

**REPORT TO THE LEGISLATURE**

**CERTIFIED UNIFIED PROGRAM AGENCY (CUPA)  
PROGRAM STATEWIDE STANDARDS**

Prepared by  
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## EXECUTIVE SUMMARY

This report has been prepared in response to the Supplemental Report of the 2000 Budget Act. In that Report, the Secretary of the California Environmental Protection Agency (Cal/EPA) was required to report to the Legislature on the statewide standards that have been developed, or are planned to be developed, for local service levels for implementation of the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) by local government agencies known as Certified Unified Program Agencies (CUPAs).

Cal/EPA, in conjunction with the other state agencies responsible for overseeing the Unified Program, has established the necessary performance standards for CUPA local service levels and also has a process in place to implement those standards consistently throughout the state. These CUPA performance standards have been established in state law and regulations and include requirements in each of the following areas:

- CUPA self-audit
- Permitting of regulated businesses
- Enforcement of program elements
- Reporting
- Information management
- Program administration
- Inspections of regulated businesses
- Single Fee system operation and fee accountability
- Staff training/continuing education

The established CUPA performance evaluation process assesses a CUPA's ability to adequately meet the Unified Program requirements and statewide standards. If the evaluation identifies deficiencies in CUPA implementation of the Unified Program, Cal/EPA works with the CUPA to correct those deficiencies in a timely manner, or may take actions to withdraw a CUPA's certification to implement the Unified Program.

Cal/EPA and the other Unified Program oversight agencies assist CUPAs in meeting the established standards through 1) development of written guidance materials and training classes for CUPAs on specific requirements and program elements; 2) state agency staff technical support via telephone hotlines, E-mail, and direct calls; and 3) consultation and coordination with CUPAs through advisory groups such as the Unified Program Administration and Advisory Group (UPAAG).

In addition to existing performance standards, the following new and/or revised performance standards are planned for development in 2000/01.

- Regulations establishing standards for hazardous waste clean-up, including criteria for CUPA implementation of the environmental assessment and corrective action portions of the Unified Program.
- Regulations establishing improved performance standards for CUPA inspection and enforcement programs, including minimum inspection frequencies for hazardous waste generators and criteria for enforcement response.

# TABLE OF CONTENTS

Executive Summary .....	i.
Table of Contents .....	ii.
I. Introduction .....	1.
II. Background. ....	1.
III. CUPA Certification Process and Standards .....	3.
IV. CUPA Evaluation Process .....	4.
V. Existing CUPA Performance Standards .....	6.
A. CUPA Compendium of Performance Standards .....	6.
1. Self-Audit Performance Standards .....	6.
2. Administrative Performance Standards .....	7.
3. Permitting Performance Standards .....	7.
4. Inspection Performance Standards .....	7.
5. Enforcement Performance Standards .....	8.
6. Single Fee System Performance Standards .....	8.
7. Reporting Performance Standards and Information Management .	9.
8. Training Performance Standards .....	10.
B. Examples of Recent Performance Standard Regulatory Actions .....	10.
VI. Management Support Tools and Information Communication .....	11.
VII. CUPA Performance Standards - Planned or Under Development .....	12.
VIII. Conclusion .....	13.
Appendix 1. CUPA Compendium of Performance Standards .....	14.

## I. INTRODUCTION

This report has been prepared in response to Provision 1, Item 0555-001-0044 of the Supplemental Report of the 2000 Budget Act, which requires:

“The Secretary for Environmental Protection shall report, by March 1, 2001, to the Chairs of the Joint Legislative Budget Committee and the fiscal and pertinent policy committees of both houses on statewide standards that have been developed, or are planned to be developed in 2000-01, for local service levels for the Unified Program (CUPA) program. It is the intent of the Legislature that the Secretary, in conjunction with the other state agencies responsible for overseeing the Unified Program, develop an appropriate set of performance standards to assist the Secretary in performing the statutorily required evaluations of how well Certified Unified Program Agencies (CUPAs) are meeting program requirements, including local fee accountability.”

The purpose of this report is to briefly document for the Legislature: 1) the existing CUPA statutory and regulatory standards; 2) processes developed and activities undertaken to implement and enforce those standards; and 3) standards planned for future implementation.

## II. BACKGROUND

In 1993, Senate Bill (SB) 1082<sup>1</sup> assigned to Cal/EPA the authority and responsibility to establish a unified hazardous waste and hazardous materials management regulatory program (known as the Unified Program) under Health and Safety Code (HSC) Chapter 6.11. The purpose of the Unified Program is to consolidate, coordinate, and make consistent, both locally and statewide, six different hazardous materials and hazardous waste regulatory programs. (Table 1 lists the specific programs, state oversight agencies, and associated program statutes and regulations.)

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<sup>1</sup> Calderon, Chapter 418, Statutes of 1993. Effective January 1, 1994.

**Table 1.**

<b>Unified Program Regulatory Program Element</b>	<b>State Oversight Agency</b>	<b>Statutes and Regulations</b>
Hazardous Waste Generators and Hazardous Waste Onsite Treatment Permit Programs	Department of Toxic Substances Control (DTSC)	HSC, Chapter 6.5 Title 22, California Code of Regulations (CCR), Division 4.5
Aboveground Storage Tanks	State Water Resources Control Board (SWRCB)	HSC, Chapter 6.67
Underground Storage Tanks	SWRCB	HSC, Chapter 6.7 Title 23, CCR, Division 3, Chapter 16
Hazardous Material Release Response Plans and Inventories (Business Plans)	Office of Emergency Services (OES)	HSC, Chapter 6.95 Title 19, CCR, Division 2, Chapter 4
California Accidental Release Prevention (CalARP) Program <sup>2</sup>	OES	HSC, Chapter 6.95 Title 19, CCR, Division 2, Chapter 4.5
Uniform Fire Code Hazardous Material Management Plans and Inventories	State Fire Marshal (SFM)	HSC, Section 13143.9 California Fire Code (Cf C), Section 8001.3

Prior to creation of the Unified Program, the above six program elements were implemented by over 1,300 state and local agencies. Enforcement of program elements was inconsistent and ineffective, and regulated facilities were subjected to multiple fees, permits, inspections, and reporting requirements.

Under the provisions of SB 1082, Cal/EPA was required to adopt implementing regulations for the Unified Program by January 1, 1996 and prescribe the

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<sup>2</sup> formerly known as the Risk Management and Prevention Program (RMPP).

responsibilities and criteria for local agencies to implement the Unified Program as CUPAs. While the general CUPA responsibilities, certification, and program implementation criteria are established in Title 27, CCR, Subdivision 4 (State Delegation), Chapter 1, Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Section 15100 et seq.), CUPA performance standards specific to each of the six program elements are also found within the specific laws and regulations applicable to those program elements (see citations in Table 1).

The Unified Program is currently overseen by Cal/EPA with support from the Department of Toxic Substances Control (DTSC), the State Water Resources Control Board (SWRCB), the Office of Emergency Services (OES), and the State Fire Marshall (SFM). In conjunction with DTSC, SWRCB, OES, and SFM, Cal/EPA has established performance standards for CUPA local service levels and also has a process in place to implement those standards consistently throughout the state.

### **III. CUPA CERTIFICATION PROCESS AND STANDARDS**

Prior to certification as a CUPA, local agencies are required to submit an application for certification to Cal/EPA. While each California county is required by law to submit an application for CUPA certification, cities or other eligible local agencies may also apply. In order to provide for consistency in application submittal and review, Cal/EPA has established CUPA certification application standards and requirements in Title 27, CCR (starting with section 15120).

While counties are required by law to apply for CUPA certification, it should be noted that certification is not automatic. Applicant local agencies must also meet the application evaluation criteria standards established by Cal/EPA in Title 27, CCR (starting with section 15170) in order to be certified as a CUPA. Successful applications must, among other things, demonstrate that the local agency has adequate resources and expertise with which to implement the Unified Program within the agency's jurisdiction.

At this time Cal/EPA has certified a total of 69 CUPAs covering 43 of the 58 counties in California. Most CUPAs have been established as a function of a local environmental health or fire department. In addition, some CUPAs may have contractual agreements with another local agency, known as a "participating agency" or PA, to implement one or more Unified Program elements in coordination with the CUPA.

To assist local agencies with application development and provide for consistent application evaluation, Cal/EPA developed the "CUPA Application Reviewer's Manual".

In addition, Cal/EPA has developed a draft "CUPA Model Application Package" to further assist the 15 remaining non-CUPA counties in submitting successful CUPA certification applications.

#### **IV. CUPA EVALUATION PROCESS**

Existing law<sup>3</sup> requires that Cal/EPA periodically review the ability of each CUPA to meet established performance standards and adequately implement the Unified Program within its jurisdiction. In carrying out the CUPA review mandate, Cal/EPA has established a triennial review cycle for CUPAs<sup>4</sup> and has developed the "CUPA Evaluation Process Guidance Manual" to provide for consistency and coordination in the review process. In addition to assessing CUPA implementation of the Unified Program to ensure community compliance with environmental regulations, the evaluation process is designed to enhance state and local agency/CUPA partnerships, recognize unique CUPA abilities and resources, and provide feedback for continuous improvement of the Unified Program.

Each CUPA evaluation is conducted by an evaluation team composed of representatives from each of the State oversight agencies. The evaluation consists of: 1) a records review; 2) a "field" review of a regulated facility inspection; and 3) an evaluation report that documents the findings of evaluation and makes recommendations for CUPA improvements where necessary.

The records review evaluates the quality, completeness, and maintenance of CUPA required documents, records, and procedures to determine whether CUPA practices meet the established performance standards. The "field" review examines the ability of CUPA staff to effectively ensure that regulated businesses within the CUPA's jurisdiction are complying with hazardous materials and hazardous waste management requirements. The "field" evaluation consists of evaluation team members observing CUPA staff during an inspection of a regulated facility. The evaluation team focuses on how the inspection is conducted and documented, whether CUPA staff adequately identify facility compliance, and what violations (and necessary enforcement actions) are identified by CUPA staff during the inspection and post-inspection follow-up with the regulated facility.

Upon completion of the records and "field" reviews, the evaluation team prepares a

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<sup>3</sup> HSC Section 25404.4(a)(1).

<sup>4</sup> Title 27, CCR, Section 15290(a).

draft of its preliminary findings based on the review information generated and the established performance standards. The evaluation team shares these preliminary findings with the CUPA to point out areas of noncompliance by the CUPA or regulated businesses, explain the reasons for noncompliance, identify questions that remain to be answered, and discuss tentative findings that need further review and/or resolution.

After meeting with the CUPA on the preliminary findings, the evaluation team prepares a draft evaluation report identifying any minor and/or major<sup>5</sup> deficiencies in the CUPA's implementation of the Unified Program. The report includes recommendations on how to address any minor deficiencies, and may propose a Program Improvement Agreement (PIA) to address any major deficiencies identified. In cases where major deficiencies present a significant impact to the coordination, consolidation, and consistency of the Unified Program, the evaluation team may recommend that the final report include a Notice of Intent to Withdraw Certification (NOI)

Cal/EPA, in its implementation of the CUPA evaluation process, has recognized the need to streamline the evaluation process to improve its timeliness and effectiveness. To accomplish this, Cal/EPA has instituted the following changes:

1. Tasked fewer individuals with the responsibility to conduct the evaluations, thus allowing for more consistency between evaluations and ensuring that staff with more evaluation experience are involved.
2. Committed to follow evaluation time schedules more closely, rather than providing extensions for CUPAs to respond to initial evaluation results and draft evaluation reports.
3. Improved tracking efforts to follow the progress of evaluations through the process and to recognize when delays are occurring.
4. Reworked the evaluation tools so that a singular, standardized format is being used. These tools are available not only for those conducting the evaluations, but also for CUPAs to use in self-evaluation efforts.
5. Modified the CUPA Compendium of Performance Standards to make it a more useful reference document and make it easier to find the applicable standards.

These changes, along with consistent feedback from CUPAs and evaluators, will help to improve the evaluation process and make it more effective at ensuring that the CUPAs are meeting program requirements.

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<sup>5</sup> Major deficiencies are those deficiencies that may adversely impact 1) public health and safety and the environment; 2) coordination, consolidation, and consistency within the Unified Program; or 3) federal authorization of state environmental programs.

## V. EXISTING CUPA PERFORMANCE STANDARDS

### A. CUPA Compendium of Performance Standards

To date, CUPA implementation of the Unified Program is guided by **182 statutory performance standards** and **295 regulatory performance standards**.

The attached “CUPA Compendium of Performance Standards” (Appendix 1) provides a comprehensive listing (organized by performance standard subject area) of the existing CUPA performance standards.

The Compendium has been developed by Cal/EPA for use as both a guidance document and CUPA performance tracking tool for CUPAs and state oversight agencies alike. The Compendium is arranged so that the established performance standards for all Unified Program elements are grouped and displayed according to the following subject areas. (A brief description of the standards addressed in each subject area and subject area location in the Compendium is provided below.)

#### 1. Self-Audit Performance Standards (Compendium pages 1- 2)

Each CUPA is required to perform an annual self-audit of Unified Program activities at the end of each fiscal year. The purpose of the self-audit is twofold: 1) to foster continued improvement in CUPA implementation of the Unified Program through CUPA internal review and assessment of Unified Program activities; and 2) document for Cal/EPA that the CUPA is adequately implementing the Unified Program within its jurisdiction.

Among other things, the CUPA self-audit is required to include narrative summaries/documentation of activities in the following areas:

- single fee system and fee accountability activities;
- effectiveness and efficiency of permitting, inspection, and enforcement activities;
- changes in local ordinances, resolutions, and agreements affecting the Unified Program;
- annual, biennial, and quarterly program activity reports; and
- Unified Program implementation deficiencies and a plan for correction of those deficiencies.

CUPA self-audit reports must be kept on file by the CUPA for at least 5 years and forwarded to Cal/EPA (or other state oversight agency) upon request. CUPA self-audit reports are also reviewed by Cal/EPA during CUPA performance evaluations to determine whether the CUPA has satisfied established performance standards.

## 2. Administrative Performance Standards (Compendium pages 3 - 15)

Each CUPA is required to maintain the administrative procedures and activities necessary to carry out the requirements of implementing the Unified Program, including requirements to:

- consolidate, coordinate, and make consistent any local regulations, ordinances, requirements, or guidance documents related to implementation of the Unified Program within the CUPA's jurisdiction;
- provide for public participation procedures, including procedures for responding to public information requests and community "right-to-know" issues;
- collect, retain, and manage data and information gathered from regulated businesses, including consideration of electronic data management systems;
- develop and maintain a financial management system to include a single fee system and mechanism for fee accountability; and
- develop and maintain necessary records retention and filing systems.

