that meets the requirements of section 15200.
- (11) A Fee Accountability Program in compliance with section 25404.5(c) of the Health and Safety Code and with section 15210 of this title.
- (12) A Single Fee System Implementation Plan that meets the requirements of section 15210.



## **Title 27**

### **Division 1, Subdivision 4**

- (13) A budget and funding mechanism for the Unified Program that meets the requirements of section 15170(c), staff time allocations, and certification that adequate resources exist to carry out the Unified Program. Appendix B, table 3 may be used to provide information on staff time allocations. Appendix B will be used to certify adequate resources exist.
  - (14) A description of how the CUPA will fulfill reporting requirements and certification that it will meet requirements of article 6 below.
  - (15) A summary of program implementation history that shall include the following information. Appendix B, table 2 may be used to provide this information.
    - (A) A list of the Unified Program elements that have been managed by the applicant agency and ~~PA's~~PAs for the past three years. This list shall include voluntarily consolidated programs.
    - (B) A summary of inspection and enforcement activities within the scope of the Unified Program, undertaken within the past three years, including the types and numbers of inspections conducted and enforcement actions handled.
  - (16) A description of recordkeeping and costs accounting systems.
  - (17) A description of the applicant agency's compliance with the criteria identified in the California Code of Regulations title 22, section 66272.10 except subdivisions (b)(2) and (b)(3).
  - (18) A description of any additional programs incorporated into the Unified Program.
  - (19) An explanation of why the Secretary need not be concerned that certification of the applicant agency might lead to adverse impacts on the county.
  - (20) A description of how certification of the proposed Unified Program will lead to less fragmentation between jurisdictions within the county.
- (f) The application for certification shall contain a Single Fee System Implementation Plan that provides for a transition from multiple billing statements and collection agencies within the Unified Program, to a single billing statement and collection agency within the Unified Program.
- (1) The applicant agency shall implement the Single Fee System Implementation Plan upon certification.

## **Title 27**

### **Division 1, Subdivision 4**

- (2) The applicant agency shall provide for public participation and review of the proposed Single Fee System Implementation Plan.
- (3) A CUPA that has partially implemented the single fee system but requires an extension of the transition period may petition the Secretary for an exception of the five-year limit.
  - (A) The CUPA shall submit such petition at least one year prior to expiration of the five-year limit.
  - (B) The Secretary shall rule on such petitions within 180 days of receipt of the request for extension.

Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Sections 25404.1(b), 25404.2, 25404.3(b), (c) and (d), and 25404.5, Health and Safety Code.

#### **HISTORY**

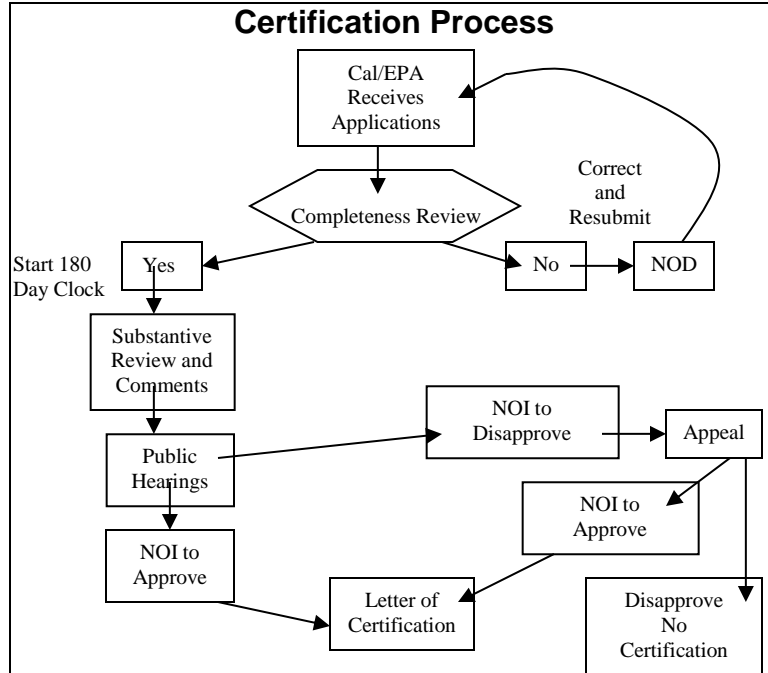
1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order including amendment of subsection (a)(1), new subsection (a)(3), amendment of subsection (b), new subsection (c)(2), amendment of subsections (e)-(e)(2), (e)(4), (e)(6)(B), (e)(7)-(e)(10), (e)(12) and (e)(14)-(e)(16), repealer of subsection (e)(16)(B) and subsection relettering, and amendment of subsections (e)(18) and (e)(20) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
7. Change without regulatory effect amending subsections (d)-(d)(1), (d)(1)(C), (e)(7)-(e)(7)(B), (e)(2)(13), (e)(15)(A) and (e)(17) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

## **Article 4. Certification Process and Responsibilities**

### **§15160. Certification Process**

Figure 3

**Title 27**  
**Division 1, Subdivision 4**



(a) Completeness review.

- (1) Each application shall be reviewed to determine whether all required information has been provided. Such review shall be finished within 90 days of receipt of the application. Within the 90-day period:
  - (A) The Secretary shall send a notice of completeness to an applicant agency whose application has been determined to contain all necessary components;-or
  - (B) The Secretary shall return an incomplete application to the applicant agency.
    - (i) The Secretary shall notify an applicant agency of an incomplete application by using a Notice of Deficiency (NOD).
    - (ii) In the NOD, the Secretary shall specify those provisions of the application that are not sufficient and the date by which the additional information is due.

(b) State agency review and recommendation.

- (1) Applications that are found to be complete shall be reviewed pursuant to Health and Safety Code section 25404.3(b). In determining whether an applicant agency should be certified, the Secretary shall consider comments from the following or their designee:

## **Title 27**

### **Division 1, Subdivision 4**

Director of Department of Toxic Substances Control;  
Director of the Office of Emergency Services;  
State Fire Marshal; and  
Executive Officer and Chairperson of the State Water  
Resources  
Control Board

(2) Comments and recommendations to the Secretary shall be based on analysis of the application contents and consideration of the requirements of this division.

(c) Public hearing.

(1) The Secretary shall hold a public hearing regarding the application for certification.

(2) The Secretary may group public hearings for efficiency purposes.

(3) The Secretary shall consider comments received as part of the public hearing in the determination of whether an applicant should be certified.

(d) The Notice of Intent (NOI).

(1) The Secretary shall complete the review process and issue an NOI within 180 days of receipt of the complete application for certification.

(A) The Secretary shall issue a NOI to disapprove the application for certification if the Secretary finds the applicant agency should not be certified. The NOI to disapprove shall identify those areas of the Unified Program that are deficient.

(B) The Secretary shall issue an NOI to approve if the Secretary intends to approve an application for certification.

(2) During periodic review of the Unified Program, or review of an amended application, if the Secretary finds the Unified Program or the Unified Program implementation to be deficient, the Secretary shall issue an NOI to withdraw certification. The NOI shall identify those areas of the Unified Program that are deficient.

(e) Final Decision.

(1) The Secretary's final decision shall be issued in writing to the applicant agency within 30 days of issuing the NOI except as provided in section 15160(f). The certification shall include the date upon which the CUPA's authority shall commence.

**Title 27**  
**Division 1, Subdivision 4**

- (2) For purposes of this division and the California Code of Regulations title 22, division 4.5, "certification" of a CUPA shall constitute "designation" pursuant to Health and Safety Code section 25180, of the responsible agency implementing chapter 6.5 of the Health and Safety Code, pursuant to the California Code of Regulations title 22, section 66272.10.

(f) Certification Decision Appeal Process.

- (1) Within 30 days of receipt of an NOI to disapprove certification, the applicant agency may respond to the reasons specified and correct the deficiencies in its application.
- (2) Within 30 days of receipt of an NOI to withdraw certification, the CUPA may respond to the reasons specified and correct the deficiencies in its Unified Program.
- (3) In addition to its rights pursuant to (1) above, the applicant agency may request a second public hearing, at which time the Secretary shall hear the applicant agency's response to the reasons specified in the NOI to disapprove.
- (4) The appeal process shall be completed within 60 days of receipt of the appeal.
- (5) The Secretary's final decision on the certification decision appeal shall be issued in writing.

Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Sections 25404(d), 25404.3 and 25404.4(a), Health and Safety Code.

**HISTORY**

1. New article 4 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of History 1 (Register 95, No. 10).
3. New article 4 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
4. New article 4 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
5. New article 4 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of compliance as to 11-14-94 order including new Figure 3 designator, amendment of subsections (a)(1)(A), (b)(1) and (c)(1), new subsections (c)(2)-(c)(3) and amendment of subsections (d)(1), (e)(1)-(e)(2) and (f)(3) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
7. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
8. Change without regulatory effect amending subsections (b)(1) and (e)(2) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

**§15170. Criteria the Secretary Will Use to Evaluate Applications**

**Title 27**  
**Division 1, Subdivision 4**

(a) The Secretary will evaluate applications based on the following:

(1) Adequacy of education, expertise, and training as required by sections 15260 and 15270.

(2) Adequacy of proposed resources including an analysis of:

(A) The number and type of regulated businesses within the jurisdiction;

(B) An estimate of the annual number of compliance and complaint inspections;

(C) The time allocation requirements of local agency staff shall be computed on a full-time equivalent basis, not to exceed 1776 work hours per year per person, for the following:

(i) Inspections and the related travel, research, analysis of findings, and documentation;

(ii) Inspection and enforcement activities including warnings, notices, meetings, hearings, legal proceedings, and documentation;

(iii) Permit activities including application reviews, modifications and revisions, and facility evaluations;

(iv) Training including field, meetings, seminars, workshops, courses and literature reviews; and

(v) Management including day-to-day operation scheduling and supervision.

(vi) Technical staff or contractors to support Unified Program electronic reporting mandates.

(D) An estimate of required staff and supervisory personnel to manage the single fee system, surcharge and fee accountability system;

(E) The number of support staff, both technical and non-technical, for all program elements; and

(F) Description of contacts, working relationship with local prosecution and law enforcement agencies (i.e., ~~district attorneys~~ District Attorneys, strike force memberships, etc.).

## **Title 27**

### **Division 1, Subdivision 4**

- (3) Proposed budget resources and funding mechanisms. The applicant agency shall include as part of the application, a summary of projected annual funding and expenses for the entire local Unified Program. Adequacy of budget resources and funding mechanisms shall be calculated as the ratio of funding to expenses, a value of one being the standard for most adequate.
- (4) Past performance of the applicant agency and its proposed ~~PA's~~PAs in implementing hazardous materials and hazardous waste management programs.
- (5) Record keeping and cost accounting systems proposed for the Unified Program, including:
  - (A) Elements required by the Secretary pursuant to Health and Safety Code section 25404(c);
  - (B) A method for calculating program costs;
  - (C) Permit fee structure;
  - (D) Fee collection process; and
  - (E) Data management.
- (6) Compliance with the criteria in California Code of Regulations, title 22, section 66272.10, except for the requirement of paragraph (2) of subdivision (b) of that section related to ~~countywide~~county-wide jurisdiction and paragraph (3) of subdivision (b) of that section related to hazardous waste facilities.
- (7) Additional programs, including but not limited to programs such as hazardous waste source reduction and pollution prevention programs, incorporated in the Unified Program.
- (8) Identified adverse impacts on the county. The Secretary will give particular consideration to written comments or comments received during the public hearing.
- (9) The Unified Program throughout the entire county in which the applicant agency is located will be less fragmented between jurisdictions, as compared to before January 1, 1994, with regard to the administration of the provisions specified in Health and Safety Code section 25404(c). The Secretary shall consider, but shall not be limited to, the following measures of fragmentation. The applicant agency shall justify its certification with respect to these measures in the implementation plan required pursuant to California Code of Regulations, title 27, section 15150(e)(6).

## Title 27

### Division 1, Subdivision 4

- (A) The number of agencies managing the six Unified Program elements listed in Health and Safety Code section 25404(c) within the county prior to January 1, 1994, and the number of agencies managing those program elements as proposed by the applicant agency.
  - (B) The number of agencies a regulated business had to work with for the Unified Program elements prior to January 1, 1994, and the number of agencies a regulated business will have to work with as proposed by the applicant agency.
- (10) County-wide coordination and consistency. The Secretary shall consider, but not be limited to the following:
- (A) Agreements among the county, city, and local agency applicants indicating consistency with a county-wide Unified Program.
- (11) The Secretary shall not certify an applicant agency that proposes to include PA'sPAs in the Unified Program, unless there is a finding that:
- (A) It meets the requirements of Health and Safety Code section 25404.3(d)(1).
  - (B) The proposed ~~PA's~~PAs have met the education, training and experience requirements identified in sections 15260 and 15270, and have adequate resources to implement the program element(s) that the applicant agency has proposed it will take on.
  - (C) All necessary agreements are in place, pursuant to Health and Safety Code section 25404.3(d)(3).
- (12) The requirements of sections 15160(b) and 15160(c).
- (13) The implementation plan for the consolidation of permits, inspections, enforcement, and fees.
- (14) Documentation of authority to implement program elements.
- (15) If the program will be fully operational no later than one year after certification.

Note:-Authority cited: Sections 25404(b), 25404.2(c), 25404.3(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.2(a) and (c), and 25404.3(b), (c) and (d), Health and Safety Code.

#### HISTORY

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.



## **Title 27**

### **Division 1, Subdivision 4**

2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order including amendment of subsections (b), (b)(2), (c), (g), (h), (j)(1), (k)-(k)(2) and (l)(1)-(l)(3), new subsection (m) and subsection relettering, amendment of newly designated subsection (n)(2) and repealer of newly designated subsection (n)(4) and subsection renumbering transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
7. Change without regulatory effect amending subsections (a)(2)(F), (a)(4), (a)(6)-(7), (a)(10)-(11) and (a)(11)(B) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

## **PART II. Operations**

### **Article 5. Implementation and Maintenance of the Unified Program**

#### **§15180. Maintenance of Certification and Administration**

- (a) A CUPA shall implement the Unified Program consistent with the implementation plan submitted in compliance with section 15150(e)(6) and these regulations.
- (b) A CUPA shall maintain certification through the administration of the Unified Program in compliance with these regulations.
- (c) Any agency designated by the Secretary as the CUPA pursuant to Health and Safety Code section 25404.3(f)(2) must comply with the requirements in these regulations.
- (d) Any local agency authorized to continue its role, responsibilities, and authority pursuant to Health and Safety Code sections 25404.3(f)(2) or 25533(f) shall comply with the requirements in the regulations placed on CUPAs with the exception of articles 3, 4, and 7, sections 15210, 15220, 15240, 15250, and 15260.
- (e) The CUPA shall establish and implement the following Unified Program administrative procedures.
  - (1) Public participation procedures that:
    - (A) Ensure receipt and consideration of comments from regulated businesses and the public.

## **Title 27**

### **Division 1, Subdivision 4**

- (B) Coordinate, consolidate, and make consistent locally required public hearings related to any Unified Program element.
  - (C) Coordinate, consolidate, and make consistent public notices for activities related to any Unified Program element.
- (2) Records maintenance procedures that include:
- (A) Identification of the records maintained.
  - (B) Minimum retention times.
  - (C) Archive procedures.
  - (D) Proper disposal methods.
- (3) Procedures for responding to requests for information from the public, from government agencies with a legal right to access the information, or from emergency responders, including methods to prevent the release of confidential and trade secret information.
- (4) Procedures for forwarding the HMRRP information in accordance with Health and Safety Code sections 25503.5(d) and 25509.2(a)(3).
- (5) Financial management procedures that include:
- (A) A single fee system in compliance with section 15210;
  - (B) A fee accountability program in compliance with section 15220; and
  - (C) A surcharge collection and reimbursement program in compliance with section 15250.
- (6) Procedures for the withdrawal or removal of a PA that include:
- (A) Providing notice;
  - (B) Stating causes;
  - (C) Taking public comment;
  - (D) Making appeals; and
  - (E) Resolving disputes.
- (7) Data management procedures that include:

**Title 27**  
**Division 1, Subdivision 4**

(A) The collection, retention, and management of electronic data and documents in compliance with section 15185.

