

June 23, 2025

Rick Bandelin
CUPA/Medical Waste Program Manager
Ventura County Environmental Health
800 South Victoria Avenue
Ventura, California 93009-1730

Dear Mr. Bandelin:

During August 2024, through June 2025, CalEPA and the Unified Program state agencies conducted a performance evaluation of the Ventura 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 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, Kaeleigh Pontif, via email at Kaeleigh.Pontif@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,

A handwritten signature in blue ink, appearing to read "Jason Boetzer".

Jason Boetzer
Deputy Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Ventura County Environmental Health

2024 Evaluation Assessment: August 2024 through June 2025

Timeframe Evaluated: April 1, 2020, through March 31, 2024

Evaluation Team Members:

- CalEPA Team Lead: Kaeleigh Pontif
- CalEPA: Andrea Moron-Solano
- DTSC: Brennan Ko-Madden, Daniel Speer
- 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.

The CUPA shall submit the first Evaluation Progress Report to CalEPA 60 days from receipt and subsequent Progress Reports in accordance with the specified due date until each Deficiency and Incidental Finding is acknowledged by CalEPA as being corrected or resolved.

With each Progress Report, the CUPA will continue to revise and/or submit any plan, policy, document, or facility information required for any Deficiency or Incidental Finding until acknowledged by CalEPA as being corrected.

Each Progress Report must be submitted to the CalEPA Team Lead via email or uploaded to the established SharePoint website. Questions or comments regarding this evaluation should be directed to the CalEPA Team Lead.

Kaeleigh Pontif
Phone: (916) 83-0623
E-mail: Kaeleigh.pontif@calepa.ca.gov

The submittal date for the 1st Evaluation Progress Report is **August 29, 2025**.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

ACCOMPLISHMENTS, CHALLENGES, AND EXAMPLES OF OUTSTANDING IMPLEMENTATION

Various accomplishments and outstanding efforts, as well as challenges that impact the CUPA's overall ability to implement the Unified Program.

1. IMPLEMENTATION OF HAZARDOUS WASTE GENERATOR (HWG) PROGRAM AND TIERED PERMITTING (TP):

The CUPA ensured over 90% of identified HWG facilities within the jurisdiction of the CUPA were inspected between April 1, 2021, and March 31, 2024. The CUPA completed 3,372 "Routine" and 312 "Other" HWG Program inspections, in some cases inspecting facilities more frequently than once every three years. HWG Program inspectors demonstrated sound technical knowledge and inspection fundamentals during the oversight inspections. HWG Program inspection reports consistently document inspection observations, consent to inspect, and violations supported with factual basis.

2. EXEMPLARY SELF-AUDIT REPORTS:

The CUPA's annual Self-Audit Report is extensive and informative. The report provides a detailed discussion for all required components, including performance of each element of the Unified Program, Ventura City Fire Prevention Participating Agency (PA) performance, and financial review. The CUPA also utilizes visual means to present data, by incorporating charts, tables and graphs, financial statements, and transaction documents. Performing such a detailed self-audit has allowed the CUPA to identify areas where improvement is needed, how such improvement will be achieved, and where the CUPA is excelling in program implementation.

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

The CUPA and Ventura City Fire Prevention PA 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 and Ventura City Fire Prevention PA ensured APSA tank facilities annually submitted a tank facility statement or a Hazardous Materials Business Plan (HMBP) in lieu of a tank facility statement to the California Environmental Reporting System (CERS).

4. TRAINING AND OUTREACH:

Since the last performance evaluation, the CUPA provided trainings to other Unified Program Agencies (UPAs) and conducted outreach to regulated facilities. The CUPA trained its staff on Assembly Bill (AB) 2059, which relates to HMBP and area plan requirements, and sent emails and printed materials to impacted businesses. The City of Ventura PA and the City of Oxnard Fire Department CUPA staff were trained in the following programs: California Accidental Release Prevention (CalARP), Hazardous Materials Business Plan (HMBP), and Underground Storage Tank (UST).

The CUPA was also successful in outreach efforts related to the UST single-walled December 31, 2025, deadline. During this evaluation period, 10 single-walled tanks at three facilities were removed and permanent closure permits have been approved for an additional four facilities.

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Only one UST facility has not filed a plan for closure. This outreach started in 2016 and prior to this evaluation period eight additional facilities had removed their single-walled UST systems.

The CUPA continues to actively participate on state-wide or regional CUPA Technical Advisory Groups (TAGs) including leadership roles. The CUPA has chaired the UST and Hazardous Waste (HW) TAG during this evaluation period.

5. STAFFING CHALLENGES:

Since the last performance evaluation, the CUPA has experienced staffing challenges, particularly the turnover of six inspector positions, three technical lead positions, two administrative positions, and two supervisor positions. Though the turnover of staff impacted program implementation, the CUPA worked diligently to fill vacant positions and is currently operating with sixteen staff members, consisting of nine inspectors, two administrative assistants, two management and supervisory positions, as well as one supervisor and two hazardous materials specialists from the Ventura City Fire Prevention PA.

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DEFICIENCIES REQUIRING CORRECTION

Deficiency “is a major deviation in implementation of one or more Unified Program elements from the expected standards set forth in statute or regulation. It is a systemic problem that could impact the safety and protection of human health and the environment.” (Cal. Code Regs., tit. 27, § 15100, subd. (k).) In addition, recommendations may be provided.

1. DEFICIENCY:

The CUPA is not ensuring the Ventura City Fire Prevention PA is consistently following-up and documenting return to compliance (RTC) information in CERS for APSA tank facilities cited with violations.

CERS CME information on April 9, 2025, reflects there is no documented RTC for the following APSA Program violations cited between April 1, 2020, and March 31, 2024:

- 4 of 36 (11%) cited between April 1, 2021, and March 31, 2022
- 11 of 22 (50%) cited between April 1, 2022, and March 31, 2023

CITATION:

Health and Safety Code (HSC), Chapter 6.11, Section 25404.1.2(c)
California Code of Regulations (CCR), Title 27, Sections 15185(a) and (c) and 15200(a) and (e)
[OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from the PA's data management system or CERS, that includes at minimum the following information for each APSA tank facility with an open violation (no RTC) cited between April 1, 2022, and March 31, 2023:

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

The Ventura City Fire Prevention PA will prioritize follow-up actions with each facility based on the level of hazard present to public health and the environment.

2. DEFICIENCY:

The CUPA and the Ventura City Fire Department PA are not consistently citing nor requiring the correction of construction violations identified in the State Water Board Local Guidance Letter 150, dated February 2021, at existing UST systems.