## 3. Permitting Performance Standards (Compendium pages 16 - 20)

Consistent with the goals of the Unified Program, each CUPA is required to develop a coordinated and consolidated permit process which provides regulated businesses with a single point of contact for obtaining information on, the requirements for, and the application process for a Unified Program consolidated permit. In so doing, CUPAs utilize the established Unified Program Consolidated Form (UPCF), or an equivalent form, to identify regulated businesses and to document or authorize business activities subject to Unified Program requirements. In addition to acting as a consolidated permit, the UPCF also serves as the main data collection mechanism for Unified Program regulated business tracking and reporting.

Furthermore, each CUPA must develop the necessary procedures for permit application tracking, permit processing, and permit review or renewal. These procedures must also include processing timelines, dispute resolution or appeal provisions, and mechanisms for authorization notifications.

## 4. Inspection Performance Standards (Compendium pages 21 - 25)

Each CUPA must provide for inspection of Unified Program regulated businesses to ensure facility compliance with program requirements. CUPAs must also develop a written, unified Inspection and Enforcement Program Plan, and to update the plan as needed. The plan's inspection component must include the number of regulated businesses, a schedule of inspection

frequencies that is consistent with statutory minimum frequencies, provisions for joint, combined and multi-media inspections, assurance of adequate inspector training and staff cross-training, and coordination between the CUPA and its Participating Agencies.

Among other things, CUPAs must provide for regulated business compliance inspections in the following program element areas:

- hazardous waste generators and onsite hazardous waste treatment facilities;
- underground storage tank systems;
- aboveground storage tank Spill Prevention Control Countermeasure (SPCC) Plans;
- business plan program and Hazardous Materials Inventory Statements/Hazardous Materials Management Plans;
- California Accidental Release Prevention (CalARP) Program;

#### 5. Enforcement Performance Standards (Compendium pages 26 - 30)

In conjunction with the inspection requirements noted above, each CUPA must provide for enforcement of Unified Program standards through:

- uniform and coordinated application of requirements and standards;
- issuance of requirement violation notices;
- application of consistent and predictable penalties; and
- use of escalating levels of enforcement actions based on severity of the violation.

Each CUPA must also establish the appropriate mechanisms, procedures, or provisions to address:

- use of integrated, joint, combined, and multi-media enforcement whenever possible;
- violation classification, based on nature, circumstances, extent, and gravity of the violation;
- complaint response; and
- administrative, civil, or criminal enforcement actions.

#### 6. Single Fee System Performance Standards (Compendium pages 31 - 33)

Each CUPA is required to implement a single fee system within its jurisdiction to replace all other fees charged to regulated businesses to fund activities subject to Unified Program requirements. Prior to implementation of the Unified Program, regulated businesses were subject to multiple fees from multiple agencies. The single fee system is meant to consolidate those fees into a single fee payable to one agency, the CUPA. Each CUPA is responsible for establishing their fee based upon the necessary and reasonable costs for CUPA implementation of the Unified Program. In addition, the CUPA must also include

in the single fee a surcharge established by Cal/EPA to fund State agency oversight of CUPAs and statewide administration of the Unified Program.

In developing the single fee system, each CUPA must implement a fee accountability program designed to encourage more efficient and cost-effective operation of the program for which the single fee and state surcharge are assessed. Required elements of the fee accountability program include:

- a procedure of accounting for the fee schedule, the actual amount billed, and the revenue collected;
- discrete billable services, categorized as either site specific or general;
- staff work hours required to implement the program;
- indirect program expenses including overhead for facilities and administrative functions;
- number of regulated businesses within the CUPA jurisdiction subject to regulation under the Unified Program; and
- quantity and range of services provided by the CUPA, including frequency of facility inspections.

In addition, each CUPA must annually review and update the fee accountability program.

## 7. Reporting Performance Standards and Information Management (Compendium pages 34 - 39)

CUPAs must keep records and report to Cal/EPA on all aspects of CUPA implementation of the Unified Program within their jurisdiction. In order to meet reporting requirements, CUPAs must also develop and maintain procedures and processes for collection of the data necessary for each report. Reports due to Cal/EPA (CUPA-to-State Reports) include:

- annual Single Fee Summary Report;
- annual Inspection Summary Report;
- annual Enforcement Summary Report;
- biennial Tiered Permitting Release Report;
- quarterly Underground Storage Tank Program Report.

In addition to CUPA-to-State reporting requirements, CUPAs must also develop procedures for and maintain data received from regulated businesses, including information on hazardous materials business plans, hazardous waste generator and onsite treatment activities, and unauthorized releases of hazardous wastes or materials.

Most notably, CUPAs must meet the comprehensive Unified Program Information Collection and Reporting Standards that have been established by Cal/EPA in Title 27, CCR. These standards include requirements for a Unified Program Consolidated Form (UPCF) and Unified Program Data Dictionary. The

UPCF provides CUPAs with a standardized format for consolidation of information required of regulated businesses. The UPCF consolidates the information regulated businesses are required to provide for the different program elements into one form. Furthermore, the Unified Program Data Dictionary standardizes over 900 data elements (including data field size, type, and edit criteria) for the regulatory data that CUPAs must collect and retain from regulated businesses.

#### 8. Training Performance Standards (Compendium pages 40 - 42)

CUPA technical program staff and supervisors are required to meet minimum education, experience, and training requirements. Minimum education/experience requirements include a college degree (or a combination of course work and experience) in one or more of the following disciplines:

- biology or microbiology;
- chemistry or chemical engineering;
- physics or physical science;
- geology or soil science;
- environmental health;
- environmental or sanitary engineering;
- toxicology;
- industrial hygiene;
- hazardous materials management;
- fire science or fire technology

CUPAs must also ensure and document that staff meet applicable training requirements in the following areas:

- regulatory overview;
- classification, identification, and chemistry of hazardous materials and hazardous waste;
- health and environmental effects of hazardous substances, including chemical exposure and route of entry;
- sampling methodologies and use of instrumentation for detection and sampling of hazardous substances;
- conducting inspections and enforcement actions, and writing inspection reports and notice of violation;
- interviewing, case development, and collection and preservation of evidence.

#### ***B. Examples of Recent Performance Standard Regulatory Actions***

Two examples of recent performance standard regulatory actions are provided below.

## 1. Unified Program Information Collection and Reporting Standards

The Title 27 Unified Program regulations were amended on May 14, 1999 to include new regulations to consolidate existing business to CUPA reporting requirements, and create new CUPA-to-State summary reports. One significant element of these new regulations was the adoption of the UPCF (noted above), which combined and streamlined 15 previously required State forms into one form to be used by all businesses regulated under the Unified Program. The Unified Program Data Dictionary was also adopted to establish the information to be collected by CUPAs and provide consistent data elements for electronic submittal of data by both businesses and CUPAs. In addition, the regulations established six new summary reports for CUPA to State reporting of CUPA regulatory activities and detailed requirements for CUPA collection, retention, and management of information received from businesses.

To facilitate understanding and implementation of the new CUPA-to-State reporting requirements, Cal/EPA staff prepared detailed instructions for completion of each new report and provided daily telephone support to CUPAs and regulated businesses with questions on report elements. Extensive training classes were developed and provided to CUPAs on implementation of the new reporting requirements, along with a comprehensive CUPA-to-State reporting guidance manual.

## 2. California Accidental Release Prevention (CalARP) Program - Local Program Evaluation Requirements

OES promulgated regulations for Phase I of the CalARP Program on November 16, 1998, thus merging the federal and state programs for the prevention of accidental releases of regulated toxic and flammable substances and eliminating the need for two separate and distinct chemical risk management programs. In addition to establishing the list of regulated substances, threshold quantities, and accident prevention requirements, the regulations provide performance standards for evaluation of CUPA implementation of the CalARP program.

## VI. MANAGEMENT SUPPORT TOOLS AND INFORMATION COMMUNICATION

Cal/EPA and the other Unified Program oversight agencies assist CUPAs in meeting the established standards in a variety of ways, including use management support tools such as total quality management teams and workgroups, and use of information communication technologies such as the Internet.

Examples of agency support activities include:

- 1) Development of written guidance materials and training classes for CUPAs on specific requirements and program elements;
- 2) State agency staff technical support via telephone hotlines, E-mail, and direct calls;
- 3) Consultation and coordination with CUPAs through the California CUPA Forum Board and advisory groups such as the Unified Program Administration and Advisory Group (UPAAG);
- 4) Use of total quality management teams to evaluate program needs and suggest program improvement methods; and
- 5) Use of electronic information technologies, such as Internet websites (both Cal/EPA and California CUPA Forum) and E-mail, to provide for easy access and dissemination of Unified Program information and guidance materials.

## **VII. CUPA PERFORMANCE STANDARDS - PLANNED OR UNDER DEVELOPMENT**

Cal/EPA has determined that additional standard development is necessary and appropriate in the following areas:

- Hazardous Waste Response Action Regulations

DTSC is currently developing regulations establishing standards for clean-up<sup>6</sup> at hazardous waste release sites and specifying the criteria and procedures for determining whether or not a CUPA is qualified to implement the environmental assessment and corrective action portions of the Unified Program.

- Enforcement Regulations

Regulations are currently under development by DTSC to incorporate the DTSC's enforcement response policy into the Title 27 Unified Program regulations. The new

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<sup>6</sup> "Clean-up" means activities undertaken to investigate, characterize, evaluate, correct, and enforce requirements to address releases of a hazardous waste, hazardous constituent, or hazardous substance, as necessary to protect public health and the environment.

regulations will establish standards for CUPA inspection and enforcement programs, including criteria for classifying violations and violators, appropriate enforcement response options that take the classifications into account, and a requirement for timely initiation of enforcement responses. The regulations will also establish minimum inspection frequencies for hazardous waste generators, Conditionally Exempt Small Quantity Generators (CESQGs) of silver-only hazardous waste, and generators of universal waste.

- **Underground Tank Secondary Containment Requirements**

The SWRCB is currently amending the underground tank regulations to provide for secondary containment and tank management training requirements mandated by Senate Bill 989 [Sher, Chapter 812, Statutes of 1999] in response to MTBE<sup>7</sup> contamination concerns. These regulations also include amended standards for CUPA implementation of the underground tank program.

## **VIII. CONCLUSION**

Cal/EPA, in conjunction with the other state agencies responsible for overseeing the Unified Program, has established the necessary statutory and regulatory standards for implementation of the Unified Program by CUPAs. These standards include requirements and criteria for certification and evaluation of CUPAs, as well as performance standards for CUPA local service levels. Furthermore, Cal/EPA has established the processes with which to implement these standards consistently throughout the state.

In addition to the statutory and regulatory standards already in place, Cal/EPA also utilizes other non-regulatory mechanisms to assure continued improvement in the implementation and oversight of the Unified Program. Using management tools (i.e., total quality management teams and interagency workgroups) and information technology (i.e., data management programs and the Internet), Cal/EPA continues to develop guidance documents, identify and institute program changes as necessary, and disseminate information to CUPAs and the regulated community alike.

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<sup>7</sup> Methyl tertiary-butyl ether.

Appendix 1. CUPA Compendium of Performance Standards.



# CUPA Compendium of Performance Standards

(Organized by Performance Standard, regardless of program element)

## Standard Description

## Citation

### Self Audit Performance Standards

1000	The CUPA shall conduct an annual self-audit at the end of each fiscal year. 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.	CCR T27 §15280(a), §15280(a)(1), §15280(a)(9)
1001	The self-audit report shall be maintained on file by the CUPA for a period of five (5) years.	CCR T27 §15280(a)(2)
1002	The self-audit shall address at a minimum all program elements including the periodic evaluation of participating agencies.	CCR T27 §15280(b)(1)(A)
1002.1	The self audit shall include a report of deficiencies and a plan of correction	CCR T27 §15180(a)(8)
1003	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.	CCR T27 §15280(a)(3)
1005	The CUPA shall prepare a summary of the findings of each self-audit and shall maintain the summary and self-audit records at the primary CUPA address	CCR T27 §15280(b)(1)(B)
1006	The self-audit shall include narrative summaries of program element activities including, but not limited to the effectiveness and efficiency of permitting and inspection and enforcement activities undertaken and a copy of the annual, biennial, and quarterly reports of program activities submitted to the Secretary pursuant to Section 15290.	CCR T27 §15280(b)(2)
1007	The self-audit shall include a summary of Single Fee System activities.	CCR T27 §15280(b)(3)
1008	The self-audit shall include a narrative summary of the progress made toward consolidating, coordinating, and making consistent the Unified Program.	CCR T27 §15280 (b)(4)
1009	The self-audit shall include a record of changes in local ordinances, resolutions, and agreements affecting the Unified Program	CCR T27 §15280 (b)(5)
1010	The self-audit shall include a narrative summary of the annual review and update of the fee accountability program as required by Section 15210(b)(2).	CCR T27 §15280 (b)(6)
1011	The self-audit shall include a summary of new programs being included in the Unified Program	CCR T27 §15280(b)(7)

*Standard Description*

*Citation*

1012	The self-audit shall include a demonstration that the CUPA has satisfied the specific self-audit and performance standards established in regulation by the Secretary or the state agencies responsible for one or more of the program elements.	CCR T27 §15280(b)(8)
1013	The Inspection and Enforcement Program plan shall at a minimum be annually reviewed by the CUPA.	CCR T27 §15200(f)(3)
1014	The CUPA shall consult with and reach consensus with the participating agency prior to any changes which affect program elements for which the participating agency is responsible.	CCR T27 §15200(f)(3)(A)
1015	The CUPA shall prepare a summary of the annual plan review, pursuant to Section 15280(b)(2). The summary shall discuss effectiveness and efficiency of the Inspection and Enforcement Program activities for the prior year.	CCR T27 §15200(f)(3)(B)
4000	Beginning in fiscal year 1998 (July 1, 1998 – June 30, 1999), the administering agency shall annually conduct an audit of its activities to implement the CalARP program.	CCR T19 §2780.5(a)
4001	An audit report shall be compiled annually based upon the previous fiscal year's activities and shall contain an executive summary and a brief description of how the administering agency is meeting the requirements of the program as listed in Title 19, Section 2780.3.  In addition to the executive summary for each stationary source, pursuant to Title 19, Section 2745.3, the audit shall contain:	CCR T19 §2780.5(b)
4003	(1) A listing of all stationary sources covered by the program and which facilities: 4013 have been audited, (B) have been requested to develop FRAPs and the status, (C) have been inspected, or (D) have received public comments.	CCR T19 §2780.5(d)(1)
4008	(2) A list of new or modified stationary sources since the last program audit. The registration information in Section 2740.1 shall also be submitted for each of these facilities.	CCR T19 §2780.5(d)(2)
4009	(3) Updated registration information pursuant to Section 2740.1(c).	CCR T19 §2780.5(d)(3)
4010	(4) Legal enforcement actions initiated by the administering agency identifying each stationary source and California Code section alleged to have been violated. This shall include administrative, civil, and criminal actions.	CCR T19 §2780.5(d)(4)
4011	(5) Total penalties assessed as a result of enforcement.	CCR T19 §2780.5(d)(5)
4012	(6) Total fees, service charges, and other assessments collected specifically for the support of this program.	CCR T19 §2780.5(d)(6)
4013	(7) Total personnel years utilized by the jurisdiction to directly implement, administer or operate this program.	CCR T19 §2780.5(d)(7)

