

**CUPA Self Auditing and Reporting  
Guidance Document**

Final Draft 8/19/2010

Prepared by  
California Environmental Protection Agency  
Unified Program Section

## Table of Contents

I. Introduction .....	1
II. CUPA Self-Audit.....	4
III. CalARP Performance Audit .....	12
IV. Summary Reports .....	15
V. Inspection & Enforcement (I&E) Plan Review and update .....	29

## Appendices

A. Regulations .....	34
1. Regulatory Outline .....	35
2. Regulations.....	38
B. Summary Reports Instructions .....	61
C. Self-audit Examples.....	85
1. Key Specific Sections .....	86
2. Complete Self-audit .....	102
D. Other Guidance Documents .....	103

## **CHAPTER I**

### **INTRODUCTION**

## **I. Introduction**

### **A. Purpose of Guidance**

This guidance document is for the Certified Unified Program Agencies (CUPA's) use for the development of annual self-audit reports that will conform to the requirements of Sections 15280 (a), (b) and (c) of Title 27 of the California Code of Regulations, and to be a useful tool for CUPA's in evaluating and improving their program. This document also includes guidance for the annual Summary Reports (1, 2, 3, 4, and 6), the annual California Accidental Release Prevention (CalARP) Performance Audit, and the annual review, and update if necessary, of the Inspection and Enforcement Plan (I&E Plan). It is logical and desirable to consolidate all these activities as they are all required annually, they inter-relate, and one often affects the other.

CUPA evaluations over the past several years have identified a large number of deficiencies related to these activities. This guidance will help to reduce the occurrence of those deficiencies.

This document is intended as "guidance" and does not establish or supersede state standards, rules, or regulations.

### **B. Applicability of Guidance**

Requirements for a local agency to be a Certified Unified Program Agency (the CUPA Application) are included in Section 15150 of Title 27. Sections 15180 through 15270 of Title 27 outline detailed requirements for CUPA's to maintain their certification. The policies, programs, plans, and procedures required in these regulatory sections include details for many of the elements outlined in this document. The requirements for self-audits and reporting are included in Title 27, Article 6, Sections 15280 and 15290. The CalARP performance audit requirements are contained in Section 2780.5 of Title 19.

The CUPA's must follow their I&E Plan for implementation of the inspection and enforcement programs. The self-audit should provide a review of the effectiveness of those and other programs. When programs are not effective, it may be because the I&E Plan has not been followed, or the I&E Plan needs to be revised. If changes in the programs are recommended or made to make the programs more effective during the self-audit, those changes need to be incorporated into an update of the I&E Plan.

The self-audit provides an explanation of any discrepancies on the annual and semi-annual reports of program activities submitted to the State. The CUPA should review annual reports for any discrepancies when conducting their self-audit. The self-audit should provide a written summary of the program activities detailed in the annual reports, especially where activities, inconsistencies or other issues may warrant further explanation.

The review of the I&E Plan should be a comprehensive review and assessment of all the required elements of the Plan. Similarly, the review of the single fee system and the fee

accountability program should be a comprehensive review and evaluation of all their required elements.

Finally, the Unified Program oversight agencies depend heavily on review of the self-audits, annual reports, and the I&E Plan during their triennial evaluations of the CUPA programs. These documents provide the agencies with a starting point (pre-evaluation) for the evaluation, background information on program activities, and their effectiveness or deficiencies, and an overview with some detail on how the CUPA implements the program. This leaves the remainder of the evaluation to review individual program files, and clarification of inconsistencies and/or apparent deficiencies discovered during the review of the "pre-evaluation" documents.

This document is intended to provide guidance so that the self-audit activities provide meaningful and useful results that the CUPA's may use to improve their programs, as well as provide consistent and useful information for the state evaluation teams.

### **C. How this Guidance Document is Organized**

This document starts with the identification and explanation of each required element of the self-audit report then continues with tips for completing the self-audit report. The document then addresses information for summary reports, CalARP performance audit, and I&E Plan review and update. Some key terms and phrases are highlighted in *italics*, and important notes are highlighted in **bold** and/or underlined.

Related and supporting information is provided in the Appendices. Appendix A provides an outline of the applicable regulations for a quick reference, followed by the pertinent regulations. Additional appendices include annual report instructions, self-audit report examples for each required element, a sample self-audit report, and reference to other guidance documents.

## **CHAPTER II**

### **CUPA SELF-AUDIT**

## II. CUPA SELF-AUDIT

**Purpose of the self-audit:** The self-audit is a tool used by a CUPA to annually assess and self-examine its activities and performance in implementing the Unified Program in their jurisdiction during the past fiscal year, including an assessment of the performance of its participating agencies (PA), if any exist within the CUPA's jurisdiction. Self-auditing should highlight areas of deficiency that may require closer examination and the corrective actions taken or to be taken, as well as, areas of outstanding program implementation. Self-auditing should be considered and utilized as a means for achieving continuous improvement of the CUPA's Unified Program.

The self-audit should be a comprehensive self-evaluation by the CUPA of its permitting, inspection, enforcement, single fee system, and fee accountability programs. It should be a supporting document that provides additional information and description to the programs reported on the Summary Reports (2, 3, 4 and 6), and as required, discussion of any discrepancies. The self-audit and summary reports should be consistent and support one another. The self-audit should focus on the CUPA's administration, implementation, and enforcement of the Unified Program.

The primary purpose and goal of the self-audit is to review and evaluate "what" was done and its effectiveness in meeting the requirements of the Unified Program. The "how" is covered in other documents such as the CUPA's application, policies and procedures, and the I&E Plan. If there are problems or deficiencies in the "what", then changes or corrective actions to "how" things are done may be necessary. However, a brief summary in the self-audit report of "how" things are done can be helpful and is not discouraged, as long as "what" has happened during the previous year is covered and is the primary focus of the report.

The self-audits are utilized by the evaluators from the Unified Program oversight agencies to evaluate a CUPA's, and any PA's, overall performance in implementing the Unified Program elements. Frequent deficiencies have been noted in self-audits during the oversight agency evaluations. Use of this guidance is intended to assist CUPA's in completing self-audits and, thus, to reduce or eliminate problems associated with completion of self-audits and summary reports.

The self-audit does not include an explanation or description of "how" the CUPA implements the Unified Program. The self-audit does include an explanation or description of "what" activities the CUPA has taken or not taken during the previous fiscal year to implement the Unified Program.

**Self-audit report completion:** CUPA's are required to complete a self-audit report by September 30 of each year, pursuant to Section 15280(a) of Title 27. The report must address specified activities of the CUPA and its PA's, if any, during the past fiscal year (July 1 through June 30). Furthermore, pursuant to Section 15150(e)(14), each CUPA is required to have self-audit procedures (a description of how the CUPA will fulfill the reporting requirements) as an element of their CUPA application (policies and procedures).

**Request for self-audit reports:** Requests for self-audit reports, by the Secretary of California Environmental Protection Agency (Cal/EPA) or other state agency with Unified Program responsibilities, are required to be submitted within 60 days from the date of the request. The self-audit reports from the previous two fiscal years are usually requested and reviewed by the state agency evaluators prior to CUPA evaluations.

**Elements and organization of the self-audit report:** The self-audit report is a narrative summary of the review of program element activities, including: the effectiveness of permitting, inspection, and enforcement activities undertaken; narrative summary of the single fee system and fee accountability program; and program deficiencies with a plan of corrective actions for those deficiencies.

The elements of the self-audit are presented in this guidance document in the order that they appear in the regulations. However, the order that they appear in a self-audit report (see examples) may be more logically placed in a different order.

The elements of the self-audit report are briefly listed below and described thereafter.

- A. PA Evaluation
- B. Program Deficiencies with Corrective Action Plan
- C. Narrative Summary(ies)
  - 1. Permitting
  - 2. Inspections and Enforcement
  - 3. Single Fee System
  - 4. Discrepancies in Annual Reporting
  - 5. Fee Accountability Program
  - 6. Changes in local ordinances, resolutions and agreements
  - 7. Summary of new programs being included in the Unified Program, if applicable

#### **A. PA Evaluation**

The self-audit must assess the performance of the CUPA and any PA's within its jurisdiction pursuant to Title 27, Section 15280(b). Section 15330 of Title 27 states that the CUPA shall evaluate its PA's on an annual basis at the time of the self-audit pursuant to Section 15280 and the Health and Safety Code, Chapter 6.11. Therefore, *the CUPA needs to evaluate and include all aspects of the PA's program(s) within the CUPA's annual self-audit as outlined in items B and C below.*

#### **B. Deficiencies with a plan of correction**

Pursuant to Section 15280 (c)(1) of Title 27, the CUPA must *report any deficiencies they discover in its program performance and develop a plan of correction for each deficiency.* A corrective action plan is required in the self-audit report if deficiencies are noted during the CUPA's annual self-review. Examples of deficiencies may include:

- Inadequate PA program performance, including:
  - insufficient number of inspections completed;

- poor enforcement outcomes;
- inconsistencies among inspection staff;
- discrepancies or issues related to permitting activities, inspection or enforcement programs; the single fee system; and fee accountability, etc.;
- incomplete or inadequate administrative policies and procedures;
- inadequate information collection, retention and management; and/or
- missing required data elements on the Unified Program Consolidated Form (UPCF) or other required forms.

**Note:** However, a deficiency could be found for any other element required to be reviewed during the self-audit. **If deficiencies are noted during the annual review, a corrective action plan needs to be developed.**

### C. Narrative Summary(ies)

The CUPA is required to include a *narrative summary* of the effectiveness of its permitting, inspections, enforcement, and single fee system activities pursuant to Section 15280(c)(2) of Title 27. A narrative summary for each of these program areas may be completed independently, consolidated into a single narrative summary, or in any combination of narrative summaries. For example, some CUPA's include a narrative summary for permitting, inspection, and enforcement activities separately by activity, a few consolidate them all into one narrative summary, some provide this information in summaries by program element, and a few use a combination of these examples. There is no right or wrong format, as long as each of these activities is addressed in the form of a narrative summary.

The CUPA may also wish to highlight and briefly discuss any program accomplishments or areas of outstanding performance in this part of their self-audit report.

#### 1. Permitting:

In the self-audit report, a CUPA is required to include a *narrative summary* of the effectiveness of its permitting activities per, Section 15280 (c)(2)(A) of Title 27. Keep in mind that the purpose of the consolidated Unified Program Facility Permit is to provide businesses with the following:

- A consolidated permit application package,
- A single point of contact for permit applicants,
- Consolidation of permits into a single permit,
- Timely review and decision on the consolidation permit,
- Efficient methods of transmitting the permit, and
- Consistent permitting throughout the state.

The following examples of permitting activities may be addressed in this narrative summary:

- How effective was the permitting program in meeting the purpose of the permit program;
- An explanation of what permit application forms were accessed;
- Any changes in how owners/operators submitted application forms;

- What permit issuance processes worked effectively;
- Activities taken to ensure the timeliness of the issuance of permits;
- What activities have been implemented to identify and regulate new businesses under the Unified Program elements;
- The number of facilities, per program element, that were issued new permits (do not include renewals) or the number of new businesses added to any given program element; and
- The number of existing businesses that have closed.

Additionally, CUPA's are required to evaluate the coordination, consolidation, and consistency of the Unified Program facility permit process pursuant to Section 15190(h) of Title 27. Information obtained through this evaluation process is required to be considered and used in modifying the Unified Program facility permit when appropriate. This assessment and any modification to the CUPA's permit should be described in the permitting narrative summary portion of the self-audit report.

## 2. Inspections and Enforcement:

The CUPA is required to include, in their self-audit report, a ***narrative summary** of the effectiveness of its inspection and enforcement activities* pursuant to Section 15280(c)(2)(B) and (C) of Title 27. These can be completed independently, consolidated into one summary, or integrated according to individual summaries of each Unified Program elements. In this guidance document, the inspection and enforcement activities have been consolidated into one narrative summary to be consistent with the annual review and update requirements of the I&E Plan pursuant to Section 15200(b) of Title 27.

Since the CUPA's self-audit is required to include narratives discussing the effectiveness of the CUPA's inspection and enforcement activities and those activities should be based on and consistent with the I&E Plan, then this portion of the self-audit should essentially be an evaluation of the I&E Plan, and the two should be integrated.

These sections of the self-audit report should not reiterate the I&E Plan and "how" inspections and enforcement actions are done, but rather should summarize what "was" done, if it worked or what the outcome was, and if there are any needed improvements. However, if any deficiencies or problems are identified in the effectiveness of the inspection and enforcement activities during the self-audit, these should be incorporated in the annual review of and any updates to the I&E Plan. Even if there are no changes necessary to the I&E Plan, this section of the self-audit report is a good location to document that the review of the I&E Plan was completed. The following are examples of inspection and enforcement activities addressed in the narrative summary and may include:

- Any activities related to the elements required in the I&E Plan pursuant to Section 15200 of Title 27, such as:
  - Number or routine inspections conducted;
  - Number of other inspections;
  - Effectiveness of inspections in meeting the regulatory or I&E Plan mandated inspection frequencies for each program element;

- Effectiveness of inspections in providing complete and thorough inspections; providing observation, identification, and classification of all violations; and in providing proper and complete notification to the operator of violations and corrective actions necessary with deadlines;
- Effectiveness of inspection and enforcement programs in tracking inspections, violations, and enforcement activities and any necessary follow-up;
- Enforcement notification or coordination activities taken by the CUPA with prosecuting agencies;
- Enforcement actions taken and their results and/or effectiveness;
- Application of enforcement standards taken to ensure uniformity and coordination;
- Penalties assessed and collected for the formal enforcement actions taken, and consistency and predictability for similar violations and state statute and regulation requirements;
- Graduated series of enforcement actions taken and their effectiveness;
- Multi-media inspections and/or enforcement action taken;
- Activities taken for minimization or elimination of duplication, inconsistencies, and lack of coordination within the enforcement program;
- Coordination activities taken and enforcement efforts between the CUPA and any PA's; and,
- Enforcement cases referred to state or federal agencies.
- Description or clarification of information reported on the past fiscal year's Summary Report 3 for inspections and the Summary Report 4 for enforcement.
- Cross training conducted and interagency referral program activities taken to ensure adequacy.
- Effectiveness or issues in implementing electronic reporting.

### 3. Single Fee System

The CUPA is required to include, in their self-audit report, a ***narrative summary*** of the effectiveness of its single fee system pursuant to Section 15280(c)(2)(D) of Title 27. This may include the following:

- Any changes to or issues discovered related to the following required single fee system elements:
  - Local fees or the state surcharges;
  - Fees for other programs that have been incorporated into the Unified Program;
  - The single fee system's ability to cover the cost incurred by the CUPA in implementing and maintaining the Unified Program;
  - Variations in fees necessary and reasonable between jurisdictions;
  - Adjustments in fees to reflect changes in reasonable and necessary costs;
  - The level of service provided and the fees to fund the necessary and reasonable costs of the program, within the minimum requirements of the law;
  - Coordination of costs, fees and fund disbursement between the CUPA and any PA's;
  - Billing statements and itemization;
  - Non-recurring fees and billing;
  - CUPA and PA Fee Schedules;

- Fee Schedule distribution or availability to interested parties;
- Fee disputes between CUPA and PA's, between regulated business and the CUPA or PA, or between regulated business and state (surcharges) and their resolution;
- Surcharge dispute referrals to the Secretary; and
- State surcharge billing, collection and transmittal.
- Description or clarification of information reported on the Summary Report 2, particularly any discrepancies.
- Collections activities.
- Any changes to the single fee system deemed necessary.

#### 4. Discrepancies in Annual Reporting

Describe any discrepancies in the annual reporting that may be discovered during the self-audit of the inspection and enforcement activities, single fee system and Summary Reports 2, 3 and 4. If described in any of the sections discussed above, it does not need to be repeated here, but reference to the above sections may be appropriate and is helpful to reviewers.

The CUPA may wish to discuss effectiveness of, or issues encountered in, implementing electronic reporting.

#### 5. Fee Accountability Program

The CUPA is required to address within their self-audit report pursuant to Section 15280(c)(4), information regarding the annual review and update of the Fee Accountability Program required in Section 15220(a)(2) of Title 27. The CUPA should review and discuss any changes, issues or unusual incidents within, and/or the effectiveness of the Fee Accountability Program, including:

- The efficiency and the cost-effectiveness of the program for which the single fee and surcharges are assessed.
- The effectiveness of accounting for the fee schedule, the actual amount billed, the revenue collected, collections, and ability to adequately fund the program.
- Adequacy and/or effectiveness of annual funding, accounting and budgeting procedures.
- Adequacy and effectiveness of, or any changes to, the cost calculation methods, including:
  - The categorization of discrete billable services;
  - The number of regulated businesses in each program element;
  - The total number of regulated businesses;
  - The quantity and range of services provided, including frequency of inspections;
  - Analyses and updates of staff work hours required to implement the program (time/task analyses);
  - Direct program expenses including durable and disposable equipment;
  - Indirect program expenses including overhead for facilities and administrative functions; and
- Any updates required for the fee accountability program.

NOTE: Issues identified within the fee accountability, particularly revenue shortfalls or excesses, may be the basis for revisions of the Single Fee System and should be included in this section of the self-audit report.

6. Changes in local ordinances, resolutions and agreements

In the self-audit report, the CUPA is required to list or describe changes that may have occurred during the reporting period in local ordinances, resolutions and agreements affecting the Unified Program, if applicable.

7. Summary of new programs being included in the Unified Program, if applicable

In the self-audit report the CUPA is required to provide a summary of any new programs being included in the Unified Program, if applicable.

## **CHAPTER III**

### **CALARP PERFORMANCE AUDIT**

### III. CalARP PERFORMANCE AUDIT

**Purpose of CalARP performance audit:** The purpose of the audit is to provide the CUPA and state oversight agencies detailed information regarding the CUPA's implementation of the CalARP program during the fiscal year.

**Annual completion of CalARP performance audit:** The CUPA shall annually conduct an audit of its activities to implement the CalARP Program pursuant to Title 19, Section 2780.5. Like the Title 27 self-audit discussed previously, the CalARP performance audit is required every year and must cover activities of the previous fiscal year (July 1- June 30). One of the most frequent CUPA program deficiencies found during CUPA evaluations in the last several years have been not completing these audits or not addressing all the required elements.

**Request for annual reports:** Requests for self-audit reports by the Secretary of Cal/EPA or other state agency with Unified Program responsibilities shall be submitted within 60 days of notification. The self-audits from the previous two fiscal years are usually requested and reviewed by the various agency evaluators during the triennial CUPA evaluations.