Review of the Facility/Tank Data Download report obtained from CERS on October 29, 2024, finds:

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- The following hazardous substance USTs with single-walled vent or riser piping incorrectly utilizing the overfill prevention equipment (OPE) exemption:
 - CUPA:
 - CERS ID 10332883-001
 - CERS ID 10331605-004
 - CERS ID 10331641-001
 - CERS ID 10332199-001
 - CERS ID 10332337-004
 - CERS ID 10332664-002
 - CERS ID 10332781-003
 - CERS ID 10332856-004
 - Ventura City Fire Department PA:
 - CERS ID 10334029-004
 - CERS ID 10334035-004
 - CERS ID 10334425-005
- The following hazardous substance USTs with single-walled vent or riser piping with no OPE:
 - CUPA:
 - CERS ID 10331605-004
 - CERS ID 10331641-001
 - CERS ID 10332337-004
 - CERS ID 10332664-002
 - CERS ID 10332883-001
 - Ventura City Fire Department PA:
 - CERS ID 10334029-004

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

CITATION:

CCR, Title 23, Sections 2635(d), 2636(a), and 2665(c)
[State Water Board]

CORRECTIVE ACTION:

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

The CUPA will provide written correspondence to the UST owners/operators, informing the UST owners/operators of the requirement of installation of OPE, or to construct secondary containment for single-walled vent and fill risers. The written correspondence will include language stating that failure to comply with OPE requirements specified in CCR, Chapter 16, Section 2635(c)(1)(B) or (C) or (D) 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 corrected, 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 resolve the construction violations, the CUPA will apply enforcement. The CUPA will provide CalEPA with documentation of the applied enforcement.

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By the 3rd Progress Report, if appropriate steps have not been taken by the UST owners/operators to resolve the construction violations, the CUPA will apply enforcement, including but not limited to revocation of the UST Operating Permit and issuance of red tags, which prohibit the deposit and withdrawal of product. The CUPA will provide CalEPA with documentation of the applied enforcement.

The State Water Board will consider this Deficiency corrected when UST owners/operators install and correct OPE or secondarily contained vent and fill piping.

3. DEFICIENCY:

The Permit to Operate, issued as the Unified Program Facility Permit to Operate (UPFP), includes components that are inconsistent with CCR, Title 23, Division 3, Chapter 16 (Chapter 16) and HSC, Division 20, Chapter 6.7 requirements. Review of the Permit to Operate, finds the following inconsistencies with CCR, Chapter 16 and HSC, Chapter 6.7:

- Permit Conditions state "Permitted UST systems shall be monitored according to the applicable sections of the HSC, Chapter 6.7, the California Code of Regulations, Title 23, and as approved by this agency through CERS."
 - The correct citation is as follows:
 - CCR, Chapter 16, Sections 2610 through 2717.7
 - HSC, Chapter 6.7, Sections 25280 through 25296 and 25298 through 25299.6
- Permit Conditions state "This permit is not transferable and may be suspended or revoked for due cause."
 - This is inconsistent with CCR, Chapter 16, Section 2712(d) and HSC, Section 25284(b), allowing for the transfer of permits.
 - The CUPA does not have the authority to suspend a UST Operating Permit per HSC, Chapter 6.7, Section 25285.1
- Permit issued with inaccurate or inconsistent information:
 - CERS ID 10334146
 - Permitted activity issued on March 25, 2024, is inconsistent with CERS information and tank ID data.

CITATION:

HSC, Chapter 6.7, Sections 25284(b) and 25285.1
CCR, Chapter 16, Section 2712(d)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will revise the Permit to Operate and Permit Conditions template to be consistent with CCR, Chapter 16 and HSC, Chapter 6.7. It is recommended that the CUPA adopt the UST operating permit and permit conditions template developed by the State Water Board to ensure alignment with the upcoming revisions to CCR, Title 23, Chapter 16 (https://www.waterboards.ca.gov/water_issues/programs/ust/docs/permit-template2.docx). The CUPA will contact the State Water Board for assistance with revising the Permit to Operate and Permit Conditions template, if necessary. The CUPA will provide the revised Permit to Operate and Permit Conditions template to CalEPA.

By the 2nd Progress Report, the CUPA will, if necessary, amend the revised Permit to Operate and Permit Conditions template, based on feedback from the State Water Board. The CUPA will

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provide the amended Permit to Operate and Permit Conditions template to CalEPA. If no amendments are necessary, the CUPA will begin to issue the revised Permit to Operate and Permit Conditions. The CUPA will provide CalEPA with the Permit to Operate and Permit Conditions issued to five UST facilities using the revised template.

By the 3rd Progress Report, if amendments to the revised Permit to Operate and Permit Conditions template were necessary, the CUPA will begin to issue the amended Permit to Operate and Permit Conditions. The CUPA will provide CalEPA with the Permit to Operate and Permit Conditions issued to five UST facilities using the amended template.

4. DEFICIENCY: CORRECTED DURING EVALUATION

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

Review of inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information in CERS on July 22, 2024, between April 1, 2021, and March 31, 2024, finds:

- 12 of 20 (60%) facilities subject to CalARP Program requirements were not inspected within the last three years.

CITATION:

HSC, Chapter 6.95, Section 25537(a)

CCR, Title 19, Section 5140.4

[CalEPA]

CORRECTIVE ACTION: COMPLETED

During the evaluation the CUPA inspected additional facilities subject to CalARP Program requirements.

Review of CERS CME information on April 7, 2025, between January 1, 2022, and December 31, 2024, finds:

- 0 of 19 (0%) facilities subjected to CalARP requirements were not inspected within the last three years.

This Deficiency is considered corrected.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

"Incidental finding is a minor deviation in implementation of one or more Unified Program elements from the expected standards set forth in statute or regulation. It is a limited, non-systemic problem." (Cal.Code Regs., tit. 27, § 15110, subd. (f).) In addition, recommendations may be provided.

1. INCIDENTAL FINDING:

A required component of the I&E plan is missing.

Review of the I&E Plan finds the following component is missing:

- Provisions for ensuring sampling capability and analysis performed by a state certified laboratory, pursuant to HSC, Chapter 6.5, Section 25198.
 - Information should include training, identification of sampling equipment, methods to preserve physical evidence obtained through sampling and testing information. This information was required when the CUPA became certified and is necessary to proceed with any potential enforcement actions as needed.

CITATION:

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

RESOLUTION:

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

By the 2nd Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from CalEPA and/or DTSC, the CUPA will provide the amended I&E Plan to CalEPA. If no amendments are necessary, the CUPA will train inspection staff on the revised I&E Plan and provide CalEPA with a statement that training has been conducted. Once training is complete, the CUPA will implement the revised I&E Plan.

By the 3rd Progress Report, if amendments to the revised I&E Plan were necessary, the CUPA will train inspection staff on the amended I&E Plan and provide CalEPA with a statement that training has been conducted. Once training is complete, the CUPA will implement the amended I&E Plan.

2. INCIDENTAL FINDING:

The CUPA is not consistently classifying APSA violations properly.

Review of facility files and CERS CME information on July 22, 2024, reflects the CUPA is classifying non-minor APSA Program violations as minor violations in the following instances:

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

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- o April 1, 2020, through March 31, 2024 – 3 instances

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

CITATION:

HSC, Chapter 6.11, Sections 25404(a)(3) and 25404.2(a)(3)-(4)
CCR, Title 19, Section 1612(d)
[OSFM]

RESOLUTION:

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

- [2020 Violation Classification Guidance for Unified Program Agencies](https://calepa.ca.gov/wp-content/uploads/2020/06/Violation-Classification-Guidance-Document-accessible.pdf)
(<https://calepa.ca.gov/wp-content/uploads/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>)
- [US EPA Civil Penalty Policy for Section 311\(b\)\(3\) and Section 311\(j\) of the Clean Water Act, August 1998](https://19january2017snapshot.epa.gov/enforcement/civil-penalty-policy-section-311b3-and-section-311j-clean-water-act-cwa-august-1998_.html) for SPCC violations
(https://19january2017snapshot.epa.gov/enforcement/civil-penalty-policy-section-311b3-and-section-311j-clean-water-act-cwa-august-1998_.html)

The CUPA will provide CalEPA with a statement that training has been conducted.

