

May 4, 2026

Steve Mosiurchak  
Fire Marshal  
County of Sonoma Fire and Emergency Services Department  
2300 County Center Drive, Building B, 200  
Santa Rosa, California 95403

Dear Mr. Mosiurchak:

From August 2025, through March 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 County of Sonoma Fire and Emergency Services Department 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*.

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

cc sent via email:

Charles Rivers  
CUPA Manager  
County of Sonoma Fire and Emergency Services Department  
[Charles.Rivers@sonomacounty.gov](mailto:Charles.Rivers@sonomacounty.gov)

Tom Henderson  
UST Leak Prevention Unit and  
Office of Tank Tester Licensing Manager  
State Water Resources Control Board  
[Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov)

Julie Pettijohn  
Environmental Program Manager  
CUPA Enforcement Branch  
Department of Toxic Substances Control  
[Julie.Pettijohn@dtsc.ca.gov](mailto:Julie.Pettijohn@dtsc.ca.gov)

Ryan Miya, Ph.D.  
Senior Environmental Scientist, Supervisor  
Department of Toxic Substances Control  
[Ryan.Miya@dtsc.ca.gov](mailto:Ryan.Miya@dtsc.ca.gov)

Jennifer Lorenzo  
Senior Environmental Scientist, Supervisor  
CAL FIRE - Office of the State Fire Marshal  
[Jennifer.Lorenzo@fire.ca.gov](mailto:Jennifer.Lorenzo@fire.ca.gov)

Denise Villanueva  
Environmental Scientist  
CAL FIRE - Office of the State Fire Marshal  
[Denise.Villanueva@fire.ca.gov](mailto:Denise.Villanueva@fire.ca.gov)

Daniel Speer, Ph.D.  
Environmental Scientist  
Department of Toxic Substances Control  
[Daniel.Speer@dtsc.ca.gov](mailto:Daniel.Speer@dtsc.ca.gov)

cc sent via email:

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

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

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

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

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

Andrea Moron-Solano  
Environmental Scientist  
California Environmental Protection Agency  
Andrea.Moron-Solano@calepa.ca.gov

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

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: County of Sonoma Fire and Emergency Services Department

2025 Evaluation Assessment: August 2025 through March 2026

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

Evaluation Team Members:

- CalEPA Team Lead: Kaeleigh Pontif
- CalEPA: Andrea Moron-Solano
- DTSC: Daniel Speer
- State Water Board: Kaitlin Cottrell
- CAL FIRE-OSFM: Denise Villanueva

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 24, 2026.**

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. 2021 CUPA PERFORMANCE EVALUATION DEFICIENCIES CORRECTED:**

The following Deficiencies from the 2021 Performance Evaluation are now considered corrected and no longer require further action:

- Deficiency #6: *The CUPA is not consistently documenting in sufficient detail whether the UST owner or operator has demonstrated to the satisfaction of the CUPA that UST permanent closure and soil and/or groundwater sampling complies with UST Regulations and HSC.*
  - Deficiency #8: *The CUPA is not requiring UST facilities with single-walled UST components within a 1,000-foot radius of a public drinking water well to implement triennial Enhanced Leak Detection (ELD) testing.*
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**2. ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM IMPLEMENTATION:**

Since the 2021 Performance Evaluation, the CUPA met the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum, as well as the triennial inspection frequency for other APSA tank facilities in accordance with the Inspection and Enforcement (I&E) Plan.

The CUPA 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 also ensured APSA tank facilities submitted APSA Facility Information to CERS.

The CUPA obtained a high rate of compliance for APSA tank facilities that were cited with violations since the 2021 Performance Evaluation.

