

June 19, 2023

Ms. Denise Tsuji
Trinity Branch Chief
Trinity County CUPA
8800 Cal Center Drive,
SAC/FO/Cal Center/R 1-3
Sacramento, California 95826-3200

Dear Ms. Tsuji:

During April 2019 through August 2019, CalEPA and the state program agencies conducted a performance evaluation of the Trinity County Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, review of regulated facility file documentation, California Environmental Reporting System information, and oversight inspections.

Upon completion of the evaluation, a preliminary Summary of Findings report was developed to identify various findings: program deficiencies with corrective actions, incidental findings with resolutions and program observations and recommendations.

Though the preliminary Summary of Findings report was reviewed with CUPA representatives during the Exit Briefing meeting held on August 1, 2019, significant changes have been made to the report in developing the Final Summary of Findings report. The following changes were made:

- The deficiency previously identified as Deficiency 2 (not regulating nor properly exempting businesses operating a farm) has been removed and will be re-evaluated during the next performance evaluation.
- The deficiency previously identified as Deficiency 6 (not correctly reporting violations, including significant operation compliance criteria, in the semi-annual UST program report or CERS when UST violations are cited during the annual UST compliance inspection), has been combined with the deficiency previously identified as Deficiency 3 (not consistently conducting complete annual underground storage tank compliance inspections), and is now reflected as Deficiency 2.
- The deficiency previously identified as Deficiency 7 (not taking appropriate enforcement in accordance with the Standard Operating Procedures) has been removed from the report.

- The incidental finding previously identified as Incidental Finding 4 (not consistently addressing every complaint referred to the CUPA in accordance with the Inspection and Enforcement Plan) has been removed from the report.
- The incidental finding previously identified as Incidental Finding 5 (the Inspection and Enforcement Plan has inaccurate or incomplete information or is missing required components) has been removed and will be re-evaluated during the next performance evaluation.
- The observation previously identified as Observation 3, regarding an underground storage tank oversight inspection, has been combined with Observation 1.

Enclosed, please find the final Summary of Findings report.

Based upon review and completion of the performance evaluation, CalEPA has rated the CUPA's overall implementation of the Unified Program as satisfactory with improvement needed.

CalEPA recognizes the delay with issuing the final Summary of Findings report. Consequently, as the next CUPA Performance Evaluation is scheduled to begin in November 2023, there is sufficient time for submittal and review of two Evaluation Progress Reports, although the timeframe for completion of corrective actions and resolutions outlined in the Summary of Findings report may extend beyond the remaining time period available for the Evaluation Progress Report process before the 2023 CUPA Performance Evaluation begins.

The CUPA is required to submit the first Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings report. Please provide the Evaluation Progress Report to the CalEPA Team Lead, Jessica Snow, at Jessica.Snow@calepa.ca.gov.

The CUPA is strongly encouraged to provide an update detailing as much progress made as possible in accomplishing the corrective actions and resolutions for each identified deficiency and incidental finding, particularly if steps for corrective actions and resolutions outlined for completion in anticipated subsequent Progress Reports have been completed and addressed at present, or in advance. Any deficiencies that remain uncorrected, and any incidental findings that remain unresolved will be incorporated into the 2023 CUPA Performance Evaluation.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of the Unified Program.

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If you have any questions or need further assistance, please contact Melinda Blum at Melinda.Blum@calepa.ca.gov.

Sincerely,



Jason Boetzer
Assistant Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

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Ms. Jessica Snow
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Mr. Tim Brandt
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Trinity County CUPA

Evaluation Period: April 2019 through August 2019

Evaluation Team Members:

- **CalEPA Team Lead:** Jessica Snow, Timothy Brandt, Christopher Moon
- **DTSC:** Matt McCarron
- **Cal OES/CalEPA*:** Fred Mehr
- **State Water Board:** Sean Farrow
- **CAL FIRE-OSFM:** Glenn Warner

This Final Summary of Findings includes:

- Deficiencies requiring correction
- Incidental findings requiring resolution
- Observations and recommendations

The findings contained within this evaluation report are considered final. Based upon review and completion of the evaluation, the Unified Program implementation and performance of the CUPA is considered satisfactory with improvement needed.

Questions or comments regarding this evaluation should be directed to the CalEPA Team Lead:

Jessica Snow
CalEPA Unified Program
Phone: (916) 460-2394
E-mail: Jessica.Snow@calepa.ca.gov

CalEPA recognizes the delayed issuance of this Final Summary of Findings report. Consequently, as the next CUPA Performance Evaluation is scheduled to begin in November 2023, there is sufficient time for submittal and review of two Evaluation Progress Reports, although the timeframe for completion of corrective actions may extend beyond submittal of the first Evaluation Progress Report.

The CUPA is required to submit the first Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings Report, no later than **August 21, 2023**, and the second Evaluation Progress Report 60 days thereafter, no later than **October 23, 2023**. Each Evaluation Progress Report must be submitted to the CalEPA Team Lead at Jessica.Snow@calepa.ca.gov.

The CUPA is strongly encouraged to provide an update detailing as much progress made as possible in accomplishing the corrective actions and resolutions for each identified deficiency and incidental finding, particularly if steps for corrective actions and resolutions outlined for completion in anticipated subsequent Progress Reports have been completed and addressed at present, or in advance. Any deficiencies that remain uncorrected or incidental findings that remain unresolved will be incorporated into the next CUPA Performance Evaluation.

*Effective July 1, 2021, oversight of the Hazardous Materials Release Response Plans and Inventory and the California Accidental Release Prevention (CalARP) Program transitioned from Cal OES to CalEPA.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
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DEFICIENCIES REQUIRING CORRECTION

Program deficiencies identify specific aspects regarding 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.

1. DEFICIENCY:

The CUPA's Single Fee System does not fund the necessary and reasonable costs to implement the Unified Program.