3. INCIDENTAL FINDING:

The CUPA is not accurately reporting UST compliance information in the Semi-Annual Report (Report 6), nor is the CUPA ensuring the Ventura City Fire Department PA is accurately reporting UST compliance information in Report 6. UST compliance inspection information in Report 6 is inconsistent with CERS UST CME Data Download information.

Review of Report 6 and the CERS UST CME Data Download obtained October 29, 2024, finds the following facilities have US EPA technical compliance rate (TCR) violations with no documented RTC and the violations were not reissued during the subsequent routine UST inspection:

- UST facilities within the jurisdiction of the CUPA:
 - o CERS ID 10180385
 - Overfill Prevention (USEPATCR 9b) (USEPA Priority) violation cited October 25, 2022
 - o CERS ID 10180405
 - Two Spill Container (USEPATCR 9a) violations cited January 19, 2023.
 - Audible and Visual Alarm violation (USEPA Priority) cited January 19, 2023.
 - o CERS ID 10334227
 - Overfill Prevention (USEPA 9b) violation cited October 26, 2023.
 - o CERS ID 10334236
 - Secondary Containment Testing (USEPATCR 9d) violation cited October 25, 2022.

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- UST facilities within the jurisdiction of the Ventura City Fire Department PA:
 - o CERS ID 10334947
 - Leak Detection Equipment Maintenance (USEPATCR 9d) violation cited January 11, 2023.
 - Secondary Containment Testing (USEPATCR 9d) violation cited January 11, 2023
 - Spill Container (USEPATCR 9a) violation cited January 11, 2023.
 - o CERS ID 10334995
 - Spill Container (USEPATCR 9a) violation cited January 5, 2023.
 - o CERS ID 10335103
 - Overfill Prevention (USEPATCR 9b) violation cited January 20, 2022.

Review of Report 6 and the CERS UST Routine Inspection Frequency Search information obtained October 29, 2024, finds the following inconsistencies in the reported number of UST facilities inspected by the Ventura City Fire Department PA:

- 2023
 - o Report 6: 0% not inspected (no missed inspections)
 - o CERS Routine Inspection Frequency Search information: 4% not inspected.

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

Note: The CUPA and the Ventura City Fire Department PA have established paperless Report 6 reporting, where the UST inspection information in Report 6 is derived directly from CERS CME information. Discrepancies in CERS CME information, such as the omission of RTC information, failure to cite recurring violations, and the number of facilities inspected adversely affects TCR submittal information and 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:

CCR, Title 23, Section 2713(c)(3) and (4)
[State Water Board]

RESOLUTION:

By the 1st Progress report, the CUPA in coordination with the Ventura City Fire Department PA, will develop, implement, and provide CalEPA with an action plan that, at minimum, includes:

- A thorough analysis and explanation as to why UST compliance inspection information in Report 6 is inconsistent with CERS UST CME information; addressing
 - o TCR violations with no documented RTC;
 - o Reissuance of previously cited violations without RTC during subsequent routine UST inspections;
 - o The discrepancy in the number of UST facilities reported as being inspected in Report 6 and CERS Routine Inspection Frequency Search information.
- A strategy to ensure UST compliance inspection information in Report 6 and CERS will be accurately reported by the CUPA and the Ventura City Fire Department PA.
- Ensuring each UST within the jurisdiction of the Ventura City Fire Department PA is inspected annually, and CME information is correctly reported to CERS.
 - o The "UST Routine Inspection Frequency Search" report, exported from CERS, may be used to identify each UST facility that has not been inspected by the Ventura

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City Fire Department PA, at least once annually, including those facilities that were not inspected in 2021 and 2023.

By the 1st Progress Report, the CUPA, in coordination with the Ventura City Fire Department PA, will review and revise the "Policy Number 2.5, Data Management Procedure," to ensure the establishment of a process, which at minimum will address collecting, retaining, managing, and reporting UST inspection information to CERS, and how UST compliance information is accurately reported in Report 6 by the CUPA and the Ventura City Fire Department PA. The CUPA will provide CalEPA with the revised "Policy Number 2.5, Data Management Procedure."

By the 2nd Progress Report, if amendments to the revised "Policy Number 2.5, Data Management Procedure," are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended "Policy Number 2.5, Data Management Procedure." If no amendments are necessary, the CUPA, in coordination with the Ventura City Fire Department PA, will train UST inspection staff on the revised "Policy Number 2.5, Data Management Procedure." and provide CalEPA with a statement that training has been conducted. Once training is complete, the CUPA, in coordination with the Ventura City Fire Department PA, will implement the revised "Policy Number 2.5, Data Management Procedure."

By the 2nd Progress Report, and until considered corrected, the CUPA, in coordination with the Ventura City Fire Department PA, will ensure UST compliance inspection information is accurately reported in Report 6 and CERS by the CUPA and the Ventura City Fire Department PA for two consecutive reporting periods. Subsequent to the submission of each Report 6, the CUPA will provide facility files for three facilities that underwent a routine inspection by the CUPA and for three facilities that underwent a routine inspection by the Ventura City Fire Department PA, during the respective Report 6 reporting period.

4. INCIDENTAL FINDING:

The CUPA is not consistently conducting complete UST compliance inspections.

Review of UST compliance inspection reports, associated testing and leak detection documents, and CERS CME information finds the following:

- UST construction, testing and inspection discrepancies:
 - CERS ID 10419487
 - Overfill Prevention Equipment Inspection (OPE) Report dated April 27, 2021, references ball floats; however, these were neither tested nor reported to CERS.
 - CERS ID 10334194
 - OPE Report dated June 21, 2021, contains results only for a fill tube shut-off valve, whereas CERS includes both ball floats and a fill tube shut-off valve.
 - CERS ID 10333396
 - OPE Report dated November 19, 2021, contains results only for a ball float, whereas CERS includes both ball floats and a fill tube shut-off valve.
 - CERS ID 10332955
 - OPE Report dated December 28, 2022, contains results for ball floats and audible/visual alarms, whereas only audible/visual alarms are reported to CERS.

