

May 21, 2026

Jeffrey Marshall  
Director of Environmental Health  
Kern County Environmental Health Services Department  
Environmental Health Division  
2700 M Street, Suite 300  
Bakersfield, California 93301-2370

Dear Mr. Marshall:

From August 2025, through April 2026, CalEPA, in coordination with the Department of Toxic Substances Control (DTSC), Office of the State Fire Marshall (OSFM), and State Water Resources Control Board (State Water Board), conducted an evaluation of the Kern County Environmental Health Services Department, Environmental Health Division Certified Unified Program Agency (CUPA) to assess the CUPA's performance and implementation of the Unified Program (2025 CUPA Performance Evaluation).

During the 2025 CUPA Performance Evaluation, a Preliminary Summary of Findings Report was provided to the CUPA that identified the initial findings. Please find the enclosed Final Summary of Findings Report.

CalEPA has rated the CUPA's overall performance and implementation of the Unified Program for the 2025 CUPA Performance Evaluation as *satisfactory with improvement needed*. The CUPA has done an exemplary job of maintaining a strong and commendable Unified Program performance rating.

Pursuant to California Code of Regulations, title 27, section 15330, subdivision (b)(6), the CUPA shall submit each Evaluation Progress Report to CalEPA in accordance with the specified due date. 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. An Evaluation Progress Report template will be provided by the CalEPA Team Lead. Each Progress Report must be submitted to the CalEPA Team Lead via email 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](mailto: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](mailto:Melinda.Blum@calepa.ca.gov).

Sincerely,



Jason Boetzer  
Deputy Secretary  
Local Program Coordination and Emergency Response

Enclosure

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## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Kern County Environmental Health Services Department, Environmental Health Division

Evaluation Assessment: August 2025 through April 2026

Timeframe Evaluated: July 1, 2022, through June 30, 2025

Note: OSFM timeframe evaluated is July 1, 2021, through June 30, 2025

Evaluation Team Members:

- CalEPA Team Lead: Kaeleigh Pontif
- CalEPA: Julie Unson
- DTSC: Jessica Harris, Pheleep Sidhom
- State Water Board: Michelle Suh
- CAL FIRE- OSFM: Mary Wren-Wilson

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

In accordance with California Code of Regulations, title 27, section 15330, subdivision (b)(6), **the CUPA shall submit the first Evaluation Progress Report to CalEPA on August 31, 2026**. An Evaluation Progress Report template will be provided by the CalEPA Team Lead.

Any required subsequent Progress Reports shall be submitted to CalEPA in accordance with the specified due date. With each subsequent 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

Phone: (916) 803-0623

E-mail: [Kaeleigh.pontif@calepa.ca.gov](mailto:Kaeleigh.pontif@calepa.ca.gov)

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**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.

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**1. HAZARDOUS WASTE GENERATOR (HWG) AND TIERED Permit (TP) PROGRAM IMPLEMENTATION:**

The CUPA has continued to make an outstanding effort in implementing the HWG and TP Programs since the last evaluation and after facing the challenges of the Coronavirus (COVID-19). During the timeframe evaluated, the CUPA was able to successfully ensure 97% of HWG facilities within the jurisdiction of the CUPA were inspected once every three years per the inspection frequency established in the Inspection and Enforcement (I&E) Plan. DTSC finds these efforts to be above and beyond the expected standard of HWG Program implementation, especially while simultaneously being challenged with other obstacles such as budget constraints, staffing challenges, a hiring freeze, emergency response to the Borel Fire, and the expansive area of the county's jurisdiction.

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**2. UST REGULATIONS:**

Changes to California Code of Regulations, title 23, division 3, chapter 16, went into effect January 1, 2026. For additional information see [https://www.waterboards.ca.gov/ust/leak\\_prevention/chapter16/rewrite.html](https://www.waterboards.ca.gov/ust/leak_prevention/chapter16/rewrite.html). It is anticipated that this will result in an additional workload for the CUPA. For example, the CUPA will need to update all documents related to UST Regulations, including but not limited to, the I&E Plan, UST Operating Permits, applicable local ordinances, internal procedural documents, and documents issued to owner/operators. Additionally, UST inspectors will need to be trained on new inspection and enforcement procedures as a result of the regulatory changes.

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**3. HMBP PROGRAM IMPLEMENTATION:**

Since the 2021 Performance Evaluation, the CUPA has met the mandated triennial inspection frequency and ensured facilities submit or certify an HMBP annually. The CUPA offers monthly CERS workshops to assist facilities in creating user accounts, facility profiles, submitting all applicable elements, and making any corrections to the components of the HMBP.

