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Subject: Notice of Posting Title 27 Regulation Draft Language

The draft language changes are currently not ready to be posted prior to the four informal public workshop regional meetings. The draft regulation language is still being reviewed by the Title 27 Regulation Workgroup and by CalEPA management and legal counsel.

In lieu of the draft language being posted on the Internet, the following edits are proposed to the regulation thus far. These will be the main topics of discussion during the workshops.

- I. Non-substantial changes:
 1. Edits to grammar and syntax or consolidation of requirements to correct errors or reflect current state practices.
 2. Re-organization of requirements without affecting language or intent of requirement.

- II. Substantial changes:
 1. Requirement for CUPAs to manage information in such a manner that it is easily and clearly identifiable and readily available (proposed section 15185(i)).
 2. Requirement for business to disclose and affirm the belief of a trade secret of information in the Hazardous Material Inventory submittal (proposed section 15188(e-h)).
 3. Requirement for CUPA to establish an inspection frequency if no mandated one exists. This is already current state practice that is being clarified in section 15200(a)(3)(A).
 4. Requirement that the CUPAs Inspection and Enforcement Program Plan will include a description of its graduated series of enforcement that shall be followed based on the severity of the violation in section 15200(a)(9).
 5. Requirement for procedures to be written (rather than provisions) in the CUPA's Inspection and Enforcement Program Plan for the topics currently listed in section 15200(a)(10-13).
 6. Requirement for CUPAs to have provisions for ensuring it has sampling capability and a working contract with a state certified laboratory that analyzes samples (proposed section 15200(a)(14)).
 7. Requirement for CUPAs to assess a new Refinery Safety state surcharge fee on applicable petroleum refineries (proposed section 15240(c)(5)).
 8. Requirement for CUPAs to submit an electronic copy of the Surcharge Transmittal Report to cupa@calepa.ca.gov in addition to the current requirement for remitting the report and collected fees to Air Resources Board at the address listed in regulation (proposed section 15250(b)(1)(C)(i)).

9. Addition of Refinery Safety state surcharge to Surcharge Transmittal Report (proposed section 15290(a)(1)(A)(v)).
10. Total counts required in Annual Single Fee Summary Report have changed (proposed section 15290(a)(2)(iv)).
11. Clarification of current requirement for CUPAs to submit Formal Enforcement Summary Reports to the Secretary of CalEPA (proposed 15290(a)(5)).
12. Clarification of performance evaluations of CUPAs to reflect current state practice (proposed section 15330(b), (c), and (d)).
13. Tables and reports in the appendices are reformatted and edited to reflect current/proposed state practice (Appendices A-B).