

Reporting Multiple Identical Violations in CERS

How should multiple identical violations be reported in CERS: as a single violation with multiple instances or as multiple violations?

Answer: That depends on the Unified Program element as described below. This FAQ relates to reporting in CERS and is not intended to affect how violations are documented in an inspection record.

CERS Submittals

CERS submittals are generally reviewed by the UPA and if found to be unacceptable, the submission status is set to 'not acceptable'. The facility is notified, required to make corrections and resubmit. However, a failure to report or in some cases where a submittal is found to be deficient during an inspection the violations would be reported as a single violation for each applicable Unified Program element. For example, if a facility is subject to both the HMBP and UST program elements and fails to make a submission for either program element, a separate violation would be reported for each program element.

Aboveground Petroleum Storage, State Fire Marshal

The State Fire Marshal's Office recommends that similar violations for similar types of tanks be reported as a single violation with multiple instances.

However, similar violations for different types of tanks or containers, such as bulk storage container vs. mobile refuelers or oil-filled equipment, would be reported as separate violations.

Regarding the SPCC Plan, violations are based on: 1) whether the tank facility has prepared their SPCC Plan in accordance with the federal requirements, and 2) whether the tank facility is actually implementing their SPCC Plan as written. If a facility fails to prepare an SPCC Plan it would be reported as a single violation, regardless of the number of tanks at the facility. Similarly, if the facility is failing to implement the SPCC Plan for more than one tank it would be reported as a single violation.

Hazardous Materials Business Plan/Cal Accidental Release Program, CalOES

CalOES requirements pertain to business reporting and would typically be reported in CERS as a single reporting deficiency for the facility as described above under the Submittals section. For example, failing to report two hazardous materials on an HMIS would be reported in CERS as a single violation.

Underground Storage Tanks, State Water Board

The State Water Board recommends that violations of the same type be reported as a single violation with multiple instances. For example, two failed UDC sensors would be reported as a single violation. It is recommended that a comment be added to indicate the number of instances observed of this violation and to which UST systems the violations are linked. This does not change the State Water

Board requirement to link each violation to specific USTs or UST systems on the official inspection report.

Hazardous Waste, Tiered Permit, RCRA Large Quantity Generator, DTSC

DTSC recommends that violations of the same type be reported as a single violation with multiple instances. For example, an inspector finds ten hazardous waste drums that are missing the 'start accumulation date.' This would be reported as a single violation. A comment should be added to indicate the number of instances observed of this violation. For violations at multiple treatment units in the same tier, such as several unmarked PBR units, DTSC recommends reporting one violation with multiple instances.