

October 20, 2023

Ms. Carmela Campbell
Economic and Community Development Director
City of Union City Environmental Programs Division
34009 Alvarado-Niles Road
Union City, California 94587-4497

Dear Ms. Campbell:

During November 2022, through September 2023, CalEPA and the Unified Program state agencies conducted a performance evaluation of the City of Union City Environmental Programs Division 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. 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 satisfactory with improvement needed.

To demonstrate progress towards the correction of program deficiencies and resolution of incidental findings identified in the final Summary of Findings report, the CUPA must submit an Evaluation Progress Report approximately 60 days from the date of this letter, and every 90 days thereafter, until all deficiencies and incidental findings identified have been acknowledged as corrected or resolved by each issuing state agency. An Evaluation Progress Report template will be provided by the CalEPA Team Lead. Each Evaluation Progress Report must be submitted to the CalEPA Team Lead, Timothy Brandt, via email at Timothy.Brandt@calepa.ca.gov, or uploaded to the established SharePoint website.

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

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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
Deputy Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

Mr. Andrew Block
Environmental Programs/CUPA Manager
City of Union City Environmental Programs Division
34009 Alvarado-Niles Road
Union City, California 94587-4497

Ms. Cheryl Prowell
Supervising Water Resource Control Engineer
State Water Resources Control Board

Mr. Tom Henderson
Engineering Geologist, UST Unit Coordinator
State Water Resources Control Board

Ms. Julie Pettijohn
Environmental Program Manager
CUPA Enforcement Branch
Department of Toxic Substances Control

Ryan Miya, Ph.D.
Senior Environmental Scientist, Supervisor
Department of Toxic Substances Control

Ms. Jennifer Lorenzo
Senior Environmental Scientist, Supervisor
CAL FIRE - Office of the State Fire Marshal

Ms. Jenna Hartman, REHS
Environmental Scientist
State Water Resources Control Board

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cc sent via email:

Ms. Kaitlin Cottrell
Environmental Scientist
State Water Resources Control Board

Ms. Magnolia Busse
Environmental Scientist
State Water Resources Control Board

Ms. Char'Mane Robinson
Environmental Scientist
State Water Resources Control Board

Ms. Mia Goings
Environmental Scientist
Department of Toxic Substances Control

Mr. Pheleep Sidhom
Environmental Scientist
Department of Toxic Substances Control

Ms. Denise Villanueva
Environmental Scientist
CAL FIRE - Office of the State Fire Marshal

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

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cc sent via email:

Mr. Garrett Chan
Environmental Scientist
California Environmental Protection Agency

Mr. Tim Brandt
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: City of Union City Environmental Programs Division

Evaluation Period: November 2022 through September 2023

Evaluation Team Members:

- **CalEPA Team Lead:** Timothy Brandt
- **DTSC:** Mia Goings, Matthew McCarron
- **CalEPA:** Garrett Chan
- **State Water Board:** Char'Mane Robinson, Kaitlin Cottrell, Jenna Hartman
- **CAL FIRE-OSFM:** Denise Villanueva

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 satisfactory with improvement needed.

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

Timothy Brandt
CalEPA Unified Program
Phone: (916) 323-2204
E-mail: Timothy.Brandt@calepa.ca.gov

The CUPA is required to submit an Evaluation Progress Report 60 days from the receipt of the 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 Timothy.Brandt@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 the 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 **December 22, 2023**.

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ACCOMPLISHMENTS, EXAMPLES OF OUTSTANDING IMPLEMENTATION, AND CHALLENGES

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 inspection frequency for APSA tank facilities with 10,000 gallons or more of petroleum. The CUPA ensured APSA tank facilities annually submitted a tank facility statement or a Hazardous Materials Business Plan (HMBP) in lieu of a tank facility statement to the California Environmental Reporting System (CERS).

2. UNION CITY CYBERATTACK AND IMPACTS OF THE CORONAVIRUS (COVID-19):

In September of 2019, the Union City Government computer systems fell victim to a cyberattack that affected most Union City data and electronic programs. As a result of this data breach, a large amount of data was lost and unable to be recovered. CUPA personnel dedicated a significant amount of time to rebuild and reestablish administrative processes within Union City after the cyberattack. This situation was exacerbated by the subsequent onset of the 2020 COVID-19 pandemic that further reduced the ability of CUPA staff to conduct routine inspections at Unified Program facilities during the first half of 2020.

3. LIMITED STAFFING:

Currently, there is one fulfilled full-time staff position responsible for conducting all program element inspections and managing the over 300 Unified Program regulated facilities within the jurisdiction of the CUPA. The CUPA manager periodically conducts routine UST facility inspections to aid in Unified Program implementation.

4. INSPECTION & ENFORCEMENT:

The CUPA has expanded efforts to successfully apply formal enforcement when facilities cited with violations fail to return to compliance (RTC). Since the last CUPA Performance Evaluation, three Administrative Enforcement Orders (AEOs) have been issued to facilities within Union City. The CUPA plans to continue utilizing the AEO process as part of the progressive enforcement program to help ensure RTC is obtained by regulated facilities.

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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 is not consistently following up and documenting RTC information in CERS for Hazardous Waste Generator (HWG) Program facilities cited with violations.

The CUPA is not consistently ensuring RTC is obtained for cited HWG Program violations within 30 days.

Review of inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information, in CERS between October 1, 2016, and July 31, 2022, finds:

- There is no documented RTC for the following HWG Program violations:
 - 46 of 309 (15%), of which 35 (76%) are classified as a minor violation
 - 19 of 62 (31%) cited between October 1, 2019, and July 31, 2022
 - 27 of 247 (11%) cited between October 1, 2016, and September 30, 2019
- The CUPA did not follow up with the following facilities to ensure RTC was obtained for cited violations until the subsequent re-inspection:
 - CERS ID 10003495
 - Inspection dated July 16, 2019, cites violations.
 - The facility did not RTC.
 - The CUPA did not follow up with the facility until the re-inspection dated February 14, 2023.
 - CERS ID 10339162
 - Inspection dated August 27, 2018, cites violations.
 - The facility did not RTC.
 - The CUPA did not follow up with the facility until the re-inspection dated March 1, 2022.
 - CERS ID 10130674
 - Inspection dated November 11, 2017, cites violations.
 - The facility did not RTC.
 - The CUPA did not follow up with the facility.
- RTC was not obtained within 30 days of being cited for the following minor violations:
 - 168 obtained RTC over 35 days
 - 93 obtained RTC over 90 days
 - CERS ID 10130674
 - Inspection dated January 4, 2017, cites violations.
 - CERS indicates RTC was obtained on June 4, 2018, and October 1, 2018, which are beyond the scheduled RTC timeframe.
 - No follow-up actions are noted in the data management system or facility file.

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DEFICIENCIES REQUIRING CORRECTION

- CERS ID 10003414
 - Inspection dated June 8, 2017, cites violations.
 - CERS indicates RTC was obtained on December 18, 2019, which is beyond the scheduled RTC timeframe.
 - No follow-up actions are noted in the data management system or facility file.
- CERS ID 10339252
 - Inspection dated October 12, 2017, cites violations.
 - CERS indicates RTC was obtained on April 6, 2020, which is beyond the scheduled RTC timeframe.
 - No follow-up actions were noted in the data management system or facility file.

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

CITATION:

California Health and Safety Code (HSC), Chapter 6.5, Sections 25110.8.5, 25117.6, and 25187.8(b) and (g)

HSC, Chapter 6.7, Section 25288(d)

HSC, Chapter 6.11, Section 25404.1.2(c)

California Code of Regulations (CCR), Title 27, Sections 15185(a) and (c) and 15200(a) and (e)
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review, revise the Inspection and Enforcement (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, and
- document RTC in CERS.

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 facility with an open violation (no RTC) cited between October 1, 2016, and July 31, 2022:

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date (when applicable);
- RTC qualifier; and

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DEFICIENCIES REQUIRING CORRECTION

- In the absence of obtained RTC, a narrative of any applied enforcement or follow-up activity applied by the CUPA to ensure the facility obtains RTC. The CUPA is encouraged to ensure the I&E Plan is implemented to pursue compliance at facilities.