Though the Single Fee System details expenditures and revenues, review of budget documentation finds a recurring shortfall in funding for the following Fiscal Years (FYs):

- FY 2016/2017:
 - Total revenue = \$126,627.65
 - Revenue includes the CalEPA Rural CUPA Reimbursement Grant in the amount of \$60,000 and the Rural UST Reimbursement Grant in the amount of \$12,517.71.
 - Total expenditures = \$235,701.79
 - Total shortfall = \$109,082.14 (46%)

- FY 2017/2018:
 - Total revenue = \$115,034.02
 - Revenue includes the CalEPA Rural CUPA Reimbursement Grant in the amount of \$60,000.
 - Total expenditures = \$230,143.81
 - Total shortfall = \$115,109.61 (50%)

Note: As DTSC administers the CUPA, DTSC funds are allocated for the implementation of the Unified Program.

CITATION:

Health and Safety Code (HSC), Chapter 6.11, Section 25404.5(a)(2)(A)
California Code of Regulations (CCR), Title 27, Sections 15210(c)(1) and (d), and 15220(a)
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the Financial Management Procedure and Single Fee System or other applicable procedures, to include a narrative that specifically identifies the funding sources and financial amounts of Unified Program implementation. The narrative will identify how the fee accountability program incorporates additional and reliable funding sources, such as supplemental deferred funds, and the relative

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amounts of each additional funding source to be utilized in the future for continually supplementing the necessary and reasonable costs accrued as expenditures in the implementation of the Unified Program. The CUPA will provide the revised Financial Management Procedure and Single Fee System or other applicable procedures to CalEPA.

By the 1st Progress Report, the CUPA will provide a narrative identifying the additional funding sources, and the financial amounts of those funding sources used to supplement the CUPA's expenditures accrued with the implementation of the Unified Program for FYs 2016/2017 and 2017/2018.

By the 2nd Progress Report, if amendments to the Financial Management Procedure and/or Single Fee System, or other applicable procedure, are necessary based on feedback from CalEPA, the CUPA will provide CalEPA with the amended Financial Management Procedure and/or Single Fee System, or other applicable procedure.

In each subsequent Self-Audit Report, the CUPA will include a review of the fee accountability program including, but not limited to identifying the additional funding sources and the amount of each additional funding source, used to supplement the necessary and reasonable costs for implementing the Unified Program, if applicable.

2. DEFICIENCY:

The CUPA is not consistently conducting complete annual underground storage tank (UST) compliance inspections.

The CUPA is not correctly citing nor documenting noncompliance and is not citing UST violations identified during annual UST compliance inspections in inspection reports and/or is not correctly reporting UST violations, including significant operational compliance (SOC) criteria, in the semi-annual UST Program Report (Report 6) or CERS when UST violations are cited during the annual UST compliance inspection.

Review of annual UST compliance inspection reports, associated testing and leak detection documents and monitoring certifications, Report 6, and inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information in the California Environmental Reporting System (CERS), finds:

- the following examples where the CUPA did not consistently conduct complete annual UST compliance inspections:
 - CERS ID 10207681: The annual monitoring certification dated August 16, 2017, documents a line leak detector being adjusted in order to pass testing. Adjusting a line leak detector in order to pass testing is considered a failure corrected during

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- testing. The failure is not cited in the annual UST compliance inspection report nor reported in CERS. The CUPA's inspection report should match and reflect what was observed during the annual inspection.
- CERS ID 10207729: The annual UST compliance inspection report dated August 29, 2017, does not cite a violation for failure to submit CERS UST information. The last accepted CERS UST submittal prior to the inspection was dated July 13, 2016. The facility owner/operator failed to annually submit CERS UST information.
 - CERS ID 10207762: the annual UST compliance inspection report dated August 29, 2017, does not cite a violation for failure to submit CERS UST information. The last accepted CERS UST submittal prior to the inspection was dated March 24, 2016. The facility owner/operator failed to annually submit CERS UST information.
 - The following discrepancies in Report 6 reporting and CERS:
 - FY 2017/2018
 - Report 6 identifies two facilities in compliance with release detection (RD) requirements while CERS identifies no facilities.
 - Report 6 identifies one facility in compliance with release prevention (RP) while CERS identifies three facilities.
 - Report 6 identifies two facilities in compliance with both RD and RP while CERS identifies four facilities.
 - Report 6 identifies two facilities with violations of both RD and RP while CERS identifies no facilities.
 - FY 2016/2017
 - Report 6 identifies two facilities in compliance with RP while CERS identifies three facilities.
 - CERS ID 10165717: A routine inspection dated March 28, 2018, identifies SOC in CERS with RD compliance only. However, as the CUPA did not report any SOC violations, CERS should identify SOC as in compliance with both RD and RP.
 - CERS ID 10207822: A routine inspection dated May 25, 2016, identifies SOC in CERS with RP compliance only. However, as the CUPA did not report any SOC violations, CERS should identify SOC as in compliance with both RD and RP.
 - CERS ID 10207870: An annual UST compliance inspection report dated October 3, 2017, and CERS identify a violation cited for not conducting annual spill container testing. However, the violation comments in CERS state the premium spill container failed testing. A more appropriate violation is Unified Program violation number 2060020, for failure to comply with one or more of the following: "Failure to install or maintain a liquid-tight spill bucket..."

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- CERS ID 10207705: An annual UST compliance inspection report dated October 4, 2017, and CERS identify a violation cited for not conducting annual spill container testing. However, the violation comments in CERS state the diesel and dyed diesel spill containers failed testing. A more appropriate violation is Unified Program violation number 2060020, for failure to comply with one or more of the following: “Failure to install or maintain a liquid-tight spill bucket...”
- CERS ID 10207681: An annual UST compliance inspection dated August 17, 2017, identifies a violation cited for not obtaining a permit to operate. The violation comment indicates the UST information was not complete in CERS. The CUPA did not report violations for failure to submit and maintain current financial responsibility (Unified Program violation number 2010007), failure to have a response plan onsite (Unified Program violation number 2030046), failure to have an approved UST response plan (Unified Program violation number 2010014), failure to submit a completed and accurate application for a permit to operate (Unified Program violation number 2010010), failure to have an approved monitoring plan (Unified Program violation number 2010013, etc. for the missing CERS UST information.