**Elements of the CalARP performance audit:** The requirements for the audit are specified in Title 19, Section 2780.5 (see the regulations in the Appendix C). This audit may be a stand-alone document or it may be included in the overall CUPA program self-audit, but all requirements of the CalARP performance audit must be included.

Below is guidance for completing the CalARP performance audit. It simply parallels the regulations and required elements. The requirements include:

- An executive summary and a brief description of how the CUPA is meeting the requirements of the program as listed in Title 19, Section 2780.3, including:
  - Effectiveness of the administering agency (AA) program to ensure stationary source participation.
  - Effectiveness of the procedures for records management.
  - Type and amount of technical assistance provided to stationary sources.
  - Stationary source inspections which are conducted to ensure compliance with this program.
  - The AA process for public participation.
  - Other required program elements necessary to implement and manage this program.
  - Comments from interested parties regarding the effectiveness of the local program that raise public safety issues.
  - The impact of the CalARP in reducing/eliminating significant releases.
- A listing of stationary sources which have been audited.
- A listing of stationary sources which have been requested to develop risk management plans (RMP).
- A listing of stationary sources which have been inspected.
- A listing of stationary sources which have received public comments on the RMP.
- A list of new or modified stationary sources.

- A summary of enforcement actions initiated by the CUPA identifying each stationary source.
- A summary of the personnel and personnel years necessary to directly implement, administer and operate the CalARP program
- A list of those stationary sources determined by the CUPA to be exempt from the CalARP pursuant to Health and Safety Code, Section 25534(b)(2).

## **CHAPTER IV**

### **SUMMARY REPORTS**

## IV. SUMMARY REPORTS

**Purpose of the summary reports:** The purpose of the reports is to provide the state oversight agencies detailed information and data regarding all CUPA program activities during the past fiscal year. Some of the information is also used to provide inspection and enforcement information to U.S. Environmental Protection Agency as well.

**Summary reports completion:** Summary reports are required to be completed by the CUPA at the required frequency and submitted to the appropriate agency. Report 1 is submitted to the Secretary of Cal/EPA, care of the Air Resources Board, on a quarterly basis. Reports 2, 3 and 4 are submitted to Cal/EPA annually, and Report 6 is submitted to the State Water Resources Control Board (SWRCB) semi-annually. Some of the most frequent CUPA program deficiencies found during CUPA evaluations the last several years have been in completing these reports, with regards to accuracy and consistency. Many of the deficiencies appear to be misunderstandings of the definitions for data entries.

Attention to detail must be taken in completing the summary reports and to assure the numbers and information on one report and between the various reports are consistent and accurate. The reports must be filled out completely. Data entered need to be consistent with the definitions for the data element being entered. If a CUPA is unsure of the definition of a data element, they should refer to the instructions for the report, which may be found on the Cal/EPA website at <http://www.calepa.ca.gov/CUPA/Publications/>, or refer to the Title 27 data dictionary, which is also found on the Cal/EPA website at <http://www.calepa.ca.gov/publications/Title27/>. Both references are found in the appendices of this document.

After 2013, all CUPA's are required to conduct all reporting electronically, completion and submittal of the summary reports to the state will no longer be required. However, accurate and consistent identification, documentation and input of the data will be just as important. Therefore, as CUPA's are setting up and establishing their electronic reporting systems, they must ensure that the system accurately utilizes the Title 27 data dictionary definitions for data elements. Furthermore, as field staff conducts and documents inspection and enforcement activities, they too must accurately and consistently utilize the Title 27 data dictionary definitions for inspection and enforcement data elements.

**Organization and structure of the summary reports:** The forms are incorporated into the Title 27 regulations. Some of the data blocks for the reports are defined in the Title 27 data dictionary. Detailed instructions for completion of the reports have also been developed and provided by the oversight agencies and are readily available on Cal/EPA's website. They are also included in Appendix B of this document.

This section will discuss each report in numerical order. Completion of each column will be discussed utilizing the definitions contained in the instructions for completion of each report and the Title 27 data dictionary. At the conclusion of each report section, a brief discussion of the most frequently noted deficiencies will be provided. Most deficiencies however appear to be inconsistent interpretation and understanding of the definitions of the data elements.

**Request for summary reports:** Report 1, which is not an "annual report", is required to be submitted quarterly with surcharge payments to the State of California. Reports 2, 3 and 4 are required to be submitted to Cal/EPA annually, by September 30, for the preceding fiscal year (July 1 through June 30). Report 6 is required to be submitted to the SWRCB semi-annually, by March 1 and September 1. After 2013, all CUPA's are required to conduct all reporting electronically, and completion and submittal of the summary reports will no longer be required.

**Summary reports:** Below is guidance for completing all of the reports. It is provided by report and by column within each report. The guidance is consistent with the regulations and instructions for the reports. Again, it is important to take the time and be thorough in completing these reports and ensure that the data are consistent and accurate. All data needs to be in the appropriate element and consistent with the definitions for the element.

## **Report 1**

The Surcharge Transmittal Report, using Report 1, provides state surcharge information and is submitted to the State quarterly along with payments for surcharges collected during the previous quarter. Report 1 is not defined in the data dictionary, but it is self-explanatory and the instructions for Report 1 can be found at <http://www.calepa.ca.gov/CUPA/Documents/R1Instruct.pdf> and in Appendix B.

There have been few deficiencies noted during CUPA evaluations regarding this report. Those that have occurred have generally been in the annual submittal of the report rather than the required quarterly submittal of the report.

NOTE: This report must be submitted quarterly to the State of California along with any surcharges collected during the previous quarter. If there have been no surcharges collected during a quarter, no report is due for that quarter.

## **Report 2**

The Annual Single Fee Summary Report, using Report 2, provides a summary of single fees and surcharges assessed and collected during the previous fiscal year. Report 2 is not defined in the data dictionary; it is self-explanatory and the instructions for Report 2 may be found at <http://www.calepa.ca.gov/CUPA/Documents/R2Instruct.pdf> and in Appendix B.

A few deficiencies regarding Report 2 do occur. These usually involve:

Mathematical Errors:

**Complete the Reports carefully and double check numbers and math.**

Large discrepancies between the amount billed and amount collected:

If there are a lot of fees and surcharges not being collected, the CUPA needs to implement some process for collection of those fees.

Large discrepancies between the number of regulated businesses in each program element (column #1 of Report 3) and the surcharge billed for each element:

The CUPA needs to be thorough in completing the forms to ensure that all numbers and the math are accurate. All businesses that fall within a program for which surcharges are charged must be assessed the surcharge, unless waived and reported appropriately. The totals on this form should equal the total of all Surcharge Transmittal Reports (Report 1) submitted for the reporting fiscal year.

**NOTE:** If any of these conditions exist for a reason, they should be explained in the self-audit report under the “Discrepancies in Annual Reporting” section.

From the instructions for Report 2 (with additional notes in bold):

**Surcharge-** This section of the report provides data on the state surcharge for CUPA oversight, CalARP, and underground storage tank (UST). The rows and columns of this section provide totals of the state surcharge that the CUPA has billed, waived, and/or collected from regulated businesses during the previous fiscal year. This section also includes the total amount of the state surcharge remitted and that is still owed to the state for the previous fiscal year. Provide the following surcharge information for each of the elements in this section of the report. The totals on this form should equal the total of all Surcharge Transmittal Reports (Report 1) submitted for the reporting fiscal year.

"Total amount of surcharge billed" – enter the total assessed amount of surcharge to all regulated businesses for the reporting fiscal year.

"Total amount of surcharge waived" – enter the total amount of surcharge waived for the reporting fiscal year.

**This column is not where non-payment or collections should be reported – that would be the difference between the amount billed and amount collected, or discussed in the Self-audit. Furthermore, surcharges may be waived only if no single fee is charged for the same business. Therefore, if surcharges have been waived, a comparable amount of single fee should also have been waived.**

"Surcharge collected" – enter the total amount of surcharge collected for the reporting fiscal year.

"Total collections remitted to State" – of the amount that was collected, enter the total amount that was remitted to the State for the reporting fiscal year. *This amount should equal the sum of all Report 1's submitted throughout the reporting fiscal year.*

"Total amount owed to State" – enter the total amount owed to the State for the reporting fiscal year.

**This should be the difference between the Total Surcharge Collected and the Total Collections Remitted to the State.**

“Total Regulated Business” – enter the total number of UP regulated businesses within the jurisdiction for the reporting fiscal year. If a regulated entity is no longer in business but was doing business in that fiscal year, even for one day, it should be counted as a regulated business.

**This is any business subject to the requirements of the Unified Program. A business subject only to local requirements would not be counted as a regulated business for purposes of the summary report(s).**

### **Report 3**

The Annual Inspection Summary Report, using Report 3, provides summary inspection information for each program element. The instructions for Report 3 can be found at <http://www.calepa.ca.gov/CUPA/Documents/R3Instruct.pdf> and in Appendix B. See also the data dictionary section in Appendix A.

Frequent deficiencies are found during CUPA evaluations regarding Report 3. Most deficiencies on this report appear to be the result of a lack of consistent or accurate interpretation and use of the definitions for the required elements. The most common deficiencies are mainly due to misunderstanding the distinction between the “number of regulated businesses inspected” versus the “number of routine inspections” and accurately reporting both of these. See below for the definitions of these columns and what should be reported. Another deficiency is accurately reporting the “number of other inspections”.

From the instructions for Report 3 (with additional notes in bold):

All *program elements* of every regulated business should be reflected in all columns. This means that a regulated business would be counted in every row that is applicable to that business.

**These are the Unified Program elements described in state statutes and regulations.**

"No. of Regulated Businesses in each Program Element" – Every program element in a regulated business should be reflected in this column. Please refer to the specific instructions for each row when completing this column. The count of UP regulated businesses in each program element may include a count of the same businesses multiple times, once for each applicable program element.

**In other words, this should include the total number of all businesses within the jurisdiction subject to the requirements of each program element. For CalARP, the number of stationary sources should be entered (not the number of businesses,**

**which may be less than the number of stationary sources - CalARP businesses may own several stationary sources).**

"No of Regulated Businesses Inspected in each program element" – For each business location each program element inspection should be counted once. Only one inspection per element may be counted per State fiscal year. Any type of inspection may be counted. Multiple non-contiguous locations of a business are counted separately for purposes of counting inspections.

**This should include the total number of *businesses or facilities* within the jurisdiction that received any kind of an inspection (routine or other) during the fiscal year for each program element. It is NOT the total number of inspections in a reporting fiscal year. A business or facility that has been inspected more than once within a year for a program element only counts as one business inspected. If a business owns several facilities and each of the facilities were inspected, then the CUPA will need to enter each facility inspection. This number should not be more than the number of facilities/businesses regulated under each program element. Any kind of an inspection is counted, but it can only be counted once in each program element.**

"Number of Routine Inspections" – A routine inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements. If a business was inspected more than once during the reporting period, and each inspection was regularly scheduled, each inspection should be counted in this column. Do not count complaint or follow-up inspections in this category. Multiple non-contiguous locations of a business are counted separately for purposes of counting inspections.

**This is the total number of regularly scheduled routine compliance inspections conducted to evaluate compliance in each program element. Routine inspections are regularly scheduled pursuant to the regulations or the CUPA's I&E Plan and are those inspections counted to determine whether or not the CUPA has completed a sufficient number of inspections within each program element. Furthermore, the inspection should be a “complete” compliance inspection for each program element. A focused or partial program element inspection should be reported as an “other” inspection.**

If a routine inspection is scheduled for a regulated facility that is found to be no longer in business, an inspection should be counted in each of the appropriate program elements that applied to that business.

"% of Routine Inspections that Returned to Compliance w/in 90 Days" – This is the percentage of routine inspections with Class I and/or Class II violations that return to compliance within 90 days. In this percentage calculation, do not use routine inspections with “minor” violations that return to compliance within 90 days.

Do not include in the percentage routine inspections with Class I or Class II violations found that were not corrected within 90 days. Local standards do not apply to this

category for reporting purposes (Local standards may include standards that incorporate provisions of the Uniform Fire or Building Code).

**This is a "percentage", not "number".**

"Number of Other Inspections" – This is a count of other inspections such as complaint investigations, closure, release investigations, tank installation and/or removal oversight, tank cleaning, and follow-up inspections (**re-inspections**), or *other inspections that may be in addition to regularly scheduled (routine) compliance inspections (within each program element)*.

Number of Other Inspections does not include routine compliance inspections, field or site visits whose principle purpose is informational or educational, pollution prevention education, visits needed to verify administrative information or orient new owners and/or operators, or CalARP audits.

If a business was inspected more than once during the reporting period, and none of these inspections were regularly scheduled, then each inspection should be counted in this column by program element. Count all follow-up inspections conducted during the reporting period. Count any closure inspections conducted during the reporting period.

If a facility is found to be no longer in business upon follow-up to a complaint inspection, that follow-up inspection would be counted in this column for each program element that originally had a violation.

**Regularly scheduled inspections for focused or partial program element activities should be reported here, and not under “routine” inspections. A “complete” regularly scheduled routine compliance inspection conducted to evaluate compliance in a program element and intended to meet the mandated inspection frequency for the program element(s) must be reported as a “routine inspection”.**

NOTE: Much of the information required in Reports 3 and 4, along with some additional information, is also required to be submitted electronically to the Department of Toxic Substances Control (DTSC) or the Unified Program Data System (UPDS) website quarterly regarding the Resource Conservation and Recovery Act large quantity generators (RCRA LQG's) at <https://securecupa.calepa.ca.gov/UPDS/Web/Forms/Public/Login.aspx>. Even if no inspection or enforcement activities have been conducted, the CUPA still needs to report the information quarterly (such as a simple statement that “no inspection/enforcement has been conducted this quarter”).

#### **Report 4**

The Annual Enforcement Summary Report, using Report 4, provides a summary of enforcement information for each program element. The instructions for Report 4 may be found at <http://www.calepa.ca.gov/CUPA/Documents/R4Instruct.pdf> and in Appendix B. See also the data dictionary section in Appendix A.

Some of the most frequent deficiencies found during CUPA evaluations are from Report 4. Most deficiencies in this report appear to be the result of a lack of consistent or accurate interpretation and use of the definitions for the required elements. The most frequent deficiencies found within Report 4 are failure to adequately or accurately report the classification of violations (“Number of Facilities with Violation Type”) for all program elements and failure to adequately identify and report the “number of informal actions.” Sometimes, there are deficiencies in identifying and reporting within the various columns of the formal enforcement actions taken and the results of those actions, such as reporting local AEOs in AEO, or vice versa, reporting various referrals in the wrong columns and reporting penalties incorrectly.

From the instructions for Report 3 (with additional notes in bold):

"Number of Facilities with Violation Type" – Applies to all program elements. Enter the number of regulated facilities with one or more violations under each of the appropriate violation classes. The number entered should reflect the total number of facilities with each class of violations, not the total number of violations of each class. **This is the number of “facilities” with violations, not the total number of violations noted throughout the year. Care should be taken to accurately categorize and document the violation type and enter them in the correct column. For further discussion on the appropriate classification of violations, refer to the “Violation Classification Guidance for Unified Program Agencies,” which may be found on the Cal/EPA Unified Program and Cal CUPA Forum websites at <http://www.calepa.ca.gov/CUPA/Documents/Inspection/ViolationGuide.pdf> and <http://www.calcupa.net/civica/filebank/blobload.asp?BlobID=2382>.**

All facility inspections with minor violations need to be included. The number entered should reflect the total number of facilities with minor violations, not the total number of minor violations. If there are a number of informal enforcement actions, there should be some minor violations and/or Class II violations. Some of the electronic data systems have not been configured to pick up and document the minor violations and some other fields or data elements required for the summary reports.

"Number of Informal Enforcement Actions" – This should include all informal actions. Many CUPA’s significantly underreport this item.

Informal enforcement actions include anything that notifies the regulated business of its non-compliance and establishes an action and a date by which that non-compliance is to be corrected. Informal actions do not impose sanctions.

Informal enforcement actions, at the very least, should include all notices of violation and notices to comply. However, they may and should include letters, verbal warnings or notices, phone calls, summary of violations, office meeting (hearing), re-inspections and any other enforcement actions that do not extract a penalty (penalties do not include fees charged and paid for re-inspections).

CUPA's are required to have and follow an I&E Program Plan. They are required to review this plan annually and revise it as necessary. Most I&E Plans that followed the I&E guidance document have a definition of "informal" enforcement action similar to that listed above. Most also have a chart or table that shows all the enforcement options. This chart usually identifies those actions that are informal, and those which are formal enforcement actions. CUPA's should be following their I&E Plans and reporting enforcement actions on Report 4 consistent with the I&E Plan.

The number of informal actions on Report 4 should be equal to or greater than the number of facilities with minor and/or Class II violations as nearly every facility with violations should have some form of informal enforcement action taken at least once.

"Number of Formal Enforcement Actions" – Generally, all Class I violations should trigger some sort of formal enforcement action, following the graduated series of enforcement in a CUPA's I&E Plan.

Formal enforcement is an action that mandates compliance and initiates a civil, criminal, or administrative process, which results in an enforceable agreement or order. Enforceable means the instrument creates an independent, affirmative obligation to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated business. Examples include administrative orders (AEOs), and civil and criminal referrals to the appropriate prosecutor. Formal enforcement actions may also include Notice of Significant Violations (pertains to UST Red Tag), permit revocation, facility closure, business license revocation, quarantine, or referral to state or federal agencies.

Again, CUPA's are required to have and follow an I&E Plan. They are required to review the plan annually and revise it as necessary. Most I&E Plans that followed the I&E guidance document have a definition of "formal" enforcement action similar to that listed above. Most also have a chart or table that shows all the enforcement options. This chart usually identifies those actions that are informal, and those which are formal enforcement actions. CUPA's should be following their I&E Plans, and reporting enforcement on Report 4 consistent with the I&E Plan.

"Number of Local AEOs" – This is the total number of AEOs filed for each program element pursuant to local ordinances that may provide for local AEOs. Enter the number of administrative enforcement actions initiated during the reporting fiscal year by the local agency under local ordinance. Do not report the AEO enforcement actions taken pursuant to HSC, Section 25404.1.1.

"Number of AEOs" – This is the total number of AEOs for each program element filed pursuant to the Unified Program regulations and guidance. Enter the number of administrative enforcement actions taken pursuant to HSC, Section 25404.1.1. Any

enforcement actions that are taken pursuant to any other code sections may be counted as informal, administrative, civil, or criminal actions, but not as AEO.

"AEOs issued within 240 days" – This applies only to Hazardous Waste Generator Program categories. Report only those facilities in each of the Hazardous Waste Generator Program categories that were actually issued an AEO within 240 days of failure to comply.