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**4. CALIFORNIA ACCIDENTAL RELEASE PREVENTION (CALARP) PROGRAM IMPLEMENTATION**

The CUPA has met the mandated triennial inspection frequency for stationary sources that are subject to the CalARP Program. In addition, the CUPA has actively contributed in CalARP Program improvement through participating in activities such as:

- CalARP TAG Co-Chair
  - CalARP Guidance Workgroups
  - Presenting at the 2025 Annual Unified Program Training Conference for CalARP 201 and EHTER Awareness
  - Presenting at the 2026 Annual Unified Program Training Conference
  - Committee member for the Central Valley Chemical Safety Day hosted in Tulare and presenter for CUPA Emergency Response
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**5. CHALLENGES TO PROGRAM IMPLEMENTATION:**

Since the 2021 Performance Evaluation, the CUPA experienced several challenges that impacted overall Unified Program implementation. In 2024, the CUPA participated in disaster response efforts following the Borel Fire, which included coordination with DTSC, site assessments, and community outreach. In 2025, the CUPA began transitioning to a new data management system and worked to ensure accurate data transfer throughout the process. Additionally, multiple experienced inspectors left or retired and the CUPA was challenged with filling vacant positions. Once new inspectors were hired, the CUPA dedicated considerable time toward ensuring each was trained and certified while continuing with Unified Program implementation.

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**6. UST PROGRAM TRAINING AND OUTREACH:**

The CUPA conducts annual UST roundtable meetings with UST contractors, designated operators, and testers within Kern County. The stakeholders are invited to participate in an open discussion with all Kern County Environmental Health Division CUPA staff. These meetings provide an opportunity for those attendees to communicate directly with inspectors about any challenges or unique situations they are encountering.

In addition, an annual UST Owner and Operator Workshop is held. This workshop includes participation from UST owners, operators, contractors, and consultants throughout Kern County. The purpose of the workshop is to review topics presented at the annual CUPA conference and to address any questions from attendees. The workshop also includes a detailed UST CERS presentation that trains owners and operators on how to complete CERS submittals accurately and completely.

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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.

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**1. 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 or the California Environmental Reporting System (CERS):

- CERS ID 10232668
  - Monitoring System Certification Form dated July 12, 2024, was completed late. Violation Library Type Number 2030002 (USEPATCR 9d) was not cited.
- CERS ID 10231072
  - Monitoring System Certification Form dated May 22, 2025, was completed late. Violation Library Type Number 2030002 (USEPATCR 9d) was not cited.
- CERS ID 10231105
  - Monitoring System Certification Form dated October 31, 2024, states “UDC 1-2 bad sensor, UDC 5/6 bad sensor”. Violation Library Type Number 2030017 (USEPATCR 9d) was not cited.
- CERS ID 10165993
  - Monitoring System Certification Forms dated April 11, 2023, April 3, 2024, and April 1, 2025, state 352 for under dispenser containment 1-2 (UDC) in Section 6. Violation Library Type Number 2030043 (USEPATCR 9d) was not cited.

UST Testing results include incomplete or inaccurate information:

- CERS ID 10233298
  - Spill Containment Testing Report Forms dated February 23, 2023, February 14, 2024, and February 26, 2024, do not include information in Section 4.
- CERS ID 10231072
  - Monitoring System Certification Form dated May 22, 2025, does not include the service technician's signature in Section 4
- 62 of 218 (28%) UST testing documents were missing CERS IDs

UST construction and inspection information was inconsistent:

- CERS ID 10232668
  - Monitoring System Certification Forms dated July 6, 2023, July 12, 2024, and July 2, 2025, marked “Yes” for “Does the flow of fuel stop at the dispenser if a release is detected in the under dispenser containment” in Section 5, however, CERS cites 208 sensors
  - Monitoring System Certification Forms dated July 6, 2023, July 12, 2024, and July 2, 2025, cite a vent box in Section 6, however, CERS states no vent sump is onsite
- CERS ID 10231498
  - Monitoring System Certification Form dated May 11, 2023, marked “Check this box if tank gauging is used only for inventory control”, however, CERS indicates four single-walled USTs.