Note: The examples provided above may not represent all instances of this deficiency.

Note: In July 2015, the U.S. Environmental Protection Agency (U.S. EPA) revised the 1988 federal UST regulations to increase emphasis on properly operating and maintaining UST equipment by replacing Significant Operational Compliance performance measures for release detection (RD) and release prevention (RP) with Technical Compliance Rate (TCR) performance measures. On October 1, 2018, California adopted the revised U.S. EPA regulations. TCR performance measures are submitted by Unified Program Agencies (UPAs) to the State Water Board on a semi annual basis through the California Environmental Reporting System (CERS) as Report 6.

Note: The following State Water Board documents may be referenced:

- Local Guidance (LG) letter 159 “Annual Underground Storage Tank Compliance Inspection,” dated November 29, 2016
- State Water Board correspondence, “When to Review Underground Storage Tank Records,” dated November 29, 2016

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CITATION:

HSC, Chapter 6.7, Sections 25288(a) and (b) and 25299
CCR, Title 23, Sections 2712(e), and 2713(c)(4) and (d)
CCR, Title 27, Section 15290(a)(3) and (b)(1)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the Inspection and Enforcement (I&E) Plan, Data Management Procedure, or other applicable procedure, to ensure the establishment of a process for UST inspection staff to conduct complete annual UST compliance inspections, document violations observed in annual UST compliance inspection reports and in CERS, and consistently and correctly report all UST violations, including SOC and TCR criteria in Report 6 and CERS. The I&E Plan, or other applicable procedure will, at minimum, include:

- A process for conducting annual UST compliance inspections when UST inspection staff are on-site to witness the monitoring system certification and visually inspect all UST required components;
- A process for conducting annual UST compliance inspections when UST inspection staff are not on-site to witness the monitoring system certification and visually inspect all UST required components;
- Language ensuring CERS UST information is submitted annually and identify violations for failure to submit;
- A process for review and follow-up of submitted UST testing and leak detection documents by the UST owner or operator as part of the annual UST compliance inspection;
- Ensuring violations observed during annual UST inspections are correctly and consistently cited on the inspection report; and
- Documenting and reporting observed non-compliance in annual UST compliance inspection reports to CERS and Report 6.

The CUPA will provide CalEPA with the revised I&E Plan, or other applicable procedure.

By the 2nd Progress Report, if amendments to the revised I&E Plan, Data Management Procedure, or other applicable procedure are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended I&E Plan, Data Management Procedure, or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised I&E Plan, Data Management Procedure, or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at minimum will include the date training was conducted, an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised I&E Plan, Data Management Procedure, or other applicable procedure.

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By the 3rd Progress Report, if amendments to the revised I&E Plan, Data Management Procedure, or other applicable procedure were necessary, the CUPA will train UST inspection staff on the amended I&E Plan, Data Management Procedure, or other applicable procedure. The CUPA will provide the date training was conducted, an outline of the training conducted, and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended I&E Plan, Data Management Procedure, or other applicable procedure.

By the 4th Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three UST facility records as requested by the State Water Board, including annual UST compliance inspection reports, associated monitoring certifications, spill container testing, and any other necessary testing and compliance documentation.

The State Water Board will review Report 6 and CERS CME information for two consecutive Report 6 reporting periods to determine if the CUPA is consistently conducting complete UST compliance inspections.

3. DEFICIENCY:

The CUPA is not issuing the Unified Program Facility Permit (UPFP), which includes the UST operating permit, prior to or upon the expiration date of an existing UPFP.

Review of facility files finds permits to operate were issued to owners or operators of the following facilities after the expiration date of the previously issued permit:

- Permits issued between January 1, 2019, and December 31, 2019:
 - CERS ID 10165717: permit issued May 8, 2019, for the period of March 1, 2019 – March 1, 2020.
 - CERS ID 10207681: permit issued May 8, 2019, for the period of March 1, 2019 – March 1, 2020.
 - CERS ID 10207705: permit issued May 8, 2019, for the period of March 1, 2019 – March 1, 2020.

- Permits issued between January 1, 2018, and December 31, 2018:
 - CERS ID 10165717: permit issued May 5, 2018, for the period of March 1, 2018 – March 1, 2019.
 - CERS ID 10207681: permit issued May 5, 2018, for the period of March 1, 2018 – March 1, 2019.
 - CERS ID 10207705: permit issued May 5, 2019, for the period of March 1, 2018 – March 1, 2019.

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Note: The examples provided above may not represent all instances of this deficiency.

CITATION:

HSC, Chapter 6.7, Section 25284(a)
CCR, Title 23, Section 2712(c)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the permitting procedures, or other applicable procedures, to ensure the establishment of a process for issuing the UST operating permit and UFPF prior to or upon the expiration date of the previously issued permit. The CUPA will provide the revised permitting procedures, or other applicable procedures to CalEPA.

By the 2nd Progress Report, if amendments to the revised permitting procedures, or other applicable procedures, are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended permitting procedures or other applicable procedures. If no amendments are necessary, the CUPA will train UST inspection staff on the revised permitting procedures, or other applicable procedures. The CUPA will provide training documentation to CalEPA, which at minimum, will include the date training was conducted, an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised permitting procedures or other applicable procedures.

By the 3rd Progress Report, if amendments to the permitting procedures or other applicable procedures were necessary, the CUPA will train UST inspection staff on the amended procedures. The CUPA will provide training documentation to CalEPA, which at minimum will include, the date the training was conducted, an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended permitting procedures or other applicable procedures. If no amendments to the permitting procedures or other applicable procedures are necessary, the CUPA will provide CalEPA with three UST operating permits, issued under the UFPF, to UST facilities.