(B) The transfer and exchange of electronic data through an applicable local information management system or local reporting portal in compliance with 15187; and

(C) The reporting of electronic data in compliance with section 15290.

Note:-Authority cited: Sections 25404(b) and (e) and 25404.6, Health and Safety Code. Reference: Sections 25103, 25404.2(a) and (c), 25404.3(d), 25404.4(a)(1), 25404.5, 25500, 25506, 25509.2(a)(3) and 25534.5, Health and Safety Code; and Section 6253 et seq., Government Code.

**HISTORY**

1. New article 5 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New article 5 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New article 5 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New article 5 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsections (a), (a)(1)(A), repealer of subsection (a)(2)(A)(iv) and subsection renumbering, amendment of subsection (a)(2)(B), repealer of subsection (a)(2)(D) and subsection relettering, amendment of newly redesignated subsections (a)(2)(E)-(a)(2)(F), new subsections (a)(2)(G)-(a)(2)(H), amendment of subsection (a)(3)(A)(i), repealer of subsection (a)(3)(A)(ii)-(a)(3)(A)(iii) and subsection renumbering, redesignation and amendment of part of subsection (a)(7) as new (a)(7)(A) and new (a)(7)(B), and amendment of subsections (a)(8)(B), (a)(9) and (a)(10) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of subsections (a)(2)(E)-(G) and Note filed 12-20-96 as an emergency; operative 12-20-96 (Register 96, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-21-97 or emergency language will be repealed by operation of law on the following day.
7. Amendment of subsections (a)(2)(E)-(G) and Note refiled 4-11-97 as an emergency; operative 4-11-97 (Register 97, No. 15). A Certificate of Compliance must be transmitted to OAL by 8-11-97 or emergency language will be repealed by operation of law on the following day.
8. Amendment of subsections (a)(2)(E)-(G) and Note refiled 7-30-97 as an emergency; operative 7-30-97 (Register 97, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-1-97 or emergency language will be repealed by operation of law on the following day.
9. Amendment of subsections (a)(2)(E)-(G) and Note refiled 12-2-97 as an emergency; operative 12-2-97 (Register 97, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-1-98 or emergency language will be repealed by operation of law on the following day.
10. Reinstatement of section as it existed prior to 12-2-97 emergency amendment by operation of Government Code section 11346.1(f) (Register 98, No. 14).
11. Amendment of subsections (a)(2)(E)-(G) and Note filed 3-31-98 as an emergency; operative 3-31-98 (Register 98, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-29-98 or emergency language will be repealed by operation of law on the following day.

## Title 27

### Division 1, Subdivision 4

12. Amendment of subsections (a)(2)(E)-(G) and Note refiled 7-30-98 as an emergency; operative 7-30-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-27-98 or emergency language will be repealed by operation of law on the following day.
13. New part II heading and amendment of section and Note filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 1-8-99 order, including further amendments, transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
15. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

### §15185. Information Collection, Retention, and Management

- (a) CUPAs shall collect, retain, and manage information needed to implement the Unified Program, including ~~but not limited to these regulations and all information defined data specified in the Unified Program data dictionary.~~ Data Dictionary. Data and documents retained in CERS do not need to be also retained locally.
- (b) The data dictionary is contained in Division 3, Electronic Submittal of Information. It defines data elements, data field size and type, and edit criteria for regulatory data that shall be collected, retained, and managed by a CUPA. It consists of the following sections:
  - (1) Division 3, Electronic Submittal of Information, includes data elements reported by a regulated business to a CUPA; and
  - (2) Division 3, Electronic Submittal of Information, includes data elements a CUPA reports to the state.
- (c) A CUPA shall retain the following information for a minimum of five years:
  - (1) Copies of self-audits, inspection reports, enforcement files, and UPCFs.
  - (2) All records related to hazardous waste enforcement actions from the date the enforcement action is resolved.
  - (3) Detailed records used to produce the summary reports submitted to the state.
  - (4) Surcharge billing and collection records following closure of any billing period, or until completion of any audit process, whichever is longer.
- (d) ~~Electronic reporting is optional and the CUPA is not required to store or maintain the data in the Unified Program data dictionary format. The data dictionary data structures and formats~~ The Unified Program Data Dictionary data elements and submittal elements must be used for electronic reporting by businesses to a CUPA pursuant to this section or by a CUPA to the state pursuant to this section ~~and 15290.~~ The CUPA is not required to store or maintain the data in the data dictionary format, but must be able to electronically submit the data to Cal/EPA in

## Title 27

### Division 1, Subdivision 4

the data dictionary formats using the data exchange templates provided by Cal/EPA.

- (e) ~~Within three months of the Secretary's approval of the electronic data transmission protocol developed pursuant to Public Resources Code division 34, chapter 3, section 71060 et seq., data management, a CUPA shall accept data from businesses in the approved electronic data transmission protocol, if the CUPA agrees to accept information electronically. The CUPA shall accept all submittal elements from regulated businesses within their jurisdiction that include the relevant data elements as specified in the Unified Program Data Dictionary.~~
- (f) ~~The CUPA may permit a regulated business to meet its information reporting requirements electronically. In such case, the format and mode of the submission shall be specified by the CUPA and shall be consistent with the data standards adopted in articles 5 through 10 inclusive. The CUPA may collect locally required supplemental information.~~
- (g) ~~If a CUPA accepts any~~
- ~~(1) CUPAs are prohibited from requesting duplicative information if the information electronically, the CUPA shall accept all submissions that contain the data elements with the field length and type and in the order specified is included in the data dictionary. A CUPA may, on a case-by-case basis, agree to accept~~
  - ~~(2) Locally required information that does not meet the data dictionary standard. (h) The CUPA may establish must be adopted by local standards for the collection ordinance or required by state law.~~
  - ~~(3) A description of locally required supplemental information in addition to standards specified in the Unified Program data dictionary. requirements must be reported to Cal/EPA for inclusion in CERS.~~
- (ig) ~~CUPAs A CUPA shall collect, retain, and manage any additional provide access to information required by state or federal law. in accordance with section 15100(b)(2)(C)(iii).~~
- (h) ~~The Secretary may establish and maintain standard descriptions for chemical inventory reporting of common chemical products. These templates shall be included in the Unified Program Data Dictionary. The UPA shall accept the standard descriptions for inventory reporting.~~

Note: Authority cited: Sections 25404(b), (c), (d) and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25201, 25201.4.1,

## Title 27

### Division 1, Subdivision 4

25201.5, 25201.13, 25201.14, 25281.2, 25218.9, 25286, 25287, 25503.5, 25505, 25506 and 25509, Health and Safety Code.

#### HISTORY

1. New section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Amendment of subsections (a), (b)(2) and (e) filed 11-16-2004; operative 12-16-2004 (Register 2004, No. 47).
4. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
5. Change without regulatory effect amending subsections (b)-(b)(1) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

### **§15186. Unified Program Consolidated Form (UPCF) Data Standards**

(a) ~~The UPCF shall be used by the UPAs to collect information from regulated businesses. The Secretary shall establish and maintain a Unified Program Data Dictionary that lists, organizes, and describes the data to be collected and submitted by CUPAs in administering the programs listed in Health and Safety Code chapter 6.11. It shall contain:~~

~~(1) a listing of the data elements and the submittal elements reported by a regulated business to a CUPA.~~

~~(2) a listing of the data elements a CUPA reports to the state.~~

~~(3) a listing of the data elements required for electronic data exchange.~~

~~(4) a listing of templates to be used to report chemical inventory information.~~

(b) ~~The UPCF consists of the following:~~

~~(1) Business Activities Page;~~

~~(2) Business Owner/Operator Identification;~~

~~(3) Hazardous Materials Inventory Chemical Description;~~

~~(4) UST Operating Permit Application Facility Information;~~

~~(5) UST Operating Permit Application Tank Information;~~

~~(6) UST Certification of Installation/Modification;~~

~~(7) UST Monitoring Plan;~~

~~(8) Recyclable Materials Report;~~

**Title 27**  
**Division 1, Subdivision 4**

- ~~(9) Onsite Hazardous Waste Treatment Notification Facility;~~
  - ~~(10) Onsite Hazardous Waste Treatment Notification Unit;~~
  - ~~(11) Certification of Financial Assurance for Permit by Rule and Conditionally Authorized Operations;~~
  - ~~(12) Remote Waste Consolidation Site Annual Notification;~~
  - ~~(13) Hazardous Waste Tank Closure Certification; and~~
  - ~~(14) Household Hazardous Waste Information (reserved). The Secretary shall review and amend if necessary, the Unified Program Data Dictionary every two years.~~
- (c) ~~The UPCF may be reproduced or electronically duplicated as needed. The state agency with assigned program responsibility shall identify and specify Unified Program Data Dictionary submittal options for data that cannot be divided into discrete data elements.~~
- (d) ~~Different parts of the UPCF, the alternative version, or a computer-generated facsimile may be submitted separately. Each submission shall be accompanied by the Business Owner/Operator Identification page and shall be signed. The Business Activities page shall also be resubmitted whenever any information reported on it changes. If a Unified Program reporting requirement is created by new statute or regulation that is not covered by the Unified Program Data Dictionary as defined in subdivision (a), the state agency with assigned program responsibility, in consultation with the Secretary, may develop and maintain a standard form in a format that can be electronically uploaded to CERS, a local information management system, or a local reporting portal until such time that the new reporting requirement is integrated into the Unified Program Data Dictionary, CERS, local information management systems, and local reporting portals.~~

Authority cited: Sections 25404(b), (c), (d), and (e); 25404.6(c), Health and Safety Code. Reference: Sections 25503.3, 25505, Health and Safety Code.

**HISTORY**

1. New section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Repealer and new section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
4. Change without regulatory effect amending subsections (b)(4)-(6), adding subsection (b)(7) and relettering subsections filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

**§15186.1 Standard Descriptions for Chemical Inventory Reporting**

**Title 27**  
**Division 1, Subdivision 4**

(a) A handler that reports lead acid batteries as a part a chemical inventory submission shall use the following standard descriptions:

(1) Data element 205, Chemical Name, is "Lead Acid Batteries".

(2) Data element 206, Trade Secret, is "No".

(3) Data element 207, Common Name, is "Lead Acid Batteries".

(4) Data element 208, EHS, shall be left blank.

(5) Data element 209, CAS#, shall be left blank.

(6) Data element 210, Fire Code Hazard Classes, is "Corrosive".

(7) Data element 211, Hazardous Material Type, is "Mixture".

(8) Data element 212, Radioactive, is "No".

(9) Data element 214, Physical State, is "Liquid".

(10) Data element 215, Largest Container, shall be reported as gallons of electrolyte.

(11) Data element 216, Fed Hazard Categories, is data element 216d, "Acute Health" and data element 216e, "Chronic Health".

(12) Data element 217, Average Daily Amount, shall be reported as gallons of electrolyte.

(13) Data element 218, Maximum Daily Amount, shall be reported as gallons of electrolyte.

(14) Data element 221, Units, is "Gallons".

(15) Data element 223, Storage Container, is data element 223r, "Other".

(16) Data element 224, Storage Pressure, is "Ambient".

(17) Data element 225, Storage Temperature, is "Ambient".

(18) Data element 226, Hazardous Component 1 Percent by Weight, is "40".

(19) Data element 227, Hazardous Component 1 Name, is "Sulfuric Acid".



## Title 27

### Division 1, Subdivision 4

(20) Data element 228, Hazardous Component 1 EHS, is “Yes”.

(21) Data element 229, Hazardous Component 1 CAS #, is “7664-93-9”.

#### **§15187. Unified Program Consolidated Form – CUPA Responsibilities Local Information Management Systems – Electronic Reporting**

- (a) ~~The CUPA shall distribute copies of the UPCF, or an alternative version, to any regulated business or member of the public upon request.~~
- (b) ~~Each CUPA shall provide instructions to the regulated businesses when distributing the UPCF and any alternative versions.~~
- (c) ~~The CUPA shall accept the UPCF as shown in division 3, Submittal of Information, from any regulated business that chooses to use it, even if the CUPA adopts one or more alternative versions of the UPCF.~~
- (d) ~~A CUPA may add the name of the CUPA, a logo, an address, phone number, establish and other identifying information to the UPCF title or footer on one or more pages, without the customized UPCF being considered an alternative version subject to the conditions adopted by this section. (e) A CUPA may create alternative versions of the UPCF for implement a local purposes such as streamlining for small businesses or addressing a specific type of industry. Any alternative version of the UPCF shall:~~
  - ~~(1) Collect all of the information found on the UPCF reporting portal that applies to the can receive electronic data from regulated businesses using the data element definitions established by the data dictionary;~~
  - ~~(2) Be consistent with the data standards adopted throughout articles 5 through 10 of these regulations;~~
  - ~~(3) Use the same section order as shown in section 15186(b);~~
  - ~~(4) Be developed in consultation with all other agencies within the CUPA’s their own jurisdiction that are responsible for fire protection, emergency response, and environmental health;~~
  - ~~(5) Not duplicate data elements between sections of the UPCF other than facility ID number and facility name;~~
    - ~~(A) Duplicate information between different forms is allowed only if it is necessary to provide for form tracking.~~
  - ~~(6) Comply with all applicable federal and state laws; and~~

## Title 27

### Division 1, Subdivision 4

- ~~(7) Include a written disclaimer statement on a cover page or the front page, printed using a font larger than or equal to eight points for readability: "This form was developed by the CUPA as an alternative version of the UPCF. Businesses have the option to use the UPCF adopted in state regulations. The CUPA may require businesses to provide additional information."~~
- ~~(f) CUPAs shall collect additional local information on either supplemental pages or within the UPCF in the boxes provided on the Business Owner/Operator Identification page and the Hazardous Materials Inventory Chemical Description page.~~
- ~~(g) CUPAs that have created one or more alternative versions of the UPCF may add supplemental requests for information within the alternative version, to the extent space is available.~~
- ~~(h) CUPAs are prohibited from requesting duplicative information in a different format if the information is part of the data dictionary, the UPCF, or that CUPA's alternative version of the UPCF.~~
- ~~(i) The CUPA shall determine if business-generated facsimiles comply with the requirements of subdivision (b). The CUPA may also allow businesses to submit facsimiles of their alternative versions of the UPCF.~~
- (1) A CUPA that establishes and implements a local reporting portal is required to accept all Unified Program data elements and submittal elements submitted by any regulated businesses in its jurisdiction.
- (2) A CUPA's local reporting portal shall be able to transfer or exchange electronic data submitted by regulated businesses to CERS using the data exchange templates provided by Cal/EPA.
- (b) A regulated business shall use a local reporting portal or CERS to meet regulatory reporting requirements.
- (c) If not otherwise manually entered into CERS, a CUPA's local information management system shall be able to transfer inspection, violation, and enforcement information to CERS, using the data elements in the Unified Program Data Dictionary and the data exchange templates provided by Cal/EPA.
- (d) Locally required supplemental information collected, if any, and the applicable local code citations shall be included in both the local information management system or local reporting portal and CERS.
- (e) PAs shall not have a local reporting portal unless provided by the CUPA for use by all regulated businesses to meet all Unified Program reporting requirements throughout the CUPA's jurisdiction.

**Title 27**  
**Division 1, Subdivision 4**

Note:-Authority cited: Sections 25404(b), (c), (d), and (e); 25404.6(c), Health and Safety Code. Reference: Sections 25503(a), 25503.5(a) and (b), 25505, 25509, Health and Safety Code.