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 2nd Progress Report, if amendments to the revised I&E Plan, or other applicable procedure are necessary based on feedback from DTSC, 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 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 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 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 in attendance. Once training is complete, the CUPA will implement the amended I&E Plan or other applicable procedure.

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three HWG facility records, as requested by DTSC, that include RTC documentation, or a narrative of the enforcement applied by the CUPA in the absence of RTC.

2. DEFICIENCY:

The CUPA is not properly reviewing, processing, and authorizing each annual Onsite Hazardous Waste Treatment Notification for Permit-By-Rule (PBR) facilities with a Fixed Treatment Unit (FTU) within 45 calendar days of receiving it.

During the 45-day review process the CUPA must:

- Authorize operation of the FTU; or
- Deny authorization of the FTU in accordance with PBR laws and regulations; or
- Notify the owner/operator that the notification submittal is inaccurate or incomplete.

Review of CERS CME information finds 6 of 6 (100%) PBR Onsite Hazardous Waste Treatment Notifications submitted between October 1, 2016, and July 31, 2022, were not reviewed, processed, or authorized by the CUPA within 45 days of receipt. Examples include:

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DEFICIENCIES REQUIRING CORRECTION

- CERS ID 10003522
 - PBR notification submitted February 17, 2017, and marked Not Applicable May 16, 2017
 - PBR notification submitted February 23, 2017, and denied May 16, 2017
- CERS ID 10130674
 - PBR notification submitted March 1, 2017, and authorized July 6, 2017
 - PBR notification submitted August 7, 2017, and authorized November 8, 2019
 - PBR notification submitted October 20, 2021, and authorized December 20, 2021

Note: During the evaluation, the CUPA articulated the challenge of processing TP submittals timely due to limited staffing, technical difficulties with CERS, limited time availability of the sole inspector, and the accumulation of workload.

CITATION:

CCR, Title 22, Sections 67450.2(b)(4) and 67450.3(c)(1) and (d)
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide inspectors with Tiered Permit (TP) program training regarding how to accurately review, process, and authorize Onsite Hazardous Waste Treatment Notifications within the 45-day review process by either:

- Authorizing operation of the FTU; or
- Denying authorization of the FTU in accordance with PBR laws and regulations; or
- Notifying the owner/operator that the notification submittal is inaccurate or incomplete.

The CUPA will provide CalEPA with training documentation, which at minimum will include the date training was conducted, an outline of the training conducted, and a list of CUPA inspection staff in attendance.

Note: TP Program training videos are available on the California Certified Unified Program Agency Forum Board website at: <https://www.youtube.com/user/orangetreeweb/videos>. Additional TP program training assistance may also be requested from DTSC.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide an update to CalEPA on the status of the progress made toward accurately reviewing, processing, and authorizing each Onsite Hazardous Waste Treatment Notification that has not been reviewed within 45-days and ensure annual notification submittals are accurate, correct, and represent the actual waste treatment systems used at the notifying facility.

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DEFICIENCIES REQUIRING CORRECTION

3. DEFICIENCY:

The CUPA did not consistently document all observations, factual basis, and corrective action documentation for each violation cited, nor each violation identified during the inspection in HWG and TP inspection reports.

Review of HWG and TP facility inspection reports, CERS CME information, and Notices of Violation finds inadequate or improper documentation of cited violations for the following facilities:

- CERS ID 10726582: inspection dated August 1, 2017
 - The following violations are cited on the inspection report:
 - employees are not thoroughly familiar with all waste handling and emergency procedures
 - failure to dispose of hazardous waste within 180 days of accumulation start date
 - failure to accumulate hazardous waste in containers that are in good condition
 - failure to inspect all hazardous waste storage areas at least weekly.
 - The inspection report does not document observations, factual basis, and corrective actions for each violation.
- CERS ID 10003480: inspection dated September 20, 2018
 - The following violation is cited on the inspection report:
 - failure to label all containers or portable tanks containing hazardous waste.
 - The inspection report does not document observations, factual basis, and corrective actions for the violation.
- CERS ID 10003738: inspection dated January 31, 2019
 - The following violations are cited on the inspection report:
 - failure dispose of hazardous waste within 180 days of accumulation
 - “Release/Leaks/Spills – General.”
 - The inspection report does not document observations, factual basis, and corrective actions for each violation.
- CERS ID 10003738: inspection dated June 20, 2022
 - The following corrective actions are cited on the inspection report:
 - “Provide a general cleanup of secondary containment of residual oil product that is pooled. Going forward, advise employees that are emptying containers to proceed more carefully so as not to spill product during process. If residual oil product remains in the secondary containment, it is no longer ‘secondary containment’ but primary and must be cleaned up. All hazardous waste containers must remain closed unless adding or removing wastes.”
 - The inspection report states that several points, including but not limited to the following, were not observed:
 - facility inspects all hazardous waste storage areas at least weekly, incompatible waste in containers managed properly to prevent a reaction, facility maintains and operates the facility to minimize the possibility of

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- fire/explosion/release, the facility transfers or disposes all universal waste to an appropriate destination facility.
- The inspection report does not adequately document the specific violations relative to the documented corrective actions, observations and factual basis noted.
 - CERS ID 10003570: inspection dated September 21, 2021
 - The following violation is cited on the inspection report:
 - failure to dispose of hazardous waste within 180 days of accumulation start date.
 - The inspection report states that several points, including but not limited to the following, were not observed:
 - all consolidated manifest requirements are met, the facility inspects all hazardous waste storage areas at least weekly, incompatible waste in containers managed properly to prevent a reaction, and empty containers >5 gallons properly managed.
 - The inspection report does not adequately document the corrective actions for the violation and the items identified as “not observed” on the inspection report.

Note: This deficiency was identified in the 2017 CUPA Performance Evaluation and was corrected during the Evaluation Progress Report process.

Note: The CUPA utilizes two different inspection checklists. One includes a check box for each of the following points: no violation; not applicable; not observed; and out of compliance. Typically, the “not observed” box is checked when the inspector cannot confidently state a facility is performing a given action identified on the inspection checklist, or when the necessary facility documentation or personnel are unavailable to verify. Additionally, CUPA inspectors provide corrective actions to facility operators via email, as an informal set of instructions that better clarify the regulatory requirements. This practice has improved comprehension of regulatory requirements among facility representatives and has also improved the rate of RTC. The CUPA should continue to communicate with facilities following inspections in this way if it leads to greater success in achieving facility compliance, however violations must be cited by inspectors when violations are present.

CITATION:

HSC, Chapter 6.5, Section 25185(c)(2)(A)
[DTSC]

CORRECTIVE ACTION:

By the 2nd Progress Report, the CUPA will provide inspection report writing training to each CUPA inspector to ensure HWG and TP inspection reports include all violations, observations, factual basis, and corrective actions. The CUPA may include review of HSC, Section 25185(c)(2)(A) as part of the inspector training.

The CUPA will provide CalEPA with training documentation, which at minimum will include the date training was conducted, an outline of the training conducted, and a list of CUPA personnel in attendance.

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DEFICIENCIES REQUIRING CORRECTION

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an inspection report citing at least one HWG violation, for three HWG and/or TP facilities, as requested by DTSC, that have been inspected after training has been completed and within the last three months. Each inspection report will contain violations, observations, factual basis, and corrective actions to correctly identify and classify each observed HWG and/or TP violation.

4. DEFICIENCY:

The I&E Plan has not been reviewed or revised annually.
The I&E Plan reflects a revision date of January 2018.

The I&E Plan has required components that are incomplete.

The following components are incomplete:

- Provisions for ensuring sampling capability.
 - Though the I&E Plan discusses use of a certified laboratory for sample analysis and collecting/using samples as evidence in several places, it does not describe the sampling capabilities of the CUPA. Sampling capability information should include training, identification of sampling equipment, methods to preserve physical evidence obtained through sampling and testing information. This information was required when the CUPA became certified and is necessary to proceed with any potential enforcement actions as needed.

