CalEPA
California Environmental Protection Agency

Gavin Newsom
Governor

Yana Garcia
Secretary for Environmental Protection

October 30, 2025

Darryl Wong
Director of Environmental Health
County of San Benito Public Health Division
351 Tres Pinos Road, Suite C-1
Hollister, California 95023-5588

Dear Mr. Wong:

During January through September 2025, CalEPA and the Unified Program state agencies conducted a performance evaluation of the County of San Benito Public Health 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 Summary of Findings report was developed to identify program Deficiencies and Incidental Findings with corrective actions, and acknowledgement of accomplishments and challenges, as well as examples of outstanding Unified Program implementation. Enclosed, please find the 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 Incidental Findings identified in the Summary of Findings report, the CUPA must submit an Evaluation Progress Report approximately 90 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 by CalEPA. An Evaluation Progress Report template will be provided to the CUPA by the CalEPA Team Lead. Each Evaluation Progress Report must be submitted to the CalEPA Team Lead, Jessica Snow, via email at Jessica.Snow@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:

Olga Vargas
Environmental Health Specialist
County of San Benito Public Health Division
OVargas@cosb.us

Tom Henderson
UST Leak Prevention Unit and
Office of Tank Tester Licensing Manager
State Water Resources Control Board
Tom.Henderson@waterboards.ca.gov

Julie Pettijohn
Environmental Program Manager
CUPA Enforcement Branch
Department of Toxic Substances Control
Julie.Pettijohn@dtsc.ca.gov

Ryan Miya, Ph.D.
Senior Environmental Scientist, Supervisor
Department of Toxic Substances Control
Ryan.Miya@dtsc.ca.gov

Jennifer Lorenzo
Senior Environmental Scientist, Supervisor
CAL FIRE - Office of the State Fire Marshal
Jennifer.Lorenzo@fire.ca.gov

Denise Villanueva
Environmental Scientist
CAL FIRE - Office of the State Fire Marshal
Denise.Villanueva@fire.ca.gov

cc sent via email:

Daniel Speer, Ph.D.
Environmental Scientist
Department of Toxic Substances Control
Daniel.Speer@dtsc.ca.gov

Kaitlin Cottrell
Environmental Scientist
State Water Resources Control Board
Kaitlin.Cottrell@waterboards.ca.gov

Michelle Suh
Environmental Scientist
State Water Resources Control Board
Michelle.Suh@waterboards.ca.gov

John Paine
Environmental Program Manager
California Environmental Protection Agency
John.Paine@calepa.ca.gov

John Elkins
Environmental Program Manager
California Environmental Protection Agency
John.Elkins@calepa.ca.gov

Melinda Blum
Senior Environmental Scientist, Supervisor
California Environmental Protection Agency
Melinda.Blum@calepa.ca.gov

Elizabeth Brega
Senior Environmental Scientist, Supervisor
California Environmental Protection Agency
Elizabeth.Brega@calepa.ca.gov

Garett Chan
Environmental Scientist
California Environmental Protection Agency
Garett.Chan@calepa.ca.gov

Jessica Snow
Environmental Scientist, Unified Program Evaluation Team Lead
California Environmental Protection Agency
Jessica.Snow@calepa.ca.gov

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

CUPA: County of San Benito Public Health Division

2025 Evaluation Assessment: January 2025 through September 2025

Timeframe Evaluated: July 1, 2020, through September 30, 2024

Evaluation Team Members:
- CalEPA Team Lead: Jessica Snow
- DTSC: Daniel Speer
- CalEPA: Garett Chan
- State Water Board: Michelle Suh
- CAL FIRE-OSFM: Denise Villanueva

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

The CUPA shall submit the first Evaluation Progress Report to CalEPA 90 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.

The submittal date for the 1st Evaluation Progress Report is **February 6, 2026**.

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.

Jessica Snow
Phone: (916) 460-2394
E-mail: jessica.snow@calepa.ca.gov

ACCOMPLISHMENTS, EXAMPLES OF OUTSTANDING IMPLEMENTATION, AND CHALLENGES

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

1. **ABOVEGROUND PETROLEUM STORAGE ACT (APSA):**
   Since the 2021 CUPA Performance Evaluation, the CUPA ensured APSA tank facilities annually submitted a tank facility statement or a Hazardous Materials Business Plan (HMBP) in lieu of a tank facility statement to the California Environmental Reporting System (CERS).