By the 4th Progress Report, if amendments to the permitting procedures or other applicable procedures were necessary, the CUPA will provide CalEPA with three UST operating permits, issued under the UFPF, to UST facilities.

4. DEFICIENCY:

The CUPA is not inspecting each Hazardous Waste Generator (HWG) Program facility, each Aboveground Petroleum Storage Act (APSA) facility, nor each facility subject to business plan

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reporting requirements once every three years, or per the inspection frequency established in the I&E Plan.

The CUPA is not inspecting each UST Program facility at least once every 12 months.

Review of facility files and CERS CME information indicates:

- Between May 9, 2016, and May 8, 2019, 26 of 57 (46%) HWG Program facilities were not inspected within the last three years.
- 3 of 8 (38%) APSA tank facilities that store 10,000 gallons or more of petroleum were not inspected at least once within the last three years.
- 14 of 35 (40%) APSA tank facilities were not inspected within the last three years, per the inspection frequency established in the I&E Plan.
- 60% of facilities subject to business plan reporting requirements were not inspected within the last three years.
- The following UST Program facilities were not inspected at least once every 12 months:
 - CERS ID 10207870: The last annual UST compliance inspection is dated October 3, 2017; 625 days since the last inspection.
 - CERS ID 10207705: The last annual UST compliance inspection is dated October 4, 2017; 624 days since the last inspection.
 - CERS ID 10207729: Annual UST compliance inspections are dated March 22, 2016, and August 29, 2017; 525 days between the consecutive inspections.
 - CERS ID 10207762: Annual UST compliance inspections are dated March 22, 2016, and August 29, 2017; 525 days between the consecutive inspection years.
 - CERS ID 10207822: Annual UST compliance inspections are dated May 25, 2016, and October 5, 2017; 498 days between the consecutive inspections.

Note: The CUPA's ability to perform inspections for all Unified Program facilities during 2018 was significantly impacted by response and recovery efforts of forest fires.

CITATION:

HSC, Chapter 6.7, Section 25288(a)

HSC, Chapter 6.67, Section 25270.5(a) and (b)

HSC, Chapter 6.95, Section 25511(b)

CCR, Title 23, Section 2712(e)

CCR, Title 27, Section 15200(a)(3)

[DTSC, State Water Board, OSFM, CalOES/CalEPA]

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DEFICIENCIES REQUIRING CORRECTION

Note: The findings of this deficiency were identified by Cal OES, however, CalEPA will be determining correction of this deficiency due to the July 22, 2021, transition of the implementation and oversight of the HMBP and CalARP Programs to CalEPA.

CORRECTIVE ACTION:

During the CUPA Performance Evaluation, the CUPA performed sufficient inspections at previously delinquent APSA tank facilities. Review of CERS indicates:

- 0 of 8 (0%) APSA tank facilities that store 10,000 gallons or more of petroleum were not inspected at least once within the last three years.
- 2 of 34 (6%) APSA tank facilities were not inspected within the last three years, per the inspection frequency established in the I&E Plan.

This deficiency is considered corrected regarding the APSA Program, no further action is required.

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each HWG Program facility, and each facility subject to business plan reporting requirements is inspected at least once every three years or per the inspection frequency established in the I&E Plan, and each UST Program facility is inspected at least once every 12 months. The action plan will include, at minimum:

- A sortable spreadsheet exported from the CUPA's data management system or CERS, identifying each HWG Program facility, and each facility subject to business plan reporting requirements that has not been inspected at least once in the last three years, as well as each UST Program facility that has not been inspected at least once in the last 12 months. For each facility listed, the sortable spreadsheet will include, at minimum:
 - Facility name,
 - CERS ID, and
 - date of the last routine inspection;
- A schedule to inspect each facility identified in the sortable spreadsheet, prioritizing inspections to be conducted based on the most delinquent and risk
- Future steps to ensure that all HWG Program facilities, and all facilities subject to business plan reporting requirements, will be inspected at least once every three years, and all UST Program facilities will be inspected at least once every 12 months.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated sortable spreadsheet.

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5. DEFICIENCY:

The CUPA is not consistently documenting in sufficient detail whether the UST owner/operator has demonstrated to the satisfaction of the CUPA, that UST permanent closure, and soil and/or groundwater sampling complies with CCR, Title 23, Division 3, Chapter 16, Sections 2670 and 2672(d) (UST Regulations) and HSC, Division 20, Chapter 6.7, Section 25298(c).

Review of UST facility files finds the CUPA did not document, in sufficient detail, satisfaction that tank closure complies with statute and regulations and that closure records are maintained for UST closures at the following facilities:

- CERS ID 10207729
- CERS ID 10207702

Note: The examples provided above may not represent all instances of this deficiency.

CITATION:

HSC, Chapter 6.7, Sections 25283(b)(1)(B), 25296.10(g) and 25298(c)
CCR, Title 23, Sections 2670 and 2672(d)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the UST closure procedure, or other applicable procedure, to ensure the establishment of a process, which will include at minimum, how the CUPA will:

- document in sufficient detail, the owner/operator has demonstrated to the satisfaction of the CUPA that UST permanent closure, and soil and/or groundwater sampling complies with UST Regulations and HSC, and
- maintain UST closure documents to demonstrate UST owners or operators closed in place or removed USTs correctly.

By the 2nd Progress Report, if amendments to the revised UST closure procedure, or other applicable procedure are necessary, based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended UST closure procedure, or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised UST closure procedure or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at minimum, will include the date training was conducted, an outline of the training conducted, and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised UST closure procedure or other applicable procedure.

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By the 3rd Progress Report, if amendments to the revised UST closure procedure, or other applicable procedure were necessary, the CUPA will train UST inspection staff on the amended UST closure procedure or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at minimum, will include the date training was conducted, an outline of the training conducted, and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended UST closure procedure or other applicable procedure.

