

April 14, 2025

Michael Frost
Assistant Director
County of Marin Department of Public Works Waste Management Division
1600 Los Gatos Drive, Suite 210
San Rafael, California 94903-1842

Dear Mr. Frost:

During March through December 2024, CalEPA and the Unified Program state agencies conducted a performance evaluation of the County of Marin Department of Public Works Waste Management 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. 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, 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 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:

Julia Barnes
Supervising Materials Specialist
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Tom Henderson
UST Leak Prevention Unit and
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Environmental Scientist
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cc sent via email:

Tim Brandt
Unified Program Evaluation Team Lead
California Environmental Protection Agency

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

CUPA: County of Marin Department of Public Works Waste Management Division

2024 Evaluation Assessment: March 2024 through December 2024

Timeframe Evaluated: July 17, 2019, through December 30, 2023

Evaluation Team Members:

- **CalEPA Team Lead:** Tim Brandt
- **DTSC:** Mia Goings, Pheleep Sidhom
- **CalEPA:** Garrett Chan
- **State Water Board:** Magnolia Busse
- **CAL FIRE-OSFM:** Denise Villanueva, Glenn Warner

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. The Unified Program implementation and performance of the CUPA is considered **satisfactory with improvements needed**.

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

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

The CUPA shall submit each Evaluation Progress Report to CalEPA in accordance with the specified date provided in the Final Summary of Findings Report or Evaluation Progress Report response. For each identified deficiency and incidental finding, the CUPA shall 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 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 this Final Summary of Findings Report, and any applicable supporting documentation must be included in each Evaluation Progress Report.

The submittal date for the 1st Evaluation Progress Report is **June 20, 2025**.

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ACCOMPLISHMENTS, CHALLENGES, AND EXAMPLES OF OUTSTANDING IMPLEMENTATION

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

1. HAZARDOUS WASTE GENERATOR (HWG) RETURN TO COMPLIANCE (RTC):

The CUPA has ensured 541 of 553 violations cited during July 17, 2019, through December 30, 2023, obtained compliance, achieving an RTC rate of 98%. The CUPA has extensive outreach efforts that assist with educating the regulated community on how to obtain, and retain, compliance with regulatory requirements.

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

The CUPA has met the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum, as well as 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 a Hazardous Materials Business Plan (HMBP), when an HMBP was provided in lieu of a tank facility statement, to the California Environmental Reporting System (CERS).

The CUPA successfully enforced requirements of the APSA Program and obtained a high rate of RTC for APSA tank facilities cited with violations.

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

3. STAFFING, COVID-19 LIMITATIONS, AND EMERGENCY RESPONSE:

The CUPA experienced consistent turnover among inspection staff between 2019 and 2022, resulting in a period where at least one of the three inspector positions was vacant at any given time. In addition, CUPA staff were temporarily reassigned as Disaster Service Workers in response to the COVID-19 pandemic during March 1, 2020, and July 1, 2022.

CUPA staff responded to two hazardous waste response incidents within the County involving large, overturned tanker trucks, a large paint spill, and many smaller incidents. The CUPA is also regularly called in as the lead agency during the cleanup of homeless encampments within the County, specifically when Household Hazardous Waste (HHW) and/or HAZWASTE are involved.

4. ADMINISTRATIVE IMPROVEMENTS:

Since the 2019 CUPA Performance Evaluation, the CUPA has been making efforts to digitize all records, including transitioning to a completely paperless inspection process. To date, approximately half of the records have been digitized and incorporated into the CUPA's database.

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To aid in the identification of new regulated HWG facilities, the CUPA reviews the DTSC Hazardous Waste Tracking System (HWTS) on a quarterly basis to identify new EPA ID numbers that have been submitted.

5. COLLABORATION WITH REGULATORY PARTNERS:

The CUPA maintains a high degree of communication with State regulatory partners to preemptively address regulatory obstacles as they arise. The CUPA also regularly works with local fire and hazmat first responders on all spill response efforts within the County.

The CUPA is an active participant in a number of Technical Advisory Groups (TAGs), Steering Committees, and Workgroups related to the implementation and further development of the Unified Program. In particular, the CUPA is involved in the development of the new Inspection and Enforcement (I&E) Plan guidance document, attends all CUPA Forum Board Meetings, is a co-lead of the DHD data management workgroup, and will be the lead of the upcoming workgroup to identify a data management system to replace DHD.

6. TRAINING EFFORTS AND OUTREACH:

The CUPA provides outreach and fosters a culture of open communication to ensure compliance from regulated facilities. The CUPA previously conducted trainings for the regulated community on CERS usage, which were stopped due to restrictions of the 2019 Coronavirus (COVID-19). The CUPA is intending to restart the trainings in the second quarter of 2025 (or by March 1st).

CUPA staff regularly attend the Unified Program Annual Training Conference.

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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 2020 area plan is missing required elements.

Review of the 2020 area plan finds the following required elements are missing:

- Notification and Coordination
 - Procedures, developed in consultation with the Local Health Officer, to ensure access to health care within 24 hours of an exposure resulting from a pesticide drift exposure incident and up to a week after the incident, as required by California Code of Regulations ([CCR, Title 19, Section 5020.4\(e\)](#)).
- Public Safety and Information
 - Provisions for informing business personnel and the affected public of safety procedures to follow during a release or threatened release of a hazardous material, as required by [CCR, Title 19, Section 5020.6\(b\)](#).
 - Procedures, developed in consultation with the County Agricultural Commissioner, to notify residents of a pesticide drift exposure incident and a procedure to assist in the coordination of an evacuation, if deemed necessary by emergency response personnel, as required by [CCR, Title 19, Section 5020.6\(c\)](#).
 - Procedures to identify all languages known to be spoken in the administering agency's county or city, as the case may be, and ensure that any individual is able to access services in their native language, as required by [CCR, Title 19, Section 5020.6\(d\)](#). The area plan will outline what these services are and how they will be provided in the languages identified.
 - Designation of responsibility for the coordinated release of safety information to the public and to the local Emergency Broadcast System, as required by [CCR, Title 19, Section 5020.6\(e\)](#).
 - Provisions for informing medical and health facilities of the nature of the incident and the substance(s) involved in an incident, as required by [CCR, Title 19, Section 5020.6\(f\)](#).
 - Provisions for evacuation plans. Evacuation planning shall provide for the following elements, as required by [CCR, Title 19, Section 5020.6\(g\)](#):
 - Determination of the necessity for evacuation;
 - Centralized coordination of information with local law, fire, public health, medical, and other emergency response agencies;
 - Timely notification of the affected public, including release of messages prepared pursuant to CCR, Title 19, Section 5020.6 (e) and (f);
 - Properties of hazardous materials, such as quantity, concentration, vapor pressure, density, and potential health effects;
 - Possible release scenarios;