"Number of Civil/Criminal Referrals"

*Total Number:* Enter the number of civil and/or criminal enforcement referrals initiated during the reporting fiscal year.

*Referred within 360 days:* Enter the number of civil and/or criminal enforcement referrals made during the reporting year to the City Attorney, County Counsel, or the District Attorney (DA) that were submitted within 360 days of non-compliance.

"Cash Fines/Penalties Imposed" – Enter the total amount of any fines/penalties imposed as the result of court or administrative actions, or the amount agreed upon in a formal legal settlement during the reporting fiscal year that the responsible party is required to pay in cash. This is based on the actual dollar amount of the fines/penalties. For multi-jurisdictional cases, the parties need to ensure that duplicative reporting does not occur. Do not include the value of supplemental environmental projects (SEPs) that are imposed in lieu of a portion of the cash fines/penalties. Do not include fines/penalties for any non-Unified Program violation.

For this column enter a dollar amount – this is a currency field. Only include fines/penalties imposed during the reporting fiscal year.

"Value of SEP Penalties Imposed" – Enter the total value of any SEPs that were imposed in lieu of a portion of the cash fines/penalties. For this column enter a dollar amount – this is a currency field. Only include SEP values imposed during the reporting fiscal year.

NOTE: Much of the information required in Reports 3 and 4, along with some additional information, is also required to be submitted electronically to the Department of Toxic Substances Control (DTSC) or the Unified Program Data System (UPDS) website quarterly regarding the Resource Conservation and Recovery Act large quantity generators (RCRA LQG's). at <https://securecupa.calepa.ca.gov/UPDS/Web/Forms/Public/Login.aspx>. Even if no inspection or enforcement activities have been conducted, the CUPA still needs to report the information quarterly (such as a simple statement that "no inspection/enforcement has been conducted this quarter").

## **Report 6**

The Semi-Annual UST Program Report, using Report 6, provides UST-specific inspection and enforcement (Red Tag) summary of CUPA activities. Report 6 is not defined in the data

dictionary. The instructions for Report 6 can be found at <http://www.calepa.ca.gov/CUPA/Documents/R6Instruct.doc> and in Appendix B. California SOC Matrices can also be found in Appendix B.

Biodiesel Variance reporting is now done with [Attachment 1](#) to Report 6 which can be found at [http://www.waterboards.ca.gov/water\\_issues/programs/ust/forms/docs/rpt6\\_att1.doc](http://www.waterboards.ca.gov/water_issues/programs/ust/forms/docs/rpt6_att1.doc) and includes the instructions. This report records the number of variances issued or withdrawn during the reporting period.

From the instructions for Report 6:

“Row 1: Regulated facilities with UST Systems”

Column A: Number of facilities pre-populated by State Water Board. If CUPA’s number is different please mark corrections in Footnote 1 below Row 4. State Water Board will show your adjustments in the next Report 6. Includes active and temporarily closed facilities.

Column B: Number of new active facilities opened this period only. Do not show corrections here.

Column C: Number of permanently closed facilities this period including both active and temporarily closed. Do not show corrections here.

“Row 2: Active Petroleum UST Systems”

Column A: Number of petroleum USTs pre-populated by State Water Board. If CUPA’s number is different please mark corrections in Footnote 1 below Row 4. State Water Board will show your adjustments in the next Report 6. Includes active and temporarily closed petroleum USTs. The number of USTs equals the number of fill pipes.

Column B: Number of new active (includes newly discovered even if permanently closed during the same period) petroleum USTs opened this period only. Do not show corrections here.

Column C: Number of permanently closed petroleum USTs this period including both active and temporarily closed. Do not show corrections here.

“Row 3: Active Non-Petroleum UST Systems”

Column A: Number of non-petroleum USTs pre-populated by State Water Board. If CUPA’s number is different please mark corrections in Footnote 1 below Row 4. State Water Board will show your adjustments in the next Report 6. Includes active and temporarily closed petroleum USTs. The number of USTs equals the number of fill pipes.

Column B: Number of new active (includes newly discovered even if permanently closed during the same period) non-petroleum USTs opened this period only. Do not show corrections here.

Column C: Number of permanently closed petroleum USTs this period including both active and temporarily closed. Do not show corrections here.

“Row 4: UST Facility Inspections”

Column B: Record the number of facilities inspected for Annual Compliance (Health and Safety Code section 25288) usually during the Annual Monitoring Certification conducted this reporting period only. Does not include follow-up enforcement, secondary containment test, installation/repair, and tank integrity test inspections.

“Row 4a: Facilities in significant operational compliance with release detection requirements only”

Column B: Record the number of facilities in SOC with release detection requirements only as identified in the California SOC Matrix. The Matrix can be found in [LG 164-1](#). To be counted in 4a there must be a release prevention violation found during the inspection even if it is corrected during the inspection.

“Row 4b: Facilities in significant operational compliance with release prevention requirements only”

Column B: Record the number of facilities in SOC with release prevention requirements only as identified in the California SOC Matrix. The Matrix can be found in [LG 164-1](#). To be counted in 4b there must be a release detection violation found during the inspection even if it is corrected during the inspection.

“Row 4c: Facilities in significant operational compliance with both release detection and release prevention requirements”

Column B: Record the number of facilities in SOC with both release detection requirements and release prevention requirements as identified in the California SOC Matrix. The Matrix can be found in [LG 164-1](#). To be counted in 4c there must no violations found during the inspection.

“Row 4d: Facilities with one or more violations of SOC release detection and release prevention requirements”

Column B: Record the number of facilities in SOC with at least one violation in both release detection requirements and release prevention requirements as identified in the California SOC Matrix. The Matrix can be found in [LG 164-1](#). To be counted in 4d there must at least two violations, at least one in release detection and at least one in release prevention, found during the inspection.

“Footnote 1: Corrections to any Row Column A”

If the number provided by the State Water Board in Column A for the previous reporting period is incorrect, make corrections in the text box on the right side of this area showing your correction as a + or – number. [Example: Row 2, Column A; +2, two existing active tanks were discovered during an in house audit. One of the tanks was permanently closed this period and is counted and entered in Row 2, Column C.] The State Water Board will adjust its database and will include the corrected number in the next reporting period. [For the Example above, if no other tanks were opened or closed, the new number provided in Row 2 Column A in the next Report 6 would be one more than shown in the previous Report 6.

“Row 5: Number of Red Tags Issued for Significant Violations”

Enter the number of red tags affixed this period only. Each fill pipe with a Red Tag affixed is counted in this number. Split tanks can have more than one Red Tag issued with the maximum number issued equal to the number of fill pipes.

Column 5a: Record the Name and Address of the facility, tank owner name, and tank operator name.

Column 5b: Record the Identification Number of the Red Tag.

Column 5c: Record the date the Red Tag was affixed

Column 5d: Record the date the Red Tag was removed, only if the Red Tag was affixed and removed during this reporting period

Column 5e: Identify the Significant Violation for which the Red Tag was issued with the number 1, 2, or 3. If more than one violation identify the most significant violation.

Significant violation for which the red tag was issued:

1. a violation threatening or causing a liquid release;
2. a violation impairing the ability of the UST system to detect a release; or
3. a violation that is chronic or that was committed by a recalcitrant violator.

Enter the contact information if a different CUPA/PA person completed the Red Tag data.

Some of the most frequent deficiencies or issues found during the review of submitted Report 6 are: not submitting the Report 6 which will result in an evaluation deficiency, the reporting of corrections to facility and tank numbers, and the compliance percentage found during inspections. Also there is undercounting of Red Tags issued.

The numbers provided by the State Water Resources Control Board for facilities and tanks in Rows 1 -3 of Report 6 are what the SWRCB currently has in its database. The CUPA may have different totals at the start of the reporting period from those shown. The CUPA should report those corrections to the published totals in the text box found in Footnote 1 not in Rows 1 - 3. CUPA's may erroneously show changes to facility or tank numbers by showing corrections for previously unknown facilities or tanks in Column B, New, which will reflect incorrect reporting of new and adjusted facility/tank numbers in the SWRCB report to the USEPA. Also, CUPA's may not list previously unknown tanks which are permanently closed during a period in Footnote 1 (as well as Column C where they should be listed). This data omission in Footnote 1 will result in underreporting the number of active tanks in the SWRCB database. Consequently, the next Report 6 sent out for the new reporting period will not show the correct number of tanks in the jurisdiction.

National (average of all states) Significant Operational Compliance (SOC) percentages for UST inspections is approximately 72 percent and California's is under 70 percent. CUPA's reporting SOC percentages above 90 percent may not be detecting all existing violations during the inspection or may be determining compliance at the end of the inspection when minor violations have been corrected. SOC is determined based on site conditions and operability at

the beginning of the inspection. If you are reporting near 90 percent SOC, please recheck your inspection records.

Red Tag numbers reported should include all Red Tags affixed to any fill pipe, not the number of facilities where Red Tags were issued. Do not just report one Red Tag for a facility if two or more Red Tags were affixed to fill pipes. **If a tank or facility is identified as being ineligible for delivery, deposit, or acceptance of product more than once in a reporting period, report each occurrence as an ineligibility determination.**

## **CHAPTER V**

### **INSPECTION & ENFORCEMENT I&E PLAN REVIEW AND UPDATE**

## V. I&E PLAN REVIEW AND UPDATE

**Purpose of the I&E Plan review and update:** Each CUPA is required to develop a written plan to implement the inspection and enforcement program. The purpose of the review and update of the I&E Plan is to keep the document a current, accurate, meaningful and useful. The plan should be used for consistency in implementing the CUPA program (i.e. between different inspectors) and to provide guidance to new or replacement staff. Furthermore, it helps to define inspection and enforcement actions (i.e. formal and informal enforcement actions) for data collection, tracking and reporting on the annual reports (particularly Report 4).

The I&E Plan is a tool used by a CUPA and Unified Program evaluators to evaluate a CUPA's, and any PA's, overall implementation of inspections and enforcement within all the Unified Program elements. The plan should be current and accurately describe all inspection and enforcement activities and processes that the CUPA are implementing and utilizing. The I&E Plan review and updates should be used as a means for continued program improvement.

The CUPA's self-audit is required to include narratives discussing the effectiveness of the CUPA's inspection and enforcement activities and those activities should be based on and consistent with the I&E Plan. Therefore, the portion of the self-audit regarding effectiveness of the inspection and enforcement activities should essentially be an evaluation of the I&E Plan, and the two should be integrated. As discussed in the self-audit chapter of this document, the self-audit is a good location to document the review and update of the I&E Plan, especially when there are no updates to the I&E Plan.

**I&E Plan review and update completion:** The Inspection and Enforcement Program Plan shall be reviewed annually, at a minimum, by the CUPA pursuant to Title 27, Section 15200(b). The CUPA shall update the plan as necessary. The CUPA shall consult with and reach consensus with the participating agency prior to any changes that affect program elements for which the participating agency is responsible.

The plan was required to be developed and implemented in cooperation with all participating agencies of the jurisdiction. The review and any updates must likewise be conducted in cooperation with all participating agencies.

**Organization/Structure of the I&E Plan review and update:** There are no regulatory requirements for the organization or structure of the review or updates of the I&E Plan. However, there are required elements of an I&E Plan, and they should all be reviewed. The review should be documented in some format. If no changes or updates to the Plan are necessary, the review could be documented in the CUPA's self-audit report. Updates to the I&E Plan should be consistent with the organization and structure of the existing I&E Plan, unless an entirely new I&E Plan is generated. A recommended organization and structure of the I&E Plan is contained in the Guidance Document for Inspection and Enforcement prepared in 2008 by the Unified Program Inspection and Enforcement Steering Committee and found at <http://www.calepa.ca.gov/CUPA/Documents/Inspection/IEGuide.pdf>  
<http://www.calcupa.net/civica/filebank/blobdload.asp?BlobID=2581>.

**Request for I&E Plan review and update:** Requests for I&E Plans by the Secretary of Cal/EPA or other state agency with Unified Program responsibilities shall be submitted within 60 days of notification. The I&E Plans are usually requested and reviewed by the various agency evaluators during the triennial CUPA evaluations.

**I&E Plan reviews and updates:** All required elements of the I&E Plan (Title 27, Section 15200) should be reviewed and updated as necessary. Those elements include:

- (1) Provisions for administering all program elements.
- (2) All program element inspections shall be conducted according to the standards contained in statute and regulation:
- (3) A schedule of the inspection frequencies to be conducted that shall, at a minimum, meet the inspection frequencies mandated in statutes,
  - (A) If there is no mandated inspection frequency, inspection frequency scheduling shall consider the following: local zoning requirements, population density, local ground water conditions, identified hazards of a type of business, quantity and types of hazardous materials, emergency response capability, compliance history, and any other pertinent local issues.
- (4) Coordination of inspection efforts between the CUPA and its participating agencies.
- (5) Enforcement notification procedures that ensure:
  - (A) Appropriate confidentiality; and
  - (B) Coordination and timely notification of appropriate prosecuting agency(ies).
- (6) Identification of all available enforcement options.
- (7) Uniform and coordinated application of enforcement standards.
- (8) Identification of penalties and enforcement actions that are consistent and predictable for similar violations and no less stringent than state statute and regulations.
- (9) A graduated series of enforcement actions that may be taken by the UPAs, based on the severity of the violation.
- (10) Provisions for multi-media enforcement.
- (11) A description of how the CUPA minimizes or eliminates duplication, inconsistencies, and lack of coordination within the inspection and enforcement program.
- (12) Provisions for coordinating enforcement efforts between the CUPA and its participating agencies.

For further details of what should be considered or included in each of the above items, refer to the Inspection and Enforcement Program Guidance Document on the Cal/EPA and the Cal CUPA Forum websites at <http://www.calepa.ca.gov/CUPA/Documents/Inspection/IEGuide.pdf> and <http://www.calcupa.net/civica/filebank/blobdload.asp?BlobID=2581>.

Frequent deficiencies regarding the I&E Plans found during the CUPA evaluations include:

1. Inadequate reporting of informal and formal enforcement. These terms should be defined within the CUPA's I&E Plan and the enforcement options available to the CUPA.
2. Inconsistent use of "all available enforcement options". These are either not adequately described, or just not being followed.
3. Failure to implement a graduated series of enforcement actions. These can be inadequate description of the series or processes, but more frequently is simply a failure to implement

a graduated series of enforcement actions for major, significant, Class I or Class II violations as outlined in the I&E Plan.

Any discrepancies or deficiencies identified in the inspection and enforcement elements of the self-audit, discussed earlier under the self-audit chapter of this document, should also be addressed in the review and update of the I&E Plan. The inventory of businesses regulated within the different program elements will probably need to be revised regularly. If no changes to the I&E Plan are necessary, the self-audit would be a good location to document the review of the I&E Plan.

## **APPENDICES**

**APPENDIX A**

**REGULATIONS**

## A. REGULATIONS

### A.I. Regulatory Outline (By Activity or Element)

1. Self-Auditing – Title 27, Section 15280
  - A. *PA Evaluation - Title 27, Section 15280(b)*
  - B. Deficiencies with a plan of correction - Title 27, Section 15280 (c)(1)
  - C. Permitting effectiveness - Title 27, Section 15280 (c)(2)(A) [see also Title 27, Section 15150(e)(9) Permit Plan in Application, and Title 27, Section 15190 Permit Process]
  - D. Inspection & Enforcement program effectiveness - Title 27, Section 15180(c)(2)(B) and (C) [see also Title 27, Section 15150(e)(10), and 15200]
  - E. Single Fee System – Title 27, 15180(c)(2)(D). [see also Title 27, Sections 15150(e)(12), 15150(f), and 15210]
  - F. Discrepancies in Annual Reporting - Title 27, Section 15180(c)(3) [see also Title 27, Section 15150(e)(14) and 15290]
  - G. Fee Accountability - Title 27, 15180(c)(4)[see also Title 27, Section 15150(e)(11) and 15220]
  - H. Changes in local ordinances, resolutions and agreements - Title 27, Section 15180(c)(5)
  - I. Summary of new programs being included in UP, if applicable - Title 27, Section 15180(c)(6)
2. CalARP Audit – Title 19, Section 2780.5
  - A. Executive Summary
  - B. Brief description of how meeting program requirements (see also Title 19, Section 2780.3)
    - 1) Effectiveness of AA program to ensure stationary source participation
    - 2) Effectiveness of the procedures for records management
    - 3) Type and amount of technical assistance provided to stationary sources
    - 4) Stationary source inspections which are conducted to ensure compliance with the program
    - 5) The AA process for public participation
    - 6) Other program elements necessary to implement and manage the program
    - 7) Comments from interested parties regarding the effectiveness of the program that raise safety issues
    - 8) The impact of the CalARP in reducing/eliminating significant releases
  - C. Lists and summaries (Title 19, Section 2780.5(b)(1-8))
    - 1) A listing of stationary sources which have been audited.
    - 2) A listing of stationary sources which have been requested to develop RMPs.
    - 3) A listing of stationary sources which have been inspected.
    - 4) A listing of stationary sources which have received public comments on the RMP.
    - 5) A list of new or modified stationary sources.