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- Monitoring Plan states “Yes” for “UDC Monitoring Stops Flow of Product at Dispenser”, however, 208 sensors are being used
- CERS ID 10233298
  - Monitoring System Certification Forms dated February 23, 2023, February 14, 2024, and February 26, 2025, marked “Yes” for electronic line leak detector (LLD) questions, however, CERS cites mechanical LLDs
- CERS ID 10231105
  - Monitoring System Certification Form dated October 31, 2024, cites the annular using a 420 sensor and submersible turbine pump (STP) using a 208 sensor in Section 6, however, CERS cites 408 sensors for both annular and STP.

UST facility files indicate the service technician had no training and/or the International Code Council (ICC) certification of the technician was missing or prior to conducting the UST testing:

- CERS ID 10232668
  - Monitoring System Certification Form completed June 6, 2023, by a technician with a VMI certification that expired on May 20, 2023.
- CERS ID 10233298
  - Monitoring System Certification Form completed on February 23, 2023, by a technician who did not provide the expiration for the Veeder TEC certification
- CERS ID 10232749
  - Monitoring System Certification Forms dated June 28, 2023, June 14, 2024, and June 23, 2025, by a technician who did not provide the name of the certification.

**CITATION:**

Before January 1, 2026; 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]

As of January 1, 2026: Health & Saf. Code, § 25288; Cal. Code Regs., tit. 23, §§ 2663, 2664, 2665, 2666, 2690, 2692, subd. (a) & (b), 2632; [State Water Board]

**CORRECTIVE ACTION:**

By the 1<sup>st</sup> Progress Report, and with each subsequent Progress Report, 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 following UST facilities:

- CERS ID 10230649
- CERS ID 10232938
- CERS ID 10233448
- CERS ID 10232257
- CERS ID 10231882

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 compliance, monitoring and enforcement (CME) information is correctly reported to CERS.

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- 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:
    - Conducting complete annual UST compliance inspections at all UST facilities
    - 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 noncompliance identified during annual UST compliance inspections in UST compliance inspection reports.
    - Reporting all inspections, noncompliance identified in inspection reports, and CME information to CERS.
    - Conducting on-site annual UST compliance inspections to witness the monitoring system certification and visually inspect all UST required components.
    - Conducting remote annual UST compliance inspections when the CUPA is not on-site and cannot witness the monitoring system certification and visually confirm all UST requirements are met.
    - Rejecting documentation that is incomplete or requires correction before accepting.
    - Ensuring and confirming equipment manufacturer certifications of technicians conduct testing.
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## 2. DEFICIENCY:

The CUPA has not accurately reported UST compliance inspection, Technical Compliance Rate (TCR), and closure information in Paperless Report 6 and CERS.

- USEPA TCR violations that were not reissued during the subsequent routine UST inspections and are not reported in Report 6:
  - 66 of 127 (52%) issued July 1, 2022, through June 30, 2025
  - See Attachment 1 for a list of facilities with violations that were not recited during the subsequent routine UST inspections.
- UST facility not properly closed in CERS:
  - See Attachment 2
    - Note: Column H should be "N," column J should be "Not Applicable," and column N should have a date entered.

### CITATION:

Before January 1, 2026; Health & Saf. Code, § 25404, subd. (e)(4); Cal. Code Regs., tit. 23, §§ 2713, subds. (c)(3) & (d); [State Water Board]

As of January 1, 2026; Health & Saf. Code, § 25404; Cal. Code Regs., tit. 23, §§ 2692, subd. (a) & (b); [State Water Board]

### CORRECTIVE ACTION:

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.

By the 1<sup>st</sup> Progress Report, submit facility files, including associated testing documentation for five UST facilities that were inspected during the corresponding Report 6 period.

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Ensure all improperly closed UST facilities and CERS Tank IDs are properly closed out in CERS.

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.
- Review and revise the UST closure procedure, or other applicable procedure, to ensure CERS submittals are reviewed for accuracy before accepting closure information by ICC Certified personnel.
- Review and revise the Data Management procedure or other applicable procedure to ensure the establishment of a process, which addresses collecting, retaining, managing, and reporting inspection information to CERS, and how UST compliance information is accurately reported in Report 6.
- Request that the State Water Board review the revised Data Management Procedure or other applicable procedure and provide feedback.
- Train UST inspection staff on the revised Data Management Procedure or other applicable procedure.
- Contact the State Water Board for Report 6 or CERS CME reporting training.

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### 3. DEFICIENCY:

The CUPA did not conduct complete Hazardous Materials Business Plan (HMBP) inspections. The CUPA did not cite observed violations and documented non-compliance as observations.

See the list of facilities with observed non-compliance documented as an observation in Attachment 3.