HISTORY

1. New section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Repealer and new section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
4. Change without regulatory effect amending subsections (c) and (e)(3) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

**§15187.1 What are the requirements for use of electronic signatures with electronic submittals of Unified Program information? [Repealed]**

Note: Authority cited: Section 25404(e), Health and Safety Code, Sections 71061 and 71066, Public Resources Code; and Section 16.5(c), Government Code. References: Sections 71060 et seq., Public Resources Code, Section 16.5, Government Code, ABA, Section of Science and Technology, *Digital Signature Guidelines, Legal Infrastructure for Certification Authorities and Secure Electronic Commerce*, August 1, 1996, Sections 2B—113, 2B—115, 2B—118 of the Proposed Uniform Commercial Code, Section 250 of the California Evidence Code, and Section 1001(a) of the Federal Rules of Evidence.

HISTORY

1. New section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Renumbering of former section 15187.1 to new section 15189 filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
4. Change without regulatory effect amending section heading filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

**§15188. ~~Unified Program Consolidated Form Reporting Requirements – Business Responsibilities~~**

- (a) Regulated businesses are required to meet the reporting requirements of any applicable Unified Program element.
- (b) Regulated businesses shall report required ~~elements that are data~~ applicable to their business to the ~~CUPA~~U~~P~~A by ~~submitting the section~~electronic submission of the ~~UPCF, a business-generated facsimile, or an alternative version developed by their CUPA~~data elements described in the data dictionary.

## Title 27

### Division 1, Subdivision 4

- (c) ~~A copy~~The business shall verify the accuracy of the Business Activities page data and Business Owner/Operator page shall be documents submitted with every submission of pages of the UPCF.
- (d) ~~A regulated business may report information collected on the UPCF or on an alternative version electronically, if the CUPA agrees to accept it electronically. In addition:~~
- ~~(1) Upon agreement by the CUPA, the business may submit data in either the ASCII flat file format, ANSI X12, or an alternative file format.~~
  - ~~(2) The business shall submit data in the mode specified by the CUPA.~~
- (e) ~~Regulated businesses may satisfy their reporting requirement by submitting computer-generated facsimile forms. A facsimile of the UPCF shall meet the following specifications:~~
- ~~(1) It shall contain all the information required on the UPCF and defined by the data dictionary for those regulated businesses. It shall use the same section format and present the required information in the order and general sequencing on the page as shown on the UPCF. The facsimile form shall be printed on 8½- by 11-inch paper in 'portrait' format. It shall retain all labels and identifiers for the UPCF sections, pages, and subdivisions. Current page breaks shall be maintained, although a page for supplemental local information may be added between UPCF page breaks.~~
  - ~~(2) It is not required to be an exact copy or to use identical fonts, boxing, shading, or other graphic design elements of the UPCF.~~
  - ~~(3) The CUPA shall determine if business-generated facsimiles comply with the requirements of subdivision (e). The CUPA may also allow businesses to submit facsimiles of their alternative versions of the UPCF.~~
- (f) ~~To the extent not prohibited by law, the CUPA may assist businesses to revise their information by providing copies of completed reports based on previous submittals. These reports shall be in the general format of the UPCF or the alternative version. A business that revises, certifies, and returns this report to the CUPA satisfies the requirements to complete the appropriate sections of the UPCF. Regulated businesses are not required to use these CUPA generated reports and have the option to submit updated information using the UPCF or a facsimile.~~
- (g) ~~Regulated business~~ businesses shall comply with the established dates or events that trigger the requirements for businesses to submit information required as a part of the Unified Program and submit the appropriate sections of the UPCF, the alternative version, or a computer-generated facsimile. A

## Title 27

### Division 1, Subdivision 4

CUPAUPA may establish other specific dates for submission of information consistent with state and federal law.

~~(h)~~ Other documents may also be required by federal and state statutes and regulations or by local ordinance.

Note: Authority cited: Sections 25404(b), (c), (d), and (e); 25404.6(c), Health and Safety Code. Reference: Sections 25503.5, 25505, Health and Safety Code.

#### HISTORY

1. New section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Repealer and new section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

### §15189. Digital Signatures

~~(a) If a business submits regulatory information specified in the data dictionary electronically, a digital signature may be used in lieu of a manual signature to identify the party submitting the data, subject to agreement with the party to receive the data and provided that the method used is not precluded by state or federal law.~~

~~(b) For the purposes of the UPCF and data dictionary, both the UPCF and data submitted per the requirements of the data dictionary constitute a writing.~~

~~(c) A digital signature may not be denied legal effect, validity, or enforceability solely on the ground that it is electronic.~~

~~(d) A digital signature, message, or record, is attributable to a person if:~~

~~(1) It was the action of that person, that person authorized the action, or that person's agent took the action; or~~

~~(2) The party in receipt of the digital signature, message, or record, concluded in good faith that it met any of the criteria in (d)(1) above.~~

Note: Authority cited: Section 25404(e), Health & Safety Code, Sections 71061 and 71066, Public Resources Code; and Section 16.5(c), Government Code.

References: Sections 71060 et seq., Public Resources Code, Section 16.5, Government Code, ABA, Section of Science and Technology, *Digital Signature Guidelines, Legal Infrastructure for Certification Authorities and Secure Electronic Commerce*, August 1, 1996, Sections 2B—113, 2B—115, 2B—118 of the Proposed Uniform Commercial Code, Section 250, of the California Evidence Code; and Section 1001(a) of the Federal Rules of Evidence.

#### HISTORY

1. Renumbering of former section 15187.1 to new section 15189, including amendment of section heading and section, filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

**Title 27**  
**Division 1, Subdivision 4**

**§15190. Permitting**

- (a) The UPA shall issue a Unified Program facility permit in accordance with these regulations.
- (b) The CUPA shall consolidate the permits issued under the Unified Program utilizing the Unified Program facility permit.
  - (1) The UPA shall provide Unified Program facility permit instructions for the specific requirements of regulated businesses.
  - (2) The UPA shall use CERS, a local information management system, or a local reporting portal to manage permit information.
  - (3) Additional locally required supplemental information must follow section 15185(e).
- (c) The CUPA shall provide for a single point of local contact for permit applicants. The program shall provide for a coordinated and consolidated permit process that provides regulated businesses a single point of local contact for obtaining information on, the requirements for, and the application process for the Unified Program facility permit.
- ~~(d) The UPA shall provide a Unified Program facility permit application package for the specific requirements of regulated businesses.~~
  - ~~(1) The permit application may be presented as a single form, designed to transmit multi-program information, or it may be multiple forms arranged into a single package.~~
  - ~~(2) The CUPA shall utilize the applicable sections of the UPCF and, if necessary, additional information to collect the required information for a permit application.~~
- ~~(e) The CUPA, in cooperation with the PA's PAs, shall ensure timely decisions regarding Unified Program facility permits, including:~~
  - (1) Time lines and time limits of appeal processes;
  - (2) Provisions for preliminary check for application completeness;
  - (3) Provisions for technical review of permit applications by the responsible agency;
  - (4) A procedure for tracking permit applications, establishing follow-up protocol, and facilitating expeditious processing, when necessary.
- ~~(fe) The CUPA shall identify and utilize efficient methods of transmitting the permit.~~

**Title 27**  
**Division 1, Subdivision 4**

- (gf) The CUPA shall establish a permit cycle.
- (hg) The CUPA shall evaluate the coordination, consolidation and consistency of the Unified Program facility permit process.
- (1) Information obtained through the permit evaluation process shall be considered and used in modifying the Unified Program facility permit when appropriate.
- (ih) The Unified Program facility permit shall include:
- (1) The applicable program element(s) and authorizations that make up the Unified Program facility permit;
- (2) The agency responsible for issuing the Unified Program facility permit;
- (3) The permitted facility by business name and address;
- (4) The permit issuance date;
- (5) The permit expiration date; and
- (6) An addendum used to document permit conditions for each applicable element of the Unified Program.
- (ji) The CUPA shall address any coordination, consolidation, or consistency issues not specifically addressed above.
- ~~(k) If required, the CUPA shall use the Consolidated Contingency Plan format pursuant to Health and Safety Code section 25503.4 and Government Code section 8670.36.5 et seq.~~
- ~~(1) The Consolidated Contingency Plan format developed by the CUPA shall be substantially equivalent to the format developed by OES pursuant to Health and Safety Code section 25503.4, when that format has been adopted.~~
- ~~(2) The CUPA shall accept plans submitted by businesses in the Consolidated Contingency Plan format adopted by OES pursuant to Health and Safety Code section 25503.4.~~

Note: Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code.  
Reference: Sections 25404.2(a)(1) and (2), 25299.6 and 25503.4, Health and Safety Code; Section 8670.36.5, Government Code.

HISTORY

## Title 27

### Division 1, Subdivision 4

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendments to subsections (b)(1), (B)(2)(A), (b)(3), new subsections (b)(3)(A)-(C), repealer of subsection (b)(4)(A), amendment of subsection (b)(5)(A), new subsection (b)(5)(C), amendment of subsection (c)(2), and repealer of subsection (c)(7) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. New subsection (b)(3)(D), amendment of subsections (b)(5) and (b)(5)(A), repealer of subsection (b)(5)(B), subsection relettering, and amendment of newly designated subsection (b)(5)(B) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
8. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
9. Change without regulatory effect amending subsection (e) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

### §15200. Inspection and Enforcement

- (a) The CUPA shall develop a written plan to implement an inspection and enforcement program. The plan shall be developed and implemented in cooperation with all ~~participating agencies~~PAs of the jurisdiction. The plan shall include:
  - (1) Provisions for administering all program elements.
  - (2) The following types of inspections shall be conducted according to the standards contained in statute and regulation:
    - (A) Hazardous waste generator inspections [refer to Health & Saf. Code, §§ 25150, 25159; Cal. Code Regs., tit. 22, div. 4.5, ch. 12];
    - (B) Inspection of onsite hazardous waste treatment activities under the CE, CA, and PBR tiers of Tiered Permitting [refer to Health & Saf. Code, §§ 25200.3, 25201.5 Cal. Code Regs., tit. 22, div. 4.5, ch. 45];
    - (C) UST Program inspections [refer to Health & Saf. Code, § 25288; Cal. Code Regs., tit. 23, div. 3, ch. 16, § 2712 et seq.];
    - (D) HMRRP Program inspections [refer to Health & Saf. Code, § 25500 et seq.];



**Title 27**

**Division 1, Subdivision 4**

(E) CalARP Program inspections [refer to Health & Saf. Code, § 25533 et seq.];~~and~~

~~(F) AST Program inspections [refer to Health & Saf. Code, § 25270.5 et seq.]; and~~

(G) Other inspections that may be consolidated pursuant to Health and Safety Code section 25404.2(a)(4).

(3) A schedule of the inspection frequencies to be conducted that shall, at a minimum, meet the inspection frequencies mandated in statutes, as shown in figure 1.

(A) If there is no mandated inspection frequency, inspection frequency scheduling shall consider the following: local zoning requirements, population density, local ground water conditions, identified hazards of a type of business, quantity and types of hazardous materials, emergency response capability, compliance history, and any other pertinent local issues.

Figure 1 – MANDATED INSPECTION FREQUENCIES		
Program Element	Inspection Frequency	Statutory Reference
Hazardous Waste Generator Program	No mandated frequency	
Hazardous Waste Treatment Activities – PBR, CA and CE	<del>once</del> <u>At least once initial inspection within two years of notification and every three years thereafter</u>	Health and Safety Code section 25201.4(b)
UST Program	<del>Annually</del> <u>At least once every year</u>	Health and Safety Code section 25288(a)
HMRP and Inventories Program	At least once every three years	Health and Safety Code section 25508(b)
CalARP Program	At least once every three years	Health and Safety Code section 25537
<u>AST Program</u>	<u>At least once every three years for tank facilities with</u>	Health and Safety Code section <u>25270.5(a)</u>

**Title 27**  
**Division 1, Subdivision 4**

	<u>10,000 gallons</u> <u>or more of</u> <u>petroleum</u>	
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- (4) Coordination of inspection efforts between the CUPA and its PA's PA's.
  - (5) Enforcement notification procedures that ensure:
    - (A) Appropriate confidentiality; and
    - (B) Coordination and timely notification of appropriate prosecuting agency(ies).
  - (6) Identification of all available enforcement options.
  - (7) Uniform and coordinated application of enforcement standards.
  - (8) Identification of penalties and enforcement actions that are consistent and predictable for similar violations and no less stringent than state statute and regulations.
  - (9) A graduated series of enforcement actions that may be taken by the UPAs, based on the severity of the violation.
  - (10) Provisions for multi-media enforcement.
  - (11) A description of how the CUPA minimizes or eliminates duplication, inconsistencies, and lack of coordination within the inspection and enforcement program.
  - (12) Provisions for coordinating enforcement efforts between the CUPA and its PA's PA's.
  - (13) Provisions for addressing complaints, including but not limited to the receipt, investigation, enforcement, and closure of a complaint.
- (b) The Inspection and Enforcement Program Plan shall at a minimum be reviewed annually by the CUPA.
- (1) The CUPA shall consult with and reach consensus with the ~~participating agency~~ PA prior to any changes that affect program elements for which the ~~participating agency~~ PA is responsible.
  - (2) The CUPA shall update the plan as necessary.

## **Title 27**

### **Division 1, Subdivision 4**

- (c) The CUPA shall participate in a multi-media enforcement approach to the unified inspection and enforcement program in order to promote the effective detection, abatement and deterrence of violations affecting more than one environmental medium or regulatory scheme.
- (d) In addition to the mandatory elements of Health and Safety Code division 20, chapter 6.5, the CUPA may integrate optional waste reduction and pollution prevention programs into the unified inspection and enforcement program.
- (e) CUPAs are responsible for initiating enforcement actions when appropriate, but may also refer enforcement cases to the appropriate state or federal agency for their consideration.
- (f) These regulations shall not limit the authority of any state agency to investigate alleged violations of state law. These regulations shall not limit appropriate state agencies from taking any other actions that are mandated, allowed, or authorized pursuant to state law.

Note: Authority cited: Sections 25404, 25404.2 and 25404.6(c), Health and Safety Code; Section 6254(f), Government Code. Reference: Sections 25404(c) and (d), 25404.2, 25404.2(a) and (c), 25404.4(b)(3), 25150, 25159, 25179.4, 25200.3, 25201.5, 25288, 25500 and 25533, Health and Safety Code; Section 6254(f), Government Code.

#### **HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order including amendment of subsection (b), repealer of subsection (b)(2)(A), amendment of subsection (b)(4), Figure 4 and subsections (f), (f)(1)(C), (f)(1)(F), new subsection (f)(1)(G), amendment of subsection (f)(2)(A)(i), redesignation of subsections (f)(2)(A)(iii)-(iv) to subsections (f)(2)(B)-(C) and subsection relettering, amendment of newly designated subsections (f)(2)(B)-(F), (f)(3), (f)(3)(A), redesignation of (f)(4) as (f)(3)(B) and subsection relettering, and amendment of Note transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
7. Change without regulatory effect amending subsections (a), (a)(2)(D), (a)(4), (a)(12) and (b)(1) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

### **§15210. Single Fee System**

- (a) Each CUPA shall implement a single fee system within its jurisdiction. The single fee system will do the following:

## **Title 27**

### **Division 1, Subdivision 4**

- (1) Consolidates all fees currently mandated in statute and regulation used for local implementation of the Unified Program.
  - (2) Consolidates any other fees levied by a local agency specifically to fund their implementation of the programs specified in Health and Safety Code section 25404(c).
- (b) The single fee system may be used to charge fees for programs that are not listed as Unified Program elements in Health and Safety Code section 25404.5(c), if those programs are incorporated into the Unified Program.
- (c) The single fee system may reflect variations in cost to implement and maintain programs for different regulated businesses.
- (1) Fee schedules shall be based on factors associated with the cost of implementing and maintaining programs.
  - (2) Fees may differ from one jurisdiction to the next, based on the necessary and reasonable costs to implement the Unified Program.
  - (3) The fee schedule may be adjusted by the CUPA to reflect changes in reasonable and necessary costs.
- (d) Provided the single fee system meets the minimum requirements of the law, a CUPA or a PA has the authority to determine the level of service it will provide and to set its fees to fund the necessary and reasonable costs of its program.
- (e) Each PA shall notify the CUPA of its program costs.
- (f) The CUPA shall ensure that all funds collected on behalf of the PA are forwarded to the PA.
- (1) The CUPA shall pay the PA within 45 days of receiving fees designated for the ~~participating agency~~ PA unless the PA and CUPA agree in writing to an alternate schedule.
- (g) Each billing statement shall itemize the fees by program element, if those fee elements are calculated separately.
- (h) Fees for non-recurring activities of the CUPA or PA such as, but not limited to, the fee for an initial permit or special inspection, may be billed separately from the single fee billing.
- (i) The governing body of the CUPA shall establish the fee schedule for businesses regulated under the Unified Program. The governing body of the CUPA shall

## **Title 27**

### **Division 1, Subdivision 4**

utilize the fee schedules established by the PA'sPAs and authorize the collection of those fees.