- 6) A summary of enforcement actions initiated by the AA identifying each stationary source.
  - 7) A summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP Program.
  - 8) A list of those stationary sources determined by the AA to be exempt from the chapter pursuant to Section 25534(b)(2).
3. Annual Reporting – the Title 27, Section 15290)
    - A. Report 1
    - B. Report 2
    - C. Report 3
    - D. Report 4
    - E. Report 6
  4. Inspection & Enforcement Plan
    - A. Inspection & Enforcement Plan (Content) – Title 27, Section 15200(a) (in coordination with PA)
      - 1) Provisions for administering all program elements
      - 2) Inspections conducted according to standards
      - 3) Schedule of inspection frequencies
      - 4) Coordination of inspections between CUPA and PA
      - 5) Enforcement notification procedures
      - 6) Identification of all available enforcement options
      - 7) Uniform and coordinated application of enforcement standards
      - 8) Identification of penalties and enforcement actions that are consistent and predictable for similar violations
      - 9) Graduated series of enforcement actions that may be taken by the UPA's, based on the severity of the violation
      - 10) Provisions for multi-media enforcement
      - 11) Description of how the CUPA minimized or eliminates duplication, inconsistencies, and lack of coordination within the inspection and enforcement program
      - 12) Provisions for coordinating enforcement efforts between the CUPA and PA's
    - B. Review and Update – Title 27, Section 15200(b) (in coordination with PA)

A.II. California Code of Regulations (List of Regulations in Appendix)

- Title 19, Division 2, Chapter 4.5. **Section 2780.5** Performance Audit (CalARP)
- Title 19, Division 2, Chapter 4.5. **Section 2780.3** Maintenance of Administering Agency Authorization and Reporting
- Title 27 Division 1, Subdivision 4 Chapter 1, Article 2. Definitions, **Section 15110**. Unified Program Definitions
- Title 27 Division 1, Subdivision 4 Chapter 1, Article 5. Implementation and Maintenance of the Unified Program, **Section 15190**. Permitting
- Title 27 Division 1, Subdivision 4 Chapter 1, Article 5. Implementation and Maintenance of the Unified Program, **Section 15200**. Inspection and Enforcement
- Title 27 Division 1, Subdivision 4 Chapter 1, Article 5. Implementation and Maintenance of the Unified Program, **Section 15210**. Single Fee System
- Title 27 Division 1, Subdivision 4 Chapter 1, Implementation and Maintenance of the Unified Program, **Section 15220**. Fee Accountability Program
- Title 27 Division 1, Subdivision 4 Chapter 1, Article 6. CUPA Self-Auditing and Reporting, **Section 15280**. Self-audit
- Title 27 Division 1, Subdivision 4 Chapter 1, Article 6. CUPA Self-Auditing and Reporting, **Section 15290**. Reporting
- Title 27, Div 3, Subdivision 1, Chapter 5 **Data Dictionary**

## California Code of Regulations

### TITLE 19. DIVISION 2. CHAPTER 4.5

#### **Section 2780.3 Maintenance of Administering Agency Authorization and Reporting.**

In assessing the performance of an AA, OES shall consider the following:

- (a) Effectiveness of the AA program to ensure stationary source participation.
- (b) Effectiveness of the procedures for records management.  
Final CalARP Program Regulations June 28, 2004 Page 75
- (c) Type and amount of technical assistance provided to stationary sources.
- (d) Stationary source inspections which are conducted to ensure compliance with this program.
- (e) The AA process for public participation.
- (f) Other required program elements necessary to implement and manage this program.
- (g) Comments from interested parties regarding the effectiveness of the local program that raise public safety issues.
- (h) The impact of the CalARP in reducing/eliminating significant releases.

### TITLE 19. DIVISION 2. CHAPTER 4.5

#### **Section 2780.5 Performance Audit Submission (Cal ARP)**

- (a) Beginning in fiscal year 1998 (July 1, 1998 - June 30, 1999), the AA *shall annually conduct an audit of its activities to implement the CalARP Program*. This audit is subject to the periodic review carried out pursuant to Section 25404.4(a)(1) of HSC.
- (b) An audit report shall be compiled annually based upon the previous fiscal year's activities and shall contain an executive summary and a brief description of how the AA is meeting the requirements of the program as listed in Section 2780.3. The audit shall include but is not limited to the following information:
  - (1) a listing of stationary sources which have been audited.
  - (2) a listing of stationary sources which have been requested to develop RMPs.
  - (3) a listing of stationary sources which have been inspected.
  - (4) a listing of stationary sources which have received public comments on the RMP.
  - (5) a list of new or modified stationary sources.
  - (6) a summary of enforcement actions initiated by the AA identifying each stationary source.
  - (7) a summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP Program.
  - (8) a list of those stationary sources determined by the AA to be exempt from the chapter pursuant to Section 25534(b)(2).

TITLE 27 DIVISION 1, SUBDIVISION 4 CHAPTER 1

ARTICLE 2. DEFINITIONS

**Section 15110. Unified Program Definitions**

(a) Applicant Agency means a county, city or other qualified local agency that is applying to the Secretary to become a Certified Unified Program Agency.

(b) Certified Unified Program Agency or CUPA means the agency certified by the Secretary to implement the Unified Program in a specified jurisdiction, pursuant to Health and Safety Code chapter 6.11.

(c) Data Collection. For the purposes of this division, terms related to the Unified Program information have the following meaning:

(1) Data elements are the information components required by applicable statutes or regulations.

(2) Data transmission protocol means a standard for sharing electronic data.

(3) Electronic reporting or sharing of data means transferring data or information using an electronic or magnetic media.

(4) File format means how data is packaged in any mode.

(5) Format means the order, arrangement, style, and organization of the data elements comprising the Unified Program Consolidated Form.

(6) Media means the type of device used to share data from the source to a recipient. Examples include telecommunications transmissions, such as e-mail or direct computer-to-computer links and magnetic media such as disks, diskettes, tapes, and CD ROM.

(7) Mode means the method by which data is shared. Common modes include e-mail, diskette, tape, and CD ROM. Mode encompasses the file format and data transmission protocol.

(8) Multi-media means more than one environmental surrounding (air, water, or soil).

(d) Enforcement Actions. There are two types of Unified Program enforcement actions:

(1) Formal Enforcement means a civil, criminal, or administrative action that mandates compliance, imposes sanctions, and results in an enforceable agreement or order. Enforceable agreement or order means the instrument creates an independent, affirmative obligation to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated business.

(2) Informal Enforcement means a notification to the regulated business of non-compliance and establishes an action and a date by which that non-compliance is to be corrected. Examples include a letter or notice of violation. These actions do not impose sanctions.

(e) Inspection Types. There are two types of Unified Program inspections, which for reporting purposes are mutually exclusive:

(1) Routine Inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements.

(2) Other Inspection includes, but is not limited to, regulatory field activity such as complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations. It does not include routine inspections or field or site visits whose principal purposes are informational or educational, pollution prevention education, verification of administrative information, or orientation of new owners or operators. "Other Inspection" also includes verification inspections for the administrative requirement of Health and Safety Code section 25270.5, subdivision (c), for owners and operators of aboveground storage tanks to prepare a spill prevention control and countermeasure plan.

(f) Participating Agency (PA) means a state or local agency that has a formal agreement with the CUPA to implement one or more program elements as part of the Unified Program.

(g) Program Element means one of the six sets of requirements listed in section 15100(a) or any other requirements incorporated pursuant to Health and Safety Code chapter 6.11, section 25404.2(d).

(h) Regulated Business means any of the following:

(1) "person" as defined in:

(A) the Hazardous Waste Management Program, Health and Safety Code section 25118;

(B) the California Hazardous Substances Tax Law, Revenue and Taxation Code part 22, division 2, section 43006;

(C) the HMRRP program, title 19, section 2650;

(D) the CalARP program, Health and Safety Code section 25532(m);

(E) the UST program, Health and Safety Code section 25281(l); and

(F) the AST program, Health and Safety Code section 25270.2(f).

(2) "business" as defined in the HMRRP program, Health and Safety Code sections 25501(d) and 25501.4.

(3) "facility" as defined in the UST program, Health and Safety Code section 25281(f).

(4) "tank facility" as defined in the AST program, Health and Safety Code section 25270.2(l).

(5) "hazardous waste facility" as defined in the Hazardous Waste Management program, Health and Safety Code section 25117.1.

(6) "stationary source" as defined in the CalARP program, California Code of Regulations, title 19, section 2735.3(uu).

(i) Signed or signature for purposes of electronic submissions means any symbol, including a digital signature defined in Government Code section 16.5, executed or adopted by a party with present intention to authenticate a writing.

(j) Surcharge means an element of the single fee assessed by the CUPA on each regulated business that covers the necessary and reasonable cost of the state agencies in carrying out their responsibilities pursuant to Health and Safety Code section 25404.5(b).

(k) Unified Program Agency (UPA) is the Certified Unified Program Agency (CUPA) or participating agency (PA) that implements one or more Unified Program elements.

(l) Unified Program Consolidated Form (UPCF) is a standardized set of forms to be used by CUPAs to collect Unified Program information from regulated businesses. The UPCF is a single, comprehensive format that consolidates business-to-CUPA reporting requirements within the Unified Program.

(m) Unified Program Data Dictionary (data dictionary) defines data elements, data field size and type, and edit criteria for regulatory data that shall be collected and retained by a CUPA. It has the following sections:

(1) Business Section: for information reported from businesses to CUPAs. [Div. 3, subd. 1, chs. 1-4]

(2) CUPA Section: for CUPA-to-state reporting of CUPA activities or other information that shall be collected and retained by a CUPA and reported pursuant to section 15290. [Div. 3, subd. 1, ch. 5, Unified Agency Reporting]

(n) Unified Program Facility Permit means those permits issued under the Unified Program. The permit may be a single permit or multiple permits in a single package which shall minimize duplicate information. It includes the underground storage tank permit, permit-by-rule, and any other permit or authorization requirements found under any local ordinance or requirement relating to the generation or handling of hazardous waste or materials. The Unified Program Facility Permit does not include the permitting requirements of a local ordinance that incorporates provisions of the Uniform Fire or Building Code.

#### TITLE 27 DIVISION 1, SUBDIVISION 4 CHAPTER 1

#### ARTICLE 5. IMPLEMENTATION AND MAINTENANCE OF THE UNIFIED PROGRAM

##### **Section 15190. Permitting**

(a) The UPA shall issue a Unified Program facility permit in accordance with these regulations.

(b) The CUPA shall consolidate the permits issued under the Unified Program utilizing the Unified Program facility permit.

(c) The CUPA shall provide for a single point of local contact for permit applicants. The program shall provide for a coordinated and consolidated permit process that provides regulated businesses a single point of local contact for obtaining information on, the requirements for, and the application process for the Unified Program facility permit.

(d) The UPA shall provide a Unified Program facility permit application package for the specific requirements of regulated businesses.

(1) The permit application may be presented as a single form, designed to transmit multi-program information, or it may be multiple forms arranged into a single package.

(2) The CUPA shall utilize the applicable sections of the UPCF and, if necessary, additional information to collect the required information for a permit application.

(e) The CUPA, in cooperation with the participating agencies, shall ensure timely decisions regarding Unified Program facility permits, including:

(1) Time lines and time limits of appeal processes;

(2) Provisions for preliminary check for application completeness;

(3) Provisions for technical review of permit applications by the responsible agency;

- (4) A procedure for tracking permit applications, establishing follow-up protocol, and facilitating expeditious processing, when necessary.
- (f) The CUPA shall identify and utilize efficient methods of transmitting the permit.
- (g) The CUPA shall establish a permit cycle.
- (h) The CUPA shall evaluate the coordination, consolidation and consistency of the Unified Program facility permit process.
  - (1) Information obtained through the permit evaluation process shall be considered and used in modifying the Unified Program facility permit when appropriate.
- (i) The Unified Program facility permit shall include:
  - (1) The applicable program element(s) and authorizations that make up the Unified Program facility permit;
  - (2) The agency responsible for issuing the Unified Program facility permit;
  - (3) The permitted facility by business name and address;
  - (4) The permit issuance date;
  - (5) The permit expiration date; and
  - (6) An addendum used to document permit conditions for each applicable element of the Unified Program.
- (j) The CUPA shall address any coordination, consolidation, or consistency issues not specifically addressed above.
- (k) If required, the CUPA shall use the Consolidated Contingency Plan format pursuant to Health and Safety Code section 25503.4 and Government Code section 8670.36.5 et seq.
  - (1) The Consolidated Contingency Plan format developed by the CUPA shall be substantially equivalent to the format developed by OES pursuant to Health and Safety Code section 25503.4, when that format has been adopted.
  - (2) The CUPA shall accept plans submitted by businesses in the Consolidated Contingency Plan format adopted by OES pursuant to Health and Safety Code section 25503.4.

TITLE 27 DIVISION 1, SUBDIVISION 4 CHAPTER 1

ARTICLE 5. IMPLEMENTATION AND MAINTENANCE OF THE UNIFIED PROGRAM

**Section 15200. Inspection and Enforcement**

- (a) The CUPA shall develop *a written plan to implement an inspection and enforcement program*. The plan shall be developed and implemented in cooperation with all participating agencies of the jurisdiction. The plan shall include:
  - (1) Provisions for administering all program elements.
  - (2) The following types of inspections shall be conducted according to the standards contained in statute and regulation:
    - (A) Hazardous waste generator inspections [refer to Health & Saf. Code, §§ 25150, 25159; Cal. Code Regs., tit. 22, div. 4.5, ch. 12];
    - (B) Inspection of onsite hazardous waste treatment activities under the CE, CA, and PBR tiers of Tiered Permitting [refer to Health & Saf. Code, §§ 25200.3, 25201.5 Cal. Code Regs., tit. 22, div. 4.5, ch. 45];

- (C) UST Program inspections [refer to Health & Saf. Code, § 25288; Cal. Code Regs., tit. 23, div. 3, ch. 16, § 2712 et seq.];
- (D) HMRRP Program inspections [refer to Health & Saf. Code, § 25500 et seq.];
- (E) CalARP Program inspections [refer to Health & Saf. Code, § 25533 et seq.];
- and
- (F) Other inspections that may be consolidated pursuant to Health and Safety Code section 25404.2(a)(4).

(3) A schedule of the inspection frequencies to be conducted that shall, at a minimum, meet the inspection frequencies mandated in statutes, as shown in figure 1.

(A) If there is no mandated inspection frequency, inspection frequency scheduling shall consider the following: local zoning requirements, population density, local ground water conditions, identified hazards of a type of business, quantity and types of hazardous materials, emergency response capability, compliance history, and any other pertinent local issues.

Figure 1 – MANDATED INSPECTION FREQUENCIES		
Program Element	Inspection Frequency	Statutory Reference
Hazardous Waste Generator Program	No mandated frequency	
Hazardous Waste Treatment Activities – PBR, CA and CE	At least once every three years	Health and Safety Code section 25201.4(b)
UST Program	Annually	Health and Safety Code section 25288(a)
HMRRP and Inventories Program	At least once every three years	Health and Safety Code section 25508(b)
CalARP Program	At least once every three years	Health and Safety Code section 25537

- (4) Coordination of inspection efforts between the CUPA and its participating agencies.
- (5) Enforcement notification procedures that ensure:
  - (A) Appropriate confidentiality; and
  - (B) Coordination and timely notification of appropriate prosecuting agency(ies).
- (6) Identification of all available enforcement options.
- (7) Uniform and coordinated application of enforcement standards.

(8) Identification of penalties and enforcement actions that are consistent and predictable for similar violations and no less stringent than state statute and regulations.

(9) A graduated series of enforcement actions that may be taken by the UPAs, based on the severity of the violation.

(10) Provisions for multi-media enforcement.

(11) A description of how the CUPA minimizes or eliminates duplication, inconsistencies, and lack of coordination within the inspection and enforcement program.

(12) Provisions for coordinating enforcement efforts between the CUPA and its participating agencies.

(b) The Inspection and Enforcement Program Plan *shall at a minimum be reviewed annually* by the CUPA.

(1) The CUPA shall *consult with and reach consensus with the participating agency* prior to any changes that affect program elements for which the participating agency is responsible.

(2) The CUPA shall update the plan as necessary.

(c) The CUPA shall participate in a multi-media enforcement approach to the unified inspection and enforcement program in order to promote the effective detection, abatement and deterrence of violations affecting more than one environmental medium or regulatory scheme.

(d) In addition to the mandatory elements of Health and Safety Code division 20, chapter 6.5, the CUPA may integrate optional waste reduction and pollution prevention programs into the unified inspection and enforcement program.

(e) CUPAs are responsible for initiating enforcement actions when appropriate, but may also refer enforcement cases to the appropriate state or federal agency for their consideration.

(f) These regulations shall not limit the authority of any state agency to investigate alleged violations of state law. These regulations shall not limit appropriate state agencies from taking any other actions that are mandated, allowed, or authorized pursuant to state law.

## TITLE 27 DIVISION 1, SUBDIVISION 4 CHAPTER 1

### ARTICLE 5. IMPLEMENTATION AND MAINTENANCE OF THE UNIFIED PROGRAM

#### **Section 15210. Single Fee System**

(a) Each CUPA shall implement a single fee system within its jurisdiction. The single fee system will do the following:

(1) Consolidates all fees currently mandated in statute and regulation used for local implementation of the Unified Program.

(2) Consolidates any other fees levied by a local agency specifically to fund their implementation of the programs specified in Health and Safety Code section 25404(c).

- (b) The single fee system may be used to charge fees for programs that are not listed as Unified Program elements in Health and Safety Code section 25404.5(c), if those programs are incorporated into the Unified Program.
- (c) The single fee system may reflect variations in cost to implement and maintain programs for different regulated businesses.
- (1) Fee schedules shall be based on factors associated with the cost of implementing and maintaining programs.
  - (2) Fees may differ from one jurisdiction to the next, based on the necessary and reasonable costs to implement the Unified Program.
  - (3) The fee schedule may be adjusted by the CUPA to reflect changes in reasonable and necessary costs.
- (d) Provided the single fee system meets the minimum requirements of the law, a CUPA or a participating agency has the authority to determine the level of service it will provide and to set its fees to fund the necessary and reasonable costs of its program.
- (e) Each PA shall notify the CUPA of its program costs.
- (f) The CUPA shall ensure that all funds collected on behalf of the PA are forwarded to the PA.
- (1) The CUPA shall pay the PA within 45 days of receiving fees designated for the participating agency unless the PA and CUPA agree in writing to an alternate schedule.
- (g) Each billing statement shall itemize the fees by program element, if those fee elements are calculated separately.
- (h) Fees for non-recurring activities of the CUPA or PA such as, but not limited to, the fee for an initial permit or special inspection, may be billed separately from the single fee billing.
- (i) The governing body of the CUPA shall establish the fee schedule for businesses regulated under the Unified Program. The governing body of the CUPA shall utilize the fee schedules established by the PAs and authorize the collection of those fees.
- (j) The CUPA or PA shall make fee schedules available to interested parties upon request.
- (k) The CUPA shall prepare and implement a plan to resolve fee disputes that arise between the CUPA and PAs, between a regulated business and either the PA or the CUPA, or between a regulated business and the state regarding the state surcharge.
- (1) The CUPA shall attempt to resolve disputes involving the surcharge in the same manner used to resolve local fee disputes. Those disputes regarding the state surcharge that cannot be resolved locally may be referred to the Secretary for resolution.
    - (A) Disputes referred to the Secretary shall be in writing and shall include a recommendation for resolution.
- (l) The single fee system shall include mechanisms for the billing, collection, and transmittal of the state surcharge.
- (1) The CUPA may show the state surcharge as a separate item or items within the single fee billing.

TITLE 27 DIVISION 1, SUBDIVISION 4 CHAPTER 1  
ARTICLE 5. IMPLEMENTATION AND MAINTENANCE OF THE UNIFIED PROGRAM  
**Section 15220. Fee Accountability Program**

(a) Each CUPA shall implement a fee accountability program designed to encourage efficient and cost-effective operation of the program for which the single fee and surcharge are assessed.

