



Industry Technical Advisory Group (ITAG) Summary Report

Presented by

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25th California Unified Program
Annual Training Conference
March 20 – 23, 2023

Agenda

Topic
Welcome & ITAG Mission
Overview of Information
• Program: Hazardous Waste
• Program: HMBP
• Program: APSA
• Program: UST
• Program: CUPA
• Program: CalARP
Next Steps & Conclusion



Mission of ITAG



Purpose ITAG

➤ Mission

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

➤ Subcommittees

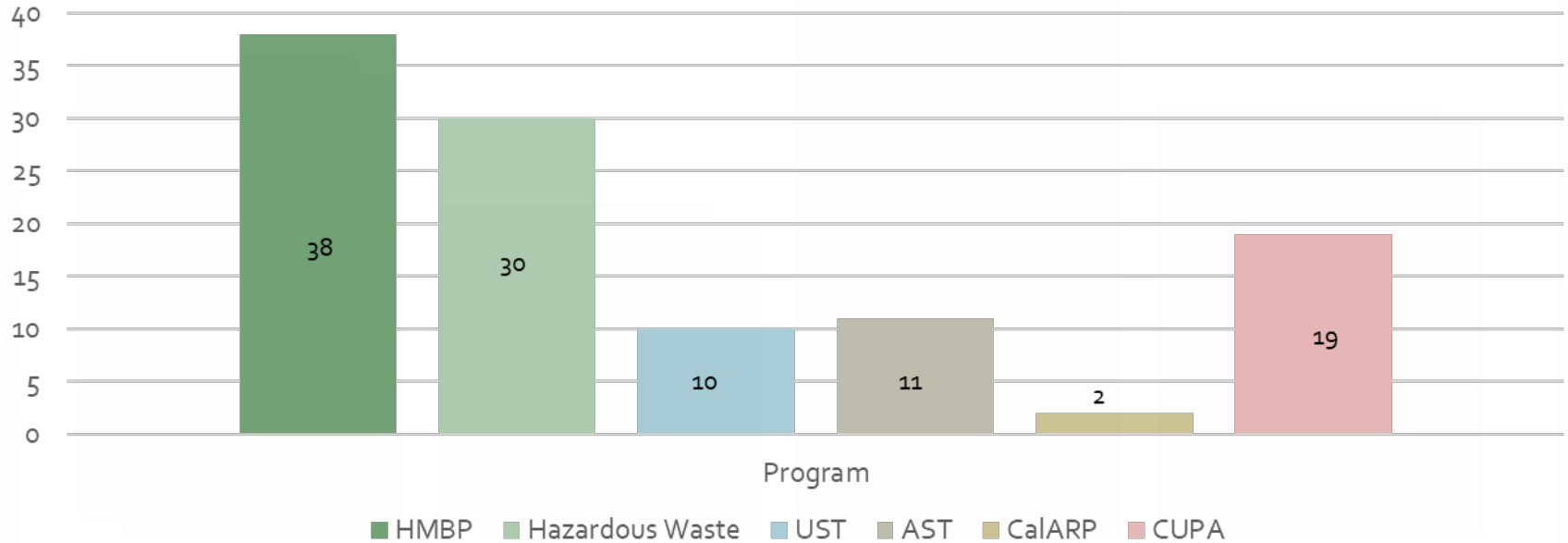
- Hazardous Waste: Cara Bateman, PG&E
- HMPB/CERS: April Anstey, Stanford University
- APSA: Jeremy Gates, Southern California Edison
- UST: Lori Luces-Nakagawa, PG&E
- CalARP: Eileen Woodbury, APCCO
- CUPA: Michelle Le, NES Inc & ITAG Chair

Prelude

- Information gathered in this presentation was collected between 2017 – 2023.
- Method of data collection adapted in 2021/22 as a result of virtual platforms

