

August 2, 2023

Ms. Stacey Harrington
Environmental Health Manager
Napa County Environmental Health Department
1195 Third Street, Suite 210
Napa, California 94559-3035

Dear Ms. Harrington:

During August 2022, through June 2023, CalEPA and the Unified Program state agencies conducted a performance evaluation of the Napa County Environmental Health Department Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, review of regulated facility file documentation, and California Environmental Reporting System information.

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. The report also includes acknowledgement of accomplishments and challenges, as well as examples of outstanding Unified Program implementation. 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 meets or exceeds Unified Program standards.

I commend you and your team in the successful implementation of the Unified Program despite the numerous challenges over the past few years, including the response and management efforts of the Coronavirus (COVID-19) pandemic and wildfires. The CUPA has managed to do an exemplary job of keeping up with a desirable Unified Program performance rating.

To demonstrate progress towards the correction of the program deficiency and resolution of incidental findings identified in the final Summary of Findings report, the CUPA must submit an Evaluation Progress Report within 60 days from the date of this letter, and every 90 days thereafter. Evaluation Progress Reports are required to be submitted to CalEPA until the deficiency and incidental findings identified have been acknowledged as corrected or resolved. Each Evaluation Progress Report must be submitted to the CalEPA Team Lead, Kaeleigh Pontif, at Kaeleigh.Pontif@calepa.ca.gov.

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

To ensure the CUPA Performance Evaluation process is as effective and efficient as intended, I kindly request the included evaluation survey to be completed and returned to Melinda Blum, at Melinda.blum@calepa.ca.gov. If you would like to have specific comments remain anonymous, please indicate so on the survey.

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:

Mr. Doug Calhoun
Environmental Health Supervisor
Napa County Environmental Health Department
1195 Third Street, Suite 210
Napa, California 94559-3035

Ms. Cheryl Prowell
Supervising Water Resource Control Engineer
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Mr. Tom Henderson
Engineering Geologist, UST Unit Coordinator
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Ms. Julie Pettijohn
Environmental Program Manager
CUPA Enforcement Branch
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710-2721

Ms. Stacey Harrington
Page 3

cc sent via email:

Ryan Miya, Ph.D.
Senior Environmental Scientist, Supervisor
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710-2721

Ms. Jennifer Lorenzo
Senior Environmental Scientist, Supervisor
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Ms. Kaitlin Cottrell
Environmental Scientist
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Mr. Matt McCarron
Senior Environmental Scientist, Specialist
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710-2721

Ms. Mary Wren-Wilson
Environmental Scientist
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Mr. John Elkins
Environmental Program Manager
California Environmental Protection Agency

Ms. Melinda Blum
Senior Environmental Scientist, Supervisor
California Environmental Protection Agency

Ms. Elizabeth Brega
Senior Environmental Scientist, Supervisor
California Environmental Protection Agency

Ms. Stacey Harrington
Page 4

cc sent via email:

Ms. Esme Hassell-Thean
Environmental Scientist
California Environmental Protection Agency

Ms. Kaeleigh Pontif
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Napa County Environmental Health Department

Evaluation Period: August 2022 through June 2023

Evaluation Team Members:

- **CalEPA Team Lead:** Kaeleigh Pontif
- **CalEPA:** Esmé Hassell-Thean
- **DTSC:** Matthew McCarron
- **State Water Board:** Kaitlin Cottrell
- **CAL FIRE-OSFM:** Mary Wren-Wilson

This Final Summary of Findings includes:

- Accomplishments, Examples of Outstanding Implementation, and Challenges
- 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 to meet or exceed Unified Program standards.

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

Kaeleigh Pontif
CalEPA Unified Program
Phone: (916) 803-0623
E-mail: Kaeleigh.pontif@calepa.ca.gov

The CUPA is required to submit an Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings Report, and every 90 days thereafter, until all deficiencies and incidental findings have been acknowledged as corrected or resolved by each issuing state agency.

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead via email at Kaeleigh.Pontif@calepa.ca.gov, or uploaded to the established SharePoint website. A narrative stating the status of correcting each deficiency and resolving each incidental finding identified in this Final Summary of Findings Report, and any applicable supporting documentation must be included in each Evaluation Progress Report.

The submittal date for the 1st Evaluation Progress Report is: **October 2, 2023.**

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

ACCOMPLISHMENTS, CHALLENGES, AND EXAMPLES OF OUTSTANDING IMPLEMENTATION

Various accomplishments, outstanding efforts, and challenges that impact and/or enhance the overall ability of the CUPA to implement the Unified Program. Recognition of aspects such as response to local emergency declarations and statewide recovery efforts, which illustrate the accomplishments and challenges the CUPA manages in the efforts to continue implementation of the Unified Program.

1. ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM IMPLEMENTATION:

Since the 2017 CUPA Performance Evaluation, the CUPA has met the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum.

The CUPA has maintained a high level of return to compliance (RTC) for cited APSA violations. For fiscal years (FYs) 2018/2019, 2019/2020 and 2021/2022, the CUPA achieved RTC for more than 95% of the APSA violations cited.

These efforts are above and beyond the standard implementation expectations of the APSA Program during the statewide restrictions and challenges resulting from the Coronavirus 2019 (COVID-19).

2. FIRE RESPONSE ASSISTANCE:

In 2020, the LNU Lightning Complex wildfires (which includes the Hennessey, Gamble, 15-10, Spanish, Markley, 13-4, 11-16, and Walbridge Fires) and the Glass Fire wildfire, had significant impacts on Napa County. The CUPA pivoted from performing routine Unified Program inspections to working with DTSC and DTSC contractors to coordinate Phase I household hazardous waste abatement activities. The CUPA routinely met with DTSC to coordinate access and act as a Napa County representative in the field. The CUPA was integral in the development of implementation for Phase II of the debris and ash removal process, including assisting in the development of forms, databases, and requirements. The CUPA staff assisted Napa County citizens to apply for the private or government sponsored abatement process. CUPA staff processed completion documents related to closing out the Debris/Ash removal permit and were also involved in implementing the government sponsored cleanup process.

3. UNDERGROUND STORAGE TANK (UST) PROGRAM COMPLIANCE:

The CUPA provided detailed RTC documentation for UST construction and leak detection violations. The clear communication the CUPA has with UST owners/operators is exemplified by the high level of cited violations that have achieved RTC as seen in inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information in the California Environmental Reporting System (CERS).

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

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 “Annual Permit to Operate- Unified Programs Consolidated Operating Permit,” issued as the UST operating permit and permit conditions, is inconsistent with provisions required under UST Regulations or Health and Safety Code (HSC) requirements.

Review of the Annual Permit to Operate- Unified Programs Consolidated Operating Permit (Permit) finds the following inconsistencies with UST Regulations and HSC:

- Permit conditions incorrectly cite “CH&SC DIVISION 20, CHAPTER 6.7, SECTIONS 25280-25299.8 AND CCR TITLE 23, DIVISION 3, CHAPTER 16, SECTIONS 2610-2729”
 - Correct citations are as follows:
 - California Code of Regulations (CCR), Chapter 16, Sections 2610 through 2717.7
 - HSC, Chapter 6.7, Section 25280 through 25296 and 25298 through 25299.6
- Permit condition 9 states “California Water Code, Section 13271....”
 - The CUPA does not have regulatory authority to implement Water Code, and therefore cannot cite California Water Code, Section 13271.

NOTE: During the evaluation, incorrect permit citations were discovered on the “Annual Permit to Operate – Unified Programs Consolidated Operating Permit,” as identified above. The incorrect permit citations were included on the “Annual Permit to Operate – Unified Programs Consolidated Operating Permit” as a result of incorrect citations listed on a CalEPA Unified Program webpage. The incorrect citations listed on the CalEPA Unified Program webpage have since been corrected.

CITATION:

HSC, Chapter 6.7, Sections 25283(b)(1)(B) and 25297.01(b)
California Code of Regulations (CCR), Title 23, Sections 2711(c) and 2712(i)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, and until considered corrected, the CUPA will coordinate with CalEPA and the State Water Board to revise the Permit and permit conditions template to be consistent with Title 27, UST Regulations and HSC. The CUPA will provide the revised Permit and permit conditions template to CalEPA.

By the 2nd Progress Report, and until considered corrected, the CUPA will begin to issue the revised Permit and permit conditions template and will provide CalEPA with the Permit and permit conditions issued to five UST facilities using the revised template.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

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(s) indicated as required by regulation or statute.

1. INCIDENTAL FINDING:

The CUPA is not consistently ensuring Hazardous Materials Business Plan (HMBP) submittals are thoroughly reviewed and contain all applicable required elements before being accepted in CERS.

Review of CERS indicates the following 5 of 15 (30%) regulated businesses subject to Business Plan reporting requirements submitted an HMBP that was accepted with missing or incomplete components:

- CERSID 10170827
 - Missing required training plan elements such as provisions for training to be documented electronically or by hard copy and made available for a minimum of three years.
- CERS ID 10170315
 - Missing required site map elements such as emergency response equipment.
- CERS ID 10170475
 - Missing required site map elements such as access and exit points.
- CERS ID 10706269
 - Missing required site map elements such as evacuation staging areas.
 - Missing required emergency response plan elements such as procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment, and evacuation plans and procedures, including immediate notice, for the business site.
- CERS ID 10171031
 - Missing required site map elements such as access and exit points.

