

December 16, 2025

Elaine McSpadden, Director
Butte County Division of Environmental Health
202 Mira Loma Drive
Oroville, California 95965-3500

Dear Ms. McSpadden:

During January through September 2025, CalEPA and the Unified Program state agencies conducted a performance evaluation of the Butte County Division of 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 Summary of Findings report was developed to identify program Deficiencies and Incidental Findings with corrective actions, and acknowledgement of accomplishments and challenges. 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 final 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 up to two subsequent Evaluation Progress Reports to CalEPA in accordance with the specified date provided in the Evaluation Progress Report response. An Evaluation Progress Report template will be provided by the CalEPA Team Lead. Each Evaluation Progress Report must be submitted to the CalEPA Team Lead, Timothy Brandt, via email at Timothy.Brandt@calepa.ca.gov, or uploaded to the established SharePoint website.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of the Unified Program.

To ensure the CUPA Performance Evaluation process is as effective and efficient as intended, I kindly request the included evaluation survey to be completed and returned to Melinda Blum, at Melinda.blum@calepa.ca.gov. If you would like to have specific comments remain anonymous, please indicate so on the survey.

If you have any questions or need further assistance, please contact Melinda Blum at Melinda.Blum@calepa.ca.gov.

Sincerely,

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: Butte County Division of Environmental Health

2025 Evaluation Assessment: January 2025 through September 2025

Timeframe Evaluated: January 1, 2021, through September 30, 2024

Note: Timeframe evaluated by OSFM is July 1, 2020, through September 30, 2024

Evaluation Team Members:

- CalEPA Team Lead: Tim Brandt
- DTSC: Jessica Harris, Brennan Ko-Madden
- CalEPA: Andrea Moron-Solano
- State Water Board: Kaitlin Cottrell
- 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 up to two subsequent Progress Reports in accordance with the specified due date.

The submittal date for the 1st Evaluation Progress Report is **April 10, 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.

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.

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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) PROGRAM IMPLEMENTATION:

Since the 2021 CUPA Performance Evaluation, the CUPA met the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum. The CUPA ensured APSA tank facilities annually submitted a tank facility statement or a Hazardous Materials Business Plan (HMBP) in lieu of a tank facility statement to the California Environmental Reporting System (CERS).

A CUPA staff member participates in APSA Advisory Committee meetings and serves as an APSA Issue Coordinator for the CUPA Forum Board.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

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 has not correctly reported compliance, monitoring, and enforcement (CME) information to CERS for the APSA Program:

Cited violation in inspection report and CERS are inconsistent:

- CERS ID 10277194
 - Inspection report dated August 2, 2022: 2 violations cited
 - CERS: 5 violations cited
 - 2 violations cited are duplicative
 - 1 violation is not cited in the inspection report
- CERS ID 10276519
 - Inspection report dated September 17, 2021: 12 violations cited
 - CERS: 2 inspections dated September 17, 2021
 - 1 inspection cites 15 violations
 - 1 inspection cites 9 violations
- CERS ID 10276291
 - Inspection report dated April 26, 2022: 2 violations cited
 - CERS: 2 inspections dated April 26, 2022
 - 1 inspection cites 3 violations
 - 1 inspection cites 1 violation
- CERS ID 10276732
 - Inspection report dated April 21, 2022: 3 violations cited.
 - CERS: 2 inspections dated April 21, 2022
 - 1 inspection cites 5 violations
 - 1 inspection cites 1 violation
- CERS ID 10276708
 - Inspection report dated November 30, 2022: 6 violations cited
 - CERS: 9 violations cited
 - violation cited is duplicative
 - 1 violation is cited in triplicate
- CERS ID 10174621
 - Inspection report dated April 7, 2023: 7 violations cited
 - CERS: 14 violations cited
 - 7 violations are duplicative
- CERS ID 10276894
 - Inspection report dated June 3, 2022: 12 violations cited
 - CERS: 11 violations cited

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No record of inspection in CERS

- CERS ID 10408879
 - Inspection report dated April 6, 2023: 0 violations cited

CITATION(S):

Health & Saf. Code, § 25404, subd. (e)(4); Cal. Code Regs. tit. 27, §§ 15187, subds. (a)(2) & (c), 15290, subd. (d); [OSFM]

CORRECTIVE ACTION:

Identify and correct the cause(s) of not correctly reporting CME information to CERS. Ensure CME information for each facility identified above is accurately reported to CERS.

During each Progress Report, OSFM will review information in CERS to verify the CME reporting issues identified above were addressed.

