

June 28, 2024

Mr. Jason Phillippe, Director
Placer County Environmental Health
3091 County Center Drive, Suite 180
Auburn, California 95603-2614

Dear Mr. Phillippe:

During June 2023, through May 2024, CalEPA and the Unified Program state agencies conducted a performance evaluation of the Placer County Environmental Health 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 meets or exceeds.

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. 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 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. Thereafter, the CUPA will submit each subsequent Evaluation Progress Report to CalEPA in accordance with the specified date provided in the Evaluation Progress Report response, 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, Kaeleigh Pontif, via email at Kaeleigh.Pontif@calepa.ca.gov, or uploaded to the established SharePoint website.

Mr. Jason Phillippe
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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
Deputy Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

Ms. Jessica Gallagher
Supervisor for Hazardous Materials Section
Placer County Environmental Health
3091 County Center Drive, Suite 180
Auburn, California 95603-2614

Mr. West Bourgault, PG, REHS
Environmental Health Manager
Placer County Environmental Health
3091 County Center Drive, Suite 180
Auburn, California 95603-2614

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

Mr. Tom Henderson
UST Leak Prevention Unit and
Office of Tank Tester Licensing Manager
State Water Resources Control Board

Mr. Jason Phillippe
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cc sent via email:

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

Ms. Kaitlin Cottrell
Environmental Scientist
State Water Resources Control Board

Ms. Mia Goings
Senior 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

Mr. Jason Phillippe
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cc sent via email:

Ms. Julie Unson
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: Placer County Environmental Health

Evaluation Period: June 2023 through May 2024

Evaluation Team Members:

- **CalEPA Team Lead:** Kaeleigh Pontif
- **CalEPA:** Julie Unson
- **DTSC:** Mia Goings
- **State Water Board:** Kaitlin Cottrell
- **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: meets or exceeds 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 the first Evaluation Progress Report 60 days from receipt of the Final Summary of Findings Report. Thereafter, the CUPA will submit each subsequent Evaluation Progress Report to CalEPA in accordance with the specified date provided in the Evaluation Progress Report response. For each identified Deficiency and Incidental Finding, the CUPA must complete the corrective action and resolution as indicated to demonstrate sufficient implementation of the Unified Program as required by regulation or statute. The Evaluation Progress Report process will continue until all Deficiencies and Incidental Findings have been acknowledged as corrected or resolved by each issuing Unified Program 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 the Final Summary of Findings Report, and any applicable supporting documentation must be included with each Evaluation Progress Report.

The submittal date for the 1st Evaluation Progress Report is **September 27, 2024**.

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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. HAZARDOUS WASTE GENERATOR (HWG) PROGRAM IMPLEMENTATION:

The CUPA inspected 665 of 672 HWG facilities, achieving an inspection frequency of 99%. Additionally, the CUPA ensured 95% of HWG violations cited during the Coronavirus (COVID-19) pandemic obtained return to compliance (RTC).

The CUPA has demonstrated commendable efforts to ensure that HWG facilities cited with violations obtain RTC. Follow-up activity and enforcement actions are very well documented, and clearly show the progress made by facilities to obtain RTC, as well as the willingness and availability of the CUPA to assist facilities in addressing cited violations. Communication with facility representatives is courteous, professional, and CUPA personnel offer guidance to facility representatives to maintain and obtain compliance that is easy to understand.

Inspectors are well trained in writing inspection reports and drafting HWG Program violations. Inspection reports contain highly descriptive observations and factual basis for cited violations. This attentive detail is also reported to the California Environmental Reporting System (CERS), where violation comments entered have detailed observations and corrective actions. The observations written by inspectors in inspection reports provide the reasoning behind when, where, and how a violation occurred and are written in a way that is concise and understandable.

The commitment put forth by CUPA personnel in ensuring facilities are compliant with regulatory requirements by way of conducting timely inspections, including details for cited violations in inspection reports and CERS, applying enforcement, and providing guidance to regulated facility representatives to obtain compliance demonstrates a unique and thorough collective effort regarding implementation of the HWG Program.

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

The CUPA met the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum. The CUPA has also met the triennial inspection frequency for other APSA tank facilities in accordance with the Inspection and Enforcement (I&E) Plan. The CUPA ensured APSA tank facilities annually submitted a tank facility statement or an HMBP (when provided in lieu of a tank facility statement), to CERS. The CUPA successfully enforced requirements of the APSA Program and obtained a high rate of compliance for tank facilities that were cited with violations since the 2019 CUPA Performance Evaluation.

3. UNDERGROUND STORAGE TANK (UST) PROGRAM IMPLEMENTATION:

Since January 1, 2020, through December 31, 2022, the CUPA has conducted 100% of annual UST compliance inspections. Additionally, review of the Semi-Annual Report (Report 6) Technical Compliance Rate (TCR) finds CUPA inspectors note more United States Environmental Protection Agency TCR criteria violations compared to the California average. This illustrates a fine attention to detail for citing UST Leak Detection violations when performing annual compliance inspections.