(1) The fee accountability program shall be instituted before the single fee system. The fee accountability program shall include at a minimum the following elements:

(A) Accounting for: the fee schedule, the actual amount billed, and the revenue collected.

(B) Discrete billable services, categorized as either site specific or general.

(C) Staff work hours required to implement the program.

(D) Direct program expenses including durable and disposable equipment.

(E) Indirect program expenses including overhead for facilities and administrative functions.

(F) The number of regulated businesses in each program element within the jurisdiction.

(G) Total number of regulated businesses in the jurisdiction.

(H) Quantity and range of services provided, including frequency of inspection.

(2) The CUPA and participating agencies shall annually review and update the fee accountability program.

TITLE 27 DIVISION 1, SUBDIVISION 4 CHAPTER 1

ARTICLE 6. CUPA SELF-AUDITING AND REPORTING

**Section 15280. Self-audit**

(a) The CUPA shall conduct an annual self-audit at the end of each state fiscal year and shall be maintained on file by the CUPA for a period of five years. Annual self-audit reports shall be completed by September 30 of each year. The time period covered by each self-audit is the state fiscal year from July 1 through June 30 of each year.

(1) The first self-audit report shall be produced by September 30 following a full year of operation as a CUPA.

(2) Upon written request of the Secretary or a state agency responsible for overseeing one or more program elements, the CUPA shall forward the self-audit to the person or agency making the request upon 60 days notice.

(3) For an agency authorized to continue its role, responsibilities, and authority for a program element or elements pursuant to Health and Safety Code sections 25404.3(f) or 25533(f), the self-audit shall only include information on the program element or elements that particular agency is authorized to continue to operate and shall not include information related to the surcharge or single fee system.

(b) *The self-audit shall assess the performance of the CUPA's and any PA's implementation of standards in statutes and regulations established by the Secretary or the state agencies responsible for one or more of the program elements.*

(c) *The self-audit report shall include:*

(1) *A report of deficiencies with a plan of correction.*

- (2) A *narrative summary of the effectiveness* of activities including, but not limited to:
- (A) *Permitting*; (see also 15190(h))
  - (B) *Inspections*;
  - (C) *Enforcement*; and
  - (D) The *single fee system*.
- (3) An *explanation of any discrepancies on the annual and quarterly reports* of program activities submitted to the Secretary pursuant to section 15290 and the Unified Program requirements for those activities.
- (4) The annual review and update of *the fee accountability program* as required by section 15220.
- (5) A record of changes in local ordinances, resolutions, and agreements affecting the Unified Program.
- (6) A summary of new programs being included in the Unified Program, if applicable.

Title 27 Division 1, Subdivision 4 Chapter 1

## ARTICLE 6. CUPA SELF-AUDITING AND REPORTING

### **15290. Reporting**

- (a) The CUPA shall submit the following reports for the previous fiscal year to the Secretary by September 30 of each year. The first reports shall be submitted by September 30 following a full state fiscal year of operation as a CUPA.
- (1) The Annual Single Fee Summary Report using Report 2. It includes:
- (A) The amount of the single fee billed and the amount collected.
  - (B) The amount of any funds due to PAs and the amount actually transmitted.
  - (C) The amount of surcharge billed, the amount of surcharge waived, and the amount of surcharge collected for each category identified in section 15240(c).
  - (D) If the CUPA believes that the number of regulated businesses will change significantly in the current year or in the next year, then estimates of those changes for each program element will be provided in a cover letter with Report 2.
  - (E) A count for the year of the report of the total regulated businesses, UST facilities, USTs, onsite hazardous waste treatment facilities (PBR, CA, and CE), CalARP program stationary sources, waivers granted to stationary sources, and businesses subject to the CalARP program surcharge.
- (2) Annual Inspection Summary Report, using Report 3, provides summary information for each program element. The hazardous waste element is separated into parts for generators, LQGs, recyclers, and onsite treatment as shown on Report 3. The summary information includes the number of regulated businesses, total number of inspections, routine inspections, other inspections, and the inspected businesses that returned to compliance within established standards after routine inspections. Established standards vary by program element and are found in either state law or regulations, or the CUPA may adopt more stringent standards by local ordinance or in its application for certification. The report also

collects total counts (not by program element) for these types of inspections: combined routine, joint, and integrated/multi-media; and a count of RMP audits for the CalARP program.

(3) Annual Enforcement Summary Report, using Report 4, provides summary information for each program element. The hazardous waste element is separated into parts for generators, LQGs, recyclers, and onsite treatment, as shown on Report 4. The summary information includes the number of facilities with violations by type of violation; the number of informal enforcement actions; the total number of administrative actions, civil and criminal referrals and enforcement actions, and the total amount of fines and penalties initially assessed and collected. For the Class I and II violations within the hazardous waste program, it also provides a count of the total number of formal enforcement actions that were initiated within 135 days from the first day of a routine inspection or after making a determination of the violations for a complaint investigation. (This last count excludes minor violations.)

(4) Reports 2 through 4 shall be submitted by the CUPA to the:  
California Environmental Protection Agency Unified Program Section  
U.S. Mail: 1001 "I" Street Sacramento, California 95814  
Express Mail: P.O. Box 2815  
Sacramento, California 95812

(b) On a semi-annual basis, each CUPA shall send information pertaining to local UST program implementation to SWRCB using Semi-Annual UST Program Report, Report 6. This report shall satisfy the requirements of Health and Safety Code section 25299.7(b) and California Code of Regulations, title 23, section 2713.

(1) Semi-Annual UST Program Report provides information on semi-annual changes to the count of regulated tank facilities; the number of active and permanently closed petroleum and non-petroleum tank systems; the number of completed UST facility inspections; a count of active UST facilities in compliance with release detection and release prevention requirements; and information regarding red tags issued pursuant to the California Code of Regulations, title 23, article 10.5. The CUPA will also review and verify the information shown from the previous reporting period and make any appropriate changes.

(2) The semi-annual reports shall be submitted by March 1 and September 1 to the:

State Water Resources Control Board Division of Water Quality, UST Program  
P.O. Box 2231 Sacramento, CA 95812- 2231

(c) The periodic reports required by this section shall be submitted in a paper form, unless the CUPA requests to submit the reports electronically and obtains the Secretary's prior approval of the file format.

(d) If the CUPA chooses to submit Reports 3, 4, and 6, required by section 15290, to the state in an electronic format, the CUPA shall:

(1) Meet the standards specified in sections 15185 and 15187;

(2) Submit the data using the same layout and present the required information in the same order and general sequencing for each page as shown on each report, or use a facsimile version thereof; and

(3) Collect and report all of the information found on the report that applies to the CUPA.

**Data Dictionary Title 27, Div 3, Subdivision 1, Chapter 5**

1. COMPLIANCE ACTIVITY INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
1	Facility ID Number	2 AN county 3 AN jurisdiction 6 AN facility number	11	AN	Number to allow cross linking of data. County and jurisdiction number from tax code list. This number is assigned by the CUPA. This is the unique number which identifies the facility.
2	EPA ID Number	12 digit identifier beginning with CA	12	AN	EPA identification number for businesses that generate, recycle, or treat hazardous waste. For facilities in California, the number should start with the letters CA. If the handler is regulated under Federal RCRA requirements, this ID must be the U.S. EPA identification number.
3	Business Name	Postal standard: 2 lines, 35 character	70	AN	Full legal name of business.
900	RCRA Large Quantity Generator (LQG) of Hazardous Waste	Y or N	1	AN	Indicates if facility generates 1000 kg of RCRA hazardous waste in a calendar month. Identification is based on the business notification of LQG activity to U.S. EPA. If the designation is incorrect, the CUPA cannot change the designation unless the business notifies U.S. EPA.
901	Generator of Solely California Hazardous Waste	Y or N	1	AN	Indicates if facility generates solely California hazardous waste and does not generate any RCRA waste.
902	CalARP Program: Stationary Source	Y or N	1	AN	Indicates if facility is a stationary source as defined by the CalARP program.
903	CalARP Program: Multiple Stationary Sources	Y or N	1	AN	Indicates if business operates multiple locations in this CUPA jurisdiction that are stationary sources as defined by the CalARP program.

904	CalARP Program: RMP Waiver Determination	Y or N	1	AN	Indicates if the CUPA has waived the requirement for a Risk Management Plan for this stationary source (a RMP waiver).
-----	--	--------	---	----	--

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYP E	INFORMATION DESCRIPTION
1	Facility ID Number	2 AN county 3 AN jurisdiction 6 AN facility number	11	AN	Number to allow cross linking of data. County and jurisdiction number from tax code list. This number is assigned by the CUPA. This is the unique number which identifies the facility.
3	Business Name	Postal standard: 2 lines, 35 characters	70	AN	Full legal name of business.
905	Program Element	a = Hazardous Materials Release Response Plans (HMRRP) b = California Accidental Release Prevention (CalARP) c = Underground Storage Tank (UST) d = Spill Prevention Control and Countermeasures (SPCC) / Aboveground Storage Tank e = Hazardous Waste Generator f = Hazardous Waste RCRA Large Quantity Generator (RCRA LQG) (subset of Hazardous Waste Generator) g = Hazardous Waste Recycler h = Permit by Rule	1	AN	Program elements inspected. Enter one program element only. For example, a facility inspected for compliance with UST, hazardous waste and hazardous materials storage regulations would have three records, one for each program element. Each record would have a unique set of violations, even though all inspections took place on the same date. For Tiered Permitting options enter the highest tier.

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
		(PBR) i = Conditionally Authorized (CA) (only available if PBR is not used) j = Conditionally Exempt (CE) (only available if PBR and CA are not used) k = Household Hazardous Waste (HHW)			
906	Inspection Date	YYYYMMDD	8	D	Date of completion of inspection.
907	Inspection Type	a = Routine b = Other	1	AN	Indicates if inspection is routine or other. A routine inspection is a regularly scheduled inspection to evaluate compliance. Does not include follow-up inspections. Other inspections include complaint investigations, closure, release investigations, tank installation and/or removal oversight, tank cleaning, and follow-up enforcement inspections, or other inspections that may be in addition to a regularly scheduled inspection. This includes verification inspections for owners/operators of aboveground storage tanks having to prepare a spill prevention control and countermeasure plan. It does not include regularly scheduled inspections, field or site visits whose principle purpose is informational or educational, pollution prevention education, or visits needed to verify administrative information or orient new owners or operators. A complaint inspection is a service request originating from any outside party, including the

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
					public, that initiates a site visit outside of the routine inspection cycle.
909	Pct RTC 90		3	N	Percent (whole number) of routine inspections with Class I or Class II Violations that Returns to Compliance within 90 Days.
910	Number of Class I Violations		2	N	A Class I violation means a deviation that represents a significant threat to human health or safety or the environment because of the volume of the material, the relative hazardousness of the material, or the proximity of the population at risk. The deviation must be significant enough that it could result in releases of material to the environment, material failing to be delivered to an authorized facility, failure to detect releases of material, inadequate financial resources in the case of releases of material, or inadequate financial resources to pay for facility closure, perform emergency cleanup operations or other corrective actions. A Class I violation is also a deviation that is a chronic violation or committed by a recalcitrant violator. A Class I violation is typically one that is could be referred to the District Attorney or City Attorney for formal enforcement action. Sanctions are typically imposed for failure to correct the violation. Class I violations are defined in the Health and Safety Code (HSC) section 25110.8.5.
911	Number of Class II Violations		2	N	A Class II violation means a deviation that is not a Class I violation. This count includes violations which would be considered minor, but are knowing, willful, or intentional, or enable the

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
					violator to benefit economically from noncompliance, either by reduced costs or competitive advantage. Do not include minor violations in this count. Class II violations are defined in 22 California Code of Regulations (CCR) 66260.10.
912	Number of Minor Violations		2	N	A minor violation means a deviation from any regulation, standard, requirement, or permit condition, that is not a Class I violation. Exclude from this count all violations where the violation is knowing, willful, or intentional, or enables the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage. These are counted as Class II violations. Also exclude any violation that is a chronic violation or that is committed by a recalcitrant violator, since these are counted as Class I violations.
913 a	Significant Operational Compliance	a = with only release detection b = with only release prevention c = with both release detection and release prevention d = No Significant Operational Compliance	1	AN	Indicates if facility contains significant operational compliance criteria for release detection, release prevention, or both based on the inspection.
913 b	Red Tag Issued	Y or N	1	AN	Indicates if a red tag was issued.
913 c	Red Tag Number		5	AN	Identification Number of the Red Tag affixed at the facility. If the tag # is only four digits, insert a zero (0) before the first number: 0xxxx.
913	Violations	1= violation	1	AN	Reason for affixing the red tag. Must be a

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
d	Causing Red Tag	threatening/causing liquid release. 2=violation impairing ability of UST system to detect a leak. 3=chronic violation or committed by recalcitrant violator.			significant violation.
913e	Date Red Tag Affixed	YYYYMMDD	8	D	Date Red Tag affixed to the fill pipe.
913f	Date Red Tag Removed	YYYYMMDD	8	D	Date Red Tag removed.
914	Type of Enforcement Action	a = Notice of Violation (NOV) Only b = AEO - Local Ordinance c = AEO - UP d = Referral to State Attorney General e = Referral to District Attorney f = Referral to County Council or City Attorney g = Referral to US Attorney h = Referral to State Agency I = Referral to Federal Agency j = Referral to Other	1	AN	A notice of violation (NOV) is an informal enforcement action taken by a CUPA. A NOV is written documentation that informs a business of non-compliance and establishes a date by which the non-compliance is to be corrected. A CUPA takes formal enforcement action on non-compliant businesses by Initiating administrative enforcement orders and/or referring the case to the State Attorney General, District Attorney, County Council or City Attorney, US Attorney, State Agency, Federal Agency, or other. A formal enforcement action mandates return to compliance by imposing punitive and criminal penalties to businesses that fail to comply. If more than one enforcement action is taken, the type and date of each action should be recorded.

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
917	Date Returned to Compliance	YYYYMMDD	8	D	Date physical compliance was determined by the CUPA for all violations identified during the inspection. This may not be based on a site visit, but is the date compliance was verified. It may be based on correspondence received from the regulated business.
917 a	Date a Referred Case Settled or Dropped	YYYYMMDD	8	D	Date a referred case is settled or dropped. No date means that the case is open.

3. ENFORCEMENT INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
1	Facility ID Number	2 AN county 3 AN jurisdiction 6 AN facility number	11	AN	Number to allow cross linking of data. County and jurisdiction number from tax code list. This number is assigned by the CUPA. This is the unique number which identifies the facility.
3	Business Name	Postal standard: 2 lines, 35 characters	70	AN	Full legal name of business.
905	Program Element	a = Hazardous Materials Release Response Plans (HMRRP) b = California Accidental Release Prevention (CalARP) c = Underground Storage Tank (UST) d = Spill Prevention Control and Countermeasures (SPCC) / Aboveground Storage Tank e = Hazardous Waste Generator f = Hazardous Waste Large Quantity Generator (LQG) (subset of Hazardous Waste Generator) g = Hazardous Waste Recycler h = Permit by Rule (PBR) i = Conditionally	2	AN	Program elements inspected. Enter one program element only. For example, a facility inspected for compliance with UST, hazardous waste and hazardous materials storage regulations would have three records, one for each program element. Each record would have a unique set of violations, even though all inspections took place on the same date. For Tiered Permitting options enter the highest tier.

		Authorized (CA) (only available if PBR is not used) j = Conditionally Exempt (CE) (only available if PBR and CA are not used) k = Household Hazardous Waste (HHW) - Fixed			
915	Date of Enforcement Action	YYYYMMDD	8	D	Date the enforcement action is taken. The date of enforcement action is the date the order is sent to the business, a final referral is made to the Attorney General, District Attorney or County Attorney, the complaint is filed with the court, or the date the administrative order is issued. If more than one enforcement action is taken, the type and date of each action should be recorded.
916	Type of Formal Enforcement Action	a = Administrative b = Civil c = Criminal d = Civil/Criminal	1	AN	Type of formal enforcement action.
918	Docket Number		13	AN	Number assigned by the court for civil and criminal actions.
919	Final Fine or Penalty Assessed		8	AN	Dollar amount of fine or penalty assessed. This is the final monetary penalty or fine assessed via court or administrative order, or the amount agreed upon in a formal legal settlement. It is based on the value of fines / penalties excluding costs. Round to nearest whole number. Do not use decimal places. Note the fine or penalty is by

					program element for each enforcement action at each facility, when available. Does not include Supplemental Environmental Projects (SEPs).
920	Supplemental Environmental Projects Value		8	AN	Dollar amount/value of SEPs.
921	Significant Non-Complier	Y or N	1	AN	Only applies to RCRA hazardous waste facilities. SNC is defined under federal rules.

## **Appendix B**

### **SUMMARY Reports Instructions**

## B. SUMMARY REPORTS INSTRUCTIONS

### Instructions for completing CUPA to State Summary Reports

#### REPORT 1: Surcharge Transmittal Report

Report 1 is to be completed and submitted to the Secretary for Environmental Protection (care of Air Resources Board) within 30 days of the end of each fiscal quarter. Report in the boxes only the amounts for the reporting fiscal year (FY). However, fees collected for previously billed fiscal years may be included at the bottom of report 1.

	Last Day of Quarter	Quarterly Surcharge Due to State
1 <sup>st</sup> Quarter (July, August, September)	September 30	October 30
2 <sup>nd</sup> Quarter (October, November, December)	December 31	January 30
3 <sup>rd</sup> Quarter (January, February, March)	March 31	April 30
4 <sup>th</sup> Quarter (April, May, June)	June 30	July 30

Please make checks payable to the *Secretary for Environmental Protection*. Send report 1 to the following address:

Air Resources Board  
Attn: Accounting  
P.O. Box 1436  
Sacramento, California 95812

Questions regarding this form should be directed to the Unified Program Section. Please call (916) 327-9559.

CUPA Oversight Component [27 CCR, section 15240(c)(1)]

Enter the amount of CUPA Oversight surcharge money being remitted for all regulated businesses subject to fees during the reporting fiscal year. Do not include amounts that were collected for any previously billed fiscal years in these boxes.

For example: Big Industry Company, Inc. possessing six offices with different locations within Niceville County CUPA's jurisdiction would pay 'CUPA Oversight amount' X 6 = \$ total surcharge owed. Each office location would be counted as a UP regulated business subject to the CUPA oversight service charge.

### Electronic Reporting [H&SC section 25404(e)(3)]

Enter the amount of Electronic Reporting surcharge money being remitted for all regulated businesses subject to fees during the reporting fiscal year. Do not include amounts that were collected for any previously billed fiscal years in these boxes.