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- Non-compliance was not noted in the CUPA Annual UST Inspection Report, and a violation was not reported to CERS:
 - CERS ID 10332910
 - Unified Program Violation Library Violation Type Number 2030036 – USEPATCR 9b was not cited.
 - OPE conducted on July 22, 2021, was completed outside the 36-month required timeframe. Previous OPE was completed April 2, 2019.
 - Subsequent OPE testing completed July 3, 2024, should have been completed in April 2024.
- Annual 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 states “No” and the Monitoring System Certification form identifies 208 sensors:
 - CERS ID 10334236
 - Annual Monitoring System Certification forms dated October 27, 2021, October 25, 2022, and October 23, 2023.
 - CERS ID 10338037
 - Annual Monitoring System Certification forms dated April 7, 2022, April 28, 2023, and April 1, 2024.
 - CERS ID 1033396
 - Annual Monitoring System Certification forms dated November 19, 2021, November 22, 2021, and October 24, 2023.
 - CERS ID 10332910
 - Annual Monitoring System Certification forms dated July 26, 2022, July 26, 2023, and July 4, 2024.
- Incorrect CERS IDs identified on testing documentation:
 - CERS ID 10334236
 - Annual Monitoring System Certification form and Spill Container Testing Report form dated October 27, 2021, identifies CERS ID as 10434236
 - Annual Monitoring System Certification form and Spill Container Testing Report form dated October 25, 2022, identifies CERS ID as 10434236
 - Annual Monitoring System Certification form and Spill Container Testing Report form dated October 23, 2023, identifies CERS ID as 10434236

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

CITATION:

HSC, Chapter 6.7, Sections 25290.1(f), 25290.2(e), 25291(c) and 25292(d)
CCR, Title 23, Sections 2635(c) & (d), 2636(a) and 2665
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with an analysis and explanation as to why complete annual UST compliance inspections are not consistently conducted by the CUPA. The analysis and explanation will include, at minimum:

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- Discussion of what procedures and tools may be needed to consistently conduct complete annual UST compliance inspections and correctly report CME information to CERS
- Identification of the types and frequency of training needed to consistently conduct complete UST compliance inspections, identify non-compliance, ensure UST testing and leak detection documents are submitted within 30 days of testing, and ensure CME information is reported to CERS;
- A plan to address all reasons why complete annual UST compliance inspections are not consistently conducted.

By the 2nd Progress Report, based on the findings identified in the CUPA's analysis and explanation, the CUPA will review and revise the I&E Plan, or other applicable procedure, to establish a process for consistently conducting complete annual UST compliance inspections and correctly report UST CME information to CERS. The revised I&E Plan, or other applicable procedure will, at minimum include a process for the CUPA to:

- Conduct complete annual UST compliance inspections at all UST facilities, including single-walled UST facilities;
- 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;
- Document observed non-compliance identified during annual UST compliance inspections in UST compliance inspection reports;
- Report all inspections, observed non-compliance identified in UST compliance inspection reports and CME information to CERS;
- Conduct annual UST compliance inspections when UST inspection staff are on-site to witness the monitoring system certification and visually inspect all UST required components;
- Conduct annual UST compliance inspections when UST inspection staff are not on-site and cannot witness the monitoring system certification and visually confirm all UST requirements are met;
- Require UST facility owners or operators to submit UST testing and leak detection documents to the CUPA within 30 days of testing;
- Apply and document enforcement if the UST owner or operator fails to submit UST testing and leak detection documents to the CUPA within the required time frame;
- Maintain records of UST compliance inspection reports and testing and leak detection records for all UST facilities;
- Accurately report U.S. EPA TCR information, including abandoned USTs; and
- Ensure violation data used as part of the semi-annual report (Report 6) is accurately reported to CERS, such as with the use of a quality assurance (QA)/ quality control (QC) procedure.

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 3rd Progress Report, if amendments to the revised I&E Plan, or other applicable procedure, are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended I&E Plan, or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised I&E Plan, or other applicable procedure. The CUPA will provide CalEPA with a statement that training has been conducted. Once

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

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with five UST facility records, as requested by the State Water Board, including, at minimum, annual UST compliance inspection reports and associated testing and leak detection documents.

5. INCIDENTAL FINDING:

The CUPA is not ensuring UST Program related information in CERS is accurate and complete, nor is the CUPA ensuring the Ventura City Fire Department PA ensures UST Program related information in CERS is accurate and complete.

Review of the UST Facility/Tank Data Download report obtained from CERS on October 29, 2024, finds UST construction and leak detection information is incorrect as follows:

UST facilities within the jurisdiction of the CUPA:

- 3 of 8 (38%) tanks with single-walled piping listing "Yes" for continuous secondary monitoring:
 - CERS ID 10940791-001
 - CERS ID 10940791-002
 - CERS ID 10940791-003

UST facilities within the jurisdiction of the Ventura City Fire Department PA:

- 1 of 4 (25%) single-walled tanks identified with secondary containment construction
 - CERS ID 10334194-004
- 1 of 4 (25%) single-walled tanks listed as "Yes" for continuous electronic tank monitoring
 - CERS ID 10334194-004
- 1 of 4 (25%) single walled USTs without tank monitoring listed
 - CERS ID 10334194-004
- 3 of 23 (13%) vacuum, pressure, or hydrostatic (VPH) systems with secondary containment testing listed as "Yes"
 - CERS ID 10334632-009
 - CERS ID 10334632-010
 - CERS ID 10334632-011
- 3 of 23 (13%) VPH systems with periodic enhanced leak detection testing listed as "Yes"
 - CERS ID 10334632-009
 - CERS ID 10334632-010
 - CERS ID 10334632-011

CITATION:

HSC, Chapter 6.7, Sections 25290.1 and 25291

CCR, Chapter 16, Sections 2637(2), 2641, 2643(d), 2644.1, and 2666(b)(2)

[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA in coordination with the Ventura City Fire Department PA, will review and 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

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information regarding construction and leak detection requirements for accuracy and completeness based on the UST installation date, which will, at minimum include the following:

- When UST CERS submittal information is identified as incorrect, the CUPA will either:
 - Accept UST CERS submittals with minor errors utilizing a condition set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe or;
 - Not accept UST CERS submittals and provide comments with the requirement to resubmit UST information within a specified time.
- When the UST CERS submittal is not corrected and resubmitted within the time specified by the CUPA, the CUPA will apply enforcement per the I&E Plan.

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

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, in coordination with the Ventura City Fire Department PA, will amend and provide CalEPA with the Data Management Procedure, or other applicable procedure. If no amendments are necessary, the CUPA, in coordination with the Ventura City Fire Department PA, will train UST inspection staff on the revised Data Management Procedure, or other applicable procedure. The CUPA will provide CalEPA with a statement that training has been conducted. Once training is complete, the CUPA, in coordination with the Ventura City Fire Department PA, 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, in coordination with the Ventura City Fire Department PA, will train UST inspection staff on the amended Data Management Procedure, or other applicable procedure. The CUPA will provide CalEPA with a statement that training has been conducted. Once training is complete, the CUPA, in coordination with the Ventura City Fire Department PA, will implement the amended Data Management Procedure, or other applicable procedure.

With respect to UST Program submittals already accepted in CERS, the CUPA, in coordination with the Ventura City Fire Department PA, will review UST related information and require accurate and complete UST Program submittals when the next submittal is made, but no later than the next annual UST compliance inspection.

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the State Water Board will review five UST submittals accepted by the CUPA in CERS, subsequent to UST inspection staff receiving training on the Data Management Procedure, or other applicable procedure.

6. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The annual CalARP performance audit report for Fiscal Years (FYs) 2022/2023 and 2021/2022 are missing a required element.