*Standard Description*

*Citation*

*Administrative Performance Standards*

1016	To the maximum extent feasible within statutory constraints, the CUPA, in conjunction with participating agencies, shall consolidate, coordinate, and make consistent any local or regional regulations, ordinances, requirements, or guidance documents related to the implementation of the provisions specified in subdivision (c) of Section 25404 or pursuant to any regional or local ordinance or regulation pertaining to hazardous waste or hazardous materials.	HSC §25404.2(a)(2)
1017	The CUPA shall maintain administrative procedures to carry out the requirements of coordinating, consolidating, and making consistent the Unified Program.	CCR T27 §15180(a)
1018	The CUPA shall maintain public participation procedures to coordinate, consolidate, and make consistent locally required public hearings related to any Unified Program element.	CCR T27 §15180(a)(1)(A)
1019	The CUPA shall maintain public participation procedures which shall, to the extent feasible, include consolidated public notices for activities related to the elements of the Unified Program.	CCR T27 §15180(a)(1)(B)
1020	The CUPA shall maintain procedures for records maintenance which shall include the following:	CCR T27 §15180(a)(2)(A)
1022	(1) Identification of the records maintained.	CCR T27 §15180(a)(2)(A)(i)
1023	(2) Minimum retention times.	CCR T27 §15180(a)(2)(A)(ii)
1024	(3) Archive procedures.	CCR T27 §15180(a)(2)(A)(iii)
1025	(4) proper record disposal methods.	CCR T27 §15180(a)(2)(A)(iv)
1026	Responsible agencies shall maintain procedures to respond to requests from the public, from government agencies with a legal right to access the information, or from emergency responders.	CCR T27 §15180(a)(2)(B)
1030	Hazardous Material Release Response Plans and Inventory information shall be sent by the responsible agency to other local agencies with shared responsibilities for protection of public health and safety and the environment within 15 days of receipt and confirmation in accordance with Health and Safety Code Section 25509.2 (a)(2) and (3).	CCR T27 §15180(a)(2)(D)
1033	The CUPA shall maintain a Financial Management System which shall include a single fee system and a mechanism for fee accountability in compliance with T27 §15210(b).	CCR T27 §15180(a)(3)
1034	The CUPA shall maintain a dispute resolution process, designed to resolve problems arising between the participating agencies and the CUPA.	CCR T27 §15180(a)(4)

*Standard Description*

*Citation*

1035	The CUPA shall maintain procedures which allow for appeal of a dispute resolution pursuant to paragraph T27 §15180(a)(4).	CCR T27 §15180(a)(5)
1036	The CUPA shall ensure that the Unified Program includes a mechanism to receive and consider comments related to Unified Program performance from regulated businesses and the public on a regular basis.	CCR T27 §15180(a)(6)
1037	The CUPA shall conduct meetings, to coordinate and to maintain consistency within the Unified Program, at least four times annually or as specified in the implementation plan pursuant to Section 15150(e)(6). Representatives of the CUPA and all CPAs within the CUPA's jurisdiction will attend.	CCR T27 §15180(a)(7)
1038	The governing body of the CUPA shall enter into written agreements with the governing bodies of all participating agencies to implement specific element(s) of the Unified Program. The written agreement shall include:	CCR T27 §15180(a)(8)(A)
1039	(1) Procedures for withdrawal or revocation of participating agencies	CCR T27 §15180(a)(8)(B)
1041	A participating agency which 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 which shall be met.	CCR T27 §15180(a)(8)(D)
1043	The CUPA shall collect, retain, and manage information needed to implement the Unified Program. At a minimum, the CUPA shall collect and retain all information defined in the Unified Program Data Dictionary. [Refer to Appendices C and D].	CCR T27 §15185(a)
1045	The CUPA shall collect, retain, and manage any additional information required by state or federal law.	CCR T27 §15185(c)
1046	The CUPA may satisfy these information collection, retention, and management requirements through agreements with Participating Agencies that serve as the repository of the information.	CCR T27 §15185(d)
1047	The Data Dictionary data structures and formats must be used for electronic reporting by businesses to a CUPA pursuant to Section 15187 or by a CUPA to the State pursuant to Sections 15187 and 15290(f) and (g).	CCR T27 §15185(e)
1048	If a CUPA accepts any information electronically, the CUPA shall accept all submissions that contain the data elements with the required field length and type and in the order specified in the data dictionary. A CUPA may, on a case-by-case basis, agree to accept information that does not meet the data dictionary standard.	CCR T27 §15187(a)
1049	If the CUPA agrees to accept data electronically the business may submit data in either the ASCII flat file format, ANSIX12, or an alternative file format. The business shall submit data in the mode specified by the CUPA.	CCR T27 §15187(b)

*Standard Description*

*Citation*

1050	The CUPA may establish local standards for the collection of locally required supplemental information in addition to standards specified in the Unified Program Data Dictionary.  A CUPA shall retain information as follows	CCR T27 \$15187(c)
1052	Copies of inspection reports, enforcement files, and onsite Tiered Permitting notifications for at least five (5) years.	CCR T27 \$15188(a)(1)
1052.1	All records related to hazardous waste enforcement actions for at least three (3) years after the enforcement action is resolved.	CCR T27 \$15180(a)(1)
1053	The information used to produce the summary reports to the state listed in section 15290 for at least five (5) years.	CCR T27 \$15188(a)(2)
1055	CUPAs that use an electronic data management system, may satisfy the records retention requirement by maintaining an electronic copy of the data used to produce the summary reports, Reports 2 to 6. These electronic records of the CUPA information shall be retained for a minimum of five (5) years.	CCR T27 \$15188(a)(2)(B)
1056	CUPAs may establish electronic data management systems that retain all previous historical information whenever information is updated so that a complete historical record as of a specific date can be generated to re-create the detailed information for each summary report required by Section 15290.	CCR T27 \$15188(a)(2)(C)
2000	An administering agency shall establish an area plan for emergency response to a release or threatened release of a hazardous material within its jurisdiction.	HSC \$25503(c)
2001	An area plan shall include requirements for notification to the office of reports made pursuant to Section 25507.  Area plans shall include procedures and protocols to ensure the health and safety of emergency response personnel, such as, but not limited to:	HSC \$25503(c)(9)
2003	(a) guidelines for approach, recognition, and evaluation of releases and threatened releases of hazardous materials by emergency response personnel; and	CCR T19 \$2722(a)
2004	(b) monitoring and decontamination guidelines for emergency response personnel and equipment.  Area plans shall include, but not be limited to:	CCR T19 \$2722(b) CCR T19 \$2723
2006	(a) provisions for pre-incident surveys of business sites by first responders for the purpose of site familiarization, if deemed necessary by the administering agency;	CCR T19 \$2723(a)
2007	(b) provisions for pre-emergency planning and coordination among emergency responders within the jurisdiction of an administering agency. Pre-emergency planning shall include coordination of emergency response and emergency assistance between contiguous jurisdictions;	CCR T19 \$2723(b)
2008	(c) procedures to access local, state and federal funding and emergency response assistance; and	CCR T19 \$2723(c)

*Standard Description*

*Citation*

2009	(d) provisions for access to state approved and permitted hazardous waste disposal facilities and emergency response contractors.	CCR T19 §2723(d)
2010	(e) development of an integrated response management system providing standardized organizational structure, terminology, and procedures for use during any release or threatened release of hazardous materials.	CCR T19 §2723(e)
2012	(f) provisions for notification of, and coordination with, emergency response personnel, such as, but not limited to, law enforcement, fire service, medical and public health services, poison control centers, hospitals, and resources for the evacuation, receptor and care of evacuated persons;	CCR T19 §2724(a)
2013	(g) identification and utilization of alternative forms of emergency communications (such as amateur radio services), in the event of a loss of primary communications;	CCR T19 §2724(b)
2014	(h) a responsibility matrix or listing of specific emergency responsibilities of responding organizations. This matrix or listing shall be developed in coordination with the listed responding organizations; and	CCR T19 §2724(c)
2015	(i) provisions for notification to the Office of Emergency Services of all reports received pursuant to Article 2 of this subchapter. These notifications shall be submitted, at least monthly, on forms specified by the Office of Emergency Services.	CCR T19 §2724(d)
2028	(j) provisions for documenting personnel training described in T19 §2725(a) Compendium lines 2017-2026; and	CCR T19 §2725(b)(1)
2029	(k) provisions for joint field or table-top exercises, with affected organizations, with voluntary participation of business representatives.	CCR T19 §2725(b)(2)
2031	(l) site perimeter security procedures for use during a release or threatened release of hazardous material;	CCR T19 §2726(a)
2032	(m) provisions for informing business personnel and the affected public of safety procedures to follow during a release or threatened release of a hazardous material;	CCR T19 §2726(b)
2033	(n) designation of responsibility for the coordinated release of safety information to the public and to the local Emergency Broadcast System;	CCR T19 §2726(c)
2034	(o) provisions for informing medical and health facilities of the nature of the incident and the substance(s) involved in an incident; and	CCR T19 §2726(d)
2035	(p) provisions for evacuation plans. Evacuation planning included in the Area Plan shall provide for the following elements:	CCR T19 §2726(e)
2036	(1) determination of the necessity for evacuation;	CCR T19 §2726(e)(1)
2037	(2) centralized coordination of information with local law, fire, public health, medical, and other emergency response agencies;	CCR T19 §2726(e)(2)

*Standard Description*

*Citation*

2038	(3) timely notification of the affected public, including release of messages prepared pursuant to subsections (c) and (d) of this section;	CCR T19 §2726(e)(3)
2039	(4) properties of hazardous materials, such as quantity, concentration, vapor pressure, density, and potential health effects;	CCR T19 §2726(e)(4)
2040	(5) possible release scenarios;	CCR T19 §2726(e)(5)
2041	(6) facility characteristics, topography, meteorology, and demography of potentially affected areas;	CCR T19 §2726(e)(6)
2042	(7) ingress and egress routes and alternatives;	CCR T19 §2726(e)(7)
2043	(8) location of medical resources trained and equipped for hazardous material response;	CCR T19 §2726(e)(8)
2044	(9) mass-care facilities, reception areas, and sheltering; and	CCR T19 §2726(e)(9)
2045	(10) procedures for post-emergency period population recovery.	CCR T19 §2726(e)(10)
2017	At a minimum, area plans shall establish provisions for training of emergency response personnel in the following areas: (1) emergency procedures for first response to a release or threatened release of hazardous materials;	CCR T19 §2725(a)(1)
2018	(2) health and safety procedures for response personnel, including those procedures required by Section 2724 of this Article;	CCR T19 §2725(a)(2)
2019	(3) use of emergency response equipment and supplies;	CCR T19 §2725(a)(3)
2020	(4) procedures for access to mutual-aid resources;	CCR T19 §2725(a)(4)
2021	(5) identification of medical facilities capable of providing treatment appropriate for hazardous material incidents;	CCR T19 §2725(a)(5)
2022	(6) evacuation plans and procedures;	CCR T19 §2725(a)(6)
2023	(7) monitoring and decontamination procedures for emergency response personnel and equipment;	CCR T19 §2725(a)(7)
2024	(8) first-aid procedures for hazardous material incidents;	CCR T19 §2725(a)(8)
2025	(9) procedures for informing the public during emergencies; and	CCR T19 §2725(a)(9)
2026	(10) psychological stress that may be encountered during disaster operations.	CCR T19 §2725(a)(10)
2046	Area plans shall contain a listing and description of available emergency response supplies and equipment specifically designated for the potential emergencies presented by the hazardous materials which are handled within the jurisdiction of the administering agency. This information shall be presented to reflect response	CCR T19 §2727(a)

*Standard Description*

*Citation*

	capability.	
2047	Area plans shall outline the provisions for regular testing, if applicable, and proper maintenance of emergency response equipment under the direct control of the county or city, as the case may be.	CCR T19 §2727(b)
2048	Area plans shall describe provisions for the critique and follow-up of major incidents of a release or threatened release of hazardous material. The critique shall include an interagency meeting to evaluate the response, to improve future response, and to determine if any area plan revisions are required.	CCR T19 §2728
2049	The administering agency shall certify to the office every three years that it has conducted a complete review of its area plan and has made any necessary revisions.	HSC §25503(d)
2050	Any time an administering agency makes any substantial changes to its area plan, it shall forward the changes to the OES office within 14 days after the changes have been made.	HSC §25503(d)
	An administering agency shall submit to the office, along with its area plan, both of the following:	
2052	(1) The basic provisions of a plan to conduct onsite inspections of businesses subject to this chapter by either the administering agency or other designated entity. These inspections shall ensure compliance with this chapter and shall identify existing safety hazards that could cause or contribute to a release and, where appropriate, enforce any applicable laws and suggest preventative measures designed to minimize the risk of the release of hazardous material into the workplace or environment.	HSC §25503(e)(1)
2053	(2) A plan to institute a data management system which will assist in the efficient access to and utilization of information collected under this chapter. This data management system shall be in operation within two years after the business plans are required to be submitted to the administering agency pursuant to Section 25505.	HSC §25503(e)(2)
2054	The administering agency may, in exceptional circumstances, following notice and public hearing, exempt from the inventory provisions of this chapter any hazardous substance specified in subdivision (k) of Section 25501 if the administering agency finds that the hazardous substance would not pose a present or potential danger to the environment or to human health and safety if the hazardous substance was released into the environment.	HSC §25503.5(c)(2)
2055	The administering agency shall specify in writing the basis for granting any exemption under this paragraph.	HSC §25503.5(c)(2)
2056	The administering agency shall send a notice to the office within five days from the effective date of any exemption granted pursuant to this paragraph.	HSC §25503.5(c)(2)
2057	The administering agency, upon application by a handler, may exempt the handler, under conditions that the administering agency determines to be proper, from any portion of the business plan, upon a written finding that the exemption would not pose a significant present or potential hazard to human health or safety or to the environment or affect the ability of the administering agency and emergency rescue personnel to effectively respond to the release of a hazardous material, and that there are unusual circumstances justifying the exemption.	HSC §25503.5(c)(3)