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Further, the CUPA's UST inspection and enforcement plan is exemplified by the high rate of RTC obtained and reported to CERS. In FYs 2020/2021 and 2021/2022, 100% of cited leak detection violations were resolved and obtained RTC, 85% of which were obtained RTC within 60 days of being cited as required by the California Health and Safety Code (HSC), Section 25288(d).

4. UST REGULATIONS, CHAPTER 16 REWRITE:

The State Water Resources Control Board (State Water Board) is currently rewriting California Code of Regulations (CCR), Title 23, Division 3, Chapter 16 in preparation for the permanent closure requirements of all single-walled USTs. The State Water Board created a regulation vetting workgroup consisting of numerous UST experts from both the public and private sector to assist in the development of the revised regulatory language. The CUPA ensured the participation of a UST inspector to actively contribute to the workgroup. The time commitment as a participant in the workgroup was estimated to be a minimum of four hours a week for 12 weeks. Though the additional time commitment to participate in the workgroup detracted from the time allocated to conduct regular inspection and enforcement duties, having a UST inspector participate provided invaluable assistance to the development of the Chapter 16 regulation revisions for the UST community.

5. HAZARDOUS MATERIALS BUSINESS PLAN (HMBP) REGULATED FACILITIES AND CALIFORNIA ACCIDENTAL RELEASE PREVENTION (CALARP) PROGRAM IMPLEMENTATION:

Despite the many challenges encountered, the CUPA has successfully enforced HMBP regulatory requirements and the CalARP Program. Working collaboratively with business owners and/or operators to ensure violations cited during inspections obtain return to compliance (RTC) has resulted in obtaining a high rate RTC. In addition, the CUPA has maintained a high inspection frequency for all HMBP and CalARP Program regulated facilities.

The CUPA regularly provides direct assistance to regulated facilities, especially locally owned, small businesses, including support and education in complying with HMBP requirements, completing annual submittals, or providing no-change certifications to the California Electronic Reporting System (CERS), and general usage and navigation of CERS. In June of 2023, the CUPA implemented a process for reminding businesses to submit an annual HMBP or no-change certification to CERS, which resulted in achieving a high submittal rate of 90%.

In 2022, the CalARP Program lead retired, having approximately 10 years of institutional knowledge of the CalARP program and approximately 30 years of overall CUPA experience, 19 of which were with the Placer County CUPA. During the year prior to retirement, the CalARP lead focused extensively on training a CalARP Program lead replacement.

Such efforts have resulted in the ability of the CUPA to maintain an inspection frequency of 98% for facilities subject to HMBP reporting requirements, with a 96% rate of RTC, as well as an inspection frequency of 100% for CalARP Program facilities, with a 100% rate of RTC.

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6. STAFFING AND EMERGENCY RESPONSE CHALLENGES:

The CUPA experienced several challenges since the 2019 Performance Evaluation, including staffing changes, limitations, and restrictions due to the COVID-19 pandemic, and response and recovery demands from wildfires affecting their jurisdiction.

Due to the impacts resulting from the COVID-19 pandemic, the CUPA established a hybrid telework program starting in March 2020. CUPA staff adjusted to remote and hybrid work schedules while limiting field work and prioritizing inspection of the most high-risk facilities. During much of this time, the CUPA had six inspector positions vacant, including the CalARP Program lead. The CUPA diligently worked to hire and rebuild the department and has been fully staffed as of March 2023.

The CUPA was impacted by the River and Caldor Fires in 2021, and the Mosquito Fire in 2022. With the redirection of resources to assist in emergency response and disaster recovery efforts within Placer County, the CUPA played an instrumental role in consolidating local debris removal, as well as in attending community outreach meetings.

Despite the many challenges presented over the past several years, the CUPA has managed to successfully implement the Unified Program regarding the HWG, HMBP, CalARP, APSA and UST Program elements.

7. ENFORCEMENT ACTIONS:

In addition to ensuring violations obtain RTC, the Placer County Environmental Health CUPA has successfully applied enforcement actions as five administrative enforcement orders have been processed, and five red tags have been issued on USTs, collecting \$26,858 in penalties since 2020. Furthermore, the Placer County District Attorney's Office is in the process of establishing a Circuit Prosecutor under CalEPA's enforcement grant program to further support environmental enforcement in Placer County as well as other surrounding rural counties.

8. SECRETARY'S AWARD FOR ENVIRONMENTAL ACHIEVEMENT RECOGNITION:

The Placer County Environmental Health CUPA was the recipient of the 2024 Secretary's Award for Environmental Achievement. The efforts of CUPA personnel to continuously improve and maintain the implementation of the Unified Program was recognized at the 2024 CUPA Conference. The Placer CUPA sets an outstanding example for other Unified Program Agencies through consistent Unified Program performance and highlights the importance of establishing partnerships between the regulatory and regulated communities as well as among local and state government agencies. This achievement demonstrates the CUPA's exemplary commitment to protecting public health, public safety, and the environment of our state.

