CalEPA
California Environmental
Protection Agency

Gavin Newsom
Governor

Yana Garcia
Secretary for Environmental Protection

September 25, 2026

Chris Murray, Sr. REHS, Director
Modoc County Environmental Health
202 West Fourth Street
Alturas, California 96101-3989

Dear Mr. Murray:

From December 2025, through July 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 Modoc County Environmental Health 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 enclosed the 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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UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

CUPA: Modoc County Environmental Health

2025 Evaluation Assessment: December 2025 through July 2026

Timeframe Evaluated: October 1, 2022, through September 30, 2025
Note: Timeframe evaluated by OSFM is January 1, 2022, through September 30, 2025

Evaluation Team Members:

- CalEPA Team Lead: Tim Brandt
- DTSC: Pheleep Sidhom, Jessica Harris
- CalEPA: Gerrit Kovach
- State Water Board: Magnolia Busse
- CAL FIRE-OSFM: Andrew Dye, 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 January 18, 2027.** An Evaluation Progress Report template will be provided by the CalEPA Team Lead.

Any required subsequent Progress Report 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:

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

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1. **HAZARDOUS WASTE GENERATOR (HWG) PROGRAM IMPLEMENTATION:**
   The CUPA inspected 93% of HWG Program facilities once every three years.

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2. **ADMINISTRATIVE ENFORCEMENT COMPLETED:**
   In June 2025, the CUPA initiated its first ever administrative enforcement order (AEO) case. The CUPA was concerned about the lack of compliance from a UST facility. The CUPA notified the facility of its plans to take formal enforcement. The CUPA conducted an informal settlement meeting, which resulted in a consent order to resolve 11 violations. The parties were able to reach a settlement whereby the facility agreed to permanently close and remove the USTs within 90 days and pay $10,000 in penalties. During the Opening Ceremony at the 2026 Unified Program Annual Training Conference, CalEPA recognized the exemplary efforts of the CUPAs to strengthen its enforcement program.

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3. **ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM IMPLEMENTATION:**
   Since the 2021 Performance Evaluation, the CUPA inspected each APSA tank facility storing 10,000 gallons or more of petroleum at least once every three years for compliance with the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements.

   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 annually submitted APSA Facility Information to CERS.

   The CUPA successfully enforced requirements of the APSA Program and obtained a high rate of return to compliance (RTC) from tank facilities that were cited with violations since the 2021 Performance Evaluation.

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4. **NEW UNDERGROUND STORAGE TANK (UST) REGULATIONS:**
   Changes to the 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 owners/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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5. **2022 DEFICIENCY CORRECTED:**
   Deficiency 5 from the 2022 CUPA Performance Evaluation is now considered corrected and no longer requires further action: The CUPA is not consistently ensuring RTC is obtained within 60 days

or is not consistently following up and documenting RTC information in CERS for UST testing or leak detection violations.

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6. CUPA STAFFING & OUTREACH:

Since the last Performance Evaluation, the CUPA has been able to hire two additional staff to assist with the implementation of the Unified Program within its jurisdiction.

CUPA staff regularly provide support to regulated facilities, typically by assisting owners and operators with CERS submittals, obtaining EPA ID numbers, and generally providing technical guidance and educational support for all applicable program elements.

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7. IMPROVEMENT IN HMBP PROGRAM FROM 2022 EVAULATION:

During the 2022 Performance Evaluation, the CUPA received a Deficiency for not completing the mandated HMBP triennial inspection frequency. During the 2026 evaluation period, the CUPA has inspected over 90% of HMBP sites which also includes proper identification for unstaffed sites for inspection. The triennial inspection completion rate for this evaluation was effectively 99% by the time the Questions & Answers meeting took place on June 3, 2026.

The CUPA also has worked closely with its regulated businesses on annual HMBP submissions, which has led to an annual submittal rate for the evaluated time period of over 90%. During the evaluation period, the CUPA communicated with businesses and issued notices to those that have not submitted and now stands at an annual submittal rate of 99%. There were no Deficiencies or Incidental Findings noted for inspections and HMBP submittals during this evaluation.