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**3. PARTICIPATION AND COORDINATION WITH OTHER AGENCIES:**

In 2024, the CUPA coordinated with the Sonoma County District Attorney's office on a multijurisdictional case. It was determined that a business had three aboveground storage tanks on site at a facility that were not permitted through the County nor City, and the tanks did not comply with regulatory requirements for aboveground storage tanks. Upon further investigation and collaboration with other counties, this situation was discovered at several other facility locations, in addition to violations of other environmental requirements. The business cooperated with the investigation and removed all aboveground storage tanks from each of the facility locations.

The CUPA consistently coordinates with other CUPAs within Sonoma County for training and response team efforts.

Beginning in 2025, the CUPA established an internship program with a local college, which reflects community partnership and will assist in recruitment and retention of skilled staff.

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**4. NEW UNDERGROUND STORAGE TANK (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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**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 ensured each HMBP submittal contains all required elements before being accepted in CERS:

- CERS ID 10102690
  - Inventory submitted on May 2, 2025
    - Site map is missing evacuation staging areas and emergency response equipment.
- CERS ID 10107367
  - Inventory submitted on March 30, 2023
    - Site map is missing emergency response equipment.
- CERS ID 10101514
  - Inventory submitted on October 4, 2024
    - Site map is missing evacuation staging areas and emergency response equipment.
- CERS ID 10111795
  - Inventory submitted on May 15, 2025
    - Site map is missing north orientation and adjacent streets.
- CERS ID 10761808
  - Inventory submitted on April 30, 2025
    - Site map is missing north orientation, adjacent streets, evacuation staging areas, and hazardous material handling and storage areas.
- CERS ID 10930570
  - Inventory submitted on April 1, 2025
    - Site map is missing emergency response equipment.
- CERS ID 10102963
  - Inventory submitted on May 20, 2024
    - Site map is missing evacuation staging areas.
- CERS ID 10101265
  - Inventory submitted on September 20, 2024
    - Site map is missing evacuation staging areas.

**CITATION(S):**

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

**CORRECTIVE ACTION:**

Ensure each HMBP submittal contains all required elements before being accepted in CERS. During each on-site HMBP inspection, verify whether the information in the HMBP is accurate.

During each Progress Report, CalEPA will review 5 recently accepted HMBP submittals to verify each HMBP contains all required elements.

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By the 1<sup>st</sup> Progress Report, follow-up with each facility identified above to ensure a complete HMBP is submitted to CERS or apply enforcement.

CalEPA recommends that the CUPA:

- Use the HMBP checklist in Attachment 1 to ensure each HMBP submittal contains all required elements before being accepted in CERS.
- Have CUPA staff complete refresher training on HMBP submittal requirements.
- Ensure each HMBP submittal contains all required elements before being accepted in CERS and verify the information in the HMBP submittal is accurate during each on-site inspection conducted.

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## 2. DEFICIENCY:

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

- Observations and factual bases lack specificity including:
  - Descriptions do not sufficiently detail the elements of the violation
    - CERS ID 10102600: Inspection report dated March 14, 2024
    - CERS ID 10103008: Inspection report dated September 27, 2022
    - CERS ID 10103122: Inspection report dated October 6, 2020
    - CERS ID 10103122: Inspection report dated October 3, 2023
    - CERS ID 10457830: Inspection report dated January 29, 2021
    - CERS ID 10457830: Inspection report dated December 27, 2023
    - CERS ID 10523278: Inspection report dated January 20, 2022
    - CERS ID 10617922: Inspection report dated June 21, 2021
    - CERS ID 10617922: Inspection report dated June 28, 2024
    - CERS ID 10621882: Inspection report dated January 6, 2022
    - CERS ID 10621882: Inspection report dated August 2, 2022
    - CERS ID 10621882: Inspection report dated March 2, 2023
    - CERS ID 10632730: Inspection report dated October 24, 2024

### CITATIONS(s):

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

### CORRECTIVE ACTION:

By the 1<sup>st</sup> 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 2024 Annual Unified Program Training Conference:
- <https://calcupa.org/lms-course/index.html?crypt=53616c7465645f5fea60fba491f89b421d54aebd1701db4ebe6967a29a9001c660a40479a646f16017e54ee9141d0bb66e6c26f532985cf5b57a25a9d4ef601c>

By the 2<sup>nd</sup> 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 inspection report will contain observations, citations, factual basis, and corrective actions to correctly identify and classify each observed HWG violation.