With respect to facilities which have not been provided UST closure documentation, the CUPA will provide closure documentation in the event of a public request. Closure documentation will demonstrate the CUPA's satisfaction regarding UST closure, and soil and/or groundwater sampling complies with statute and regulation.

6. DEFICIENCY:

The CUPA is not consistently requiring proper sampling and analysis of soil and/or groundwater as part of UST closure activities.

The CUPA is not requiring a minimum of two samples to be taken immediately beneath the removed portions of the UST, at a minimum of two feet into native material nor separate samples to be taken for each 20 linear feet of trench for piping.

Review of UST facility files finds the CUPA did not properly sample soil and/or groundwater as part of UST closure activities at the following facility:

- CERS ID 10207702

Note: The example provided above may not represent all instances of this deficiency.

CITATION:

CCR, Title 23, Section 2672(d)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the UST closure procedure, or other applicable procedure, to ensure the establishment of a process for requiring UST closure activities, which will include at minimum:

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- Taking soil samples immediately beneath the removed portions of the UST, at a minimum of two feet into native material at each end of the UST and/or groundwater samples if groundwater is found in the excavation pit;
- Taking separate samples for each 20 linear feet of trench for piping.
- Proper analysis of soil and/or groundwater samples;
- Providing a chain of custody for the proper number of samples taken;
- Permanent closure where USTs are closed, including taking a minimum of one boring sample as close as possible to the midpoint beneath the UST using a slant boring or other appropriate method.
- Providing documentation of proper disposal of the removed USTs or documentation that the USTs were filled with an inert solid;
- Providing UST closure documentation to the UST owner or operator which demonstrates to the satisfaction of the CUPA, UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC.

The CUPA will provide the revised UST closure procedure, or other applicable procedure to CalEPA.

By the 2nd Progress Report, if amendments to the revised UST closure procedure, or other applicable procedure are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended UST closure procedure, or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised UST closure procedure, or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at minimum will include the date training was conducted, an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised UST closure procedure, or other applicable procedure.

By the 3rd Progress Report, if amendments to the revised UST closure procedure, or other applicable procedure were necessary based on feedback from the State Water Board, the CUPA will train UST inspection staff on the amended UST closure procedure, or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at minimum will include, the date training was conducted, an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended UST closure procedure, or other applicable procedure.

7. DEFICIENCY:

The CUPA is not consistently following up and documenting return to compliance (RTC) information in CERS for APSA, HWG, and UST facilities cited with violations.

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DEFICIENCIES REQUIRING CORRECTION

Review of CERS CME information finds there is no documented RTC for the following violations:

- 5 of 21 (24%) APSA Program violations cited between July 1, 2016, and June 30, 2017
- HWG Program Class I and/or Class II violations applicable to the following facilities:
 - CERS ID 10759816: 21 violations cited on October 26, 2016. No follow-up inspections are noted in CERS.
 - CERS ID 10207693: Nine violations cited on June 16, 2014, and on March 22, 2017.
- UST Program violations applicable to the following facilities:
 - CERS ID 10165717: Two violations cited on March 28, 2018, with no RTC for 449 days. The CUPA has not reported any enforcement activities for the open violations.
 - CERS ID 10207870: Two violations cited on May 26, 2016, with no RTC for 1,120 days. One violation cited on May 26, 2016, with RTC obtained in 495 days. The CUPA has not reported any enforcement activities for the open violations.

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6

HSC, Chapter 6.7, Section 25299

HSC, Chapter 6.11, Section 25404.1.2(c)

CCR, Title 23, Section 2712(g)

CCR, Title 27, Sections 15185(a) and (c), and 15200(a) and (e)

[DTSC, OSFM, State Water Board]

CORRECTIVE ACTION:

During the CUPA Performance Evaluation, the CUPA obtained RTC for sufficient APSA Program violations. Review of CERS CME information indicates for FY 2016/2017, 0 of 23 (0%) APSA Program violations have no documented RTC. This deficiency is considered corrected regarding the APSA Program, no further action is required.

By the 1st Progress Report, the CUPA will review the I&E Plan, or other applicable procedure, and revise as necessary, to ensure establishment of a delineated process to:

- Ensure facilities cited with violations RTC through applied enforcement
- Document follow-up actions applied by the CUPA to ensure RTC is achieved
- Document RTC in CERS

The CUPA will provide CalEPA with the revised I&E Plan or other applicable procedure.

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DEFICIENCIES REQUIRING CORRECTION

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from the CUPA's data management system or CERS, that includes at minimum the following information for each HWG and UST facility with an open violation (no RTC):

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date (when applicable);
- RTC qualifier; and
- In the absence of obtained RTC, the spreadsheet should include a narrative of any applied enforcement or follow-up activity to ensure the facility obtains RTC.

The CUPA will prioritize follow-up actions with each facility based on the level of hazard present to public health and the environment.

By the 1st Progress Report, the CUPA will follow up with the following HWG facilities and provide CalEPA with RTC documentation:

- CERS ID 10759816
- CERS ID 10207693

By the 2nd Progress Report, if amendments to the revised I&E Plan or other applicable procedure are necessary based on feedback from DTSC and/or the State Water Board, the CUPA will provide CalEPA with the amended I&E Plan or other applicable procedure. If no amendments are necessary, the CUPA will train CUPA personnel and inspection staff on the revised I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at minimum will include the date training was conducted, an outline of the training conducted and a list of CUPA personnel and inspection staff in attendance. Once training is complete, the CUPA will implement the revised I&E Plan or other applicable procedure.

By the 3rd Progress Report, if amendments to the I&E Plan or other applicable procedure were necessary, the CUPA will train CUPA personnel and inspection staff on the amended I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at minimum will include, the date training was conducted, an outline of the training conducted and a list of CUPA personnel and inspection staff in attendance. Once training is complete, the CUPA will implement the amended I&E Plan or other applicable procedure.