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The following element is missing:

- A listing of stationary sources which have been audited.

CITATION:

CCR, Title 19, Section 5150.5(b)
[CalEPA]

RESOLUTION: COMPLETED

The provided annual CalARP performance audit report for 2023/2024 contains the required elements. This Incidental Finding is considered resolved.

7. 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 CME information on October 3, 2024, finds 9 of 23 (39%) PBR Onsite Hazardous Waste Treatment Notifications submitted between April 1, 2021, and March 31, 2024, were not reviewed, processed, or authorized by the CUPA within 45 days of receipt. Examples include:

- CERS ID 10116382
 - PBR notification submitted on December 22, 2023, and Accepted on April 29, 2024 (129 days).
 - PBR notification submitted on February 22, 2024, and Accepted on April 29, 2024 (67 days).
- CERS ID 10332040
 - PBR notification submitted on November 11, 2022, and Accepted on July 24, 2023 (245 days).
 - PBR notification submitted on December 13, 2023, and Accepted on April 22, 2024 (131 days).
- CERS ID 10332370
 - PBR notification submitted on November 11, 2022, and Accepted on January 19, 2023 (59 days).
 - PBR notification submitted on December 31, 2023, and Not Accepted on June 17, 2024 (199 days).
- CERS ID 10333657
 - PBR notification submitted on December 20, 2023, and Accepted on April 29, 2024 (131 days).
- CERS ID 10335289
 - PBR notification submitted on November 1, 2022, and Accepted on January 19, 2023 (79 days).

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- o PBR notification submitted on November 13, 2023, and Accepted on April 22, 2024 (161 days).

CITATION:

CCR Title 22, Sections 67450.2(b)(4) and 67450.3(c)(1) and (d)
HSC, Chapter 6.5, Sections 25200.3(e)(3) and 25201.5(d)(7)
[DTSC]

RESOLUTION: COMPLETED

The CUPA has identified that the lapse in review of PBR notifications was due to the loss of the HW/CalARP lead. The CUPA has already hired a new HW/CalARP lead who has a standing calendar notice to review CERS every 14 days for new Tiered Permit submittal elements. As of April 8, 2025, all PBR notifications since April 1, 2024, have been reviewed within 45 days. This Incidental Finding is considered resolved.

8. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA is not consistently or correctly reporting CME information to CERS for the HWG Program.

Review of CERS CME information on November 13, 2024, between April 1, 2021, and March 31, 2024, inspection reports and other information provided by the CUPA finds:

- Inspections for the following Household Hazardous Waste Collection Facilities (HHWCFs) were incorrectly reported to CERS:
 - o CERS ID 10337398: "HW" and "PBR" inspection dated August 17, 2021
 - o CERS ID 10332055: "HW" and "PBR" inspection dated April 15, 2024
 - o CERS ID 10336873: "PBR" inspection dated October 1, 2022
 - o CERS ID 10468351: "HW" inspection dated May 23, 2023, and "PBR" inspection dated September 20, 2024.
 - o CERS ID 10335799: "HW" inspection dated September 23, 2023, and "PBR" inspection dated June 28, 2021.

The correct CME Program Type for reporting "HHWCF" inspections to CERS is "HHW." The "PBR" CME Program Type is used for facilities that conduct onsite HW treatment under PBR authorization.

- Manifest exception report violations are incorrectly reported to CERS:
 - o CERS ID 10116382: "HWLQG" inspection dated November 9, 2022
 - The inspection report cites HSC, Section 25160(b)(3) for a violation for "failure to obtain a copy of the manifest signed by the TSDF..."
 - CERS reflects a violation citing CCR, Title 22, Chapter 12, Section 66262.23(a)(4) and HSC, Chapter 6.5, Section 25160(b)(1)(C) for "Failure to send a legible copy of each hazardous waste manifest that originated in paper form to DTSC within 30 days of each shipment of hazardous waste."
 - For Large Quantity Generators (LQGs), the correct citations to report to CERS are CCR, Title 22, Chapter 12, Sections 66262.42(a), 66262.42(b), and 66262.42(d); and HSC, Chapter 6.5, Section 25160(b)(3), using Unified Program Violation Library Violation Type Number 3010009.

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- Missing CME violation information:
 - CERS ID 10334491: "HWLQG" inspection dated December 6, 2022
 - A violation citing CCR, Title 22, Section 66265.31, for "Failure to maintain and operate facility in a manner to prevent spills," is not reported to CERS.
 - 172 violations are missing RTC qualifiers. Information provided by the CUPA on April 1, 2025, showed there was an error in uploading RTC information to CERS.
- Incorrect CME violation information:
 - CERS ID 10336951: "HW" inspection dated July 23, 2021
 - Inspection report cites CCR, Title 22, Section 66265.192, for "New tank P.E. assessment." The violation is incorrectly reported to CERS as a tank inspection violation using Unified Program Violation Library Violation Type Number 3030027
 - The correct to report to CERS is Unified Program Violation Library Violation Type Number 3210014.

Note: The examples provided above may not represent all instances of this incidental finding. It is not necessary to revise the HWG inspection reports for the facilities identified as examples above.

CITATION:

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

RESOLUTION: COMPLETED

As of April 1, 2025, the CUPA has corrected all the identified incorrect or missing CERS CME information. This Incidental Finding is considered resolved.

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OBSERVATIONS AND RECOMMENDATIONS

Observations identify areas of Unified Program implementation that could be improved, and recommendations provide suggestions for improvement. Although the CUPA is not legally required to implement the recommendations, the CUPA's program would likely benefit from doing so.

1. OBSERVATION:

The information below is a summary of the overall implementation of the HWG Program, and the CUPA's hazardous waste related activities based upon review of policies and procedures, CERS CME information, facility file information, information provided by the CUPA and Self-Audit Reports between April 1, 2021, and March 31, 2024:

- There are 1,667 regulated HWG facilities, including 62 Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) facilities, 5 Household Hazardous Waste Collection Facilities (HHWCFs), and 33 Tiered Permit (TP) facilities.
- The CUPA inspected 1,496 HWG facilities and performed 3,684 HWG inspections (3,372 Routine & 312 Other).
 - 1,496 of 1,667 (90%) HWG facilities were inspected.
 - Of the 3,372 Routine inspections conducted, 2,179 (65%) had no violations cited and 1,193 (35%) had at least one violation cited.
- 2,357 total violations were issued, consisting of:
 - 0 Class I violations,
 - 1,207 Class II violations, and
 - 1,150 minor violations
- 2,153 of 2,357 (91%) violations cited were returned to compliance.
- 42 of 312 (13%) Accumulation Timeframe Violations were cited as minor violations.
 - Accumulation timeframe violations (ex: 90 days, 180/270 days, etc.) typically carry an economic benefit gained through non-compliance, which precludes it from being cited as a minor violation. Per the definition of a minor violation (HSC, Sections 25117.6 and 25404), a minor violation does not include any violation that enables the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage.
- CERS does not reflect enforcement actions for hazardous waste related violations, and as a result, CERS reflects a cumulative total penalty amount of \$0.
- Inspection reports generally contain detailed comments that note the factual basis of cited violations and indicate whether consent to inspect was requested prior to the inspection. However, the current HWG Program inspection reports are not up to date with the most current version of hazardous waste regulations.
- Violation comments are not consistently reported to CERS.