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 CERS:
   - CERS ID 10165739
     - No violation for late Monitoring System Certification performed June 25, 2024, when the annual date is in April. Violation Library Type Number 2030002 (USEPATCR 9d) was not cited.
     - No violation for late Spill Container Testing performed June 25, 2024, when the annual date is in April. Violation Library Type Number 2060020 (USEPATCR 9a) was not cited.
   - CERS ID 10180323
     - No violation for late Monitoring System Certification performed November 13, 2024, when the annual date is in October. Violation Library Type Number 2030002 (USEPATCR 9d) was not cited.
     - No violation for late Spill Container Testing performed November 13, 2024, when the annual date is in October. Violation Library Type Number 2060020 (USEPATCR 9a) was not cited.
   - CERS ID 10180323
     - Overfill Prevention Equipment Inspection dated November 13, 2024, was completed late. Violation Library Type Number 2030036 (USEPATCR 9b) was not cited.
   - CERS ID 10207237
     - No violation for late Monitoring System Certification performed June 13, 2025, when the annual date is in February. Violation Library Type Number 2030002 (USEPATCR 9d) was not cited.
     - No violation for late Spill Container Testing performed June 13, 2025, when the annual date is in February. Violation Library Type Number 2060020 (USEPATCR 9a) was not cited.

   UST testing results include incomplete or inaccurate information:
   - CERS ID 10165743
     - Monitoring System Certification Form dated October 12, 2023, October 15, 2024, and October 14, 2025, does not include results in Section 8 for in-tank gauging for the automatic tank gauging identified in CERS.
     - Spill Container Testing Report Form dated October 14, 2025, includes results for Diesel T, but the tank was removed on September 25, 2025.
   - 47 of 47 (100%) UST release detection documents were missing CERS IDs.

UST construction and inspection information was inconsistent:

- CERS ID 10165743
  - Monitoring System Certification Forms dated October 12, 2023, October 15, 2024, and October 14, 2025, Section 5, identify that the flow of fuel stops at the dispenser if a release is detected in the under-dispenser containment, however CERS does not identify if UDC Monitoring Stops Flow of Product at Dispenser.
  - Monitoring System Certification Forms dated October 12, 2023, October 15, 2024, and October 14, 2025, Section 6, identify 208 sensors in all UDCs, but CERS does not identify a sensor.
  - Overfill Prevention Equipment Inspection Form dated August 23, 2023, identifies a fill tube shut-off valve, but CERS identifies a fill tube shut-off valve and audible/visual alarms.
- CERS ID 10180323
  - Monitoring System Certification Forms dated October 11, 2023, November 13, 2024, and October 15, 2025, Section 6, identify 420 and 208 sensors, but CERS identifies sensors as tri state.
- CERS ID 10207237
  - Monitoring System Certification Forms dated April 18, 2023, February 7, 2024, and June 13, 2025, Section 6, identify 420 and 208 sensors, but CERS identifies sensors as tri state.
  - Overfill Prevention Equipment Inspection Form June 24, 2024, includes results for a fill tube shut-off valve, but CERS identifies audible/visual alarms and a ball float.

CITATION(S):
Before January 1, 2026: Health & Saf. Code, §§ 25284.2, 25288, 25290.1 & 25291; Cal. Code Regs., tit. 23, §§ 2636 subd. (f)(1), 2637.1 subd. (a), 2637.2 subd. (a), 2638 subds. (a) & (d), 2641 subd. (j), 2643 subd. (b)(1); [State Water Board]

As of January 1, 2026: Health & Saf. Code, §§ 25284.2, 25288, 25290.1 & 25291; Cal. Code Regs., tit. 23, §§ 2651, 2652 subd. (a), 2663 subds. (a) & (e), 2664 subds. (a), 2665 (a) & (c); [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 2 most recently inspected UST facilities.

State Water Board recommends that the CUPA:

- Determine why complete annual UST compliance inspections have not been 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.
    - Rejecting documentation that is incomplete or requires correction before accepting.
- Request the State Water Board review the revised I&E Plan or other applicable procedure and provide feedback. Once feedback is received, train UST inspection staff on the revised procedure.
- Reject documentation that is incomplete or require correction before accepting.

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 consistently included all observations, citations, and corrective actions for each violation cited in HWG inspection reports:

- CERS ID 10127056: Inspection report dated September 11, 2024
  - No observations for 3 of 3 cited violations
  - No corrective action for 3 of 3 cited violations
- CERS ID 10132444: Inspection report dated September 24, 2025
  - No observations for 1 of 1 cited violation
  - No citations for 1 of 1 cited violation
  - No corrective action for 1 of 1 cited violation
- CERS ID 10132579: Inspection report dated January 25, 2024
  - No observations for 5 of 5 cited violations
  - No citations for 5 of 5 cited violations
  - No corrective action for 5 of 5 cited violations

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 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 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.

DTSC recommends that the CUPA:

- Document consent in each inspection report. Consent was not documented in any of the inspection reports identified above.
- Revise the current inspection report template to include:
  - Citations pertinent to California Code of Regulations, title 22 and Health and Safety Code provisions.
  - The violation classification for each violation.