#### CITATION(S):

Health & Saf. Code, §§ 25511, 25185; [CalEPA]

#### CORRECTIVE ACTION:

During routine compliance inspections, ensure all observed non-compliance is properly cited as a violation, not documented as an observation.

During each Progress Report, CalEPA will review information in CERS to verify non-compliance is properly cited as a violation.

CalEPA recommends that the CUPA:

- Determine why non-compliance was not documented as a violation and establish a process to prevent this from recurring.
- Ensure all staff are trained to properly document non-compliance as a violation.

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### 4. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA has not consistently followed up and documented return to compliance (RTC) information in CERS for Aboveground Petroleum Storage Act (APSA) tank facilities cited with violations. See the list of facilities with violations having no documented RTC in Attachment 4.

As of August 18, 2025, there is no documented RTC for:

- 16 violations cited between July 1, 2021, and June 30, 2025, for failure to have a Spill Prevention, Control, and Countermeasure (SPCC) Plan

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**CITATION:**

Health & Saf. Code, § 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: COMPLETED**

During the evaluation, as of January 21, 2026, RTC was obtained for all 16 APSA violations identified in Attachment 4. 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.

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**1. INCIDENTAL FINDING:**

The CUPA is not ensuring all USTs are in compliance with the design, construction, monitoring, and testing requirements.

UST Facility/Tank Data Download report (November 10, 2025) indicates:

- UST with single-walled vent or riser piping utilizing the Overfill Prevention Equipment (OPE) exemption:
  - CERS Tank ID 10230802-004
  - CERS Tank ID 10230667-004
  - CERS Tank ID 10236502-005
- 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 10155591-004
  - CERS Tank IDs 10233883-001, -002, -003
  - CERS Tank ID 10234171-001
  - CERS Tank IDs 10234705-001, -002
  - CERS Tank IDs 10235179-001, -002
  - CERS Tank IDs 10235512-002, -003
  - CERS Tank ID 10233340-001
  - CERS Tank ID 10155591-002

**CITATIONS:**

Before January 1, 2026; Cal. Code Regs., tit. 23, §§ 2635, subd. (d), 2636, subd. (a), and 2665, subd. (c); [State Water Board]

As of January 1, 2026: Cal. Code Regs., tit. 23, §§ 2640, subds. (b)(10)(A) & (f); [State Water Board]

**RESOLUTION:**

Note: As of January 1, 2026, all Type 1 USTs must be equipped with appropriate overfill.

Ensure UST owners/operators of each facility identified above obtains 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, submit a list of USTs utilizing the incorrect or incomplete design, construction, monitoring, and/or testing 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 the requirements described above.

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By the 1st Progress Report, submit documentation of results for compliance with design, construction, monitoring and/or testing requirements as described above, or applied enforcement (e.g., revocation of UST Permit and issuance of red tag).

During each Progress Report, the State Water Board will review information submitted by the CUPA and in CERS to verify each UST is in compliance with design, construction, monitoring and/or testing requirements as described above, or enforcement has been applied for USTs that do not obtain RTC (e.g., revocation of UST Permit and issuance of red tag).

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## **2. INCIDENTAL FINDING:**

The CUPA has not consistently implemented proper UST temporary closure requirements:

- CERS Tank IDs 10232275-001, -002
  - Placed into temporary closure on June 30, 2021
  - Temporary closure exceeds the 12-month limit without conducting a site assessment or being brought back into compliance
  - Documentation of quarterly inspections and proper disposal for residual liquids, solids, and sludges not provided to the CUPA
- CERS Tank IDs 10175639-005, -006, -007, -008
  - Placed into temporary closure on November 5, 2021
  - Temporary closure exceeds the 12-month limit without conducting a site assessment or being brought back into compliance

### **CITATION:**

Before January 1, 2026; Health & Saf. Code, § 25298, subd. (b); Cal. Code Reg., tit. 23, §§ 2670, 2671; [State Water Board]

As of January 1, 2026: Health & Saf. Code, § 25298, subd. (b); Cal. Code Reg., tit. 23, § 2680; [State Water Board]

### **RESOLUTION:**

Rescind all UST temporary closure permits that do not comply with the requirements. Require the UST owner or operator to RTC or obtain a UST permanent closure permit.

By the 1<sup>st</sup> Progress Report, and with each subsequent Progress Report, submit a list of all USTs in temporary closure and the following documentation for each UST facility:

- CERS ID
- Facility address
- Date UST was placed into temporary closure
- Sampling assessment allowing extension of 12 months, if temporary closure extends beyond 12 months
- Annual UST compliance inspection reports
- Temporary closure permit

State Water Board recommends that the CUPA revise the temporary closure procedure to ensure the establishment of a process, which includes how the CUPA will:

- Promptly issue temporary closure permits upon application and adhere to the initial 12 month maximum.