Note: This deficiency was identified in the 2017 CUPA Performance Evaluation and was corrected during the Evaluation Progress Report process.

CITATION:

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the I&E Plan to adequately incorporate and correctly address all required components. The CUPA will provide the revised I&E Plan to CalEPA.

By the 2nd Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from CalEPA and/or DTSC, the CUPA will provide the amended I&E Plan to CalEPA. If no amendments are necessary, the CUPA will train CUPA personnel on the revised I&E Plan. With each subsequent annual review, or upon revision, the CUPA will ensure the I&E Plan reflects a date of review and/or revision. 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. Once training is complete, the CUPA will implement the revised I&E Plan.

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By the 3rd Progress Report, if amendments to the revised I&E Plan were necessary, the CUPA will train CUPA personnel on the amended I&E Plan. With each subsequent annual review, or upon revision, the CUPA will ensure the I&E Plan reflects a date of review and/or revision. 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. Once training is complete, the CUPA will implement the amended I&E Plan.

5. DEFICIENCY:

The CUPA is not ensuring all businesses subject to Business Plan reporting requirements annually submit an HMBP or a no-change certification to CERS.

As of February 8, 2023, review of HMBPs submitted to CERS by regulated businesses subject to Business Plan reporting requirements and CUPA's data finds:

- 90 of 276 (33%) business plan facilities have not submitted a chemical inventory (including site map) or a no-change certification within the last 12 months.
- 93 of 279 (34%) business plan facilities have not submitted emergency response and employee training plans or a no-change certification within the last 12 months.

CITATION:

HSC, Chapter 6.95, Sections 25505(a), 25508(a) and 25508.2
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure all business subject to business plan reporting requirements annually submit an HMBP or a no-change certification in CERS.

By the 2nd 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 business subject to business plan reporting requirements that has not submitted an HMBP or a no-change certification to CERS within the last 12 months:

- Facility name;
- CERS ID;
- Follow-up actions including:
 - Recent review, acceptance, and rejection of an incomplete HMBP or no-change certification; and
 - Enforcement applied by the CUPA to ensure an HMBP or no-change certification is annually submitted to CERS.

By the 4th Progress Report, the CUPA will follow up with each facility subject to business plan reporting requirements identified in the sortable spreadsheet provided with the 2nd Progress

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Report, to ensure each business annually submits an HMBP or a no-change certification to CERS, or the CUPA will have applied enforcement.

6. DEFICIENCY:

The CUPA is not inspecting each facility subject to California Accidental Release Prevention (CalARP) Program requirements at least once every three years.

Review of CERS CME information between January 1, 2020, and December 31, 2022, finds:

- 2 of 3 (67%) CalARP facilities were not inspected within the last three years.

CITATION:

HSC, Chapter 6.95, Section 25537(a)
CCR, Title 19, Section 2775.3
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each facility subject to CalARP Program requirements is inspected at least once every three years. The action plan will include, at minimum:

- An analysis and explanation as to why the inspection frequency for each CalARP Program facility is not being met. Factors to consider include existing inspection staff resources and the number of facilities scheduled to be inspected each year, response to declared emergencies such as wildfire response and recovery efforts and impacts of COVID-19.
- A sortable spreadsheet exported from the CUPA's data management system or CERS, identifying each CalARP Program facility that has not been inspected within the last three years. For each CalARP Program 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 CalARP Program facility that has not been inspected within the last three years, prioritizing the most delinquent inspections to be completed prior to any other CalARP Program inspection based on risk.
- Future steps to ensure all CalARP Program facilities will be inspected at least once every three years.

By the 2nd Progress Report, the CUPA will, if necessary, revise the action plan based on feedback from CalEPA. The CUPA will provide the revised action plan to CalEPA.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated sortable spreadsheet and a brief narrative of how the CUPA is continuing to ensure that all CalARP Program facilities will be inspected at least once every three years.

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By the 5th Progress Report, the CUPA will have inspected each CalARP Program facility at least once in the last three years.

7. DEFICIENCY:

The CUPA is not annually completing a Self-Audit Report.

A Self-Audit Report is required to be completed by September 30th of each year for the preceding Fiscal Year (FY).

The CUPA did not complete an annual Self-Audit Report for FYs 2019/2020 and 2020/2021.

Note: The CUPA did complete a Self-Audit Report for FY 2021/2022 prior to September 30, 2022, which meets the requirements of Title 27, Section 15280(c).

Note: This deficiency was identified in the 2017 CUPA Performance Evaluation and was corrected during the Evaluation Progress Report process.

CITATION:

CCR, Title 27, Section 15280(c)
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, or September 30, 2023, (whichever occurs first), the CUPA will provide CalEPA with a completed Self-Audit Report for FY 2022/2023 that includes all required components and incorporates a date of compilation to demonstrate the report was compiled by September 30th.

For each subsequent FY, the CUPA will complete a Self-Audit Report that includes all required components and incorporates a date of completion to demonstrate the report was compiled by September 30th.

8. DEFICIENCY:

The Underground Storage Tank (UST) operating permit and permit conditions, issued under the "Permit to Operate," as the Unified Program Facility Permit (UPFP), are inconsistent with HSC, CCR, Title 23, Division 3, Chapter 16 (UST Regulations) requirements, and the Union City Municipal Code.

Review of UST operating permits and permit conditions finds the following inconsistencies with HSC and UST Regulation requirements, and the Union City Municipal Code:

- The UST operating permit includes provisions for HSC, Division 20, Chapter 6.75. The CUPA does not have regulatory authority to implement cleanup of USTs, and therefore cannot cite HSC, Division 20, Chapter 6.75. The correct citations as follows:
 - UST Regulations Sections 2610 through 2717.7;

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- HSC Sections 25280 through 25296 and 25298 through 25299.6.
- The UST operating permit states the permit is subject to suspension or revocation. The CUPA does not have authority to suspend a UST operating permit as this requirement is inconsistent with and more stringent than HSC and UST Regulations.
- UST operating permits have been issued on March 1, 2022, with an expiration date of January 12, 2024.
 - A valid timeframe of nearly two years is inconsistent with the Union City Municipal Code, Section 15.22.080 (D) which states, “Unified Program facility permits required by this chapter shall be renewed annually” and with the CUPA’s Permit Review and Issuance Policy Section XII. (4) which states, “The consolidated Permit and Underground Storage Tank Operating Permit are valid for one year.”

CITATION:

HSC, Chapter 6.7, Section 25283(b)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop and provide CalEPA with an action plan to ensure each UST permit is issued in accordance with the Union City Municipal Code, Section 15.22.080(D) and the Permit Review and Issuance Policy Section XII. (4). The action plan will include, at minimum:

- An analysis and explanation as to why the UST Operating Permit is not being issued in accordance with the Union City Municipal Code, Section 15.22.080(D) and the Permit Review and Issuance Policy Section XII. (4).
- A strategy to ensure the UST Operating Permit is issued in accordance with the Union City Municipal Code, Section 15.22.080(D) and the Permit Review and Issuance Policy Section XII. (4).

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will consult with the State Water Board to revise and amend the UST operating permit and permit conditions template, issued under the “Permit to Operate” as the UPPF, to be consistent with HSC, UST Regulations, and the Union City Municipal Code. The CUPA will provide the revised UST operating permit and permit conditions template to CalEPA.

When determined by the State Water Board to be consistent with HSC, UST Regulations and the Union City Municipal Code, the CUPA will begin to issue the approved UST operating permit and permit conditions template under the “Permit to Operate” as the UPPF.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will revise the action plan based on feedback from the State Water Board and will provide the revised action plan to CalEPA.

By the 3rd Progress Report, the CUPA will provide CalEPA with the “Permit to Operate” issued to five UST facilities using the approved UST operating permit and permit conditions template.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

9. DEFICIENCY:

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 to CERS when violations are cited, including technical compliance rate (TCR) criteria. TCR is a performance measure developed by the United States Environmental Protection Agency (USEPA) that is required to be reported by all states semiannually. The CUPA provides paperless reporting of TCR data as part of Report 6 through CERS.

