

January 28, 2026

Dang Chiem
Hazardous Materials Coordinator
City of Long Beach Department of Health & Human Services
2525 Grand Avenue
Long Beach, California 90815-3125

Dear Mr. Chiem:

During April 2025, through December 2025, CalEPA and the Unified Program state agencies conducted a performance evaluation of the City of Long Beach, Department of Health and Human Services 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 program deficiencies and incidental findings with corrective actions, as well as acknowledgement of accomplishments, challenges, and 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 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, 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,



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: City of Long Beach, Department of Health & Human Services

2025 Evaluation Assessment: April – December 2025

Timeframe Evaluated: January 1, 2022 – December 31, 2024

(Note: Timeframe evaluated by OSFM is July 1, 2020 - December 31, 2024)

- CalEPA Team Lead: Kaeleigh Pontif
- CalEPA: Andrea Moron-Solano
- DTSC: Brennan Ko-Madden
- State Water Board: Kaitlin Cottrell
- CAL FIRE-OSFM: Mary Wren-Wilson

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 90 days from receipt of this report and up to two subsequent Progress Reports in accordance with the specified due date. The submittal date for the 1st Evaluation Progress Report is **May 8, 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.

Kaeleigh Pontif
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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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. ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM IMPLEMENTATION:

Since the 2021 CUPA Performance Evaluation, the CUPA has met the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum. The CUPA has also maintained triennial inspections on APSA tank facilities with less than 10,000 gallons of petroleum and conditionally exempt tank facilities in accordance with the Inspection and Enforcement (I&E) Plan.

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

The CUPA invests significant time and effort to ensure the success of the APSA program:

- Staff are leaders in APSA technical knowledge for other CUPAs.
- Staff present at various training and conferences.
- Staff frequently mentor and train inspectors from other regional agencies in the field, including the City of Vernon, City of Santa Fe Springs, and Riverside County.
- Each inspection staff has completed the SP001 aboveground tank system inspector training. For the last several years, the CUPA has hosted the SP001 aboveground tank system inspector training in the southern region.

2. CONTRIBUTIONS TO THE UNDERGROUND STORAGE TANK (UST) PROGRAM:

The CUPA staff have dedicated countless hours to improving the UST Program across the state.

- The CUPA manager has chaired the Technical Advisory Group (TAG) for many years, which provides a structured environment for UST inspectors of all experience levels to collectively gather and further their UST knowledge.
- At the 2023 and 2024 annual Unified Program training conferences, CUPA staff gave five presentations involving UST training and program guidance.
- The California CUPA Forum Board presented the CUPA manager with the "Outstanding CUPA Individual" award at the 2022 annual Unified Program training conference.

The CUPA manager's passion for teaching others UST inspection and enforcement procedures is unmatched, and their time and energy are key aspects of the Unified Program implementation of UST Regulations statewide.

3. 2021 CUPA PERFORMANCE EVALUATION DEFICIENCIES CORRECTED

Deficiency #11 from the 2021 CUPA Performance Evaluation is now considered corrected and no longer requires further action: *The CUPA is not consistently citing violations for late overfill prevention equipment inspections during annual UST compliance inspections.*

Deficiency #14 from the 2021 CUPA Performance Evaluation is now considered corrected and no longer requires further action: *The local ordinance, Title 8 – Health and Safety, Chapter 8.85 Underground and Above Ground Storage Tanks, is inconsistent with HSC and UST Regulations.*

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4. UST REGULATIONS, CHAPTER 16 REWRITE:

The State Water Board is currently rewriting California Code of Regulations, title 23, division 3, chapter 16 in preparation for the permanent closure requirements of all single-walled USTs. The State Water Board created a regulation vetting workgroup consisting of numerous UST experts from both the public and private sector to assist in the development of the revised regulatory language. The time commitment as a participant in the workgroup was estimated to be a minimum of four hours a week for 12 weeks.

Though the additional time commitment to participate in the workgroup detracted from the time allocated to conduct regular inspection and enforcement duties, the CUPA was able to meet the expected annual UST inspection frequency. Having a UST inspector from the CUPA participate in the workgroup provided invaluable assistance to the development of the Chapter 16 regulation revisions for the UST community.