- (j) The CUPA or PA shall make fees schedules available to interested parties upon request.
- (k) The CUPA shall prepare and implement a plan to resolve fee disputes that arise between the CUPA and PA'sPAs, between a regulated business and either the PA or the CUPA, or between a regulated business and the state regarding the state surcharge.
  - (1) The CUPA shall attempt to resolve disputes involving the surcharge in the same manner used to resolve local fee disputes. Those disputes regarding the state surcharge that cannot be resolved locally may be referred to the Secretary for resolution.
    - (A) Disputes referred to the Secretary shall be in writing and shall include a recommendation for resolution.
- (l) The single fee system shall include mechanisms for the billing, collection, and transmittal of the state surcharge.
  - (1) The CUPA may show the state surcharge as a separate item or items within the single fee billing.

Note: Authority cited: Sections 25404, 25404(b), 25404.5, 25404.5(b) and (c), and 25404.6(c), Health and Safety Code. Reference: Sections 25404.1(a)(1), 25404.4, and 25404.5 Health and Safety Code.

#### **HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order including amendment of subsections (a), (a)(1), (a)(2)(B), (a)(3), (a)(4), (a)(5), new subsection (a)(7) and renumbering of former subsection (a)(7) to (a)(8), repealer of former subsections (a)(8)-(a)(8)(B) and (a)(10), amendment of subsections (b) and (b)(1)(F), repealer of subsection (c)(1)-(c)(3)(D), new subsections (c)(1)-(2), redesignation of subsections (c)(4)-(c)(4)(c) to (d)-(d)(3), and amendment of newly designated subsections (d)(1)-(d)(2) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of section heading and section, including renumbering of former subsections (b)—(b)(2) to section 15220 filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
7. Change without regulatory effect amending subsections (d)-(f)(1) and (h)-(k) filed 3-21-2008 pursuant to

## **Title 27**

### **Division 1, Subdivision 4**

[section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

#### **§15220. Fee Accountability Program**

(a) Each CUPA shall implement a fee accountability program designed to encourage efficient and cost-effective operation of the program for which the single fee and surcharge are assessed.

(1) The fee accountability program shall be instituted before the single fee system. The fee accountability program shall include at a minimum the following elements:

(A) Accounting for: the fee schedule, the actual amount billed, and the revenue collected.

(B) Discrete billable services, categorized as either site specific or general.

(C) Staff work hours required to implement the program.

(D) Direct program expenses including durable and disposable equipment.

(E) Indirect program expenses including overhead for facilities and administrative functions.

(F) The number of regulated businesses in each program element within the jurisdiction.

(G) Total number of regulated businesses in the jurisdiction.

(H) Quantity and range of services provided, including frequency of inspection.

(2) The CUPA and ~~PA's~~PAs shall annually review and update the fee accountability program.

Note: Authority cited: Sections 25404, 25404(b), 25404.5, 25404.5(b) and (c) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.1(a)(1), 25404.4, and 25404.5, Health and Safety Code.

#### **HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.

## **Title 27**

### **Division 1, Subdivision 4**

4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order including amendment of subsections (a)(4), (b), and (b)(2) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Repealer of former section 15520 and renumbering and amendment of former subsections 15210(b)—(b)(2) to new section 15220 filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

### **§15230 What are a participating agency's PA's responsibilities within the Single Fee System? [Repealed]**

Note: Authority cited: Sections 25404(b), 25404(a)(2) and (a)(3), Health and Safety Code. Reference: Section 25404(a)(2) and (3), Health and Safety Code.

#### **HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Repealer filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
7. Change without regulatory effect amending section heading filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

### **§15240. State's Surcharge Responsibilities**

- (a) The Secretary shall determine the annual surcharge based on the assumptions, calculations, and supporting data that justify the reasonable and necessary costs of CUPA oversight and program element management by state agencies with responsibilities under the Unified Program.
  - (1) The Secretary shall determine the amount of each surcharge component based upon information received from each state agency responsible for activities under Health and Safety Code division 20, chapter 6.11.
  - (2) Each state agency responsible for activities under Health and Safety Code division 20, chapter 6.11 shall submit to the Secretary, on a date specified by the Secretary, its projected reasonable and necessary costs, including the detailed supporting information to carry out responsibilities under Health and Safety Code division 20, chapter 6.11.

## **Title 27**

### **Division 1, Subdivision 4**

- (3) Reasonable and necessary costs shall include but are not limited to, the costs of bad debts, and uncollected fees.
- (b) The Secretary shall review annually, and revise if necessary, the state surcharge to be assessed on regulated businesses. The state surcharge shall not be revised more than once per year.
- (c) The Secretary shall determine the amount of state surcharge to be assessed on each person regulated by the Unified Program in order to cover the necessary and reasonable costs of the state agencies in carrying out their responsibilities under Health and Safety Code division 20, chapter 6.11, pursuant to Health and Safety Code section 25404.5(b)(1). The state surcharge consists of the following components:
  - (1) A component for oversight of each CUPA assessed on all regulated businesses.
  - (2) A component assessed on regulated businesses for each UST that meets the criteria of Health and Safety Code section 25281(y)(1).
  - (3) A component assessed on regulated businesses under the Health and Safety Code section 25531 et seq., the CalARP program.
    - (A) This CalARP surcharge component is assessed on a single company or business within a CUPA's jurisdiction, regardless of the business's number of stationary sources.
    - (B) A regulated business is not required to pay the CalARP surcharge component at a stationary source if a CUPA makes a determination that there is not a significant likelihood of a regulated substances accident risk and does not require the preparation and submission of a risk management plan at that stationary source operated by that business in the CUPA's jurisdiction, pursuant to Health and Safety Code section 25534.
    - (C) This CalARP surcharge component waiver is effective starting in the following fiscal year after the determination is made by the CUPA. If subsequent changes lead to a re-determination and a requirement by the CUPA to prepare and submit any risk management plan at any of the business's stationary source(s), then this surcharge component will be assessed beginning in the following fiscal year.
  - (4) A component assessed on businesses regulated under the Health and Safety Code section 25270 et. seq., the Aboveground Petroleum Storage Act.



## **Title 27**

### **Division 1, Subdivision 4**

- (d) The Secretary shall publish the amendments to the state surcharge in the California Regulatory Notice Register and accept comments on the proposed surcharge for 30 days.
- (e) Following the 30-day comment period required in subdivision (d) for this section, the Secretary will publish the final surcharge in the California Regulatory Notice Register.
- (f) Sixty days following the publishing of the final surcharge in the California Regulatory Notice Register, the CUPAs shall be responsible for collecting the new surcharge as part of their single fee system.

Note: Authority cited: Sections 25404(b) and (d), 25404.6(c) and 25531.2, Health and Safety Code.  
Reference: Sections 25404.5(b) and (d) and 25534, Health and Safety Code.

#### **HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including repealer of subsections (a)-(e) and new subsections (a)-(e) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of subsections (c)(1) and (c)(1)(A), new subsections (c)(4) and (c)(4)(A), and amendment of Note filed 9-11-97 as an emergency; operative 9-11-97 (Register 97, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-9-98 or emergency language will be repealed by operation of law on the following day.
7. Editorial correction of History 6 (Register 98, No. 3).
8. Amendment of subsections (c)(1) and (c)(1)(A), new subsections (c)(4) and (c)(4)(A), and amendment of Note refiled 1-16-98; including additional amendment of subsections (c)(4) and (c)(4)(A); operative 1-16-98 (Register 98, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-20-98 or emergency language will be repealed by operation of law on the following day.
9. Amendment of subsections (c)(1) and (c)(1)(A), new subsections (c)(4) and (c)(4)(A), and amendment of Note refiled 5-18-98; operative 5-18-98 (Register 98, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-15-98 or emergency language will be repealed by operation of law on the following day.
10. Reinstatement of section as it existed prior to 9-11-97 emergency amendment by operation of Government Code section 11346.1(f) (Register 98, No. 38).
11. Amendment of subsections (c)(1)-(c)(1)(A), repealer of subsections (c)(3)-(c)(3)(B), new subsections (c)(3)-(c)(3)(A) and amendment of Note filed 9-16-98 as an emergency; operative 9-16-98 (Register 98, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-14-99 or emergency language will be repealed by operation of law on the following day.
12. Amendment of section and Note filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).

## **Title 27**

### **Division 1, Subdivision 4**

14. Amendment of subsections (c)(1) and (c)(1)(A) filed 8-31-99 as an emergency; operative 8-31-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 12-29-99 or emergency language will be repealed by operation of law on the following day.
15. Amendment of subsections (c)(1) and (c)(1)(A) refiled 12-24-99 as an emergency; operative 12-24-99 (Register 99, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-24-2000 or emergency language will be repealed by operation of law on the following day.
16. Reinstatement of section as it existed prior to 8-31-99 emergency amendment by operation of Government Code section 11346.1(f) (Register 2000, No. 25).
17. Amendment of section and Note filed 11-1-2000 as an emergency; operative 11-1-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-1-2001 or emergency language will be repealed by operation of law on the following day.
18. Reinstatement of section as it existed prior to 11-1-2000 emergency amendment by operation of Government Code section 11346.1(f) (Register 2001, No. 10).
19. Amendment of section and Note filed 3-8-2001 as an emergency; operative 3-8-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-6-2001 or emergency language will be repealed by operation of law on the following day.
20. Amendment of section and Note refiled 6-25-2001 as an emergency; operative 6-25-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-23-2001 or emergency language will be repealed by operation of law on the following day.
21. Amendment of section and Note refiled 10-22-2001 as an emergency; operative 10-24-2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-21-2002 or emergency language will be repealed by operation of law on the following day.
22. Certificate of Compliance as to 10-22-2001 order, including amendment of section, transmitted to OAL 2-4-2002 and filed 3-5-2002 (Register 2002, No. 10).
23. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
24. Change without regulatory effect amending subsection (b) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

#### **§15241. Establishing the Single Fee for Designated State Agencies**

- (a) The Secretary shall determine the Unified Program single fee for any state agency designated to act as the CUPA pursuant to sections 25404.3 and 25404.5, subdivision (a)(2)(B) of the Health and Safety Code, based on data that sets forth the necessary and reasonable costs of CUPA implementation by that state agency, according to the methodology described in subdivision (c).
- (b) Each state agency designated to administer the Unified Program shall provide the Secretary with the information necessary to determine the amount of the single fee. Each designated agency shall annually submit to the Secretary, on a date specified by the Secretary, the amount of necessary and reasonable costs to carry out its responsibilities as the designated agency, including the supporting information requested by the Secretary. Necessary and reasonable costs shall include, but not be limited to, the costs of bad debts and uncollected fees.
- (c) The Secretary or the designated agency shall assess an annual fee on regulated businesses that is sufficient to recover the designated agency's net costs. The annual fee shall consist of a program element fee, levied on each program element to which a regulated business is subject within the CUPA's jurisdiction during the reporting period or any portion thereof, and a flat fee, levied equally on each regulated business within the CUPA's jurisdiction during the reporting

## **Title 27**

### **Division 1, Subdivision 4**

period or any portion thereof. The initial reporting period is July 1, 2005, through June 30, 2006.

- (1) The program element fee shall be calculated for each business by multiplying a base rate by an hourly fee for each program element to which a business is subject. If a business is subject to multiple program elements, all program element fees to which it is subject shall be added to determine its total program element fee.
  - (A) Program element fee categories include AST, UST, CalARP, HMRRP, hazardous waste generator, hazardous waste recycler, and tiered permit. In determining the base rate, the Secretary may divide tanks and generators into categories of large, medium, and small, and divide tiered permits into categories of PBR, CA and CE. Businesses with multiple tiered permit operations at the same site will be subject to the tiered permit program element fee for only one such operation per site, which shall be for the operation that is subject to the highest fee.
  - (B) Businesses that have filed documents required for permanent tank closure with the designated agency or its predecessor, and have discontinued storage of hazardous substances within the tank, shall not be subject to the program element fee beginning with the reporting period after such documents have been filed, but shall be subject to cost recovery pursuant to subdivision (j).
- (2) The flat fee shall be calculated for each business by dividing the designated agency's net costs, minus all estimated program element fee receipts, by the total number of regulated businesses within the CUPA's jurisdiction.
- (d) In addition to the annual fee, the Secretary or the designated agency shall assess the annual state surcharge pursuant to section 25404.5, subdivision (b)(1) of the Health and Safety Code.
- (e) A transfer of ownership or operation of assets at a site shall not cause an additional fee to be assessed if the fee for the same reporting period has been paid by the previous owner or operator. Businesses with multiple program elements will be assigned the specified base rate for each element that is present at an individual site, except that businesses with more than one tank will be assigned the specified number of units based on the combined capacity of all active tanks per site, regardless of the number of such tanks.
- (f) The fee shall be due on the date or dates specified by the Secretary or the designated agency, which shall not be less than 30 days from the date of the bill. The fee may be assessed in a single billing or in more than one billing. A penalty of 10 percent shall be assessed on any payment that is not received as postmarked by the due date. Beginning on the first day of the calendar month

## **Title 27**

### **Division 1, Subdivision 4**

following the due date, simple interest shall accrue monthly on any unpaid fee or portion thereof at the rate established by the State Board of Equalization pursuant to section 43155 of the Revenue and Taxation Code, and shall continue until the fee is paid. The penalty or interest may be waived if the Secretary or the designated agency determines that the failure to make a timely payment was due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect. Mere disagreement with the fee assessment shall not be deemed reasonable cause. A person seeking to be relieved of penalty or interest shall submit a written statement to the Secretary or the designated agency, signed under penalty of perjury, setting forth the facts upon which he or she bases the claim for relief.

- (g) If the Secretary or the designated agency provides a refund because of an erroneous billing, the refund shall be subject to simple interest at the rate provided in section 43455 of the Revenue and Taxation Code, unless the erroneous billing was due to incorrect information provided by the person who receives the refund. No refund shall be granted unless the person who seeks the refund submits written notification of the error to the Secretary or the designated agency within one year of the date the person is notified of the fee or cost assessment.
- (h) Failure to pay the required fee or cost reimbursement may result in a suspension by the Secretary or the designated agency of the regulated business's right to conduct the activity that is subject to the fee. The regulated business will receive at least 30 days notice of the suspension. Failure to pay the fee, or conducting the activity during the suspension, shall be deemed a violation of the regulatory law administered by the Secretary or the designated agency. Any suspension will be stayed during the appeal of the fee under subdivision (k).
- (i) The Secretary shall review annually, and revise if necessary according to the procedures set forth in this section, the fees assessed pursuant to this section. The Secretary shall not revise the fees more than once per fiscal year. The Secretary shall publish any proposed revisions to the fees in the California Regulatory Notice Register and accept comments on the proposed fees for 30 days thereafter. Following the 30-day comment period, the Secretary will consider comments and prepare a response that identifies the comments, the Secretary's findings, and the Secretary's final fee decisions. The Secretary will make responses available upon request and will publish the final fee in the California Regulatory Notice Register.
- (j) The Secretary or the designated agency may recover the cost of non-recurring activities directly from the person who receives the non-recurring activities, based on the total cost to the Secretary or designated agency of providing that non-recurring activity.