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.

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1. **DEFICIENCY:**

The CUPA has not inspected 55 of 175 (31%) facilities subject to the Hazardous Waste Generator (HWG) Program and Tiered Permit (TP) requirements of the HWG Program at least once every three years as required by the inspection frequency established in the Inspection and Enforcement (I&E) Plan. See the list of facilities that were not inspected in Attachment 1.

Note: This Deficiency was identified during the 2018 and 2021 CUPA Performance Evaluations and was corrected during the Progress Report process.

CITATION(S):
Health & Saf. Code, § 25201.4; Cal. Code Regs., tit. 27, §§ 15185, subd. (a), 15200, subds. (a)(2)(A) & (B), (c), (e); [DTSC]

CORRECTIVE ACTION:
During the evaluation, the CUPA inspected 36 of 55 facilities identified in Attachment 1; 19 facilities remain uninspected.

Inspect all HWG and TP facilities, as identified in Attachment 1.

During each Progress Report until the Deficiency is acknowledged by CalEPA as being corrected, DTSC will review information in CERS to verify the HWG and TP facilities identified in Attachment 1 have been inspected.

DTSC recommends that the CUPA:
- Determine why the inspection frequency was not met and establish processes and/or secure resources to prevent this from reoccurring.
- Prioritize the inspections that are most overdue and/or based on risk to public health, safety, and the environment.

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2. **DEFICIENCY:**

The CUPA has not consistently followed up and documented return to compliance (RTC) information in CERS for HWG facilities cited with violations. See the list of facilities with violations having no documented RTC in Attachment 2.

As of January 13, 2025, there is no documented RTC for:
- 12 of 39 (31%), cited violations, consisting of:
  - 5 of 18 (28%) Class 2
  - 7 of 19 (37%) Minor

The average time for HWG facilities to obtain RTC (not including open violations) is 189 days
- 25 of 39 (64%) violations did not obtain RTC within 60 days
- 13 of 19 (68%) Minor violations did not obtain RTC within 35 days

Note: This Deficiency was identified during the 2018 and 2021 CUPA Performance Evaluations and was corrected during the Progress Report process.

CITATION(S):
Cal. Code Regs., tit. 27, §§ 15185, subds. (a)-(c), 15187, subds. (a)-(c), 15200, subds. (a), (e), & (g); Health & Saf. Code, §§ 25110.8.5, 25117.6, 25185, subd. (c), 25187.8, subds. (a)-(b) & (g)-(i), 25404.1.2, subd. (c); [DTSC]

CORRECTIVE ACTION:
Ensure each facility identified in Attachment 2 obtains RTC and apply enforcement as established in the I&E Plan for facilities that do not obtain RTC. Ensure RTC and enforcement actions are reported to CERS.

During each Progress Report until the Deficiency is acknowledged by CalEPA as being corrected, DTSC will review information in CERS to verify each violation identified in Attachment 2 has obtained RTC.

In the absence of RTC, an indication as to whether informal and formal enforcement has been initiated for any violation identified without RTC may be provided as a narrative or by utilizing Attachment 2.

DTSC recommends that the CUPA:

- Determine why facilities cited with violations have not obtained RTC and establish processes and/or secure resources to prevent this from reoccurring.
- Prioritize ensuring RTC is obtained, or enforcement is applied for facilities cited with violation(s) that pose the most risk to public health, safety, and the environment (e.g., Class I violations).

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3. DEFICIENCY:
The CUPA has not consistently included all observations, citations, factual basis, and corrective actions for each violation cited in HWG and TP inspection reports:

- CERS ID 10424989: Inspection report dated July 24, 2024
  - No observations, citations, and factual bases were provided for the violations cited
  - Comments for cited violations only included statements such as:
    - "Revise and resubmit via CERS Tiered Permitting Unit PBR continuous flow system FTU 001 form to indicate they are 4 tanks"
    - "Provide P.E. assessment for FTU0001 tank #4"
- CERS ID 10629070: Inspection report dated June 9, 2022
  - Little to no observations, citations, and factual bases were provided for the violations cited
  - Comments for cited violations only included statements such as:
    - "Provide employees hazardous waste training"
    - "Provide records of proper disposal of used oil"
    - "Properly clean the spilled used oil underneath oil pod containers"
- CERS ID 10634749: Inspection report dated November 16, 2023
  - No observations, citations, and factual bases were provided for the violations cited.