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DEFICIENCIES REQUIRING CORRECTION

By the 4th Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three facility records, for facilities in the HWG and UST Programs, as requested by DTSC and the State Water Board, that include RTC documentation, or a narrative of the enforcement applied by the CUPA in the absence of RTC.

8. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA is not consistently and correctly reporting CME information to CERS for the APSA Program.

Review of APSA facility files and CERS CME information indicates the CUPA is not consistently and correctly reporting CME information in inspection reports to CERS. The following APSA facilities have inconsistent and incorrect CME information in CERS:

- CERS ID 10002013: An APSA inspection report dated January 20, 2016, cites no violations. CERS has no record of the inspection.
- CERS ID 10207867: An APSA inspection report dated June 18, 2013, cites one violation with RTC noted on June 18, 2013. CERS has no record of the inspection nor the violation.

CITATION:

HSC, Chapter 6.11, Section 25404(e)(4)
CCR, Title 27, Section 15290(b)
[OSFM]

CORRECTIVE ACTION: COMPLETED

During the CUPA Performance Evaluation, the CUPA corrected CME information in CERS for the facilities that previously had incorrect CME information in CERS. This deficiency is considered corrected, no further action is required.

9. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA did not conduct an annual audit of its activities to implement the CalARP program or compile a CalARP performance audit report.

CITATION:

CCR, Title 19, Section 2780.5
[Cal OES]

CORRECTIVE ACTION: COMPLETED

Corrected at the time of evaluation.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

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

1. INCIDENTAL FINDING:

The Standard Operating Procedures have inaccurate information.

The following information in the Standard Operating Procedures, with a revision date of May 16, 2019, is inaccurate:

- Page 5 – Permitting for the UST program states statute requires an inspection to be completed before issuing or renewing a permit to operate. Effective January 1, 2019, amendments to statute no longer require this.
- Page 22 – Permitting for the UST Program states a permit shall not be issued if the CUPA determines the tank does not comply with statute. Effective January 1, 2019, amendments to statute no longer require this.
- Page 23 – The Red Tag authority is more stringent than statute and regulations. Language indicates that for the most egregious circumstances, the CUPA may have the owner/operator arrested. Statute states a civil penalty of not more than five thousand dollars for each UST for each day of violation.
- Page 34 – Permitting for the UST Program states a permit will be withheld if a business is not adequately in compliance. Effective January 1, 2019, amendments to statute no longer require this.
- Page 45 – Permitting for the UST Program states the annual renewal of the permit to operate is dependent on compliance. Effective January 1, 2019, amendments to statute no longer require this.

CITATION:

HSC, Chapter 6.7, Sections 25285(b), 252952.3(a)(2)(A) and (c)(1)(C)

HSC, Chapter 6.11, Section 25404(e)(4)

[State Water Board]

RESOLUTION:

By the 2nd Progress Report, the CUPA will review and revise the Standard Operating Procedures to be consistent with current statute and regulations. The CUPA will provide CalEPA with the revised Standard Operating Procedures, which address the inconsistencies identified above.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

2. INCIDENTAL FINDING:

The CUPA's Unified Program Facility Permit (UPFP), which includes the UST Operating Permit, conflicts with statute.

Review of UPFPs issued for calendar year 2019 finds:

- UPFP permit conditions indicate permit issuance and renewals are based on compliance subsequent to the annual UST compliance inspection.

Effective January 1, 2019, amendments to statute no longer require permit issuance based on compliance

Note: State Water Board correspondence dated April 7, 2017, "Amended Requirements for Unified Program Facility Permits Effective January 1, 2017," may be referenced.

CITATION:

CCR, Title 23, Section 2712(c)
CCR, Title 27, Section 15190(h)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will revise the UPFP permit conditions and UST operating permit (if applicable), to ensure permit issuance and renewal is based on existing statute requirements. The CUPA will provide CalEPA with the revised UPFP permit and permit conditions.

With the 2nd Progress Report, if amendments to the UPFP permit conditions and UST operating permit (if applicable) are necessary, based on feedback from the State Water Board, the CUPA will provide CalEPA with an amended UPFP permit conditions and UST operating permit (if applicable). If no amendments are necessary, the CUPA will provide CalEPA with the UPFP, including the permit conditions and UST operating permit, issued to three UST facilities using the revised UPFP permit conditions and UST operating permit (if applicable).

3. INCIDENTAL FINDING:

The CUPA is not consistently classifying APSA Program violations properly.

Review of facility files and CERS CME information between July 1, 2015, and June 30, 2018, indicates:

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- 1 of 2 (50%) violations for not having, or failure to prepare, a Spill Prevention, Control, and Countermeasure Plan (Unified Program violation number 4010001, in CERS) was classified as minor.

Not having or failure to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan was cited as a minor violation. Facilities that operate without an SPCC Plan present a significant threat to human health or the environment and may benefit economically from noncompliance either by reduced costs or by competitive advantage. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3). In addition, classifying a violation for not having an SPCC Plan as minor is inconsistent with, and less stringent than, the U.S. EPA.

Note: The Federal SPCC rule is not delegated to any state. APSA requires consistency and compliance with the Federal SPCC rule for SPCC Plan preparation and implementation, as well as consistency with Federal enforcement guidance.