Review of CERS indicates the following 5 of 13 (38%) APSA tank facilities submitted an HMBP in lieu of a tank facility statement that was missing various site map elements in recently accepted submittals:

- CERS ID 10170479
 - site map missing orientation, emergency shutoff, and hazardous materials handling and storage areas
- CERS ID 10418206
 - site map missing emergency shutoff and emergency response equipment
- CERS ID 10172245
 - site map missing emergency shutoff, emergency response equipment, and evacuation staging area

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

- CERS IDs 10782550 and 10172313
 - site map missing emergency shutoff and emergency response equipment

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

CITATION:

HSC, Chapter 6.95, Sections 25505(a), and 25508(a)(3) and (4)

HSC, Chapter 6.67, Section 25270.6(a)(2)

2022 California Fire Code, Chapter 50, Sections 5001.5.1 and 5001.5.2, and Appendix H [CalEPA, OSFM]

RESOLUTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each future HMBP submittal is thoroughly reviewed and contains all applicable required elements before being accepted in CERS. The action plan will include:

- steps to follow up with regulated businesses whose HMBP submittals were reviewed and identified with missing or incomplete components; and
- steps to follow up with APSA tank facilities whose HMBP submittals were reviewed and identified with missing or incomplete components.

By the 2nd Progress Report, the CUPA will train CUPA personnel on the steps in the action plan. 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 in attendance.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide a narrative of the implementation of the action plan.

By the 4th Progress Report, the CUPA will ensure:

- each HMBP facility has annually submitted a complete HMBP to CERS, or the CUPA will have applied enforcement, and
- each APSA tank facility has annually submitted a complete HMBP to CERS, when an HMBP is provided in lieu of a tank facility statement, or the CUPA will have applied enforcement.

2. INCIDENTAL FINDING:

The CUPA is not correctly implementing proper construction requirements for UST systems.

Review of the CERS Facility/Tank Data Download information finds USTs at the following UST facilities have single-walled vent or tank risers, and do not meet the secondary containment exemption requirements of CCR, Title 23, Section 2636(a) for vent and riser pipe to have overflow prevention equipment meeting the requirements specified in CCR, Title 23, Section 2635(c)(1)(B) or (C):

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

- CERS ID 10170271
- CERS ID 10170539
- CERS ID 10170815

Note: The State Water Board Local Guidance (LG) 150-3 (https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/docs/150-3.pdf) may be referenced.

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

CITATION:

CCR, Title 23, Sections 2631(a), 2636(a), and 2635 (c)(1)
[State Water Board]

RESOLUTION:

The CUPA must ensure UST systems are properly constructed and meet the secondary containment requirements of CCR, Title 23, Section 2636(a).

By the 1st Progress Report, the CUPA will identify and provide CalEPA with a list of UST facilities which are incorrectly utilizing the overfill prevention equipment exemption. For each UST facility listed, information will include, at minimum:

- CERS ID
- UST Tank ID(s)

By the 1st Progress Report, the CUPA will provide written correspondence addressed to UST facility owners/operators to inform the UST owners/operators of the requirement for installation of overfill prevention equipment, or to construct secondary containment for single-walled vent and tank risers. The written correspondence will include language stating that failure to comply with overfill prevention equipment requirements specified in CCR, Title 23, Section 2635(c)(1)(B) or (C), or secondary containment exemptions in CCR, Title 23, Section 2636(a) will lead to appropriate enforcement, including but not limited to revocation of the UST operating permit portion of the Annual Permit to Operate- Unified Programs Consolidated Operating Permit (issued as the UPFP) and issuance of red tags which will prohibit the deposit and withdrawal of all hazardous substances. The CUPA will include the State Water Board as a carbon copy recipient on the correspondence.

By the 2nd Progress Report, if appropriate steps have not been taken by the UST owners/operators to remedy the construction violations, the CUPA will apply enforcement, including but not limited to revocation of the UST operating permit portion of the Annual Permit to Operate- Unified Programs Consolidated Operating Permit and issuance of red tags which will prohibit the deposit and withdrawal of hazardous substances. The CUPA will provide CalEPA with documentation of any applied enforcement.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

INCIDENTAL FINDINGS REQUIRING RESOLUTION

The State Water Board will consider this incidental finding resolved when the CUPA has issued red tags, and all hazardous substances are removed from the USTs, or when the CUPA has applied administrative, or other enforcement, or the UST owner or operator installs the correct overfill prevention equipment, or secondarily contains the vent and fill piping.