*Standard Description*

*Citation*

2058	The administering agency shall specify in writing the basis for any exemption under this paragraph.	HSC §25503.5(c)(3)
2059	The administering agency, upon application by a handler, may exempt a hazardous material from the inventory provisions of this chapter upon proof that the material does not pose a significant present or potential hazard to human health and safety or to the environment if released into the workplace or environment.	HSC §25503.5(c)(4)
2060	The administering agency shall specify in writing the basis for any exemption under this paragraph.	HSC §25503.5(c)(4)
2061	An administering agency shall exempt a business operating a farm for purposes of cultivating the soil or raising or harvesting any agricultural or horticultural commodity from filing the information in the business plan required by subdivisions (b) and (c) of Section 25504 if all of the following requirements are met:	HSC §25503.5(c)(5)
2062	(A) The handler annually provides the inventory of information required by Section 25509 to the county agricultural commissioner before January 1 of each year.	HSC §25503.5(c)(5)(A)
2063	(B) Each building in which hazardous materials subject to this chapter are stored is posted with signs, in accordance with regulations that the office shall adopt, that provide notice of the storage of any of the following: (i) Pesticides. (ii) Petroleum fuels and oil. (iii) Types of fertilizers.	HSC §25503.5(c)(5)(B)
2064	(C) Each county agricultural commissioner forwards the inventory to the administering agency within 30 days from the date of receipt of the inventory.	HSC §25503.5(c)(5)(C)
2064.1	Any business operating a farm exempted by paragraph (5) of subdivision (b) of Section 25503.5 from filing the information specified in subdivisions (a) and (c), shall, notwithstanding this exemption, provide the training programs specified in subdivision (c).	HSC §25504(e)
2065	The administering agency shall exempt a business operating an unstaffed remote facility located in an isolated sparsely populated area from the hazardous materials business plan and inventory requirements of this article if the facility is not otherwise subject to the requirements of applicable federal law, and all of the following requirements are met:	HSC §25503.5(c)(6)
2066	(A) The types and quantities of material's onsite are limited to one or more of the following: (i) Five hundred standard cubic feet of compressed inert gases (asphyxiation and pressure hazards only). (ii) Five hundred gallons of combustible liquid used as a fuel source. (iii) Two hundred gallons of corrosive liquids used as electrolytes in closed containers. (iv) Five hundred gallons of lubricating and hydraulic fluids. (v) Twelve hundred gallons of flammable gas used as a fuel source.	HSC §25503.5(c)(6)(A)
2067	(B) The facility is secured and not accessible to the public.	HSC §25503.5(c)(6)(B)
2068	(C) Warning signs are posted and maintained for hazardous materials pursuant to the California Fire Code.	HSC

*Standard Description*

*Citation*

2069	(D) A one-time notification and inventory is provided to the administering agency along with a processing fee in lieu of the existing fee. The fee shall not exceed the actual cost of processing the notification and inventory, including a verification inspection if necessary.	HSC §25503.5(c)(6)(C)
2070	(E) If the information contained in the initial notification or inventory changes and the time period of the change is longer than 30 days, the notification or inventory shall be resubmitted within 30 days to the administering agency to reflect the change, along with a processing fee, in lieu of the existing fee, that does not exceed the actual cost of processing the amended notification or inventory, including a verification inspection, if necessary.	HSC §25503.5(c)(6)(E)
2071	(F) The administering agency shall forward a copy of the notification and inventory to those agencies that share responsibility for emergency response.	HSC §25503.5(c)(6)(F)
2072	(G) The administering agency may require an unstaffed remote facility to submit a hazardous materials business plan and inventory in accordance with this article if the agency finds that special circumstances exist such that development and maintenance of the business plan and inventory is necessary to protect public health and safety and the environment.	HSC §25505(a)(3) HSC §25503.5(c)(6)(G) HSC §25506(a) HSC §25506(a) HSC §25506(a) HSC §25503.5(d)
2073	The administering agency shall provide all information obtained from completed inventory forms, upon request, to emergency rescue personnel on a 24-hour basis.	HSC §25503.5(e)
2074	The administering agency shall adopt procedures to provide for public input when approving any applications submitted pursuant to paragraph (3) or (4) of subdivision (c).	HSC §25505(a)(2)
2075	If, after review, the administering agency determines that the handler's business plan is deficient in any way, the administrative agency shall notify the handler of those deficiencies. The handler shall submit a corrected business plan within 30 days from the date of the notice.	HSC §25505(a)(3)
2076	If a handler fails, after reasonable notice, to submit a business plan in compliance with this article, the administering agency shall immediately take appropriate action to enforce this article, including the imposition of civil and criminal penalties as specified in this article.	HSC §25506(a)
2077	The administering agency shall maintain records of all business plans received and shall index them by street address and company name.	HSC §25506(a)
2078	The business plan and revisions shall be available for public inspection during the regular working hours of the administering agency, except that those portions of the business plan specifying the precise location where hazardous materials are stored and handled onsite, including any maps of the site, as required by paragraph (5) of subdivision (a) of Section 25509, shall not be available for inspection.	HSC §25506(a)
2079	The administering agency shall transmit copies of the entire business plan or any information contained in the business plan to any requesting state or local agency.	HSC §25506(a)

*Standard Description*

*Citation*

- 2080 The administering agency shall, upon request, transmit the information collected pursuant to this chapter to the Chemical Emergency Planning and Response Commission, established by the Governor as the state emergency response commission pursuant to subsection (a) of Section 11001 of Title 42 of the United States Code, and to the local emergency planning committee established pursuant to subsection (c) of Section 11001 of Title 42 of the United States Code. HSC §25506(c)
- 2080.1 If a business believes that the inventory required by this chapter involves the release of a trade secret, the business shall nevertheless make the disclosure to the administering agency, and shall notify the administering agency in writing of that belief on the inventory form. As used in this chapter "trade secret" has the meanings given to it by Section 6254.7 of the Government Code and Section 1060 of the Evidence Code. HSC §25511(a)
- 2081 Subject to this section, the administering agency shall protect from disclosure any trade secret designated as such by the handler. HSC §25511(b)
- 2082 Upon receipt of a request for the release of information to the public which includes information which the handler has notified the administering agency is a trade secret pursuant to subdivision (a), the administering agency shall notify the handler in writing of the request by certified mail, return receipt requested. HSC §25511(c)
- 2083 The administering agency shall release the information to the public, but not earlier than 30 days after the date of mailing the notice of the request for information, unless, prior to the expiration of the 30-day period, the handler files an action in an appropriate court for a declaratory judgment that the information is subject to protection under subdivision (b) or for an injunction prohibiting disclosure of the information to the public and promptly notifies the administering agency of that action. HSC §25511(c)
- 2084 This section does not permit a handler to refuse to disclose the information required pursuant to this chapter to the administering agency. HSC §25511(c)
- 2085 Any information which is confidential pursuant to this section shall not be disclosed to anyone except the following:  
HSC §25511(d)  
HSC §25511(d)(1)  
HSC §25511(d)(2)  
HSC §25511(e)
- (1) An officer or employee of the county or city, the state, or the United States, in connection with the official duties of that officer or employee under any law for the protection of health, or to contractors with the county or city and their employees if, in the opinion of the administering agency, disclosure is necessary and required for the satisfactory performance of a contract for performance of work, or to protect the health and safety of the employees of the contractor.
- (2) Any physician where the physician certifies in writing to the administering agency that the information is necessary to the medical treatment of the physician's patient.
- 4024 The office and the administering agency shall, to the maximum extent feasible, coordinate implementation of the For purposes of this section, fire and emergency rescue personnel and county health personnel operating within the jurisdiction of the county or city shall be considered employees of the county or city, as the case may be. HSC §25533(b)

*Standard Description*

*Citation*

accidental release prevention program with the federal Chemical Safety and Hazard Investigation Board, the Emergency Response Commission and local emergency planning committees, the unified program elements specified in subdivision (c) of Section 25404, the permitting programs implemented by the air quality management districts and air pollution control districts pursuant to Title V of the Clean Air Act (42 U.S.C. Section 7661 et seq.), and with other agencies, as specified in Section 25404.2.

4025 The administering agency in each jurisdiction is the agency designated to implement and enforce any requirements specified by the Environmental Protection Agency and pertaining to any of the following: HSC §255533(d)

- (1) Verification of stationary source registration and submission of an RMP or revised RMP.
- (2) Verification of source submission of stationary certifications or compliance schedules.
- (3) Mechanisms for ensuring that stationary sources permitted pursuant to Title V of the federal Clean Air Act (42 U.S.C. Section 7661 et seq.) are in compliance with the requirements of this article.

4026 For any stationary source with one or more covered processes, the administering agency shall make a preliminary determination as to whether there is a significant likelihood that the use of regulated substances by a stationary source may pose a regulated substances accident risk. HSC §255534(a)

4027 If the administering agency determines that there is a significant likelihood of a regulated substances accident risk pursuant to this subdivision, it shall require the stationary source to prepare and submit an RMP, or may reclassify the covered process from program 2 to program 3, as specified in Part 68 (commencing with Section 68.1) of Subchapter C of Chapter 1 of Title 40 of the Code of Federal Regulations. HSC §255534(b)(1)

4028 If the administering agency determines that there is not a significant likelihood of a regulated substances accident risk pursuant to this subdivision, it may do either of the following: HSC §255534(b)(2)

(A) Require the preparation and submission of an RMP, but need not do so if it determines that the likelihood of a regulated substances accident risk is remote, unless otherwise required by federal law.

(B) Reclassify a covered process from program 3 to program 2 or from program 2 to program 1, as specified in Part 68 (commencing with Section 68.1) of Subchapter C of Chapter 1 of Title 40 of the Code of Federal Regulations, unless the classification of the covered process is specified in those regulations.

4029 If the administering agency determines that an economic poison, as defined in Section 12753 of the Food and Agricultural Code, used on a farm or nursery may pose a regulated substances accident risk pursuant to this article, the administering agency shall first consult with the Department of Food and Agriculture or the county agricultural commissioner to evaluate whether the current RMP is adequate in relation to the regulated substances accident risk. HSC §255534(b)(3)

4030 The requirements of this section apply to a stationary source that is not otherwise required to submit an RMP pursuant to Part 68 (commencing with Section 68.1) of Subchapter C of Chapter 1 of Title 40 of the Code of Federal Regulations. HSC §255534(c)

4031 Administering agencies shall implement the regulations adopted pursuant to this section. HSC §255534.05(e)

*Standard Description*

*Citation*

4032	The administering agency shall review the RMP and may authorize the air pollution control district or air quality management district in which the stationary source is located to conduct a technical review of the RMP.	HSC §25535(a)
4033	If, after review by the administering agency and technical review, if any, by the air pollution control district or air quality management district, the administering agency determines that the stationary source's RMP is deficient in any way, the administering agency shall notify the stationary source of these defects. The stationary source shall submit a corrected RMP within 60 days of the notification of defects, unless granted a one-time extension of no more than 30 days, of the notice to correct the RMP by the administering agency. Failure to fully comply with this notice or the unified program of this section shall be deemed a violation of this article for purposes of Section 25540.	HSC §25535(a)
4034	Within 15 days after the administering agency determines that an RMP is complete, the administering agency shall make the RMP available to the public for review and comment for a period of at least 45 days.	HSC §25535.2
4035	A notice briefly describing and stating that the RMP is available for public review at a certain location shall be placed in a daily local newspaper and mailed to interested persons and organizations.	HSC §25535.2
4036	The administering agency shall review the RMP, and any comments received, following the regulations adopted pursuant to subdivision (a) of Section 25534.05.	HSC §25535.2
4037	If the administering agency makes a determination pursuant to Section 25534 that a stationary source is required to prepare and submit an RMP, the stationary source shall submit the RMP in accordance with a schedule established by the administering agency after consultation with the stationary source. The administering agency shall not require an RMP to be submitted earlier than 12 months or later than three years after the owner or operator has received a notice of that determination from the administering agency.	HSC §25536(b)
4038	Upon receipt of a claim of trade secret related to an RMP, the administering agency shall review the claim and shall segregate properly substantiated trade secret information from information that shall be made available to the public upon request in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250), Division 7, Title 1, Government Code).	HSC §25538(a)
4039	Except as otherwise specified in this section, the administering agency may not disclose any properly substantiated trade secret that is so designated by the owner or operator of a stationary source.	HSC §25538(b)
4040	The administering agency may disclose trade secrets received by the administering agency pursuant to this article to authorized officers or employees of other governmental agencies only in connection with the official duties of that officer or employee pursuant to any law for the protection of health and safety.	HSC §25538(c)
4041	Upon receipt of a request for the release of information to the public that includes information that the stationary source has notified the administering agency is a trade secret pursuant to subdivision (a), the administering agency shall notify the stationary source in writing of the request by certified mail, return receipt requested. The owner or operator of the stationary source shall have 30 days from receipt of the notification to provide the administering agency with any materials or information intended to supplement the information submitted	HSC §25538(g)(1)

*Standard Description*

*Citation*

- pursuant to subdivision (a) and needed to substantiate the claim of trade secret.
- 4042 The administering agency shall review the claim of trade secret and shall determine whether the claim is properly substantiated. HSC §25538(g)(1)
- 4043 The administering agency shall inform the stationary source in writing, by certified mail, return receipt requested, of any determination by the administering agency that some, or all, of a claim of trade secret has not been substantiated. Not earlier than 30 days after the receipt by a stationary source of notice of the determination, the administering agency shall release the information to the public, unless, prior to the expiration of the 30-day period, the stationary source files an action in an appropriate court for a declaratory judgment that the information is subject to protection under subdivision (b) or for an injunction prohibiting disclosure of the information to the public, and promptly notifies the administering agency of that action. HSC §25538(g)(2)
- 4044 The office and each administering agency, in implementing this article, shall, upon request, involve and cooperate with local and state government officials, emergency planning committees, and professional associations. HSC §25539
- 4045 If a stationary source has a process with more than a threshold quantity of a regulated substance as listed in Table 3 of Section 2770.5, and the AA makes a determination pursuant to Section 25534 of HSC that an RMP is required, the owner or operator shall comply with the appropriate provisions of this chapter pursuant to the time frame identified in Section 2745.1(d) or (e). CCR T19 §2735.4(a)(2)
- 4046 Coordination. The owner or operator of a stationary source shall closely coordinate with the administering agency to implement the requirements of this chapter and to determine the appropriate level of documentation required for an RMP to comply with Sections 2745.3 through 2745.9 of this chapter. CCR T19 § 2735.5(a)
- 4046.1 The owner or operator of a stationary source shall consult with the AA to decide which hazard review methodology is best suited to determine and evaluate the hazards of the process being analyzed. CCR T19 § 2755.2(b)
- 4046.2** Model RMPs may be used by stationary sources if accepted for use by AAs, in consultation with OES. Model RMPs for a process that has in excess of a threshold quantity of a regulated substance listed in Table 1 or 2 of Section 2770.5 must also be recognized by USEPA. OES may limit the use, application, or scope of these models. CCR T19 § 2735.3(c)
- 4047 Upon request of a state or local emergency response agency the administering agency shall provide immediate access to all components of the CalARP program. If any of the components of the CalARP Program are designated as "trade secret" as defined in Section 6254.7(d) of the Government Code and Section 1060 of the Evidence Code, the emergency response agency or agencies shall be given notice that the information released shall be used only in connection with the official duties of the agency or agencies and shall not otherwise be released. CCR T19 §2735.7
- 4048 The administering agency may request a registration from a stationary source covered by this chapter prior to submittal of the RMP. Registration submitted prior to an RMP submittal shall include a certification of accuracy. CCR T19 §2740.1(c)
- 4049 Disputes arising between the owner or operator of a stationary source and an administering agency under this chapter shall first be decided by the administering agency pursuant to a dispute resolution process. CCR T19 §2780.1(a)

*Standard Description*

*Citation*

4050

CCR T19 §2780.1(a)

Each administering agency shall establish procedures necessary to implement this dispute resolution process. These procedures shall:

- (1) Provide that the owner or operator of a stationary source may initiate the dispute resolution process by serving the administering agency with prompt written notice of a dispute;
- (2) Identify the official(s) or other employee(s) of the administering agency who will resolve disputes arising under this Section;
- (3) Set procedures and timetables for providing argument and supporting materials to the administering agency;
- (4) Require that the administering agency render a written decision within 120 days after the owner or operator of a stationary source initiates the dispute resolution process; and,
- (5) Use the CUPA dispute resolution process, if the administering agency is also a CUPA, providing that such process is consistent with the criteria in (a)(1) through (4) above.