CITATION:

HSC, Chapter 6.67, Sections 25270.4.1(c) and 25270.4.5(a)
CCR, Title 27, Section 15200(a) and (e)
[OSFM]

RESOLUTION:

By the 1st Progress Report, the CUPA will train inspection staff on the definition of minor violation as defined in HSC, Chapter 6.11, Section 25404(a)(3) and how to properly classify violations during compliance inspections as minor, Class I, and Class II. Training will also include, at minimum, review of:

- Violation Classification Training Video 2014 (<https://www.youtube.com/watch?v=RB-5V6RfPH8>)
 - Additional violation classification classes are available in the video library on the CalCUPA Forum Board YouTube website at:
<http://www.youtube.com/user/orangetreeweb/videos>
- 2020 Violation Classification Guidance for Unified Program Agencies (<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>)
- “U.S. EPA Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act, August 1998,” which specifies that a no SPCC Plan violation is not considered minor (<https://19january2017snapshot.epa.gov/enforcement/civil-penalty-policy-section-311b3-and-section-311j-clean-water-act-cwa-august-1998.html>)

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OBSERVATIONS AND RECOMMENDATIONS

Observations and recommendations identify areas of Unified Program implementation that could be improved and provide suggestions for improvement. Though the CUPA is not required by regulation or statute to apply the recommendations provided, the CUPA would benefit in applying the recommendations provided to improve the overall implementation of the Unified Program.

1. OBSERVATION:

An annual UST compliance oversight inspection was conducted on Thursday, June 6, 2019, at CERS ID 10207762. The CUPA inspector conducted a complete inspection, obtained permission to inspect, reviewed the service technician's certifications, physically observed the conditions of the UST system, reviewed alarm history, ensured the sensors tested functioned as required, etc.

During the inspection, it was observed and confirmed with the CUPA inspector that the single-wall safe suction product pipe had not been confirmed to be safe suction subsequent to the inspector being hired by the CUPA.

The CUPA inspector prepared an annual UST compliance inspection report, citing one violation for missing designated operator monthly inspection(s). The inspector conducted an inspection briefing with the facility representative and obtained the signature of the facility representative to acknowledge receipt of the inspection report.

RECOMMENDATION:

During the next annual monitoring certification at CERS ID 10207762, have the owner/operator and/or service technician demonstrate to the inspector, the product pipe is correctly installed to meet the single-wall safe suction pipe exemption requirements. If it is determined the construction does not meet the piping exemption requirements, the piping will need to be repaired in order to meet construction requirements.

When inspecting a UST system for the first time, have an owner/operator and/or service technician demonstrate to the inspector that the UST system is constructed and monitored in accordance with statute and regulations.

Continue with the training process of UST inspectors and consult neighboring Unified Program Agencies if assistance is needed.

2. OBSERVATION:

Review of CERS UST facility information in the FacilityListing (Details) report, finds the facility latitude and longitude location coordinates are missing for the following facilities:

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OBSERVATIONS AND RECOMMENDATIONS

- CERS ID 10165717
- CERS ID 10207681
- CERS ID 10207705
- CERS ID 10207870

The incorrect location of a facility in CERS impacts an emergency responder's ability to rely on CERS in the event of a natural disaster or other emergency.

Note: U.S. EPA expects the Facility Location Map data provided in CERS for each facility to accurately reflect the geographic location of the facility. The reference point for each facility should be located in the center of the parcel map and may not be directly on top of the UST system.

RECOMMENDATION:

Ensure geolocation of facilities is correctly reflected in CERS. The CUPA or the facility owner/operator may do this by relocating the location drop pin in Location Map in CERS.

3. OBSERVATION:

Two oversight inspections were conducted on June 4, 2019. The first oversight inspection was conducted at CERS ID 10207732, a solid waste transfer station that also accepts used oil, lamps, batteries and e-waste and operates an annual Temporary Household Hazardous Waste event. The facility is a non-RCRA large quantity generator. The inspector asked for consent to inspect and built a rapport with the facility. The inspector conducted a thorough walk through of the facility and reviewed the manifests, bills of lading, emergency response plan, inspection information, tank logs, tank assessment and staff training records. The inspector identified all violations and provided the facility with the inspection results and Notice of Violation with corrective action time frames.

The second oversight inspection was conducted at CERS ID 10207948, a tire factory that performs vehicle maintenance. The facility is a non-Resource Conservation and Recovery Act small quantity generator. The inspector asked for consent to inspect and built a rapport with the facility. The inspector conducted a thorough walk through of the facility and reviewed relevant documentation. The inspector identified all violations. The inspector showed facility staff how to correctly upload required information into CERS. Discussions with the facility staff indicated an increase in business may likely consider the facility a large quantity generator (LQG), and therefore subject to tank requirements. The inspector provided the facility staff with the inspection results and Notice of Violation with corrective action time frames.

The inspector did not take any photographs of the violations identified.

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OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Continue to conduct thorough inspections. Document the facility characteristics and violations with photographs to assist with documentation of violations, including repeat violations. CUPA inspectors should research the size of the generator facility being inspected and inform small quantity generator facilities that if more waste is generated, a small quantity generator facility could be considered a large quantity generator and additional requirements. Inspectors should utilize the Transporter Quarterly Report (TQR) data from the Hazardous Waste Tracking System to review current consolidated hazardous waste manifest shipments to and from facilities being inspected.

4. OBSERVATION:

Review of the SOP indicates it contains APSA program or fire code information that is inaccurate, outdated or may benefit from improvement.

- Page 3 (Table of Contents) and Page 50: the Uniform Fire Code reference and the Article 80 reference relative to the Hazardous Materials Management Program (HMMP) are outdated. The current fire code adopted by the state is the California Fire Code, which uses chapters (not articles).
- Page 4, Table 1:
 - Refer to APSA, rather than AST/SPCC.
 - Section 1.1.1: the Inspection Frequency is identified as every 3 years. The triennial statutory inspection frequency applies to APSA facilities storing 10,000 gallons or more of petroleum per HSC, Section 25270.5(a). A CUPA may implement an alternative inspection plan (for example, inspecting all APSA facilities including those storing less than 10,000 gallons of petroleum triennially) per HSC, Section 25270.5(b).
- Page 5, Section 1.1.2: the APSA triennial statutory inspection frequency applies to APSA facilities storing 10,000 gallons or more of petroleum (not greater than 10,000 gallons).
- Page 30, Section D2: The APSA statute reference in the APSA Facilities section should be 25270.4.5 (not 2527.04.5).
- Pages 32, 44, and 54: references to ICUPA may benefit by replacement with TCUPA.
- Page 55, Section 6.1: the APSA triennial statutory inspection frequency applies to APSA facilities storing 10,000 gallons or more of petroleum (not greater than 10,000 gallons). The non-mandated inspection frequency should be related to facilities storing less than 10,000 gallons (not 10,000 gallons or less).
- Section 9.11.3.4: the APSA Facility Information submittal, which includes new APSA data fields and the current APSA documentation section in CERS, is missing. The APSA Facility Information submittal in CERS became effective after April 1, 2019.