5. CUPA PROGRAM ADMINISTRATION:

The CUPA is divided amongst the Long Beach Department of Health and Human Services (HHS) and the Long Beach Fire Department. HHS conducts the Hazardous Waste Generator (HWG) Program inspections, while the Fire Department conducts all other Unified Program element inspections. This unique division of agencies is challenging for HHS and Fire Department inspectors.

When joint inspections are conducted with HHS and Fire Department inspectors, it is recommended that the inspectors effectively communicate and coordinate the inspections together. Having two lead inspectors from separate entities creates confusion for the representative(s) of the facility being inspected, distracts from attentiveness, and often times makes it difficult for each inspector to complete the applicable Unified Program element inspections. Having joint inspections conducted by inspectors from separate entities doubles operating costs, as HHS and the Fire Department incur the expense (driving, staff hours, etc.), and doubles the number of inspection reports received by the facility representative.

The majority of CUPAs implement the Unified Program within one department. It would be beneficial for the City of Long Beach, Department of Health & Human Services to examine whether having the CUPA operate solely within either HHS or the Fire Department would be more efficient for either entity.

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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 has not inspected 479 of 1,310 (37%) facilities subject to the HMBP Program at least once every three years. See the list of facilities that were not inspected in Attachment 1.

CITATION(S):

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

CORRECTIVE ACTION:

During the evaluation, the CUPA inspected 261 of 479 facilities identified in Attachment 1; 218 facilities remain uninspected.

Inspect all HMBP facilities, as identified in Attachment 1.

During each Progress Report, CalEPA will review information in CERS to verify the HMBP facilities identified in Attachment 1 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.

2. DEFICIENCY:

The CUPA has not inspected 380 of 891 (43%) facilities subject to the HWG Program at least once every three years as required by the inspection frequency established in the I&E Plan. See the list of facilities that were not inspected in Attachment 2.

Note: This Deficiency was identified in the 2021 Performance Evaluation and was not corrected during the Progress Report process. At the final Progress Report the CUPA had not inspected 117 of 936 (13%) HWG facilities since July 1, 2018.

CITATION(S):

Health & Saf. Code, § 25201.4, subd. (b)(2); Cal. Code Regs., tit. 27, §§ 15185, subd. (a), 15200, subds. (a)(2)(A), (c)(1), & (e); [DTSC]

CORRECTIVE ACTION:

During the evaluation, the CUPA inspected 112 of 380 facilities identified in Attachment 2; 268 facilities remain uninspected.

Inspect all HWG facilities, as identified in Attachment 2.

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During each Progress Report, DTSC will review information in CERS to verify the HWG facilities identified in Attachment 2 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.

3. DEFICIENCY:

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

As of August 5, 2025, there is no documented RTC for the following APSA tank facility violations:

- CERS ID 10623136:
 - Violation Library Type Number 4010001: Inspection report dated November 9, 2022
- CERS ID 10940092:
 - Violation Library Type Number 4010001: Inspection report dated October 18, 2023

As of August 1, 2025, there is no documented RTC for the following HWG Program violations:

- 188 of 552 (34%) cited violations, consisting of:
 - 106 of 188 (56%) Class 2
 - 82 of 188 (44%) Minor

CITATION(S):

Health & Saf. Code, §§ 25185, subd. (c), 25187.8, subds. (a)-(b) & (g)-(i), 25110.8.5, 25117.6, 25270.4.5, subd. (a); Cal. Code Regs., tit. 19, § 1612, subds. (d), (e) & (f); Cal. Code Regs., tit. 27, §§ 15185, subds. (a) & (c), 15200, subds. (a), (e), & (g); [OSFM, DTSC]

CORRECTIVE ACTION:

During the evaluation, RTC was obtained for the APSA violations identified above.

During each Progress Report, DTSC will review information in CERS to verify each HWG Program violation identified in Attachment 3 has obtained RTC. In the absence of RTC, an indication as to whether informal or formal enforcement has been initiated for any violation identified without RTC may be provided as a narrative or by utilizing Attachment 3.

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 follow up and enforcement to ensure RTC is obtained by facilities cited with violations that pose the most risk to public health, safety, and the environment (e.g., Class I violations).