*Standard Description*

*Citation*

*Permitting Performance Standards*

- 1057 The CUPA shall develop and implement a procedure for issuing, to a business, a unified program facility permit which would replace any permit required by Section 25284 and any permit or authorization required under any local ordinance or regulation relating to the generation or handling of hazardous waste or hazardous materials, but which would not replace a permit issued pursuant to a local ordinance which incorporates provisions of the Uniform Fire Code and Uniform Building Code. HSC §25404.2(a)(1)(A)
- 1059 The unified program agencies shall enforce the elements of a unified program facility permit in the same manner as the permits replaced by the unified program facility permit would be enforced. HSC §25404.2(a)(1)(C)
- 1060 The CUPA shall maintain a Consolidated Permit Program which shall be implemented in conjunction with its participating agencies according to a Consolidated Permit Program Plan. CCR T27 §15190(a)
- 1061 The CUPA shall maintain consolidated permits issued under the Unified Program utilizing the Unified Program Facility Permit. CCR T27 §15190(b)(1)
- 1062 The program shall provide for a coordinated and consolidated permit process which provides regulated business a single point of local contact for obtaining information on, the requirements for, and the application process for the Unified Program consolidated permit. CCR T27 §15190(b)(2)
- 1063 The CUPA shall maintain a single point of contact including a single point for referrals to appropriate participating agencies, if applicable. CCR T27 §15190(b)(2)(A)
- 1064 The CUPA shall provide a consolidated permit application package for the regulated business' specific requirements. CCR T27 §15190(b)(3)(A)
- 1065 The consolidated permit application package shall be presented as a single form, designed to transmit multi-program information, or as multiple forms arranged into a single package. CCR T27 §15190(b)(3)(B)
- 1066 The consolidated permit application package shall not duplicate information, unless it is necessary to provide for form tracking. CCR T27 §15190(b)(3)(C)
- 1067 The CUPA shall utilize the applicable sections of the Unified Program Consolidated Form to collect the required information for a permit application. CCR T27 §15190(b)(3)(D)
- 1068 The CUPA shall establish a system to define which program elements require permits for activities of each regulated business. CCR T27 §15190(b)(4)
- 1072 The CUPA, in cooperation with the participating agencies, shall have a system to ensure timely decisions regarding consolidated permits under the Consolidated Permit Program which shall include: CCR T27 §15190(b)(6)(A)
- 1074 (1) A preliminary check for application completeness. CCR T27 §15190(b)(6)(B)(i)

*Standard Description*

*Citation*

1075	(2) A technical review of permit applications by the responsible agency.	CCR T27 §15190(b)(6)(B)(ii)
1076	(3) A procedure for tracking permit applications, establishing follow-up protocol, and facilitating expeditious processing, when necessary.	CCR T27 §15190(b)(6)(B)(iii)
1077	The CUPA shall maintain efficient methods of transmitting the permit, and include them in the Consolidated Permit Program plan.	CCR T27 §15190(b)(7)
1078	The CUPA shall maintain mechanism to evaluate the coordination, consolidation and consistency of the permit process.	CCR T27 §15190(b)(8)(A)
1080	Information obtained through the permit evaluation process shall be considered and used in modifying the Consolidated Permit Program when appropriate.	CCR T27 §15190(b)(8)(C)
	The Consolidated Permit Program Plan shall include:	
1082	A list of all types of permits and authorizations that will be consolidated within the unified program.	CCR T27 §15190(c)(1)
1083	Flow chart describing the Unified Program's procedures, including timelines and time limits of appeal processes.	CCR T27 §15190(c)(2)
1090	Addenda which will be used to document permit conditions for each applicable element of the Unified Program.	CCR T27 §15190(c)(4)
1091	The consolidated permit cycle established for the CUPA.	CCR T27 §15190(c)(5)
1092	A description of the procedure and process that the CUPA shall use to address any coordination, consolidation, or consistency issues not specifically addressed above.	CCR T27 §15190(c)(6)
1084	A description or sample of the cover sheet of the Consolidated Permit. The cover sheet of the Consolidated Permit shall:	CCR T27 §15190(c)(3)
1085	Include a list the program element permits which make up the Consolidated Permit and the agency responsible for issuing those permits	CCR T27 §15190(c)(3)(A)
1086	Identify each program element's permit status (temporary, provisional, or permitted).	CCR T27 §15190(c)(3)(B)
1087	Identify the permitted facility by business name and address.	CCR T27 §15190(c)(3)(C)
1088	Specify the permit issuance date.	CCR T27 §15190(c)(3)(D)

*Standard Description*

*Citation*

1089	Specify the effective term of the permit.	CCR T27 §15190(c)(3)(E)
1093	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 CURA, a 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.	CCR T27 §15400.3(a)
1094	The CUPA shall accept the UPCF as shown in Appendix E from any regulated business that chooses to use it, even if the CUPA adopts one or more alternative versions of the UPCF.	CCR T27 §15400.3(b)
1095	A CUPA may create alternative versions of the UPCF for local purposes such as streamlining for small businesses or addressing a specific type of industry. Any alternative version of the UPCF shall:	CCR T27 §15400.3(c)
1096	(1) Collect all of the information found on the UPCF that applies to the regulated businesses using the data element definitions established by the data dictionary.	CCR T27 §15400.3(c)(1)
1097	(2) Be consistent with the data standards adopted throughout Article 5 through 10 of these regulations.	CCR T27 §15400.3(c)(2)
1098	(3) Use the same section order as shown in Section 15400.1.	CCR T27 §15400.3(c)(3)
1099	(4) Be developed in consultation with all other agencies within the CUPA's jurisdiction that are responsible for fire protection, emergency response, and environmental health.	CCR T27 §15400.3(c)(4)
1100	(5) Not duplicate data elements between sections of the UPCF other than facility ID number and facility name.	CCR T27 §15400.3(c)(5)
1101	(6) Comply with all applicable federal and state laws.	CCR T27 §15400.3(c)(6)
1102	(7) Include this written disclaimer statement on a cover page or the front page, printed using a font larger than or equal to 8 points for readability: This form was developed by the CUPA as an alternative version of the Unified Program Consolidated Form (UPCF). Businesses have the option to use it or the UPCF adopted in state regulations. The CUPA or Participating Agency (PA) must accept the state UPCF and cannot require a business to use the alternative version developed by the CUPA. The CUPA and PA can require businesses to provide additional information on either the UPCF or a supplemental page to that document.	CCR T27 §15400.3(d)
1103	Each CUPA shall provide instructions to the regulated businesses when distributing the UPCF and any alternative versions. These instructions must be consistent with the instructions adopted in California Code of Regulations Title 19, Article 4, Appendix B.	CCR T27 §15400.3(e)
1104	The CUPA shall collect additional local information on either supplemental pages or within the UPCF in the boxes	CCR T27 §15400.4(a)

*Standard Description*

*Citation*

provided on the Business Owner/Operator Identification page (OES Form 2730) and the Hazardous Materials Inventory-Chemical Description page (OES Form 2731).

1106 The CUPA is prohibited from requesting duplicative information in a different format if that information is part of the Data Dictionary, the UPCF, or the alternative version of the UPCF.

CCR T27 §15400.4(c)

1111 The CUPA shall determine if business generated facsimiles comply with the requirements. This includes facsimiles of their alternative versions of the UPCF.

CCR T27 §15610(c)

1112 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.

CCR T27 §15610(d)

5000 An application for a permit to operate an underground storage tank, or for renewal of the permit, shall be made, by the owner or operator of the tank, or, if there is a CUPA, by the owner or operator of the unified program facility on which the tank is located, on a standardized form and provided by the local agency.

H&SC §25286(a),  
CCR T23 §2710(b)  
CCR T23 §2711

5001 Each CUPA shall prepare a form which provides for the acceptance of the obligations of a transferred permit by any person who is to assume the ownership of an underground storage tank from the previous owner and is to be transferred the permit to operate the tank.

H&SC §25284(b)

5002 A unified program facility permit shall be issued by the CUPA to the owner or operator of the unified program facility on which the tank(s) is located.

H&SC §25284(a)(1)

The operating permit shall have the following information included or attached to it:

CCR T23 §2632(b)

5004 (1) Monitoring program which includes a monitoring, plot and response plan;

CCR T23 §2632(d)(1)  
& (2)

5005 (2) Permit expiration date;

CCR T23 §2712(c)

5006 (3) State underground storage tank identification number(s); and

CCR T23 §2712(c)

5007 (4) A written list of all permit conditions, including a condition that the owner and operator are subject to all applicable requirements of Chapter 6.7 and 6.75 of the Health and Safety Code and these regulations.

CCR T23 §2712(h)

5008 (5) It is also required to be maintained on site.

CCR T23 §2712(i)

5009 The monitoring program shall be approved by the CUPA and shall be in compliance with the requirements of this article and with the underground storage tank operating permit.

CCR T23 §2641(g)

5010 The CUPA shall not approve a repair or upgrade unless it can be demonstrated that the underground storage tank system is structurally sound and the method of repair or upgrade will prevent unauthorized releases due to structural failure or corrosion during the operating life of the underground storage tank system.

CCR T23 §2660(k)

*Standard Description*

*Citation*

5011	The CUPA shall not renew an underground storage tank permit unless the underground storage tank has been inspected by the CUPA or a special inspector within the previous three years and the inspection verified that the underground storage tank complied with the provisions of Article 3 or 4, as applicable, and with all existing permit conditions.	CCR T23 §2712 (e), H&SC §25285(b)
5012	The CUPA shall revoke the permit of an underground storage tank issued pursuant to Section 25284 if the owner or operator is not in compliance with Article 3 (commencing with Section 25299.30) of Chapter 6.75 on the date three months after the date on which the owner or operator of the tank first becomes subject to Article 3 (commencing with Section 25299.30) of Chapter 6.75.	H&SC §25285.1(b)
5028	If the operator is not the owner of the tank, or if the permit is issued to a person other than the owner or operator of the tank, the permittee [local agency] shall ensure that both the owner and the operator of the tank are provided with a copy of the permit.	H&SC §25284(a)(2)
7000	The CUPA, shall implement procedures for the processing of notifications submitted for Permit by Rule Fixed Treatment Units that, within forty-five (45) calendar days of receipt, shall include: (1) acknowledgement, in writing, receipt of the notification for Permit by Rule for Fixed Treatment Units. (2) Authorization of operation of the FTU subject to the requirements and conditions specified in sections 67450.3, 67450.7 and 67450.9(b) and 67450.9(c), or (3) Denial of authorization to operate under a permit by rule pursuant to section 67450.9(a), or (4) Notification the regulated business that the notification is incomplete or inaccurate. (5) Specification of what additional information or correction is needed, if incomplete (6) authorize or deny authorization based on submitted or corrected information (7) rejection of authorization if information is not submitted within 10 days of receipt of acknowledgement (8) granting of additional time to provide information or correction, upon good cause shown by the business	CCR T22 §67450.2(b)(4)
7006	The CUPA shall ensure that a notification submitted for treatment of hazardous waste under Conditional Authorization shall be on the UPCF, and shall be completed, dated, and signed according to the requirements of CCR Title 22, section 66270.11.	HSC §25200.3(e)(3)
7015	The CUPA shall ensure that a notification submitted for treatment of hazardous waste under Conditional Exemption shall be on the UPCF, and shall be completed, dated, and signed according to the requirements of CCR Title 22, section 66270.11.	HSC §252

*Standard Description*

*Citation*

**Inspection Performance Standards**

- 1113 The CUPA, in conjunction with participating agencies, shall develop and implement a single, unified inspection and enforcement program to ensure coordinated, efficient, and effective enforcement of the provisions specified in subdivision (c) of Section 25404, and any local ordinance or regulation pertaining to the handling of hazardous waste or hazardous materials. HSC §25404.2(a)(3)
- 1114 The Unified Program shall include a single Unified Inspection and Enforcement Program which shall be implemented according to the Inspection and Enforcement Program Plan. CCR T27 §15200(a)  
The following types of inspections shall be conducted within the Unified Program and shall be conducted according to the standards contained in statute and regulation:
- 1116 (1) Hazardous waste generator inspections [refer to Sections 25150, 25159, Health and Safety Code; Chapter 12, Division 4.5, Title 22 of the California Code of Regulations]. CCR T27 §15200(b)(1)
- 1117 (2) Inspection of onsite hazardous waste treatment activities under the conditionally exempt, conditionally authorized, and permit by rule tiers of Tiered Permitting [refer to Sections 25200.3, 25201.5, Health and Safety Code; Chapter 45, Division 4.5, Title 22 of the California Code of Regulations]. CCR T27 §15200(b)(2)
- 1118 (3) Underground Storage Tank Program inspections [refer to Section 25288, Health and Safety Code; Section 2712 et seq., Chapter 16, Division 3, Title 23 of the California Code of Regulations]. CCR T27 §15200(b)(3)
- 1119 (4) Business Plan Program inspections [refer to Section 25500 et seq., Health and Safety Code]. CCR T27 §15200(b)(4)
- 1120 (5) Risk Management and Prevention Program inspections [refer to Section 25533 et seq., Health and Safety Code]. CCR T27 §15200(b)(5)
- 1121 The CUPA, in conjunction with participating agencies, shall coordinate, to the maximum extent feasible, the single, unified inspection and enforcement program with the inspection and enforcement program of other federal, state, regional, and local agencies which affect facilities regulated by the unified program. HSC §25404.2(a)(4)
- 1122 The CUPA shall implement a documented Inspection and Enforcement Program Plan which shall be prepared in cooperation with all proposed participating agencies of the jurisdiction and shall contain documented procedures for administering all program elements. CCR T27 §15200(f)
- 1123 The plan shall include an inspection component. The inspection component shall include: CCR T27 §15200(f)(1)
- 1124 (1) The number of regulated businesses within each program element and the mandated frequency of inspections for those regulated businesses. CCR T27 §15200(f)(1)(A)
- 1125 (2) A schedule of the frequency of inspections to be conducted, which shall meet the minimum inspection frequency(s) mandated in statutes. CCR T27 §15200(f)(1)(B)