  - Comments for cited violations only included statements such as:
    - "Properly label waste oil, waste fuel and waste absorbent containers"
    - "Properly clean spilled fuel in bulk fueling containment area and at diesel dispenser"
- CERS ID 10736656: Inspection report dated April 12, 2023
  - No observations, citations, and factual bases were provided for the violations cited
  - Comments for cited violations only included statements such as:
    - "Facility to complete a source reduction evaluation review"
    - "Prepare a Summary Progress Report every four years using form DTSC form #1262"

CITATION:
Health & Saf. Code, § 25185, subd. (c)(2)(A); Cal. Code Regs., tit. 27, § 15185(a) & (e); [DTSC]

CORRECTIVE ACTION:
By the 1st Progress Report, train inspection staff on inspection report writing training to include observations, factual basis, citations, and corrective actions for each violation cited in an inspection report:

- CUPA Report Writing Training from the 2023 California CUPA Conference: https://calcupa.org/CMS15/upload-manager/presentations/CUPA-2023/1866-3768-cupa-conference-2023-report-writing.pdf

By the 2nd Progress Report and with each subsequent Progress Report until the Deficiency is acknowledged by CalEPA as being corrected, submit an inspection report citing at least one HWG Program violation for three HWG facilities that were inspected after inspection report writing training was completed and within the last three months. Each inspection report will contain observations, citations, factual basis, and corrective actions to correctly identify and classify each observed HWG violation.

DTSC recommends that the CUPA revise the current inspection report template to include:

- Citations pertinent to California Code of Regulations, title 22 and Health and Safety Code provisions.
- An indication as to whether a facility is a Small Quantity Generator (SQG) or a Large Quantity Generator (LQG).

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4. DEFICIENCY:
The CUPA has not consistently followed up and documented RTC information in CERS for APSA tank facilities cited with violations. See the list of facilities with violations having no documented RTC in Attachment 3.

As of July 7, 2025, there is no documented RTC for:

- 5 of 5 (100%) violations cited between July 1, 2022, and June 30, 2023.
- 1 of 3 (33%) violations cited between July 1, 2023, and September 30, 2024.

CITATION(S)
Health & Saf. Code §§ 25404.1.2, subd. (c), 25270.4.5, subd. (a); Cal. Code Regs., tit. 19, § 1612, subds. (e) & (f); Cal. Code Regs., tit. 27, §§ 15185, subds. (a)-(c), 15200, subds. (a), (e), & (g); [OSFM]

CORRECTIVE ACTION:
Ensure each facility identified in Attachment 3 obtains RTC and apply enforcement as established in the I&E Plan for facilities that do not obtain RTC. Ensure RTC and enforcement actions are reported to CERS.

During each Progress Report until the Deficiency is acknowledged by CalEPA as being corrected, OSFM will review information in CERS to verify each violation identified in Attachment 3 has obtained RTC.

In the absence of RTC, an indication as to whether formal enforcement has been initiated for any violation identified without RTC may be provided as a narrative or by utilizing Attachment 3.

OSFM recommends that the CUPA:
- Determine why facilities cited with violations have not obtained RTC and establish processes and/or secure resources to prevent this from reoccurring.
- Prioritize ensuring RTC is obtained, or enforcement is applied for facilities cited with violation(s) that pose the most risk to public health, safety, and the environment (e.g., Class I violations).

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5. DEFICIENCY:
The CUPA has not consistently conducted complete annual underground storage tank (UST) compliance inspections.

Noncompliance not cited as a violation in an inspection report:
- CERS ID 10420816
    - Monitoring System Certification Form dated July 3, 2023, identified failed components in Section 6. Violation Library Type Number 2030043 (USEPATCR 9d) was not cited.
    - Spill Containment Testing Report Form dated July 3, 2023, identified failed components. Violation Library Type Number 2060020 (USEPATCR 9a) was not cited.
    - Monitoring System Certification Form dated July 29, 2024, identified failed components in Section 6. Violation Library Type Number 2030017 (USEPATCR 9d) was not cited.
- CERS ID 10709776
    - Monitoring System Certification Form dated November 10, 2022, Section 9, states "the diesel UDC does not have a sensor installed." Violation Library Type Number 2060015 (USEPATCR 9d) was not cited.

