

A Summary of Deficiencies and Incidental Findings Identified in 2020 CUPA Performance Evaluations

Below is a summary of deficiencies and incidental findings identified in the Final Summary of Findings reports for each of the 21 Certified Unified Program Agency (CUPA) Performance Evaluations that began in the calendar year of 2020. While the summary lists each of the deficiencies and incidental findings identified during 2020 CUPA Performance Evaluations, it is not all-inclusive of the various possible deficiencies and incidental findings that may be determined upon conducting a CUPA Performance Evaluation.

Deficiencies identify specific aspects regarding systemically inadequate implementation of the Unified Program. The CUPA must complete the corrective action indicated to demonstrate sufficient implementation of the Unified Program as required by regulation or statute.

Incidental findings identify specific incidents or activities regarding implementation of the Unified Program. Though incidental findings do not rise to the level of systemic program deficiencies or inadequate implementation of the Unified Program, the CUPA must complete the resolution indicated as required by regulation or statute.

Deficiency or Incidental Finding Category or Relative Subject		# of times issued as a Deficiency	# of times issued as an Incidental Finding
Self-Audit Report	The CUPA is not consistently completing an annual Self-Audit Report that contains all required elements.	2	7
Self-Audit Report	The CUPA did not complete a Self-Audit Report.	2	1
Formal Enforcement Summary Report	The CUPA did not submit a Formal Enforcement Summary Report for each case that received a final judgement.	1	8
Inspection and Enforcement (I&E) Plan	The Inspection and Enforcement (I&E) Plan has inaccurate information or is missing required components.	8	11
Inspection and Enforcement (I&E) Plan	The Inspection and Enforcement (I&E) Plan has not been reviewed or revised annually.	2	0

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Administrative Procedures	The Unified Program administrative procedures have not been established and/or components are missing or inaccurate/incomplete.	9	7
Surcharge Transmittal Report Template	The CUPA is not utilizing the current Surcharge Transmittal Report template when submitting Quarterly Surcharge Transmittal Reports 30 days after the end of each fiscal quarter.	0	5
Surcharge/Surcharge Transmittal Report	The CUPA is not submitting Surcharges and/or Surcharge Transmittal Reports to CalEPA within 30 days after the end of each fiscal quarter, and/or when state surcharge revenues are remitted.	4	6
Single Fee	The Single Fee System does not fund the necessary and reasonable costs to implement the Unified Program.	1	0
Single Fee	The Single Fee System does not include a plan to resolve fee disputes that arise between a regulated business and the CUPA. Though the I&E Plan does include a dispute resolution process, it does not specifically address fee disputes.	0	1
Complaint Referral	The CUPA is not addressing every complaint referred by the state.	0	1
Local Ordinance	The Local Ordinance includes sections that are less stringent and/or inconsistent with requirements outlined in statute or regulations.	9	2
Unified Program Facility Permit	The Unified Program Facility Permit (UPFP), that includes the UST Permit to Operate, does not contain all required components, or contains incorrect information.	2	1
Unified Program Facility Permit	The Unified Program Facility Permit (UPFP) does not consolidate all permitted program elements.	5	1
Unified Program Facility Permit	The consolidated Unified Program Facility Permit (UPFP) contains permit to operate authorizations for programs inconsistent with statutory and regulatory requirements. The CUPA is issuing permit to operate authorizations for food-operating facilities under the UPFP template.	1	0