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DEFICIENCIES REQUIRING CORRECTION

A program Deficiency is considered a major deviation in implementation of the Unified Program from the expected standards set forth in statute or regulation. Commonly identified as a systemic problem in implementation of one or more program elements, a Deficiency is likely to have an impact on the safety and protection of human health and the environment. Program Deficiencies identify specific aspects regarding implementation of the Unified Program.

1. DEFICIENCY:

The 2023 area plan, located within the Placer County Emergency Operations Plan (EOP), is missing required elements and has outdated information.

Review of the 2023 area plan finds the following required elements are missing:

- Procedures and protocols for monitoring and decontamination guidelines for emergency response personnel and equipment, per [CCR, Title 19, Section 2642\(b\)](#).
- Procedures to access local, state, and federal funding and emergency response assistance, per [CCR, Title, Section 2643\(c\)](#).
- Provisions for access to state approved and permitted hazardous waste disposal facilities and emergency response contractors, per [CCR, Title 19, Section 2643\(e\)](#) and [HSC, Section 25503\(c\)\(7\)](#).
- Provisions for training of emergency response personnel in the areas listed in [CCR, Title 19, Section 2645\(a\)](#).
- Provisions for documenting personnel training described in Section 2645(a), per [CCR, Title 19, Section 2645\(b\)\(1\)](#).
- Provisions for joint field or table-top exercises, with affected organizations, with voluntary participation of business representatives, per [CCR, Title 19, Section 2645\(b\)\(2\)](#).
- Site perimeter security procedures for use during a release or threatened release of hazardous material, per [CCR, Title 19, Section 2646\(a\)](#).
- Provisions for informing business personnel and the affected public of safety procedures to follow during a release or threatened release of a hazardous material, per [CCR, Title 19, Section 2646\(b\)](#).
- Designation of responsibility for the coordinated release of safety information to the public and to the local Emergency Broadcast System, per [CCR, Title 19, 2646\(e\)](#).
- Provisions for informing medical and health facilities of the nature of the incident and the substance(s) involved in an incident, per [CCR, Title 19, 2646\(f\)](#).
- A listing and description of available emergency response supplies and equipment specifically designated for the potential emergencies presented by the hazardous materials, per [CCR, Title 19, Section 2647\(a\)](#).
- Provisions for regular testing, if applicable, and proper maintenance of emergency response equipment under the direct control of the county or city, as the case may be, per [CCR, Title 19, Section 2647\(b\)](#).

Review of the 2023 area plan finds the following information is outdated:

- Page 2: Reference to the CA Fish & Game should be replaced with CA Fish and Wildlife.

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Review of the EOP finds the following information is outdated:

- Pages i, iii, xiii, 4, 8, 13, 25, 31, 32, and 38: Reference to CalEMA should be replaced with California Office of Emergency Services (Cal OES).
- Pages 26 and 32: Reference to the CA Department of Fish and Game (DFG) should be replaced with CA Department of Fish & Wildlife.

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

Note: The Placer County EOP is maintained by the Placer County Office of Emergency Services. The EOP was last updated on December 14, 2010. The area plan, located in Annex F of the Placer County EOP, was last updated on February 10, 2023. The next triennial revision of the area plan should be completed by February 10, 2026.

CITATION:

HSC, Chapter 6.95, Section 25503(c)
CCR, Title 19, Article 3, Sections 2640 through 2648
[CalEPA]

CORRECTIVE ACTION:

By the 3rd 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.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

An Incidental Finding is considered a minor deviation in implementation of the Unified Program from the expected standards set forth in statute or regulation. Commonly identified as a minor issue that may be problematic in implementation of one or more program elements, an Incidental Finding is not likely to have an impact on the safety and protection of human health and the environment.

1. INCIDENTAL FINDING:

The CUPA is not properly classifying HWG Program violations.

Review of facility files and inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information in CERS between March 1, 2023, and June 30, 2023, finds the following non-minor violations were classified as minor violations:

- 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 in HSC, Section 25404(a)(3).
 - 15 of 24 (63%) violations cited for exceedance of accumulation timeframe were classified as minor. Examples include, but are not limited to:
 - CERS ID 10485805: inspection dated April 14, 2023
 - CERS ID 10166161: inspection dated April 21, 2023
 - CERS ID 10205923: inspection dated May 5, 2023

Note: This Deficiency was identified during the 2019 CUPA Performance Evaluation regarding classifying cited violations for exceedance of authorized accumulation time, and violations for failure to provide or conduct training for employees as minor. The issuance of the 2019 Final Summary of Findings Report was significantly delayed, and the Deficiency was corrected in March 2023, upon completion of all necessary training by existing and newly hired personnel, and review of HWG violations being correctly classified in CERS. Thus, assessment of the classification of HWG Program violations for the 2023 CUPA Performance Evaluation, pertains to those cited on or after March 1, 2023.

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6

HSC, Chapter 6.11, Section 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 of the following:

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- 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.