Violation not reported to CERS:
- CERS ID 10484902
    - Inspection Report dated May 6, 2024, cites Violation Library Type Number 2010004.
- CERS ID 10612576
    - Inspection Report dated April 25, 2024, cites Violation Library Type Numbers 2010007 and 2010004.

Violation incorrectly cited:
- CERS ID 10420816
    - Violation Library Type Number 2030047 was incorrectly cited in the inspection report dated July 3, 2023, in lieu of Violation Library Type Number 2030048 (USEPATCR 9d).

- CERS ID 10709776
  - Violation Library Type Number 2030017 (USEPATCR 9d) was incorrectly cited in the inspection report dated December 10, 2024, in lieu of Violation Library Type Number 2060015 (USEPATCR 9d).

UST testing and leak detection violations have not obtained RTC in over 90 days. Cited violations during the following years have not obtained RTC:

- 2021
  - 3 of 8 (38%)
- 2022
  - 3 of 5 (60%)
- 2023
  - 5 of 9 (56%)

U.S. EPA Technical Compliance Rate (TCR) violations that have no documented RTC were not reissued during the subsequent routine UST inspection and are not reported in Report 6:

- CERS ID 10709776
  - Violation Library Type Numbers 2030047, 2030017 (USEPATCR 9d), and 2030036 (USEPATCR 9b) issued in inspection report dated November 28, 2023

The CUPA has not consistently cited violations or has missed violations as evidenced by the CUPA's TCR. As identified below, the CUPA's TCR was consistently higher than the California average, which is indicative that the CUPA either is not citing or missing violations:

- January – June 2021
  - CUPA: **90.0%**
  - CA Avg.: 59.4%
- July – December 2021
  - CUPA: **83.3%**
  - CA Avg.: 59.6%
- January – June 2022
  - CUPA: **91.7%**
  - CA Avg.: 60.4%
- July – December 2022
  - CUPA: **88.9%**
  - CA Avg.: 60.5
- January – June 2023
  - CUPA: **100%**
  - CA Avg.: 60.4%
- July – December 2023
  - CUPA: 60.0%
  - CA Avg.: 60.1%
- January – June 2024
  - CUPA: **81.8%**
  - CA Avg.: 61.8%
- July – December 2024
  - CUPA: 60.0%
  - CA Avg.: 59.4%

UST construction and inspection information was inconsistent with that which was reported to CERS:

- CERS ID 10420816
  - Monitoring System Certification Form dated January 20, 2022, states Diesel using VMI LD 2000 in Section 7, while CERS cites no line leak detector (LLD) is being used.
- CERS ID 10634860
  - Monitoring System Certification Forms dated December 28, 2022, December 12, 2023, and November 27, 2024, marked "Yes" for "Does the flow of fuel stop at the dispenser if a release is detected in the under dispenser containment?" while CERS cites 208 sensors.
- CERS ID 10709776
  - Secondary Containment Testing Report Form dated November 10, 2022, states "The piping is single-walled and runs through a gravel guard," while CERS cites double-walled piping.

UST testing documents indicate International Code Council (ICC) technicians did not use required forms:

- CERS ID 10612576
  - Overfill Prevention Equipment Inspection Forms dated April 22, 2021, and April 25, 2024.
- CERS ID 10631986
  - Overfill Prevention Equipment Inspection Forms dated February 9, 2021, and February 28, 2024.
- CERS ID 10634950
  - Overfill Prevention Equipment Inspection Forms dated February 2, 2021, and February 15, 2024.

The UST facility files indicate the service technician had no training and/or the ICC certification of the technician was missing or expired prior to conducting the UST testing:

- CERS ID 10481305
  - Monitoring System Certification Form was completed on May 22, 2023, by a technician with a LLD test certification that expired on May 2, 2023.
- CERS ID 10631986
  - Monitoring System Certification Forms were completed on February 15, 2023, and February 28, 2024, by a technician with no training or ICC certification for the LLD equipment test.

Note: This Deficiency was identified in the 2021 CUPA Performance Evaluation and was not corrected during the Progress Report Process. During the Evaluation Progress Report process, the CUPA revised the I&E and Data Management procedure, documented training, and provided UST facility records for review.