RECOMMENDATION:

Continue with the three-year HWG inspection frequency as identified in the I&E Plan. Follow up with facilities that have not obtained RTC by the scheduled RTC date and apply enforcement when facilities do not obtain RTC, per the I&E Plan. Continue to ensure complete and thorough inspections are conducted to identify all violations at facilities. Improve quality of CERS violation information by including violation comments.

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Ensure HW Program violations are properly classified based on the definitions established in statute and regulation:

- Class I: HSC, Section 25110.8.5 and CCR, Title 22, Section 6626.10
- Class II: HSC, Section 25117.6 and CCR, Title 22, Section 66260.10
- Minor: HSC, Sections 25404 and 25117.6

Revise appropriate citation sections in inspection reports and checklists, available factsheets and other resources utilized for the implementation of the HWG Program as well as those made publicly available to incorporate reference to the most current hazardous waste regulations, including:

- US EPA Generator Improvement Rule (GIR) requirements adopted in California regulations on July 1, 2024
- CCR, Title 22
- Unified Program Violation Library Violation Type Numbers in CERS, as updated on October 1, 2024, to include the new citations and violation descriptions relative to the GIR.

The [DTSC website \(https://dtsc.ca.gov/faqs-for-the-adoption-of-gir/\)](https://dtsc.ca.gov/faqs-for-the-adoption-of-gir/) has information on the changes resulting from the adoption of the GIR as well as a [GIR crosswalk \(https://dtsc.ca.gov/wp-content/uploads/sites/31/2024/06/DTSC-Crosswalk-Generator-Improvements-Rule-6.4.2024-2.pdf\)](https://dtsc.ca.gov/wp-content/uploads/sites/31/2024/06/DTSC-Crosswalk-Generator-Improvements-Rule-6.4.2024-2.pdf) showing the previous citations matched with the new citations. The most current Unified Program Violation Library can be downloaded from CERS under the "Tool" tab.

2. OBSERVATION:

The CUPA's review of TP submittals typically comes with the following statement in CERS:

"Ensure closure costs are adjusted to account for annual inflate rate. Accepted based on completeness. Accuracy will be verified via an on-site inspection. Acceptance of the submittal does not mean the CUPA validates the submittal's accuracy. If you have any questions, please contact [inspector] at [inspector's email address]."

TP submittals should be reviewed for technical accuracy as much as possible before being accepted or not accepted. The following is an example of a TP submittal that was accepted as complete, but was not adequately reviewed for technical accuracy before being accepted or before a site visit:

- CERS ID 10116382
 - PBR submitted on February 22, 2024, and accepted on April 29, 2024.
 - The submittal incorrectly responds "Yes" to having a Facility Permit. CERS states, "Check this box ONLY if you now have or have ever held a state or federal hazardous waste facility full permit for any of these treatment units".
 - The date certified by the owner is December 12, 2019.

RECOMMENDATION:

Ensure all TP submittals are reviewed for technical accuracy and completeness, as much as feasible, before being accepted or not accepted in CERS. The following criteria will assist in

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conducting a thorough review of a TP submittal to determine whether it should be accepted or not accepted:

- Has the facility incorrectly identified having a State or Federal hazardous waste permit?
 - Is the certification date current?
 - Regarding the narrative description of the specific waste type being treated:
 - Are the narratives detailed enough for the CUPA to conduct a technical review?
 - Does the narrative accurately describe a waste type that qualifies for treatment under a TP tier?
 - If the facility is treating aqueous waste with metals, did the facility identify the metals being treated so that the CUPA can determine if the metals match the TP tier?
 - Does the narrative description of the treatment process match the selections in the Waste and Treatment Process Combinations section?
 - Basis for Not Needing Federal Permit
 - Does the selection match the narrative description? (ex: not conducting empty container rinsing, but selected anyway)
 - Waste and Treatment Process Combinations
 - Does the selected combination match the narrative description?
-

3. OBSERVATION:

HWG Program oversight inspections were conducted with two different lead inspectors from the Ventura County CUPA. On November 21, 2024, an oversight inspection was conducted at CERS ID 10869577, a RCRA LQG and on November 22, 2024, an oversight inspection was conducted at CERS ID 10667740, a RCRA Small Quantity Generator (SQG).

Prior to the inspections, both inspectors demonstrated thorough pre-inspection preparation, including using both CERS, the DTSC Hazardous Waste Tracking System (HWTS), and RCRAinfo to gather information on the activities and hazardous waste shipments of each facility inspected. Previous inspection reports and other regulatory guidance documents were also reviewed. Overall, the pre-inspection preparation was detailed and appropriate for the nature of the facilities.

During both inspections the inspectors clearly asked for and obtained consent to inspect and explained the purpose of the inspection. A full walkthrough of both facilities was conducted, and the inspectors observed all areas where hazardous waste was generated and managed. Both inspectors took thorough notes and asked pertinent questions while maintaining control of the inspection. Both inspectors provided guidance documents on the new GIR requirements. The appropriate documents required of LQG and SQG facilities were requested and reviewed or noted as violations when not available for review.

The violations observed during each inspection were cited and reviewed with the facility representative(s) upon conclusion of each inspection. The violations cited in each of the inspection reports contain the inspector's observations and corrective actions. Certain violations were incorrectly cited using older citations that have changed since the adoption of the GIR on July 1, 2024, and the adoption of those changes into the CERS violation library on October 1, 2024. Overall, the inspections were conducted professionally and in a timely manner.

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In terms of understanding HWG Program requirements, the lead inspectors demonstrated each is well versed in a range of hazardous waste topics, including the following, that were encountered and applied during the oversight inspections: hazardous waste determinations, hazardous waste treatment, empty container and container rinsing, manifest requirements, new GIR requirements, and general HWG requirements.

RECOMMENDATION:

For more complex HWG facilities, such as facilities that perform onsite treatment, inspectors should apply a process-based approach when conducting the inspection. For example, conducting the inspection from the beginning of the processes at a facility and following the processes through the end of the inspection (i.e., starting with the inputs to the process and ending with the outputs of the process). The process-based inspection guide prepared by the US EPA is a helpful reference and is available at:

https://19january2017snapshot.epa.gov/enforcement/process-based-investigation-guide_.html

Inspection reports need to be updated to reference current CCR, Title 22 citations and remove references to repealed citations. The most current citations are available in the CERS violation library, which was updated with the GIR citations on October 1, 2024.

Written details within the inspection report could be improved as follows:

- Include the violation classifications for cited violations (ex: Class I, Class II, minor)
- Cite and include violations in the report even if they are corrected on site. For example, minor violations corrected at the time of the inspection should be cited as a minor violation with the corrective actions completed.

4. OBSERVATION:

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

- Pages 1, 15, 45, and 46: Change Aboveground Petroleum Storage Tank or Above Ground Storage Tank Program to Aboveground Petroleum Storage Act (APSA) Program.
- Page 1: The list of Unified Program elements is missing the Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS) requirements, which are consolidated with the HMBP requirements to streamline the regulatory requirements for regulated facilities. Remove the California Fire Code (CFC) reference with the HMBP and APSA requirements.