Note: The following additional HWG inspection, accumulation and generator requirement training resources are available to assist in training CUPA inspectors:

- Advanced Hazardous Waste Inspector Training Video 2016 (1 of 2)
<https://www.youtube.com/watch?v=Ign3TJftSUM>
- Advanced Hazardous Waste Inspector Training Video 2012 (5 of 7): Tanks and Sumps
<https://www.youtube.com/watch?v=oCrI3MvTd8M>
- Generator Requirements Fact Sheet
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM_FS_Generator_Requirements.pdf
- Accumulation Time Fact Sheet
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf
- Universal Waste
https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/UW_Factsheet1.pdf
- Managing Used Oil Filters for Generators
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG_Used-Oil-Filters_Generators1.pdf
- Management of Spent Lead Acid Batteries
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_DutyOfficer_LeadAcidBatteries1.pdf
- Generator Summary Chart
<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/05/California-Generator-Chart.pdf>
and https://www.acgov.org/forms/aceh/Generator_Requirements_Summary_Chart.pdf

The CUPA will provide CalEPA with a statement that all inspection staff have reviewed the definition of minor, Class I and Class II violations as well as how to properly classify HWG Program violations as minor, Class I and Class II.

By the 2nd Progress Report, and with each subsequent Progress Report until considered resolved, the CUPA will provide CalEPA with an inspection report citing at least one HWG Program violation, for three HWG Program 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 observations, factual basis, citations, and corrective actions to correctly identify and classify each observed HWG Program violation.

2. INCIDENTAL FINDING:

The CUPA is not consistently ensuring HMBP submittals are thoroughly reviewed and contain all applicable required elements before being accepted in CERS.

Review of 20 HMBP CERS submittals finds the following 5 (25%) were recently accepted with missing or incomplete required elements:

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- CERS ID 10789252
 - Chemical inventory submitted on July 27, 2023, and accepted on August 3, 2023
 - Missing required site map elements such as emergency response equipment.
- CERS ID 10206073
 - Chemical inventory submitted on September 20, 2022, and accepted on September 21, 2022
 - Missing required site map elements such as adjacent streets.
 - Emergency Response Plans submitted on September 20, 2022, and accepted on September 21, 2022
 - Missing required elements such as an immediate notification contact to the unified program agency.
- CERS ID 10424611
 - Chemical inventory submitted on July 28, 2023, and accepted on August 3, 2023
 - Missing required site map elements such as evacuation staging areas.
- CERS ID 10725625
 - Chemical inventory submitted, accepted, and certified on March 10, 2023
 - Missing required site map elements such as emergency response equipment.
- CERS ID 10204738
 - Chemical inventory submitted on July 19, 2023, and accepted on July 19, 2023
 - Missing required site map elements such as adjacent streets.

CITATION:

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

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 having an HMBP submittal that was reviewed and not accepted due to identified missing or incomplete elements.

By the 2nd Progress Report, the CUPA will train CUPA personnel on the steps in the action plan. The CUPA will provide CalEPA with a statement that all CUPA personnel have reviewed the action plan.

By the 4th Progress Report, the CUPA will ensure each business subject to Business Plan reporting requirements has annually submitted a complete HMBP to CERS, or the CUPA will have applied enforcement.

3. INCIDENTAL FINDING:

The CUPA is not consistently citing nor requiring the correction of construction violations identified in State Water Board Local Guidance (LG) Letter 150, dated February 2021, at existing used oil UST systems.

Review of the CERS Facility/Tank Data Download information finds the following UST has single-walled vent or tank risers, and does not meet the secondary containment exemption requirements

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of CCR, Title 23, Section 2636(a) for vent and riser pipe to have overfill prevention equipment meeting the requirements specified in CCR, Title 23, Section 2635(c)(1)(B) or (C):

- CERS UST Tank ID 10205698-004

Review of CERS CME information finds leak detection violation information was not accurately and consistently cited for a waste oil tank at the following facility:

- CERS ID 10205698
 - Violation 2030036 – Overfill Prevention (USEPATCR 9b) cited on December 20, 2021, states “The waste oil UST does not have an approved overfill prevention mechanism.”
 - On February 17, 2022, the violation was reflected in CERS as “Not Resolvable.” The inspection report notes, “The above violations were closed out on 2/17/22 as unresolvable so they could be cited again during the AMC for accurate TCR reporting.”
 - No violation was issued for construction of the waste oil tank in 2022.
 - Violation 2030036 – Overfill Prevention (USEPATCR 9b) cited on February 23, 2023, states “Overfill prevention equipment inspection results from 2021 and 2022 activities were not available.”
 - This violation does not accurately capture the construction of the waste oil tank.

Note: The following may be referenced:

- State Water Board CUPA Evaluation Guidance Documents, Single-Walled Vent or Riser Piping
<https://www.waterboards.ca.gov/ust/single-walled-vent-riser.html>
- State Water Board LG 150-3 “Underground Storage Tank Overfill Prevention Equipment”
https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/docs/150-3.pdf

CITATION:

CCR, Chapter 16, 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, Chapter 16, Section 2636(a).