CITATION(S):
Health & Saf. Code, §§ 25288, subd. (b), 25299; Cal. Code Regs., tit. 23, §§ 2637, 2637.1, 2637.2, 2638, 2711, subd. (d), 2713, subds. (c) & (d), 2715, subd. (f)(2); [State Water Board]

CORRECTIVE ACTION:
By the 1st Progress Report and each subsequent Progress Report until the Deficiency is acknowledged by CalEPA as being corrected, submit UST facility records, including the most recent annual UST compliance inspection report, and associated testing and leak detection

documents, and all enforcement correspondence between the CUPA and the UST owner/operator for the three most recently inspected UST facilities.

The CUPA will accurately report UST compliance inspection information in Report 6 and CERS for two consecutive Report 6 reporting periods.

State Water Board recommends that the CUPA:
- Determine why complete annual UST compliance inspections have not been consistently conducted
- Establish procedures and develop tools to ensure complete annual UST compliance inspections are conducted and CME information is correctly reported to CERS
- Identify types and frequency of training for conducting complete UST inspections. The CUPA may also request additional training from the State Water Board.
- Revise the I&E Plan or other applicable procedure, to establish a process for:
    - Reviewing and following up with UST testing and leak detection documents submitted by UST owners or operators as part of the annual UST compliance inspection.
    - Documenting observed non-compliance identified during annual UST compliance inspections in UST compliance inspection reports.
    - Reporting all inspections, non-compliance identified in inspection reports, and CME information to CERS.
    - Ensuring accurate USEPA TCR reporting.

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6. DEFICIENCY:

The CUPA has not consistently cited and/or required the correction of construction UST violations identified in State Water Board Local Guidance (LG) Letter 150-3, dated February 2021.

The UST Facility/Tank Data Download report (April 9, 2025) indicates:
- USTs with single-walled vent or riser piping utilizing the overfill prevention equipment (OPE) exemption:
    - CERS Tank IDs 10709776-002, -003, -004
    - CERS Tank ID 10612576-004

Note: This was a component of a Deficiency in the 2021 CUPA Performance Evaluation and was closed but not corrected. During the Evaluation Progress Report process, the CUPA revised the I&E Plan and provided documented training.

CITATION(S):

Cal. Code Reg., tit. 23, §§ 2635, subd. (a) & (d), 2665, subd. (c); [State Water Board]

CORRECTIVE ACTION:

Ensure UST owners/operators of each facility identified above installs and corrects OPE or secondarily contains vent and riser piping and apply enforcement (e.g., revocation of UST Permit and issuance of red tag), as established in the I&E Plan for facilities that do not obtain compliance. Ensure RTC and enforcement actions are reported to CERS.

By the 1st Progress Report, and with each subsequent Progress Report until the Deficiency is acknowledged by CalEPA as being corrected, submit a list of UST facilities utilizing the incorrect or incomplete OPE construction including CERS UST Tank IDs.

During each Progress Report until the Deficiency is acknowledged by CalEPA as being corrected, the State Water Board will review information provided by the CUPA and in CERS to verify each UST has the correct method of OPE is installed or vent and riser piping is secondarily contained.

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7. **DEFICIENCY:**

The CUPA has not inspected 7 of 9 (78%) facilities subject to the California Accidental Release Prevention (CalARP) Program at least once every three years. See the list of facilities that were not inspected in Attachment 4.

Note: This Deficiency was identified during the 2021 CUPA Performance Evaluation and was not corrected.

CITATION(S):

Health & Saf. Code, § 25537, subd. (a); Cal. Code Regs., tit. 19, § 5140.4; [CalEPA]

CORRECTIVE ACTION:

During the evaluation, the CUPA inspected 5 of 7 facilities identified in Attachment 4, 2 facilities remain uninspected.

Inspect all CalARP facilities, as identified in Attachment 4.

During each Progress Report until the Deficiency is acknowledged by CalEPA as being corrected, CalEPA will review information in CERS to verify the CalARP facilities identified in Attachment 4 have been inspected.

CalEPA recommends that the CUPA:

- Determine why the inspection frequency was not met and establish processes and/or secure resources to prevent this from reoccurring.
- Prioritize the inspections that are the most overdue and/or based on risk to public health, safety, and the environment.