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- Facility characteristics, topography, meteorology, and demography of potentially affected areas;
- Ingress and egress routes and alternatives;
- Location of medical resources trained and equipped for hazardous material response;
- Mass-care facilities, reception areas, and sheltering; and
- Procedures for post-emergency period population recovery.
- Supplies and Equipment
 - A listing and description of available emergency response supplies and equipment specifically designated for the potential emergencies presented by the hazardous materials which are handled within the jurisdiction of the administering agency, as required by [CCR, Title 19, Section 5020.7\(a\)](#).
- Incident Critique and Follow-up
 - Describe provisions for the critique and follow-up of major incidents of a release or threatened release of hazardous material, including pesticide drift exposure incidents, as required by [CCR, Title 19, Section 5020.8](#). The critique shall include an interagency meeting to evaluate the response, to improve future response, and to determine if any area plan revisions are required.

CITATION:

Health and Safety Code (HSC), Chapter 6.95, Section 25503(c)
CCR, Title 19, Division 5, Article 2, Sections 5020.1-5020.8
[CalEPA]

CORRECTIVE ACTION:

By the 2nd Progress Report, the CUPA will provide CalEPA with the revised area plan that includes all required elements.

2. DEFICIENCY:

The CUPA is not certifying to CalEPA every three years that a complete review of the area plan has been conducted and any necessary revisions have been made.

- The last certification of the area plan was January 2020.

Note: The area plan is currently being updated with financial assistance through the Hazardous Materials Emergency Preparedness (HMEP) grant program.

CITATION:

HSC, Chapter 6.95, Section 25503(d)(2)
[CalEPA]

CORRECTIVE ACTION:

By the 2nd 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 to ensure all required elements are present and emergency contact information is current. The CUPA will provide CalEPA with the area plan.

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3. DEFICIENCY:

Underground Storage Tank (UST) compliance inspection information in the Semi-Annual Report (Report 6) is inconsistent with UST Routine Inspection Frequency information in CERS.

Review of Report 6 and UST Routine Inspection Frequency information in CERS finds the following inconsistencies in the reported number of UST facilities not inspected:

- 2020
 - Report 6: 34% of UST facilities were not inspected
 - Routine Inspection Frequency information in CERS:
 - Generated on June 27, 2024: 5% of UST facilities were not inspected
 - Generated on September 20, 2024: 1% of UST facilities were not inspected
- 2021
 - Report 6: 25% of UST facilities were not inspected
 - Routine Inspection Frequency information in CERS:
 - Generated on June 11, 2024: 1% of UST facilities were not inspected
 - Generated on September 20, 2024: 0% of UST facilities were not inspected (all UST facilities were inspected)
- 2022
 - Report 6: 24% of UST facilities were not inspected
 - Routine Inspection Frequency information in CERS:
 - Generated on June 11, 2024: 9% of UST facilities were not inspected
 - Generated on September 20, 2024: 9% of UST facilities were not inspected
- 2023
 - Report 6: 5% of UST facilities were not inspected
 - Routine Inspection Frequency information in CERS:
 - Generated on June 11, 2024: 2% of UST facilities were not inspected
 - Generated on September 20, 2024: 0% of UST facilities were not inspected (all UST facilities were inspected)

Note: The CUPA has established paperless Report 6 reporting, where the UST inspection information in Report 6 is derived directly from inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information reported to CERS. Discrepancies in CERS CME information adversely affects the accuracy of Report 6, which is a requirement of the federal Energy Policy Act of 2005 and is integral for receiving federal grant funding for California's UST Program.

CITATION:

HSC, Chapter 6.11, Section 25404(e)(4)
CCR, Title 23, Section 2713(c)(3)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan that, at minimum includes:

- The "UST Routine Inspection Frequency Search" report, exported from CERS, identifying each UST facility that has not been inspected within the last 12 months including those facilities that have not been inspected since 2022.

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- In the “Comments” section of the ‘UST Routine Inspection Frequency Search’ report, include a schedule to inspect each identified UST facility, prioritizing the most delinquent UST compliance inspections and the facilities having single-walled UST components.
- A thorough analysis and explanation as to how Report 6 and CERS CME information have inconsistent UST compliance inspection information; and
- A strategy to ensure UST compliance inspection information in Report 6 and CERS will be accurately reported.

By the 1st Progress Report, the CUPA will review and revise the Data Management procedure, or other applicable procedure, to ensure the establishment of a process, which at minimum will address:

- collecting, retaining, managing, and reporting inspection information in CERS, and
- how UST compliance information is accurately reported in Report 6.

The CUPA will provide CalEPA with the revised Data Management Procedure, or other applicable procedure.

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

By the 4th Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will accurately report UST compliance inspection information in Report 6 and CERS consistently for two consecutive Report 6 reporting periods.

4. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA is not ensuring each stationary source in the California Accidental Release Prevention (CalARP) Program reviews and updates the Risk Management Plan (RMP) at least once every five years.

Review of information provided by the CUPA finds:

- 2 of 4 (50%) stationary sources have not updated the RMP at least once in the last five years.

CITATION:

CCR, Title 19, Section 5070.11(a)(1)
[CalEPA]

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CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA ensured each stationary source in the CalARP Program reviewed and updated the RMP at least once every five years. An updated RMP was provided for the following stationary sources:

- CERS ID 10032484, RMP updated on April 17, 2024; and
- CERS ID 10032844, RMP updated December 2022.

This Deficiency is considered corrected.

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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 consistently addressing each complaint referred from the CalEPA Environmental Complaint System in accordance with the I&E Plan.