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- Issue temporary closure extensions for a maximum additional period of up to 12 months only after the CUPA reviews and approves a site assessment conducted by the owner or operator.
- Require documentation from the owner or operator to show inspections were conducted at least once every three months while the UST was in temporary closure.
- Review the quarterly inspections during the UST compliance inspection to ensure the owner or operator is complying with the temporary closure permit requirements.

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### 3. INCIDENTAL FINDING:

The CUPA has not consistently inspected abandoned USTs and accurately reported TCR violation information.

- E Hwy 58 Frontage Rd. North Edwards, CA
  - TCR criteria violation was not reported to CERS in 2022, 2023, and 2024
  - Inspection not conducted 2022, 2023, and 2024

Note: Both facilities were not reported to CERS and marked as applicable for reporting and inspection purposes within 30 days of discovery. Please reference CERS FAQ:

[https://www.waterboards.ca.gov/ust/cers/ru06\\_abandoned\\_usts.html](https://www.waterboards.ca.gov/ust/cers/ru06_abandoned_usts.html)

#### CITATION:

Before January 1, 2026; Health & Saf. Code, §§ 25288, subd. (a), 25298; Cal. Code Regs., tit. 23, § 2672; [State Water Board]

As of January 1, 2026: Health & Saf. Code, § 25288, subd. (a), 25298; Cal. Code Reg., tit. 23, § 2682, 2692, subd. (d); [State Water Board]

#### RESOLUTION:

Inspect each abandoned UST and ensure TCR criteria violations are issued. Report abandoned USTs to CERS within 30 days of discovery.

By the 1<sup>st</sup> Progress Report, submit a revised I&E Plan or other applicable procedure to establish a process for inspections and enforcement including:

- Conducting annual UST compliance inspections;
- Reporting TCR information in Report 6 and CERS;
- Applying appropriate enforcement;
- Ensuring future abandoned USTs are reported to CERS and have the UST element set to "Applicable" in CERS until the UST closure is completed; and
- Ensure proper closure of abandoned USTs

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### 4. INCIDENTAL FINDING:

The CUPA has not consistently included all observations, factual basis, and corrective actions for each violation cited in Hazardous Waste Generator (HWG) and Tiered Permit (TP) inspection reports:

- CERS ID 10001158: Inspection report dated January 28, 2025
  - Observations and factual basis lack specificity for 1 of 1 cited violations, including:
    - The type of hazardous waste in two containers
    - The actual accumulation start date on the label found to be beyond the 180-day limit

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- CERS ID 10444483: Inspection report dated June 13, 2025
  - Observations and factual basis lack specificity for 2 of 2 cited violations, including:
    - The size and number of waste containers of oil kept on-site since September 2024
- CERS ID 10234618: Inspection report dated August 21, 2024
  - Observations and factual basis lack specificity for 3 of 7 violations, including:
    - The type and quantity of hazardous waste
- CERS ID 10232440: Inspection report dated May 5, 2025
  - Observations and factual basis lack specificity for 7 of 7 cited violations, including:
    - The type of hazardous waste
    - There is no specific return to compliance instructions such as where to send documentation
- CERS ID 10635229: Inspection report dated April 11, 2025
  - Observations and factual basis lack specificity for 3 of 3 cited violations, including:
    - The type and quantity of hazardous waste

**CITATION:**

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

**RESOLUTION:**

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, 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:

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

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**5. INCIDENTAL FINDING:**

The CUPA has not consistently followed up and documented RTC information in CERS for HWG facilities cited with violations. See the list of facilities with violations having no documented RTC in Attachment 5.

As of November 24, 2025, there is no documented RTC for:

- 240 of 936 (26%) cited violations, consisting of:
  - 1 of 5 (20%) Class 1
  - 234 of 896 (32%) Class 2
  - 5 of 35 (14%) Minor

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**CITATION:**

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

**RESOLUTION:**

During each Progress Report DTSC will review information in CERS to verify each violation identified in Attachment 5 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 5.

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 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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**6. INCIDENTAL FINDING:**

The I&E Plan is incomplete:

- 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.
  - Chapter 4F: Sampling Capabilities states “Kern County CUPA, if necessary, can contract with a 3<sup>rd</sup> party sampling company to perform sampling.
    - The sampling procedure does not stipulate that sampling will be performed by a state certified laboratory.