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**3. DEFICIENCY:**

The local ordinance (LO), *Chapter 29 – Hazardous Materials Management*, 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, draft and repeal the LO and provided a revised LO that is consistent with state law.

**CITATION(s):**

Before January 1, 2026: Health & Saf. Code, §§ 25299.2, 25299.3; Cal. Code Regs., title 23, § 2620(c) [State Water Board]

As of January 1, 2026: Health & Saf. Code, §§ 25299.2, 25299.3; Cal. Code Regs., title 23, §§ 2620, subd. (c), and 2621 [State Water Board]

**CORRECTIVE ACTION:**

Do not implement the provisions of the LO that are inconsistent with state law. If the CUPA plans to make any additional changes to the LO that modifies the construction, monitoring, or testing provisions to California Code of Regulations, title 23, chapter 16, the CUPA will provide the revised LO to the State Water Board for review.

By the 1st Progress Report, and with each subsequent Progress Report, submit an update on the status of the LO being amended, or repealed.

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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 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 July 2021.

**CITATION(S):**

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

**RESOLUTION:**

By the 1<sup>st</sup> Progress Report, submit certification that a complete review of the Area Plan has been conducted, and any necessary revisions have been made.

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**2. INCIDENTAL FINDING:**

The CUPA has not fully implemented the Tiered Permitting (TP) component of the HWG Program:

- Administrative review of the TP notification was not completed accurately
  - CERS ID 10104697
    - Notification submitted on July 22, 2024
    - Notification accepted with very little detail about chemical content and concentrations of hazardous waste treated for units FTU001, FTU002, and FTU003
    - Notification incorrectly checks “Yes” to having a Facility Permit. CERS states, “Check this box ONLY if you now have or have ever held a state or federal hazardous waste facility full permit for any of these treatment units”
  - CERS ID 10106818
    - Notifications submitted June 18, 2024, and December 15, 2023
    - Notifications accepted with very little detail about chemical content and concentrations of hazardous waste treated for unit EHT #2
    - Notifications incorrectly check “Yes” to having a Facility Permit. CERS states, “Check this box ONLY if you now have or have ever held a state or federal hazardous waste facility full permit for any of these treatment units”
  - CERS ID 10132774
    - Notification submitted December 12, 2023
    - Notification accepted with very little detail about chemical content and concentrations of hazardous waste treated for units Tank A, Tank B, and Tank C
    - Notification incorrectly checks “Yes” to having a Facility Permit. CERS states, “Check this box ONLY if you now have or have ever held a state or federal hazardous waste facility full permit for any of these treatment units”

**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) & (d); [DTSC]

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**RESOLUTION:**

Ensure TP notifications are completed accurately before being accepted. The CUPA will verify each TP notification during the inspection of the facility.

DTSC recommends that the CUPA:

- Determine why the administrative review of the TP notification was not completed accurately and establish processes and/or secure resources to prevent this from reoccurring.

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**3. INCIDENTAL FINDING:**

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 section does not include discussion of enforcement or closure of complaints.

The I&E Plan is inaccurate:

- A schedule of the inspection frequency for the HWG Program
  - Page 10, Chapter 3, Section L states there is no established time for an HWG Program facility to submit return to compliance documentation for HWG violations
    - Health & Saf. Code §§ 25185, subd. (c)(3) states that a facility operator shall submit a response to a received inspection report within 60 days of receipt

The following citations are 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 and a description of the progressive enforcement actions the UPA shall initiate and implement until compliance has been achieved
  - Page 18, Chapter 6, Section A states that "Title 23 CCR" gives authority to the CUPA to perform enforcement with a HWG violation
    - The correct authority is under Cal. Code Regs., tit. 22.
  - Page 30, Chapter 7, Section I states that the California regulation Health & Saf. Code §§ 25404.1, subd. (c) mandates the CUPA to serve unilateral orders by certified mail.
    - This citation does not exist. The correct citation is Health & Saf. Code §§ 25187, subd. (c).