For example: Big Industry Company, Inc. possessing six offices with different locations within Niceville County CUPA's jurisdiction would pay 'Electronic Reporting amount' X 6 = \$ total electronic surcharge owed. Each office location would be counted as a UP regulated business subject to the CUPA oversight service charge

### UST Component [27 CCR, section 15240(c)(2)]

Enter the amount of money being remitted for regulated businesses subject to the UST program element for the reporting fiscal year. Do not include amounts that were collected for previously billed fiscal years in the boxes.

For example: Big Industry Company, Inc. with six offices in different locations possessing 2 tanks per location within Niceville County CUPA and must pay 'UST Surcharge amount' X 2 X 6 = \$total amount owed. Each regulated tank would be subject to the UST oversight service charge.

### CalARP Component [27 CCR, section 15240(c)(3)]

Enter the amount of money being remitted for each business subject to the CalARP program element for the reporting fiscal year. Do not include amounts that were collected for previously billed fiscal years in the boxes.

For example: Six offices with different locations, each owned and operated by Big Industry Company, Inc, and each manufacturing chemicals, within Niceville County CUPA would pay 'CalARP Surcharge amount' X 1 = \$total amount. In this example Big Industry Company, Inc. is considered a single UP regulated business regardless of the number of stationary sources they operate (for purposes of the surcharge only). [Dependent upon the CUPA, each location could be charged the single fee amount]. If waived in this program element, fees are not collected except in the first year. Report first year CalARP fees collected in the appropriate fiscal year.

### Totals

Enter the sum of all three surcharge amounts.

Note: If there is additional money being remitted for previous fiscal years, follow the instructions on the next page.

Remitting amounts collected for previously billed fiscal years

Each billed fiscal year should receive a document identified by the fiscal year. If the billed fiscal year is unknown, simply leave the “fiscal year” blank and provide the surcharge program and the amount of money remitted on a separate document. If the billed fiscal year and the surcharge program are unknown provide the amount of money remitted on a separate document.

Surcharge Component	Fiscal Year					
	1998-1999	1999-2000	2000-2001	2001-2003	2003-2009	2009 - 2012
CUPA Oversight	\$10.00	\$10.00	\$10.00	\$17.50	\$24.00	\$24.00
Electronic Reporting	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00
UST	\$8.00	\$8.00	\$8.00	\$10.00	\$15.00	\$15.00
CalARP	\$105.00	\$105.00	\$105.00	\$200.00	\$270.00	\$270.00

\*Do NOT remit or include late fees collected for any program element or for state surcharge.

## Instructions for completing CUPA to State Summary Reports

### Report 2: Annual Single Fee Summary Report

Report 2 is to be completed and submitted annually to the Secretary for Environmental Protection by September 30<sup>th</sup> of each fiscal year, beginning one full year after the date of Certified Unified Program Agency (CUPA) certification. Report 2 reflects single fee data from the prior fiscal year that ended on June 30<sup>th</sup>.

Send to: California Environmental Protection Agency  
Unified Program Section  
1001 'I' Street  
P.O. Box 2815  
Sacramento, California 95812

#### General Information #1-5

For each Report 2 submitted to the Secretary, the CUPA must complete the following general information elements, which are located on the top of the report.

CUPA Jurisdiction – Provide the name of the CUPA submitting the report.

Completed By – Provide the first and last name of the person completing the report.

Telephone Number – Provide the telephone number of the person who completed the report.

Date Submitted – Provide the date the CUPA submitted the report.

Fiscal Year – Provide the fiscal year covered by the report.

**Single Fee-** This row of the report is for the total single fee billed, waived, and/or collected from all regulated businesses in the CUPA's jurisdiction during the recently ended fiscal year. The total single fee amounts include: (1) the CUPA's fees for their necessary and reasonable costs to implement and enforce the Unified Program; (2) the PA's fees for their necessary and reasonable costs to implement and enforce the Unified Program (if applicable); and (3) the State surcharges.

*Total amount of single fee billed* – enter the total amount of the single fee that was billed during the previous fiscal year.

*Total amount of single fee waived* – enter the total amount of single fee

that was waived during the previous fiscal year.

Total amount of single fee collected – enter the total amount of single fee collected during the last fiscal year, based on the amount that was billed in the previous year.

**Participating Agencies (PA)**- This row is only required if a CUPA has PA(s). If there are no PA(s), fill in each box with ‘not applicable’ (N/A). This line (row) of the report identifies the amount of the single fees that were billed on behalf of the PA(s). It also covers the PAs necessary and reasonable costs to implement and enforce one or more of the Unified Program elements.

*Total amount of single fee billed for PA(s)* – enter the total single fee amount, billed on behalf of the PA(s), for the previous fiscal year.

Total amount of single fee collected for PA(s) – enter the total single fee amount, collected on behalf of the PA(s), for the previous fiscal year.

Total amount of single fee remitted for PA(s) – enter the total single fee amount remitted to the PA(s) during the last fiscal year.

*Total amount of single fee still owed PA(s)* – enter the total single fee amount that was collected in the previous year but not remitted to the PA(s).

**Surcharge** This section of the report provides data on the State Surcharge for CUPA oversight, CalARP, and UST. The rows and columns of this section provide totals of the State Surcharge that the CUPA has billed, waived, and/or collected from regulated businesses during the previous fiscal year. This section also includes the total amount of the State Surcharge remitted and that is still owed to the state for the previous fiscal year. Provide the following surcharge information for each of the elements in this section of the report. The totals on this form should equal the total of all Surcharge Transmittal Reports (Report 1) submitted for the reporting fiscal year.

CUPA Oversight

*Total amount of surcharge billed* - enter the total assessed amount of surcharge to all regulated businesses, for the reporting fiscal year.

*Total amount of surcharge waived* – enter the total amount of surcharge waived for the reporting fiscal year.

*Surcharge collected* – enter the total amount of surcharge collected, for the reporting fiscal year.

*Total collections remitted to State* – of the amount that was collected, enter the total amount that was remitted to the State, for the reporting fiscal year. This amount should equal the sum of all report 1s submitted throughout the reporting fiscal year.

*Total amount owed to State* – enter the total amount owed to the State for the reporting fiscal year.

#### CalARP

*Total amount of surcharge billed* - enter the total assessed amount of surcharge to all regulated businesses, for the reporting fiscal year.

*Total amount of surcharge waived* – enter the total amount of surcharge waived for the reporting fiscal year.

*Surcharge collected* – enter the total amount of surcharge collected, for the reporting fiscal year.

*Total collections remitted to State* – of the amount that was collected, enter the total amount that was remitted to the State, for the reporting fiscal year. This amount should equal the sum of all report 1s submitted throughout the reporting fiscal year.

*Total amount owed to State* – enter the total amount owed to the State for the reporting fiscal year.

#### UST

*Total amount of surcharge billed* - enter the total assessed amount of surcharge to all regulated businesses, for the reporting fiscal year.

*Total amount of surcharge waived* – enter the total amount of surcharge waived for the reporting fiscal year.

*Surcharge collected* – enter the total amount of surcharge collected, for the reporting fiscal year.

*Total collections remitted to State* – of the amount that was collected, enter the total amount that was remitted to the State, for the reporting fiscal year. This amount should equal the sum of all report 1s submitted throughout the reporting fiscal year.

*Total amount owed to State* – enter the total amount owed to the State for the reporting fiscal year.

**Note:** The ‘total collections remitted to State’ is compared with the quarterly totals reported for the reporting fiscal year.

## COUNTS

**Total Regulated Businesses** – enter the total number of UP regulated businesses within the jurisdiction, for the reporting fiscal year. If a regulated entity is no longer in business but was doing business in that fiscal year, even for one day, it should be counted as a regulated business.

**Underground Storage Tanks** – enter the total number of UP tanks within the jurisdiction.

Underground Storage Tank Facilities – enter the total number of UP underground storage tank facilities within the jurisdiction.

**Permit by Rule** – enter the total number of permit by rule facilities within the jurisdiction.

Note: This is a count of facilities, not a count of the number of on-site treatment units. When ranking tiers, PBR is considered the highest tier, CA the next highest tier, and CE the lowest tier.

**Conditional Authorization** – enter the total number of conditional authorized facilities within the jurisdiction.

Note: This is a count of facilities, not a count of the number of on-site treatment units.

**Conditional Exemption** – enter the total amount of UP conditional exemption facilities within the jurisdiction. This includes any of the four CE categories: Conditionally Exempt Commercial Laundries (CECL), Conditionally Exempt Specified Wastestreams (CESW), Conditionally Exempt Small Quantity Treatment (CESQT), and Conditionally Exempt (CEL).

Note: This is a count of facilities, not a count of the number of on-site treatment units.

**CalARP – Total Stationary Sources** – enter the total number of stationary sources potentially subject to the Cal/ARP program.

Total Businesses Subject to CalARP Program Surcharge – enter the total amount of CalARP facilities that are subject to the surcharge within the jurisdiction.

Total Stationary Sources Granted a RMP Waiver Determination – enter the

total amount of the UP CalARP stationary sources that are exempt from the RMP, within the jurisdiction.

**Note:** These counts are compared with the numbers in Column 1(No. of Regulated Businesses) of Report 3.

The total dollar amount of CalARP surcharge billed and waived is compared to the number of 'CalARP facilities subject to the surcharge' and 'granted a RMP waiver' under counts.

## Instructions for completing CUPA to State Summary Reports

### **Annual Inspection Summary Report (Report 3)**

This report is to be submitted to the Secretary by September 30<sup>th</sup> of each year pursuant to Title 27, CCR, Section 15290(a)(2). Send to:

California Environmental Protection Agency  
Unified Program Section  
1001 'I' Street, P.O. Box 2815  
Sacramento, California 95814

All blank spaces that are not shaded must have a number count or use **N/A** and provide an explanation on a separate sheet of paper or on the bottom or back of the form.

### **INSPECTION SUMMARY**

All program elements of every regulated business should be reflected in all columns. This means that a regulated business would be counted in every row that is applicable to that business.

#### **Hazardous Materials Release Response Plans (HMRRP):**

These are businesses that are required to submit a HMRRP under Title 19 CCR, Section 2729.1.

Do not include businesses that are subject solely to local requirements.

#### **California Accidental Release Prevention (CalARP):**

Include all stationary sources that are subject to the CalARP program as defined in the CalARP regulations, Title 19 CCR Section 2735.4(a), and pursuant to Title 19 CCR Section 2745.1(d), regardless of whether or not the CUPA has waived the risk management plan requirement for that business pursuant to HSC Section 25534(b)(2)(A).

#### **Underground Storage Tank Facilities (UST):**

Include all facilities with one or more state/federally regulated Underground Storage Tank(s). Do not include tanks that are subject solely to local requirements.

#### **Aboveground Petroleum Storage Tank Facilities (SPCCs Only):**

Report AST facilities inspected where Spill Prevention Control and Countermeasure (SPCC) plan verifications were conducted.

## Hazardous Waste Generators

### **Generators (All):**

Provide the number of all hazardous waste generators (State and Federal) within the jurisdiction. (This category may include counts from some of the following categories)

### **RCRA Large Quantity Generators (LQG):**

Enter the total number of Federal RCRA LQGs within the jurisdiction. These are businesses that are hazardous waste generators pursuant to State and Federal definitions in CFR 40, CCR, Title 22 and HSC Chapter 6.5.

### **Onsite Hazardous Waste Treatment (PBR, CE, CA):**

These are businesses (generators) conducting hazardous waste treatment at the location where the waste is generated (onsite). Do not count Household Hazardous Waste operating under PBR in this row. Use the row at the bottom of the form entitled Household Hazardous Waste (HHW) –Permit-By-Rule (PBR). This on-site treatment is regulated under the permit by rule (PBR), conditional authorization (CA), and/or conditional exemption (CE) tier.

This is a per business count, not a per treatment unit count. For example: if a business has more than one treatment unit/tier, the business should be counted as **one** regulated business.

Do not count transportable treatment units (TTUs) or household hazardous waste (HHW) temporary events.

### **Recyclers:**

Provide the number of recyclers within the jurisdiction. This includes both on-site and off-site recyclers. Count any business only once in this category. Count all recycling facilities here regardless of whether or not they separately qualify as hazardous waste generators.

### **Household Hazardous Waste (HHW) -- Permit-BY-Rule (PBR):**

These are locations regulated under the HHW program as temporary events or permanent facilities. This type of entity is not counted as a generator.  
Do not count HHW activities authorized by variances.

### **Number of Regulated Businesses in each Program Element:**

Every program element in a regulated business should be reflected in this column. Please refer to the specific instructions for each row when completing this column.

The count of UP regulated businesses in each program element may include a count of the same businesses multiple times, once for each applicable program element.

*For example: Niceville County CUPA has 100 regulated businesses that are required to submit Hazardous Materials Release Response Plans (HMRRP). 75 of these are also Hazardous Waste Generators (HWG). This Column would reflect 100 for HMRRP and 75 for HWG.*

## **Number of Regulated Businesses Inspected in each Program**

### **Element:**

For each business location each program element inspection should be counted once. Only one inspection per element may be counted per State fiscal year. Any type of inspection may be counted.

Multiple non-contiguous locations of a business are counted separately for purposes of counting inspections.

*For example: If an inspector from Niceville County CUPA inspected Big Industry Company, Inc.'s main office six times in one year for HMRRP, the CUPA should count this as one business inspection. If the inspector inspected Big Industry Company, Inc. at its six separate locations, the CUPA should count this as six inspections.*

### **Number of Routine Inspections:**

A routine inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements. If a business was inspected more than once during the reporting period, and each inspection was regularly scheduled, each inspection should be counted in this column. Do not count complaint or follow-up inspections in this category.

Multiple non-contiguous locations of a business are counted separately for purposes of counting inspections.

*For example: During the Reporting FY, an inspector from Niceville County CUPA inspected Big Industry Company, Inc. on four regularly scheduled Hazardous Waste Generator inspections, and the CUPA also conducted two follow-up inspections and one complaint inspection for the hazardous waste generator program element. The CUPA would count each of the four inspections as four Routine Inspections for the hazardous waste generator program element. The two follow-up inspections and one complaint inspection would be counted as three "Number of Other Inspections" for the hazardous waste generator program element.*

If a routine inspection is scheduled for a regulated facility that is found to be no longer in business, an inspection should be counted in each of the appropriate program elements

that applied to that business.

### **% of Routine Inspections that Returned to Compliance w/in 90 Days :**

This is the percentage of routine inspections with Class I and/or Class II violations that return to compliance within 90 days. In this percentage calculation, do not use routine inspections with minor violations that return the compliance within 90 days.

Do not include in the percentage routine inspections with class I or Class II violations found that were not corrected within 90 days. Local standards do not apply to this category for reporting purposes.

*For example: Niceville County CUPA made 100 routine inspections of Hazardous Waste Generator (HWG) facilities in their jurisdiction during FY 05/06.20 inspections had no violations. A total of 55 inspections had Class 1, and/or Class 2 violations, and 25 had only minor violations. Of the 55 inspections that had Class 1 and/or Class 2 violations, only 17 RTC within 90 days. The % of Routine Inspections that Returned to Compliance within 90 Days was 31% of HWG routine inspections (17 / 55 =31%).*

### **Number of Other Inspections:**

This is a count of other inspections such as complaint investigations, closure, release investigations, tank installation and/or removal oversight, tank cleaning, and follow-up inspections, or other inspections that may be in addition to regularly scheduled compliance inspections.

“Number of Other Inspections” does not include routine compliance inspections, field or site visits whose principle purpose is informational or educational, pollution prevention education, visits needed to verify administrative information or orient new owners and/or operators, or CalARP audits.

If a business was inspected more than once during the reporting period, and none of these inspections were regularly scheduled, then each inspection should be counted in this column by program element. Count all follow-up inspections conducted during this reporting period. Count any closure inspections conducted during this reporting period.

*Example #1: If an inspector from Niceville County CUPA inspected Big Industry Company, Inc., a RCRA LQG, on a follow-up inspection regarding their RCRA LQG program and their UST program, the CUPA would report one count for the RCRA LQG program element, one count for the UST program element, and one count for Generators (All) program element since RCRA LQG is included in the Generators (All) program element.*

*Example #2: An inspector from Niceville County CUPA investigates a complaint about a business whose property is zoned for handling and/or generating hazardous materials and hazardous waste. The inspector inspects the business*

*for compliance with all applicable program elements only to find that the business is operating without an EPA ID number or a valid permit. The inspector completes an inspection report and issues a Compliance Letter/Notice of Violation/Notice to Comply with a deadline to obtain an EPA ID number and a valid operating permit from the CUPA. This complaint inspection is reported in this column as one count for the HMRRP program element and one count for the Generators (All) program element.*

If a facility is found to be no longer in business upon follow-up to a complaint inspection, that follow-up inspection would be counted in this Column for each program element that originally had a violation.

## Instructions for completing CUPA to State Summary Reports

### **Annual Enforcement Summary Report (Report 4)**

This report is to be submitted to the Secretary by September 30<sup>th</sup> each year pursuant to Title 27, CCR, Section 15290(a)(3). Send to:

California Environmental Protection Agency  
Unified Program Section  
1001 'I' Street, P.O. Box 2815  
Sacramento, California 95814

All blank spaces that are not shaded must have a number count or use **N/A** and provide an explanation for the use of N/A on a separate sheet of paper or on the bottom or back of the form.

### **Enforcement Summary**

Explanations of each of the program elements as stated in the rows of this report format can be found in the Annual Inspection Summary Report instructions.

### **VIOLATIONS INFORMATION**

#### **Number of Facilities with Violation Type**

##### **Class I – Applies to All Program Elements**

Enter the number of regulated facilities with one or more Class I violations, discovered during the reporting fiscal year. The number entered should reflect the total number of facilities with Class I violations, not the total number of Class I violations. Do not include any facilities with outstanding violations from previous fiscal years.

##### **Class II – Applies to All Program Elements**

Enter the number of regulated facilities with one or more Class II violations, discovered during the reporting fiscal year. The number entered should reflect the total number of facilities with Class II violations, not the total number of Class II violations. Do not include any facilities with outstanding violations from previous fiscal years.

##### **Minor- Applies to all Program Elements**

Enter the number of regulated facilities with one or more Minor violations discovered during the reporting fiscal year. The number entered should reflect the total number of facilities with Minor violations, not the total number of Minor violations. Do not include any facilities with outstanding violations from previous fiscal years.

### **ENFORCEMENT ACTIONS TAKEN**

#### **No. of Informal Actions**

Enter the number of informal enforcement actions that were initiated during the reporting fiscal year. Do not report the number of violations or the number of facilities

with violations. Informal enforcement actions include notices of violation, letters, phone calls, and any other enforcement actions that do not extract a penalty.