The following complaint numbers were referred to the CUPA and have not been addressed:

- COMP-49585
- COMP-56501
- COMP-58848

CITATION:

CCR, Title 27, Section 15200(a)(13)
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will address complaint numbers COMP-49585, COMP-56501, and COMP-58848. For each complaint, the CUPA will provide:

- an update in the CalEPA Environmental Complaint System; and
 - CalEPA with follow-up documentation as well as a narrative of the outcome.
-

2. INCIDENTAL FINDING:

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

On March 20, 2024, review of HMBPs submitted to CERS between January 19, 2023, and March 20, 2024, by businesses subject to Business Plan reporting requirements finds:

- 106 of 745 (14%) Business Plan facilities have not annually submitted a chemical inventory (including site map) or a no-change certification.
- 111 of 742 (15%) Business Plan facilities have not annually submitted emergency response and employee training plans or a no-change certification.

CITATION:

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

RESOLUTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure all businesses subject to Business Plan reporting requirements annually submit an HMBP or a no-change certification to CERS. The action plan, at minimum, will include

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how the CUPA will follow up with facilities that have not annually submitted an HMBP or a no change certification to 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 annually submitted an HMBP or a no-change certification to CERS:

- Facility name;
- CERS ID;
- Follow-up actions including:
 - Recent review, acceptance, and rejection of an HMBPs or no-change certifications; 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 ensure each business subject to Business Plan reporting requirements has annually submitted an HMBP or a no-change certification to CERS, or the CUPA will have applied enforcement.

3. INCIDENTAL FINDING:

The annual CalARP performance audit reports for FYs 2020/2021, 2021/2022, and 2022/2023 have incomplete required elements.

The following required elements are incomplete:

- Executive summary and a brief description of how the UPA is meeting the requirements of the program as listed in Section 5150.3.
- A listing of stationary sources which have received public comments.
 - The number of facilities that have received public comments is included, however a listing of the facilities is not.
- A listing of stationary sources which have been inspected.
 - The number of facilities that have been inspected is included, however a listing of the facilities is not.
- A summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP Program.
 - Personnel is reported with hours worked rather than Personnel Years (PYs) as required. Personnel years are determined as a product of the number of positions needed and the full-time percentage allocated for each of those positions. For example, assuming one inspector position, working in the CalARP Program, at a half-time percentage, the PYs would be 0.5 (1 personnel position x 0.5 position years = 0.5 personnel years).

CITATION:

CCR, Title 19, Section 5150.5
[CalEPA]

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RESOLUTION:

During the evaluation, the CUPA provided an annual CalARP performance audit report for FY 2023/2024, which includes a complete executive summary and description of how the CUPA is meeting the requirements of the program, a listing of stationary sources which have received public comments and been inspected.

By the 1st Progress Report, the CUPA will provide CalEPA with the most recent annual CalARP performance audit report that completely includes all required elements.

4. 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 12 HMBP CERS submittals, provided by APSA tank facilities in lieu of a tank facility statement, finds the following 2 were accepted with missing or incomplete required elements:

- CERS ID 10032127
 - Site map submitted and accepted on March 21, 2024
 - Missing evacuation staging area and emergency response equipment
 - Site map not updated since 2016
- CERS ID 10032658
 - Site map submitted on October 11, 2023, and accepted on April 2, 2024
 - Missing adjacent street(s), evacuation staging area and emergency response equipment
 - Site map not updated since 2017
 - Emergency Response and Training Plans submitted on October 11, 2023, and accepted on April 2, 2024
 - Missing identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of their vulnerability to earthquake, and
 - Missing procedures that provide for mitigation, prevention, or abatement of hazards to persons, property, or the environment

CITATION:

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

California Fire Code (CFC), Chapter 50, Sections 5001.5.1 and 5001.5.2, and Appendix H [OSFM]

RESOLUTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each future HMBP submittal is thoroughly reviewed and contains all applicable required elements before being accepted in CERS. The action plan will include steps to follow-up with APSA tank facilities having an HMBP submittal reviewed and not accepted due to identified missing or incomplete elements, when an HMBP was provided in lieu of a tank facility statement.

By the 2nd Progress Report, the CUPA will train personnel on the steps in the action plan. The CUPA will provide CalEPA with a statement that training has been conducted.

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

By the 4th Progress Report, the CUPA will ensure each APSA tank facility has annually submitted a complete HMBP to CERS, when an HMBP is provided in lieu of a tank facility statement, or the CUPA will have applied enforcement.

5. INCIDENTAL FINDING:

The CUPA is not conducting complete annual UST compliance inspections.

Review of annual UST compliance inspection reports, facility files, associated testing and leak detection documents, and CERS information finds the following discrepancies:

- Annual Monitoring System Certification form is inconsistent with CERS information. Monitoring System Certification, Section 5, Monitoring System and Programming, states “Yes” for “Does the flow of fuel stop at the dispenser if a release is detected in the UDC?” while both the Monitoring Plan and Monitoring System Certification form identifies 208 sensors:
 - CERS ID 10030615
 - Annual Monitoring System Certification Forms dated January 17, 2024, January 26, 2023, and January 24, 2022
 - CERS ID 10030618
 - Annual Monitoring System Certification Forms dated November 11, 2023, November 1, 2022, and April 19, 2021
 - CERS ID 10342882-001
 - Annual Monitoring System Certification Forms dated January 23, 2024, January 20, 2023, and January 4, 2022
- Annual Monitoring System Certifications do not show Automatic Tank Gauging (ATG) testing completed, while Permit to Operate states Tank Monitoring as ATG and CERS requires ATG testing for single-walled tank monitoring:
 - CERS ID 10030615
 - Annual Monitoring System Certification Forms dated January 17, 2024, and January 26, 2023
 - CERS ID 10032448
 - Annual Monitoring System Certification Forms dated September 6, 2023, and September 6, 2022
 - CERS ID 10342474
 - Annual Monitoring System Certification Forms dated November 21, 2023
 - CERS ID 10342789
 - Annual Monitoring System Certification Forms dated November 27, 2023
 - CERS ID 10342999
 - Annual Monitoring System Certification Forms dated April 7, 2023, and April 26, 2022
- Non-compliance was not noted in the CUPA Annual UST Inspection Report; and a violation was not issued in CERS:
 - CERS ID 10342999