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4. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA has not properly classified each HWG violation. Violation improperly classified as minor violation:

- Violation: exceedance of authorized accumulation time (Cal. Code Regs., tit. 22, §§ 66262.15, subd. (a)(9), 66262.16, subd. (b), 66262.17, subd. (a))
 - Economic benefit: delayed or avoided cost of transportation and/or disposal
 - 34 of 41 (83%) violations cited were classified as minor
- Violation: failure to minimize the possibility of a fire, explosion, or release of hazardous waste (Cal. Code Regs., tit. 22, §§ 66262.16, subd. (b)(6)(A), 66262.251, 66273.33, 66273.36, 66273.37, subd. (a), 66273.71, 66273.72, 66273.75.)
 - Significant threat to human health, safety, or environment
 - Could result in a failure to prevent releases of hazardous waste or constituents to the environment
 - 58 of 69 (84%) violations cited were classified as minor

Note: This Deficiency was identified in the 2021 Performance Evaluation and was not corrected during the Progress Report process. Violations for exceedance of authorized accumulation time remained incorrectly classified as minor violations.

CITATION(S):

Health & Saf. Code, §§ 25110.8.5, 25117.6, 25404, subd. (a)(3); Cal. Code Regs., tit. 22, § 66260.10; [DTSC]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA demonstrated that the misclassification of violations was due to a default classification issue with the electronic data transfer (EDT) of information from the CUPA's data management system to CERS. The issue was corrected January 2025. Review of information in CERS between January 1, 2025, and December 12, 2025, verifies the CUPA is correctly classifying violations for exceedance of authorized accumulation time and failure to minimize the possibility of a fire, explosion, or release of hazardous waste. This Deficiency is considered corrected.

5. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA has not certified to CalEPA every three years that a complete review of the Area Plan has been conducted, and any necessary revisions have been made. The last certification of the Area Plan was September 2021.

CITATION(S):

Health & Saf. Code, § 25503, subd. (d)(2); [CalEPA]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA certified to CalEPA that a complete review of the Area Plan has been conducted, and any necessary revisions have been made. 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:

The CUPA has not properly processed 2 of 9 (22%) annual Onsite Hazardous Waste Treatment Notifications for Permit by Rule (PBR) facilities with a fixed treatment unit (FTU) within 45 calendar days:

- CERS ID 10152249:
 - Notification submitted February 23, 2023, reviewed May 11, 2023
- CERS ID 10151765:
 - Notification submitted March 1, 2023, reviewed May 22, 2023

CITATION(S):

Health & Saf. Code §§ 25200.3, subd. (e)(3), 25201.5, subd. (d)(7); Cal. Code Regs, tit. 22, §§ 67450.2, subd. (b)(4), 67450.3, subds. (c)(1) & (d); [DTSC]

RESOLUTION:

During each Progress Report, DTSC will review information in CERS to verify recently submitted notifications are processed within 45 days.

DTSC recommends that the CUPA:

- Determine why notifications were not processed within the required 45-days and establish processes and/or secure resources to prevent this from reoccurring.
- Train inspection staff on how to properly process notifications within the required 45-days. TP training videos are available at:
 - Tiered Permitting Inspector Training Part 1 of 2:
<https://www.youtube.com/watch?v=f235NwyuVOY>
 - Tiered Permitting Inspector Training Part 2 of 2:
<https://www.youtube.com/watch?v=8pBQioflwk>
- The CUPA may also request additional training assistance from DTSC.

2. INCIDENTAL FINDING:

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 10151691: Inspection report dated January 20, 2022
 - Observations lack specificity including:
 - “Owner/Operator failed to send hazardous waste offsite for treatment, storage, or disposal within 90 days of accumulation start date.”
 - Description does not sufficiently detail the elements of the violation. No description of the initial accumulation date, how long the container(s) were on site, and the containers in violation, (e.g., number, size, location, contents)