Review of annual UST compliance inspection reports, associated testing and leak detection documents, and CERS CME information finds the following instances when violations are identified on Annual Monitoring Certifications and are not reported to CERS:

- CERS ID 10899145:
 - Annual Monitoring Certification dated June 16, 2022, cites “Turbine did not shut down.” Re-test of failing components in the Annual Monitoring Certification dated June 20, 2022, passed.
 - The violation was not identified on the inspection report or issued in CERS for violation “2030017 Double-Walled Pressurized Pipe - Monitoring - In Lieu of 12 Month Line Integrity Test (USEPATCR 9d).”
- CERS ID 10003291:
 - Annual Monitoring Certification dated January 18, 2021, cites "Replaced Vac Sensors on S10, S11, and S12. Tested and passed."
 - The violation was not identified on the inspection report or issued in CERS for violation (2030043 – Monitoring Equipment (USEPATCR 9d).”
- CERS ID 10003402:
 - Annual compliance inspection report dated January 17, 2020, cites “Interstitial space equipped with 409 sensor failed. Technician replaced and retested, passed.”
 - The violation is listed as a comment on the inspection report but not issued in CERS for violation (2030043 – Monitoring Equipment (USEPATCR 9d).”
- CERS ID 10154389:
 - Annual Compliance Inspection report dated December 11, 2019, cites “DW steel tank/fiberglass coated/suction system Direct bury spill bucket failed/technician replaced the cap and retested – pass.”
 - The violation is listed as a comment on the inspection report but not issued in CERS for violation (2060020 – Spill Prevention (USEPATCR 9c).”

Note: The examples provided above do not represent all instances of this deficiency. The examples provided above are TCR violations not being reported to CERS, and therefore are being reported incorrectly to the State Water Board as part of Report 6. These unreported violations adversely affect the TCR reported to USEPA by the State Water Board. If the above listed violations had been documented in CERS, the TCR reported as part of Report 6 for that time period would have been lower.

The CUPA’s TCR for all five reporting events ranged from the 86th through 94th percentile in comparison with the average TCR for California during the specified reporting period.

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**UNIFIED PROGRAM PERFORMANCE EVALUATION
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DEFICIENCIES REQUIRING CORRECTION

CITATION:

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

CORRECTIVE ACTION:

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

- Documenting and reporting UST compliance inspections and observed noncompliance identified in UST compliance inspection reports to CERS.
- Quality assurance to ensure violation data used as part of Report 6 is accurately reported to CERS.

The CUPA will provide CalEPA with the revised I&E Plan, or other applicable procedure. The CUPA will contact the State Water Board for any assistance needed.

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. The State Water Board will assist the CUPA with training upon request. 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 or other applicable procedure.

By the 3rd Progress Report, if amendments to the revised I&E Plan or other applicable procedure were necessary, the CUPA will train UST inspection staff on the amended I&E Plan, or other applicable procedure. The State Water Board will assist the CUPA with training upon request. 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 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, and associated testing and leak detection documents.

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DEFICIENCIES REQUIRING CORRECTION

The State Water Board will review TCR information in Report 6 and CERS for two consecutive Report 6 reporting periods to determine if the CUPA is consistently reporting all UST violations in CERS when violations are cited on UST inspection reports.

10. DEFICIENCY: CORRECTED DURING EVALUATION

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 2019/2020
 - 1st Fiscal Quarter:
 - Due October 30, 2019, submitted December 19, 2019
 - 2nd Fiscal Quarter:
 - Due January 30, 2020, submitted May 26, 2020
 - 3rd Fiscal Quarter:
 - Due April 30, 2020, submitted May 26, 2020
 - 4th Fiscal Quarter:
 - Due July 30, 2020, submitted August 11, 2020
- FY 2020/2021
 - 4th Fiscal Quarter:
 - Due July 30, 2021, submitted August 17, 2021
 - Note: No state surcharges were collected during the 1st, 2nd, or 3rd Fiscal Quarters, thus a Quarterly Surcharge Transmittal Report was not required to be submitted.
- FY 2021/2022
 - 4th Fiscal Quarter:
 - Due July 30, 2022, submitted August 4, 2022
 - Note: Quarterly Surcharge Transmittal Reports for the 1st, 2nd, and 3rd Fiscal Quarters were submitted by the required due date.

CITATION:

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

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA provided CalEPA with Quarterly Surcharge Transmittal Reports for all four Fiscal Quarters of FY 2022/2023. Each report was submitted on time and using the correct template. This deficiency is considered corrected during the evaluation. No further action is required.

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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 indicated as required by regulation or statute.

1. INCIDENTAL FINDING:

The CUPA is not inspecting each HWG facility once every three years, per the inspection frequency established in the I&E Plan.

Review of facility files and CERS CME information between October 1, 2016, and July 31, 2022, and additional information provided by the CUPA finds:

- 14 of 161 (9%) HWG facilities were not inspected between October 1, 2016, and September 30, 2019.
- 64 of 161 (40%) HWG facilities were not inspected between October 1, 2019, and July 31, 2022.

Note: This incidental finding was identified as a deficiency in the 2017 CUPA Performance Evaluation and was corrected during the Progress Report process.

Note: 58 HWG facilities were inspected between August 1, 2021, and July 31, 2022. This is consistent with the CUPA's statement in the Self-Audit Report for FY 2021/2022 that inspection frequency targets were met.

CITATION:

HSC, Chapter 6.5, Section 25201.4(b)(2)
CCR, Title 27, Section 15200(a)(3)(A)
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each HWG facility is inspected once every three years. The action plan will include, at minimum:

- A sortable spreadsheet exported from the CUPA's data management system or CERS, identifying each HWG facility that has not been inspected once every three years. For each HWG facility listed, the sortable spreadsheet will include, at minimum:
 - Facility name,
 - CERS ID,
 - Date of the last routine inspection, and
 - Tentative date of the next routine inspection, prioritizing the most delinquent inspections to be completed prior to any other HWG facility inspection based on risk.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- Future steps to ensure that all HWG facilities will be inspected once every three years (for example, the generation of a list of all HWG facilities and the anniversary date of the next routine HWG inspection for each listed facility).

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

By the 5th Progress Report, the CUPA will have inspected each HWG facility identified in the sortable spreadsheet provided with the 1st Progress Report.

2. INCIDENTAL FINDING:

The CUPA is not consistently reporting complete and accurate CME information to CERS for the HWG Program.

Review of CERS CME information, inspection reports and other information provided by the CUPA finds:

- CERS ID 10003480: Inspection dated September 20, 2018, is not reported in CERS.
- CERS ID 10454368: Inspection dated December 21, 2016, is not reported in CERS.

CITATION:

HSC, Chapter 6.11, Section 25404(e)(4)
CCR, Title 27, Sections 15187(c) and 15290(a)(3) and (b)
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan for reporting HWG Program CME information consistently and correctly to CERS. The action plan will include, at minimum, the following:

- Identification and correction of the cause(s) of missing or incorrect HWG Program CME information reported to CERS, including any data transfer from the CUPA's data management system to CERS;
- Review and revision of the CME reporting component of the Data Management Procedure, or other applicable procedure, to ensure HWG Program CME information is consistently and correctly reported to CERS.
- Identification of all HWG Program CME information not previously reported to CERS, or reported to CERS incorrectly between October 1, 2016, and July 31, 2022
- A process for reporting HWG Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS, including CME information for any revised inspection reports;
- A process for ensuring CUPA personnel and inspectors are trained in the consistent use of the most recent violation classifications and citations of the CUPA's data management system or CERS violation type numbers; and

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- Future steps to ensure all HWG Program CME information is consistently and correctly reported to CERS. This may generate the need for a comparison of HWG Program CME information in the CUPA's data management system with CERS to identify CME information not being reported or being reported incorrectly to CERS through electronic data transfer (EDT).