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- Unified Programs Inspection Report dated April 7, 2023, includes an observation and a violation issued for missing Designated Operator (DO) reports in November and July 2022. Additional comments state that the monthly 0.2 gallons per hour (GPH) test results are included with the DO reports. Unified Program Violation Library Violation Type Number 2030005 – USEPATCR 9d was not cited for the missing monthly 0.2 GPH test as a result of the missing November and July 2022 DO reports.
- UST construction, testing and inspection:
 - CERS ID 10030669
 - OPE Inspection Report Form dated August 12, 2019, only has results for tank ID T-3, each tank should have a corresponding result.
 - CERS ID 10032541
 - OPE Inspection Report Forms dated March 4, 2024, and March 3, 2021, have tank ID T-3 only being tested for audio/visual alarm, while CERS additionally lists a fill tube shut-off valve applicable to tank ID T-3.
- Testing and leak detection documents missing from facility records:
 - CERS ID 10342789
 - OPE Inspection Report Form from 2018 was not provided, there is no record of the testing

CITATION:

CCR, Title 23, Sections 2636(f)(4), 2643(b), 2644, 2647, and 2648
HSC, Chapter 6.7, Section 25288(a)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, will review and revise the I&E Plan, or other applicable procedure, to ensure the establishment of a process for consistently conducting complete annual UST compliance inspections and correctly reporting UST CME information (including Technical Compliance Rate criteria), to CERS. The revised I&E Plan, or other applicable procedure will, at minimum include a process for:

- conducting complete annual UST compliance inspections and correctly report UST CME information to CERS.
 - e.g. procedures and tools needed, identifying areas of the annual UST compliance inspection checklist that can be improved (refer to the California CUPA Forum Board “UST Inspection Checklist,” at <https://calcupa.org/inspection-checklist/index.html>);
- review of and follow up with UST testing and leak detection documents submitted by UST owners or operators as part of the annual UST compliance inspection; and
- Identification of the types and frequency of training needed to consistently conduct complete UST compliance inspections, identify non-compliance, and ensure CME information is 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

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necessary, the CUPA will train UST inspection staff on the revised I&E Plan, or other applicable procedure. Once training is complete, the CUPA will implement the revised I&E Plan, or other applicable procedure and provide CalEPA with a statement that training has been conducted.

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. Once training is complete, the CUPA will implement the amended I&E Plan, or other applicable procedure and provide CalEPA with a statement that training has been conducted.

By the 4th Progress Report, and with each subsequent Progress Report until considered resolved, the CUPA will provide CalEPA with UST facility records for the five most recent completed UST compliance inspections, including at minimum, annual UST compliance inspection reports and associated testing and leak detection documents.

6. INCIDENTAL FINDING:

Required components of the I&E Plan are incomplete or inconsistent with CCR, Title 23 (UST Regulations) and HSC, Division 20, Chapter 6.7 requirements.

Review of the I&E Plan finds the following components are incomplete:

- Pages 14 and 15 of the PDF: Identification of penalties and enforcement actions that are consistent and predictable for similar violations and no less stringent than state statute and regulations.
 - A separate Administrative Enforcement Order (AEO) policy is referenced when discussing administrative penalties. The AEO policy is not incorporated into the I&E Plan.
- Page 35 of the PDF: Provisions for ensuring the CUPA has sampling capability and ensuring the analysis of any material shall be performed by a state certified laboratory pursuant to HSC, Chapter 6.5, Section 25198.
 - The provisions for use of a state certified laboratory and training of staff in sampling methodologies are adequate; however, reference is made to a separate sampling Standard Operating Procedure (SOP). The SOP is not incorporated into the I&E Plan and sampling capabilities are not discussed elsewhere.

Review of the I&E Plan finds the following components are inconsistent:

- Page 12 of the PDF, Section VIII. Return to Compliance Timeframe Table:
 - "Significant Violation – 7 business days to red tag Article 10.5 Red Tag Authority § 2717.2".
 - The correct citation is CCR, Title 23, Section 2717.1(b).
 - The last sentence states, "In addition, compliance times for specific violations are located in HSC Sections 25291 and 25292."
 - The correct citation is HSC, Chapter 6.7, Section 25288(d).
- Page 30 of the PDF, Red Tag Procedures (USTs only):
 - Section 1 states, "Upon the discovery of a significant violation that poses an imminent threat to human health or safety or the environment..."

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- Section f states, “The owner or operator who receives a notice of significant violation shall, within seven days from the receipt of the notice, correct the violation to the satisfaction of Marin County CUPA.”
 - Section f contradicts Section 1 and is less stringent than CCR, Title 23, Section 2717.1(a) for a significant violation that poses an imminent threat (which is an immediate red tag). The seven-day timeframe for correction of the violation is for a violation that does not pose an imminent threat to human health or safety or the environment, per CCR, Title 23, Section 2717.1(b).
- Section 1.a. states, “Document the product level of each tank at the time of red tagging if possible.”
 - The language “if possible” is less stringent than CCR, Title 23, Section 2717.1(c).
- Page 31 of the PDF, B. Removal of Red Tag
 - Note states, “Document the product level of each tank at the time of red tag removal if possible.”
 - The language “if possible” is less stringent than CCR, Title 23, Section 2717.2(b).
- Table of Contents, Chapter 3, Section VII. And Page 27, Section VII., Revocation, Modification, or Suspension of Permit:
 - Section A, “Grounds for Revocation, Modification or Suspension of Permit.”
 - Section B. a. “The revocation, modification or suspension shall become effective...”
 - The language “Suspend/Suspension” is more stringent than HSC, Chapter 6.7, Section 25285.1

CITATION:

HSC, Chapter 6.7, Sections 25285.1, 25288(d)
CCR, Title 23, Section 2717.1(b), 2717.2(b)
CCR, Title 27, Section 15200(a)
[CalEPA, DTSC, State Water Board]

RESOLUTION:

By the 2nd Progress Report, the CUPA will provide CalEPA with a revised I&E Plan that adequately incorporates and correctly addresses all required components, including the date of revision. The I&E Plan will be revised to be consistent with UST Regulations and HSC.