The Numbers

2023 Issues Shared



Top 10 Overall 2023 Issues

Rank	Program	Percent	Issue
1*	CUPA	70%	Lack of constituency and continuity between CUPAs (example: UST positive shut-down, HMBP activity page ASPA)
2	UST	54%	Industry needs more underground storage tank (UST) training options
3	HW	52%	Inefficient requirement to mail a hardcopy uniform manifest instead of email/upload option
4	CUPA	50%	Lack of CUPA violation dispute process
5	HMBP	46%	Inconsistent interpretation for emergency equipment on facility map (fire extinguisher, first aid kits, etc.)
6	HMBP	45%	Inconsistent interpretation of due dates for HMBP (365 days versus on or before established due date or March 1)
7	HW	39%	CUPAs require additional, non-regulated, training elements for contingency plans
8	CUPA	38%	Lack of timely facility closure in CERS causes invoice and permit issues
9	UST	38%	Inconsistent CUPA requirement for when a UST permit is needed to change components.
10	CUPA	36%	Lack of timeline for CUPA to accept HMBP causes business inefficiencies and compliance issues

*Note: This issue was ranked #10 in 2022

Hazardous Waste – Resolution Needed

Program	Year	Remedy	Issue
HW	2018	Legislation	Lack of California alignment with federal Very Small Quantity Generator program causes confusion
HW	2019	Regulation	Lack of electronic system to mail manifests and exceptions letters to DTSC
HW	2019	Regulation	Lack of time to properly prepare the annual Electronic Waste Report due Feb 1st (Move to March 31st)
HW	2018	Regulation	Unclear requirements for episodic generation causes confusion
HW	2021	Administrative	Used oil guidance needs to be updated
HW	2019	Administrative	GIR Emergency Response Quick Summary Guide – Industry would like this to be in CERS

Hazardous Waste Top 5 Issues

Rank	Program	Year	Remedy	Issue
1	HW	2019	Regulation	Inefficient requirement to mail a hardcopy uniform manifest instead of email/upload option
2	HW	2023	Administrative	CUPAs require additional, non-regulated, training elements for contingency plans
3	HW	2018	Legislation	Lack of California alignment with federal Very Small Quantity Generator program causes confusion
4	HW	2020	Administrative	Lack of DTSC support with interpreting requirements
5	HW	2021	Administrative	Used oil guidance needs to be updated

Hazardous Waste – Communicate/Train

Program	Topic
HW	Lack of agency understanding of Small Quantity Generator requirements (imposing LQG)
HW	Lack of knowledge by inspectors about retail hazardous waste processes
HW	Inspectors are requiring hazardous waste label to include drum inventory for all contents (retail)
HW	Inspectors requiring hard copy of manifests to be on site
HW	Lack of clarity by the CUPAs that the generator is responsible for making waste determination
HW	How does the Generator Improvement Rule (GIR) apply to research institutions?
HW	What is a contiguous site for EPA ID Number
HW	Lack of industry awareness on how to find DTSC factsheets/guidance

NOTE: Answers are out there but need to be communicated through training or education outreach

Hazardous Materials – Resolution Needed

Program	Year	Remedy	Issue
HMBP	2018	Legislation	CUPAs requiring 365-day HMBP submittal (suggestion: clarify submittal within xx days of established due date)
HMBP	2022	Regulation	Inconsistent interpretation for emergency equipment on facility map (fire extinguisher, first aid kits, etc.)
HMBP	2021	Regulation	Unclear definition of “facility” for HMBP reporting
HMBP	2019	Regulation	Lack of timeline for CUPA to accept HMBP causes business inefficiencies and compliance issues (Issued clarified 2023***)
HMBP	2020	Regulation	Unclear definition of “occupied structure” for 25507.2
HMBP	2021	Administrative	Industry needs a list of CUPAs that will accept tri-annual certifications
HMBP	2023	Administrative	EPA ID verification in CERS has too many issues. Need to allow for manual entry option with flag to CUPA.