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OBSERVATIONS AND RECOMMENDATIONS

- Section 9.11.3.4.d: the following improved guidance may be provided relative to APSA documentation submittals in CERS: To complete the APSA Documentation section, all tank facilities, including conditionally exempt tank facilities, must either submit a completed Tank Facility Statement or submit an HMBP per HSC, Section 25270.6(a). Tank facilities that submit an HMBP should select the ‘Provided Elsewhere in CERS’ option and select the “Hazardous Materials Inventory” to designate where this information is found. SPCC Plans are not required to be uploaded to CERS and, therefore, SPCC Plans should not be uploaded to CERS.

RECOMMENDATION:

Update the APSA Program and fire code information in the SOP.

5. OBSERVATION:

SPCC Plan submittals were accepted by the CUPA for CERS ID 10207705 and CERS ID 10207792. SPCC Plans are not required as part of an APSA CERS submittal; therefore, SPCC Plans should not be uploaded to CERS, and should not be accepted by the CUPA if erroneously submitted by a regulated facility.

The APSA documentation section in CERS is for annual tank facility statement submittals, unless a business plan is already submitted, or other local reporting requirements.

RECOMMENDATION:

Reject, or do not accept, SPCC Plans submitted in CERS by a regulated facility.

6. OBSERVATION:

Review of the area plan indicates it contains information that is inaccurate, outdated, or may benefit from improvement.

- Page 17: the Uniform Fire Code reference is outdated. The current fire code adopted by the state is the California Fire Code.
- The glossary in Appendix T defines California State Fire Marshal with “primary responsibility for the safety of all interstate and intrastate hazardous liquid pipelines in California.” The California State Fire Marshal oversees intrastate hazardous liquid pipelines only.

RECOMMENDATION:

Update the area plan as indicated above.

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OBSERVATIONS AND RECOMMENDATIONS

7. OBSERVATION:

The Aboveground Storage Tank webpage, <https://dtsc.ca.gov/trinity-cupa-aboveground-petroleum-storage-act-program/>, contains various resources and information for the regulated community and public. However, the following information is outdated or inaccurate:

- The definition of a ‘tank facility’ is incorrect. APSA regulates tank facilities that: (1) are subject to the federal SPCC rule, (2) have 1,320 gallons or more of petroleum; or (3) have one or more tanks in an underground area (regardless of 1,320-gallon petroleum storage capacity).
- The discussion related to four types of APSA facilities is not entirely accurate. Tier I and Tier II qualified facilities are federal SPCC terms. Also, in lieu of using the term ‘non-qualified facilities,’ these facilities are ‘full SPCC Plan facilities,’ ‘full plan facilities’ or ‘PE-certified SPCC Plan facilities.’ There are no ‘non-qualified SPCC Plans’ but rather PE-certified SPCC Plans.
- The descriptions related to Tier I qualified facilities, Tier II qualified facilities, and Full Plan facilities incorrectly reference petroleum storage volumes. These criteria are derived from the SPCC rule, which reference total oil storage volumes.
- APSA petroleum storage thresholds need to be updated to reflect tank in an underground area (TIUGA) amendments to the statute.
- The qualified facility or non-qualified facility flowchart is not accurate and should be updated or removed. SPCC Plan preparation requirement thresholds need refinement to properly state the federal oil (not APSA petroleum) thresholds related to Tier I and Tier II qualified facility SPCC Plan template utilization. APSA petroleum storage capacity is not involved in this determination.
- The “What is Petroleum” discussion should omit any reference to counting APSA petroleum capacity as it relates to establishing the type of APSA facility.

RECOMMENDATION:

Update the website and consider adding a link to the OSFM APSA Program webpage (<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/>) and a link to the U.S. EPA SPCC webpage (<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>).

Include information related to tank facilities with TIUGAs that are now regulated under APSA and update the Tier I and Tier II qualified facility descriptions to identify total oil storage volumes.

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OBSERVATIONS AND RECOMMENDATIONS

8. OBSERVATION:

Review of the UST closure application and permit, and the associated permit conditions, finds the CUPA is not following the requirements of the permit application. The following are examples:

- Condition 4 – paying applicable fees. The fee payment field on the permit application is “blank” and is date stamped with December 14, 2017, and January 5, 2018. This “blank” shows the CUPA did not collect fees for the permit application.
- Condition 5 – verifying lower explosive limits (LELs). Condition language states, “The DTSC Trinity CUPA must verify LEL is < 10% prior to the inerting of the UST...” The CUPA inspector confirms not being present at the tank closure.
- Condition 6 – soil samples. Condition language directs applicant where to take samples and states, “DTSC Trinity CUPA personnel may require additional sampling....” The CUPA inspector confirms not being present at the tank closure. With not being present at the tank closure, the CUPA did not see the site conditions and was not able to determine if additional samples were necessary.
- Condition 11 – final completion report. Condition language states, “submit the Final Completion Report within 30 days of Removal/sampling date.” CUPA provided soil analysis from the lab and a workplan from the applicant, but the CUPA did not provide documentation of the Final Completion Report from the applicant which provides a narrative of the removal, a description of soil sampling, etc. CUPA did not follow requirements of permit application.

RECOMMENDATION:

Review UST closure application permit and develop a procedure for CUPA personnel to follow during the closure of a UST or UST system.