By The 2nd Progress Report, if amendments to the revised CME reporting component of the Data Management Procedure, or other applicable procedure are necessary based on feedback from DTSC, the CUPA will provide CalEPA with the amended CME reporting component of the Data Management Procedure, or other applicable procedure. If amendments are not necessary, the CUPA will train CUPA personnel on the revised CME reporting component of the Data Management Procedure or other applicable procedure. Once training is complete, the CUPA will implement the revised CME reporting component of the Data Management Procedure or other applicable procedure.

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three HWG facility records, as requested by DTSC, that include RTC documentation or an inspection report.

By the 5th Progress Report, the CUPA will provide complete and accurate HWG Program CME information to CERS and a statement upon completion confirming all HWG Program CME information not previously reported to CERS, or previously reported incorrectly to CERS between October 1, 2016, and July 31, 2022, has been reported to CERS correctly. If all HWG Program CME information has not been correctly reported to CERS, the CUPA will provide a narrative update on the progress made towards resolving this incidental finding.

3. INCIDENTAL FINDING:

The CUPA is not properly classifying HWG Program violations.

Review of CERS CME information between October 1, 2016, and July 31, 2022, finds Class I or Class II HWG Program violations were classified as minor violations in the following instances:

- Violation for exceedance of authorized accumulation time (CCR, Title 22, Section 66262.34) incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined described in HSC, Section 25404(a)(3).
 - The following 14 of 17 (82%) violations cited between October 16, 2016, through July 31, 2022, for exceedance of accumulation timeframe were classified as minor:
 - CERS ID 10338958: inspection dated October 4, 2016
 - CERS ID 10003414: inspection dated June 8, 2017
 - CERS ID 10003645: inspection dated June 28, 2017
 - CERS ID 10471360: inspection dated October 19, 2017

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- CERS ID 10339006: inspection dated December 7, 2017
 - CERS ID 10003726: inspection dated July 20, 2018
 - CERS ID 10339102: inspection dated July 23, 2018
 - CERS ID 10003738: inspection dated January 31, 2019
 - CERS ID 10003345: inspection dated February 19, 2019
 - CERS ID 10003240: inspection dated February 20, 2019
 - CERS ID 10003495: inspection dated July 16, 2019
 - CERS ID 10003165: inspection dated October 17, 2019
 - CERS ID 10339123: inspection dated January 22, 2020
 - CERS ID 10338973: inspection dated September 8, 2020
- Violation for failure to accumulate or store hazardous waste in containers made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored (CCR, Title 22, Section 66262.34) incorrectly cited as a minor violation. Failure to store hazardous wastes in containers which will not react with, and are otherwise compatible with, the hazardous waste to be stored may result in a significant threat to human health or safety or the environment. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - The following 2 of 3 (67%) violations cited between October 1, 2016, and July 31, 2022, for failure to accumulate or store hazardous waste in containers made of or line with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored were cited as a minor violation:
 - CERS ID 10339036: inspection date May 28, 2019
 - CERS ID 10338973: inspection date September 8, 2020
 - Violation for failure to accumulate hazardous waste in a container that is in good condition (CCR, Title 22, Section 66262.34) incorrectly cited as a minor violation. Storage of hazardous waste in damaged containers may lead to a release of hazardous waste to the environment. Failure to accumulate hazardous waste in a container that is in good condition may result in a failure to prevent releases of hazardous waste or constituents to the environment. This does not meet the definition of a minor violation as defined in HSC, Section 25404(a)(3).
 - The following 5 of 6 (83%) violations cited between October 1, 2016, and July 31, 2022, for failure to accumulate hazardous waste in a container that is in good condition were cited as a minor violation:
 - CERS ID 10003414: inspection dated June 8, 2017
 - CERS ID 10003177: inspection dated July 25, 2018
 - CERS ID 10003342: inspection dated August 28, 2018
 - CERS ID 10339162: inspection dated August 31, 2018
 - CERS ID 10338973: inspection dated September 8, 2020
 - Violation for failure to equip a continuously fed hazardous waste tank with a means to stop the inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank) (CCR, Title 22, Section 66262.34) incorrectly cited as a minor violation. Failure to equip a continuously fed hazardous waste tank with a means to stop the inflow may result in a

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- failure to prevent releases of hazardous waste or constituents to the environment. This does not meet the definition of a minor violation as defined in HSC, Section 25404(a)(3).
- The following 2 of 2 (100%) violations cited between October 1, 2016, through July 31, 2022, for failure to equip a continuously fed hazardous waste tank with a means to stop the inflow were cited as a minor violation:
 - CERS ID 10440226: inspection dated April 3, 2017
 - CERS ID 10003420: inspection dated April 27, 2017
 - Violation for failure to minimize the possibility of a fire, explosion, or release of hazardous waste to the environment [CCR, Title 22, Sections 66262.34 (d)(2) and 66265.31] incorrectly cited as a minor violation. Failure to minimize the possibility of a fire, explosion, or release may pose a significant threat to human health or safety or the environment, or failure to ensure prevention of releases of hazardous waste or constituents to the environment. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - The following 1 of 4 (25%) violations cited between October 1, 2016, and July 31, 2022, for failure to minimize the possibility of a fire, explosion, or release of a hazardous waste to the environment was cited as a minor violation:
 - CERS ID 10339117: inspection date August 9, 2018

Note: During the evaluation, the CUPA articulated that each of the inspections identified above took place prior to the local data management system transition from Accela to Digital Health Department (DHD) and that the observed incidences of violation misclassification are likely due to issues with the software or the transfer between data systems rather than CUPA personnel. Review of a spreadsheet provided by the CUPA containing all hazardous waste violations cited after the transition from Accela to DHD, found no misclassification of HWG Program violations.

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6
HSC, Chapter 6.11, Sections 25404(a)(3)
CCR, Title 22, Section 66260.10
[DTSC]

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 Class I, and Class II violations, as defined in HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6 and CCR, Title 22, Section 66260.10.

The CUPA will train inspection staff on how to properly classify HWG Program violations as minor, Class I and Class II. Training should include, at minimum, review the following:

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- 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>
This document provides examples of what is considered minor versus non-minor violations.

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 inspection staff in attendance.

4. INCIDENTAL FINDING:

The annual CalARP performance audit report for FY 2021/2022 is missing required elements and has incomplete required elements.

The following elements are missing:

- A listing of stationary sources which have been requested to develop RMPs
- A listing of stationary sources which have received public comments on the RMP

The following element is incomplete

- A summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP program

CITATION:

CCR, Title 19, Section 2780.5(b)
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with the most recent annual CalARP performance audit report, which will include the missing and incomplete elements identified above.

5. INCIDENTAL FINDING:

The 2020 area plan is missing a required element.

Review of the 2020 area plan finds the following element is missing:

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- Provisions for access to state approved and permitted hazardous waste disposal facilities and emergency response contractors.

CITATION:

HSC, Chapter 6.95, Section 25503(d)(2)
CCR, Title 19, Sections 2640 and 2642 through 2648
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will certify to CalEPA that a complete review of the area plan has been conducted and any necessary revisions have been made. Upon review of the area plan, the CUPA will ensure all required elements are present, and that emergency contact information is current. The CUPA will provide CalEPA with the reviewed and revised area plan.

6. INCIDENTAL FINDING:

The CUPA is not consistently following up and documenting RTC information in CERS for APSA tank facilities cited with violations.

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

- FY 2021/2022
 - 5 of 5 (100%) violations

CITATION:

HSC Chapter 6.11, Section 25404.1.2(c)
CCR, Title 27, Sections 15185(a) and (c) and 15200(a) and (e)
[OSFM]

RESOLUTION:

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 APSA tank facility with an open violation (no RTC) cited between July 1, 2021, and June 30, 2022:

- 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, a narrative of the enforcement applied by the CUPA in accordance with the I&E Plan.

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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 3rd Progress Report and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three APSA tank facility records, as requested by OSFM, that include RTC documentation, or a narrative of the enforcement applied by the CUPA in the absence of RTC.

7. INCIDENTAL FINDING:

The CUPA did not provide CalEPA with a Formal Enforcement Summary Report within 30 days of a judgement being issued or for each formal enforcement case that received a final judgement.