By the 3rd Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from CalEPA and/or the State Water Board, the CUPA will provide CalEPA with an amended I&E Plan. If no additional amendments are necessary, the CUPA will train CUPA personnel on the revised I&E Plan. Once training is complete, the CUPA will implement the revised I&E Plan and provide CalEPA with a statement that training has been conducted.

By the 4th Progress Report, if amendments to the revised I&E Plan were necessary, the CUPA will train CUPA personnel on the amended I&E Plan. Once training is complete, the CUPA will implement the amended I&E Plan. The CUPA will provide CalEPA with a statement that training has been conducted.

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7. INCIDENTAL FINDING:

The CalARP Dispute Resolution Process is missing required elements.

Review of the CalARP Dispute Resolution Process finds the following elements are missing:

- Provide that the owner or operator of a stationary source may initiate the dispute resolution process by serving the Unified Program Agency (UPA) with prompt, written notice of a dispute.
 - The Dispute Resolution states, "Provide to the owner or operator of a stationary source they may initiate the dispute resolution process by serving Marin CUPA with prompt, written notice of a dispute within 30 days," which is the requirement rather than a procedure.
 - The statement should be revised to clarify whom will provide the owner or operator of the stationary source the option to initiate the dispute resolution process, and to clarify the option to initiate the CalARP dispute resolution process by the owner or operator of the stationary source.
- Set procedures and timetables for providing argument and supporting materials to the UPA.

CITATION:

CCR, Title 19, Section 5150.1
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a revised CalARP Dispute Resolution Process that adequately incorporates all required elements.

8. INCIDENTAL FINDING:

The CUPA is not consistently ensuring UST Program facility submittal information or UST construction related information in CERS is accurate and complete before being accepted.

Review of the UST Facility/Tank Data Download report obtained from CERS on June 11, 2024, finds the following:

- USTs installed between July 1, 1987, and June 30, 2003, with single-walled vent and/or riser/fill piping are equipped with only Overfill Prevention Equipment (OPE) Performance Measure 1, audio/visual alarms:
 - UST ID 10031032-004
 - UST ID 10032280-001
 - UST ID 10032280-002
 - UST ID 10032280-003
 - UST ID 10032391-001
 - UST ID 10032391-002
 - UST ID 10032541-001
 - UST ID 10032541-002
 - UST ID 10033207-001
 - UST ID 10033207-002
 - UST ID 10342990-001
 - UST ID 10342990-002

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- UST ID 10342990-003
- USTs with “No” for striker plate/bottom protector installed:
 - UST ID 10342474-001
 - UST ID 10342474-002
 - UST ID 10342474-003
 - UST ID 10342789-001
 - UST ID 10342789-002
 - UST ID 10342789-003
- UST systems with no vent piping:
 - UST ID 10342681-004
 - UST ID 10342591-004
 - UST ID 10343089-004
- Single-walled pressurized piping without a pipeline integrity test:
 - UST ID 10030819-003
 - UST ID 10033207-001
 - UST ID 10033207-002

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

CITATION:

HSC, Chapter 6.7, Sections 25286, 25288(a), 25291(a)(7), and 25292(b)
CCR, Title 23, Sections 2631(c), 2632(d)(1), 2634(d)(2), 2635(d), 2636(a), 2641(g) and (h),
2662(c) and (d), 2665(c), 2666(b)(2), and 2711(d)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will identify and provide CalEPA with a list of UST facilities, including the CERS UST ID, having incorrect or incomplete OPE construction.

By the 1st Progress Report, the CUPA will revise the Data Management Procedure, or other applicable procedure, to ensure the establishment of a process for UST inspection staff to review CERS UST submittal information for accuracy and completeness before being accepted. The procedure will, at minimum include the following:

- When CERS UST submittal information is identified as correct and complete, the submittal will be accepted;
- When CERS UST submittal information is identified as incorrect and/or incomplete, the submittal will be:
 - Accepted with minor errors using a condition set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe, or
 - Not accepted with comments provided requiring the resubmittal within a specified timeframe.
 - When CERS UST submittal information is not corrected and resubmitted within the timeframe specified, enforcement will be applied per the I&E Plan.

The CUPA will provide the revised Data Management Procedure, or other applicable procedure to CalEPA. The CUPA will contact the State Water Board for any assistance needed.

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By the 2nd Progress Report, if amendments to the revised Data Management Procedure, or other applicable procedure are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended Data Management Procedure or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised Data Management Procedure or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at minimum will include the data 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 Data Management Procedure or other applicable procedure.

By the 3rd Progress Report, if amendments to the revised Data Management Procedure or other applicable procedure were necessary, the CUPA will train the UST inspection staff on the amended Data Management Procedure. The CUPA will provide training documentation to CalEPA, which at minimum will include the data 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 Data Management Procedure or other applicable procedure.

With respect to the CERS UST submittals already accepted with inaccurate or incomplete monitoring and construction information, when the next UST facility submittal is made, and no later than the next annual UST compliance inspection is conducted, UST inspection staff will review and ensure UST submittal information is accurate and complete before being accepted.

9. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

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 receipt.

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 information finds the following PBR Onsite Hazardous Waste Treatment Notifications submitted between July 17, 2019, and December 31, 2023, were not reviewed, processed, or authorized by the CUPA within 45 days of receipt:

- 4 of 5 (80%)
- Examples include:
 - CERS ID 10631899
 - PBR notification submitted December 18, 2019, and authorized March 9, 2020
 - PBR notification submitted January 11, 2022, and authorized March 16, 2022
 - CERS ID 10663753
 - PBR notification submitted January 28, 2020, and authorized November 2, 2020
 - CERS ID 10861261
 - PBR notification submitted March 29, 2022, and denied May 6, 2024.

Note: There are currently no PBR facilities within the jurisdiction of the CUPA.

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- CERS ID 10631899 and CERS ID 10663753 have closed.
- CERS ID 10861261 incorrectly reported onsite treatment on the PBR notification submitted March 29, 2022.