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2. INCIDENTAL FINDING:

The CUPA has not regulated all HWG Program facilities within its jurisdiction. CERS indicates there are 38 facilities; the DTSC Hazardous Waste Tracking System (HWTS) indicates there are potentially 38 additional facilities. See the list of potential additional facilities identified in HWTS (March 18, 2026) in Attachment 1.

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

RESOLUTION:
By the 1st Progress Report, contact DTSC and schedule an HWTS training.

By the 1st Progress Report and with each subsequent Progress Report, update and submit Attachment 1 to indicate:

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

DTSC recommends that the CUPA:

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

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3. INCIDENTAL FINDING:
The CUPA has not correctly reported compliance, monitoring and enforcement (CME) information to CERS for the APSA Program.

Cited violation in inspection report and CERS are inconsistent:

- CERS ID 10001428
    - Inspection report dated April 10, 2024: 2 violations cited
        - CERS: 1 violation cited
            - 1 violation cited in the inspection report and not in CERS
- CERS ID 10132735
    - Inspection report dated July 30, 2024: 6 violations cited
        - CERS: 5 violations cited
            - 1 violation cited in the inspection report and not in CERS

Violation incorrectly cited in CERS:

- Violation Library Type Number 4010 (General- Administration/Documentation) incorrectly cited in inspection report in lieu of Violation Type Number 4030010 (sized containment) or 4030037 (general containment)
    - CERS ID 10132579: Inspection report dated January 25, 2024

- Violation Library Type Number 4010 (General- Administration/Documentation) incorrectly cited in inspection report in lieu of Violation Type Number 4010035 (appropriate plan) or 4010056 (incomplete plan)
  - CERS ID 10132558: Inspection report dated May 14, 2024
- Violation Library Type Number 4010 (General- Administration/Documentation) incorrectly cited in inspection report in lieu of Violation Type Number 4030037 (general containment)
  - CERS ID 10953865: Inspection report dated June 5, 2024
- Violation Library Type Number 4010008 (plan available on site) incorrectly cited in inspection report in lieu of Violation Type Number 4010035 (appropriate plan) or 4010056 (incomplete plan)
  - CERS ID 10132558: Inspection report dated May 14, 2024

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

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

By the 1st Progress Report and with each subsequent Progress Report, submit an inspection report dated between January 1, 2022, and September 30, 2025, for the following APSA tank facilities:
- CERS ID 10132741
- CERS ID 10132603
- CERS ID 10132603

OSFM recommends that the CUPA:
- Identify and correct the cause(s) for incorrectly reporting CME information to CERS and establish processes and/or secure resources to prevent this from reoccurring.
- Implement a quality assurance and quality control process to ensure CME information is correctly reported to CERS.
- Ensure CUPA personnel and inspectors review the most current violations and citations in the Violation Library
- Review and revise APSA tank facility inspection checklists to include applicable Violation Library Violation Type Number for each violation observed.

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4. INCIDENTAL FINDING:
The I&E Plan is inaccurate:
- Page 2, Section C, Underground Storage Tank (UST) Reporting, states “This information is reported semiannually using “Report 6”, and UPA’s can provide the information by e-mail or fax.”
  - The Report 6 must be submitted by email and cannot be faxed.
- Page 48, Section 2, Underground Storage Tanks (UST) Penalty Matrix states $0 minimum penalty.
  - The minimum penalty is $500.

Note: Components of this Incidental Finding were identified as Deficiency 4 in the 2022 CUPA Performance Evaluation and were closed but not corrected.

CITATION(S):
Cal. Code Regs., tit. 27, § 15200; [CalEPA]

Before January 1, 2026: Health and Saf. Code, §§ 25288, 25295, 25299 [State Water Board]

As of January 1, 2026: Health and Saf. Code, §§ 25288, 25295, 25299; Cal. Code Regs., tit 23, §§ 2682 subd. (b), 2694 subd. (a)(1); [State Water Board]

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

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

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5. **INCIDENTAL FINDING:**
The local ordinance, Chapter 8.24 Underground Storage of Hazardous Substances, is inconsistent with state law:
- Section 8.24.040 states "Such package shall contain any alternative method to be used in monitoring."
    - Alternative test methods must be approved by State Water Board and may not be included in the CERS permit application prior to approval.
- Section 8.24.080 states "Methods of testing will be with the approval of the Branch Director of Environmental Health and stated on the permit. Equipment used to perform any test shall be subject to the Branch Director of Environmental Health approval."
    - Methods of testing and equipment are established with applicable code and regulatory requirements.
- Section 8.24.100 states "The Branch Director of Environmental Health shall inspect every underground storage facility…"
    - Inspections are conducted by International Code Council (ICC)-certified inspections, not explicitly by the Branch Director of Environmental Health.
- Section 8.24.150 states "The Branch Director of Environmental Health shall honor any variance granted by the State Water Resources Control Board or the Regional Water Quality Control Board providing such variance was issued in accordance with the regulations established by the State Water Resources Control Board, and the term of the variance is no longer than five (5) years without review."
    - Variances granted by the State Water Resources Control Board or the Regional Water Quality Control Board are not subject to a five-year issuance limitation.