A Formal Enforcement Summary Report was not provided for the formal enforcement cases against the following facilities:

- CERS ID 10339264
- CERS ID 10119970

A Formal Enforcement Summary Report was provided to CalEPA more than 30 days after a judgement was issued for the following facility:

- CERS ID 10003423

CITATION:

CCR, Title 27, Section 15290(a)(5)
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a Formal Enforcement Summary Report for each formal enforcement case that has received a final judgement for which a Formal Enforcement Summary Report has not yet been provided.

The CUPA will ensure a Formal Enforcement Summary Report is completed and provided to CalEPA within 30 days of any future final judgment being issued. The following information relates to the completion and submittal of a Formal Enforcement Summary Report:

- The Formal Enforcement Summary Report template is available at: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Template-ADA-05.2019.pdf?emrc=d24388>
- Instructions for completing the Formal Enforcement Summary Report template are available at: https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Instructions_9.9.2021.pdf?emrc=dc4518
- Completed Formal Enforcement Summary Reports shall be submitted via email to CUPA@calepa.ca.gov

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

8. INCIDENTAL FINDING:

The I&E Plan and “Permit Review and Issuance Policy” are inconsistent with UST Regulations and HSC.

The I&E Plan is inconsistent with UST Regulations and HSC as follows:

- Page 34 states “Note: HSC Section 25285(b) states that the local agency shall not issue or renew a permit if the local agency inspects the tank and determines that the tank does not comply with UST laws.”
 - Beginning January 1, 2019, HSC, Section 25285(b) states a local agency shall not issue or renew a permit if a red tag is affixed or if the facility is subject to an enforcement action.
- Page 36 states “...HSC Section 25285.1 allows UCEPD to revoke an underground storage tank permit for cause, including, but not limited to, any of the following...UCEPD may also refer to DTSC conditional authorization, conditional exemption or Permit-by-Rule (PBR) facilities for permit revocation or suspension pursuant to HSC Section 25186.7.”
 - HSC, Section 25285.1 refers to revocation or modification of a UST operating permit and does not include permit requirements for other unified program elements.
- Page 39 states “No owner or operator of a UST system may deposit or allow for the deposit of any petroleum product into a UST which has a red tag affixed.”
 - Beginning January 1, 2019, no person shall input or withdraw from a UST that has a red tag affixed to its fill pipe, except to empty the UST pursuant to a directive from the CUPA or the State Water Board in accordance with HSC, Section 25292.3(a)(2)(a) and (c)(1)(C).
- Page 62, Table 5 displays the penalty matrix with a minimum penalty of \$0, an average penalty of \$250 and a maximum of \$500.
 - The minimum penalty in HSC Section 25299 is not less than \$500 for each underground storage tank for each day of violation.

The “Permit Review and Issuance Policy” is inconsistent with UST Regulations and HSC as follows:

- Section IV, “Authority,” states “...permits are issued only to facilities that are in compliance with CUPA regulatory standards and Union City requirements.”
 - This is inconsistent with HSC, Section 25285(b), amended January 1, 2019, which states a local agency shall not issue or renew a permit if a red tag is affixed or if the facility is subject to an enforcement action.
- Section V, “Permit Issuance Standards,” states permits shall only be issued when Envision-Connected database must show no open (uncorrected) violations.
 - This is inconsistent with HSC, Section 25285(b), amended January 1, 2019, which states a local agency shall not issue or renew a permit if a red tag is affixed or if the facility is subject to an enforcement action.
- Section IX, “GENERAL PERMIT REQUIREMENTS,” states “EPD reserves the right to not issue or renew a Unified Program Facility Permit, Underground Storage Tank Operating

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Permit, or other permit if a facility is not in full compliance with the laws and regulations governing the operations at that facility.”

- This is inconsistent with HSC, Section 25285(b), amended January 1, 2019, which states a local agency shall not issue or renew a permit if a red tag is affixed or if the facility is subject to an enforcement action.
- Section IX, “GENERAL PERMIT REQUIREMENTS,” states “Any portion of an operating permit issued by the EPD may be revoked or suspended for continued non-compliance...”
 - The CUPA does not have authority to suspend a UST operating permit, per HSC, Chapter 6.7, Section 25285.1.

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

CITATION:

HSC, Chapter 6.7, Sections 25285(b), 25285.1, 25292.3(a)(2)(a) and (c)(1)(c), and 25299 [State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will review and revise the I&E Plan and “Permit Review and Issuance Policy” to address inconsistencies with UST Regulations and HSC. The CUPA will provide CalEPA with the revised I&E Plan and revised “Permit Review and Issuance Policy.”

By the 2nd Progress Report, the CUPA will, if necessary, amend the revised I&E Plan and/or the revised “Permit Review and Issuance Policy,” based on feedback from the State Water Board. The CUPA will provide the amended I&E Plan and/or the amended “Permit Review and Issuance Policy” to CalEPA. If no amendments to the revised I&E Plan and/or revised “Permit Review and Issuance Policy” are necessary, the CUPA will train UST inspection staff on the revised I&E Plan and the revised “Permit Review and Issuance Policy.” Once training is complete, the CUPA will implement the revised I&E Plan and the revised “Permit Review and Issuance Policy.”

9. INCIDENTAL FINDING:

The CUPA is not inspecting each facility subject to HMBP reporting requirements at least once every three years.

Review of CERS and CUPA CME information between January 1, 2020, and December 31, 2022, finds:

- 53 of 276 (19%) facilities subject to HMBP reporting requirements were not inspected within the last three years.

CITATION:

HSC, Chapter 6.95, Sections 25503(e) and 25511(b)
[CalEPA]

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

RESOLUTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each facility subject to HMBP reporting requirements is inspected at least once every three years. The action plan will include, at minimum:

- An analysis and explanation as to why the inspection frequency is not being met. Factors to consider include existing inspection staff resources and the number of facilities scheduled to be inspected each year, response to declared emergencies such as wildfire response and recovery efforts and impacts of COVID-19.
- A sortable spreadsheet exported from the CUPA's data management system or CERS, identifying each facility subject to HMBP reporting requirements that has not been inspected within the last three years. For each facility subject to HMBP reporting requirements, the sortable spreadsheet will include, at minimum:
 - Facility name;
 - CERS ID; and
 - Date of the last routine inspection.
- A schedule to inspect each facility subject to HMBP reporting requirements, prioritizing the most delinquent inspections to be completed prior to any other HMBP facility inspection based on risk.
- Future steps to ensure all facilities subject to HMBP reporting requirements will be inspected at least once every three years.

By the 2nd Progress Report, the CUPA will, if necessary, revise the action plan based on feedback from CalEPA. The CUPA will provide the revised action plan to CalEPA.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated sortable spreadsheet and a brief narrative of how the CUPA is continuing to ensure all facilities subject to HMBP reporting requirements will be inspected at least once every three years.

By the 5th Progress Report, the CUPA will have inspected each facility subject to HMBP reporting requirements at least once in the last three years.

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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:

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 in the DTSC Hazardous Waste Tracking System (HWTS), information provided by the CUPA and Self-Audit Reports between October 1, 2016, and July 31, 2022, is summarized below.

- The number of regulated HWG facilities is reported as follows:
 - 140 identified in the Self-Audit Report for FY 2021/2022
 - 62 self-identified in CERS
 - 119 identified in the CUPA's data management system
- Review of the HWTS Generator Waste Summary Report for Union City finds:
 - 226 facilities shipped hazardous waste between October 1, 2016, and July 31, 2022.
 - 183 facilities shipped hazardous waste between October 1, 2016, and September 30, 2019.
 - 168 facilities shipped hazardous waste between October 1, 2019, and July 31, 2022.

RECOMMENDATION:

Review the HWTS Generator Waste Summary Report for Union City to identify any HWG facilities not currently regulated within the jurisdiction of the CUPA.

