August 10, 2026

Carolyn Coder, REHS
CUPA Manager, Director of Environmental Health
Mariposa County Health and Human Services Agency
P.O. Box 5
Mariposa, California 95338-0005

Dear Ms. Coder:

From October 2025, through May 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 Mariposa County Health and Human Services Agency 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. 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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CalEPA
California Environmental Protection Agency

Gavin Newsom
Governor

Yana Garcia
Secretary for Environmental Protection

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

CUPA: Mariposa County Health and Human Services Agency

Evaluation Assessment: October 2025 through May 2026

Timeframe Evaluated: June 1, 2022, through June 30, 2025
(Note: The timeframe evaluated by OSFM is July 1, 2021, through June 30, 2025)

Evaluation Team Members:

- CalEPA Team Lead: Kaeleigh Pontif
- CalEPA: Andrea Moron-Solano
- DTSC: Brennan Ko-Madden, Daniel Speer
- State Water Board: Michelle Suh
- 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 November 13, 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

ACCOMPLISHMENTS, EXAMPLES OF OUTSTANDING IMPLEMENTATION, AND CHALLENGES

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

1. **STAFFING CHALLENGES:**
   Since the last Performance Evaluation, the CUPA continues to experience significant staffing challenges. The CUPA lost one of its trained inspectors, leaving only one fully trained inspector who also serves as the Environmental Health Manager and full-time Registered Environmental Health Specialist (REHS). Currently, there are two trainees that assist with program implementation, with one in the process of receiving their REHS credentials. According to the latest fee study, the CUPA is currently budgeted for two full-time inspectors, and part of a full-time equivalent (FTE) for the CUPA Manager/Environmental Health Director, Health Officer, and Development Services Technician. Though staffing challenges exist, the CUPA soon hopes to fill any vacancies and retain skilled staff.

2. **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. 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 Inspection and Enforcement (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.

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 UST compliance inspections.

   Noncompliance not cited as a violation in an inspection report or in the California Environmental Reporting System (CERS):
   - CERS ID 10400209
     - Spill Containment Testing Report Form dated September 28, 2023, states "faulty drain valve and leaking possibly elsewhere in the below. Bucket should be replaced". Violation Library Type Number 2060020 (USEPATCR 9a) was not cited
   - CERS ID 10154725
     - Overfill Prevention Equipment Testing Form dated June 25, 2024, was completed late. Violation Library Type number 2030036 (USEPATCR 9b) was not cited
   - CERS ID 10166645
     - Spill Containment Testing Report Form dated February 25, 2025, states "all buckets failed, will order parts and return to repair". Violation Library Type Number 2060020 (USEPATCR 9a) was not cited
     - Monitoring System Certification Form dated February 1, 2023, states "The standalone sensor in disp 7/8 failed. Need to return and replace." Violation library Type Number 2010017 (USEPATCR 9d) was not cited

   Violation incorrectly cited:
   - CERS ID 10396375
     - Violation Library Type Number 2010012 was incorrectly cited in the inspection report dated September 10, 2024, in lieu of Violation Library Type Number 2030036 (USEPATCR 9b)
   - CERS ID 10166645
     - Violation Library Type Number 2030008 was incorrectly cited in the inspection report dated February 25, 2025.
   - CERS ID 10166461
     - Violation Library Type Number 2030047 was incorrectly cited in the inspection report dated August 8, 2022, in lieu of Violation Library Type number 2060020 (USEPATCR 9a)

   UST testing results include incomplete or inaccurate information:
   - CERS ID 10166565
     - Monitoring System Certification Forms dated February 1, 2023, and February 27, 2024, do not include results in Section 6 for UDC sensors.
   - CERS ID 10166461
     - Monitoring System Certification Form dated August 2, 2022, does not include results in Section 6 for the UDC float and chains.
     - Overfill Prevention Equipment Inspection Form dated December 20, 2022, does not include information for Sections 3 and 4.