**CITATION(s):**

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

**RESOLUTION:**

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

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

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**4. INCIDENTAL FINDING:**

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

Noncompliance not cited as a violation in an inspection report or CERS:

- CERS ID 10100812
  - Monitoring System Certification dated October 30, 2023, states "Sensors in 3/4 and 5/6 failed". Violation Library Type Number 2030043 Release Detection (USEPATCR 9d) was not cited.
- CERS ID 10101286
  - Inspection Report dated June 25, 2025, states "Low fuel level alarm was present because all fuel was removed from the tank and fuel hasn't been added". Violation Library Type Number 2060002 Automatic Tank Gauge (ATG) / Statistical Inventory Reconciliation / Continuous In-Tank Leak Detection (CITLD) (USEPATCR 9d) OR 2030006 Automatic Tank Gauging - Single-Walled Tank (USEPATCR 9d) was not cited.

Violation incorrectly cited:

- CERS ID 10100935
  - Violation Library Type Number 20300003 Audible and Visual Alarm was incorrectly cited in the inspection report dated December 2, 2024, in lieu of Violation Library Type Number 2030043 Release Detection (USEPATCR 9d).
- CERS ID 10153767
  - Violation Library Type Number 2030035 Unsafe UST Operation was incorrectly cited in the inspection report dated May 22, 2024, in lieu of Violation Library Type Number 2030036 Overfill Prevention (USEPATCR 9b)

UST construction and inspection information was inconsistent:

- CERS ID 10101334
  - Monitoring System Certifications dated October 17, 2022, October 26, 2023, and October 23, 2024, Section 7: Line Leak Detector (LLD) Testing states Mechanical LLD, however, CERS states Electronic LLD.

UST facility files indicate the International Code Council (ICC) certification of the technician was expired prior to conducting the UST testing:

- CERS ID 10101334
  - Overfill Prevention Equipment Inspection was completed on October 23, 2024, by a technician with ICC certification that expired on November 6, 2022

UST testing and leak detection records were not maintained:

- CERS ID 10100935
  - Last two Overfill Prevention Equipment Inspections
- CERS ID 10101217
  - 2022 Monitoring System Certification and Spill Containment
- CERS ID 10101286
  - 2025 Monitoring System Certification and Spill Containment
  - Last two Overfill Prevention Equipment Inspections
- CERS ID 10153767
  - 2023 Monitoring System Certification and Spill Containment

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- CERS ID 10169733
  - 2025 Monitoring System Certification and Spill Containment
- CERS ID 10480798
  - 2023 and 2025 Monitoring System Certifications and Spill Containments
  - Last two Overfill Prevention Equipment Inspections

**CITATION(S):**

Before January 1, 2026: Health & Saf. Code, §§ 25288, subd. (b). Cal. Code Regs., tit. 23, §§ 2637.1, subd. (e), 2637.2, subd. (d), 2638 subds. (a) and (d), 2713, subd. (c); [State Water Board]

As of January 1, 2026: Health & Saf. Code § 25288, subd. (b); Cal. Code Regs., tit. 23, §§ 2651, subd. (c), 2640, subd. (a)(1)(D), 2652(a)(1)(B), 2660, subd. (d), 2663, subd. (a), 2665, subd. (c), 2692; [State Water Board]

**RESOLUTION:**

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 5 of the most recently inspected UST facilities.