## **Title 27**

### **Division 1, Subdivision 4**

- (k) A person may dispute the assessment of the fee or cost recovery by submitting a petition to the director of the designated agency. The person must submit the petition, in writing, within one year of the date the person is notified of the fee or cost assessment. The petition must state the specific grounds upon which it is founded. If the matter cannot be resolved informally, the director shall designate a hearing officer to decide the petition. The hearing officer shall be in neither a subordinate nor a supervisory or managerial position to any staff involved in making the initial determination. A hearing shall be conducted in person, by telephone, or by video conference at which all relevant evidence will be admissible. The hearing officer shall make the final decision to approve or deny the petition.

Note: Authority cited: Sections 25404 and 25404.6, Health and Safety Code. Reference: Sections 25404.3, 25404.5 and 25404.6, Health and Safety Code.

#### **HISTORY**

1. New section filed 9-26-2005 as a deemed emergency pursuant to Health and Safety Code section 25404.6(c); operative 9-26-2005 (Register 2005, No. 39). A Certificate of Compliance must be transmitted to OAL by 1-24-2006 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 1-13-2006 as a deemed emergency pursuant to Health and Safety Code section 25404.6(c), including repealer and new subsection (c)(1)(B) and amendments to subsections (e), (f) and (h); operative 1-24-2006 (Register 2006, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-24-2006 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-13-2006 order, including amendment of section, transmitted to OAL 5-1-2006 and filed 6-13-2006 (Register 2006, No. 24).
4. Amendment of subsection (c)(1)(A) filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
5. Change without regulatory effect amending subsection (c)(1)(A) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

### **§15242. Definitions**

The following definitions apply to section 15241 of this title:

- (a) “Base rate” is an estimate of the designated agency’s workload standard (amount of time) to complete a program element task for each jurisdiction for which it acts as the CUPA.
- (b) “Business” or “regulated business” shall have the meaning of “regulated business” defined in section 15110 of this title.
- (c) “Generator” shall have the meaning of “generator” in section 66260.10 of title 22 of the California Code of Regulations. Notwithstanding this definition, a person shall not be subject to the program element fee or the flat fee solely for reason of any of the following: generation of waste that is not transported off site; removing soil for purposes of site mitigation; removing an unexpected or extraordinary spill of hazardous materials; or removing abandoned hazardous waste that was not produced in the course of conducting his or her business. Also, no program element fee or flat fee shall be assessed for any activity that is exempt from any fee pursuant to section 25174.7 or 25205.3 of the Health and Safety Code.

## **Title 27**

### **Division 1, Subdivision 4**

- (1) "Large generator" means a person who generates 500 or more tons of hazardous waste per calendar year.
  - (2) "Medium generator" means a person who generates at least one ton but less than 500 tons of hazardous waste per calendar year.
  - (3) "Small generator" means a person who generates hazardous waste in an amount less than one ton per calendar year.
- (d) "Hourly fee" is the designated agency's hourly labor charge. It will be calculated by dividing 80 percent of the designated agency's net annual costs by the total estimated annual workload hours to administer the program.
- (e) "Net costs" means projected costs to administer the Unified Program during the fiscal year, minus any money collected from grants, reimbursements, penalties, cost recoveries, and allocations from the Rural CUPA Reimbursement Account. Any surplus or deficit from the preceding fiscal year will be subtracted from or added to the designated agency's cost projections for the following fiscal year.
- (f) "Non-recurring activities" shall include, but not be limited to, oversight of facility closure or of remedial activities, including closure or remedial activities required by an order issued by the designated agency or another government agency. "Non-recurring activities" do not include any of the following: a regulatory compliance inspection, the issuance or approval of a permit or other form of authorization, the issuance of an order for corrective action or penalties, a plan review, or any activity that is essential to carry out one or more of the foregoing regulatory activities.
- (g) "Site" means real property that is owned or operated by the same person that is either contiguous or satisfies the meaning of "on site" in section 66260.10 of title 22 of the California Code of Regulations.
- (h) "Tank" means a storage tank or group of storage tanks.
- (1) "Large storage tank" means a storage tank or group of storage tanks with a total capacity per site of 34,000 gallons or more.
  - (2) "Medium storage tank" means a storage tank or group of storage tanks with a total capacity per site of at least 19,000 gallons but less than 34,000 gallons.
  - (3) "Small storage tank" means a storage tank or group of storage tanks with a total capacity per site of less than 19,000 gallons.
- (i) Except as otherwise stated in this section, words have the meanings provided by the following authorities, in order of precedence: (1) section 25404 of the Health and Safety Code; (2) section 15110 of this title, (3) article 2 (commencing with

## **Title 27**

### **Division 1, Subdivision 4**

section 25110) of chapter 6.5 of division 20 of the Health and Safety Code; and (4) section 66260.10 of title 22 of the California Code of Regulations.

Note: Authority cited: Sections 25404 and 25404.6, Health and Safety Code. Reference: Sections 25404.3, 25404.5 and 25404.6, Health and Safety Code.

#### **HISTORY**

1. New section filed 9-26-2005 as a deemed emergency pursuant to Health and Safety Code section 25404.6(c); operative 9-26-2005 (Register 2005, No. 39). A Certificate of Compliance must be transmitted to OAL by 1-24-2006 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 1-13-2006 as a deemed emergency pursuant to Health and Safety Code section 25404.6(c), including repealer of subsection (d) and subsection relettering; operative 1-24-2006 (Register 2006, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-24-2006 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-13-2006 order, including amendment of section, transmitted to OAL 5-1-2006 and filed 6-13-2006 (Register 2006, No. 24).

### **§15250. CUPA Surcharge Responsibilities**

(a) The CUPA shall collect the surcharge for all program elements within its Unified Program as part of their single fee system.

- (1) Willful or negligent failure to collect the surcharge may be a basis for withdrawing the CUPA's certification.
- (2) The CUPA shall begin assessing the surcharge within its first billing cycle or within 12 months after the effective date of certification, whichever is shorter. The full surcharge will be assessed and collected within 12 months of the effective date of certification and every 12 months thereafter.
- (3) The CUPA may waive the state surcharge for specific regulated businesses provided that the criteria for waiving the state surcharge meets the same standards as those established by the CUPA for waiving the single fee.
  - (A) The state surcharge may not be waived for any regulated business so long as the regulated business is assessed a fee under the single fee system.
    - (i) The Secretary may revoke the CUPA's authority to waive state surcharge fees if it is determined that the CUPA consistently does not make a reasonable, good faith effort to protect the state's interests or is not following the established criteria for waiving the state surcharge.
  - (B) Notwithstanding the provisions of sections 15241 and 15242, if a CUPA prorates their fees for regulated business in operation for part of a year, the applicable surcharge components may be prorated at the same rate.

(b) Remittance to the Secretary.

## **Title 27**

### **Division 1, Subdivision 4**

- (1) The CUPA shall transmit all collected state surcharge revenues to the Secretary quarterly, within 30 days of the end of each state fiscal quarter.
  - (A) With each surcharge transmittal the CUPA shall separately report the amount of surcharge revenues collected for: CUPA oversight, regulated USTs, and the CalARP Program.
  - (B) Failure to transmit the surcharge after collection may be a basis for withdrawing the CUPA's certification.
  - (C) Remit the collected state surcharge revenues with a completed copy of report 4 Surcharge Transmittal Report to:

Air Resources Board  
Attn: Accounting  
P.O. Box 1436  
Sacramento, California 95812

Authority cited: Sections 25404, 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.5(a)(1), (2) and (4) and 25404.5(b), Health and Safety Code.

#### HISTORY

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsection (a)(1), repealer of subsection (a)(1)(A), amendment of subsections (a)(3)-(4), (a)(6), new subsections (a)(7)-(8), amendment of subsections (b)(1), (c)(1)-(2) and (d)(1)(B) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Change without regulatory effect adding subsection (b)(1)(C) filed 5-28-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 22).
7. Amendment of subsections (a)(7), (b)(1), (b)(1)(A), (b)(1)(C), (c)(1), (c)(2) and (d)(1)(A) and new subsection (c)(3) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
9. Change without regulatory effect amending subsection (b)(1)(C) filed 7-11-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 28).
10. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
11. Change without regulatory effect amending subsections (b)(1)(A) and (b)(1)(C) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

### **§15260. CUPA – Education, Technical Expertise, and Training**



**Title 27**  
**Division 1, Subdivision 4**

(a)(1) CUPAs shall meet the following minimum qualifications:

(A) CUPA technical program staff and supervisors who are involved in specific activities associated with oversight of the local Unified Program requirements must meet the following minimum educational requirements:

(i) Thirty semester units earned from an accredited college or institution approved by the California Superintendent of Public Instruction under the provisions of California Education Code section 94310(b), from one or more of the following disciplines:

(aa) Biology or microbiology

(bb) Chemistry, chemical engineering

(cc) Physics, physical science

(dd) Environmental science

(ee) Geology or soil science

(ff) Environmental health

(gg) Environmental or sanitary engineering

(hh) Toxicology

(ii) Industrial hygiene

(jj) Hazardous materials management

(kk) Fire science, fire technology;

- OR -

(ii) Equivalent to graduation from an accredited college or university or equivalent degree approved by the California Superintendent of Public Instruction under the provisions of California Education Code section 94301(b) with major course work in the disciplines listed in paragraph (a)(1)(A)(i);

- OR -

(iii) Qualifying experience in hazardous materials management, regulation, analysis, or research; environmental research, monitoring,

## Title 27

### Division 1, Subdivision 4

surveillance or enforcement; or resource recovery may be substituted for the required education, on the basis of one year of qualifying experience for 15 units of college course work authorized pursuant to paragraph (a)(1)(A)(i), for up to a maximum of 15 units.

(B) CUPA technical program staff and supervisors who are involved in specific activities associated with oversight of the local Unified Program requirements shall meet minimum hours of training or experience requirements contained in subdivision (d)(3)(B) of this section, for all the following subject areas:

- (i) Regulatory overview;
- (ii) Classification, identification, and chemistry of hazardous materials and hazardous waste;
- (iii) Health and environmental effects of hazardous substances, including chemical exposure and route of entry;
- (iv) Sampling methodologies and use of instrumentation for detection and sampling of hazardous substances;
- (v) Conducting inspections and enforcement actions, and writing inspection reports and notice of violation;
- (vi) Interviewing, case development, and collection and preservation of evidence.

(b) One or more CUPA technical staff or supervisors, as needed to effectively meet the requirements of paragraphs (a)(1)(A) and (a)(1)(B), shall ~~meets~~meet the requirements of subdivision (d) of this section.

(c) Technical staff and supervisors of the CUPA and ~~PA's~~PA's shall receive training in the following areas:

- (1) Hazardous materials and hazardous waste permitting, inspection and enforcement duties and responsibilities pursuant to state law and regulation, and to local ordinances and resolutions;
- (2) Inspection techniques and scheduling, including evidence collection, chain of custody, sample preservation, and interviewing;
- (3) Administration practices within a hazardous materials and hazardous waste program;

## **Title 27**

### **Division 1, Subdivision 4**

- (4) Monitoring equipment, data evaluation, and interpretation of the results as related to hazardous materials and hazardous waste analysis; and
- (5) Field staff health and safety training including: planning field inspections, safety equipment, on-site procedures, decontamination and hazard recognition and avoidance.

#### **(d)(1) Education Requirements:**

- (A) Equivalent to graduation from an accredited college or university or equivalent degree approved by the California Superintendent of Public Instruction under the provisions of California Education Code section 94310(b) with major coursework in biological, chemical, physical, environmental or soil science; environmental health; environmental or sanitary engineering; toxicology; industrial hygiene; or a related field. Additional qualifying experience in hazardous materials management, regulation, analysis, or research; environmental research, monitoring, surveillance or enforcement; or resource recovery may be substituted for the required education on the basis of one year of qualifying experience for each year of college work for up to a maximum of two years. When substituting experience for education, qualifying education must include a minimum of 30 semester units in natural science from an accredited college or equivalent units from an institution approved as above; or
- (B) Registration as an Environmental Health Specialist may be substituted for the required education.

(2) Participating staff shall have a minimum of one year experience in conducting hazardous materials or hazardous waste regulatory compliance inspections.

(3) Staff issuing enforcement orders shall complete the following minimum training:

- (A) Health and safety training as specified in section 5192(e) title 8, California Code of Regulations;
- (B) 100 hours of training in regulatory investigative techniques including training in the following subjects:
  - (i) Federal and state statutes and regulations on hazardous waste control;
  - (ii) Conducting an inspection;
  - (iii) Waste classification;

## **Title 27**

### **Division 1, Subdivision 4**

- (iv) Inspection report writing;
  - (v) Collection and preservation of samples;
  - (vi) Enforcement response options;
  - (vii) Writing reports of violation;
  - (viii) Interviewing;
  - (ix) Case development;
  - (x) Collection and preservation of evidence;
  - (xi) Witness training; and
  - (xii) Rules of evidence and the administrative hearing process.
- (C) Twenty-four hours of training in the following additional areas:
- (i) Training on penalty assessment and
  - (ii) Negotiation techniques.
- (D) It shall be the responsibility of the CUPA to document the training and experience of staff participating in this program.

Note: Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(c) and (d), 25404.1(a)(1), and 25404.3(b)(1), (4), (5) and (7), Health and Safety Code.

#### **HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order including amendment of subsections (a)(2), (a)(3)(A) and (b) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Change without regulatory effect amending section filed 12-18-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 51).
7. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

### **§15270. PA – Education, Technical Expertise and Training**

**Title 27**  
**Division 1, Subdivision 4**

- (a) A PA implementing one or more of the program elements on or before December 31, 1995, shall be considered qualified to implement those specific program element(s).
- (b) PA technical staff and supervisors shall meet the ongoing-training requirements identified in section 15260(c).

Note: Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(c) and (d), 25404.1(a)(1), 25404.1(b)(2) and (4), and 25404.3(b)(1), (4), (5) and (7), Health and Safety Code.

**HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order including amendments of subsections (a) and (b) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

**Article 6. CUPA Self-Auditing and Reporting**

**§15280. Self-audit**

- (a) The CUPA shall conduct an annual self-audit at the end of each state fiscal year and shall be maintained on file by the CUPA for a period of five years. Annual self-audit reports shall be completed by September 30 of each year. The time period covered by each self-audit is the state fiscal year from July 1 through June 30 of each year.
  - (1) The first self-audit report shall be produced by September 30 following a full year of operation as a CUPA.
  - (2) Upon written request of the Secretary or a state agency responsible for overseeing one or more program elements, the CUPA shall forward the self-audit to the person or agency making the request upon 60 days notice.
  - (3) For an agency authorized to continue its role, responsibilities, and authority for a program element or elements pursuant to Health and Safety Code sections 25404.3(f) or 25533(f), the self-audit shall only include information on the program element or elements that particular agency is authorized to

## **Title 27**

### **Division 1, Subdivision 4**

continue to operate and shall not include information related to the surcharge or single fee system.

(b) The self-audit shall assess the performance of the CUPAs and any ~~PA's~~ PAs implementation of standards in statutes and regulations established by the Secretary or the state agencies responsible for one or more of the program elements.

(c) The self-audit report shall include:

- (1) A report of deficiencies with a plan of correction.
- (2) A narrative summary of the effectiveness of activities including, but not limited to:
  - (A) Permitting;
  - (B) Inspections;
  - (C) Enforcement; and
  - (D) The single fee system.
- (3) An explanation of any discrepancies on the annual and quarterly reports of program activities submitted to the Secretary pursuant to section 15290 and the Unified Program requirements for those activities.
- (4) The annual review and update of the fee accountability program as required by section 15220.
- (5) A record of changes in local ordinances, resolutions, and agreements affecting the Unified Program.
- (6) A summary of new programs being included in the Unified Program, if applicable.