CITATION:

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

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided documentation of training inspection staff on the Tiered Permit (TP) component of the HWG Program 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.

This Incidental Finding is considered resolved.

10. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

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

On March 20, 2024, review of CERS CME information between January 1, 2021, and December 31, 2023, finds:

- 143 of 745 (19%) facilities subject to HMBP requirements were not inspected within the last three years.

CITATION:

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

RESOLUTION: COMPLETED

During the evaluation, additional facilities subject to HMBP requirements were inspected.

On October 15, 2024, review of CERS CME information finds:

- 18 of 745 facilities are no longer subject to HMBP requirements, and
- 23 of 727 (4%) facilities subject to HMBP requirements were not inspected between January 1, 2021, and December 31, 2023.

This Incidental Finding is considered resolved.

11. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

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

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

- FY 2021/2022
 - 1st FQ: Due October 30, 2021, submitted March 3, 2022
- FY 2022/2023
 - 1st FQ: Due October 30, 2022, submitted December 20, 2022
- FY 2023/2024
 - 2nd FQ: Due January 30, 2024, submitted March 11, 2024

Note: A revised Quarterly Surcharge Transmittal Report template reflecting the increases in state surcharges effective July 1, 2021, and July 1, 2023 is available at: https://calepa.ca.gov/wp-content/uploads/sites/6/2023/10/SURCHARGE-TRANSMITTAL-REPORT_20231019-ADA-1.pdf. Each line item on the Surcharge Transmittal Report template should be completed, including the check number.

CITATION:

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

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided CalEPA with the 1st Quarterly Surcharge Transmittal Report for FY 2024/2025 by the required due date using the current Quarterly Surcharge Transmittal Report template. This Incidental Finding is considered resolved.

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

Thereafter, no later than 30 days after the end of each FQ, the CUPA will ensure each Quarterly Surcharge Transmittal Report, and any state surcharge remittance are provided to CARB via mail, and each Quarterly Surcharge Transmittal Report is provided to CalEPA via email.

12. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

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 on July 3, 2024, between January 1, 2021, and December 31, 2023, finds:

- 97 of 564 (17%) HWG facilities were not inspected between January 1, 2021, and December 31, 2023.

CITATION:

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

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RESOLUTION: COMPLETED

During the evaluation, additional HWG facilities were inspected.

Review of CERS CME information on July 3, 2024, between January 1, 2021, and December 31, 2023, finds of the 97 HWG facilities initially identified as not being inspected between January 1, 2021, and December 31, 2023, 66 have since been inspected, thus 534 of 564 (95%) HWG facilities have been inspected since January 1, 2021.

This Incidental Finding is considered resolved.

13. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The established Unified Program administrative procedures have components that are incomplete.

The following administrative procedure components are incomplete:

- Records maintenance
 - Identification of the records maintained:
 - The records retention schedule lists all CUPA files as generally being maintained indefinitely; however, reference to "Self-audit reports" is missing.
 - Proper disposal methods
 - The records retention schedule indicates that paper files will be destroyed once they are digitized, but it does not specify how (shredding, incineration, etc.).
- Procedures for providing Hazardous Materials Release Response Plan (HMRRP) information to emergency response personnel and other appropriate government entities in accordance with HSC, Section 25504(c).
 - The HMRRP forwarding procedure does not address how new individuals/entities who request access to facility information in CERS will be granted access.
- Consolidated Permit Plan
 - The permitting procedure addresses how payments for permits will be processed, but it does not address how permits will be issued and reissued for regulated facilities in accordance with CCR, Section 15190.

CITATION:

CCR, Title 27, Sections 15180(e), 15185, 15190, 15210 and 15220
[CalEPA]

RESOLUTION: Complete

During the Evaluation, the CUPA provided CalEPA with revised Unified Program administrative procedures that adequately incorporate 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 17, 2019, and December 31, 2023:

- CERS reflects 564 regulated HWG facilities, including 16 Resource Conservation and Recovery Act (RCRA) Large Quantity Generators (LQGs), and 3 Household Hazardous Waste (HHW) facilities within the jurisdiction of the CUPA.
- CERS reflects the CUPA inspected 527 of 564 (93%) HWG facilities and conducted 640 inspections consisting of 619 "Routine" inspections and 21 "Other" inspections.
 - 369 of 619 (60%) "Routine" inspections had no violations cited.
 - 250 of 619 (40%) "Routine" inspections had at least one violation cited.
 - In the 250 "Routine" inspections conducted having at least one violation, 553 total violations were cited, consisting of:
 - 16 (3%) Class I violations
 - 274 (50%) Class II violations
 - 263 (47%) minor violations
- CERS reflects no formal enforcement actions for hazardous waste related violations were completed.
- Inspection reports document whether consent to inspect was requested prior to beginning the inspection.
- Violation observations and comments are consistently being entered into CERS.

RECOMMENDATION:

Continue with efforts to meet the HWG inspection frequency and apply enforcement 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.

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.

2. OBSERVATION:

On October 1, 2024, two oversight inspections were conducted, with three inspectors, only one inspector was present for both inspections. The first inspection was conducted at CERS ID 10032574, a small quantity generator that accumulates and generates waste from consumer products or pharmaceuticals that are classified as acutely hazardous when discarded. The

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inspector was well prepared, asked for consent to inspect before beginning the inspection, and conducted a thorough walkthrough of the facility. The inspector reviewed all necessary documents that were available onsite at the time of the inspection and identified all existing violations. The inspector clearly documented all violations and appropriate corrective actions in the inspection report.

The typical expected procedure at the conclusion of an inspection is for the inspector to provide the facility operator with a clear summary of the violations and guidance to assist the facility with returning to compliance. However, due to the facility operator's lack of training and the inspector's subsequent belief that the facility operator was unqualified to review and address the violations cited, in lieu of providing the facility operator with a copy of the inspection report, the inspector requested to meet with facility operators having the authority to implement hazardous waste procedures to review the summary of violations and guidance to assist the facility with returning to compliance.