State Water Board recommends that the CUPA:

- Determine why complete annual UST compliance inspections have not been consistently conducted.
- Establish procedures and develop tools to ensure complete annual UST compliance inspections are conducted and CME information is correctly reported to CERS.
- Identify types and frequency of training for conducting complete UST inspections. The CUPA may also request additional training from the State Water Board.
- Revise the I&E Plan or other applicable procedure to establish a process for:
  - 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.
  - Ensuring UST facility owners or operators submit UST testing and leak detection documents to the CUPA within 30 days of testing.
  - Applying and documenting enforcement if the UST owner or operator fails to submit UST testing and leak detection documents to the CUPA within the required timeframe.
  - Maintaining records, including UST compliance inspection reports and testing and leak detection records for all UST facilities.
  - Reviewing the annual UST compliance inspection checklist to ensure it is consistent with UST regulations, Health and Safety Code, and the Violation Library in CERS.
  - Rejecting documentation that is incomplete or requires correction before accepting.

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**5. INCIDENTAL FINDING:**

The CUPA is not ensuring all USTs are in compliance with the design, construction, monitoring, and testing requirements. See the list of applicable facilities not in compliance below and in Attachment 2.

UST Facility/Tank Data Download report (October 20, 2025) indicates:

- UST with single-walled vent or riser piping utilizing the OPE exemption:
  - CERS Tank ID 10117357-003
- UST systems 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 2
- UST systems installed between July 1, 1987, and June 30, 2003, with single-walled vent or riser/fill piping and equipped with only ball floats with no audible/visual alarm or fill tube shut-off valve:
  - See Attachment 2

Review of UST facility files, CERS, and observations during the oversight inspection conducted on December 19, 2025, finds:

- CERS ID 10101067
  - The UST installed at an unknown date has no monitoring equipment, no testing has been conducted, and no information is available in CERS.

**CITATION(s):**

Before January 1, 2026: Cal. Code Regs., tit. 23, §§ 2635, subd. (d), 2636, subd. (a), 2665, subd. (c), 2638(a), 2641(j); [State Water Board]

As of January 1, 2026: Cal. Code Regs., tit. 23, §§ 2612, subd. (n), 2640, subds. (a)(1)(D), (b)(10)(A), (b)(10)(B), and (f), 2663, subd. (a); [State Water Board]

**RESOLUTION:**

Ensure UST owners/operators of each facility identified above and in Attachment 2 obtain 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 return to compliance (RTC) and enforcement actions are reported to CERS.

By the 1<sup>st</sup> Progress Report, submit a list of USTs utilizing the incorrect or incomplete design, construction, monitoring, and/or testing that includes 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.

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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**6. INCIDENTAL FINDING:**

The CUPA has not ensured UST Program related information in CERS is accurate and complete.

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UST Facility/Tank Data Download report (October 20, 2025):

- 10 of 33 (30%) Vacuum, Pressure, Hydrostatic Monitored (VPH) Systems identified with single-wall components when required to have double-wall components.
- 8 of 33 (24%) VPH Systems with Secondary Containment Testing listed as "Yes".
- 13 of 181 (7%) USTs with Double-wall piping installed between January 1, 1984, and June 30, 2004, without continuous interstitial monitoring.
- 12 of 212 (6%) USTs with Continuous Monitoring of Pipe Secondary Containment where Pipe Secondary Containment is "blank" or "None".
- 27 of 230 (12%) USTs with Striker Plate/Bottom Protector listed as "no"

See the list of inaccurate and incomplete information in CERS in Attachment 3.

**CITATION(s):**

Before January 1, 2026: Health & Saf. Code, §§ 25290.1, 25291; Cal. Code Regs., tit. 23, §§ 2632, subds. (c) and (d), 263, subd. (d), 2662, subd. (d), 2711, subd. (d); [State Water Board]

As of January 1, 2026: Health & Saf. Code, §§ 25290.1, 25291; Cal. Code Regs., tit. 23, §§ 2650, subd. (b), 2651, subd. (e), 2690, subd. (a)(6); [State Water Board]

**RESOLUTION:**

During each Progress Report, State Water Board will review information in CERS to verify that the inaccurate information identified above has been addressed.