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Area Plan	The CUPA is not certifying to Cal OES every 3 years that it has conducted a complete review of the Area Plan and has made any necessary revisions.	3	0
Area Plan	The Area Plan is missing required elements.	1	0
Reporting CME Information to CERS	The CUPA is not consistently reporting all inspection, violation, and enforcement, also known as CME, information to the California Environmental Reporting System (CERS).	6	7
Electronic Data Transfer	The Data Management System is unable to consistently electronically transfer or exchange inspection, violation and enforcement information, also known as CME information, to the California Environmental Reporting System (CERS).	1	0
Documenting RTC, Obtaining RTC within 60 days	The CUPA is not consistently ensuring return to compliance (RTC) is obtained within 60 days or is not consistently following up and documenting RTC information in CERS for facilities cited with violations. EXAMPLE: No RTC noted in CERS for not having, or failure to prepare, a Spill Prevention, Control, and Countermeasure (SPCC) Plan.	19	3
Violation Classification	The CUPA is not properly classifying violations. EXAMPLE: Not having, or failure to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan.	12	9
Enforcement	The CUPA is not consistently pursuing all enforcement options in a graduated series of enforcement when facilities are cited with violations.	1	0
Incomplete Inspection Reports	The CUPA is not consistently including all observations, factual basis, and corrective action documentation for each violation cited on inspection reports.	4	0
Training and Experience Requirements	The CUPA is not ensuring that personnel involved with Unified Program implementation meet the applicable minimum education, training, and experience requirements.	3	0
APSA Program-Training	The CUPA is not ensuring each inspector completes the APSA training program and passes the training exam prior to conducting APSA compliance inspections at tank	2	0

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	facilities for compliance with the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements of APSA.		
APSA Program-Annual Submittal of an HMBP (in lieu of a Tank Facility Statement)	The CUPA is not consistently ensuring all APSA tank facilities annually submit a Hazardous Materials Business Plan (HMBP), when an HMBP is provided in lieu of a tank facility statement to CERS.	9	2
APSA Program-Submittal of a Complete HMBP (in lieu of a Tank Facility Statement)	The CUPA is not consistently ensuring HMBP submittals, provided in lieu of a tank facility statement, include site maps and/or emergency response and training plans that contain all applicable required elements.	1	1
APSA Program-Inspection Frequency	The CUPA is not inspecting each APSA tank facility that stores 10,000 gallons or more of petroleum at least once every three years, or is not inspecting each APSA tank facility in accordance with the Inspection and Enforcement (I&E) Plan.	10	0
CalARP Program-Risk Management Plan	The CUPA is not ensuring that each facility subject to CalARP Program requirements updates its Risk Management Plan (RMP) every five years.	1	0
CalARP Program-Inspection Frequency	The CUPA is not inspecting all CalARP Program facilities at least once every 3 years.	6	0
Business Plan-Inspection Frequency	The CUPA is not inspecting each facility subject to business plan requirements at least once every 3 years.	10	0

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HMBP- Access to Information in CERS	The CUPA is not ensuring that emergency response personnel have full access to, and availability of, hazardous materials business plan (HMBP) information submitted to CERS.	1	1
HMBP- Annual Reporting to CERS	The CUPA is not ensuring that all regulated businesses subject to Business Plan reporting requirements annually submit a Hazardous Materials Business Plan (HMBP) or a no-change certification to CERS.	11	0
HWG Program- Onsite Hazardous Waste Treatment Notification	The CUPA is not processing and authorizing each annual Onsite Hazardous Waste Treatment Notification for facilities with a Fixed Treatment Unit (FTU) within 45 calendar days of receiving it.	6	3
HWG Program- Adequate Implementation	The CUPA has not identified all HWG facilities operating within the CUPA's jurisdiction.	4	0
HWG Program- Citing Violations	The CUPA is not consistently citing correct HWG violations and properly applying hazardous waste control laws and regulations.	1	0
HWG Program- Complete Inspections	The CUPA is not always conducting complete HWG inspections.	1	0
HWG Program- HWG Inspection Frequency	The CUPA is not inspecting each Hazardous Waste Generator (HWG) facility once every three years.	5	0
HWG Program- Tiered Permit Inspection Frequency	The CUPA is not inspecting each Tiered Permit (TP) facility within the first two years of operations and every three years thereafter.	2	0