RECOMMENDATION:

Update the I&E Plan as indicated above.

5. OBSERVATION:

As of November 18, 2024, the CERS reporting requirement is set as "APSA Applicable" for 243 APSA tank facilities for the CUPA.

The CUPA's data management system identifies 219 APSA tank facilities total, including 48 facilities that have aboveground petroleum storage capacity of 10,000 gallons or more and 171 facilities that have aboveground petroleum storage capacity of less than 9,999 gallons.

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- 212 APSA tank facilities are identified in both CERS and the CUPA's data management system.
- 31 tank facilities within the CUPA's jurisdiction are reported as "APSA Applicable" in CERS but are not identified as an APSA tank facility in the CUPA's data management system.
- 7 tank facilities are identified as APSA tank facilities in the CUPA's data management system but are not identified in CERS as APSA facilities.

The CUPA also regulates some farms under the APSA Program. Since January 1, 2016, Senate Bill (SB) 612 aligned the applicability threshold for farms with that of the Federal SPCC rule, which has increased to 2,500 gallons of oil or 6,000 gallons of oil (with no reportable discharge history) per the Federal Water Resources Reform and Development Act (WRRDA) of 2014.

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 consistently identified in the CUPA's data management system and CERS.

Review the list of conditionally exempt APSA tank facilities at farms, verify if the total oil storage capacity at each tank facility meets the WRRDA thresholds, and determine if each facility is still regulated as a conditionally exempt tank facility under APSA.

6. 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 – 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/>.

7. OBSERVATION:

The CUPA and Ventura City Fire Department PA webpages contain multiple resources for the public and regulated community.

The CUPA APSA Program webpage (<https://vcrma.org/en/aboveground-petroleum-storage-tank-program>) contains the following information that may benefit from improvement.

- The Tier I and Tier II qualified facility discussions of SPCC Plan requirements should reference oil (which includes APSA petroleum) with the aboveground storage capacity per the SPCC rule, and state that these facilities are required to prepare an SPCC Plan and may opt to self-certify a plan using the Tier I and Tier II Qualified Facility SPCC Plan templates, in lieu of a full PE-certified SPCC Plan, or other self-certified SPCC Plan.
- The non-qualified facility discussion of SPCC Plan requirements should reference oil (which includes APSA petroleum) with the aboveground storage capacity per SPCC rule.
- The conditionally exempt facility discussion should reference petroleum with the storage capacities and add "under APSA" after SPCC Plan for clarity.

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- The Annual Tank CERS Business portal link related to APSA Tank Facility Statement reporting is outdated and should be replaced either by the corresponding CERS Help Materials link or the OSFM APSA webpage discussion provided at: <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements>.
- The "Preparing an APSA Submittal CERS Business" portal link is outdated and should be replaced either by the corresponding CERS Help Materials link or the OSFM APSA webpage discussion provided at: <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/preparing-an-aboveground-petroleum-storage-act>.

The Ventura City Fire Department PA "Process Specific Guidance Documents" webpage (<https://www.cityofventura.ca.gov/185/Process-Specific-Guidance-Documents>) contains the following information that may benefit from improvement.

- The HM-11 document incorrectly references Tier I and Tier II APSA facility storage of petroleum. Tier I and Tier II are SPCC rule terminology related to qualified facilities and their associated federal oil storage quantities, per the SPCC rule.
- The HM-11 discussion of APSA applicability should be updated to include tank facilities that store less than 1,320 gallons of petroleum and have one or more tanks in an underground area (TIUGA).

RECOMMENDATION:

Update the webpages as indicated above.

8. OBSERVATION:

The Self-Audit Reports for FYs 2021/2022, 2022/2023, and 2023/2024 contain information that may benefit from improvement:

- The Self-Audit Report for FY 2021/2022 could be improved as follows:
 - Pages 3 and 12: Change Above Ground Storage Tank Program to APSA Program.
 - Page 3: The list of Unified Program elements is missing the HMMP-HMIS requirements, which are consolidated with the HMBP requirements to streamline the regulatory requirements for regulated facilities. Remove the CFC reference with the HMBP and APSA requirements.
 - The self-audit states the CUPA conducted 150 routine APSA inspections, but CERS indicates there were 151 routine inspections.
 - The self-audit states the CUPA cited 103 violations, but CERS indicates 190 violations were cited.
- The Self-Audit Reports for FYs 2022/2023 and 2023/2024 could be improved as follows:
 - Page 3: Change Above Ground Storage Tank Program to APSA Program.
 - Page 3: The list of Unified Program elements is missing the HMMP-HMIS requirements, which are consolidated with the HMBP requirements to streamline the regulatory requirements for regulated facilities. Remove the CFC reference with the HMBP and APSA requirements.

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RECOMMENDATION:

Ensure future Self Audit Reports address the above observation and ensure CME information is consistent with CERS.

9. OBSERVATION:

The area plan contains the following information that may benefit from improvement:

- Page 3: The list of Unified Program elements is missing HMMP-HMIS requirements, which are consolidated with the HMBP requirements to streamline the regulatory requirements for regulated facilities.
- Page 429: Change Uniform Fire Code to California Fire Code
- Page 702: Change California Uniform Fire Code to California Fire Code

RECOMMENDATION:

Update the area plan as indicated above.

10. OBSERVATION:

Review of CERS CME information and/or APSA tank facility inspection reports provided by the CUPA indicates the following:

- APSA facilities within the jurisdiction of the CUPA:
 - CERS ID 10335436
 - A spot check inspection, dated April 26, 2022, cites two violations.
 - CERS reflects a routine inspection, dated April 26, 2022, with two violations.
 - CERS ID 10331716
 - A spot check inspection, dated May 28, 2024, cites one violation.
 - CERS reflects a routine inspection, dated May 28, 2024, with one violation.
 - CERS ID 10334227
 - A routine inspection, dated October 26, 2023, includes the following comment, "Due to the capacity of the belly tank (5,120 gallons) this puts the facility into the APSA program...Facilities that are in APSA and have a bulk storage container of greater than 5,000 gallons must complete a *Tier II SPCC Plan*."
 - A follow-up inspection, dated January 30, 2024, includes the following comment, "Assisted the operator in obtaining a *Tier I SPCC Plan template* in order for them to start working towards completing the facilities first SPCC Plan since installing the emergency generator with the 5,120-gallon fuel capacity, on 10/02/2023."
 - A hazardous materials inventory submitted and accepted on October 31, 2023, and submitted on November 11, 2024, and accepted on November 26, 2024, reflects the facility has a 5,120-gallon diesel aboveground storage tank. The facility has a total aboveground storage capacity of 5,320 gallons of petroleum. This facility does not meet the Tier I qualified facility criteria.
- APSA facilities within the jurisdiction of the Ventura City Fire Department PA:
 - CERS ID 10334071
 - A routine inspection, dated August 25, 2022, cites three violations.