	<i>Standard Description</i>	<i>Citation</i>
1126	(3) 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.	CCR T27 §15200(f)(1)(C)
1127	(4) Provisions to promote integrated joint, combined, multi-media inspections.	CCR T27 §15200(f)(1)(D)
1128	(5) A mechanism to ensure that Unified Program Inspector training meets or exceeds requirements currently set forth in statute or regulation.	CCR T27 §15200(f)(1)(E)
1129	(6) Methods to cross-train staff.	CCR T27 §15200(f)(1)(F)
1130	(7) Coordinate inspection and enforcement efforts between the CUPA and its participating agencies.	CCR T27 §15200(f)(1)(G)
1131	The CUPA shall update the plan as necessary in accordance with changes identified in the Self-Audit.	CCR T27 §15200(f)(4)
1131.1	Any report of inspection of underground storage tank system shall be consolidated with other inspection reports required pursuant to Chapter 6.11, the listed requirements in 25404(c), and the regulations adopted to implement section 25404(c) [T27, CCR]	HSC§25288 (b)
2086	These inspections shall ensure compliance with the Chapter 6.95 of HSC and shall identify existing safety hazards that could cause or contribute to a release and, where appropriate, enforce any applicable laws and suggest preventive measures designed to minimize the risk of the release of hazardous materials in the workplace or environment.	HSC §25503(e)(1)
2087	The administering agency shall conduct inspections of every business subject to this article at least once every three years to determine if the business is in compliance with this article.	HSC §25508(b)
2088	The administering agency may designate the county agricultural commissioner to conduct the inspections of agricultural handlers. The administering agency or its designee for agricultural handlers shall give priority, when conducting these inspections, to inspecting facilities which store an amount of acutely hazardous materials, as defined in Section 25532, equal to, or greater than, the amount specified in subdivision (a) of Section 25536.	HSC §25508(b)
3000	The CUPA or participating agency shall conduct inspections of every business subject to this article to ensure the business is in compliance with this article. (1) Inspection authority: Right of Entry. If such entry is refused, the chief shall have recourse to every remedy provided by law to secure entry. (2) Failure of regulated business to comply: Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains.	CFC §103.2.1.1, CFC §103.3.1.1 CFC §103.3.1.2 HSC §25514, CFC §103.4.3.1
4051	The administering agency shall conduct inspections of every business subject to this article at least once every three years to determine if the business is in compliance with this article.	HSC §25537(a)

*Standard Description*

*Citation*

4052 In addition to inspections for the purpose of regulation development and enforcement of the federal CAA, the administering agency shall periodically audit RMPs submitted under Article 3 of this chapter to review the adequacy of such RMPs and require revisions of RMPs when necessary to ensure compliance with Article 3 of this chapter.

CCR T19 §2775.2(a)

4053 To the extent possible, any audit shall be fully coordinated with the Unified Program elements at a stationary source.

CCR T19 §2775.2(a)

4054 The administering agency shall select stationary sources for audits based on any of the following criteria:

CCR T19 §2775.2(b)

- (1) Accident history of the stationary source;
- (2) Accident history of other stationary sources in the same industry;
- (3) Quantity of regulated substances present at the stationary source;
- (4) Location of the stationary source and its proximity to the public and environmental receptors;
- (5) The presence of specific regulated substances;
- (6) The hazards identified in the RMP; and,
- (7) A plan providing for neutral, random oversight.

4055 In accordance with Section 25534.5 of HSC, the administering agency shall have access to the stationary source, supporting documentation, and any area where an accidental release could occur.

CCR T19 §2775.2(d)

4056 Based on the audit, the administering agency may issue the owner or operator of a stationary source a written preliminary determination of necessary revisions to the stationary source's RMP to ensure that the RMP meets the criteria of Article 3 of this chapter. The preliminary determination shall include an explanation for the basis for the revisions, reflecting industry standards and guidelines (such as AICHE/CCPS guidelines and ASME and API standards) to the extent that such standards and guidelines are applicable, and shall include a timetable for their implementation.

CCR T19 §2775.2(e)

4057 After providing the owner or operator an opportunity to respond under section (f), the administering agency may issue the owner or operator a written final determination of necessary revisions to the stationary source's RMP. The administering agency shall develop a time table for implementing these revisions in consultation with the stationary source. The final determination may adopt or modify the revisions contained in the preliminary determination under section (e) or may adopt or modify the substitute revisions provided in the response under section (f). A final determination that adopts a revision rejected by the owner or operator shall include an explanation of the basis for the revision. A final determination that does not adopt a substitute revision provided under section (f) shall include an explanation of the basis for finding such substitute revision unreasonable.

CCR T19 §2775.2(g)

5017 The local agency shall inspect every underground tank system within its jurisdiction at least once every year. The purpose of the inspection is to determine whether the tank system complies with the applicable requirements of this chapter and the regulations adopted by the board pursuant to Section 25299.3, including the design and construction standards of Section 25291 or 25292, whichever is applicable, whether the operator has monitored and tested the tank system as required by the permit, and whether the tank system is in a safe operating condition.

H&SC §25288(a)

5018 After an inspection conducted pursuant to subdivision (a), the local agency shall prepare a compliance report

HSC §25288(b)

*Standard Description*

*Citation*

	detailed the inspection and shall send a copy of this report to the permit holder and the owner or operator, if the owner or operator is not the permit holder.	
5019	In lieu of the annual local agency inspections, the local agency may require the permit holder to employ a special inspector to conduct the annual inspection. The local agency shall supply the permit holder with a list of at least three special inspectors that are qualified to conduct the inspection.	HSC §25288(c)
5020	Within 60 days after receiving a compliance report or special inspection report prepared in accordance with subdivision (b) or (c), respectively, the permit holder shall file with the local agency a plan to implement all recommendations contained in the compliance report or shall demonstrate, to the satisfaction of the local agency, why these recommendations should not be implemented.	HSC §25288 (d)
5021	If the inspection indicates noncompliance, the CUPA shall verify by a follow-up inspection that all required corrections have been implemented before renewing the permit.	CCR T23 §2712 (e)
5022	The installation shall be inspected and approved by the CUPA, or, if required by the CUPA, inspected and certified by a registered professional engineer who has education in and experience with underground storage tank system installation.	CCR T23 §2635(d)(5)
6000	CUPAs will conduct inspections to determine if an SPCC Plan is required, verify that a plan is in place when required, and provide owners of facilities lacking required plans with program information.	CCR T27 §15100(d)(1), H&SC §25270.4(b)
7020	Hazardous waste generator inspections shall be conducted to ensure compliance of regulated businesses with all applicable statutes and regulations.	HSC §25150, HSC §25159, HSC §25180(a)(2)(B) HSC §25185(a)
7021	The CUPA shall, at a minimum, ensure that within two years of the date that a person submits a notification that it is operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption, a site inspection shall be conducted at the facility, including verification of compliance with applicable generator requirements, container standards, and administrative and record keeping requirements.	HSC §25201.4(b)(2)
7022	The CUPA shall incorporate the regulation of materials that require special handling that, when removed from major appliances are hazardous wastes, into existing inspection and enforcement activities.	HSC §25212(c)(1)
7023	At the conclusion of the inspection, the inspector shall deliver to the operator of the regulated business a written summary of all violations alleged by the inspector. The inspector shall, prior to leaving the site, deliver the written summary to the operator and shall discuss any questions or observations that the operator might have concerning the inspection.	HSC §25185(c)(1)
7024	A single Notice to Comply shall be issued for all minor violations cited during the same inspection and the notice to comply shall separately list each of the cited minor violations and the manner in which each of the minor violations may be brought into compliance.	HSC §25187.8(c)

	<i>Standard Description</i>	<i>Citation</i>
7025	The CUPA shall prepare an inspector report which shall fully detail all observations made at the site which will include the following information: (1) all alleged violations, (2) the factual basis for alleging those violations, and (3) any corrective actions that should be taken by the operator of the regulated business.	HSC §25185(c)(2)(A)
7029	Inspection reports will be completed within 40 days after the inspection	DTSC Enforcement Response Policy EO-95-004-PP
7030	The CUPA shall provide a copy of the inspection report to the regulated business within 5 days from the date of the preparation of the inspection report.	HSC §25185(c)(2)(A)
7031	The CUPA shall provide the inspector report not later than 65 days from the date of the inspection.	
7032	The inspection report shall include all pertinent information, including, but not limited to: (1) documents, (9) photographs, (10) and sampling results concerning the alleged violations.	
7036	The CUPA shall, at the regulated business operator's request, discuss the inspection report with the operator and shall, upon request of the operator, review the inspection report and determine whether the operator's responses and documented or proposed corrective actions would be sufficient to comply with Hazardous Waste Control Law, or if any allegation of a violation is unwarranted.	HSC §25185(c)(2)(D)
7037	Upon receipt of a written response to the inspection report, the CUPA, upon request of the operator, shall meet and confer with the operator regarding any questions, concerns, or comments that the operator may have concerning the inspection report. The CUPA shall respond within 30 working days from the date of receipt of a response from the operator to determine if the operators response will achieve compliance with Hazardous Waste Control Law.	HSC x25187
7038	CUPAs will review source reduction documents required of businesses pursuant to Health and Safety Code §25244.19, §25244.20, & §25244.21.	CCR T27 §15100(c)(4) HSC §25244.19, § HSC 25244.20, HSC §25244.21(a), HSC §25244.18(c)

*Standard Description*  
*Enforcement Performance Standards*

*Citation*

1132	The CUPA shall maintain an enforcement component of the Inspection and Enforcement Program Plan in cooperation with all participating agencies.  The enforcement component of the Inspection and Enforcement plan shall include:	CCR T27 §15200(f)(2) HSC §25404.2(a)(3)
1133	(1) A description of responsible agency enforcement notification procedures which ensure appropriate confidentiality as defined by the Public Records Act of the State of California. (Government Code §6250 et. seq)	CCR T27 §15200(f)(2)(A)(i), CCR T22 §66272.20(c)
1134	(2) A description of CUPA enforcement notification procedures which ensure coordination and timely notification between responsible agencies and the appropriate prosecuting agency.	CCR T27 §15200(f)(2)(A)(ii)
1135	(3) A uniform and coordinated application of enforcement standards.	CCR T27 §15200(f)(2)(B)
1136	(4) Penalties and enforcement actions which are consistent and predictable for similar violations and no less stringent than existing state statute and regulations.	CCR T27 §15200(f)(2)(C)
1137	(5) A graduated series of enforcement actions which may be taken by the responsible agencies, based on the severity of the violation.	CCR T27 §15200(f)(2)(D)
1138	(6) Provisions for county and/or regional meetings of the CUPA with its participating agencies and between the CUPAs in a county-wide or regional area involving multiple CUPAs at least every quarter. The purpose of which is to discuss integrate/multi-media enforcement programs, which include joint and combined inspection and enforcement.	CCR T27 §15200(f)(2)(E)
1139	(7) Provisions to encourage integrated joint, combined, and multi-media enforcement whenever possible.	CCR T27 §15200(f)(2)(G)
2089	For purposes of this chapter, the UPAs have the responsibility and authority, to the extent provided by this chapter and Sections 25404.1 and 25404.2, to implement and enforce only those requirements of this chapter listed in paragraphs (4) and (5) subdivision of (c) of Section 25404.	HSC §25501(g)(3)
2090	The UPAs also have the responsibility and authority, to the extent provided by this chapter and Sections 25404.1 and 25404.2, to implement and enforce the regulations adopted to implement the requirements of this chapter listed in paragraphs (4) and (5) of subdivision (c) of Section 25404.	HSC §25501(g)(3)
2091	After a CUPA has been certified by the secretary, the unified program agencies shall be the only local agencies authorized to enforce the requirements of this chapter listed in paragraphs (4) and (5) of subdivision (c) of Section 25404 within the jurisdiction of the CUPA.	HSC §25501(g)(3)
2092	The administering agency shall collect the penalty imposed by this section pursuant to Section 25514.6.	HSC §25514.5(c)

*Standard Description*

*Citation*

2093	A penalty shall not be recoverable pursuant to this section and Section 25514 for the same violation.	HSC §25514.5(d)
2094	In assessing the civil penalty, the administering agency shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.	HSC §25514.5(f)
2095	Notwithstanding Section 25516.1, the administering agency may issue a complaint to any person on whom civil liability may be imposed pursuant to Section 13009.6, 25514 or 25514.5. The complaint shall allege the acts or failures to act that constitute a basis for liability and the amount of the proposed civil liability.	HSC §25514.6(a)
2096	The complaint shall be served by personal service or certified mail and shall inform the party so served that a hearing shall be conducted within 60 days after the party has been served, unless the party waives the right to a hearing.	HSC §25514.6(a)
2097	If the party waives the right to a hearing, the administering agency shall issue an order setting liability in the amount proposed in the complaint unless the administering agency and the party have entered into a settlement agreement, in which case the administering agency shall issue an order setting liability in the amount specified in the settlement agreement.	HSC §25514.6(a)
2098	Where the party has waived the right to a hearing or where the administering agency and the party have entered into a settlement agreement, the order shall not be subject to review by any court or agency.	HSC §25514.6(a)
2099	After conducting any hearing required under this section, the administering agency shall, within 30 days after the case is submitted, issue a decision, including an order setting the amount of civil penalty to be imposed.	HSC §25514.6(b)
2100	Orders setting civil liability issued under this section shall become effective and final upon issuance thereof, and payment shall be made within 30 days of issuance. Copies of these orders shall be served by personal service or by certified mail upon the party served with the complaint and upon other persons who appeared at the hearing and requested a copy.	HSC §25514.6(c)
2101	Within 30 days after service of a copy of a decision issued by the administering agency, any person so served may file with the superior court a petition for writ of mandate for review of the decision. Any person who fails to file the petition within this 30-day period may not challenge the reasonableness or validity of a decision or order of the hearing officer in any judicial proceedings brought to enforce the decision or order or for other remedies.	HSC §25514.6(d)
2102	Except as otherwise provided in this section, Section 1094.5 of the Code of Civil Procedure shall govern any proceedings conducted pursuant to this subdivision.	HSC §25514.6(d)
2103	In all proceedings pursuant to this subdivision, the court shall uphold the decision of the administering agency if the decision is based upon substantial evidence in the whole record.	HSC §25514.6(d)
2104	The filing of a petition for writ of mandate shall not stay any accrual of any penalties assessed pursuant to this chapter. This subdivision does not prohibit the court from granting any appropriate relief within its jurisdiction.	HSC §25514.6(d)