By the 1st Progress Report and each subsequent Progress Report, submit return to compliance (RTC) documentation or an inspection report, for the following APSA tank facilities:

- CERS ID 10276759
- CERS ID 10276516
- CERS ID 10276729

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

2. DEFICIENCY:

The local ordinance, *Chapter 37, Underground Hazardous Substances Storage Facilities*, is inconsistent with state law as detailed in the 2021 Performance Evaluation Final Summary of Findings Report.

Note: During the 2021 Performance Evaluation Progress Report process, the CUPA provided a timeline to revise the Local Ordinance and a revised Local Ordinance.

CITATION(S):

Health & Saf. Code, §§ 25299.2, 25299.3, 25404.2, subd. (a)(2); Cal. Code Regs., title 23, § 2620, subd. (c); [State Water Board]

CORRECTIVE ACTION:

Do not implement the provisions of the local ordinance that are less stringent or inconsistent with state law.

By the 1st Progress Report, revise "Section 37-1. Overview" of the revised local ordinance to ensure the citation for Chapter 16, section 2610 is changed to align with state law.

By the 1st Progress Report, and with each subsequent Progress Report, provide an update on the status of adopting or repealing the revised local ordinance.

State Water Board recommends that the CUPA provide the State Water Board with an opportunity to review any additional changes to the revised local ordinance that modify the construction, monitoring, or testing provisions to California Code of Regulations, title 23, chapter 16.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

3. DEFICIENCY:

The CUPA has not consistently classified Hazardous Waste Generator (HWG) Program violations properly.

Non-minor violation classified as a minor violation:

- Violation for exceedance of authorized accumulation time incorrectly cited as a minor violation. (Cal. Code Regs., tit. 22, §§ 66262.16, subd. (b), 66262.17, subd. (b).) Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time; therefore, this does not meet the definition of minor violation. (Health & Saf. Code, § 25404, subd. (a)(3).)
 - 38 of 73 (46%) violations cited were classified as minor

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

CITATION(S):

Health & Saf. Code, § 25404, subd. (a)(3); [DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, train inspection staff on:

- The definitions of Class I (Health & Saf. Code, § 25110.8.5, subd. (a)), Class II (Cal. Code Regs., tit. 22, § 66260.10), and minor (Health & Saf. Code, § 25117.6) violations.
- How to properly classify HWG Program violations as Class I, Class II, and minor violations including a review of:
 - Violation Classification Guidance for Unified Program Agencies:
<https://calepa.ca.gov/cupa/resources/>
 - Violation Classification Training Video (1 of 2):
https://www.youtube.com/watch?v=yfm3_nXXiPY&list=PLC6C167034352AA02
 - Violation Classification Training Video (2 of 2):
<https://www.youtube.com/watch?v=cuKbIKkhQcA>

By the 2nd Progress Report and with each subsequent Progress Report, submit an inspection report citing at least one HWG Program violation for three HWG facilities that were inspected after 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 Program violation.

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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

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, recommendation may be provided.

1. INCIDENTAL FINDING:

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 1.

As of May 12, 2025, there is no documented RTC for:

- 14 of 50 (28%) 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]

RESOLUTION:

During the evaluation, as of September 4, 2025, RTC was obtained for 3 of 14 APSA tank violations identified in Attachment 1; 11 have no documented RTC.

Ensure each APSA tank facility identified in Attachment 1 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, OSFM 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 formal enforcement has been initiated for any violation identified without RTC may be provided as a narrative or by utilizing Attachment 1.

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 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).
-

2. INCIDENTAL FINDING:

The CUPA has not consistently implemented proper underground storage tank (UST) temporary closure requirements.

The following facilities have exceeded the 12-month limit without conducting a site assessment or being brought back into compliance by the end of the temporary closure duration:

- CERS Tank IDs 10276510-001, -002, -003
 - Placed into temporary closure on November 5, 2019
- CERS Tank IDs 10276117-001, -002, -003
 - Placed into temporary closure on September 28, 2020

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- CERS Tank IDs 10276219-001, -002, -003
 - Placed into temporary closure on August 12, 2019

Note: This Incidental Finding was identified in the 2021 Performance Evaluation. During the Evaluation Progress Report process, the CUPA revised the temporary closure procedures. The State Water Board has been coordinating with the CUPA regarding temporary closure for the UST facilities affected by wildfires.

CITATION(S):

Health & Saf. Code, §§ 25293, 25298, subd. (b); Cal. Code Regs., tit. 23, §§ 2670, subd. (b), 2671, subd. (c), 2672, subd. (d); [State Water Board]

RESOLUTION:

Rescind all UST temporary closure permits that do not comply with the requirements.