By the 1st Progress Report, the CUPA will identify and provide CalEPA with a list of UST facilities (including the CERS ID and CERS UST Tank ID) which are incorrectly utilizing the overfill prevention equipment exemption.

By the 1st Progress Report, provide written correspondence addressed to the 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

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prevention equipment requirements specified in CCR, Chapter 16, Section 2635(c)(1)(B) or (C), or secondary containment exemptions in CCR, Chapter 16, Section 2636(a) will lead to enforcement. The CUPA will include the State Water Board as a carbon copy recipient on the correspondence.

By the 2nd Progress Report, and with each subsequent Progress Report until considered resolved, the CUPA will provide CalEPA with an updated list, indicating the status of each UST obtaining compliance. If appropriate steps have not been taken by the UST owners/operators to remedy the construction violations, the CUPA will apply enforcement. The CUPA will provide CalEPA with documentation of the applied enforcement.

The State Water Board will consider this incidental finding resolved when the UST owners/operators install the correct overflow prevention equipment, or secondarily contain the vent and fill piping.

4. INCIDENTAL FINDING:

The Placer County Health Permit, issued as the consolidated Unified Program Facility Permit (UPFP), has components that are missing.

Review of the Placer County Health Permit finds the following components are missing:

- Permit issuance date
 - The permit includes an expiration date, but not an issuance date.
- An addendum used to document permit conditions for each applicable element of the Unified Program.
 - Per the CUPA's Consolidated Permit Policy, the CUPA issues a Placer County Health Permit for the following programs:
 - HMBP
 - UST
 - APSA
 - HWG
 - Universal Waste Handler Program
 - CalARP
 - Tiered Permitting (TP) of Hazardous Waste On-Site Treatment

NOTE: The Underground Storage Tank Operating Permit, issued under the Placer County Health Permit, includes the permit issuance date and an addendum to document permit conditions.

CITATION:

CCR, Title 27, Section 15190(h)(4) and (6)
[CalEPA]

RESOLUTION:

During the evaluation, the CUPA provided CalEPA with a revised Placer County Health Permit template that adequately incorporates all required components.

By the 1st Progress Report, the CUPA will provide CalEPA with the Placer County Environmental Health Permit issued to five facilities using the revised template.

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5. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The established Unified Program administrative procedures have a component that is inaccurate and incomplete.

The following administrative procedure component is inaccurate:

- Records Maintenance
 - Minimum Retention Times
 - The Data and Records Management Procedure document stipulates that training records will be retained until an employee no longer works with Placer County Environmental Health (PCEH). Training documents are required to be retained for a minimum of five years, per CCR, Title 27, Section 15180.

The following administrative procedure component is incomplete:

- Public Participation
 - The Public Participation Policy does not include discussion as to how the CUPA makes consistent locally required public hearings related to any Unified Program element, per CCR, Title 27, Section 15180.

CITATION:

CCR, Title 27, Section 15180(e)(2)
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided CalEPA with updated administrative procedures that adequately incorporate all required components.

This Incidental Finding is considered resolved.

6. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

A required component of the I&E Plan is incomplete, and information within the I&E Plan is inaccurate.

The following component is incomplete:

- A description of how the CUPA minimizes or eliminates duplication, inconsistencies, and lack of coordination within the inspection and enforcement program.
 - Page 5: A brief discussion is included regarding the coordination of inspection and enforcement with the City of Roseville CUPA. Discussion of how the CUPA minimizes or eliminates duplication and inconsistencies is not included.

The following information is inaccurate:

- Page 37: HSC, Section 25510 references the California Emergency Management Agency (CalEMA) for reporting any release or threatened release of a hazardous material. The correct reference is the California Office of Emergency Services (CalOES).

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- Page 38: HSC, Section 25540(a)(4) is referenced as the penalty amount of not less than \$5,000 per day for stationary sources that violate the article. The correct reference is HSC, Section 25540(a)(2).
- Page 38: HSC, Section 25540(b) is referenced as the penalty amount to not exceed \$25,000 for stationary sources that knowingly generate violations. The correct reference is HSC, Section 25540(a)(4).

CITATION: COMPLETED

HSC, Chapter 6.95, Sections 25503(c), 25510 and 25540

CCR, Title 27, Section 15200(a)(11)

[CalEPA]

RESOLUTION:

During the evaluation, the CUPA provided CalEPA with an updated I&E Plan that adequately incorporates all required components.

This Incidental Finding is considered resolved.