3. INCIDENTAL FINDING:

The CUPA is not submitting quarterly Surcharge Transmittal Reports to CalEPA within 30 days after the end of each fiscal quarter when state surcharge revenues are remitted.

The following quarterly Surcharge Transmittal Reports were not received by the required due date:

- FY 2020/2021
 - 1st fiscal quarter:
 - Due October 30, 2020; submitted November 10, 2020.
 - 2nd fiscal quarter:
 - Due January 30, 2021; submitted February 22, 2021.
 - 4th fiscal quarter
 - Due July 30, 2021; submitted October 4, 2021.

- FY 2021/2022
 - A quarterly Surcharge Transmittal Report was provided to the California Air Resources Board (CARB), for the 2nd, 3rd, and 4th quarters, however an electronic copy was not provided to CalEPA as required.
 - Upon request, an electronic copy of each quarterly Surcharge Transmittal Report was provided to CalEPA on September 29, 2022. The state surcharge remittance amounts on the quarterly Surcharge Transmittal Reports provided electronically differ from the state surcharge remittance amounts on the quarterly Surcharge Transmittal Reports provided to CARB.
 - 1st fiscal quarter
 - Due October 30, 2021, no record of receipt by CARB.
 - The report electronically provided to CalEPA on September 29, 2022, reflects a state surcharge remittance amount of \$15,932. CARB has no record of processing or receiving a state surcharge remittance in the amount of \$15,932.
 - 2nd fiscal quarter:
 - Due January 30, 2022; two different reports were received by CARB, each reflects a different state surcharge remittance amount.
 - received March 21, 2022, with a state surcharge remittance amount of \$44,535.
 - received May 9, 2022, with a state surcharge remittance amount of \$29,978.
 - 3rd fiscal quarter:
 - Due April 30, 2022; received by CARB June 1, 2022, with a state surcharge remittance amount of \$17,552.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

- The report electronically provided to CalEPA on September 29, 2022, reflects a state surcharge remittance amount of \$29,978.
- 4th fiscal quarter:
 - Due July 30, 2022; received by CARB September 21, 2022, with a state surcharge remittance amount of \$21,364.
 - The report electronically provided to CalEPA on September 29, 2022, reflects a state surcharge remittance amount of \$19,488.
- FY 2022/2023
 - 1st fiscal quarter:
 - Due October 30, 2022; submitted to CARB November 7, 2022, submitted electronically to CalEPA November 11, 2022.

Note: During the evaluation, the CUPA expressed challenges in retaining administrative staff to process CUPA accounting documentation.

CITATION:

CCR, Title 27, Section 15250(b)(1) and (2)
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will have provided to CalEPA the 4th quarterly Surcharge Transmittal Report for FY 2022/2023 by the required due date using the current template, along with any state surcharge remittance, to CARB via mail at:

Air Resources Board
Attn: Accounting
P.O. Box 1436
Sacramento, CA 95812

The CUPA will also ensure an electronic copy of the 4th quarterly Surcharge Transmittal Report for FY 2022/2023 is provided to CalEPA via email at cupa@calepa.ca.gov, by the required due date using the current template.

Thereafter, the CUPA will ensure each quarterly Surcharge Transmittal Report, and any remittance, are provided to CARB via mail, and each quarterly Surcharge Transmittal Report is provided to CalEPA via email.

4. INCIDENTAL FINDING:

The CUPA is not consistently conducting complete annual UST compliance inspections.

The CUPA is not correctly citing UST violations identified during annual UST compliance inspections in inspection reports and is not correctly reporting UST violations in CERS when UST violations are cited, including technical compliance rate (TCR) criteria.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

Review of annual UST compliance inspection reports, associated testing and leak detection documents, and CERS CME information finds that non-compliance was not observed, and a violation was not issued in CERS for the following:

- CERS ID 10172297: Annual Monitoring Certification, dated December 14, 2021, identifies “L9 304 Sensor Replaced like-for-like on site.”
- CERS ID 10170271: Annual Monitoring Certification, dated November 19, 2019, identifies “87 STP had 1 gallon of water, removed. Disp 5/6 DSL shear valve broken, will need to be replaced.”

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

CITATION:

HSC, Chapter 6.7, Section 25288(b)
CCR, Title 23, Section 2713(c)(4)
CCR, Title 27, Section 15290(a)(3)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will review and revise the Inspection and Enforcement (I&E) Plan, or other applicable procedure, to ensure the establishment of a process for UST inspection staff to conduct complete annual UST compliance inspections and document violations observed in annual UST compliance inspection reports and in CERS.