By the 1st Progress Report, and with each subsequent Progress Report, for each UST that has exceeded the 12-month limit without conducting a site assessment or being brought back into compliance:

- Rescind all UST temporary closure permits that do not comply with the requirements.
- Accurately report the status of each UST in Report 6 as abandoned (the UST should no longer be reported as being in temporary closure)
- Provide a status update on the progress of the UST coming out of abandonment prior to the December 31, 2025, deadline, obtaining compliance and returning to operation, or being issued a UST permanent closure permit.
- Applies enforcement (e.g. issuance of red tag) if the UST owner/operator does not comply, or if the UST is not properly closed out of the UST Program.

The State Water Board recommends that the CUPA notify each owner/operator of a UST that has exceeded the 12-month limit without conducting a site assessment or being brought back into compliance that the Chapter 16 regulation changes require all abandoned facilities that have not had a UST Permit and have not had a functioning release detection system for more than 365 days will have to upgrade all equipment to be continuously monitored via VPH and pass an enhanced leak detection (ELD) test to return to service.

3. INCIDENTAL FINDING:

The CUPA has not accurately reported inspection frequency information in Report 6 and CERS.

UST CME Data Download (April 8, 2025) indicates more than 1 routine inspection for the following:

- 2021
 - CERS ID 10146137
 - CERS ID 10156085
 - CERS ID 10276075
 - CERS ID 10276087
 - CERS ID 10276204
 - CERS ID 10276213
 - CERS ID 10276354
 - CERS ID 10276399
 - CERS ID 10276435

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- CERS ID 10276450
 - CERS ID 10276492
 - CERS ID 10276507
 - CERS ID 10485568
 - CERS ID 10759303
- 2022
 - CERS ID 10276222
 - CERS ID 10276429
 - CERS ID 10276486
 - CERS ID 10276495
 - CERS ID 10276513
- 2023
 - CERS ID 10413607
- 2024
 - CERS ID 10129606
 - CERS ID 10276405

CITATION(S):

Health & Saf. Code, § 25404, subd. (e)(4); Cal. Code Regs., tit. 23, §§ 2713, subds. (c)(3) & (d); [State Water Board]

RESOLUTION:

Accurately report UST compliance inspection information to CERS to ensure Report 6 is accurate.

During each Progress Report, the State Water Board will review Report 6 for two consecutive Report 6 reporting periods.

State Water Board recommends that the CUPA:

- Determine why Report 6 and CERS CME information have inconsistent UST compliance inspection information and establish processes and/or secure resources to ensure accurate reporting.

4. INCIDENTAL FINDING:

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.

UST Facility/Tank Data Download report (April 3, 2025) indicates:

- USTs with single-walled vent or riser piping utilizing the overfill prevention equipment (OPE) exemption:
 - CERS Tank ID 10276411-003
- UST systems installed between July 1, 1987, and June 30, 2003, with single-walled vent or riser/fill piping and equipped with only audible/visual alarms with no ball float or fill tube shut-off valve:
 - CERS Tank ID 10174017-001
 - CERS Tank IDs 10276252-001, -002, -003, -004
 - CERS Tank IDs 10276345-001, -002, -003
- UST system indicates "No" for audible/visual alarms, ball floats, fill tube shut-off valve, and exempt:
 - CERS Tank ID 10276300 -003

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CITATION(S):

Cal. Code Regs., tit. 23, §§ 2635, subd. (d), 2636, subd. (a), and/or 2665, subd. (c); [State Water Board]

RESOLUTION:

Ensure UST owner/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, submit a list of UST facilities utilizing the incorrect or incomplete OPE construction including CERS Tank IDs.

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

5. INCIDENTAL FINDING:

The CUPA has not consistently conducted complete annual UST compliance inspections.

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

- CERS ID 10276363
 - Annual Monitoring System Certifications dated May 19, 2022, May 23, 2023, and May 31, 2024, cite the Automatic Tank Gauge (ATG) as only for inventory control, however, CERS states the ATG as the tank monitoring equipment.

CITATION(S):

Health & Saf. Code, §§ 25288, subd. (b), 25289, subd. (b), 25299; Cal. Code Regs., tit. 23, §§ 2638, 2643, subds. (b)(1) & (g); Cal. Code Regs., tit. 27, § 15290, subd. (d); [State Water Board]

RESOLUTION:

By the 1st Progress Report, and with each subsequent Progress Report, submit UST facility records, including the most recent annual UST compliance inspection report, 0.2 ATG test results, associated leak detection documents, and all enforcement correspondence between the CUPA and the UST owner/operator for CERS ID 10276363.