Note: Authority cited: Sections 25404, 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(b), (c) and (d), 25404.4(a)(1) and 25404.5(b), Health and Safety Code; and Title 23, Section 2713, California Code of Regulations.

#### **HISTORY**

1. New article 6 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New article 6 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New article 6 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.

## Title 27

### Division 1, Subdivision 4

4. New article 6 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsections (a), (a)(1)(A)-(B), (a)(2), (b), and (b)(1)(B), repealer of subsection (b)(1)(C)(ii) and subsection renumbering, amendment of subsection (b)(2), new subsection (b)(3), amendment of subsection (c)(1) and (c)(1)(A), repealer of subsection (c)(1)(B), new subsections (c)(1)(B)-(c)(1)(B)(iii), and amendment of subsection (c)(2) and Note transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Change without regulatory effect adding subsection (b)(4) filed 5-28-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 22).
7. Amendment of article heading, section heading, section and Note filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
9. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
10. Change without regulatory effect renumbering subsections (a)(3)-(4) to subsections (a)(2)-(3) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

### §15290. Reporting

(a) The CUPA shall submit the following ~~reports~~report for the previous fiscal year to the Secretary by September 30 of each year. ~~The first reports shall be submitted by September 30 following a full state fiscal year of operation as a CUPA.~~

(1) The Annual Single Fee Summary Report ~~using report 2~~. It includes:

(A) The amount of the single fee billed and the amount collected.

(B) The amount of any funds due to ~~PA's~~PAs and the amount actually transmitted.

(C) The amount of surcharge billed, the amount of surcharge waived, and the amount of surcharge collected for each category identified in section 15240(c).

(D) If the CUPA believes that the number of regulated businesses will change significantly in the current year or in the next year, then estimates of those changes for each program element will be provided in a cover letter with ~~report 2~~the Annual Single Fee Summary Report.

(E) A count for the year of the report of the total regulated businesses, UST facilities, USTs, onsite hazardous waste treatment facilities (PBR, CA, and CE), CalARP program stationary sources, waivers granted to stationary sources, and businesses subject to the CalARP program surcharge, and the total AST regulated businesses.

(2) ~~Annual Inspection Summary Report, using report 3, provides summary information for each program element. The hazardous waste element is~~

## Title 27

### Division 1, Subdivision 4

separated into parts for generators, LQGs, recyclers, and onsite treatment as shown on report 3. The summary information includes the number of regulated businesses, total number of inspections, routine inspections, other inspections, and the inspected businesses that returned to compliance within established standards after routine inspections. Established standards vary by program element and are found in either state law or regulations, or the CUPA may adopt more stringent standards by local ordinance or in its application for certification. The report also collects total counts (not by program element) for these types of inspections: combined routine, joint, and integrated/multi-media; and a count of RMP audits for the CalARP program.

(3) Annual Enforcement Summary report, using Report 4, provides summary information for each program element. The hazardous waste element is separated into parts for generators, LQGs, recyclers, and onsite treatment, as shown on Report 4. The summary information includes the number of facilities with violations by type of violation; the number of informal enforcement actions; the total number of administrative actions, civil and criminal referrals and enforcement actions, and the total amount of fines and penalties initially assessed and collected. For the Class I and II violations within the hazardous waste program, it also provides a count of the total number of formal enforcement actions that were initiated within 135 days from the first day of a routine inspection or after making a determination of the violations for a complaint investigation. (This last count excludes minor violations.)

(4) Reports 2 through 4 Annual Single Fee Summary Report shall be submitted by the CUPA to the:

California Environmental Protection Agency  
Unified Program Section

U.S. Mail: 1001 "I" Street  
Sacramento, California 95814

Express Mail: P.O. Box 2815  
Sacramento, California 95812

(b) ~~On~~At least on a semi-annual~~quarterly~~ basis, each CUPA shall sendreport inspection, violation, and enforcement information for each program element to the Secretary through a local information management system, local reporting portal, or CERS.

(1) Semi-Annual UST Program Report, using Report 6, provides information on Semi-Annual changes to the count of regulated tank facilities; the number of



## Title 27

### Division 1, Subdivision 4

~~active and permanently closed petroleum and non-petroleum tank systems; the number of completed UST facility inspections; a count of active UST facilities in compliance with release detection requirements and information regarding red tags issued pursuant to the California Code of Regulations, title 23, article 10.5. The CUPA will also review and verify the information shown from the previous reporting period and make any appropriate changes. Each CUPA shall submit inspection, violation, and enforcement information pertaining to local UST program implementation to SWRCB using Semi-Annual UST Program Report, report 6. This report shall satisfy the underground storage tank program including but not limited to release detection and release prevention requirements of and Red Tag issuance in accordance with Health and Safety Code sections 25288, 25292.3, 25299, 25299.7(b)), and California Code of Regulations title 23, section Section 2712(c), (e), (g) and 2713-(c).~~

(2) Each PA shall report inspection, violation, and enforcement information to the CUPA with jurisdiction over the geographic area or shall manually enter the information into CERS. The CUPA shall include inspection, violation, and enforcement information received from the PA as part of its quarterly submittal to the Secretary unless the PA manually entered the information into CERS. Each PA shall coordinate the distribution of information with its CUPA so that the CUPA may report the information in a timely manner.

(3) The semi-annual reports inspection, violation, and enforcement information shall be submitted by to the Secretary within 30 days after the end of each quarter.

(A) First quarter- January thru March, date due April 30.

(B) Second quarter- April thru June, date due July 30.

(C) ~~1 and~~ Third quarter- July thru September ~~4 to the~~, date due October 30.

State Water Resources Control Board  
Division of Water Quality, UST Program  
P.O. Box 2231  
Sacramento, CA 95812

(D) Fourth quarter- October thru December, date due January 30.

(c) Each CUPA shall submit a formal enforcement report to the Secretary for each formal enforcement case that has received a final judgment. The periodic reports required by this section formal enforcement report shall be submitted in a paper form, unless the CUPA requests to submit the reports electronically and obtains the Secretary's prior approval of the file format.

## Title 27

### Division 1, Subdivision 4

- ~~(d) If the CUPA chooses to submit reports 3, 4, and 6, required by section 15290, to the state in an electronic format, the CUPA shall:~~
- ~~(1) Meet the standards specified in sections 15185 and 15187;~~
  - ~~(2) Submit the data using the same layout and present the required a local information in the same order and general sequencing for each page as shown on each report, management system, local reporting portal or use a facsimile version thereof;~~
  - ~~(3) Collect and report all of the information found on the report that applies to the CUPA.~~
- ~~(e) Upon the written request of the Secretary or an authorized agent, or a state agency responsible for one or more program elements, the CUPA shall provide information listed in or derived from any part of the Unified Program data dictionary [refer to div. 3, subd. 1, chs. 1-5] to the person or agency making the request CERS within 60 days. The scope of these requests by the Secretary for information on facilities and/or CUPA activities is limited to data included in the data dictionary. These additional data reports shall be submitted in after a paper form, unless the person or agency making the request approves a CUPA's request to submit the reports electronically. CUPAs may request an extension upon showing good cause final judgment.~~
- ~~(fd) Nothing in this section shall limit the authority of the Secretary or state agencies to request records or documents that are normally maintained by the CUPA in the course of implementing the Unified Program or otherwise required by law to be retained by the CUPA. The CUPA shall provide this information to the Secretary or state agencies within 60 days.~~
- ~~(g) Any~~ ~~(e) The CUPA shall provide any other program reports required by federal or state law. The CUPA shall provide this information or regulation to the person or agency making the request within 60 days.~~
- ~~(hf) An agency authorized to operate a program element or elements pursuant to Health and Safety Code sections 25404.3(f) or 25533(f) shall only report information on the implementation of the program element or elements that particular agency is authorized to operate and shall not include information related to the surcharge or single fee system.~~
- ~~(ig) If the Secretary ~~does~~ or state agencies do not receive current information on the regulated business from each CUPA, the Secretary or state agencies may use whatever information is available to estimate the data on regulated business.~~

## **Title 27**

### **Division 1, Subdivision 4**

(jf) The Secretary shall provide copies of the received summary reports required pursuant to section 15290 to any state agency with program element responsibilities under the Unified Program upon request.

Note: Authority cited: Sections 25404(b), (c), (d) and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25299.3(b), 25404(b), (c) and (d), 25404.4(a)(1) and 25404.5(b), Health and Safety Code.

#### **HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsections (a) and (b) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Repealer and new section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order, including amendment of subsection (k) transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
8. Change without regulatory effect redesignating and amending former subsection (c) as subsection (c)(i) and adopting new subsection (c)(ii) filed 7-11-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 28).
9. Change without regulatory effect repealing subsections (b) and (c)(ii), relettering subsections and amending newly designated subsection (b)(i) and Note filed 7-13-2004 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2004, No. 29).
10. Amendment of subsections (c)(2) and (f) filed 11-16-2004; operative 12-16-2004 (Register 2004, No. 47).
11. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
12. Amendment of subsections (b)-(b)(2) filed 12-18-2007; operative 1-17-2008 (Register 2007, No. 51).
13. Change without regulatory effect amending subsections (a)(1), (a)(1)(B), (a)(1)(D), (a)(2)-(b), (d) and (e) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

## **Article 7. Changes in the Program**

### **§15300. Prior Notification and Approval by the Secretary**

- (a) A CUPA must notify and receive approval from the Secretary prior to instituting the following significant changes:
- (1) Addition or deletion of a program element;
  - (2) Replacement or addition of a PA.

## **Title 27**

### **Division 1, Subdivision 4**

- (b) The CUPA shall submit a proposal for change in the Unified Program to the Secretary. The proposal shall include the following if applicable:
- (1) Explanation of the proposed changes in sufficient detail to enable a full understanding of the roles and responsibilities of the CUPA, each member of a Joint Powers Authority (JPA), and all PA's PAs;
  - (2) PA agreements for any new PA's PAs or any changes in the role or responsibilities of any PA;
  - (3) Adequate information to enable the Secretary to determine that agencies proposed to implement some element of the Unified Program meet requirements including technical expertise, training, and education applicable to those elements; and
  - (4) Sufficient information to enable the Secretary to determine that adequate resources exist to carry out all aspects of the Unified Program.
- (c) The CUPA shall notify any affected PA.
- (d) Any PA implementing a program element that is subject to proposed change shall have the opportunity to comment on the proposed change.
- (e) The Secretary shall review proposed changes to a Unified Program in consultation with other affected state agencies.
- (1) The Secretary may conduct a public hearing if in the Secretary's opinion the proposed changes are likely to generate significant public interest.
- (f) The Secretary shall approve or disapprove of the CUPA's proposal within 60 days of receipt of the proposal by certified mail.
- (g) Within 30 days of receipt of the Secretary's decision, the CUPA may appeal a decision pursuant to this section.
- (1) The appeal shall respond to the reasons specified in the Secretary's decision and may propose additional changes necessary to correct deficiencies in the original proposal.
  - (2) The appeal process shall be completed within 60 days of receipt of the appeal.
  - (3) The Secretary's final decision on the proposal changes shall be issued by certified mail within the 60-day appeal timeframe.

## **Title 27**

### **Division 1, Subdivision 4**

Note: Authority cited: Sections 25404, 25404(b), and 25404.6(c), Health and Safety Code. Reference: Sections 25404.2(c), 25404.3, 25404.3(d), and 25404.4(a), Health and Safety Code.

#### **HISTORY**

1. New article 7 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New article 7 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New article 7 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New article 7 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of section heading and section, including renumbering and amendment of former section 15310 to subsections 15300(b)—(g)(3), and amendment of NOTE filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

### **§15310 What are the notification and approval procedures for activities which require prior approval from the Secretary? [Repealed]**

Note: Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Sections 25404.2(c), 25404.3 and 25404.4(a), Health and Safety Code.

#### **HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Renumbering of former section 15310 to subsections 15300(b)—(g)(3), and amendment of NOTE filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
7. Change without regulatory effect amending section heading filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

### **§15320. Withdrawal of a Certification**

- (a) If the Secretary finds the program or the program implementation to be deficient, the Secretary may:

## **Title 27**

### **Division 1, Subdivision 4**

- (1) Issue a Notice of Intent to withdraw certification or
  - (2) Enter into a program improvement agreement with the CUPA to correct the deficiencies.
- (b) A Notice of Intent to withdraw certification shall include specific reasons why the CUPA has failed to meet its obligations, in accordance with section 25404.4 of the Health and Safety Code, to adequately implement the Unified Program within its jurisdiction.
- (1) A period of 60 days shall be allowed for the CUPA to respond to the Notice of Intent to withdraw certification and to correct deficiencies.
  - (2) A public hearing may be scheduled, at which the Secretary may hear the CUPA's response to the Notice of Intent to withdraw.
- (c) If a city or JPA certified as a CUPA and implementing the Unified Program within a city desires to withdraw as a CUPA, it shall give 180 days notice to the Secretary and to the county within which the city is located or to the JPA with which the county has an agreement to implement the Unified Program prior to withdrawing from its Unified Program obligations. A successor CUPA will be chosen in accordance with the provisions of section 25404.3(f) of the Health and Safety Code.

Note: Authority cited: Sections 25404, 25404(b), 25404.3(g) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.3(g) and 25404.4(a), Health and Safety Code.

#### **HISTORY**

1. New section and Appendices A-C filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section and Appendices A-C refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section and Appendices A-C refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section and Appendices A-C refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsection (c), repealer of Appendices A-C and new Appendices A-B and Tables 1-8 transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Relocation and amendment of appendices A and B to new section 15260 filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
8. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

**Title 27**

**Division 1, Subdivision 4**

**Article 8. Performance Evaluations**

**§15330. Evaluation of CUPAs and PA'sSPAs**

- (a) The Secretary shall evaluate a CUPA's implementation of the requirements of Health and Safety Code, chapter 6.11 and California Code of Regulations title 27, chapter 1 at least once every three years. The Secretary shall coordinate the evaluation of a CUPA with all state agencies with Unified Program responsibilities.
- (1) The annual self-auditing and reporting requirements pursuant to sections 15280 and 15290 and the specific performance standards established in regulation by the Secretary or the state agencies responsible for one or more of the program elements shall be used for the evaluation of the CUPA.
  - (2) Nothing in this section shall limit the authority of the Secretary to request records or documents for use in conducting the state performance evaluation that are normally maintained by the CUPA in the course of implementing the Unified Program or otherwise required by law to be retained by the CUPA.
  - (3) For an agency authorized to continue its role, responsibilities, and authority for a program element or elements pursuant to Health and Safety Code sections 25404.3(f) or 25533(f), the performance evaluation shall only cover the program element or elements that particular agency is authorized to continue to operate.
- (b) The CUPA shall evaluate its PA'sSPAs on an annual basis at the time of the self-audit pursuant to section 15280, or as necessary to maintain standards required in Health and Safety Code, chapter 6.11, the statutes governing specific program elements, and the specific performance standards established in regulation by the Secretary or the state agencies responsible for overseeing one or more of the program elements.
- (1) A PA that ceases to meet minimum qualifications or fails to implement its program element(s) as described in the Unified Program application approved by the Secretary at any time during the term of its agreement with the CUPA shall enter into a program improvement agreement with the CUPA. The program improvement agreement shall specify the areas of improvement, minimum accomplishments necessary, and time frames that shall be met.
    - (A) The CUPA may apply to the Secretary, in accordance with section 15300, for approval to replace a PA that fails to perform according to the program improvement agreement.