The revised I&E Plan or other applicable procedure will, at minimum address:

- Review and follow-up of submitted testing and leak detection documents by the owner or operator as part of the annual UST compliance inspection.
- Documenting and reporting observed noncompliance in annual UST compliance inspection reports in CERS.
- Conducting annual UST compliance inspections when UST Inspection staff are on-site to witness the monitoring system certification and visually confirm all UST required components are in compliance.

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, 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, or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised I&E Plan, or other applicable procedure. 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 UST inspection staff on the amended I&E Plan, or other

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

applicable procedure. Once training is complete, the CUPA will implement the amended I&E Plan, or other applicable procedure.

By the 4th Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with facility records, for five UST facilities, as requested by the State Water Board, including, at minimum: annual UST compliance inspection reports, monitoring certifications, testing and leak detection documents, and other associated compliance documentation.

5. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The Unified Program administrative procedures have components that are incomplete.

The following administrative procedures are incomplete:

- Forwarding Hazardous Material Release Response Plan (HMRRP) Information
 - The CUPA forwards HMRRP information to emergency response personnel and other appropriate government entities, and provides access to CERS; however, there is no established procedure for forwarding HMRRP information to emergency response personnel and other appropriate government entities, or for providing access to CERS.

CITATION:

CCR, Title 27, Sections 15180(e) and 15185(b)
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided CalEPA with the revised I&E Plan which includes a section for "Forwarding HMRRP Information." The section now contains a complete procedure for forwarding HMRRP information to emergency response personnel and other appropriate government entities, as well as providing access to CERS. This incidental finding is considered resolved. No further action is required.

6. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

Required components of the I&E Plan are incomplete or missing.

The following component of the I&E Plan is incomplete:

- Page 12, the following minimum mandatory inspection frequencies are not included in the inspection table:
 - Hazardous Waste Generators (HWGs),
 - Large Quantity Resource Conservation and Recovery Act (RCRA) HWGs,
 - Silver Only, and Certified Appliance Recyclers.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

- Note: Page 13 of the 2017 I&E Plan lists a triennial inspection frequency for HWGs, Large Quantity RCRA HWGs, Silver Only, and Certified Appliance Recyclers.

The following components of the I&E Plan are missing:

- An indication that a review of the I&E Plan is conducted annually, at minimum.

CITATION:

CCR, Title 27, Section 15200(a)
[CalEPA, DTSC]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided a revised I&E Plan which included a minimum mandatory inspection frequency for HWGs, RCRA HWGs, Silver Only, and Certified Appliance Recyclers, as well as an indication that a review of the I&E Plan is conducted annually, at minimum. This incidental finding is considered resolved. No further action is required.

7. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA is not consistently or correctly reporting CME information to CERS for the HMBP and CalARP Programs.

Review of CERS CME information finds the following violations and inspections were inconsistently reported:

- CERS ID 10170705
 - There are two inspections dated August 30, 2021, one of which cites two violations with RTC for all dated October 15, 2022, the other cites five violations with RTC for all dated October 15, 2022.
 - There are two inspections dated August 8, 2018, both cite the same violation with no RTC.
 - There are two inspections dated June 26, 2014, both cite no violations.
- CERS ID 10171525
 - There are two inspections dated May 27, 2020, one of which cites four Class II violations with RTC for all on June 25, 2020, the other cites three Class II violations with RTC for all on June 19, 2020.
- CERS ID 10846177
 - There are two inspections dated May 11, 2020, both cite the same violation with RTC on June 26, 2020.
- CERS ID 10672570
 - There are two inspections dated October 7, 2019, one of which cites three violations with RTC for one violation on October 18, 2019, and RTC for two violations on December 18, 2019, the other cites one violation with RTC on October 18, 2019.
- CERS ID 10172113
 - There are two inspections dated May 23, 2022, both cite no violations.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

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

CITATION:

HSC, Chapter 6.11, Section 25404(e)

CCR, Title 27, Sections 15187(c) and 15290(a)(3) and (b)

[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA reviewed and revised the data management procedure to address the inconsistent and incorrect CME information in CERS. This incidental finding is considered resolved. No further action is required.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

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:

The following is a summary of inspection and violation information for the HMBP, and CalARP Programs based upon review of facility files and CERS CME information between October 1, 2019, and September 30, 2022.