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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 on review of policies and procedures, CERS CME information, facility file information, information provided by the CUPA and Self-Audit Reports between July 1, 2020, and June 30, 2023:

- CERS reflects 672 regulated HWG facilities, including 12 Resource Conservation and Recovery Act (RCRA) Large Quantity Generators (LQGs), seven Tiered Permitted (TP) facilities, and 2 Household Hazardous Waste (HHW) facilities within the jurisdiction of the CUPA.
- The three-year inspection frequency for all HWG Program facilities is currently being met.
 - 7 of 672 (1%) HWG facilities were not inspected between July 1, 2020, and June 30, 2023.
 - Within the same timeframe, several HWG facilities received two or three routine inspections.
- The CUPA conducted a total of 1,001 inspections, including 981 "Routine" and 20 "Other" inspection types.
 - 481 of 981 (49%) "Routine" inspections had no violations cited.
 - 500 of 981 (51%) "Routine" inspections had at least one violation cited.
 - 1,226 total violations were cited, consisting of:
 - 28 (2%) Class I violations
 - 238 (19%) Class II violations
 - 960 (78%) minor violations
- CERS reflects the CUPA has ensured RTC for 1,164 of 1,226 (95%) violations cited.
- CERS reflects the CUPA issued an Administrative Enforcement Order (AEO) for CERS ID 10204759 on March 2, 2022, for a total fine of \$7262.
- Inspection reports contain detailed comments that note the factual basis of cited violations.
- Inspection reports do not include a section to note whether consent was obtained at the time of inspection. This information is sometimes included in the general description of observations and activities performed onsite but is often missing from inspection reports altogether.
- Violation observations and corrective action language are consistently included in inspection reports and are being entered in CERS.

RECOMMENDATION:

Continue with the three-year HWG inspection frequency and applied enforcement efforts in addition to generating inspection reports with detailed comments for describing the factual basis for cited violations. Continue to ensure that detailed factual basis of each violation is included in inspection reports and in CERS, to support any enforcement efforts.

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Follow up with facilities that have not obtained RTC by the scheduled RTC date and apply enforcement, per the I&E Plan. Ensure CUPA personnel continually complete and maintain current HWG training. DTSC may be contacted to provide CUPA personnel with additional training opportunities.

Inspectors should consistently document time of consent to conduct the inspection within inspection reports.

2. OBSERVATION:

On November 7, 2023, a CalARP oversight inspection was conducted at CERS ID 10206043. The inspector was well prepared for the inspection and reviewed relevant information, including the most current Risk Management Plan (RMP) prior to arriving at the facility, and requested all relevant program specific documents in advance. The inspector was knowledgeable, established rapport with the facility operators, requested and reviewed the most current RMP information, toured the entire site, and effectively communicated technical information to the facility operators. The inspector continued to communicate with the facility following the inspection to address information that was unclear or incomplete while onsite.

On November 8, 2023, an HMBP oversight inspections were conducted at CERS ID 10859368 and CERS ID 10636015. The inspector was well prepared for both inspections. Prior to arriving at the facility for each inspection, the inspector reviewed relevant information, and sent an email to the facility owners/operators, which discussed violations observed in CERS and a checklist of items for field verification. The inspector established rapport with the facility operators, toured the entire site, verified inventories, site maps, and emergency response plan information and training, and effectively communicated technical information to facility operators. All identified violations were classified, and guidance was provided to the facility operators to achieve compliance.

During the HMBP oversight inspection at CERS ID 10859368, the inspector provided guidance and education on business plan reporting requirements and assisted the facility operators with navigating CERS.

During the HMBP oversight inspection at CERS ID 10636015, the inspector offered to return to the facility to assist facility operators with the HMBP submittal and overall navigation of CERS.

RECOMMENDATION:

Continue to conduct thorough CalARP and HMBP inspections.

To better understand industry codes and standards that apply to CalARP sites, inspectors will benefit from increased familiarity with engineering, operation, and maintenance codes, technical reports, and overall recommended best practices, all of which assist with understanding the industry and are made available published resources by standard-setting organizations such as:

- The American National Standards Institute (ANSI)
- American Petroleum Institute (API)
- American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE)
- American Society of Mechanical Engineers (ASME)
- American Society of Testing and Materials (ASTM)

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- National Fire Protection Association (NFPA)
 - Instrument Society of America (ISA)
 - International Institute of Ammonia Refrigeration (IIAR)
 - IIAR 9, published in 2021, discusses minimum safety requirements for existing ammonia refrigeration systems, including standards for machinery room eyewash/safety showers (Section 7.3.8) and machinery room entrances and exits (Section 7.3.9), among other guidelines for ammonia refrigeration.
 - The Chlorine Institute (CI),
 - CI provides guidance documents that discuss personnel protective equipment (Pamphlet 65), chlorine scrubber systems (Pamphlet 89), an operators chlorine handbook (Pamphlet 155), and other additional guides for chemical properties, safe handling, use, and transportation.
-

3. OBSERVATION:

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 to use the current 2023 version of the consolidated emergency response and training plans template as part of the HMBP submittal, when providing an HMBP in lieu of a tank facility statement.

4. OBSERVATION:

The CERS reporting requirement is currently set as “APSA Applicable” for 167 tank facilities. The CUPA’s data management system identifies 165 APSA tank facilities.