*Standard Description*

*Citation*

2105	This section [§25514.6] applies only to an administering agency which has adopted a written policy to carry out this section.	HSC §25514.6(e)
2106	All criminal penalties collected pursuant to this chapter shall be apportioned in the following manner: (1) Fifty percent shall be paid to the office of the city attorney, district attorney, or Attorney General, whichever office brought the action. (2) Fifty percent shall be paid to the agency which is responsible for the investigation of the action.	HSC §25515.2(a)
2107	All civil penalties collected pursuant to this chapter shall be apportioned in the following manner: (1) Fifty percent shall be paid to the office of the city attorney, district attorney, or Attorney General, whichever office brought the action. (2) Fifty percent shall be paid to the agency responsible for the investigation of the action.	HSC §25515.2(b)
2108	In all civil and criminal actions in which a penalty is imposed, the amount of two hundred dollars (\$200) shall be deducted from the amount of the civil or criminal penalty before the amount is apportioned pursuant to subdivision (a) or (b). This two hundred dollars (§200) shall be deposited in the Hazardous Materials Enforcement and Training Account, which shall be available for expenditure pursuant to Title 13 (commencing with Section 14300) of Part 4 of the Penal Code.	HSC §25515.2(c)
2109	If a reward is paid to a person pursuant to Section 25517, the amount of the reward shall be deducted from the amount of the criminal or civil penalty before the amount is apportioned pursuant to subdivisions (a), (b), and (c).	HSC §25515.2(d)
2110	When the administering agency determines that a business has engaged in, is engaged in, or is about to engage in any acts or practices which constitute or will constitute a violation of this chapter or any regulation or order promulgated thereunder, and when requested by the administering agency, the city attorney of the city or the district attorney of the county in which those acts or practices have occurred, or will occur shall make application to the superior court for an order enjoining the acts or practices or for an order directing compliance, and, upon a showing that the person or business has engaged in, is engaged in, or is about to engage in the acts or practices, a permanent or temporary injunction, restraining order, or other appropriate order may be granted.	HSC §25516
2111	Every civil action brought under this chapter shall be brought by the city attorney, district attorney, or Attorney General in the name of the people of the State of California, and any actions relating to the same violation may be joined or consolidated.	HSC §25516.1
2112	Enforcement of this chapter and the Uniform Fire Code shall be coordinated.	HSC §25509.2(a)(4)
2113	Except for the addendum required by the local fire chief, the administering agency shall be the sole enforcement agency for purposes of determining compliance pursuant to subdivisions (b) and (c).	HSC §25509.2(d)
3002	(1) Informal (Reports, Notices, etc). Service of orders and notices.	CFC §103.4.2

Enforcement of the HMMMP program shall conform to the following requirements.

*Standard Description*

*Citation*

3003 (2) Administrative (Enforcement Order, Complaint Order, etc). Enforcement agency, fines. Authority to issue corrective orders & notices. Authority to stop uses, order evacuation. Service of orders and notices. Compliance with orders and notices. Unsafe Buildings.

CFC §101.2.2.2  
CFC §103.4.1  
CFC §103.4.1.1  
CFC §103.4.1.3  
CFC §103.4.2  
CFC §103.4.3.1  
CFC§103.4.5

3004 (3) Civil (Actions by city attorney, district attorney, or Attorney General).

Not Available

3005 (4) Criminal (Actions by the city attorney, district attorney, or Attorney General); Misdemeanor for failure to comply

CFC §103.4.4

4058 If civil penalties are recovered pursuant to Section 25540 or 25540.5, the same offense shall not be the subject of a criminal prosecution pursuant to Section 25541 or 25541.3. When an administering agency refers a violation to a prosecuting agency and a criminal complaint is filed, any civil action brought pursuant to this article for that offense shall be dismissed.

HSC §25541.5.

5023 The CUPA shall take appropriate enforcement action pursuant to section 25299 of the Health and Safety Code or prohibit the operation of the tank systems if the owner or operator fails to comply with the monitoring requirements in Article 3 or 4 or the reporting requirements of Article 5.

CCR T23 §2712(g)

7039 The CUPA shall assess penalties for violations of Hazardous Waste Control Law consistent with statutes and regulations for enforcement actions.

HSC §25180 et. Seq,  
CCR T22 §66272.60  
Thru §66272.67

7040 Enforcement shall define and correctly classify violations for management of hazardous waste that meet, at a minimum, standards used by DTSC for Class 1 violation, Class 2 violation, and Minor violation.

HSC §25187(a)(4),  
HSC §25110.8.5  
HSC §25117.6  
CCR T22 §66260.10

The CUPA shall have a process for the issuance of Administrative Enforcement Orders (AEO) which includes the following:

7040.1 (1) A penalty matrix which allows for the assessment of consistent penalties for similar violations.

7040.2 (2) Means of notification of corrective actions, including letters, orders, and other related forms.

7040.3 (3) Receipt, tracking and confirmation of notices of defense.

7040.4 (4) Hearings regarding the order.

7040.5 (5) Resolution of the order prior to the case being heard in front of an Administrative Law Judge.

*Standard Description*

*Citation*

7040.6	The CUPA shall document that a contract or agreement is in place that allows the CUPA access to an Administrative Law Judge.	
7041	Class I violations will be addressed through a formal enforcement action.	DTSC Enforcement Response Policy EO-95-004-PP
7042	Minor violations will be addressed through a Notice to Comply for violations that have not been corrected in the presence of an inspector at the time of the inspection.	HSC §25187.8(c)
7043	A CUPA shall classify a hazardous waste handler as a Significant Non-Complier (SNC) based on the nature of the violations if:  1) The handler has caused actual exposure or substantial likelihood of exposure to hazardous waste or hazardous constituents; or 2) The handler is a chronic violator (a handler who is regularly found to have many Class I or Class II violations) or recalcitrant violator (a handler who actively refuses to comply with the regulatory requirements); or 3) The handler substantially deviates from the terms of a permit, order, settlement document, or decree by not meeting the requirements in a timely manner and/or by failing to perform work as required by terms of permits, orders, settlement agreements, or decrees; or 4) The handler deviates from statutory or regulatory requirements.	DTSC Enforcement Response Policy EO-95-004-PP
7049	The CUPA shall refer potential criminal cases to the District Attorney, City Attorney, Attorney General, or U.S. Attorney.	HSC §25191.2
7050	The CUPA shall conduct follow-up inspections to confirm compliance on a selection of cases where only informal action has been taken.	HSC §25187.8(h)
7053	The CUPA shall initiate formal enforcement actions within 135 days of completion of the inspection.	DTSC Enforcement Response Policy EO-95-004-PP
7054	The CUPA shall file civil actions within 90 days of referral to the District Attorney, City Attorney, Attorney General, or U.S. Attorney.	HSC §25182, HSC §25183 HSC §25188
7055	The CUPA shall ensure that formal enforcement actions taking longer than 90 days will be scheduled for a hearing or have appropriate approval or extension.	HSC §25187(e)
7056	The CUPA shall file civil complaints after 90 days of initiating settlement negotiations, unless appropriate approval is granted for an extension.	DTSC Enforcement Response Policy EO-95-004-PP

*Standard Description*  
*Single Fee System Performance Standards*

*Citation*

- 1140 Each CUPA shall implement a Single Fee System which shall replace, within its jurisdiction, all fees mandated in Health and Safety Code, Sections 25205.14 (Tiered Permitting), 25287 (Underground Storage Tanks), 25513 (Business Plans), 25535.2 (Risk Management Prevention Plans) and any other fees levied by a local agency specifically to fund the implementation of the programs specified in Health and Safety Code, Section 25404(c).  
CCR T27 §15210(a)
- 1143 Fee schedules shall be based on factors associated with the cost of implementing and maintaining programs.  
CCR T27 §15210(a)(2)(A)
- 1154 Each participating agency is responsible for establishing fees which reflect the necessary and reasonable costs of implementing the associated program element.  
CCR T27 §15230(a)
- 1155 Each participating agency shall notify the CUPA of that fee amount within the time frame as identified in the Unified Program single fee system implementation plan.  
CCR T27 §15230(b)
- 1147 The CUPA shall ensure that all funds collected on behalf of the participating agency are forwarded to the participating agency.  
CCR T27 §15210(a)(4)
- 1148 The CUPA shall pay the participating agency within 45 days of receiving fees designated for the participating agency unless the participating agency and CUPA agree in writing to an alternate schedule.  
CCR T27 §15210(a)(4)(A)
- 1149 Each billing statement shall itemize the fees by program element, if those fee elements are calculated separately.  
CCR T27 §15210(a)(5)
- 1151 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 utilize the fee schedules established by the participating agencies and authorize the collection of those fees.  
CCR T27 §15210(a)(7)
- 1152 The CUPA or participating agency shall make fee schedules available to interested parties upon request.  
CCR T27 §15210(a)(8)
- 1153 The CUPA shall develop and implement a mechanism to resolve fee disputes which arise between the CUPA and participating agencies, between a regulated business and either the responsible agency or the CUPA, or between a regulated business and the state regarding the state surcharge.  
CCR T27 §15210(a)(9)
- 1156 Each CUPA shall implement a fee accountability program designed to encourage more efficient and cost-effective operation of the program for which the single fee and surcharge are assessed.  
CCR T27 §15210(b)
- 1157 The fee accountability program shall be instituted before the single fee system.  
CCR T27 §15210(b)(1)
- 1159 The fee accountability program shall include at a minimum the following elements:  
CCR T27 §15210(b)(1)
  - (1) A procedure of accounting for: the fee schedule, the actual amount billed, and the revenue collected.  
CCR T27 §15210(b)(1)(A)
- 1160 (2) Discrete billable services, categorized as either site specific or general.  
CCR T27 §15210(b)(1)(A)

*Standard Description*

*Citation*

1161	(3) Staff work hours required to implement the program.	CCR T27 §15210(b)(1)(B)
1162	(4) Direct program expenses including durable and disposable equipment.	CCR T27 §15210(b)(1)(C)
1163	(5) Indirect program expenses including overhead for facilities and administrative functions.	CCR T27 §15210(b)(1)(D)
1164	(6) The number of regulated businesses in each program element within the jurisdiction.	CCR T27 §15210(b)(1)(E)
1165	(7) Total number of regulated businesses in the jurisdiction.	CCR T27 §15210(b)(1)(F)
1166	(8) Quantity and range of services provided, including frequency of inspection.	CCR T27 §15210(b)(1)(G)
1167	The CUPA and participating agencies shall annually review and update the fee accountability program.	CCR T27 §15210(b)(1)(H)
1168	The Single Fee System shall include mechanisms for the billing, collection and transmittal of the state surcharge.	CCR T27 §15210(c)
1171	The CUPA shall provide the Secretary with the information necessary for determination of the annual surcharge The CUPA shall develop a single fee system implementation plan which	CCR T27 15210(d)
1173	(1) Provides for a transition from multiple billing statements and collection agencies within the Unified Program, to a single billing statement and collector agency within the Unified Program.	CCR T27 §15220(a)
1174	(2) Provides for public participation and review of the proposed plan.	CCR T27 §15220(a)(1)
1175	(3) Provides for a transition period no longer than 5 years.	CCR T27 §15220(a)(2)
1176	(4) Provide for regulated businesses to receive a single billing statement annually that includes all recurring Unified Program activity fees.	CCR T27 §15220(a)(3)
1177	(5) Provide for regulated businesses to permit Unified Program fees with a single payment.	CCR T27 §15220(a)(4)
1178	(6) Provisions for instances of non-payment.	CCR T27 §15220(a)(5)

	<i>Standard Description</i>	<i>Citation</i>
1179	The CUPA shall implement procedures to ensure collection of the surcharge. These procedures should address at a minimum, the suspension of permits for non-payment or late payment.	CCR T27 §15250(a)(1)
1183	The CUPA or other Responsible Agency shall retain surcharge billing and collection records for five (5) years following closure of any billing period or until completion of any audit in process, whichever is longer.	CCR T27 §15250(a)(5)
1184	The CUPA shall provide access to surcharge billing, collection and transmittal records within 60 days following a request from the Secretary.	CCR T27 §15250(a)(6)
1185	The CUPA shall begin assessing the surcharge within its first billing cycle or within twelve months after the effective date of certification, whichever is shorter.	CCR T27 §15250(a)(7)
1186	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. 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.	CCR T27 §15250(a)(8)
1187	The CUPA shall transmit all collected state surcharge revenues the Secretary quarterly, within 30 days of the end of each state fiscal quarter.	CCR T27 §15250(b)(1)
1197	The CUPA shall attempt to resolve disputes involving the surcharge. Those disputes which cannot be resolved locally may be referred to the Secretary.	CCR T27 §15250(d)(3)
1198	Disputes referred to the Secretary shall be in writing and shall include a recommendation for resolution.	CCR T27 §15250(d)(3)(A)
1199	The CUPA shall provide access to surcharge billing, collection and transmittal records upon the Secretary's request.	CCR T27 §15250(e)

*Standard Description*  
*Reporting Performance Standards*

*Citation*

- 1204 The CUPA will maintain procedures for acceptance, tracking, and maintenance of Business Plans and CalARP registration forms from regulated businesses. CCR T27 §15100(f)(4).
- 1205 The CUPA will maintain 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. CCR T27 §15100(f)(5)
- 1206 The CUPA will integrate information from submitted business plans into the development and implementation of an area plan as defined in HSC Chapter 6.95, Article 1. CCR T27 §15100(f)(6)
- 1207 If the CUPA is not the local fire authority, the CUPA must transmit business plan information to the local fire authority within 15 days of receipt and confirmation. CCR T27 §15100(g)(3),  
HSC §25509.2(a)(3)
- The CUPA shall submit the following reports for the previous fiscal year to the Secretary by September 30 of each year to the: Secretary for Environmental Protection, c/o DTSC Unified Program Section, P.O. Box 806, Sacramento, CA 95812-0806.:
- 1209 The Annual Single Fee Summary Report using Report 2. CCR T27 §15290(a)(1)
- 1209.1 The Annual Inspection Summary Report using Report 3. CCR T27 §15290(a)(2)
- 1209.2 The Annual Enforcement Summary Report using Report 4. CCR T27 §15290(a)(3)
- 1218 The CUPA shall submit the Biennial Tiered Permitting Release Report, using Report 5, to the Secretary for the previous two-year period by August 30, every other year starting in 2000. CCR T27 §15290(b)
- 1220 On a quarterly basis, each CUPA shall send information pertaining to local underground storage tank program implementation to the State Water Resources Control Board using Report 6 or other format provided by the SWRCB. CCR T27 §15290(d)
- 1222 The quarterly reports shall be submitted 60 days after the end of each quarter to the: State Water Resources Control Board, Division of Clean Water Programs, UST Program, P.O. Box 944212, Sacramento, CA 94244-2120 CCR T27 §15290(d)(2)
- 1216 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. CCR T27 §15290(a)(1)(D)
- 1223 Reports 1-6 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. CCR T27 §15290(e)
- Upon approval from the Secretary to submit Reports 3-6 electronically, the CUPA shall:
- 1225 (1) Submit all information in a format and structure (field length and type in the order specified) as defined in the Data Dictionary. CCR T27 §15290(f)(1)

