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California Environmental Protection Agency

Unified Program Bulletin
1011-01

DATE: April 8, 2011
TO: All State and Unified Program Agencies
FROM: Unified Program Section
SUBJECT: PA to CUPA Electronic Reporting Relationship

Purpose

To establish the long term electronic information reporting relationship between the California Environmental Protection Agency (Cal/EPA), the Certified Unified Program Agencies (CUPAs) and their Participating Agencies (PAs).

Policy Statement

To meet the requirements of electronic reporting, Unified Program data collected by a Participating Agency (PA) will be electronically reported to the Certified Unified Program Agency (CUPA) with jurisdiction over the geographic area. The CUPA will include data collected from the PA as part of its electronic reporting to Cal/EPA. For PAs that utilize the California Environmental Reporting System (CERS) as their inspection and enforcement tool, in lieu of other automated inspection and enforcement management tools, no other reporting of inspection and enforcement information is required.

Background

Assembly Bill 2286 (2008, Feuer) went into effect January 1, 2009 and requires all businesses and local government agencies regulated under the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) to use the Internet to file Unified Program information now filed by paper forms. This includes facility data regarding hazardous material regulatory activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation and onsite treatment. It also includes information from local government agencies such as inspections and enforcement actions. All regulated businesses and local government agencies in the State of California must use the Internet to file by January 1, 2013.

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. The state agencies responsible for these programs set the standards for their program and local government agencies implement those standards. Cal/EPA oversees the implementation of the program as a whole. The six programs are:

- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- California Accidental Release Prevention (CalARP) Program
- Underground Storage Tank Program (USTs)
- Aboveground Petroleum Storage Act (APSA) Program
- Hazardous Waste Generator and Onsite Treatment (Tiered Permitting) Program
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

The Unified Program is implemented at the local level by 83 local government agencies, including 58 counties, 24 cities and 1 joint powers agency, certified through a formal process by the Secretary of Cal/EPA. These Certified Unified Program Agencies (CUPAs) are permitted to have other local government agencies, typically cities, implement one or more of the programs identified above. These Participating Agencies (PAs) have a formal agreement with the CUPAs covering the program(s) they implement for the CUPAs. There are currently 34 PAs working with 8 CUPAs. Together, these CUPAs and PAs are referred to as Unified Program Agencies (UPAs).

Analysis

The electronic reporting enabling legislation, Assembly Bill 2286 (2008, Feuer), contains a number of requirements of the Cal/EPA, local agencies and regulated businesses. These include:

1. Cal/EPA establishing the standards applicable to CUPAs, PAs, state agencies, and businesses specifying the data to be collected and submitted.¹
2. Cal/EPA establishing a statewide information management system capable of receiving the data identified above.²
3. Cal/EPA prescribing an XML or other compatible web-based format for the transfer of data from CUPAs to the state.³
4. CUPAs, PAs, and regulated businesses reporting the required data electronically not later than January 1, 2013.⁴
5. Providing assistance to regulated businesses to comply with electronic reporting.⁵

¹ Health & Safety Code section 25404(e)(1)

² Health & Safety Code section 25404(e)(2)(A)

³ Health & Safety Code section 25404(e)(2)(A)

⁴ Health & Safety Code section 25404(e)(4)

⁵ Health & Safety Code section 25404(e)(5)

The Unified Program was created to consolidate, coordinate and make consistent the implementation of the program elements noted above at the local level. Statute and regulation places the burden of implementing the local program on the CUPA, with the help of the PAs for 8 CUPAs. Additionally, statute and regulation requires Cal/EPA to oversee and periodically evaluate the ability of the CUPAs to carry out the program requirements, which will include fully operational electronic reporting beginning in 2013. Cal/EPA and the UPAs jointly created a state advisory body in the mid 1990's, the Unified Program Administrative and Advisory Group (UPAAG). The UPAAG created a coordination and management infrastructure that includes steering committees, working groups and technical advisory groups. See the attached organization chart for additional information. The Data Management Steering Committee is one of the steering committees created by UPAAG. The Data Management Steering Committee developed and published the Unified Program Data Management Plan in 2007 that identifies the high level model for moving data between Businesses, UPAs and the state. This model focuses the movement of data through the CUPAs to the state. See the Data Management Plan Information Flow graphic attached.

The Cal/EPA Unified Program established a professional information technology unit within the office in the spring of 2010 to develop and support the technology necessary to accomplish the requirements of the implementing legislation. Those professional staff have thoroughly examined the existing California Environmental Reporting System (CERS) and evaluated the enhancements needed to allow CERS to exchange data using XML technology. Additionally, Cal/EPA contracted with a nationally recognized leader in exchange technology⁶ to help with the task of building the Unified Program data exchange network. The conclusion reached by that team is that CERS needs to be significantly modified to provide the needed platform to exchange data with the CUPAs. Additionally, the team has concluded that the effort needed to modify CERS to be able to exchange with both CUPAs and PAs adds a significant amount of work to the overall project. Finally, the team concluded that adding the PAs into the exchange would make the overall project likely to fail. While appearing simple to implement, an exchange with PAs adds a fourth dimension into the complexities of the three way exchange.

An examination of the current state of technology used by the CUPAs and PAs reveals that the CUPAs with PAs will all have a web service enabled system capable of exchanging with Cal/EPA and supporting communication with the PAs. The PAs that have not already established automated communication with their CUPAs use a variety of technologies. Overall, the vast majority of those PAs are using data systems that do not have the capability of exchanging data with Cal/EPA. While a few have indicated that their provider can develop that capability, the actual resources to do that development may not be available.

⁶ Cal/EPA contracted with Windsor Solutions Inc. This company designed and built much of the existing National Environmental Information Exchange Network (NEIEN) put in place by US EPA. NEIEN is used by all 50 states to report data to US EPA.

Conclusion

Programmatic

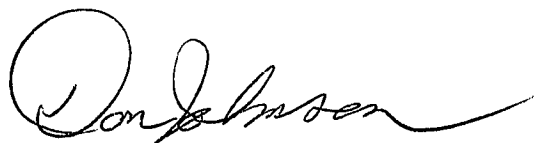
The Unified Program is centered on the state establishing program standards and CUPAs implementing those standards. It is the CUPAs who are responsible to the state for complete program implementation. CUPAs are required to coordinate with PAs to accomplish this program implementation and historically, PAs have reported information to the CUPAs for consolidation into reports to Cal/EPA. The statute implementing electronic reporting requires that Cal/EPA prescribe the format for the transfer of data from CUPAs to the state. Finally, the Unified Program Data Management Plan approved by UPAAG establishes the exchange of data between the CUPA and Cal/EPA. There is overwhelming evidence that the design of the Unified Program data exchange system should be focused around the PAs reporting data to the CUPAs and the CUPAs exchanging with Cal/EPA.

Technological

The technology required to support four way exchanges is difficult to develop and maintain. The deadline established in statute and the currently authorized major state information technology project do not allow enough time or resources to reduce the risk to an acceptable level. In addition, most of the PAs do not have sufficient technology implemented to support a fully automated exchange. Experts in the field of data exchange have recommended that Cal/EPA not attempt to implement this level of complexity at this time.

Questions

Please direct all questions regarding this policy to Jim Bohon, Unified Program Manager, at (916) 327-5097 or email jbohon@calepa.ca.gov.



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