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- “Owner/Operator failed to properly manage empty containers greater than 5 gallons in capacity that previously held a hazardous material/waste.”
 - Description does not sufficiently detail the elements of the violation.
 - No description of how the facility operator failed to meet the requirements of the regulations and the containers (e.g., location, previous contents)
- CERS ID 10152249: Inspection report dated May 18, 2023
 - Observations lack specificity including:
 - “Documents for operating a FTU were not maintained onsite, including, but not limited to, waste analysis plan, training documents, SB-14, etc.”
 - No description of the specific documents that were missing
 - “Owner/Operator failed to complete a waste analysis plan or has an incomplete waste analysis plan or failed to implement the waste analysis plan and properly maintain records to document implementation of the waste analysis plan.”
 - No description of the specific problem and how the facility operator failed to meet the requirements of the regulations
- CERS ID 10610827: Inspection report dated May 1, 2023
 - Observations lack specificity including:
 - “Owner/Operator failed to report program data electronically into CERS, or reported information incorrectly.”
 - No description of the specific problem and how the facility operator failed to meet the requirements of the regulations (e.g., which data was not reported to CERS, or how the data was inaccurate)
- CERS ID 10616056: Inspection report dated April 21, 2023
 - Observations lack specificity including:
 - “[DESCRIBE CONTAINER] of [HAZARDOUS WASTE] located in the [LOCATION] was observed without a hazardous waste label.”
 - The inspector did not complete the prompts in the report
 - “Failure to properly manage soiled textile materials prior to being sent for laundering. Provide oily rags pick up services.”
 - No factual basis and description does not describe how the facility failed to meet the requirements of the regulations
- CERS ID 10648618: Inspection report dated October 30, 2024
 - Class II violation for failing to electronically report program data when required: no observations, factual basis, or corrective actions
 - Minor violation for failure to maintain aisle space: no corrective actions

CITATION(S):

Health & Saf. Code, §25185, subd. (c)(2)(A); [DTSC]

RESOLUTION:

During the evaluation, the CUPA submitted documentation demonstrating inspection staff completed the inspection report writing training.

By the 1st 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 inspection report writing training was completed and within the last three months. Each

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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 document consent in each inspection report. Consent was not documented consistently in the inspection reports identified above.

3. INCIDENTAL FINDING:

The CUPA has not regulated all HWG Program facilities within its jurisdiction. The CUPA's list indicates there are 748 facilities; CERS indicates there are potentially 152 additional facilities. See the list of potential additional facilities identified in CERS (August 1, 2025) in Attachment 4.

CITATION(S):

Health & Saf. Code §§ 25101, subd. (d), 25404.2, subd. (a)(1)(A); Cal. Code Regs., tit. 22, §§ 67450.2, subd. (b)(4), 67450.3, subd. (c); Cal. Code Regs., tit. 27, §§ 15100, subd. (b)(3), 15200, subd. (a)(3)(A); [DTSC]

RESOLUTION:

By the 1st Progress Report, contact DTSC and schedule a HWTS training.

By the 1st Progress Report and each subsequent Progress Report until the Incidental Finding is acknowledged by CalEPA as being corrected, update and submit Attachment 4 to indicate:

- Whether the facility is or is not a regulated HWG facility.
- How determination was made.
- Status of reporting to CERS if applicable.

DTSC recommends that the CUPA:

- Determine why all facilities within its jurisdiction that are subject to the HWG Program were not identified and establish processes and/or secure resources to prevent this from reoccurring.
- Contact DTSC (Brennan.Ko-Madden@dtsc.ca.gov) to schedule training on utilization of the Hazardous Waste Tracking System and other databases to ensure identification of all HWG Program facilities within the jurisdiction of the CUPA.
- Revise the I&E Plan to ensure:
 - Review of databases including, but not limited to, DTSC's Hazardous Waste Tracking System (HWTS) and USEPA's RCRAInfo and Biennial Reports. (See (1) <https://hwts.dtsc.ca.gov/> and (2) <https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login.>)
 - The Building Department is contacted or any other local agency responsible for providing licenses or other grants of authority to businesses to operate including those that generate hazardous waste.
 - Site reconnaissance.

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.

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UST Facility/Tank Data Download report (July 2, 2025) indicates:

- UST system(s) installed between July 1, 1987, and June 30, 2003, with single-walled vent and/or riser/fill piping and equipped with only audible/visual alarms with no ball float or fill tube shut-off valve:
 - See Attachment 5

CITATION(S):

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

RESOLUTION:

Ensure UST owners/operators of each facility identified in Attachment 5 installs the correct overfill prevention equipment (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 Incidental Finding is acknowledged by CalEPA as being corrected, submit a list of UST facilities utilizing the incorrect or incomplete OPE construction including CERS Tank IDs.

During each Progress Report until the Incidental Finding is acknowledged by CalEPA as being corrected, the State Water Board will review information submitted 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 is not ensuring all USTs are in compliance with the design, construction, monitoring, and testing requirements. See Attachment 6.