Develop a step by step written plan or procedure for staff to refer to regarding how the CUPA identifies new and closing businesses regulated under the HWG program, including:

- receiving regular referrals from city and county planning agencies, fire districts plan check or occupancy permits;
 - Sanitary district industrial waste discharge permits;
 - Review of the HWTS Generator Waste Summary Report for Union City and/or review of other local hazardous waste manifest sources;
 - A process to update CERS to reflect accurate and current HWG facility information.
-

2. OBSERVATION:

A substantial lapse in completing the HAZWOPER refresher training to maintain certification was experienced by one inspector. Completion of an 8 Hour HAZWOPER Refresher Training occurred on February 6, 2020. The next annual refresher training was completed on June 13, 2021.

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OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Per the Occupational Safety and Health Administration (OSHA), if a substantial amount of time has passed since initial or refresher HAZWOPER training, the need to repeat initial training is determined on a case-by-case basis. Refer to the OSHA website for specific information (<https://www.osha.gov/emergency-preparedness/hazardous-waste-operations/faq>).

Be mindful of HAZWOPER training certification expiration dates and plan accordingly to ensure CUPA staff remain up to date on health and safety trainings.

3. OBSERVATION:

The following is a summary of inspection and violation information for the HMBP and CalARP Programs based on review of facility files and CERS CME information.

- HMBP Program
 - January 1, 2020, through December 31, 2020
 - The CUPA conducted routine inspections at 50 facilities, of which 42 (84%) had no violations cited and 8 (16%) had at least one violation cited.
 - A total of 23 violations were cited, consisting of:
 - 4 (17%) Class II violations
 - 19 (83%) minor violations
 - The CUPA has ensured RTC for 19 of 23 (83%) violations cited.
 - January 1, 2021, through December 31, 2021
 - The CUPA conducted routine inspections at 60 facilities, of which 40 (67%) had no violations cited and 20 (33%) had at least one violation cited.
 - A total of 258 violations were cited, consisting of:
 - 6 (20%) Class II violations
 - 24 (80%) minor violations
 - The CUPA has ensured RTC for 20 of 258 (67%) violations cited.
 - January 1, 2022, through December 31, 2022
 - The CUPA conducted routine inspections at 121 facilities, of which 79 (65%) had no violations cited and 42 (35%) had at least one violation cited.
 - A total of 68 total violations were cited, consisting of:
 - 13 (19%) Class II violations
 - 55 (81%) minor violations
 - The CUPA has ensured RTC for 18 of 68 (26%) violations cited.

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OBSERVATIONS AND RECOMMENDATIONS

- CalARP Program
 - January 1, 2020, through December 31, 2020
 - The CUPA conducted no routine inspections.
 - January 1, 2021, through December 31, 2021
 - The CUPA conducted no routine inspections.
 - January 1, 2022, through December 31, 2022
 - The CUPA conducted a routine inspection at 1 facility.
 - A total of 3 violations were cited, consisting of:
 - 1 (33%) Class II violation
 - 2 (67%) minor violations
 - The CUPA has ensured RTC for 0 of 3 (0%) violations cited.

RECOMMENDATION:

Maintain the three-year inspection frequency for all HMBP facilities and CalARP Program 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.

4. OBSERVATION:

Multiple APSA tank facilities submitted an HMBP to CERS in lieu of a tank facility statement using the 2017 or older emergency response and training plans template, which contain obsolete information.

RECOMMENDATION:

Encourage each APSA tank facility that utilizes the consolidated emergency response and training plans template as part of the HMBP submittal, in lieu of the tank facility statement, to use the current 2022 version. The 2022 template is available in the CERS Central Business Website at: <https://cers.calepa.ca.gov/businesses/> under Consolidated Emergency Response/Contingency Plan/Template and on the CalEPA Unified Program Publications and Guidance website at: <https://calepa.ca.gov/cupa/publications/> under “Business-to-CUPA Reporting Forms.”

5. OBSERVATION:

The CERS reporting requirement is currently set as “APSA Applicable” for 14 APSA tank facilities. The CUPA’s data management system identifies 14 APSA tank facilities.

- 12 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- 1 tank facility is reported as “APSA Applicable” in CERS but is not identified as an APSA tank facility in the CUPA’s data management system. The CUPA should determine whether the facility is an APSA tank facility. If the facility is not APSA regulated, the CUPA should change the CERS APSA reporting requirement to “APSA Not Applicable.”

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OBSERVATIONS AND RECOMMENDATIONS

If the facility is APSA regulated, the CUPA should update the local data management system accordingly.

- 1 facility identified as an APSA tank facility in the CUPA's data management system is not identified in CERS as an APSA regulated facility. The CUPA should determine whether the facility is an APSA tank facility. If the facility is not subject to APSA, the CUPA should have the APSA reporting requirement set to "Not Applicable" and should not be identified as APSA regulated in the CUPA's data management system. If the facility is APSA regulated, the CUPA should have the CERS APSA reporting requirement set to "Applicable."

RECOMMENDATION:

Complete the reconciliation of the APSA Program information in the CUPA's data management system with CERS to ensure all APSA tank facilities are included in both systems.

6. OBSERVATION:

The I&E Plan contains information that is inaccurate or may benefit from improvement.

- Page 2: In the list of programs implemented by the CUPA, the hazardous materials disclosure should also include the fire code Hazardous Materials Management Plans-Hazardous Materials (HMMP/HMIS) Program, which is consolidated with the HMBP Program to streamline the regulatory requirements for regulated facilities.
- Page 4: Mandated triennial inspections apply to APSA tank facilities with 10,000 gallons or more of petroleum, not just those with greater than 10,000 gallons of petroleum.
- Pages 19, 41, and 67: HSC, Section 25270.5 is incorrectly referenced as violations of APSA. Replace Section 25270.5 with 'commencing with Section 25270.'
- Page 70: The matrix of enforcement options does not show criminal case as an option for APSA; however, the table of enforcement tools on pages 22-23 show criminal case as an option for APSA, consistent with HSC, Section 25270.12.5.
- Page 78: HSC, Section 25270.5 is incorrectly referenced as penalties for the APSA program. Replace Section 25270.5 with Sections 25270.12 and 25270.12.1.

RECOMMENDATION:

Update the I&E Plan as indicated above.

7. OBSERVATION:

The FY 2020/2021 Self-Audit Report contains information that may benefit from improvement.

Review of the FY 2020/2021 Self-Audit Report finds:

- 4 APSA inspections are identified as being conducted. Review of a CERS CME report generated on February 22, 2023, indicates 5 APSA inspections were conducted.
- One APSA facility is identified with 10,000 gallons or more of petroleum. Review of a CERS CME report generated on February 22, 2023, indicates there are 3 APSA facilities with 10,000 gallons or more of petroleum.

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- APSA violations for FY 2020/2021 are not included. A CERS CME report generated on February 22, 2023, indicates 5 APSA violations were issued.

RECOMMENDATION:

For future Self-Audit Reports, ensure the information is consistent with CERS.

8. OBSERVATION:

The CUPA utilizes comprehensive inspection checklists for APSA tank facility compliance inspections. However, review of CERS and facility files provided by the CUPA indicates:

- CERS ID 10003510: An inspection report, dated September 12, 2022, shows a Tier I qualified facility inspection checklist was used. The facility does not meet the qualified facility criteria.
- CERS ID 10003384: An inspection report, dated February 15, 2022, shows a Tier I qualified facility inspection checklist was used. The facility does not meet the qualified facility criteria.
- CERS ID 10003237: An inspection report, dated September 6, 2022, shows a Tier I qualified facility inspection checklist was used. The facility does not meet the qualified facility criteria.

RECOMMENDATION:

Ensure the appropriate inspection checklist is utilized when conducting APSA tank facility inspections.

9. OBSERVATION:

The area plan contains information that may benefit from improvement:

- Page 31: Clarify the pipeline associated with OSFM to “(intrastate) hazardous liquid pipeline.”
- Page 45: The list of Unified Program elements implemented by the CUPA is missing the HMMP/HMIS Program.
- Page 83, Resource/Emergency Contractor Contact List: The phone number for “California Fire – Pipeline Safety/Failure Investigation” is obsolete. Update and replace with “CAL FIRE-Office of the State Fire Marshal Pipeline Safety” and number (916) 263-6300 or the 24-hour duty chief line (916) 323-7390. Also, replace the obsolete phone number for the State Fire Marshal with the 24-hour duty chief line (916) 323-7390.