HMBP Program

- October 1, 2019, through September 30, 2020
 - The CUPA conducted 478 routine inspections, of which 343 (72%) had no violations cited and 135 (28%) had at least one violation cited.
 - A total of 188 violations were cited, consisting of:
 - 0 (0%) Class I violations
 - 72 (38%) Class II violations
 - 116 (62%) minor violations
 - The CUPA has ensured RTC for 187 of 188 (99%) violations cited.
- October 1, 2020, through September 30, 2021
 - The CUPA conducted 268 routine inspections, of which 216 (76%) had no violations cited and 70 (24%) had at least one violation cited.
 - A total of 100 violations were cited, consisting of:
 - 0 (0%) Class I violations
 - 60 (60%) Class II violations
 - 40 (40%) minor violations
 - The CUPA has ensured RTC for 100 of 100 (100%) violations cited.
- October 1, 2021, through September 30, 2022
 - The CUPA conducted 426 routine inspections, of which 308 (72%) had no violations cited and 118 (28%) had at least one violation cited.
 - A total of 156 violations were cited, consisting of:
 - 0 (0%) Class I violations
 - 143 (92%) Class II violations
 - 13 (8%) minor violations.
 - The CUPA has ensured RTC for 153 of 156 (98%) violations cited.

CalARP Program

- October 1, 2019, through September 30, 2020
 - The CUPA conducted 3 routine inspections, of which 2 (67%) had no violations cited and 1 (33%) had at least one violation cited.
 - A total of 4 violations were cited, consisting of:
 - 0 (0%) Class I violations
 - 4 (100%) Class II violations.
 - 0 (0%) minor violations

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

- The CUPA has ensured RTC for 4 of 4 (100%) violations cited.
- October 1, 2020, through September 30, 2021
 - The CUPA conducted no routine inspections.
- October 1, 2021, through September 30, 2022
 - The CUPA conducted 7 routine inspections, of which 5 (71%) had no violations cited and 2 (29%) had at least one violation cited.
 - A total of 5 violations were cited, consisting of:
 - 0 (0%) Class I violations
 - 5 (100%) Class II violations
 - 0 (0%) minor violations
 - The CUPA has ensured RTC for 2 of 5 (40%) of violations cited.

RECOMMENDATION:

Maintain the three-year inspection frequency for all HMBP facilities and all CalARP facilities, as required by statute. Ensure complete and thorough inspections are conducted to identify all violations at facilities. Maintain detailed inspection reports that include all factual basis and proper citation for each identified violation. Follow up with facilities that have not obtained RTC by the scheduled RTC date and apply enforcement per the I&E Plan when facilities do not obtain RTC.

2. OBSERVATION:

The I&E Plan contains information that is incorrect and may benefit from improvement.

- Page 31, Item 7-Administrative Enforcement Order: Replace the reference to HSC, Chapter 6.67, "Section 25270.12, 12.1, 12.5" with "commencing with Section 25270" for consistency with the citations for other programs.
- Page 34, Section H, Matrix of Enforcement Options: Notice to comply applies to all program elements, including the APSA Program, per HSC, Chapter 6.11, Section 25404.1.2(b).
- Page 38, Item 4: Add HSC, Section 25270.2(c)(3) to the enforcement authority citations.

RECOMMENDATION:

Update the I&E Plan as indicated above.

3. OBSERVATION:

Some APSA tank facilities submitted an HMBP in lieu of a tank facility statement, using an outdated consolidated emergency response and training plans template, which contains obsolete information.

RECOMMENDATION:

Encourage each APSA tank facility that utilizes the consolidated emergency response and training plans template to use the current 2022 version, when an HMBP is submitted in lieu of a tank facility statement. The current template is available on the CERS Central Business

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

webpage at <https://cers.calepa.ca.gov/businesses/> and the CalEPA Unified Program Publications and Guidance webpage at <https://calepa.ca.gov/cupa/publications/>.

4. OBSERVATION:

The CERS reporting requirement is currently set as “APSA Applicable” for 139 tank facilities. The CUPA’s data management system identifies 163 APSA tank facilities.

- 104 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- 3 facilities identified in the CUPA’s data management system are currently identified in CERS as “APSA Applicable.” These facilities are likely not APSA regulated due to the Federal Water Resources Reform and Development Act (WRRDA) exemption. The CUPA should update the data management system appropriately.
- 54 tank facilities identified in the CUPA’s data management system are currently identified in CERS as “APSA Not Applicable.” The CUPA should determine if the facilities are APSA facilities.
 - 40 of these facilities are likely not APSA regulated due to the Federal Water Resources Reform and Development Act (WRRDA) exemption. The CUPA should update the data management system appropriately.
 - 2 of these facilities are likely APSA regulated and the CUPA should change the CERS APSA reporting requirement to “APSA Applicable” for each facility.
 - 10 of these facilities are likely not APSA applicable due to business closure or storage of less than 1,320 gallons of petroleum and can be removed from the list.
 - 2 of these facilities are not found in CERS.
- 34 tank facilities are reported as “APSA Applicable” in CERS but are not identified as APSA tank facilities in the CUPA’s data management system. The CUPA should determine if the facilities are APSA facilities.
 - 1 facility may be APSA regulated and the CUPA should update the data management system appropriately.
 - 5 of these facilities are likely not APSA applicable due to storage of less than 1,320 gallons of petroleum and can be removed from the list and changed to “APSA Not Applicable.”
 - 26 of these facilities are likely not APSA regulated due to the Federal Water Resources Reform and Development Act (WRRDA) exemption. The CUPA should update the data management system appropriately.
 - 2 of these facilities require no action from the CUPA.