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UST Program- Operating Permit	The CUPA is not issuing UST operating permits, issued under the UPPF, in accordance with the UST Permit to Operate Issuance Procedure.	1	0
UST Program- Operating Permit	The UPPF, which includes the UST operating permit, contains a requirement that is more stringent than UST Regulations and HSC without having a local ordinance for the requirement.	0	1
UST Program- Operating Permit	The UST operating permit and permit conditions, issued under the UPPF, are inconsistent with UST Regulations and HSC and/or are missing required components.	11	2
UST Program- ICC Certification	The CUPA is not consistently ensuring International Code Counsel (ICC) California UST Inspector certified personnel conduct UST compliance inspections and/or accept CERS UST submittals.	1	0
UST Program- Closure Documentation	The CUPA is not consistently issuing UST closure documentation and is not documenting in sufficient detail whether the UST owner or operator has demonstrated to the satisfaction of the CUPA, UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC.	10	5
UST Program- Closure	The CUPA is not correctly implementing proper UST temporary closure requirements, or the UST closure procedure is inconsistent with UST Regulations and HSC.	3	1
UST Program- Guidance Documents	UST Program guidance documents written by the CUPA are inconsistent with and/or more stringent than UST Regulations and HSC.	1	0
UST Program- Inconsistent Procedures	The Standard Operating Procedure is inconsistent with UST Program statutory and regulatory requirements.	0	1
UST Program- Accurate and Complete Information in CERS	The CUPA is not consistently ensuring that all appropriate UST related information in CERS is accurate and complete.	2	6

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UST Program- Technical Compliance Rate	The CUPA is not correctly reporting all UST violations, including technical compliance rate (TCR) criteria, in CERS when UST violations are cited during an annual UST compliance inspection.	2	1
UST Program- Enhanced Leak Detection Testing	The CUPA is not requiring UST facilities with single-walled UST component(s) within a 1,000-foot radius of a public drinking water well to implement triennial enhanced leak detection (ELD) testing.	2	1
UST Program- Enhanced Leak Detection Testing	The CUPA is not consistently requiring UST facilities with double walled USTs within a 1,000-foot radius of a public drinking water well to implement one-time enhanced leak detection (ELD) testing.	2	0
UST Program- Design, Construction, Monitoring and Testing Requirements	The CUPA is not ensuring all USTs (including associated piping) used for the storage of hazardous substances installed on, or after, July 1, 2004, are in compliance with the design, construction, monitoring, and testing requirements of HSC, Chapter 6.7, Section 25290.1.	2	0
UST Program- Records Maintenance	The CUPA is not consistently maintaining annual UST compliance inspection and testing and/or leak detection records.	1	0
UST Program- Inconsistent Compliance Inspection Information	UST compliance inspection information and facility inventory in the Semi-Annual Report (Report 6) is inconsistent with compliance, monitoring, and enforcement (CME) information in the California Environmental Reporting System (CERS).	4	2
UST Program- Abandoned USTs	The CUPA is not consistently inspecting abandoned USTs and/or applying appropriate enforcement to ensure the proper closure of abandoned USTs in accordance with UST Regulations and HSC.	3	1

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UST Program- Failure to Conduct Overfill Prevention Equipment Inspection	The CUPA is not consistently citing violations for failure to conduct an overfill prevention equipment inspection. No later than October 13, 2018, all overfill prevention equipment must be inspected.	4	1
UST Program- Report 6	The Semi-Annual Report 6 (Report 6) was submitted after the regulatory deadline for the period of July – December 2018, and January – June 2017.	0	1
UST Program- Inspection Frequency	Review of the Semi-Annual Report (Report 6) finds the CUPA is not inspecting all UST facilities annually.	3	5
UST Program- Closure	The CUPA is not requiring proper sampling and analysis of soil and/or groundwater as part of UST closure activities.	1	0
Participating Agency- CME	The CUPA is not ensuring the PA is consistently and/or correctly citing and/or reporting complete and accurate CME information to CERS.	0	3
Participating Agency- RTC	The CUPA is not ensuring that its Participating Agency (PA) is consistently following-up and documenting RTC.	0	1
Participating Agency- Inspection Frequency	The CUPA is not ensuring its PA is inspecting all facilities per the inspection frequency required or established in the I&E Plan.	1	0
Participating Agency- Business Plan	The CUPA is not ensuring its PA is regulating all businesses subject to Business Plan reporting requirements.	1	0

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Participating Agency- UST Temporary Closure	The CUPA is not ensuring its PA is correctly implementing UST temporary closure requirements.	1	0
Participating Agency- Roles and Responsibilities	The CUPA has instituted changes in the roles and responsibilities of its PA(s) without notifying and receiving approval from CalEPA.	1	0