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- CERS reflects two routine inspection entries, dated August 25, 2022, with three violations. One entry shows RTC for two violations, while a duplicate entry shows no RTC for any of the three violations.

RECOMMENDATION:

Identify and correct the cause(s) of discrepancy between inspection reports and CERS regarding inspection dates and dates of violation. Review, and revise, if necessary, the CME reporting component of the Data Management Procedure, or other applicable procedure. Train APSA inspection staff on the Data Management Procedure, or other applicable procedure. Ensure a quality assurance and quality control process is in place for ensuring all APSA Program CME information is reported to CERS consistently and correctly.

Provide refresher training to inspection staff on APSA Program and SPCC requirements.

11. OBSERVATION:

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

- UST facilities within the jurisdiction of the CUPA:
 - CERS ID 10332199
 - CERS ID 10332406
 - CERS ID 10332769
 - CERS ID 10332910
- UST facilities within the jurisdiction of the Ventura City Fire Department PA:
 - CERS ID 10338037
 - CERS ID 10334425

RECOMMENDATION:

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

12. OBSERVATION:

Review of CERS CME information obtained on October 29, 2024, finds RTC was reported as "Not Resolvable" for 4% of UST Program Violations cited by the CUPA and for 8% of UST Program Violations cited by the Ventura City Fire Department PA. The following are examples:

- UST facilities within the jurisdiction of the CUPA
 - CERS ID 10331521
 - Unified Program Violation Library Violation Type Number 2030048, Secondary Containment Testing (USEPATCR 9d) (USEPA Priority) cited February 23, 2022.
 - CERS ID 10331683
 - Unified Program Violation Library Violation Type Number 2030002, Leak Detection Equipment Maintenance (USEPATCR 9d) (USEPA Priority) cited August 19, 2023.
 - CERS ID 10333498
 - Unified Program Violation Library Violation Type Number 2060020, Spill Container (USEPATCR 9a) (USEPA Priority) cited August 11, 2021.

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- UST facilities within the jurisdiction of the Ventura City Fire Department PA
 - o CERS ID 10333945
 - Unified Program Violation Library Violation Type Number 2030016, Double-Walled Tank Monitoring - After January 1, 1984, and Before July 1, 2004 (USEPATCR 9d) (USEPA Priority) cited October 27, 2021.
 - o CERS ID 10334107
 - Unified Program Violation Library Violation Type Number 2030002, Leak Detection Equipment Maintenance (USEPATCR 9d) (USEPA Priority) cited May 25, 2023.
 - o CERS ID 10334947
 - Unified Program Violation Library Violation Type Number 2030013, Spill Container (USEPATCR 9a) (USEPA Priority), cited November 7, 2023.

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

RECOMMENDATION:

The RTC 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.

13. OBSERVATION:

Review of Ventura County Certified Unified Program Agency Policies and Procedures Policy Number 4.4, Underground Storage Tank Inspection Procedures finds reference to the suspension of a UST Permit to Operate:

- UST Violation flowchart enforcement box, "Enforcement – Suspension or Revocation of the UST Permit to Operate..."

RECOMMENDATION:

Remove "Suspension" as an enforcement option from the UST Violation flowchart. The CUPA does not have the authority to suspend a UST Operating Permit per HSC, Chapter 6.7, Section 25285.1.

14. OBSERVATION:

On January 28, 2025, an HMBP oversight inspection was conducted at CERS ID 10708045 and at CERS ID 10454662, with different inspectors.

Prior to the inspection at CERS ID 10708045, the inspector demonstrated thorough review of previous inspection reports and reviewed the most recent CERS information submitted by the facility. During the inspection, the inspector identified themselves and explained the purpose of the visit. Consent was requested to conduct the inspection, review relevant documentation, and take photographs. Documentation was requested for review, but the facility representative was unable to locate the documents. A full walkthrough was conducted to verify accuracy and completeness of the HMBP information submitted to CERS. The violations observed were disclosed with the facility at the end of the inspection and were cited in the report which includes observations made by the inspector and corrective actions to achieve compliance. The inspector demonstrated good knowledge of the program and handled the inspection professionally.

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Prior to the inspection at CERS ID 10454662, the inspector reviewed relevant information including the most recent CERS information submitted by the facility. The inspector communicated the purpose of the visit and obtained consent to inspect the facility, review relevant documentation, and take photographs. During the inspection, the inspector conducted a walkthrough of the facility to verify all site map elements were in the appropriate location and verified reported inventory. Materials not reflected within the submitted inventory were observed and the inspector communicated the need to ensure accuracy in reporting reportable quantities of hazardous materials. Documents were reviewed thoroughly, and the inspector communicated important information to ensure the facility would remain in compliance. The inspection report thoroughly details inspection observations and violations. The inspector was well prepared and demonstrated program specific knowledge.

On January 29, 2025, a CalARP inspection was conducted at CERS ID 10337287 for a Program Level 2 process at a stationary source.

Prior to the inspection, the inspector conducted a thorough review of documentation provided by the facility, compiled a list of questions for the facility representative prior to the onsite inspection to ensure the facility had a complete Risk Management Plan (RMP) and proper application of Program Level 2 requirements.

Upon arrival at the facility, the inspector disclosed the purpose of the site visit and obtained consent to inspect the facility, review relevant documentation, and take photographs. Upon review of documentation at the facility, the inspector reviewed documents not provided prior to the inspection to ensure accuracy. The inspector conducted a thorough walkthrough of the facility verifying accuracy of the site map, mechanical integrity, and implementation of International Institute of Ammonia Refrigeration (IIAR) standards. Violations were disclosed to the facility representative, and a course of action was discussed to ensure compliance. The inspection report cites violations pertaining to non-compliance with generally accepted good engineering practices. The inspector conducted a detailed review of relevant documentation, communicated technical information to the facility representative, and was well prepared prior to arriving at the facility.

RECOMMENDATION:

Continue to conduct thorough HMBP and CalARP inspections, including detailed review of documentation prior to on-site inspections.

15. OBSERVATION:

Oversight inspections were performed on December 20, 2024, with the City of Ventura Fire Department PA at CERS ID 10333357 and on December 23, 2024, with the CUPA at CERS ID 10331902. Both inspections occurred during the annual monitoring system certification (AMC) and spill containment testing. Service technicians and the facility operators were also on site.

The PA and CUPA inspectors were thorough and knowledgeable, performing detailed reviews of required site documentation and performing visual inspection of sumps, spill containment, under dispenser containment, and observed the line leak detector testing. All violations were reported properly on the inspection report and in CERS for both facilities.

The CUPA inspector left detailed notes and observations on the inspection report for CERS ID 10331902, and all cited violations had returned to compliance date by January 22, 2025.

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The inspection violations cited for CERS ID 10331902 have not returned to compliance as of February 13, 2025, nor has enforcement been documented in CERS as required in the I&E Plan. Additionally, CERS ID 10333357 Monitoring System Certification form included testing results for Shear Valve Operation Inspection, components outside the scope of the UST program.

RECOMMENDATION:

Continue to conduct detailed inspections and review of testing documentation. Ensure the enforcement of violations follows the outline in the I&E Plan. Reject forms that are incomplete or include unrelated components.