Per HSC, Section 25185(c)(1) an inspector is required to provide a summary of all cited violations to the facility operator prior to the conclusion of the inspection. At minimum, the inspector should review the inspection checklist and/or inspection report and the details of each known cited violation with the facility operator, discussing any questions the facility operator may have. If an electronic inspection report is used, the inspector should review the electronic report with the facility operator at the conclusion of the inspection and e-mail a finalized inspection report to the facility operator upon returning to the office.

The second inspection was conducted at CERS ID 10451878, a RCRA large quantity generator that designs, develops and manufactures oligonucleotide tools for lab techniques. The inspector was well prepared, built a rapport with the facility operator and asked for consent to inspect before beginning the inspection. The inspector conducted a thorough document review and a thorough walkthrough of the facility. No HWG Program violations were noted during this inspection.

RECOMMENDATION:

Continue to conduct thorough HWG inspections. Upon conclusion of each HWG inspection, ensure the facility operator is provided with a written summary of violations, which are reviewed with the inspector, discussing any questions the facility operator may have before the inspector leaves the facility. Maintain transparency with facility operators by explaining what can be expected during the inspection and why, particularly when facility operators appear hesitant or as if they may not fully understand the purpose of the inspection.

3. OBSERVATION:

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

- Pages 17-18: Return to Compliance Timeframe table
 - Update the APSA RTC timeframe discussion to clarify that the 30-day RTC timeframe applies to minor violations in accordance with HSC, Section 25404.1.2(c)(1). The APSA Program statement regarding RTC timeframe not being longer than 30 days is valid for minor violations, but not for non-minor violations (Class 1 or Class 2).

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RECOMMENDATION:

Update the I&E Plan as indicated above.

4. OBSERVATION:

As of May 15, 2024, the CERS reporting requirement is currently set as “APSA Applicable” for 90 APSA tank facilities.

The CUPA’s data management system identifies 91 APSA tank facilities total, including 16 facilities that have aboveground petroleum storage capacity of 10,000 gallons or more and 75 facilities that have aboveground petroleum storage capacity of 1,320 to 9,999 gallons.

- 89 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- 1 tank facility within the CUPA’s jurisdiction is reported as “APSA Applicable” in CERS but is not identified as an APSA tank facility in the CUPA’s data management system.
- 2 tank facilities are identified as APSA tank facilities in the CUPA’s data management system but are not identified in CERS as APSA facilities.

RECOMMENDATION:

Determine if each facility identified as “APSA Applicable” in CERS and not identified as an APSA tank facility in the CUPA’s data management system should be regulated under APSA.

Determine if each facility identified as an APSA tank facility in the CUPA’s data management system and not identified as “APSA Applicable” in CERS should be regulated under APSA.

Complete the reconciliation of the APSA Program information in the CUPA’s data management system with CERS to ensure all APSA tank facilities are consistently identified in the CUPA’s data management system and in CERS.

- If a facility is not subject to being regulated under APSA, the APSA reporting requirement should be set to “APSA Not Applicable” in CERS and the facility should not be identified as an APSA tank facility in the CUPA’s data management system.
 - If a facility is subject to being regulated under APSA, the APSA reporting requirement should be set to “APSA Applicable” in CERS and the facility should be identified as an APSA tank facility in the CUPA’s data management system.
-

5. OBSERVATION:

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

RECOMMENDATION:

Encourage each APSA tank facility that utilizes the consolidated emergency response and training plans template to use the current 2023 version, when an HMBP is submitted in lieu of a tank facility statement. The current template is available in CERS, on the CERS Central –

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

6. OBSERVATION:

The CUPA's webpages contain multiple resources for the public and regulated community.

The CUPA Program webpage (<https://publicworks.marincounty.org/cupa/>) contains the following information that may benefit from improvement.

- The APSA Program link mistakenly goes to the Imperial CUPA APSA webpage.
- The Resources section could include a link to the OSFM APSA webpage:
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>
- The Unidocs link does not work.

RECOMMENDATION:

Update the webpages as indicated above.

7. OBSERVATION:

The Self-Audit Reports for FYs 2020/2021, 2021/2022, and 2022/2023 contain information that may benefit from improvement:

- Page 2: APSA should be used in lieu of AST in the General Permitting paragraph. APSA should be used in lieu of SPCC in the Audit Year Permitting table.
- Page 3: Remove the SPCC reference in the Audit Year Inspections paragraph.

RECOMMENDATION:

Update future Self-Audit Reports as indicated above.

8. OBSERVATION:

The area plan contains information that may benefit from improvement:

- Part I – Basic Plan, Administration, A.2., Page 8:
 - The list of Unified Program elements is missing the Hazardous Materials Management Plans and Hazardous Materials Inventory Statements requirements, which are consolidated with the HMBP requirements.
- Part III – Appendices, Emergency Phone List, Appendix R-2, Pages 4-5:
 - Update the State Fire Marshal phone number to (916) 538-3800.
- Attachment 9 – FIREScope Hazardous Materials Module to the Incident Command System, Introduction, Page 1:
 - Remove the State Board of Fire Services reference and update the OSFM contact information – Office of the State Fire Marshal, State Fire Training, PO Box 944246, Sacramento, CA 94244-2460, (916) 902-9738.

RECOMMENDATION:

With the next review, revise the area plan as indicated above.

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9. OBSERVATION:

Review of CERS finds 27 UST facilities have single-walled components which require permanent closure by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05. The following are examples:

- CERS ID 10030615
- CERS ID 10030669
- CERS ID 10030819
- CERS ID 10032448
- CERS ID 10032541
- CERS ID 10342474
- CERS ID 10342789
- CERS ID 10342999

Note: The examples provided above do not represent all instances of this Observation.