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8. **DEFICIENCY: CORRECTED DURING EVALUATION**

The CUPA has not inspected 4 of 10 (40%) APSA tank facilities that store 10,000 gallons or more of petroleum at least once every three years for compliance with Spill, Prevention, Control, and Countermeasure (SPCC) Plan requirements. See the list of facilities that were not inspected in Attachment 5.

CITATION(S):

Health & Saf. Code, § 25270.5, subd. (a); Cal. Code Regs., tit. 27, § 15200, subd. (a)(2)(F); [OSFM]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA inspected 2 of 4 APSA tank facilities identified in Attachment 5; 2 facilities remain uninspected. This Deficiency is considered corrected.

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9. **DEFICIENCY: CORRECTED DURING EVALUATION**

The CUPA has not inspected 91 of 332 (27%) facilities subject to the HMBP Program at least once every three years. See the list of facilities that were not inspected in Attachment 6.

CITATION(S):
Health & Saf. Code, § 25511, subd. (b); [CalEPA]

CORRECTIVE ACTION: COMPLETED
During the evaluation, the CUPA inspected 57 of 91 facilities identified in Attachment 6; 34 facilities remain uninspected. This Deficiency is considered corrected.

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, section 15110(f).) In addition, recommendations may be provided.

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1. **INCIDENTAL FINDING:**
The CUPA has not correctly reported CME information to CERS for the HWG Program.

RTC qualifier incorrectly reported to CERS as "Documented":
- CERS ID 10629070: Inspection report dated June 9, 2022, cited 8 HWG violations
  - The CUPA conducted a follow-up inspection on September 21, 2023, in which the previous violations were resolved. The CUPA did not provide any RTC documentation, so the correct qualifier is "Observed."

CITATION:
Cal. Code Regs., tit. 27, §§ 15185, subd. (e), 15186, subd. (a), 15187, subds. (a) & (c), 15290, subds. (b) & (d); [DTSC]

RESOLUTION:
Identify and correct the cause(s) of not correctly reporting CME information to CERS.

By the 1st Progress Report and each subsequent Progress Report until the Incidental Finding is acknowledged by CalEPA as being corrected, submit three facility follow-up inspection reports as requested by DTSC that include RTC documentation or observations closing a HWG program violation. The CUPA must ensure the correct RTC qualifier is utilized when closing the violation on CERS.

DTSC recommends that the CUPA establish a quality assurance and quality control process to ensure all CME information is correctly reported to CERS.

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2. **INCIDENTAL FINDING:**
The Inspection and Enforcement (I&E) Plan is incomplete:
- Page 5 states "Underground Storage Tank (UST) Program. Authority: HSC, Chapter 6.7 and Title 23 CCR)"
  - The specific code sections are Health and Safety Code sections 25280-25296 and 25298-25299.6; and California Code of Regulations., title 23, sections 2610-2717.7.
- Pages 11-12, Chapter 1, Section K states HW Generator, Recyclers, Onsite Hazardous Waste, and Permit-By-Rule HHW [facilities] have "no established times except for minor violations"
  - HWG facilities should submit a written response to the CUPA within 60 days of receipt of the inspection report or within a shorter time as the CUPA may reasonably require, which shall include a statement documenting corrective actions taken by the facility operator. Therefore, 60 days (or a shorter time as the CUPA may reasonably require) should be the established timeframe for RTC and Health and Safety Code section 25185, subdivision (c)(3) should be cited accordingly.