- 62 of 118 (53%) UST release detection documents were missing CERS IDs

UST construction and inspection information was inconsistent:

- CERS ID 10166463
    - Monitoring System Certification Forms dated Mary 10, 2022, and May 16, 2023, marked "Check this box if tank gauging is used only for inventory control", however CERS cites 5 single-walled USTs
- CERS ID 10166809
    - Monitoring System Certification Forms dated October 19, 2022, October 12, and October 10, 2024, marked "Yes" to "Does the flow of fuel stop the dispenser if a release is detected in the under dispenser containment", however, CERS cites 208 sensors
- CERS ID 10166579
    - Monitoring System Certification Forms dated August 21, 2023, and September 2024 state the annulars with 420 sensors and sumps/udcs with 208 sensors, however, CERS cites annulars with TSP-ULS and sumps/udcs with LS-3A sensors
- CERS ID 10166645
    - Monitoring System Certification Forms dated February 1, 2023, February 27, 2024, and February 25, 2025, marked "Yes" for "For emergency generator tank systems, does the LLD create an audible and visual alarm when a leak is detected?", however, no emergency generator tanks are reported to CERS

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

- CERS ID 10396366
    - Spill Containment Testing Report Forms dated September 15, 2022, September 13, 2023, and September 10, 2024
- CERS ID 10396375
    - Spill Containment Testing Report Forms dated September 15, 2022, September 13, 2023, and September 10, 2024
- CERS ID 10399492
    - Spill Containment Testing Report Form dated September 15, 2022
    - Overfill Prevention Equipment Inspection Form dated August 2, 2021

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

- CERS ID 10166463
    - Monitoring System Certification Forms dated May 10, 2022, and September 5, 2024, were completed by a technician who did not provide the Line Leak Detector and Veeder Root manufacturer certification
- CERS ID 10166809
    - Monitoring System Certification Form dated October 12, 2023, was completed by a technician who did not provide the Contractor License number
- CERS ID 10400209
    - Secondary Containment Testing Report Form dated September 27, 2023, was completed by a technician with ICC certification that expired on April 1, 2023.

UST testing and release detection violations have not obtained return to compliance (RTC) within 60 days. Cited violations during the following years have not obtained RTC:

- 2024
  - 9 of 14 (64%)
- 2025
  - 12 of 15 (80%)

Note: A component of this Deficiency was identified as Deficiency 5 in the 2021 Performance Evaluation and was corrected during the Evaluation Progress Report process.

CITATION(S):
Before January 1, 2026: Health & Saf. Code, § 25288; Cal. Code Regs., tit. 23, §§ 2632, subds. (b) & (d), 2637, subd. (e), 2637.1, subd. (d), 2637.2, subd. (d), 2638, subds. (a) & (c), 2713, 2715, subds. (b) & (f); [State Water Board]

As of January 1, 2026: Health & Saf. Code, § 25288; Cal. Code Regs., tit. 23, §§2633, subd. (c), 2644, subd. (d), 2650, subds. (b) & (e), 2663, subds. (a) & (e), 2664, subd. (d), 2665, subd. (c), 2666, subd. (e), 2692; [State Water Board]

CORRECTIVE ACTION:
By the 1st 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 release detection documents, and all enforcement correspondence between the CUPA and the UST owner/operator for the 4 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 release 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.

2. **DEFICIENCY:**
The CUPA issued a Unified Program Facility Permit (UPFP) that included components that are inconsistent with applicable statues and regulations:
    - The "Identify the location" section states:
        - "display conspicuously on the premises"
            - UST Regulations require that the permit must be readily accessible at the facility
        - "permits to operate and annual fee payments are not transferable. Permits become void on change of ownership"
            - USTs Regulations allow permits to be transferred
    - The permit does not state:
        - Owner name
        - Operator name
        - CERS Tank ID number(s)

The CUPA did not issue the UPFP in accordance with applicable statues and regulations.
    - Issued after permitted time period began
        - CERS ID 10154725
            - Permit issued January 29, 2025, for the valid timeframe of January 1, 2025, to December 13, 2025
        - CERS ID 10166463
            - Permit issued February 4, 2025, for the valid timeframe of January 1, 2025, to December 31, 2025
        - CERS ID 10396366
            - Permit issued January 9, 2025, for the valid timeframe or January 1, 2025, to December 31, 2025

Note: This Deficiency was identified as Deficiency 6 and Incidental Finding 6 in the 2021 Performance Evaluation and was closed but not corrected during the Progress Report process. The CUPA had limited resources available to update the templates and was in the process of transitioning to a new electronic platform that would allow for permit customization.