- 161 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- Four tank facilities are reported as “APSA Applicable” in CERS but are not identified as APSA tank facilities in the CUPA’s data management system.
 - Some of these facilities are likely not APSA regulated, and the CUPA should change the CERS APSA reporting requirement to “APSA Not Applicable” for each facility.
 - Some of these facilities are APSA regulated, and the CUPA should update the data management system appropriately.
- Two facilities identified as APSA tank facilities in the CUPA’s data management system are not identified in CERS as APSA facilities. The CUPA should determine if the facilities really are APSA facilities.
 - Those that are not APSA regulated should have the APSA reporting requirement set to “Not Applicable,” and should not be identified as APSA tank facilities in the CUPA’s data management system.
 - Those that are APSA regulated should have the APSA reporting requirement set to “Applicable.”

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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.

5. OBSERVATION:

The I&E Plan contains the following information that may benefit from improvement:

- Page 1: The Unified Program elements list is missing the Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS) Program, which is consolidated with the HMBP requirements to streamline the regulatory requirements for regulated facilities.
- Pages 10 and 11: APSA specific information is missing in the pre-inspection and onsite procedures. For example, review of APSA facility information and tank facility statement submittals, if any, to CERS could be included under pre-inspection procedures. Additionally, review of the Federal Spill Prevention, Control and Countermeasure (SPCC) Plan, if readily available, may be included in the pre-inspection procedures, or otherwise review of the SPCC Plan is conducted onsite at the facility prior to conducting an inspection.
- Pages 14 and 29: HSC, Section 25270.5 is incorrectly referenced as violations of APSA and should be updated to 'HSC, Chapter 6.67 (commencing with Section 25270).'
- Page 39: HSC, Section 25270.12 is incorrectly referenced as violations of APSA and should be replaced with 'HSC, Chapter 6.67 (commencing with Section 25270).'
- Pages 1, 2, 3, 8 and 14: Replace "AST" with APSA.

RECOMMENDATION:

Update the I&E Plan as indicated above.

6. OBSERVATION:

The CUPA has webpages that contain resources for the public and regulated community; however, the following webpages contain information that may benefit from improvement.

- Hazardous Materials Webpage (<https://www.placer.ca.gov/3164/Hazardous-Materials>)
 - Below the list of Unified Program elements, replace AST with APSA and include the HMMP/HMIS Program.
- AST Webpage (<https://www.placer.ca.gov/3178/Aboveground-Storage-Tanks-AST>)
 - The APSA applicability should be updated to reflect the current statute. APSA applies to:
 - tank facilities that are subject to the Federal Spill Prevention Control and Countermeasures (SPCC) rule,
 - tank facilities with a storage capacity of 1,320 gallons or more of petroleum, and
 - tank facilities with one or more tanks in an underground area (TIUGA) and a storage capacity of less than 1,320 gallons of petroleum.
 - The statement about APSA requiring operators to prepare and implement an SPCC Plan should be clarified to be consistent with statute. Not all tank facilities

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- are required to prepare and implement an SPCC Plan under APSA if certain conditions are met as described in HSC, Section 25270.4.5(b).
- The CalEMA reference is outdated and should be updated to the California Governor’s Office of Emergency Services (Cal OES).
 - The CAL FIRE – OSFM link should be redirected to the APSA website (<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/>).
 - The US EPA link goes to a webpage on SPCC for the upstream sector (oil exploration and production) and should be redirected to the main SPCC website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>.
 - HMBP Webpage (<https://www.placer.ca.gov/3191/Hazardous-Materials-Business-Plans-HMBP>)
 - The facility storage map should include emergency shutoff, if applicable

RECOMMENDATION:

Update the webpages as indicated above.

7. OBSERVATION:

The Self-Audit Reports for FYs 2019/2020, 2020/2021, and 2021/2022 may benefit from improvement.

- Page 1: The Unified Program elements list is missing the HMMP/HMIS Program.

RECOMMENDATION:

Address the above observation in future Self-Audit Reports.

8. OBSERVATION:

Review of CERS finds the following two UST facilities have single-walled components which require permanent closure by December 31, 2025, in accordance with HSC Chapter 6.7, Section 25292.05:

- CERS ID 10204831
- CERS ID 10204837

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

RECOMMENDATION:

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

9. OBSERVATION:

On October 10, 2023, the State Water Board performed an oversight inspection with Placer County CUPA for the UST program. The oversight inspection was part of the Annual Monitoring Certification (AMC) and Spill Containment Testing at a Motor Vehicle (MV) facility. The ICC

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Certified inspector met with facility staff and the testing company to discuss procedures. The inspector was thorough in their pre inspection checklist and utilized the previous year's AMC as a checklist and notepad. The inspector was training a second Placer County inspector on UST inspections and procedures.

The inspector observed a failure with the Line Leak Detectors and recorded the violation details. The inspector provided the violation summary to the facility staff and provided detailed notes with the inspection report. Violation data has been recorded in CERS and reflects what was observed on site. The CUPA inspector was diligent in paperwork follow up with the facility and ensured all documentation was received within the 30-day timeframe outlined in HSC.

RECOMMENDATION:

Continue to perform thorough UST inspections and following up with facilities to ensure inspection summary details are recorded in CERS in a timely manner.