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.
 - Perform quality assurance to ensure violation data used as part of Report 6 is accurately reported to CERS.
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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
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6. INCIDENTAL FINDING:

The CUPA has not correctly reported CME information to CERS for the HWG and Tiered Permitting (TP) Programs.

Cited violation in inspection report and CERS are inconsistent:

- CERS ID 10277665
 - Inspection report dated May 18, 2023: 4 violations cited
 - CERS: 6 violations cited
 - 2 violations in CERS with duplicate entries
- CERS ID 10278640
 - Inspection report dated February 7, 2022: 4 violations cited
 - CERS: 5 violations cited
 - 1 violation in CERS with duplicate entry
- CERS ID 10180487
 - Inspection report dated June 6, 2023: 2 violations cited
 - CERS: 4 violations cited
 - 2 violations in CERS with duplicate entries

RTC documented in inspection report not reported to CERS:

- CERS ID 10277665
 - Inspection report dated May 18, 2023: RTC documented for 4 violations
 - CERS: RTC for 1 violation.

CITATION(S):

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

RESOLUTION:

During each Progress Report, DTSC will review information in CERS to verify the CME information for the facilities identified above has been corrected.

By the 1st Progress Report, submit an inspection report, citing at least one HWG or TP Program violation for three HWG or TP facilities that were inspected within the last three months.

DTSC recommends that the CUPA:

- Identify and correct the cause(s) of not correctly reporting CME information to CERS and establish processes and/or secure resources to prevent this from reoccurring.
- Implement a quality assurance and quality control process to ensure CME information is correctly reported to CERS.

7. INCIDENTAL FINDING:

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

- CERS ID 10277371
 - Inventory submitted on June 1, 2023
 - Site map is missing north orientation, adjacent streets and access and exit points.
- CERS ID 10276273
 - Inventory submitted on June 25, 2024

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- Site map is missing adjacent streets.
- CERS ID 10276759
 - Inventory submitted on May 31, 2023
 - Site map is missing evacuation staging areas.
- CERS ID 10276273
 - Inventory submitted on November 7, 2024
 - Site map is missing evacuation staging areas.

CITATION(S):

Health & Saf. Code, §§ 25505, subd. (a), 25508, subd. (a)(3), (4); Cal. Code Regs., tit. 19, §§ 5030.3, 5030.3, 5030.9, 5030.10; [CalEPA]

RESOLUTION:

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

During each Progress Report, 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 2 to ensure each HMBP submittal contains all required elements before being accepted in CERS.
- Have CUPA staff complete refresher training on HMBP submittal requirements.

8. INCIDENTAL FINDING: CORRECTED DURING EVALUATION

The CUPA did not issue UST Permits in accordance with applicable statutes and regulations.

- Withholding issuance of UST Permits for noncompliance resulted in inconsistent frequency duration and lapses in validity:
 - CERS ID 10165901
 - Permit Issuance: January 19, 2024
 - Permit Expiration: November 30, 2028
 - CERS ID 10175743
 - Permit Issuance: October 17, 2023
 - Permit Expiration: December 15, 2028
 - CERS ID 10276150
 - Permit Issuance: November 9, 2020
 - Permit Expiration: April 16, 2025

CITATION(S):

Health & Saf. Code, §§ 25283, 25284, 25285, 25285.1, 25286, 25297.01; Cal. Code Regs., tit. 23, §§ 2711 and 2712; [State Water Board]

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RESOLUTION: COMPLETED

During the evaluation, the CUPA submitted a revised UST Permit issuance procedure, documentation of training, and two consecutive Permits issued to a UST facility. This Incidental Finding is considered corrected.

9. INCIDENTAL FINDING: CORRECTED DURING EVALUATION

The CUPA has not ensured each facility subject to HMBP reporting requirements has annually submitted or certified an HMBP to CERS as identified in Attachment 3. In summary:

- 179 of 999 (18%) HMBP facilities have not submitted a chemical inventory or a no-change certification
- 186 of 999 (19%) 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, 25270.6, subd. (a); [CalEPA]

RESOLUTION: COMPLETED

During the evaluation:

- 106 of 186 HMBP facilities submitted a chemical inventory or a no-change certification, 80 have not submitted or certified.
- 107 of 179 HMBP facilities submitted emergency response and employee training plans or a no-change certification, 72 have not submitted or certified.

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.