State Water Board recommends that the CUPA:

- Determine why CERS submittals are inaccurate
- Review and revise the Data Management Procedure or other applicable procedure to ensure the establishment of a process for UST inspection staff to review CERS UST submittal information regarding construction and leak detection requirements for accuracy and completeness based on the UST installation date, which includes the following:
  - When UST CERS submittal information is identified as incorrect, the CUPA will either:
    - Accept UST CERS submittals with minor errors utilizing a condition set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe or;
    - Not accept UST CERS submittals and provide comments with the requirement to resubmit UST information within a specified time.
  - When the UST CERS submittal is not corrected and resubmitted within the time specified by the CUPA, the CUPA will apply enforcement per the I&E Plan.

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**7. INCIDENTAL FINDING:**

The CUPA has not accurately reported UST compliance inspection information, temporary closure, and the number of regulated USTs in Paperless Report 6 and CERS.

- Temporarily closed USTs were not identified in Report 6:
  - January – June 2023
    - CERS ID 10101217
- The number of regulated USTs:
  - July – December 2023
    - Report 6: 79
    - CERS: 77

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- UST facility had more than 1 routine inspection reported to CERS:
  - 2024
    - CERS ID 10413502
  - 2025
    - CERS ID 10132645
- UST facility not properly closed in CERS:
  - CERS ID 10101217
    - OwnOrOperateUST (column H): "Y"
    - USTReportingRequirement (column J): "Not Applicable"
    - USTPermanentlyClosedDate (column N): "Blank"
    - Note: Column H should be "N," column J should be "Not Applicable," and column N should have a date entered.

**CITATION(s):**

Before January 1, 2026: Health & Saf. Code, § 25404, subd. (e)(4); Cal. Code Regs., tit. 23, §§ 2673, subd. (d), 2713, subds. (c)(3) & (d); [State Water Board]

After January 1, 2026: Health & Saf. Code, § 25404, subd. (e)(4); Cal. Code Regs., tit. 23, § 2692; [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.

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 had 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.
- Train UST inspection staff on the revised Data Management Procedure or other applicable procedure.

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**8. INCIDENTAL FINDING:**

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

- Failure to prepare a Spill, Prevention, Control, and Countermeasure (SPCC) Plan
  - Inconsistent with California Code of Regulations, title 19, section 1612, subdivision (d) and enforcement guidance
    - 2 of 9 (22%) violations cited between July 1, 2021, and June 30, 2025
      - CERS ID 10103044: Inspection report dated October 28, 2022

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- CERS ID 10102426: Inspection report dated April 6, 2023

**CITATION(s):**

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

**RESOLUTION:**

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

- The definition of minor (Health & Saf. Code, § 25404)
- How to properly classify APSA 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/wp-content/uploads/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>
  - Violation Classification Training Video (1 of 2):  
[https://www.youtube.com/watch?v=yfm3\\_nXXiPY&list=PLC6C167034352AA02](https://www.youtube.com/watch?v=yfm3_nXXiPY&list=PLC6C167034352AA02)
  - Violation Classification Training Video (2 of 2):  
<https://www.youtube.com/watch?v=cuKbIKkhQcA>
  - SPCC violation classifications in the USEPA Civil Penalty Policy:  
<https://www.epa.gov/enforcement/civil-penalty-policy-section-311b3-and-section-311j-clean-water-act-cwa-august-1998>

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

The CUPA did not submit a Formal Enforcement Summary report for each formal enforcement case after a final judgement:

- CERS ID # 10106380

**CITATION(S):**

CCR, Title 27, Section 15290(c); [CalEPA]

**RESOLUTION: COMPLETED**

During the evaluation, a Formal Enforcement Summary Report was submitted for the formal enforcement case listed above. The CUPA will provide CalEPA with a Formal Enforcement Summary Report within 30 days of final judgment for each future formal enforcement case. 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).