10. OBSERVATION:

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

HMBP Requirements:

- October 1, 2019, through September 30, 2020
 - The CUPA conducted 419 routine inspections, of which 272 (65%) had no violations cited and 147 (35%) had at least one violation cited.
 - A total of 217 violations were cited, consisting of:
 - 0 (0%) Class I violations.
 - 16 (7%) Class II violations.
 - 201 (93%) Minor violations.
 - The CUPA has ensured RTC for 217 of 217 (100%) violations cited.
- October 1, 2020, through September 30, 2021
 - The CUPA conducted 456 routine inspections, of which 292 (64%) had no violations cited and 164 (36%) had at least one violation cited.
 - A total of 301 violations were cited, consisting of:
 - 0 (0%) Class I violations.
 - 35 (12%) Class II violations.
 - 266 (88%) Minor violations.
 - The CUPA has ensured RTC for 301 of 301 (100%) violations cited.
- October 1, 2021, through September 30, 2022
 - The CUPA conducted 488 routine inspections, of which 303 (62%) had no violations cited and 185 (38%) had at least one violation cited.
 - A total of 369 violations were cited, consisting of:
 - 1 (<1%) Class I violations.

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- 68 (18%) Class II violations.
- 300 (81%) Minor violations.
- The CUPA has ensured RTC for 369 of 369 (100%) violations cited.

CalARP Program:

- October 1, 2019, through September 30, 2020
 - The CUPA conducted 4 routine inspections, of which 4 (100%) had no violations cited.
- October 1, 2020, through September 30, 2021
 - The CUPA conducted 1 routine inspections, of which 1 (100%) had no violations cited.
- October 1, 2021, through September 30, 2022
 - The CUPA conducted 3 routine inspections, of which 3 (100%) had no 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. Generate detailed inspection reports that include all factual basis and proper citations 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.

11. OBSERVATION:

The information below is a comparison of the total number of regulated facilities within each Unified Program element upon certification of the CUPA 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:

- *Placer County Environmental Health 1996 CUPA Application*
- *CERS “Summary Regulated Facilities by Unified Program Element Report” & CERS “UST Inspection Summary Report (Report 6)”, both generated on February 14, 2024*

- Total Number of Regulated Businesses and Facilities:
 - Upon Certification in 1996: 664
 - Currently: 1,285
 - An increase of 621 facilities
- Total Number of Hazardous Materials Release Response Plan and Inventory (Business Plan) Regulated Businesses and Facilities:
 - Upon Certification in 1996: 639
 - Currently: 1,100
 - An increase of 461 facilities
- Total Number of Regulated Underground Storage Tank (UST) Facilities:
 - Upon Certification in 1996: 154
 - Currently: 89
 - A decrease of 65 facilities

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- Total Number of Regulated USTs:
 - Upon Certification in 1996: 410
 - Currently: 298
 - A decrease of 112 USTs
- Total Number of Regulated Hazardous Waste Generator (HWGs) Facilities:
 - Upon Certification in 1996: 282
 - Currently: 681
 - An increase of 399 facilities
- Total Number of Regulated Household Hazardous Waste (HHW) Facilities:
 - HHW Facilities were not regulated under the Unified Program upon certification in 1996. The difference between the current and historic number of facilities cannot be determined.
 - Currently: 2
- Total Number of Regulated Tiered Permitting Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):
 - Upon Certification in 1996: 14
 - Currently: 7
 - A decrease of 7 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 1996. The difference between the current and historic number of facilities cannot be determined.
 - Currently: 14
- Total Number of Regulated Risk Management Prevention Plan (RMPP) or California Accidental Release Prevention (CalARP) Program Facilities:
 - Upon Certification in 1996: 6
 - Currently: 5
 - A decrease of 1 facility
- Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:
 - Upon Certification in 1996: 11
 - Currently: 170
 - An increase of 159 facilities

Since the CUPA applied for certification in 1996, the total number of regulated facilities has nearly doubled. Responsibilities in the APSA and HWG Programs have increased, along with the total regulated facility count. The total number of UST facilities and USTs decreased by 42% and 27%, respectively. Following certification, HHW facilities and RCRA LQG facilities became regulated under the Unified Program, attributing to an increased workload to further regulatory oversight to each of these program elements.

The information below is a comparison of the overall full time equivalent (FTE) of CUPA personnel allocated to the implementation of the Unified Program upon certification 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 Placer County Environmental Health 1996 CUPA Application and recent information provided by the CUPA.

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- Inspection and other Staff
 - Upon Certification in 1996:
 - 3 Staff, each at a Full/Part Time Equivalent = 3 FTEs
 - Currently:
 - 7 Staff at a Full/Part Time Equivalent = 6.5 FTEs
- Supervisory and Management Staff
 - Upon Certification in 1996:
 - 1 Staff at a Full Time Equivalent = 1 FTE
 - Currently:
 - 2 Staff, 1 Full Time and 1 Part Time = 1.3 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.