The I&E Plan is inaccurate:

- An inspection process for each program element that includes pre-inspection, on-site and off-site inspections, post-inspection procedures, and re-inspections
  - Chapter 2E: Remote Facilities section C states, “Remote, sparsely populated area” means: (1) None of the following are within ½ mile of the facility: schools, hospitals, nursing homes, residential dwellings, or other dwellings housing sensitive populations or persons, (2) Planning documents indicate that property is zoned as agricultural or rural
    - Health and Safety Code Section 25501 does not define the terms “remote” or “sparsely populated areas”. Section 25507.2 states “an unstaffed facility located at least one-half mile from the nearest occupied structure if the facility...”.

**CITATION:**

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

**RESOLUTION:**

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

CalEPA recommends that the CUPA train staff on the revised I&E Plan once the Incidental Finding is corrected.

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**7. INCIDENTAL FINDING:**

An established Unified Program administrative procedure is incomplete:

- Financial management
  - Single fee system
    - Procedures for the resolution of fee disputes: disputes involving the state surcharge that cannot be resolved locally shall be referred to the Secretary in writing for resolution and include a recommendation for resolution.
      - The procedure does not stipulate that disputes involving the state surcharge that cannot be resolved locally will be referred to the Secretary in writing and include a recommendation for resolution.

**CITATION(S):**

Cal. Code Regs., tit. 27, § 15210 [CalEPA]

**RESOLUTION:**

By the 1st Progress Report, revise and submit the administrative procedure identified above.

CalEPA recommends that the CUPA train staff on the administrative procedure once the Incidental Finding is corrected.

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**8. INCIDENTAL FINDING:**

The CUPA has incorrectly cited violations under the authority of the HMBP Program.

Violation Library Type Numbers 1030, 1035, 1040, 1010001, and 1020002 were cited for Fire Code and HWG Program violations:

- CERS ID 10232197
  - Inspection report dated July 14, 2024, violation cited for a fire extinguisher which is unsafe for usage.
- CERS ID 10234018
  - Inspection report dated July 30, 2024, violation cited for no placards display on LPG tank.
- CERS ID 10412854
  - Inspection report dated September 13, 2022, violation cited for failing to secure a natural gas cylinder inside the control room.
- CERS ID 10231906
  - Inspection report dated September 13, 2023, violation cited for not marking empty containers with the words "EMPTY" and date emptied, accumulation of oily/water at the chemical storage locations, and unlabeled tanks and containers.
- CERS ID 10233832
  - Inspection report dated February 23, 2023, violation cited for unlabeled containers filled with used oil and oily water, accumulation of oily water in secondary containment, and empty drums not properly marked with the word "EMPTY" and date emptied.

**CITATION:**

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); [CalEPA]

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**CORRECTIVE ACTION:**

Stop citing violations of the Fire Code and HWG Program under the authority of the HMBP Program.

During each Progress Report, CalEPA will review information in CERS to verify Fire Code and HWG Program violations are not cited under the authority of the HMBP Program.

CalEPA recommends that the CUPA:

- Identify and correct the cause(s) for incorrectly citing violations under the authority of the HMBP Program and establish processes and/or secure resources to prevent this from reoccurring.
- Review and revise facility inspection checklists to include applicable Violation Library Violation Type Number for each violation observed.

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**9. INCIDENTAL FINDING: CORRECTED DURING EVALUATION**

The CUPA has not ensured CERS UST submittals are accepted by ICC Certified personnel.

UST Facility/Tank Data Download report (November 10, 2025) indicates the following UST submittals were accepted by an individual with an expired ICC certification:

- CERS ID 10231774: UST submittal accepted on June 2, 2025
- CERS ID 10231105: UST submittal accepted on June 2, 2025
- CERS ID 10657465: UST submittal accepted on June 2, 2025
- CERS ID 10234984: UST submittal accepted on June 2, 2025
- CERS ID 10157975: UST submittal accepted on May 19, 2025
- CERS ID 10232935: UST submittal accepted on May 13, 2025
- CERS ID 10235659: UST submittal accepted on May 13, 2025

**CITATION:**

Health & Saf. Code § 25288 subd. (a); Cal. Code Regs., tit. 23, § 2715, subd. (g); [State Water Board]

**RESOLUTION:**

During the evaluation, the CUPA submitted documentation showing all staff have current ICC certification. 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](mailto:CUPA@calepa.ca.gov).