Note: Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code.  
Reference: Sections 25143.10, 25144.6, 25200.3, 25201, 25201.5, 25201.13,

## **Title 27**

### **Division 1, Subdivision 4**

25201.14, 25286, 25287, 25404.2(c), 25404.3(d), 25404.4(a)(1) and 25506, Health and Safety Code.

#### **HISTORY**

1. New article 8 (section 15330) and section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order, including amendment of subsection (a)(3) and repealer of subsection (c), transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Amendment of article 8 heading, section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
4. Change without regulatory effect amending section heading and subsections (a) and (b) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

## **Article 9. Unified Program Standardized Forms and Formats**

### **§15400. Unified Program Consolidated Form**

~~(a) The UPCF, defined in section 15110 and shown in division 3, subdivision 1, chapter 6, forms, is a standardized set of forms to be used by CUPAs in the Unified Program to collect information from regulated businesses. The UPCF is a single, comprehensive format that consolidates business-to-CUPA reporting requirements within the Unified Program.~~

~~(b) The UPCF may be reproduced or electronically duplicated as needed.~~

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25281.2, 25218.9, 25245.4, 25286, 25287, 25503.5, 25505, 25506 and 25509, Health and Safety Code.

#### **HISTORY**

1. New article 9 (sections 15400-15410) and section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Amendment of subsection (a) filed 11-16-2004; operative 12-16-2004 (Register 2004, No. 47).
4. Amendment of section heading and subsection (a) filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

### **§15400.1. Format of the UPCF and Required Elements**

~~(a) The format of the UPCF refers to the way it is organized [see figure 5]. The UPCF contains the following sections:~~

~~(1) Facility Information, to be completed by all regulated businesses:~~

~~(A) Business Activities~~

~~(B) Business Owner/Operator Identification~~



**Title 27**  
**Division 1, Subdivision 4**

~~(2) Hazardous Materials:~~

~~(A) Hazardous Materials Inventory Chemical Description~~

~~(3) Tanks:~~

~~(A) UST Operating Permit Application Facility Information~~

~~(B) UST Operating Permit Application Tank Information  
UST Certification of Installation/Modification~~

~~(D) UST Monitoring Plan~~

~~(4) Hazardous Waste~~

~~(A) Recyclable Materials Report~~

~~(B) Onsite Hazardous Waste Treatment Notification Facility~~

~~(C) Onsite Hazardous Waste Treatment Notification Unit~~

~~(D) Certification of Financial Assurance for PBR and Conditionally Authorized  
Onsite Treaters~~

~~(E) Remote Waste Consolidation Site Annual Notification~~

~~(F) Hazardous Waste Tank Closure Certification~~

~~(b) Regulated businesses shall report required elements that are applicable to their business to the CUPA by submitting the sections of the UPCF, a business-generated facsimile, or an alternative version developed by their CUPA.~~

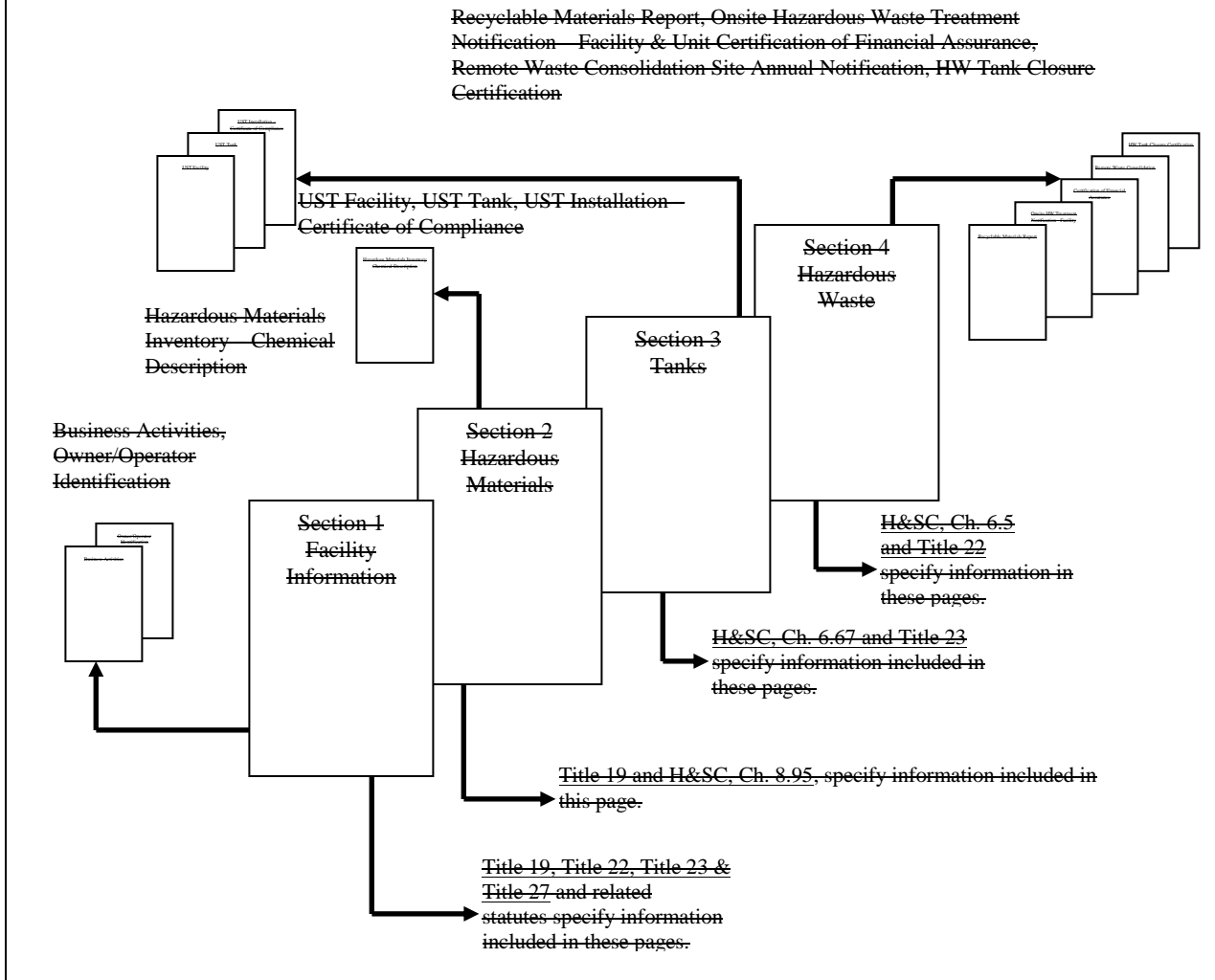
Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25218.2, 25218.9, 25245.4, 25286, 25287, 25503.5, 25505, 25506 and 25509, Health and Safety Code.

**HISTORY**

1. New section and figure 5 filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
4. Amendment of subsections (a)(3)(A)-(a)(3)(C) and new subsection (a)(3)(D) filed 12-18-2007; operative 1-17-2008 (Register 2007, No. 51).

**Title 27  
Division 1, Subdivision 4**

**Figure 5: Unified Program Consolidated Form**



**§15400.2 What is the relationship between the UPCF and the forms previously adopted by State departments for the individual program elements?**

**HISTORY**

1. New section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Repealer filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
4. Change without regulatory effect amending section heading filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

**§15400.3. Use the UPCF and Alternative Versions**

- (a) ~~The CUPA shall distribute copies of the UPCF to any regulated business or member of the public upon request. A CUPA may add the name of the CUPA, a~~

## Title 27

### Division 1, Subdivision 4

~~logo, and address, phone number, and other identifying information to the UPCF title or footer on one or more pages, without the customized UPCF being considered an alternative version subject to the conditions adopted by this section.~~

~~(b) The CUPA shall accept the UPCF as shown in division 3, subdivision 1, chapter 6, forms, from any regulated business that chooses to use it, even if the CUPA adopts one or more alternative versions of the UPCF.~~

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25503.5(a) and (b)(1) and (2), 25505 and 25509, Health and Safety Code.

#### HISTORY

1. New section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order, including amendment of subsection (c)(6), transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Amendment of subsection (b) filed 11-16-2004; operative 12-16-2004 (Register 2004, No. 47).
4. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

### **§15400.4. CUPA-Required Additional Information**

~~(a) CUPAs shall collect additional local information on either supplemental pages or within the UPCF in the boxes provided on the Business Owner/Operator Identification page and the Hazardous Materials Inventory Chemical Description page.~~

~~(b) CUPAs that have created one or more alternative versions of the UPCF [refer to § 15400.3(c)] may add supplemental requests for information within the alternative version, to the extent space is available.~~

~~(c) CUPAs are prohibited from requesting duplicative information in a different format if that information is part of the data dictionary, the UPCF, or that CUPA's alternative version of the UPCF.~~

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25503.3(a) and 25505, Health and Safety Code.

#### HISTORY

1. New section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

### **§15410 What forms must be used by Household Hazardous Waste facilities regulated under the Unified Program?**

~~Reserved — under development by Cal/EPA the Department of Toxic Substances Control.~~

**Title 27**  
**Division 1, Subdivision 4**

**Article 10. Business Reporting to CUPAs**

**§15600. Required Business-to-CUPA Submission**

- ~~(a) A copy of the Business Activities Page and Business Owner/Operator Page shall be submitted with every submission of pages of the UPCF.~~
- ~~(b) Regulated businesses are required to meet the reporting requirements of any applicable program element of the Unified Program. Many of those reporting requirements are satisfied by completing sections of either the UPCF, an alternative version [Refer to § 15400.3], or a computer-generated facsimile.~~
- ~~(c) Businesses may report to the CUPA electronically, if the CUPA agrees [refer to §§ 15185(g) and (h) and 15188(d)].~~

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25218.2, 25218.9, 25245.4, 25286, 25287, 25503.5, 25505, 25506 and 25509, Health and Safety Code.

**HISTORY**

1. New article 10 (sections 15600-15620) and section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
4. Change without regulatory effect amending subsection (b) filed 3-21-2008 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2008, No. 12).

**§15610. Use of UPCF and Business-Generated Facsimiles**

- ~~(a) Regulated businesses shall use either the applicable sections of the UPCF or a business-generated alternative version of the UPCF.~~
- ~~(b) A facsimile of the UPCF shall meet the following specifications:~~
- ~~(1) It shall contain all the information required on the UPCF and defined by the data dictionary for those regulated businesses. It shall use the same section format and present the required information in the order and general sequencing on the page as shown on the UPCF. The facsimile form shall be printed on 8½- by 11-inch paper in 'portrait' format. It shall retain all labels and identifiers for the UPCF sections, pages, and subdivisions. Current page breaks shall be maintained, although a page for supplemental local information may be added between UPCF page breaks.~~
  - ~~(2) It is not required to be an exact copy or to use identical fonts, boxing, shading, or other graphic design elements of the UPCF.~~

## Title 27

### Division 1, Subdivision 4

- ~~(c) The CUPA shall determine if business-generated facsimiles comply with the requirements of subdivision (b). The CUPA may also allow businesses to submit facsimiles of their alternative versions of the UPCF.~~
- ~~(d) To the extent not prohibited by law, the CUPA may assist businesses to revise their information by providing copies of completed reports based on previous submittals. These reports shall be in the general format of the UPCF or the alternative version. A business that revises, certifies, and returns this report to the CUPA satisfies the requirements to complete the appropriate sections of the UPCF. Regulated businesses are not required to use these CUPA-generated reports and have the option to submit updated information using the UPCF or a facsimile.~~
- ~~(e) To the extent not prohibited by law, a business subject to the hazardous materials reporting requirements may comply with the annual inventory reporting requirement by submitting a certification statement to the CUPA if both of the following apply:~~
- ~~(1) The business has previously filed the appropriate pages of the UPCF or an alternative version; and~~
  - ~~(2) The business owner or officially designated representative signs and attests to these statements:~~
    - ~~(A) The information contained in the annual inventory form most recently submitted to the CUPA is complete, accurate, and up to date.~~
    - ~~(B) There has been no change in the quantity of any hazardous material as reported in the most recently submitted annual inventory form.~~
    - ~~(C) No hazardous materials subject to the inventory requirements are being handled that are not listed on the most recently submitted annual inventory form.~~
    - ~~(D) The most recently submitted annual inventory form contains the information required by section 11022 of title 42 of the United States Code.~~

Note: Authority cited: Sections 25404(b), (c), (d), and (e), 25404.6(c), and 25505(d), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25218.2, 25218.9, 25245.4, 25286, 25287, 25501, 25503.3(b) and (c), 25503.5(c), 25505, 25506 and 25509, Health and Safety Code.

#### HISTORY

1. New section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.

## **Title 27**

### **Division 1, Subdivision 4**

2. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).
5. Amendment of Appendix B (reports 3, 4 and 6) filed 12-18-2007; operative 1-17-2008 (Register 2007, No. 51).

#### **§15620. Updated, Amended, Revised, or Resubmitted UPCF**

- ~~(a) Regulated businesses shall comply with the established dates or events that trigger the requirements for businesses to submit information required as part of the Unified Program and submitting the appropriate sections of the UPCF, the alternative version, or a computer-generated facsimile. A CUPA may establish other specific dates for submission of information consistent with state and federal law.~~
- ~~(b) Different parts of the UPCF, the alternative version, or a computer-generated facsimile may be submitted separately. Each submission shall be accompanied by the Business Owner/Operator Identification page and shall be signed with an original signature. The Business Activities page shall also be resubmitted whenever any information reported on it changes.~~

Note: Authority cited: Sections 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25200.14, 25201, 25201.4.1, 25201.5, 25201.13, 25218.2, 25218.9, 25245.4, 25286, 25287, 25503.5, 25505, 25506 and 25509, Health and Safety Code.

#### **HISTORY**

1. New section, relocation and amendment of appendices A and B from section 15320 to new section 15620, and new appendices C-E filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-8-99 order, including amendment of appendix B and repealer and new appendices C-E, transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
3. Relocation and amendment of appendices C—F to new division 3, subdivision 1, chapters 1-6, filed 11-16-2004; operative 12-16-2004 (Register 2004, No. 47).
4. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

**Title 27**

**Division 1, Subdivision 4**

**Appendix B Certified Unified Program Agency (CUPA) Applicant Certification**

I hereby certify the following:

1. I have read and understand Sections 15130 and 15150(e)(9), (14) and (15) of Article 3, Chapter 1, Subdivision 4, Division 1, Title 27 of the California Code of Regulations.
2. The administrative procedures of the proposed Unified Program, as implemented by my agency, will meet the standards described in Section 15180 of Title 27, CCR.
3. The Unified Program, as implemented by my agency, will meet the reporting requirements as described in Article 6 of Title 27, CCR.
4. All responsible agencies involved in the implementation of the Unified Program, as proposed by this application, have adequate resources to carry out the Unified Program.
5. If I am a non-county entity, that I have notified the county of my intent to apply to administer the Unified Program within my jurisdiction.
6. I agree to use state certified laboratories for analysis required under the Generator Program by Health and Safety Code Chapter 6.5 (refer to Health and Safety Code Section 25198)
7. The information provided within this application is true to the best of my knowledge.
8. I understand that this certification is an integral part of the formal application for certification as a Certified Unified Program Agency, and that any false statement may be grounds for denial or revocation of the Unified Program authorization by the Secretary of the California Environmental Protection Agency.

**Title 27**  
**Division 1, Subdivision 4**

TABLE I  
 ENUMERATIONS/DEMOGRAPHIC INFORMATION

PROGRAM	#OF BUSINESSES OR #USTs	MANDATED INSPECTION FREQUENCY	APPLICANT INSPECTION FREQUENCY	AGENCY TO INSPECT
Total \$ of all regulated businesses				
UST program		at least once every 3 years		
Total # of USTs				
SPCC				
HMMP*				
HMRRP		at least once every 3 years		
PBR		at least once every 3 years		
CA		at least once every 3 years		
CE		at least once every 3 years		
RMPP		at least once every 3 years		
Generators		no mandated frequency**		

Image 1 (6.7" X 5.62") Available for Offline Print

[\[FNa1\]](#) If the HMMP is fully covered by the HMRRP, leave this row blank.