***Unclear acceptance criteria of plans in CERS (ex: accepted plans sometimes have actionable notes attached and industry does not see them until it is too late; CUPAs not accepting plans in a timely manner

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HMBP Top 5 Issues

Rank	Program	Year	Remedy	Issue
1	HMBP	2022	Regulation	Inconsistent interpretation for emergency equipment on facility map (fire extinguisher, first aid kits, etc.)
2	HMBP	2018	Legislation	CUPAs requiring 365-day HMBP submittal (need to clarify submittal within xx days of established due date)
3	HMBP	2019	Regulation	Lack of timeline for CUPA to accept HMBP causes business inefficiencies and compliance issues (Issued clarified 2023***)
4	HMBP	2023	Administrative	Lack of complete chemical inventory library
5	HMBP	2022	Regulation	Local ordinances are not being updated in CERS

HMBP – Communicate/Train

Program	Topic
HMBP	Lack of agency and industry knowledge about extremely hazardous substances and reporting (ex: lead acid batteries)
HMBP	Lack of industry awareness for when the emergency coordinator needs to be updated
HMBP	Lack of industry awareness for when an interim submittal is required
HMBP	Lack of industry awareness on who within the facility is required to be trained

NOTE: Answers are out there but need to be communicated through training or education outreach

APSA Program

Program	Year	Issue
APSA	2020	Inconsistent interpretation and requirements by CUPAs to check no/yes for APSA program element in CERS.

Details of Issue:

CERS Question: "Does your facility own or operate aboveground petroleum storage tanks or containers?"

Issue: Multijurisdictional businesses are being told to do this differently. Industry is being instructed by some CUPAs to check "Yes" and then check "exempt" on APSA page. The CUPA logic is that the APSA page has an exempt option for this reason.

Recommended Solution:

Short term – Educate CUPA on notes referenced in CERS

Long term – Edit language for activity checklist to be clearer up front in CERS NextGen.

UST Program

UST Resolution Needed

Program	Year	Remedy	Issue
UST	2019	Administrative	Inconsistent CUPA requirements for when a permit is needed to change UST components
UST	2020	Administrative	Information on waterboard website needs to be updated (LG Letters)

UST Top Issues

Program	Year	Remedy	Issue
UST	2023	Administrative	Industry needs more underground storage tank (UST) training options
UST	2019	Administrative	Inconsistent CUPA requirements for when a permit is needed to change UST components
UST	2023	Administrative	Violation are not being closed out in a timely manner

UST - Communicate/Train

Program	Topic
UST	Industry lacks awareness on how to obtain information about the UST program

CUPA – Resolution Needed

Program	Year	Remedy	Issue
CUPA	2019	Administrative	Lack of consistency with inspector change over (continuity gaps)
CUPA	2019	Administrative	Lack of agency "no further action" process once violations are closed leads to incomplete industry records
CUPA	2018	Administrative	Lack of CUPA appeal board leads to friction between business and regulators
CUPA	2021	Administrative	Inspection reports do not contain violation information to industry is unable to verify citation/make adequate correction
CUPA	2021	Administrative	CUPAs need a more thorough understanding of industry processes
CUPA	2021	Administrative	Inspectors showing up with a "gotcha" attitude.
CUPA	2023	Administrative	Guidance is needed for when to delete items from CERS
CUPA	2023	Administrative	Lack of violation closure in CERS causes insurance and other issues

CUPA Top 5 Issues

Program	Year	Remedy	Issue
CUPA	2018	Administrative	Lack of constituency and continuity between CUPAs (example: UST positive shut-down, HMBP activity page ASPA)
CUPA	2018	Regulatory	Lack of CUPA violation dispute process (appeal board)
CUPA	2023	Regulatory	Lack of timely facility closure in CERS causes invoice and permit issues
CUPA	2018	Regulatory	Lack of timeline for CUPA to accept HMBP causes business inefficiencies and compliance issues (CUPA process change needed)
CUPA	2023	Administrative	Lack of timely submittal of inspection reports causes facility compliance to be uncertain

CalARP – Existing

Program	Year	Issue
CalARP	2021	Inconsistent use of alternative models
CalARP	2021	Management of Change (MOC) is not understood by the CUPAs. (simple additions to piping do not trigger MOC but CUPA thinks that it does)

Subcommittee Contacts

Committee	Chair	Email
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Any Questions?

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Resources – Useful Links

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