CITATION(S):
Before January 1, 2026: Cal. Code Regs., tit. 23, § 2712, subds. (d) & (i); [State Water Board]

As of January 1, 2026: Cal. Code Regs., tit. 23, § 2691, subds. (b), (c), & (d); [State Water Board]

CORRECTIVE ACTION:
By the 1st Progress Report, submit a revised UPFP template that addresses the issues identified above. A State Water Board UST Permit template is available at: https://www.waterboards.ca.gov/water_issues/programs/ust/docs/permit-template2.docx. If needed, the CUPA may contact the State Water Board for assistance with revising the UPFP template.

Once the revised UPFP Permit template and revised UPFP issuance procedure are determined acceptable by the State Water Board, submit two consecutive UPFP Permits issued to 3 facilities using the revised UPFP template.

3. **DEFICIENCY:**
The CUPA has not inspected Aboveground Petroleum Storage Act (APSA) tank facilities at least once every three years
- 10,000 gallons or more of petroleum (Spill Prevention, Control, and Countermeasure Plan): 2 of 6 (33%)
- Less than 10,000 gallons of petroleum: 9 of 24 (38%)
  - 1 APSA tank facility has never been inspected

See the list of facilities that were not inspected in Attachment 1.

CITATIONS:
Health & Saf. Code, § 25270.5, subds. (a) & (b); Cal. Code Regs., tit. 19, § 1609; Cal. Code Regs., tit. 27, § 15200, subd. (a)(2)(F); [OSFM]

CORRECTIVE ACTION:
During the evaluation, as of May 12, 2026, the CUPA inspected 1 of 11 APSA tank facilities identified in Attachment 1; 10 facilities remain uninspected.

Inspect all APSA tank facilities, as identified in Attachment 1.

During each Progress Report, OSFM will review information in CERS to verify the APSA tank facilities identified in Attachment 1 have been inspected.

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

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4. **DEFICIENCY:**
The CUPA has not ensured each APSA tank facility subject to Hazardous Materials Business Plan (HMBP) reporting requirements has annually submitted an HMBP to CERS as identified in Attachment 2. In summary:
- 9 of 28 (32%) APSA tank facilities have not submitted an inventory
- 10 of 28 (36%) APSA tank facilities have not submitted emergency response and employee training plans, including one that has never submitted

CITATIONS:
Health & Saf. Code, §§ 25270.6, subd. (a), 25508, subd. (a)(1)(B); [OSFM]

CORRECTIVE ACTION:
During the evaluation:
- 4 of 9 APSA tank facilities submitted an inventory; 5 have not submitted
- 4 of 10 APSA tank facilities submitted emergency response and employee training plans; 6 have not submitted.

Ensure each APSA tank facility identified in Attachment 2 submits an HMBP to CERS, and apply enforcement as established in the I&E Plan for facilities that do not submit an HMBP to CERS.

During each Progress Report, OSFM will review information in CERS to verify each APSA tank facility identified in Attachment 2 has submitted an HMBP. In the absence of an HMBP submittal, an indication as to whether formal enforcement has been initiated may be provided as a narrative or by utilizing Attachment 2.

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

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5. DEFICIENCY:
The CUPA has not inspected 34 of 77 (44%) facilities subject to the Hazardous Waste Generator (HWG) Program at least once every 3 years as required by the inspection frequency established in the I&E Plan. See the list of facilities that were not inspected in Attachment 3.

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

CORRECTIVE ACTION:
Inspect all HWG facilities, as identified in Attachment 3.

During each Progress Report, DTSC will review information in CERS to verify the HWG facilities identified in Attachment 3 have been inspected.

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

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6. DEFICIENCY:
The CUPA has not consistently followed up and documented RTC information in CERS for HWG and APSA tank facilities cited with violations. See the list of HWG and APSA tank facilities with violations having no documented RTC in Attachments 4 and 5.