**No. of Formal Actions**

Enter the number of formal enforcement actions that were initiated. Report only the number of formal enforcement actions taken, and not the number of Class I or Class II violations documented during the reporting fiscal year. This includes Red Tags issued for the UST program element.

**Number of Local Administrative Enforcement Actions (AEO)**

Enter the number of administrative enforcement actions initiated during the reporting fiscal year by the local agency under local ordinance. Do not report the AEO enforcement actions taken pursuant to HSC, Section 25404.1.1.

**Total Number AEO**

Enter the number of administrative enforcement actions taken pursuant to HSC, Section 25404.1.1. Any enforcement actions that are taken pursuant to any other code sections may be counted as informal, administrative, civil, or criminal actions, but not as AEO.

**AEO Issued within 240 Days - Applies only to Hazardous Waste Generator Program Categories**

Report only those facilities in each of the Hazardous Waste Generator Program categories that were actually issued an AEO within 240 days of failure to comply.

**Number of Civil/Criminal Referrals**

**Total Number**

Enter the number of civil and/or criminal enforcement referrals initiated during the reporting fiscal year.

*For example: If a CUPA refers a HMRRP/RCRA LQG case to the City Attorney, County Counsel or the DA for a civil or a criminal enforcement action, count this as one civil or one criminal enforcement action under each program element or category that was cited in the case.*

*If a CUPA refers a HMRRP/RCRA LQG case to the City Attorney, County Counsel or the DA for civil or criminal enforcement, but the case is rejected and the CUPA then pursues an administrative enforcement action within the same reporting period, count these actions as one Civil/ Criminal Referral in this column for the referral, and one Administrative Action, in the "Number of Administrative Actions" column, for the HMRRP program element, and one AEO in the "Total Number AEO" column for the RCRA LQG program category.*

**Referred within 360 days**

Enter the number of civil and/or criminal enforcement referrals made during the reporting year to the City Attorney, County Counsel, or the DA that were submitted within 360 days of non-compliance.

**Cash Fines/Penalties Imposed**

Enter the total amount of any fines/penalties imposed as the result of court or administrative actions, or the amount agreed upon in a formal legal settlement during the reporting fiscal year that the R.P. is required to pay in cash. This is based on the actual dollar amount of the fines/penalties. For multi-jurisdictional cases, the parties need to ensure that duplicative reporting does not occur. Do not include the value of Supplemental Environmental Projects (SEPs) that are imposed in lieu of a portion of the cash fines/penalties. Do not include fines/penalties for any non-Unified Program violation.

For this column enter a dollar amount – this is a currency field. Only include fines/penalties imposed during the reporting fiscal year.

**Value of Supplemental Environmental Project (SEP) Penalties Imposed**

Enter the total value of any SEPs that were imposed in lieu of a portion of the cash fines/penalties.

For this column enter a dollar amount – this is a currency field. Only include SEP values imposed during the reporting fiscal year.

## Instructions for completing CUPA to State Summary Reports

### REPORT 6, Semi-Annual UST Program Report

Semi-annual reports must be submitted to the State Water Resources Control Board (State Water Board), Division of Water Quality, UST Program, PO Box 2231, Sacramento, California 95812-2231, by March 1 and September 1, pursuant to California Code of Regulations (CCR), Title 27, §15290(c).

#### **Top of Side One**

Enter the agency code, reporting period, name of the agency; the agency address, the CUPA/PA contact person, telephone number, and email address in the spaces provided.

#### **Row 1: Regulated Facilities with UST Systems**

Column A, Total Number Reported as of Previous Reporting Period: The number in this space is inserted by the State Water Board based on the number of active and temporarily closed facilities reported by the CUPA/PA in the previous reporting period. Please do not make corrections in this space.

Corrections to Previous Reporting Period Data: If the number provided in Column A for the previous reporting period is incorrect, make corrections in the text box below in Note 1 (as a + or – number). The State Water Board will adjust its database and will include the corrected number in the next reporting period.

Column B, Number of New Facilities this Reporting Period (+ only): Record the number of new active facilities. Report only new facilities opened during this reporting period.

Column C, Number of Permanently Closed Facilities this Reporting Period (+ only): Record the number of active and temporarily closed facilities that were permanently closed during this reporting period.

#### **Row 2: Active Petroleum UST Systems**

Active and temporarily closed petroleum UST systems consist of the tank and associated piping, ancillary equipment, and containment systems. These UST systems store petroleum substances that are new (as compared to used) products, including but not limited to gasoline, diesel, jet fuel, kerosene, and motor oil. The number of UST systems will be equal to the number of fill pipes at the facility.

Column A, Total Number as of Previous Reporting Period: The number in this space is inserted by the State Water Board, based on the number of active and temporarily closed petroleum UST systems reported by the CUPA/PA in the previous reporting period.

Corrections to Previous Reporting Period Data: If the number provided in Column A for the previous reporting period is incorrect, make corrections in the text box below in Note 1 (as a + or – number). The State Water Board will adjust its database and will include the corrected number in the next reporting period.

Column B, Number of New UST Systems this Reporting Period (+ only): Record the number of new active (includes newly discovered) UST systems. Report only new systems opened during this reporting period.

Column C, Number of Permanently Closed UST Systems this Reporting Period (+ only): Record the number of active and temporarily closed petroleum UST systems that were permanently closed during this reporting period.

### **Row 3: Active Non-Petroleum UST Systems**

Active and temporarily closed non-petroleum UST systems consist of the tank and associated piping, ancillary equipment, and containment systems. These UST systems store non-petroleum substances, including used oil, solvents, methanol, and other chemicals defined as hazardous substances in Health and Safety Code Section 25316. The number of UST systems will be equal to the number of fill pipes at the facility.

Column A, Total Number as of Previous Reporting Period: The number in this space is provided by the State Water Board, based on the number of active and temporarily closed Non-Petroleum systems reported by the CUPA/PA in the previous reporting period. Please do not make corrections in this space.

Corrections to Previous Reporting Period Data: If the number provided in Column A for the previous reporting period is incorrect, make corrections in the text box below in Note 1 (as a + or – number). The State Water Board will adjust its database and will include the corrected number in the next reporting period.

Column B, Number of New UST Systems this Reporting Period (+ only): Record the number of new active (includes newly discovered) UST systems. Report only new systems opened during this reporting period.

Column C, Number of Permanently Closed UST Systems this Reporting Period (+ only): Record the number of active and temporarily closed non-petroleum UST systems that were permanently closed during this reporting period.

## Row 4: UST Facility Inspections

Column B, Total Number of UST Facilities Inspected this Reporting Period: Record the number of facilities inspected during this reporting period only.

For significant operational compliance (SOC) inspection purposes, report a UST inspection only if it is the initial routine inspection conducted during the reporting period.

*Include* compliance inspections as long as release detection and release prevention methods, equipment, and records are checked (usually during the annual compliance inspection). Include inspections where the inspector checks UST records such as statistical inventory reconciliation (SIR), alarm history, cathodic protection system records, etc., and UST equipment for operability and/or running condition (e.g., console boxes, interstitial sensors, line leak detectors, cathodic protection systems).

Do not include re-inspections, installation inspections, piping only inspections, UST removal, UST cleanup activity, and corrective action inspections.

**NOTE:** The definition of inspection for significant operational compliance in Report 6 is NOT the same as the definitions of “routine” and “other” inspections in Report 3. There are reporting differences between the types of inspections reported on Report 3 and Report 6.

Compliance with federal SOC should be determined based on the condition of the site when the inspector begins the compliance inspection. If a violation is corrected while the inspector is conducting the inspection, the facility would not be in federal SOC because it was not in federal SOC at the beginning of the inspection. For example, if at the time of the initial inspection, certain leak detection equipment is discovered to be non-operational, yet is fixed or replaced during the inspection, the facility should not be reported as being in federal SOC. The facility must be in compliance with all relevant federal SOC measures when the inspector arrives to be counted as “in federal SOC.”

Row 4.a. Facilities in significant operational compliance with release detection requirements only: Record the number of facilities in SOC with only the release detection requirements based on inspections conducted this reporting period.

Row 4.b. Facilities in significant operational compliance with release prevention requirements only: Record the number of facilities in SOC with only the release prevention requirements based on inspections conducted this reporting period.

Row 4.c. Facilities in significant operational compliance with both release detection and release prevention requirements: Record the number of facilities in compliance with both the SOC release detection and release prevention requirements based on inspections conducted this reporting period.

Row 4.d. Facilities with one or more violations of SOC release detection and release prevention requirements: Record the number of facilities with one or more violations of both SOC release detection and release prevention requirements based on inspections conducted this reporting period.

**Bottom of Side One: No Red Tags Issued**

Place a checkmark in the box provided, if no Red Tags were issued during the reporting period.

**Top of Side Two**

Enter the agency code number and the reporting period in the spaces provided.

**Row 5: Number of Red Tags Issued for Significant Violations**

Row 5: Number of Red Tags Issued for Significant Violations: Record the number of red tags issued to UST facilities during this reporting period only.

For each facility receiving a red tag, enter the following information:

Column 5.a. Name and address of facility, tank owner name, and tank operator name;

Column 5.b. Identification number of the red tag;

Column 5.c. Date the red tag was affixed;

Column 5.d. Date the red tag was removed (if removed this reporting period); and

Column 5.e. Significant violation for which the red tag was issued:

1. a violation threatening or causing a liquid release;
2. a violation impairing the ability of the UST system to detect a release; or
3. a violation that is chronic or that was committed by a recalcitrant violator.

**Bottom of Side Two**

Enter the name of the CUPA/PA contact person, telephone number, and email address in the spaces provided, if different from the contact for other Report 6 data.

## SOC Matrices for California

### Part I - Release Detection Matrix

A release detection method is present and operational. The release detection system meets minimum Federal performance standards. (See Requirements Below)

If underground storage tanks (USTs) are in temporary closure, yet still contain product, release detection requirements are being met. (See Requirements Below)

The Local Agency has been notified of suspected releases as required. (Cal. Code Regs., tit. 23, § 2650.) [40 C.F.R. § 280.40(b).]

Release detection records are available. (To be in significant operational compliance, must have records for the two most recent consecutive months and for 8 of the last 12 months.) [40 C.F.R. §§ 280.41(a), 280.45(b).]

Hazardous substance USTs are double-walled. (Cal. Code Regs., tit. 23, § 2631, subd. (a).), [40 C.F.R. § 280.42(b).]

#### **TANK Leak Detection Methods [40 C.F.R. § 280.43.]**

##### **Interstitial Monitoring [includes traditional and vapor, pressure, and hydrostatic (VPH) systems]**

Sensors are properly located to detect a release. (Cal. Code Regs., tit. 23, §§ 2630, subd. (d), 2632, subd. (c), 2641, subd. (a) OR Health & Saf. Code, § 25290.1 subd. (e)), [40 C.F.R. §§ 280.43(g)(1), 280.43(g)(2), 280.40(a)(1).] **AND**

Sensors are operational. (Cal. Code Regs., tit. 23, § 2638 OR Health & Saf. Code, § 25290.1 subd. (e).) [40 C.F.R. §§ 280.43(g)(1), 280.43(g)(2), 280.40(a)(2)]

##### **Statistical Inventory Reconciliation (SIR) [40 C.F.R. §§ 280.43(h)(1)-(2), 280.41(a).]**

SIR is performed properly. (Cal. Code Regs., tit. 23, §§ 2646.1, 2643, subd. (b)(3)) **AND**

Biennial 0.1 gph tank integrity test performed properly. (Cal. Code Regs., tit. 23, § 2643(b)(3), 2643.1, 2646.1, subd. (g).) **AND**

Non-passing results are reported and properly investigated. (Cal. Code Regs., tit. 23, §§ 2646.1, subd. (d)-(f), 2646.1, subd. (h).) [40 C.F.R. § 280.40(b)]

##### **Automatic Tank Gauging [40 C.F.R. §§ 280.40(a)(1)-(2), 280.43(d)(1).]**

0.2 gph monthly tank gauging test performed. (Cal. Code Regs., tit. 23, § 2643, subd. (b)(1).) **OR**

0.1 gph monthly tank gauging test **AND** manual inventory reconciliation properly performed.

(Cal. Code Regs., tit. 23, § 2643, subd. (b)(2).)

##### **Manual Tank Gauging (for USTs with 1,000-gallon capacity or less) [40 C.F.R. §§**

**280.43(b)(1), 280.43(b)(3)-(5).]**

Weekly manual tank gauging performed properly. (Cal. Code Regs., tit. 23, § 2645.) **AND**

If necessary, tank integrity test conducted. (Cal. Code Regs., tit. 23, § 2645, subd. (d)(3).)

##### **Vadoze Zone (Vapor) Monitoring [40 C.F.R. §§ 280.43(e)(3), 280.43(e)(6).]**

### Part I - Release Detection Matrix (continued)

Vadoze zone monitoring system properly installed and monitored. (Cal. Code Regs., tit. 23, §§ 2647, 2649.)

**Ground Water Monitoring** [40 C.F.R. §§ 280.43(f)(2), 280.43(f)(7).]

Ground water monitoring system properly installed and monitored. (Cal. Code Regs., tit. 23, §§ 2648, 2649.)

**PIPING Leak Detection Methods [280.44]**

**Double-Walled Pressurized Piping (includes traditional and VPH systems)**

[40 C.F.R. §§ 280.40(a)(2), 280.43(g)(1), 280.43(g)(2), 280.44(a).]

ALL three of the following:

Interstitial monitoring properly conducted. (Cal. Code Regs., tit. 23, § 2636, subd. (f)(1) OR Health & Saf. Code, § 25290.1 subd. (e).) AND

Line leak detector present and operational. (Cal. Code Regs., tit. 23, § 2643, subd. (c)(1).) AND

Line leak detector tested annually. (Cal. Code Regs., tit. 23, § 2638)

And ONE of the following:

Line leak detector restricts or shuts off flow of product (for non emergency generator systems). (Cal. Code Regs., tit. 23, § 2636, subd. (f)(2).) OR

Line leak detector activates an audible or visual alarm and the monitoring system is checked daily (emergency generator systems only). (Cal. Code Regs., tit. 23, § 2636, subd. (f)(2).)

\*Note: Federal regulations do not require lines that are interstitially monitored to also be tightness tested.

**Double-Walled Suction Piping (includes traditional and VPH systems)**

Interstitial Monitoring is conducted properly. (Cal. Code Regs., tit. 23, § 2636, subd. (f)(1) OR Health & Saf. Code, § 25290.1 subd. (e).) [40 C.F.R. §§ 280.40(a)(2), 280.43(g)(1), 280.43(g)(2).]

**Single-Walled Pressurized Piping**

BOTH of the following: [40 C.F.R. § 280.44(a).]

3.0 gph line leak detector present and operational. (Cal. Code Regs., tit. 23, § 2643, subd. (c)(1).) AND

Line leak detector tested annually. (Cal. Code Regs., tit. 23, §§ 2638)

AND one of the following:

0.1 gph line integrity test performed annually. (Cal. Code Regs., tit. 23, § 2643, subd. (c)(3).) [40 C.F.R. §§ 280.40(a)(3), 280.41(b)(1)(ii), 280.44(b)] OR

0.2 gph line integrity test performed monthly. (Cal. Code Regs., tit. 23, § 2643, subd. (c)(2).) [40 C.F.R. §§ 280.41(b)(1)(ii), 280.44(c).]

**Single-Walled Suction Piping**

0.1 gph line integrity test performed triennially (every 3 years). (Cal. Code Regs., tit. 23, § 2643, subd. (d).) [40 C.F.R. §§ 280.40(a)(3), 280.41(b)(2).]

**Single-Walled Safe Suction Piping**

Piping meets the safe suction requirements. (Cal. Code Regs., tit. 23, § 2636, subd. (a)(3)(A) – (D).) [40 C.F.R. §§ 280.41(b)(2)(i) – (v).]

**Part II - Release Prevention Matrix**

1. Spill container present and in good condition. (Cal. Code Regs., tit. 23, §§ 2635 subd. (b)(1), 2665.) [40 C.F.R. §§ 280.20(c)(1), 280.20(c)(1)(i), 280.21(d).]

2. The appropriate overfill prevention system is present and operational. (Cal. Code Regs., tit. 23, § 2635, subd. (b)(2), 2665.) [40 C.F.R. §§ 280.20(c)(1), 280.20(c)(1)(ii)(A), 280.20(c)(1)(ii)(B), 280.21(d).]

[Note: Overfill prevention system requirement may be waived for USTs that meet the requirements of California Code of Regulations, Title 23, section 2635(b)(3).]

3. Repaired tanks or piping are tightness tested within 30 days of the repair. (Cal. Code Regs., tit. 23, § 2661, subd. (f).) [40 C.F.R. § 280.33(d).]

4. If corrosion of steel tank or piping is discovered during an upgrade or repair, the tank and piping comply with the cathodic protection (CP) applicable design, certification, installation, inspection, and testing requirements. (Cal. Code Regs., tit. 23, § 2660, subd. (n), 2661, subd. (e).) [40 C.F.R. § 280.33(c)-(d).]

5. The cathodic protection system is performing adequately and provides continuous protection. (Cal. Code Regs., tit. 23, § 2635(a)(2).) [40 C.F.R. §§ 280.31(a), 280.31(b)(1).] (Note: CP is required whether tanks are in operation or in temporary closure. (Cal. Code Regs., tit. 23, § 2671, subd. (b).) [40 C.F.R. § 280.70(a).])

AND

The cathodic protection system is checked by a cathodic protection tester within 6 months of installation and at least every three years thereafter. (Cal. Code Regs., tit. 23, § 2635, subd. (a)(2)(A).) [40 C.F.R. § 280.31(b)(1).]

6. The impressed current cathodic protection system is checked every 60 days. (Cal. Code Regs., tit. 23, § 2635, subd. (a)(2)(A).) [40 C.F.R. § 280.31(c).]

7. Interior lined tanks are inspected within 10 years of lining installation and every 5 years thereafter; and the lining is compliant. (Cal. Code Regs., tit. 23, § 2663, subd. (h).) [40 C.F.R. § 280.21(b)(1)(ii).]

8. Buried metal tanks and piping (including fittings, connections, etc.) are corrosion protected. (40 C.F.R. §§ 280.20(a)-(b) [for USTs installed after 12/22/88], 280.21(a)-(c) [for USTs installed on or before 12/22/88].)