- Page 13, Chapter 1, Section N states "Inspection frequency for all program elements is once every three years, with the exception of...the exemptions from triennial inspection for facilities that meet either the remote hazardous materials site (remote, unmanned, secured facilities where minimal levels of reportable hazardous materials requiring HMMP/HMRRP disclosure are stored) and/or remote hazardous waste generation satellite site (sites where all generated hazardous waste is transported to a larger site under the same ownership for further storage and disposal) definitions. These remote facilities are to be inspected once and thereafter not inspected, unless changes in ownership, operation, inventory and/or remote site status occur, a complaint is received, or a release incident occurs."
    - The triennial inspection frequency exemption only applies to remote hazardous material sites.
- Page 13, Chapter 1, Section O does not include a statement about who will perform sampling.
    - The I&E Plan should specifically mention that sampling must be done by a qualified person.
- Page 17, Chapter 3, Section C states "the responsible party is given from 1-30 days to comply…"
    - Health and Safety Code section 25185, subdivision (c)(3) states that responsible parties can be given 1-60 days to comply.
- Page 23, Chapter 3, Section H cites "Title 27, Section 15200(f)(2)(D)," which does not exist.
    - The correct citation is California Code of Regulations., title 27, section 15200, subdivision (a)(4)-(8).
- Page 28, Chapter 5 cites "CCR Title 27, Section 15200(f)," which is incorrect.
    - The correct citation is California Code of Regulations, title 27, section 15200, subdivisions (a), (b), and (e).
- Pages 30-34, Appendices A-E did not include any information and are empty.
- Page 37 states "UST Inspectors will not authorize the issue of UST operating permits for the following cases" and lists "Facility has not submitted facility information and UST submittals elements via CERS, UST submittal are seriously deficient, Facility has open violations past due for the allocated time to come int compliance, to any facility who has not paid the fee and surcharge required by Section 28289"
    - A UST permit can only be withheld if a red tag is affixed to the UST, or if the facility is subject to enforcement action.
- Page 47, Appendix K uses language that is now dated because of the Generator Improvements Rule (GIR). For example, the I&E Plan uses terms like "90-day accumulation area" instead of "central accumulation area" and citations like "Title 22, Division 4.5, Chapter 12, article 3, section 66262.34(e) (1)," which has been repealed.
    - The following GIR fact sheet provides the appropriate guidance: https://dtsc.ca.gov/faqs-for-the-adoption-of-gir/.
- Page 53, Appendix M cites "Title 22, CCR, Section 67450.2(b)(2)," which is incorrect.
    - The correct citation is California Code of Regulations, title 22, section 67450.2, subdivision (b)(4).

Note: This Incidental Finding was identified as Deficiency #2 during the 2021 CUPA Performance Evaluation relative to sampling and was corrected during the Evaluation Progress Report process.

CITATION(S):
Health & Saf. Code, §§ 25280-25296, 25298-25299.6; Cal. Code Regs., tit 23, §§ 2610-2717.7; Cal. Code Regs., tit. 27, § 15200, subd. (a); [DTSC, State Water Board]

RESOLUTION:
By the 1st Progress Report, submit a revised I&E Plan that addresses the missing, incomplete and inaccurate information identified above.

CalEPA recommends that the CUPA:

- Further revise the I&E Plan:
    - Page 16, Chapter 3, Section B does not have a technical definition of 'Integrated or multi-media enforcement'
        - Language could be added to clarify that the definition is not in California Code of Regulations, title 27, section 15110.
    - Page 20, Chapter 3, Section F could include a penalty matrix from California Code of Regulations., title 22, section 66273.62 for completeness.
    - Page 22, Chapter 3, Section G could include citation of California Code of Regulations, title 27, section 15200, subdivision (g) for completeness.
    - To incorporate the proposed rewrite of California Code of Regulations, title 23, chapter 16, if adopted. The State Water Board plans to provide a guidance document outlining these requirements by the end of 2025.
- Train staff on the revised I&E Plan once the Deficiency is acknowledged by CalEPA as being corrected.

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3. INCIDENTAL FINDING:
The CUPA did not issue UST Permits in accordance with applicable statutes and regulations.

Withholding issuance of UST Permits for non-compliance resulted in inconsistent frequency duration and lapses in validity:

- CERS ID 10481305
    - Permit Issuance: March 4, 2025
    - Permit Expiration: February 28, 2025
- CERS ID 10634860
    - Permit Issuance: May 17, 2023
    - Permit Expiration: February 28, 2022
- CERS ID 10635088
    - Permit Issuance: April 3, 2023
    - Permit Expiration: February 28, 2023
    - Permit Issuance: October 16, 2024
    - Permit Expiration: February 29, 2024

CITATION(S):
Health & Saf. Code, § 25284, subd. (a); Cal. Code Regs., tit 23, § 2712, subd. (c); [State Water Board]

RESOLUTION:
By the 1st Progress Report, submit a revised UST Permit issuance procedure that addresses the issues identified above.

Once the revised UST Permit issuance procedure determined acceptable by the State Water Board, submit two consecutive UST Permits issued to a UST Facility.