HWG Program:
As of January 6, 2026, there is no documented RTC for:
- 14 of 33 (42%) violations cited between July 1, 2022, and June 30, 2025

APSA Program:
As of October 6, 2025, there is no documented RTC for:
- 11 of 17 (65%) violations cited between July 1, 2018, and June 30, 2019
- 8 of 11 (73%) violations cited between July 1, 2023, and June 30, 2024
- 2 of 2 (100%) violations cited between July 1, 2024, and June 30, 2025

Note: This Deficiency was identified as Deficiency 1 in the 2021 Performance Evaluation and was closed but not corrected for Fiscal Year 2018/2019 during the Evaluation Progress Report process.

CITATION(s):
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]

Health & Saf. Code, § 25404.1.2, subd. (c); 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:
During each Progress Report, DTSC will review information in CERS to verify each violation identified in Attachment 4 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 4.

During each Progress Report, OSFM 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 formal enforcement has been initiated for any APSA violation identified without RTC may be provided as a narrative or by utilizing Attachment 5.

DTSC and OSFM recommend 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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7. **DEFICIENCY:**
The CUPA has not inspected 79 of 155 (51%) facilities subject to the HMBP Program at least once every three years. See the list of facilities that were not inspected in Attachment 6.

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

CORRECTIVE ACTION:
Inspect all HMBP facilities, as identified in Attachment 6.

During each Progress Report, CalEPA will review information in CERS to verify the HMBP facilities identified in Attachment 6 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.

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 I&E Plan is inaccurate:

- Pages 27 and 28 state "Any permit issued pursuant to Mariposa County Code or California Health and Safety Code, Chapters 6.34 (Underground Storage of Hazardous Substances), 6.35 (Petroleum Storage in Above Ground Storage Tanks), 6.95 (Hazardous Materials Disclosure and CalARP) and 6.98 (Hazardous Waste Generation) may be revoked, modified, or suspended during its term" and "MCHD may revoke, modify, or suspect a permit by issuing a written notice"
  - The UST permit cannot be suspended
- Page 28 states "MCHD may issue a Notice to Cease and Desist"
  - The CUPA does not have the authority to issue a "Notice to Cease and Desist" for the UST program.
- Page 29 states "No owner or operator of a UST system may deposit or allow for the deposit of any petroleum product into a tank which has a red tag affixed"
  - The following enforcement option statement from Health and Safety Code section 25292.3 must be included: "A person shall not input into or withdraw from an underground storage tank system that has a red tag affixed to its fill pipe, except to empty the underground storage tank pursuant to a directive issued"
- Page 37 states "For violations of H&SC 25299(c), the respondent is liable for no more than $5,000 per day, per violation, per UST"
  - The correct statement is "not more than five thousand dollars ($5,000) for each underground storage tank"
- Page 37, Steps in Determining Penalties
  - Definitions for Potential Harm and Extent of Deviation for the HWG Program are incomplete.
    - Major, Moderate, & Minor definitions, for both Potential Harm and Extent of Deviation, are incomplete and less stringent compared to 22 CCR 66272.62(b).
    - Reference to 22 CCR 66272.62 would incorporate the information that is incomplete for the HWG Program.
  - Factors to consider for determining degree of Potential Harm is not included [22 CCR 66272.62(b)(3)]
    - Reference to 22 CCR 66272.62(b)(3) would incorporate the information that is incomplete for the HWG Program.
- Pages 37 and 38 state the minimum penalty is $0
  - The correct minimum penalty is $500

The following citations are missing:

- Page 1 does not include specific code sections
  - The correct citations are:
    - HSC, Division 20, Chapter 6.7, Sections 25280-25293; and 25298-25299.6
    - CCR, Title 23, Division 3, Chapter 16, Sections 2610-2696
- Page 15 does not include specific code sections
  - The correct citations are:

- HSC, Division 20, Chapter 6.7, Sections 25280-25293; and 25298-25299.6

CITATION(S):
Health & Saf. Code, §§ 25285.1, 25292.3, subd. (c), 25299; Cal. Code Regs., tit. 27, § 15200; [State Water Board, DTSC]

RESOLUTION:
By the 1st Progress Report, submit a revised I&E Plan that addresses the inaccurate information identified above. The State Water Board will also verify that the revised I&E Plan is consistent with revised UST requirements that went into effect January 1, 2026.