Note: During the evaluation, the CUPA completed the reconciliation of the APSA Program information in the CUPA’s data management system and CERS.

RECOMMENDATION:

Continually reconcile APSA Program information in the CUPA’s data management system with CERS to ensure all APSA tank facilities are included in both systems.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

5. OBSERVATION:

The CUPA's website (<https://www.countyofnapa.org/1919/CUPA>) contains various resources for the public and regulated community. The following information is incorrect or outdated and may benefit from improvement:

- 'Aboveground Petroleum Act (APSA)'
 - Update the paragraph to incorporate other tank facilities regulated under APSA: tank facilities subject to the Spill, Prevention, Control, and Countermeasure (SPCC) rule and tank facilities with one or more tanks in underground areas (regardless of the 1,320-gallon petroleum storage capacity).
 - Update the link to the Tier II Qualified Facility SPCC Plan template with the current template dated May 2021.
- 'Additional Information'
 - Update the Emergency Response Plan template with the current 2022 template.

Note: During the evaluation, the CUPA updated the website as indicated above.

RECOMMENDATION:

Periodically review the website and make revisions as necessary to ensure information is accurate.

6. OBSERVATION:

Review of the CERS Facility and Tank Data Download finds the following site with single-walled UST components which requires permanent closure by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05:

- CERS ID 10172297

RECOMMENDATION:

Continue to provide verbal and written reminders to all applicable UST owners/operators regarding the December 31, 2025, deadline for permanent closure of single-walled USTs.

7. OBSERVATION:

Review of the Unified Programs Consolidated Operating Permit issued to CERS ID 10172159 on April 26, 2022, finds 17 tanks listed. The CERS submittal on May 17, 2022, reflects 6 tanks installed in 2021.

Note: During the evaluation, the CUPA updated the information in the data management system to reflect closure of 11 tanks at CERS ID 10172159.

RECOMMENDATION:

Contact the owner/operator to ensure the permit on site accurately reflects the number of tanks present. Review, and revise as necessary, the Data Management Procedure, or other

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

applicable procedure, to ensure a quality assurance and quality control procedure is in place to confirm UST information between CERS and permit production is complete and accurate.

8. OBSERVATION:

Review finds a previous version of the UST closure letter provided to CERS ID 10171637, dated April 23, 2019, lacks details required to demonstrate, 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).

The UST closure letter provided to CERS ID 10172159 dated March 16, 2021, is the most recent example of the UST closure letter template utilized by the CUPA and shows continued improvement.

RECOMMENDATION:

The CUPA extends efforts to update policies, procedures, and templates to coincide with the State Water Board release of guidance regarding UST closure letters. Add the CERS Tank ID number(s) to the UST closure letter template and continue to use the most recent version of the UST closure letter template.

9. OBSERVATION:

The information provided below summarizes a comparison of the regulated community and the necessary and reasonable resources for implementation of the Unified Program upon certification with the current regulated community and the current resources available to the CUPA for implementation.

Number of regulated facilities for each program element:

- *Original Certification Source: Napa County Department of Environmental Health 1995 CUPA Application*
- *Current CUPA Evaluation Sources: CERS "Summary Regulated Facilities by Unified Program Element Report" & CERS "UST Inspection Summary Report (Report 6)", both generated on January 3, 2023.*

• Total Number of Regulated Businesses and Facilities:

- Upon Certification in 1995: 784
- Current CUPA Evaluation: 1370
- An additional 586 facilities

• Total Number of Hazardous Materials Release Response Plan and Inventory (Business Plan) Regulated Businesses and Facilities:

- Upon Certification in 1995: 784
- Current CUPA Evaluation: 1292
- An additional 508 facilities

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

- Total Number of Regulated Underground Storage Tank (UST) Facilities:
 - Upon Certification in 1995: 86
 - Current CUPA Evaluation: 45
 - A decrease of 41 facilities

- Total Number of Regulated Underground Storage Tanks (USTs):
 - Upon Certification in 1995: 233
 - Current CUPA Evaluation: 135
 - A decrease of 98 Underground Storage Tanks