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4. INCIDENTAL FINDING:

The CUPA has not ensured each facility subject to HMBP reporting requirements has annually submitted or certified an HMBP in CERS as identified in Attachment 7. In summary:

- 52 of 370 (14%) HMBP facilities have not submitted a chemical inventory or a no-change certification.
- 57 of 370 (15%) HMBP facilities have not submitted emergency response and employee training plans or a no-change certification.

CITATION(S):

Health & Saf. Code, §§ 25505, subd. (a), 25508, subd. (a), 25508.2; [CalEPA]

RESOLUTION:

During the evaluation:

- 19 of 52 HMBP facilities submitted a chemical inventory or a no-change certification; 33 have not submitted or certified.
- 23 of 57 HMBP facilities submitted emergency response and employee training plans or a no-change certification; 34 have not submitted or certified.

Ensure each facility identified in Attachment 7 submits or certifies an HMBP to CERS, and apply enforcement as established in the I&E Plan for facilities that do not provide an HMBP submittal or certification.

During each Progress Report until the Incidental Finding is acknowledged by CalEPA as being corrected, CalEPA will review information in CERS to verify each facility identified in Attachment 7 has submitted or certified an HMBP in CERS. In the absence of an HMBP submittal or certification, an indication as to whether informal and formal enforcement has been initiated may be provided as a narrative or by utilizing Attachment 7.

CalEPA recommends that the CUPA develop and implement a procedure for following up with each facility that has not annually submitted or certified an HMBP to CERS including, but not limited to, notifying the facility and applying enforcement.

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5. INCIDENTAL FINDING:

The CUPA has not ensured each HMBP submittal contains all required elements before being accepted in CERS:

- CERS ID 10629070
  - Inventory submitted on September 21, 2023
    - Site map is missing hazardous material handling and storage areas.
- CERS ID 10634755
  - Inventory submitted on February 22, 2024
    - Site map is missing north orientation and hazardous material handling and storage areas.
- CERS ID 10634377
  - Inventory submitted on February 20, 2024
    - Site map is missing evacuation staging areas.

- CERS ID 10630399
  - Inventory submitted on February 28, 2024
    - Site map is missing adjacent streets.
- CERS ID 10634620
  - Inventory submitted on February 26, 2024
    - Site map is missing adjacent streets.
- CERS ID 10635748
  - Inventory submitted on February 23, 2024
    - Site map is missing north orientation.

CITATION(S):
Health & Saf. Code, §§ 25505, subd. (a), 25508, subd. (a)(3) & (4); [CalEPA]

RESOLUTION:
Ensure each HMBP submittal contains all required elements before being accepted in CERS.

During each Progress Report until the Incidental Finding is acknowledged by CalEPA as being corrected, CalEPA will review 5 recently accepted HMBP submittals to verify each HMBP contains all required elements.

CalEPA recommends that the CUPA:

- Use the HMBP checklist in Attachment 8 to ensure each HMBP submittal contains all required elements before being accepted in CERS.
- Have CUPA staff complete refresher training on HMBP submittal requirements.

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6. INCIDENTAL FINDING: CORRECTED DURING EVALUATION
The CUPA did not submit quarterly Surcharge Transmittal Reports to CalEPA within 30 days after the end of each fiscal quarter (FQ):

- Fiscal Year (FY) 2020/2021
  - 2nd FQ:
    - Due January 30, 2021 (submitted March 22, 2021)
- FY 2021/2022
  - 2nd FQ:
    - Due January 30, 2022 (submitted March 7, 2022)
- FY 2022/2023
  - 4th FQ:
    - Due July 30, 2023 (submitted September 29, 2023)
- FY 2023/2024
  - 2nd FQ:
    - Due January 30, 2024 (submitted February 21, 2024)

CITATION:
Cal. Code Regs., tit. 27, §§ 15250, subd. (b), 15290; [CalEPA]

RESOLUTION: COMPLETED
During FY 2024/2024 the CUPA submitted quarterly Surcharge Transmittal Reports to CalEPA within 30 days after the end of each FQ. The quarterly Surcharge Transmittal Report for the 1st FQ of FY 2025/2026 has been submitted within 30 days after the end of the FQ. This Incidental Finding is considered corrected.

ATTACHMENT(S)

To obtain a copy of any attachment(s) identified in the Final Summary of Findings Report, please contact CUPA@calepa.ca.gov.