State Water Board and DTSC recommend that the CUPA train staff on the revised I&E Plan once the Incidental Finding is corrected.

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2. INCIDENTAL FINDING:
The CUPA has not ensured all USTs are in compliance with the design, construction, monitoring, and testing requirements.

UST Facility Tank/Data Download report (January 12, 2026):

- UST system 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:
  - CERS Tank ID 10166565-002
- UST systems indicate "No" for audible/visual alarms, ball floats, fill tube shut-off valve, and exempt
  - CERS Tank ID 10339600-001
  - CERS Tank ID 10396357-001

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, §§ 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 each UST identified above is 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, submit a list of USTs utilizing the incorrect or incomplete design and 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 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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3. INCIDENTAL FINDING:

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

- CERS Tank ID 10154725-001
  - Placed into temporary closure on October 1, 2018
    - Temporary closure exceeds the 12-month limit without conducting a site assessment or being brought back into compliance
    - Documentation of proper disposal for residual liquids, solids, or sludges removed not provided
- CERS Tank ID 10445599-001
  - Placed into temporary closure on August 27, 2019
    - Temporary closure exceeds the 12-month limit without conducting a site assessment or being brought back into compliance
    - Documentation of proper disposal for residual liquids, solids, or sludges removed not provided

CITATION(S):

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

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

RESOLUTION:

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

By the 1st 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

By the 1st Progress Report, submit documentation that each temporary closure permit identified above has been rescinded, enforcement has been applied, USTs have returned to compliance or obtained a closure permit, and accurately report the status of the USTs to Report 6.

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.

- 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.
- Correctly report USTs in temporary closure in CERS and Report 6, including the date in which the USTs were put in a temporary closure.

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4. 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
    - CERS ID 10166463: Inspection dated May 16, 2023

CITATIONS:

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
  - 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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5. INCIDENTAL FINDING:

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

- CERS ID 10166405: Inspection report dated February 15, 2023
  - Observations lack specificity for 2 of 2 cited violations, including:
    - "Discussed labeling and dating empty containers and/or designating a empty container storage area and dating the containers for reuse or disposal within on year."
    - "Used oil and/or fuel filters were observed without a label and the accumulation start date."
- CERS ID 10166463: Inspection report dated May 16, 2023
  - No corrective actions for 4 of 4 cited violations
  - No observations for 1 of 4 cited violations
  - No factual basis for 1 of 4 cited violations
    - "Unknown since accumulation start date not shown. No label on drums."

  - Observations lack specificity for 2 of 4 cited violations, including:
    - "Unlabeled drums on dock area."
    - "Drum observed with drain pan in the top. Not closed."
- CERS ID 10712521: Inspection report dated May 1, 2025
  - No corrective actions for 4 of 4 cited violations
  - No factual basis for 2 of 4 cited violations, including:
    - "Used oil filter recycling/disposal need to be documented and kept on file."
    - "Recyclables (metals, rotos, etc.) disposal need to be documented and kept on file."

CITATION(s):
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 Annual Unified Program Training Conference: https://calcupa.org/CMS15/upload-manager/presentations/CUPA-2023/1866-3768-cupa-conference-2023-report-writing.pdf

By the 2nd Progress Report and with each subsequent Progress Report, 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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6. INCIDENTAL FINDING:
The CUPA did not complete the annual Self-Audit Report for FY 2021/2022 and FY 2023/2024.

CITATION:
Cal. Code Regs., tit. 27, § 15280, subd. (c); [CalEPA]

RESOLUTION:
By the 1st Progress Report, submit a Self-Audit Report for FY 2025/2026.

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7. INCIDENTAL FINDING:
An established Unified Program administrative procedure is incomplete.

- Financial Management
  - Single Fee System
    - The procedure does not include elements of the fee accountability program as required in Cal. Code Regs., tit. 27, §15220

Note: This Incidental Finding was identified as Deficiency #4 in the 2021 Performance Evaluation and was partially corrected during the Evaluation Progress Report process.

CITATION(S):
Cal. Code Regs., tit. 27, § 15180(e)(4)

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.

ATTACHMENT(S)

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