- Total Number of Regulated Hazardous Waste Generator (HWGs) Facilities:
 - Upon Certification in 1995: listed as “unknown”
 - Current CUPA Evaluation: 397
 - An additional 397 facilities

- Total Number of Regulated Household Hazardous Waste (HHW) Facilities:
 - Household Hazardous Waste Facilities were not regulated under the Unified Program upon certification in 1996
 - Current CUPA Evaluation: 6
 - An addition of 6 facilities

- Total Number of Regulated Tiered Permitting Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):
 - Upon Certification in 1995: 15
 - Current CUPA Evaluation: 1
 - A decrease of 14 facilities

- Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:
 - RCRA LQG Facilities were not regulated under the Unified Program upon certification in 1995
 - Current CUPA Evaluation: 9

- Total Number of Regulated Risk Management Prevention Plan (RMPP) or California Accidental Release Prevention (CalARP) Program Facilities:
 - Upon Certification in 1995: 36
 - Current CUPA Evaluation: 11
 - A decrease of 25 facilities

- Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:
 - Upon Certification in 1995: 16 SPCC facilities
 - Current CUPA Evaluation: 136
 - An additional 120 facilities

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

Since the CUPA applied for certification in 1995, an expansion of responsibilities in the HMBP, HWG, and CalARP programs has occurred, increasing the workload undertaken by the CUPA to further implement regulatory oversight of each of these programs. Additionally, the management of compliance, monitoring, inspection, and enforcement information transitioned from the use of Unified Program Consolidated Forms (UPCFs) to the implementation of electronic data reporting through local data management systems and CERS.

The information below is a comparison of the overall full-time equivalent (FTE) of CUPA personnel allocated to implementation of the Unified Program upon certification of the CUPA with present-day circumstance. The information is sourced from the Napa County Department of Environmental Health 1995 CUPA application and the CUPA's Fiscal Year 2021/2022 Self-Audit report.

CUPA Personnel:

- Inspection and other Staff
 - Upon Certification in 1995:
 - 4 Staff, each in a Full-Time position= 4.00 FTEs
 - Currently:
 - 3 Staff, each in a Full-Time position= 3.00 FTEs
 - The 3 positions are inspector positions. Currently 1 position is vacant.
 - 1 Staff, in a Part-Time position= 0.25 FTE
 - The position is a Departmental support staff position.
- Supervisory and Management Staff
 - Upon Certification in 1995:
 - 1 Staff, in a Full-Time position= 1 FTE position
 - Currently:
 - 2 Staff, each in a Full-Time position= 2 FTEs

RECOMMENDATION:

Continue to conduct the annual review and update of the fee accountability program to determine the current necessary and reasonable costs to implement all aspects of the Unified Program.

10. OBSERVATION:

The information below is a summary of the overall implementation of the HWG Program and the CUPA's hazardous waste related activities based upon review of policies and procedures, CERS CME information, facility file information, information provided by the CUPA and Self-Audit Reports between October 1, 2019, and September 30, 2022.

- CERS finds 404 facilities self-identified as HWGs, 10 RCRA Large Quantity Generators (LQGs), and 1 Tiered Permitted facility.
- The three-year inspection frequency for all HWG facilities is currently being met.
 - 368 of 404 (91%) HWG facilities were inspected in the last three years.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

OBSERVATIONS AND RECOMMENDATIONS

- The CUPA conducted 395 total HWG inspections including “routine” and “other” inspection types.
 - The CUPA conducted 394 “routine” HWG inspections, of which 210 (53%) had no violations cited and 184 (47%) had at least one violation cited.
 - In the 184 “routine” inspections performed with at least one violation, 309 total violations were cited, consisting of:
 - 0 Class I violations,
 - 276 Class II violations, and
 - 33 minor violations.
- The CUPA has ensured RTC for 305 of 309 (99%) violations.
- The CUPA did not complete any formal enforcement actions for hazardous waste.
- Inspection reports contain detailed comments that note the factual basis of cited violations and indicate consent to inspect was requested prior to the inspection.
- The CUPA website refers to the DTSC webpages for regulatory requirements and provides information on filing complaints.

DTSC was unable to conduct oversight inspections due to COVID-19 restrictions.

RECOMMENDATION:

Continue with the three-year HWG inspection frequency and applied enforcement efforts in addition to generating quality inspection reports.

11. OBSERVATION:

Review of CERS information finds CERS ID 10156141 has three duplicate tanks listed due to improper reporting status.

RECOMMENDATION:

Work with the CERS Help Desk to amend the reporting statuses of the duplicate tanks. CERS must accurately reflect the number of tanks on site.