Note: This Incidental Finding was identified as Deficiency 7 in the 2022 Performance Evaluation and was closed, not corrected. The CUPA revised and submitted Chapter 8.24 to the Board of Supervisors to be adopted.

CITATION(S):
Before January 1, 2026: Health & Saf. Code §§ 25280, 25299.2, 25299.3, 25299.4; Cal. Code Regs., tit. 23, § 2620 (c); [State Water Board]

As of January 1, 2026: Health & Saf. Code §§ 25280, 25299.2, 25299.3, 25299.4; Cal. Code Regs., tit. 23, §2621, 2634; [State Water Board]

RESOLUTION:
Do not implement the provisions of the local ordinance that are inconsistent with state law as identified above. If the CUPA plans to amend the ordinance provide the State Water Board with an opportunity to review.

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

The State Water Board recommends that the CUPA:

- Develop an action plan and timeline to amend or repeal the local ordinance.
- After the ordinance has been amended or repealed, notify UST owners and operators of the change in the law.
- Review the State Water Board guidance document, Local Guidance 201 Acceptable Local Ordinances for the Underground Storage Tank Program, which outlines the new requirements for local ordinances and regulations as a result of the revision to California Code of Regulations, title 23, chapter 16, available at: [https://www.waterboards.ca.gov/ust/leak_prevention/lgs/docs/lg201.pdfal Guidance 201 - Acceptable Local Ordinances for the Underground Storage Tank Program](https://www.waterboards.ca.gov/ust/leak_prevention/lgs/docs/lg201.pdf).

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

UST Facility/Tank Data Download report (February 26, 2026):

- 6 of 11 (55%) USTs identified as having no striker plate installed
- 3 of 11 (27%) USTs identified as having double-walled pipe construction with no pipe/turbine containment sump identified.
- 3 of 11 (27%) USTs identified with no primary piping containment construction.
- 3 of 11 (27%) USTs identified with continuously monitored under dispenser containment construction not identified.

Note: This Incidental Finding was identified as Incidental Finding 4 in the 2022 Program Evaluation and resolved.

CITATION(S):
Before January 1, 2026: Health & Saf. Code, §§ 25288 subd. (a), 25290.1, 25290.2, 25291 & 25292; Cal. Code Regs., tit. 23, §§ 2621 subd. (b), 2631 subd. (c), 2636 subds. (c) & (g), 2662 subd. (d); [State Water Board]

As of January 1, 2026: Health & Saf. Code, §§ 25288 subd. (a), 25290.1, 25290.2, 25291 & 25292; Cal. Code Regs., tit. 23, §§ 2640 subds. (b)(9), (b)(10), (d) & (h), 2645 subd. (g); [State Water Board]

RESOLUTION:
By the 1st Progress Report, schedule CERS data training with the State Water Board for all ICC UST inspectors.

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 appliable procedure to ensure the establishment of a process for UST inspection staff to review CERS UST submittal information regarding construction and release 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 consistently implemented UST closure requirements.

Closure documentation was not provided to the UST owner/operator:

- CERS ID 10154573
    - Tank IDs 10154573-001, 002, 003, and 004 were removed on September 18, 2025.
    - The following was not provided:
        - Documentation of proper disposal of the removed USTs.
- CERS ID 10208188
    - Tank IDs 10208188-001, 002, 003, and 004 were removed on November 24, 2024.
    - The following was not provided:
        - Documentation of proper disposal for residual liquids, solids, or sludges removed.

The UST Closure Notification is inconsistent with UST regulations and the Health and Safety Code:

- CERS ID 10208188
    - The UST Closure Notification letter states the closure date as January 29, 2025. However, the closure took place November 22-24, 2025.