CITATION(S):

Health & Saf. Code § 25291, subd. (f); Cal. Code Regs., tit. 23, §§ 2636, subd. (f)(2); [State Water Board]

RESOLUTION:

Ensure UST owners/operators of each facility identified in Attachment 6 are in compliance with design, construction, monitoring, and testing requirements, 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 Incidental Finding is acknowledged by CalEPA as being corrected, submit a list of USTs utilizing the incorrect or incomplete construction that includes the CERS UST Tank IDs and a narrative describing the follow-up actions and applied enforcement taken to ensure USTs are in compliance with design, construction, monitoring, and testing requirements as described above.

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6. INCIDENTAL FINDING: CORRECTED DURING EVALUATION

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

Cited violation in inspection report and CERS are inconsistent:

- CERS ID 10152255
 - Inspection report dated May 10, 2022: 2 minor violations cited, corrected on site
 - CERS: 0 violations cited
- CERS ID 10152639
 - Inspection report dated August 9, 2022: 1 violation cited, corrected on site
 - CERS: 0 violations cited

RCRA LQG inspection incorrectly reported to CERS as HW inspection:

- CERS ID 10450984: Inspection report dated November 15, 2022
 - Hazardous Waste Tracking System (HWTS) and CERS indicate the facility is a RCRA LQG
- CERS ID 10648618: Inspection dated September 5, 2023
 - HWTS, CERS, and the CUPA indicate the facility is a RCRA LQG
- CERS ID 10593484: Inspections dated August 29, 2022, and September 7, 2022
 - HWTS and CERS indicate the facility is a RCRA LQG.

CITATION(S):

Health & Saf. Code, § 25404, subd. (e)(4); 25404.1.2, subd. (c); Cal. Code Regs. tit. 27, §§ 15187, subds. (a)(2) & (c), 15290, subd. (d); [DTSC]

RESOLUTION: COMPLETED

During the evaluation, the missing and incorrect CME information was reported correctly to CERS. This Incidental Finding is considered corrected.

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

7. INCIDENTAL FINDING: CORRECTED DURING EVALUATION

The CUPA has not ensured each facility subject to HMBP reporting requirements has annually submitted an HMBP or no-change certification to CERS as identified in Attachment 7. In summary:

- 224 of 1,310 (17%) HMBP facilities have not submitted a chemical inventory or a no-change certification
- 223 of 1,310 (17%) 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, 25508.2, [CalEPA]

RESOLUTION: COMPLETED

During the evaluation:

- 96 of 224 HMBP facilities submitted an inventory or a no-change certification; 148 have not submitted or certified

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- 95 of 223 HMBP facilities submitted emergency response and employee training plans or a no-change certification; 128 have not submitted or certified

This Incidental Finding is considered corrected.

8. INCIDENTAL FINDING: CORRECTED DURING EVALUATION

The I&E Plan is inaccurate:

- Uniform and coordinated application of enforcement standards that includes identification of penalties and enforcement actions that are consistent and predictable for similar violations and no less stringent than California statutes and regulations
 - Initial Penalties Section 5(b), Cal/ARP (HSC Chapter 6.95 Article 2) states maximum penalty amount as \$2,000
 - Health and Safety Code, section 25540, subd. (a)(2) states the maximum penalty amount as \$5,000.
- Program Specific Enforcement Violations Section C. 5., Generators and Tiered Permit Facilities states, violators shall be liable for penalties as provided in Section 25189.2(a-d) and the maximum penalty amount for any single violation as \$25,000 per day.
 - Health and Safety Code, section 25189.2 states the maximum penalty amount as \$70,000.
 - Penalties for the HWG Program must be calculated according to Cal. Code Regs., title 22, sections 66272.60 through 66272.69 and must be referenced within the I&E Plan.

The I&E Plan is incomplete:

- Procedures for addressing complaints, including but not limited to the receipt, investigation, enforcement, and closure of a complaint.
 - The complaints procedure does not include discussion of enforcement and closure of complaints.
- Provisions for ensuring the CUPA has sampling capability, which may include sampling by a qualified person and ensuring the analysis of any material shall be performed by a state certified laboratory.

CITATION(S):

Cal. Code Regs., tit. 27, § 15200; [CalEPA, DTSC]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided a revised I&E Plan that addresses all the issues identified above. This Incidental Finding is considered corrected.

CalEPA and DTSC recommend that the CUPA train staff on the revised I&E Plan. DTSC recommends that the CUPA incorporate more detailed sampling procedures into the I&E Plan to ensure samples can be collected when a third-party contractor is not available.

ATTACHMENT(S)

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