RECOMMENDATION:

Ensure the next revision of the area plan addresses the above observation.

10. OBSERVATION:

Review of the Union City Environmental Programs for Business webpage (<https://www.unioncity.org/240/Environmental-Programs-CUPA>) finds the following items:

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- “The 48-hour requirement does not include weekends and holidays. Failure to notify Union City (CUPA) of UST testing may result in the necessity of a retest.”
 - The CUPA does not have the authority to require the 48-hour notification to exclude weekends and holidays. A Local Ordinance is required to uphold regulation more stringent than CCR.
 - Note: Guidance can be found in the August 2022 UST Monthly Update: <https://www.waterboards.ca.gov/ust/cupa/updates/docs/2022/ust-update-august.pdf>
- Links for State Water Board Forms and documents are outdated.
 - Note: Current testing documents can be found at: <https://www.waterboards.ca.gov/ust/publications/forms.html>

RECOMMENDATION:

Update the website as indicated above. Regularly review website content to ensure alignment with CCR and HSC.

11. OBSERVATION:

Review of Report 6, CERS information, and UST temporary closure documentation in the UST facility files finds the following:

- CERS ID 10003318
 - UST Tank integrity testing and repair assessment performed after October 6, 2020, release from the primary into the annular. A one-time construction/modification permit was awarded October 23, 2020.
 - Temporary closure permit was granted November 23, 2020.

UST Regulations require a UST to be placed into temporary closure only if the UST will return to operation after the duration of temporary closure has ended.

RECOMMENDATION:

Review temporary UST closure requirements. Temporary closure requirements should include:

- Requiring documentation from the owner or operator to show inspections were conducted at least once every three months while the UST is in temporary closure,
 - Reviewing quarterly inspections during the UST compliance inspection to ensure the owner or operator is complying with the temporary closure permit requirements,
 - Correctly reporting USTs in temporary closure in CERS and Report 6, including the date in which the USTs were put in temporary closure; and
 - Putting only those USTs into temporary closure that are intended to be brought back into operation.
-

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12. OBSERVATION:

The information below is a comparison of the total number of regulated facilities within each Unified Program element in 2009 with present-day circumstance and the degree to which the number of regulated facilities has increased or decreased. The information is sourced from the following:

- City of Union City CUPA Annual Review and Update of the Fee Accountability Program for Fiscal Year July 1, 2008 – June 30, 2009, dated September 30, 2009;
 - City of Union City CUPA Annual Single Fee Summary Report (Report 2) for Fiscal Year July 1, 2008 – June 30, 2009, dated September 24, 2009;
 - City of Union City CUPA Annual Inspection Summary Report (Report 3) for Fiscal Year July 1, 2008 – June 30, 2009, dated September 22, 2009;
 - CERS “Summary Regulated Facilities by Unified Program Element” report, generated on April 7, 2023;
 - CERS “UST Inspection Summary Report (Report 6),” generated on April 7, 2023; and
 - The City of Union City Environmental Programs Division/CUPA Organization Chart for FY 2021/2022
- Total Number of **Business Plan** Regulated Businesses and Facilities:
 - In 2009: 273
 - Currently: 301
 - An increase of 28 facilities
 - Total Number of Regulated **Underground Storage Tank (UST)** Facilities:
 - In 2009: 22
 - Currently: 23
 - An increase of 1 facility
 - Total Number of Regulated **USTs**:
 - In 2009: 51
 - Currently: 51
 - Comment: Current information from Report 6 indicates 49 Active Petroleum Systems and 2 Active HazSub Systems.
 - Total Number of Regulated **Hazardous Waste Generator** Facilities:
 - In 2009: 163
 - Currently: 143
 - A decrease 20 of facilities
 - Total Number of Regulated **Household Hazardous Waste (HHW)** Facilities:
 - In 2009: Not specified
 - Currently: 0

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- **Total Number of Regulated Tiered Permitting (TP) Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):**
 - In 2009: 4
 - Currently: 1
 - A decrease of 3 facilities

- **Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:**
 - In 2009: 0
 - Currently: 6
 - An increase of 6 facilities

- **Total Number of Regulated Risk Management Prevention Plan (RMPP), also known as California Accidental Release Prevention (CalARP) Program Facilities:**
 - In 2009: 3
 - Currently: 3

- **Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:**
 - In 2009: 10
 - Currently: 14
 - An increase of 4 facilities

Since 2009, the CUPA has seen some minor fluctuations in the number of regulated facilities in some Unified Program elements. In particular, the total number of regulated APSA facilities increased by 4 (or 40%) and the total number of regulated UST facilities increased by 1 (or 4%). The CUPA also saw the total number of regulated HWG facilities decrease by 20 facilities (or 12%) and the total number of TP facilities decrease by 3 (or 75%).

Since 2009, an expansion of responsibilities in the HMBP, HWG, and APSA 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 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 the implementation of the Unified Program in 2009 with present-day circumstance and the degree to which allocated inspection and supervisory/management staff has increased or decreased. The information is sourced from the City of Union City CUPA Annual Review and Update of the Fee Accountability Program for FY 2008/2009 (July 1, 2008, through June 30, 2009), and recent information provided by the CUPA.

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- In 2009
 - 3.0 FTEs budgeted for 6 total positions
 - 1.4 FTEs for 2 Fire Inspectors
 - 0.1 FTEs for 1 Fire Chief
 - 0.5 FTEs for 1 Fire Marshal
 - 0.4 FTEs for 1 Administrative Assistant
 - 0.6 FTEs for 1 Temporary Administrative Assistant

- Currently
 - 2.5 FTEs budgeted for 3 total positions
 - 1.0 FTE for 1 Environmental Programs Manager
 - 1.0 FTE for 1 Environmental Programs Inspector
 - 0.5 FTE for 1 Administrative Assistant

RECOMMENDATION:

Based on the information above, it appears the CUPA has been proactive in adapting staffing resources accordingly to meet the changing needs of Unified Program implementation over time.

Continue to regularly assess the allocation of current staff assignments and existing resources to ensure adequate implementation of each program element within the Unified Program is obtained.

13. OBSERVATION:

On June 7, 2023, an HMBP oversight inspection was conducted at CERS ID 10003225. The inspector was well prepared for the inspection and reviewed relevant information prior to arriving at the facility. The inspector established rapport with the facility operators, toured the entire site, verified inventory and site map information on site, and effectively communicated technical information to the facility operators. CalEPA did not observe the CUPA verifying emergency response plan information or employee emergency response training on site, however, the inspector typically verifies this information while conducting an HWG inspection.

On June 7, 2023, an HMBP oversight inspection was conducted at CERS ID 10003345. The inspector was well prepared for the inspection and reviewed relevant information prior to arriving at the facility. The inspector established rapport with the facility operators, toured the entire site, verified inventory and site map information on site, and effectively communicated technical information to the facility operators. The inspector directly assisted facility operators and contractors to resolve CERS account issues. CalEPA did not observe the CUPA verifying emergency response plan information or employee emergency response training on site, however, the inspector typically verifies this information while conducting an HWG inspection.

RECOMMENDATION:

Verify employee emergency response plan information and training on site during HMBP inspections.

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OBSERVATIONS AND RECOMMENDATIONS

14. OBSERVATION:

Throughout the evaluation, multiple attempts were made to schedule a CalARP oversight inspection. Due to scheduling conflicts as well as time and resource constraints of the CUPA, a CalARP oversight inspection was not conducted. The CUPA noted the current lack in resources and subject matter expertise necessary to adequately implement the CalARP Program.

RECOMMENDATION:

Address the programmatic issues that exist relative to inadequate resources and subject matter expertise necessary to implement the CalARP Program. During the next CUPA Performance Evaluation, the ability of the CUPA to adequately implement the CalARP Program will be assessed, and a continued lack of time and resources to conduct inspections will likely lead to the identification of CalARP Program deficiencies.