RECOMMENDATION:

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

10. OBSERVATION:

Review of CERS and CME information on June 11, 2024, finds RTC was incorrectly entered as "Not Resolvable" for approximately 5% of UST Program Violations. The following are examples:

- CERS ID 10031515
 - Routine inspection conducted March 15, 2023
 - Unified Program Violation Library Violation Type Number 2060015 with violation comment, "Owner/Operator failed to install, maintain, or position leak detection equipment so that it is capable of detecting a leak at the earliest possible opportunity. Please refer to violation item #28, "Leak detection equipment properly installed, calibrated, operated, and maintained (TCR 9d)"
- CERS ID 10031959
 - Other inspection conducted January 14, 2022
 - Unified Program Violation Library Violation Type Number 2060020 with violation comment, "The premium 91 spill bucket was cleaned and retested and continued to fail. Spill bucket will need to be replaced so apply for a permit, correct the issue, and retest within 90 days."
- CERS ID 10031656
 - Routine inspection conducted August 23, 2021
 - Unified Program Violation Library Violation Type Number 2030016 with violation comment, "Owner/Operator did not continuously monitor the interstitial space of the USTs such that the leak detection activates an audible/visual alarm when a leak is detected. Continuously monitor the interstitial space of the USTs such that the leak detection equipment activates an audible/visual alarm when a leak is detected. Submit verification."

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

RECOMMENDATION:

UST violation qualifier “Not Resolvable” is intended for and should be used only in unique situations where the initial violation cannot be resolved. UST Program violations for missed testing, and/or failures in testing for leak detection equipment are resolvable.

11. OBSERVATION:

Review of Unified Program Inspection Reports, UST Closure Letters, and closure documentation for the following facilities finds the CUPA is not providing UST permanent closure notification to the UST owners/operators which demonstrates that the UST permanent closure and soil and/or groundwater sampling complies with CCR, Title 23 and HSC:

- CERS ID 10030819
- CERS ID 10032532

RECOMMENDATION:

Include language in the UST Closure Letter that demonstrates the UST permanent closure, and the soil and/or groundwater sampling complies with HSC, Chapter 6.7, Section 25298(c) and CCR, Title 23, Division 3, Chapter 16, Section 2672. A UST Closure Letter template provided by the State Water Board is available at: <https://www.waterboards.ca.gov/ust/docs/ust-closure-letter-template-final.pdf>.

12. OBSERVATION:

Existing references to citations in CCR, Title 19, Division 2, Chapters 4 and 4.5 in administrative procedures, standard operating procedures and other documents associated with the HMBP and CalARP Programs may be outdated.

Effective July 22, 2021, Assembly Bill 148 (Chapter 115, Statutes of 2021), transferred the oversight responsibility of the HMBP and CalARP Programs from the California Governor’s Office of Emergency Services (Cal OES) to CalEPA.

As a result, on March 6, 2024, the Office of Administrative Law (OAL) approved a rulemaking package submitted by CalEPA to amend and relocate portions of CCR, Title 19, Division 2, Chapters 4 and 4.5 into a new Division (Division 5). The rulemaking does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element. The final regulatory text for the rulemaking package revising the citations is available as follows:

- For HMBP Program requirements: https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-1-Final_Underline_Strikeout.pdf
- For CalARP Program requirements: https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-2-Final_Underline_Strikeout.pdf

RECOMMENDATION:

Update any applicable policies, procedures, or other documents to reflect the new citation references to CCR, Title 19 for the HMBP and CalARP Programs using the “regulatory crosswalk” developed by CalEPA, as Guidance Document 24-01, available at:

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- <https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/Guidance-Document-24-01-Regulatory-Crosswalk-for-HMBP-and-CalARP-Title-19-Changes.pdf>
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13. OBSERVATION:

Review of the following HWG Program facility files finds that certain inspection report elements are not reported in inspection reports, and are reported to CERS:

- CERS ID 10342819: Inspection report dated May 22, 2023
 - The inspection report does not cite any violations.
 - CERS reflects one minor violation for an inspection on May 22, 2023.
- CERS ID 10766065: Inspection report dated April 29, 2022
 - The inspection report does not provide a violation classification for the violation of “General Local Ordinance.”
 - CERS reflects the same violation for an inspection dated May 9, 2022.

RECOMMENDATION:

Compare HWG Program CME information in the data management system and inspection reports with CERS CME information to identify CME information incorrectly transferring to inspection reports. Establish a quality assurance and quality control process is in place to confirm all CME information is correctly and consistently reported to CERS. Ensure inspectors review CERS CME information from the previous inspection during the RTC process or when preparing for conducting the next inspection.

14. OBSERVATION:

On August 20, 2024, an oversight inspection was conducted during the annual monitoring system certification and the spill container testing at CERS ID 10032616, an emergency generator with safe suction piping.

The inspector performed a visual inspection of the sump and spill container, confirmed operability of the sensors, verified sensor placement and technician certifications and reviewed onsite documentation.

The inspector visually inspected the piping and day tanks for the emergency generator, but did not verify whether the single-walled pipes were safe suction. Inspection comments in CERS state, “Product piping for all tanks is double-walled and safe suction (safe suction was verified by CUPA during the 1998 installation of the system).” This does not satisfy the monitoring requirements for safe suction piping. Safe suction requires a method that readily demonstrates the pipe meets all the requirements of Section 2636(a)(3)(D). The piping is currently configured as conventional suction pipe, requiring secondary containment testing every 36 months.

Review of the Unified Programs Inspection Report finds non-compliance is noted within the additional comments section of the inspection report as, “This monitoring panel is not equipped with a backup battery.” The corresponding violation, Unified Program Violation Library Violation Type Number 2030043 (USEPATCR 9d) is not reported to CERS for the unaccounted backup battery violation.

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RECOMMENDATION:

Continue to conduct detailed UST inspections. For any facility with safe suction piping, a method to demonstrate that the pipe meets all requirements of Section 2636(a)(3)(D) is mandatory. All observable violations must be accurately reported to CERS.

15. OBSERVATION:

On September 11, 2024, a HMBP oversight inspection was conducted at CERS ID 10724995. 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 operator, toured the entire site, verified inventory, and emergency response plan information and training on site, and effectively communicated technical information to the facility operator. The inspector identified and disclosed all observed violations. The inspector was thorough in ensuring the accuracy and validity of the HMBP information. The inspector dedicated time to educate the facility operator on the importance of the program and future compliance.

On September 12 and 13, 2024, a HMBP oversight inspection was conducted at CERS ID 10032919. 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 effectively communicated technical information to the facility operators. The inspector identified and disclosed all observed violations. The inspector ensured thoroughness and respectful inquisitiveness during the duration of the inspection.

RECOMMENDATION:

Continue to conduct thorough HMBP inspections.