UST facilities not properly closed in CERS (UST Facility Search report, February 26, 2026):

- CERS ID 10154573
    - OwnorOperateUST (column H): “Y” (Should be “N”)
    - USTReportingRequirement (column J): “Not Applicable” (Correct)
    - USTPermanentlyClosedDate (column N): “January 13, 2026” (Correct)
- CERS ID 10208188
    - OwnorOperateUST (column H): “Y” (Should be “N”)
    - USTReportingRequirement (column J): “Not Applicable” (Correct)
    - USTPermanentlyClosedDate (column N): “February 4, 2025” (Correct)
- 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, § 25298 subd. (c); Cal. Code Regs., tit. 23, §§ 2672 subds. (b)(1), (3) & (c); [State Water Board]

As of January 1, 2026: Health & Saf. Code, § 25298 subd. (c); Cal. Code Regs., tit. 23, §§ 2681 subds. (e)(3), (f) & (n) [State Water Board]

RESOLUTION:
Revise the UST closure procedure, to ensure the establishment of a process, which includes, how the CUPA will:

- Require documentation from the UST owner/operator that all residual liquid, solids, or sludges removed were handled as hazardous waste or recyclable materials in accordance with Health and Safety Code, chapter 6.5.
- Issue accurate UST Closure Notification Letter.
- Ensure closures are being accurately reported to CERS

By the 1st Progress Report, submit UST closure documentation for the next UST removal or closure in place. If no UST closure activities are conducted during the Progress Report period, CalEPA will consider this Incidental Finding corrected after the CUPA submits a revised UST closure procedure.

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8. INCIDENTAL FINDING: CORRECTED DURING EVALUATION

The CUPA did not submit quarterly Surcharge Transmittal Reports to CalEPA within 30 days of the end of each state fiscal quarter (FQ):

- Fiscal Year (FY) 2022/2023
    - 1st FQ
        - Due October 30, 2022 (submitted December 20, 2022)
    - 4th FQ
        - Due July 30, 2023 (submitted September 26, 2023)
- FY 2023/2024
    - 1st FQ
        - Due October 30, 2023 (submitted November 30, 2023)
    - 2nd FQ
        - Due January 30, 2024 (submitted March 18, 2024)
    - 4th FQ
        - Due July 30, 2024 (submitted August 22, 2024)
- FY 2024/2025
    - 1st FQ
        - Due October 30, 2024 (submitted February 5, 2025)
    - 4th FQ
        - Due July 30, 2025 (submitted September 5, 2025)

CITATION(S):
Cal. Code Regs., tit. 27, §§ 15250, subd. (b), 15290; [CalEPA]

RESOLUTION: COMPLETED
During the Evaluation, the CUPA submitted the first three Quarterly Surcharge Transmittal Reports for FY 2025/2026 on or before the mandated reporting deadline. This Incidental Finding is considered corrected.

9. INCIDENTAL FINDING: CORRECTED DURING EVALUATION

The CUPA has not ensured each HMBP submittal contains all required elements before being accepted in CERS. In some instances, the CUPA did not ensure the submittal contained all required elements at the time of inspection.

- CERS ID 10132810
  - Inventories submitted on February 2, 2022, January 26, 2023, and May 14, 2024:
    - Site map is missing north orientation, adjacent streets, access and exit points, evacuation staging areas, hazardous material handling and storage areas, emergency response equipment
  - No violations issued during inspection conducted on January 24, 2023
- CERS ID 10135546
  - Inventories submitted on February 2, 2022, and January 25, 2023:
    - Site map is missing north orientation and evacuation staging areas
  - No violations issued during inspection conducted on January 25, 2023
- CERS ID 10165659
  - Inventory submitted October 9, 2024:
    - Site map is missing north orientation and evacuation staging areas
- CERS ID 10421029
  - Inventory submitted on October 21, 2019:
    - Site map is missing north orientation, evacuation staging areas, access and exit points, hazardous materials handling and storage areas, and emergency response equipment
  - No violations issued during inspection conducted on October 21, 2024
- CERS ID 10626004
  - Inventory submitted on April 14, 2023:
    - Site map is missing emergency response equipment and hazardous materials handling and storage areas.
  - Emergency response and training plan not submitted since November 5, 2021
  - No violations issued during inspection conducted on February 9, 2023

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]

RESOLUTION: COMPLETED

During the evaluation, CalEPA reviewed 10 recently accepted HMBP submittals and verified each contains all required elements. This Incidental Finding is considered corrected.

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10. INCIDENTAL FINDING: CORRECTED DURING EVALUATION

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 2.

As of March 18, 2026, there is no documented RTC for:

- 8 of 46 (17%) cited violations

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]

RESOLUTION: COMPLETED
During the evaluation, the CUPA obtained RTC for all facilities cited with violations identified in Attachment 2. This 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.