[\[FNa2\]](#) Although the generator program has no mandated inspection frequency, if generator inspections are to be incorporated as part of the Unified Program, their inspection frequency should be coordinated with the inspection frequencies of the other Unified Program elements.

Regulatory Citations:

- Title 27, CCR Section 15150(e)(4)
- Title 27, CCR Section 15170(b)(1)
- Title 27, CCR Section 15200(b)
- Title 27, CCR Section 15200(f)(1)(A-C)
- Title 27, CCR Section 15210(b)(1)(F-H)
- Title 27, CCR Section 15150(e)(16)
- Title 27, CCR Section 15200(b)(1-5)



**Title 27**  
**Division 1, Subdivision 4**

(Cal/EPA T01 11/95)

Instructions for Table 1

Fill in the Jurisdiction name that is the reporting applicant agency or CUPA. Fill out the blank and unshaded boxes.

# OF BUSINESSES - Number of businesses regulated under each of the programs listed. MANDATED INSPECTION FREQUENCY - Lists the statutorily required minimum inspection frequency. APPLICANT INSPECTION FREQUENCY - The inspection frequency established by the applicant agency in the Inspection and Enforcement Plan. AGENCY TO INSPECT - Which internal CUPA department, office, or agency will inspect or which external local government (participating agency) will inspect.

Total # of all regulated businesses - Total of all businesses within all regulated programs. Do not double count businesses for this total. Example: A business that stores hazardous waste in two underground tanks for use in an onsite PBR treatment process. This business would count as one (1) regulated business for the "Total # of all regulated businesses" block of the chart. This same business would count as one (1) regulated business in the Underground Storage Tank program (UST program) with a total of two Underground Storage Tanks (UST's), one (1) regulated business in the HMRRP, one (1) regulated business in the generator program, and one (1) regulated business in the PBR Onsite Hazardous Waste Treatment program.

UST program - Underground Storage Tank program

Total # of USTs - Total number of underground storage tanks that the business has onsite.

SPCC - Spill Prevention Control and Countermeasure Plan.

HMMP - Hazardous Material Management Plan.

HMRRP - Hazardous Materials Release Response Plan and Inventory Program.

PBR - Permit-By-Rule Onsite Hazardous Waste Treatment program.

CA - Conditionally Authorized Onsite Hazardous Waste Treatment program.

CE - Conditionally Exempt Onsite Hazardous Waste Treatment program.

RMPP - Risk Management and Prevention Program.

Generators - Hazardous Waste Generator program.

Jurisdiction: \_\_\_\_\_

TABLE 2  
 SUMMARY OF PROGRAM ACTIVITIES

FISCAL YEAR \_\_\_\_\_

PROGRAM HISTORY	INSPECTIONS						ENFORCEMENT ACTIONS TAKEN							
	PROGRAM IN PLACE IN ABOVE FISCAL YEAR	ESTIMATED BUDGET FOR THIS PROGRAM DURING THE FISCAL YEAR ABOVE	PROGRAM WAS IN PLACE	# OF ROUTINE PLANNED	# OF ROUTINE COMPLETED	# OF COMPLAINT COMPLETED	# OF MINOR VIOLATIONS	# OF MAJOR VIOLATIONS	INFORMAL ACTIONS RETURNED TO COMPLIANCE	ADMIN.	CIVIL	CRIMINAL	TOTAL PENALTIES ASSESSED	TOTAL PENALTIES COLLECTED
USEI														
SPCC														
SMMP														
WEREP														
EBB														
CA														
DE														
BNPP														
GENERATOR														

Instructions for Table 2

Regulatory Citations: Title 27 CUR Section 15260(a)(2), Title 27 CUR Sections 15150(c)(1)(B) (Cal/EPA T02 11/95)

**Title 27**

**Division 1, Subdivision 4**

Fill in the Jurisdiction name that is the reporting applicant agency or CUPA. Fill in the fiscal year that the Table is used for. Fill out the blank and unshaded boxes. See instructions for Table 1 for definitions of program abbreviations. PROGRAM HISTORY: PROGRAM IN PLACE IN ABOVE FISCAL YR? (Y/N) - Insert yes or no as appropriate.

ESTIMATED BUDGET FOR THIS PROGRAM DURING THE FISCAL YR ABOVE (IF PROGRAM WAS IN PLACE) - Give the dollar amount of the estimated budget or the actual budget.

INSPECTIONS: # OF ROUTINE PLANNED - Number of routine inspections planned in the fiscal year noted.

# OF ROUTINE COMPLETED - Number of routine inspections Completed in the fiscal year noted.

# OF COMPLAINT COMPLETED - Number of complaint inspections completed in the fiscal year noted.

# OF MINOR VIOLATIONS - Number of minor violations in the fiscal year noted.

# OF MAJOR VIOLATIONS - Number of major violations in the fiscal year noted.

ENFORCEMENT ACTIONS TAKEN: INFORMAL ACTION/RETURNED TO COMPLIANCE - The number of informal enforcement actions or return to compliance actions taken during the fiscal year noted.

ADMIN - The number of administrative enforcement actions taken during the fiscal year noted.

CIVIL - The number of civil enforcement actions taken during the fiscal year noted.

CRIMINAL - The number of criminal enforcement actions taken during the fiscal year noted.

TOTAL PENALTIES ASSESSED - The total dollar amount of penalties assessed in the fiscal year noted.

TOTAL PENALTIES COLLECTED - The total dollar amount of penalties collected in the fiscal year noted.

**Title 27  
Division 1, Subdivision 4**

Jurisdiction: \_\_\_\_\_

TABLE 3  
TIME ALLOCATION OF STAFF

	# of inspec- tions for Title 27 Division 4	hrs/ inspec- tion	tot. hrs/yr	# of enforce- ment cases for Title 27 Division 4	hrs/ enforce- ment case	tot. hrs/yr	# of permits for Title 27 Division 4	hrs/ permit	tot. hrs/yr	# of train- ing cases for Title 27 Division 4	hrs/ train- ing case	tot. hrs/yr	Est. man- age- ment hrs for Title 27 Division 4	&J Other Title 27 Division 4
UST														
SPDC														
EMPP														
EMPRV														
EBR														
SA														
CE														
EMPP														
EMPRV														
TOTAL														

The following are guidelines/definitions to be used in determining time allocations: 1. Inspection: inspections travel, research, analysis of findings, documentation, warnings and notices 2. Enforcement: includes warnings, notices, meetings, hearings, legal proceedings and documentation 3. Permit activities: includes application review, modification, revision and evaluation 4. Training: includes field, meeting, seminars, workshops, courses and literature reviews 5. Management: includes day-to-day scheduling and supervision

Regulatory Citations: Title 27 CCR  
 Title 27 CCR Sections 15170(b)(3)(A-E)  
 Title 27 CRR Sections 15170(b)(4)  
 Title 27 CRR Sections 15170(b)(5)  
 Title 27 CRR Sections 15150(e)(14)

**Title 27**  
**Division 1, Subdivision 4**

**TABLE 4**  
**TRAINING AND EXPERTISE**

	Please indicate the number of staff with experience related to any/all program elements:			
Job Title	0 - 2 years	3 - 5 years	6 - 9 years	10+ years

It is suggested that all job titles in the first column of the table be provided in the following format for each applicable program element: Program element, staff level  
 Example: UST, Supervisor(s) Generator, Field Staff

See instructions for Table 1 for program abbreviations. (Cal/EPA T04 11/95)

**Title 27**  
**Division 1, Subdivision 4**

Date Submitted: \_\_\_\_\_ Fiscal Year: \_\_\_\_\_  
 Check Number: \_\_\_\_\_ Telephone Number: \_\_\_\_\_  
 Completed By: \_\_\_\_\_ CUPA: \_\_\_\_\_

Report 1 <b>SURCHARGE TRANSMITTAL REPORT</b> 27 CCR §15250	
	Total Amount of Surcharge Remitted
CUPA OVERSIGHT	
<u>ELECTRONIC REPORTING</u>	_____
UNDERGROUND STORAGE TANKS	
CALARP	
TOTAL	

This Surcharge Transmittal Report, or a copy thereof, OR a substantially equivalent report shall be completed and submitted to the Secretary as a cover document each time surcharge revenues are remitted. Please staple the remittance check to this form when submitting surcharge revenues.

**Title 27**  
**Division 1, Subdivision 4**

Report 2

**ANNUAL SINGLE FEE SUMMARY REPORT**  
 27 CCR § 15290

Completed By: \_\_\_\_\_  
 Date Submitted: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Fiscal Year: \_\_\_\_\_  
 CUPA: \_\_\_\_\_

	Total amount of single fee billed	Total amount of single fee waived	Total amount of single fee collected		
SINGLE FEE					
	Amount of single fee billed for PAs	Total amount of single fee collected for PAs	Total amount of single fee remitted for PAs	Total amount of single fee still owed PAs	
PARTICIPATING AGENCIES					
	Total amount of surcharge billed	Total amount of surcharge waived	Surcharge collected	Total collections remitted to State	Total Amount owed to State
SURCHARGE					
CUPA Oversight					
CalARP					
UST					
SURCHARGE TOTALS					

Counts*					
Total Regulated Businesses		Underground Storage Tanks		Underground Storage Tank Facilities	
Permit By Rule		Conditional Authorized		Conditional Exempt	
CalARP Program – Total Stationary Sources		Total Stationary Sources Subject to CalARP Program Surcharge		Total Stationary Sources Granted a RMP Waiver Determination	

\* ~~The Report 2 counts of regulated businesses should be consistent with the counts shown on Report 3.~~

**Title 27  
Division 1, Subdivision 4**

Report 3

**UNIFIED PROGRAM  
ANNUAL INSPECTION SUMMARY REPORT  
27 CCR § 15290**

Completed By: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
(print name)

Fiscal Year: \_\_\_\_\_ CUPA Name: \_\_\_\_\_

Telephone Number: \_\_\_\_ (\_\_\_\_) \_\_\_\_\_

Program Elements	1. No. of Regulated Businesses in each Program Element	2. No. of Regulated Businesses Inspected in each Program Element	3. Number of Routine Inspections	4. % of Routine Inspections w/ Class I or II violations that RTC w/in 90 Days	5. Number of Other Inspection s
Hazardous Materials Release Response Plans (HMRRP)					
California Accidental Release Prevention (CalARP)					
Underground Storage Tank (UST) Facilities					
Aboveground Petroleum Storage Tank (AST) Facilities					
Hazardous Waste Generators					
Generators (ALL)					
RCRA Large Quantity Generat ors					
Onsite Hazardo					



**Title 27**  
**Division 1, Subdivision 4**

	us Waste Treatme nt					
Household HW (HHW)						

UPCF rev. (12/2007)

**Title 27  
Division 1, Subdivision 4**

Report 4

**UNIFIED PROGRAM  
ANNUAL ENFORCEMENT SUMMARY REPORT  
27 CCR § 15290**

Completed By: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
(print name)

Fiscal Year: \_\_\_\_\_ CUPA Name: \_\_\_\_\_

Telephone Number: \_\_\_\_ (\_\_\_\_) \_\_\_\_\_

VIOLATIONS INFORMATION				ENFORCEMENT ACTIONS TAKEN								
Program Elements	Number of Facilities with Violation Type			No. of Informal Actions	No. of Formal Actions	Number of Local AE Os	Total Number of AE Os	AE Os issued within 240 Days	Number of Civil/Criminal Referrals		Cash Fines / Penalties Imposed	Value of SEP Penalties Imposed
	Class I	Class II	Minor						Total Number	Referred within 360 Days		
Hazardous Materials Release Response Plans (HMR RP)												
California Accidental Release Prevention (CalAR)												

**Title 27**  
**Division 1, Subdivision 4**

P)												
Underground Storage Tank (UST) Facilities												
Aboveground Petroleum Storage Tank (AST) Facilities												
Hazardous Waste Generators												
Generators (ALL)												
RCA Large Quantity Generators (LQG)												
Onsite Hazardous Waste Treatment												

**Title 27**  
**Division 1, Subdivision 4**

(PB R, CA, GE)													
House hold HW (HHW)													
Recycl ers													

UPCF rev. (12/2007)

**Title 27**  
**Division 1, Subdivision 4**

Report 5

**BIENNIAL TIERED PERMITTING RELEASE REPORT**  
 27 CCR § 15290 and HSC § 25171.5(a)(2)

Completed By: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
 \_\_\_\_\_  
 (print name)

Fiscal Year: \_\_\_\_\_ CUPA: \_\_\_\_\_

1. EPA ID#	2. Facility Name Facility Address	3. Highest Tier Type of Facility (PBR, CA, CE)	4. Date of Release	5. Description of Release

(add additional rows as needed)

**Title 27**  
**Division 1, Subdivision 4**

**UNIFIED PROGRAM REPORT 6 (Side One)**  
**SEMI-ANNUAL UNDERGROUND STORAGE TANK (UST) PROGRAM REPORT**  
**27 CCR §15290 and 23 CCR §2713**

AGENCY CODE	REPORT FOR (Reporting Period, Year)
AGENCY NAME	
ADDRESS	
CITY, STATE, ZIP	
PERSON COMLETING FORM	
PHONE NUMBER	
EMAIL ADDRESS	

STATUS OR ACTIVITY	Column A (1) Total number as of previous reporting period	Column B Number of new facilities or systems this reporting period	Column C Number of facilities or systems permanently closed this reporting period
1. Regulated facilities with UST systems			
2. Active Petroleum UST systems			
3. Active Non-petroleum UST systems			
		Total number this reporting period	
4. UST facility inspections			
a. Facilities in compliance with release detection requirements only			
b. Facilities in compliance with release prevention requirements only			
c. Facilities in compliance with both release detection and release prevention requirements			
d. Facilities with one or more violations of both release detection and release prevention requirements			

1. If you have any corrections to numbers in Column A, please explain here:  
  
 (.i.e., Item 1: -2 [2 facilities closed])

RED TAG  There were no Red Tags issued during this reporting period.

**To Report Red Tag Information – please use other side of this form or use Side Two of this form if responding electronically.**

Title 27  
Division 1, Subdivision 4

**UNIFIED PROGRAM REPORT 6 (Side Two)**

AGENCY CODE	REPORT FOR (Reporting Period, Year)
-------------	-------------------------------------

5. Number of red tags issued for significant violations			

Specific information regarding red tags issued. Please insert below the requested information for each facility receiving a red tag this reporting period. (Please note: the Name entry cell below will wrap text so just use commas between name, street, etc., do not hit enter)

a. Facility Name & Address (Street, City, Zip)	b. Red Tag#	c. Data Affixed	d. Date Removed	e. Significant Violation
Tank Owner Name				(enter 1, 2, 3) <sup>2</sup>
Tank Operator Name				
a. Facility Name & Address (Street, City, Zip)	b. Red Tag#	c. Data Affixed	d. Date Removed	e. Significant Violation
Tank Owner Name				(enter 1, 2, 3) <sup>2</sup>
Tank Operator Name				
a. Facility Name & Address (Street, City, Zip)	b. Red Tag#	c. Data Affixed	d. Date Removed	e. Significant Violation
Tank Owner Name				(enter 1, 2, 3) <sup>2</sup>
Tank Operator Name				
a. Facility Name & Address (Street, City, Zip)	b. Red Tag#	c. Data Affixed	d. Date Removed	e. Significant Violation
Tank Owner Name				(enter 1, 2, 3) <sup>2</sup>
Tank Operator Name				

**2. SIGNIFICANT VIOLATION NUMBER ENTERED IS FOR REASON BELOW**

1. liquid release 2. impair leak detection 3. chronic/recalcitrant owner/operator

Red Tag Information Contact Person (If different from person completing form on Side One)

\_\_\_\_\_  
Name, phone number, and email address

Report 6

12/2007