*Standard Description*

*Citation*

- 1226 (2) Submit the data using the same order and general sequencing for each page as shown on each report, or use a facsimile version thereof. CCR T27 §15290(f)(2)
- 1227 (3) Collect and report all of the information found on the report that applies to the CUPA. CCR T27 §15290(f)(3)
- 1228 Upon the written request of the Secretary 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 Appendices C and D] to the person or agency making the request within 60 days in 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. CCR T27 §15290(g)
- 1229 The CUPA shall provide within 60 days notice to the Secretary 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.. CCR T27 §15290(h)
- 1230 The CUPA shall provide any other program reports required by federal or state law to the person or agency making the request within 60 days. CCR T27 §15290(i)
- 1231 In 1998-99, CUPAs may submit incomplete Reports 3 and 4, if information on CUPA activities had not been collected using these categories for that entire reporting period. In those cases, the CUPA shall submit additional available information demonstrating inspection and enforcement activities for the 1998-99 fiscal year. CCR T27 §15290(j)
- 2113.1 Any business, except as provided in subdivisions (b) and (c), that handles a hazardous material or a mixture containing a hazardous material that has a quantity at any one time during the reporting year equal to, or greater than, a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for compressed gas, or, if the substance is a radioactive material that is handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30 (commencing with Section 30.1), Part 40 (commencing with Section 40.1), or Part 70 (commencing with Section 70.1), of Chapter 10 of Title 10 of the Code of Federal Regulations (54 Federal Register 14063), or pursuant to any regulations adopted by the state in accordance with those regulations, shall establish and implement a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503. HSC §25503.5a)
- 2113.2 Business plans shall include all of the following: HSC §25504
- 2113.3 The inventory of information required by Section 25509 and whatever additional information that the administering agency finds is necessary to protect the health and safety of persons, property, or the environment. Any such information is, however, subject to trade secret protection pursuant to Section 25511. HSC §25504(a)
- 2113.4 Emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material, including, but not limited to, all of the following: HSC §25504(b)
- (2) Immediate notification to the administering agency and to the appropriate local emergency rescue personnel.

*Standard Description*

*Citation*

- (2) Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.
- (3) Evacuation plans and procedures, including immediate notice, for the business site.

2113.5 Training for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material, including, but not limited to, familiarity with the plans and procedures specified in subdivision (b). These training programs may take into consideration the position of each employee. HSC §25504(c)

2113.6 Each handler shall, in any case, review the business plan, submitted pursuant to subdivision (a) or (b) at least once every three years thereafter after the initial submission of the business plan, to determine if a revision is needed and shall certify to the administering agency that the review was made and that any necessary changes were made to the plan. A copy of those changes shall be submitted to the administering agency as a part of that certification. HSC §25505(c)

2113.7 Unless exempted from the business plan requirements under this chapter, each handler shall annually report its hazardous materials inventory on the form required by subdivision (a) of Section 25503.3 or in the alternative form designated by the administering agency pursuant to subdivision (b) of Section 25503.3, or submit a certification statement to the administering agency of the county or city in which the handler is located HSC §25505(d)

2113.8 If a change in the hazardous materials inventory has occurred, a business subject to the hazardous materials reporting requirements may comply with the annual inventory reporting requirements by submitting the following:  
(4) Signed Business Owner/Operator page for the current reporting year.  
(5) Updated Chemical Description pages showing additions, deletions, or revisions to previously submitted hazardous materials inventory. T19 §2790.5(b)

2113.9 If no change in an inventory has occurred, a business subject to the hazardous materials reporting requirements may comply with the annual inventory reporting requirements of Section 2729.4 by submitting a certification statement to the CUPA or AA if all the following apply:  
(6) The business has previously filed the hazardous materials inventory pursuant to Section 2729.2 and 2729.3 requirements.  
(7) The business owner or officially designated representative signs and attests to these statements:  
(A) The information contained in the hazardous materials inventory most recently submitted to the CUPA or AA is complete, accurate, and up to date.  
(B) There has been no change in the quantity of hazardous materials reported in the most recently submitted inventory.  
(C) No hazardous materials subject to inventory requirements are being handled that are not listed on the most recently submitted inventory.  
(8) The business is not utilizing the submission of this certification to meet the annual inventory submission requirements of EPCRA (Section 11022 of Title 42, United States Code). T19 §2790.4(a)

2113.10 Businesses shall submit an amendment to the inventory within 30 days of the following events: T19 §2790.4(d)

- (1) A 100 percent or more increase in the quantity of a previously disclosed material.

*Standard Description*

*Citation*

- (2) Any handling of a previously undisclosed hazardous material subject to the inventory requirements of this chapter.
- (3) Change of business address.
- (4) Change of business ownership.
- (5) Change of business name.

2114 Except as provided in subdivisions (b) and (c), after January 1, 1997, each administering agency shall require businesses to use this form annually when complying with Section 25509. HSC §25503.3(a)

2115 Any form designated by an administering agency pursuant to this paragraph shall ensure that all of the information required by Section 25509 is reported. HSC §25503.3(b)(1)

2116 If a business chooses to submit the single comprehensive hazardous material reporting form adopted pursuant to subdivision (a), the administering agency shall accept that form. HSC §25503.3(b)(2)

2117 (a) A Certified Unified Program Agency (CUPA) or administering agency may create alternative versions of the hazardous materials inventory forms for local purposes. CCR T19 §2729.3(a)

2118 (b) Alternative versions shall: CCR T19 §2729.3(b)

(9) Be developed in consultation with all agencies within the CUPA's or administering agency's jurisdiction that are responsible for fire protection, emergency response and environmental health; and

(10) Meet the requirements of 27 CCR, Section 15400.3(c). CCR T19 §2729.3(c)

2119 (c) The CUPA or administering agency shall accept the inventory as shown in the appendices from any regulated business that chooses to use it, even if the CUPA or administering agency adopts one or more alternative versions.

2120 An administering agency may use the offices of the county agricultural commissioners to distribute business plan forms to farmers who are subject to Section 25505. HSC §25505.1

2120.1 The business plan shall include the following emergency response procedures for a release or threatened release of hazardous materials, scaled appropriately for the size and nature of the business, the nature of the damage potential of the hazardous materials handled, and the proximity of the business to residential areas and other populations: T19 §2731

2120.2 (a) immediate notification of: T19 §2731

- (11) local emergency response personnel;
- (12) the administering agency and the State Office of Emergency Services pursuant to article 2 of this subchapter;
- (13) persons within the facility who are necessary to respond to an incident;

2120.3 (b) identification of local emergency medical assistance appropriate for potential accident scenarios; T19 §2731

2120.4 (c) mitigation, prevention, or abatement of hazards to persons, property, or the environment; T19 §2731

2120.5 (d) immediate notification and evacuation of the facility; and T19 §2731

	<i>Standard Description</i>	<i>Citation</i>
2120.6	(e) identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.	T19 §2731
2120.7	The business plan shall include a training program, which is reasonable and appropriate for the size of the business and the nature of the hazardous materials handled. The training program shall take into consideration the responsibilities of the employees to be trained. The training program shall, at a minimum, include: <ul style="list-style-type: none"> <li>(1) methods for safe handling of hazardous materials;</li> <li>(2) procedures for coordination with local emergency response organizations;</li> <li>(3) use of emergency response equipment and supplies under the control of the handler, and</li> <li>(4) all procedures required by Section 2731 of this Article.</li> </ul>	T19 §2731(a)
2120.8	The business plan shall include provisions for ensuring that appropriate personnel receive initial and refresher training.	T19 §2731(b)
2121	The CA will establish procedures for acceptance, tracking and maintenance of Business Plans, RMPP, and acutely hazardous materials registration forms from regulated businesses.	T27 §15100(f)(4)
2122	The CA 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.	T27 §15100(f)(5)
2123	The CA will integrate information from the business plans submitted into the development and implementation of an area plan as defined in H&SC Chapter 6.95, Article 1, within their jurisdiction.	T27 §15100(f)(6)
2124	The administering agency shall forward the data collected, within 15 days of receipt and confirmation, with other local agencies in a format easily interpreted by those agencies with shared responsibilities for protection of the public health and safety and the environment.	T27 §15100(g)(3) HSC §25509.2(a)(3)
3006	If the CUPA is not the local fire authority, the CUPA must transmit business plan information to the local fire authority within 15 days of receipt and confirmation.	CCR T27 §15100(g)(3) HSC §25509.2(a)(3) CFC §8001.2.2a
3007	The CUPA should be aware of the fire service authority to require an HMMP/HMIS for quantities under the threshold amounts specified in HSC Chapter 6.95.	HSC §13143.9 CFC §105.1-105.8.1
3008	At a minimum, The HMMP/HMIS should contain all elements listed in Article 80, of the 1998 California Fire Code or subsequent edition adopted by the State Fire Marshal, and the elements required in HSC Chapter 6.95. (Appendix III of the CFC provides a sample HMMP format).	CFC §8001.3.2a, CFC §8001.3.3a
3009	The CUPA should be aware of the fire services need for additional information in the Business Plan/Hazardous Materials Management Plan.	HSC §13143.9 HSC §25503.3 HSC §25503.9
4059	The CUPA will establish procedures for acceptance, tracking and maintenance of Business Plans, RMPP, and acutely hazardous materials registration forms from regulated businesses.	CCR T27 §15100(f)(4)

	<i>Standard Description</i>	<i>Citation</i>
5025	The CUPA shall transmit unauthorized release information submitted by the owner or operator, to the appropriate Regional Water Quality Board.	CCR T23 §2713(a)
5026	The CUPA shall transmit unauthorized release update information, submitted by the owner or operator pursuant to section 2712, to the appropriate Regional Water Quality Board for sites where they are overseeing cleanup. The CUPA shall transmit this unauthorized release update information on a quarterly schedule established by the State Water Board.	CCR T23 §2713(b)
5029	Local agencies shall maintain a list of underground storage tank facilities that have been issued an upgrade compliance certificate and shall provide this information to anyone requesting it.	H&SC §25284(f)
7057	The CUPA will maintain procedures to accept from businesses release reports for tank systems or secondary containment systems reporting the release of a reportable quantity.	CCR T27 §15100(c)(3)(B)
7058	The CUPA will maintain procedures to accept from businesses Tank and Permitting Closure Reports.	CCR T27 §15100(c)(3)(C)
1201	The CUPA will maintain procedures to accept Contingency Plan Condition reports for permitted facilities.	CCR T27 §15100(c)(3)(A)

*Standard Description*  
**Training Performance Standards**

*Citation*

1234	The CUPA and/or a participating agency are required to meet the standards in effect at the time of application for those program elements.  CUPA technical program staff and supervisors must meet the following minimum educational requirements:	CCR T27 §15260(a)(2)
1237	Thirty (30) 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:  (1) biology or microbiology (2) chemistry, chemical engineering (3) physics, physical science (4) environmental science (5) geology or soil science (6) environmental health (7) environmental or sanitary engineering (8) toxicology (9) industrial hygiene (10) hazardous materials management (11) fire science, fire technology -OR- 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 above;	CCR T27 §15260(a)(3)(A)(i)
1249	-OR- 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 above;	CCR T27 §15260(a)(3)(A)(ii)
1250	-OR- 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 15 units of college course work listed above, for up to a maximum of 15 units	CCR T27 §15260(a)(3)(A)(iii)
1251	CUPA technical program staff and supervisors who are involved in implementing the Hazardous Waste Generator/ Onsite Treatment Program shall have 100 hours of training covering all the following subject areas:  (1) Regulatory overview; (2) Classification, identification, and chemistry of hazardous materials and hazardous waste; (3) Health and environmental effects of hazardous substances, including chemical exposure and route of entry; (4) Sampling methodologies and use of instrumentation for detection and sampling of hazardous substances; (5) Conducting inspections and enforcement actions, and writing inspection reports and notice of violation;	CCR T27 §15260(a)(3)(B)

*Standard Description*

*Citation*

(6) Interviewing, case development, and collection and preservation of evidence.

1258 One or more CUPA technical staff or supervisors, as needed to effectively meet the requirements of T27 §15260(a)(3)(A) and T27 §15260(a)(3)(B), shall meet the following requirements:

CCR T27 §15260(b)

- (1) Regulatory overview;
- (2) Classification, identification, and chemistry of hazardous materials and hazardous waste;
- (3) Health and environmental effects of hazardous substances, including chemical exposure and route of entry;
- (4) Sampling methodologies and use of instrumentation for detection and sampling of hazardous substances;
- (5) Conducting inspections and enforcement actions, and writing inspection reports and notice of violation;
- (6) Interviewing, case development, and collection and preservation of evidence.

1259 The applicant agency shall identify the specific types of ongoing training which technical staff and supervisors are required to receive. At a minimum, technical staff and supervisors of the CUPA and participating agencies shall receive training in the following areas:

CCR T27 §15260(c)  
CCR T27 §15270(c)

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

1265 The CUPA shall demonstrate that its staff meet the following education requirements:  
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 course work in:

CCR T27 §15260(d)(1)

- (1) biological science
  - (2) chemical science
  - (3) physical science
  - (4) environmental science
  - (5) soil science
  - (6) environmental health
  - (7) environmental or sanitary engineering
  - (8) toxicology
  - (9) industrial hygiene
- Additional qualifying experience in hazardous materials management, regulation, analysis, or research; environmental

*Standard Description*

*Citation*

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-**  
Registration as an Environmental Health Specialist.

1268 Participating staff shall have a minimum of one year experience in conducting hazardous materials or hazardous waste regulatory inspections. CCR T27 §15260(d)(2)

1289 It shall be the responsibility of the CUPA to document the training and experience of staff participating in this program. CCR T27 §15260(d)(3)(D)

1028 The responsible agency shall make training records available to the CUPA upon request. CCR T27 §15180(a)(2)(C)(ii)

1029 The CUPA shall provide training records or access to training records to the Secretary within 30 days of request. CCR T27 §15180(a)(2)(C)(iii)