California Code of Regulations, Title 23, sections 2635(a)(2) and 2633(b) for new tanks

California Code of Regulations, Title 23, sections 2636(b) and 2633(b) for new piping

California Code of Regulations, Title 23, section 2662(c) for existing tanks

California Code of Regulations, Title 23, section 2666(b) for existing piping

**APPENDIX C**

**SELF-AUDIT EXAMPLES**

## C.1. KEY SPECIFIC EXAMPLES

None of these examples are endorsed as being perfect or the format that must be used. These are a variety of real examples of self-audit elements that have been deemed adequate. Not all self-audit elements are included in the multiple examples of specific elements, just those with frequent deficiencies. However, at the end is one example of a complete self-audit. (NOTE: reviewers – at this time the complete self-audit example has not been completed. It will be included once it is complete)

Note: Some of these examples provide a summary of “how” things are done along with “what” was done. The primary purpose and goal of the self-audit is to review and evaluate “what” was done and its effectiveness. If there are problems or deficiencies, then changes or corrective actions to “how” things are done may be necessary. The “how” is covered in other documents such as the CUPA application, I&E Plan, and policies and procedures. However, a brief summary of “how” things are done is helpful and not discouraged, as long as “what” has happened during the past year is covered.

There are examples of:

- Permitting
- Inspections
- Enforcement
- Permitting, Inspection, Enforcement Combined
- Permitting, Inspection, Enforcement by Program
- Single Fee System
- Fee Accountability Program

## SELF-AUDIT - PERMITTING

### EXAMPLE 1

**General Permitting** A consolidated permit is issued to all regulated facilities. The face page indicates the program elements applicable to the facility. Additional pages provide detail and conditions. The consolidated permit contains Unified Program elements as well as local program elements (Hazardous Materials Storage, Toxic Gas Ordinance and Fire Operational Permits).

Permits are valid for up to five years. Fees are due annually. If significant changes occur at a facility an amended permit is issued during the next billing cycle. Permits are renewed every 5 years only if the facility has been verified complaint within one year of the renewal date.

Before any permit is sent to the regulated facility it is first evaluated by the area inspector and reviewed and signed by the program coordinator. Permits are issued once an HMBP or Registration form is submitted and the facility inspected for compliance. In many cases the

permit is issued before fees are submitted. Should payment not be received the permit is revoked.

Hard copies of permits are filed as a facility record and the permit is also stored electronically.

**Audit Year Permitting** There have been no significant changes to the permitting process during this audit year. A total of 35 new “Unified Program” permits were issued for companies doing business within the City. These companies were identified through area field surveys by inspector, through regular review of the DTSC HWTS website and City business licenses records. During the year we also closed 71 permits making the net decrease 36 permits or 5.5% decrease in permitted facilities.

The attached State Annual Summary Reports illustrate the number of permitted facilities by program element type.

The number of permitted hazardous waste generators decreased from 528 to 509 (5.5%). RCRA Large Quantity Generators remained at 12.

There was a 5.4 % decline in the number of permitted UST facilities with a corresponding 11.7% decline in the number of underground tanks. Hazardous waste treatment facilities and CalARP facilities remained relatively constant.

The permit revocation process, an effective tool for permit fee connection, did not require activation this year as fee collection was very successful. When necessary, letters warning of a pending permit revocation are sent to regulated businesses after it is determined that permit fees are over 90 days late. The letter requires the appearance of a company representative at a hearing unless the permit fees are submitted prior to that date. Permits are revoked if fees are not received or the representative fails to attend the meeting. No hearings were conducted this audit year.

## EXAMPLE 2

### **Permitting** Overview

The CUPA issues permits for all CUPA programs via a single consolidated permit and permit addendums when necessary (i.e. UST program).

Permits for new facilities are initiated through an automated process tied to our database financial accounting records. Permits are routinely sent out in a batch process from the database during each month. Businesses requiring permits in the interim are handled in a manual process.

UST installation, upgrade and removal permits are taken at the front counter for scheduling and processing. Requests for service dates for these inspections are accommodated as much as reasonably possible.

Significant Changes

None

EXAMPLE 3

## Permitting

A total of 161 new facilities were permitted and 81 were closed, for a net increase of 80 facilities. Our clerical and professional staff issued 170 permits for monitoring well construction or destruction, 34 permits for soil borings, 1 permit for new underground storage tank installations, 14 permits for underground storage tank closures, and 40 permits for underground storage tank repairs. They also logged 77 complaints, 25 pesticide illness reports, conducted 161 file review requests and processed 33 site mitigation work plan permits.

## **SELF-AUDIT - INSPECTIONS**

EXAMPLE 1

General Inspection Activities

Inspections shall be conducted no less frequently than required by code or regulation, as specified in our plan. However, it is the CUPA's informal goal to inspect all permitted facilities annually.

Audit Year Inspections

Inspections were conducted in all CUPA program areas. All HMBP permitted facilities received at least one program element inspection. There were additional program element inspections conducted at approximately 90% of these facilities.

In the majority of the cases, HMBP and hazardous waste inspections were combined for small and medium sized facilities. Larger facilities typically experienced independent hazardous waste inspections. On-site treatment inspections, when possible, were combined with hazardous waste generator inspections.

Routine underground storage tank inspections, for facilities where only motor fuel is sold, received monitoring system inspections in combination with HMBP / UST document inspections. Where other activities were part of the operation, the UST monitoring inspection

was typically independent of all other program element inspections. All UST facilities received an inspection, as required, during the year.

Aboveground tank / SPCC inspections were conducted as a combined inspection with the HMBP element as all of the applicable tanks contain diesel supporting emergency generators. There were 24 SPCC facilities in the system at the close of the year, an increase of 71% from the previous year. The increase is attributed to our efforts in identifying all existing systems as part of the APSA grant application process. There were 13 inspections conducted during the year for this program element.

An APSA grant application in the amount of \$48,473.70 was submitted and approved. The first Progress Report / Invoice was submitted to CalEPA on July 31, 2008.

All CalARP facilities (6) have been inspected within a 3 year period. Of the 6, 4 were inspected during the past year.

The Unit sent out letters in February 2007 reminding businesses to update their chemical inventory list or "certify" that their present chemical inventory list was accurate. Approximately 90% of those that were sent letters responded. The remainder were called or contacted in person. Ultimately, we had 100% of the businesses submit the required documentation.

In addition to the CUPA program elements the Unit implements local hazardous materials storage and toxic gas operations programs. New construction and tenant improvements, related to hazardous materials use, are inspected for compliance with construction standards of the California Building and Fire Codes. Maintenance inspections insure that storage practices are adequate and engineered systems are being serviced and operated in accordance with submitted plans. A total of 182 plans were reviewed during the year.

Inspections of waste tire facilities, supported by a grant from the California Integrated Waste Management Board, were added to the list of consolidated inspection elements. Inspections were conducted at 101 facilities. Over 90% of these inspections were combined with Unified Program inspections.

As required by code, all CUPA personnel hold are current on the ICC certification as California UST Inspectors. Recertification will be required next year for all personnel. All inspectors are also current on their UST Health and Safety Training.

## EXAMPLE 2

### **Inspection**

#### Overview

Completion of inspections at mandated frequency levels continues to be the top priority for the CUPA.

Specialists schedule their own facility inspections and receive quarterly printouts of the facilities in their assigned areas and track their inspections due by the last inspection date listed on these printouts. Printouts are provided in order of last inspection date—oldest date receiving highest priority.

Supervisors hold quarterly meetings with Specialists to review outstanding facility violations and select candidates for re-inspections and potential enforcement activity. These meetings focus on potential Class II or recalcitrant facilities that are targets for re-inspection at the owners' cost and possible AEO action.

#### Significant Changes

In FY 2006/2007, the CUPA achieved significant across the board increases in program inspection totals. Completion of targeted inspections were as follows:

HMP Program: 118% of target in 2006/2007.

UST Program: 98% of target in 2006/2007.

Waste Generator/Tiered Permitting Program: 116% of target in 2006/2007.

In addition, the CUPA reviewed 443 plans and completed a total of 284 inspections related to UST upgrade, installation and removal activities.

These increases resulted from the CUPA achieving nearly full staffing levels in the latter half of the period.

#### EXAMPLE 3

### Inspections

In 2007-2008 the CUPA performed 1099 inspections of facilities permitted under the Hazardous Materials Management Program. The total number of facilities was approximately 1929 for an inspection frequency of 57%. The CUPA performed 531 inspections of facilities permitted under the Hazardous Waste and Tiered Permitting Program. The total number of facilities was approximately 927, of which 3 are Large Quantity Generators, for an inspection frequency of 57%. The CUPA performed 158 inspections of facilities permitted under the Underground Storage Tank Program. The total number of facilities was approximately 232 for an inspection frequency of 68%. The CUPA performed 88 unofficial inspections of facilities permitted under the Aboveground Petroleum Storage Tank Program. Official inspections will resume in FY 2009-2010, when CUPA staff have completed the required APSA training and are certified inspectors. The CUPA completed 48 inspections of facilities permitted under the Accidental Release Prevention Program. The total number of facilities was approximately 89 for an inspection frequency of 54%.

### **SELF-AUDIT - ENFORCEMENT**

## EXAMPLE 1

### Enforcement

Informal enforcement was again the most common method of gaining compliance from the regulated community. Informal enforcement took the form of Summary of Violations and Notices to Comply. Follow up was by re-inspection or receipt of a signed statement of correction. This process has been found to be a very effective means in achieving compliance for the CUPA's businesses.

If a facility is found to have a minor violation (any violation not considered for formal enforcement), the inspector places a copy our Notice of Inspection into a file. At the end of each week those forms are collected and tagged with a "reminder date" and "reinspection date". A reminder to certify that the violation has been corrected is sent out to the company by an office assistance after 25 days. A re-inspection is triggered after 35 days from the inspection date if no response has been received.

In the event that more than one re-inspection is necessary to verify compliance, a re-inspection fee of \$155 may be charged the company for each additional re-inspection. This is generally the case when the company is not making reasonable progress toward compliance.

For other than minor violations there are 3 viable options for "formal enforcement". The most efficient option used within this Unit has been the Administrative Enforcement Order.

Three Administrative Enforcement Orders were issued during the year. \_\_\_\_\_ failed to complete a hazardous waste tank certification on a CA treatment system after several formal reminders and was penalized \$2639. \_\_\_\_\_ was penalized \$1000 for failure to maintain a UST monitoring system. \_\_\_\_\_ failed to monitor a UST, failed to annually test a UST and failed to have the UST system inspected by a Designated Operator. They were penalized \$3000.

The second enforcement option available but not utilized this year is referral to the City Attorney. Cases that may have in the past been sent here were handled through the AEO process.

The Unit did send one case to the District Attorney's office for statewide enforcement consideration. This case was reviewed but not prosecuted. \_\_\_\_\_ purchased many \_\_\_\_\_ grocery locations in California. Some operated photo development units. Development wastes were not being stored and labeled properly, records not being kept and personnel not trained after the buyout. Prior to prosecution, \_\_\_\_\_ elected to eliminate film development from their stores.

## EXAMPLE 2

### Enforcement

#### Overview

The CUPA continued to implement one of the most active and progressive enforcement programs in the state. During FY 2006/2007, the CUPA issued and settled 69 administrative enforcement orders collecting a total of \$193,588.00 in penalty revenue.

Consistent application of the AEO process is essential to the viability of the CUPA enforcement program. In all cases, Environmental Specialists develop enforcement cases for facilities within their respective districts. Each proposed case is reviewed by their supervisor and brought before an enforcement group comprised of the Hazardous Materials Division Chief, the initiating Environmental Specialist, and one or more Hazardous Materials Division supervisors. The enforcement documentation is scrutinized and, if appropriate, a penalty determination process is completed.

The CUPA continued to integrate its Administrative Enforcement Order (AEO) process into all programs and inspection activities to address egregious and/or repeat violations. In cases where violations for one facility occur in more than one program, a comprehensive Administrative Enforcement Order (AEO) is initiated. During FY 2006/2007, AEO's were issued to facilities included in the HMP, UST, Waste Generator and Cal-ARP programs.

The CUPA is an active participant in the County Environmental Crimes Task Force. The task force holds monthly meetings, attended by various federal, state and local agencies, to discuss and coordinate enforcement cases. The CUPA refers as well as investigates cases as part of its task force role.

#### Significant Changes

None

#### EXAMPLE 3

### **Enforcement**

The CUPA had a very successful year in working with facilities to increase their levels of compliance. Most of our time was spent in the field, inspecting and educating facilities and their personnel about the correct way to stay in compliance with environmental laws and regulations. Those facilities that refused to come into compliance, or that exhibited significant problems that impacted or threatened the health and safety of workers, the public or the environment, were subjected to progressive enforcement discipline that resulted, if necessary, in referral of the case to the District Attorney. Several significant civil enforcement cases were either started, continued or completed during the 2007-2008 period, resulting in significant fines and penalties. A total of \$203,500.00 was collected in penalties and \$16,000.00 in costs, for a total of \$219,500.00.

### **SELF-AUDIT – PERMITTING, INSPECTION, ENFORCEMENT COMBINED**

## EXAMPLE 1

### PERMITTING, INSPECTION AND ENFORCEMENT ACTIVITIES

Permits are required for operating Underground Storage Tanks and are renewed every five years. Typically, facilities are notified within 30 days of permit expiration and provided with the necessary paperwork for completing the renewal. If the facility is due for an inspection, the inspection is conducted, and if satisfactory, the permit is issued to the facility.

Annual permit statements are issued to businesses when the annual paperwork submittals are complete and fees are paid. This statement indicates what programs the business is required to comply with and sets forth operating conditions. It does not state or ensure that the business is in operational compliance.

Inspections are conducted at UST facilities annually, and may include a business plan and hazardous waste inspection, if applicable.

The goal is to meet the inspection frequency of every three years for Business Plan and Hazardous Waste program facilities by December of 2007. There are approximately 40 facilities outside of the inspection frequency and the CUPA averages 16-20 inspections per month. At this rate all facilities within the CUPA jurisdiction will meet the inspection frequency by the end of the calendar year, as required by the program and the CUPA Inspection and Enforcement Plan. After reaching inspection frequency compliance, it is the goal of the CUPA to maintain this frequency, while increasing inspection frequency at high risk facilities. Hazardous waste and aboveground tank inspections are generally conducted, if appropriate, with the business plan or UST inspection. The CUPA achieved last year's goal of 15-20 inspections per month and expects to continue this frequency for 2007-2008. This would be the approximate number needed to insure one third of the businesses are inspected each year, while allowing for growth of new businesses and increased inspection at high risk facilities. This would allow for 100% of UST inspection conducted annually, and inspection of all Business Plan and Hazardous Waste facilities every three years, as the inspections are spread over a three year span.

Inspection forms for all programs are now electronic via a laptop computer used in the field. Violations are denoted as minor or major (Class 1 or Class 2 for hazardous waste facilities). Enforcement efforts begin as primarily informal. A Notice to Comply /Summary of Minor Violations/Self-Certification of Corrections is provided for minor violations. A Notice of Violation/Summary of Major Violation is given for major violations. Procedures for formal enforcement are completed and fully implemented as documented in the CUPA Inspection and Enforcement Plan (I&E Plan). This will include use of a Notice of Enforcement. A compliance inspection is used to charge an hourly penalty for time spent bringing a facility into compliance. This has become the bridge from informal to formal enforcement. Formal enforcement options for major violations include administrative enforcement orders, referral to the District Attorney or circuit prosecutor, and Red Tag authority for USTs.

### **SELF-AUDIT – PERMITTING, INSPECTION, ENFORCEMENT BY PROGRAM**

## EXAMPLE 1

### Program Element Activities

#### Hazardous Materials Management Plans

##### Number and types of businesses regulated

The CUPA required hazardous materials management plans of approximately 1,164 businesses. The types of businesses ranged from service stations and dry cleaners, to plating shops and semiconductor manufacturers.

##### Number and types of inspections completed

The CUPA inspected hazardous materials management plans under the California Fire Code during annual Fire Code inspections. The CUPA conducted a total of 1,065 inspections of facilities with hazardous materials management plans, of which 1,036 were routine.

##### Number and types of violations found

One hundred thirty of the inspected facilities failed to submit adequate hazardous materials management plans as requested.

##### Enforcement actions taken

All of the non-compliant facilities were issued notices to comply or administrative orders if they failed to provide the hazardous materials management plan after receiving the notice to comply. Companies that fail to respond to administrative orders are issued citations. No citations were issued in 2007/2008.

##### Effectiveness of permitting, inspection and enforcement activities

The majority of companies filed hazardous materials management plans that were required to. The permitting, inspection and enforcement activities are effective.

## EXAMPLE 2

### Program Element Activities

#### Hazardous Material Release Response Plans

##### Number and types of businesses regulated

The CUPA has 741 HMBP facilities on file. That is 11 more than last year at this time. Please note that the 06/07 annual report #3 incorrectly reported the number of HMBP sites. The number of sites reported should have been 730. The types of businesses regulated include county, city, state and federal facilities, retail & bulk fuel/oil facilities, manufacturing facilities, mills, co-gen facilities, construction companies, auto repair shops, quarries, etc. The CUPA has made efforts to determine the number of Agricultural businesses operating in the County that store reportable amounts of hazardous materials and have obtained reporting information from what we believe is more than half of the sites subject to HMBP requirements. The CUPA continues to make efforts to gather reporting information from Ag/Farm facilities and have developed an exemption per H&SC 25503.5(c)(3) that qualified sites may apply for. The CUPA

will continue to request HMBP's from businesses subject to the requirements within the County as part of our routine CUPA duties.

#### Number and type of inspections completed

The CUPA inspects businesses required to complete HMBP's per the California Health and Safety Code Chapter 6.95. There were 251 routine inspections and 5 "other" inspections conducted during the 07/08 reporting year. Routine, complaint, compliance assistance and follow-up inspections are conducted by the CUPA. Frequently the CUPA provides assistance to businesses completing HMBP forms during inspections, at our office, over the phone and through e-mail. We also have available on our website or by request mostly-completed inventory forms for a number of commonly reported hazardous materials.

#### Number and types of violations found

Approximately half of the HMBP facilities inspected had some type of violation. The violations found were generally minor, though the degree of violations cited during this reporting year was not being recorded as it was not required. We began noting the degree of violations found during HMBP inspections on our reports on 7/1/08.

#### Enforcement actions taken

All enforcement actions taken during this reporting year would be best classified as informal. We did have facilities that did not return to compliance within the initial time frames given, though most did comply with our notice of violation sent to them stating that they would be referred to the Environmental Prosecutor if they failed to comply with our notice by the given deadline, which is typically 15 days.

#### Effectiveness of permitting, inspection and enforcement activities

A majority of businesses that were inspected and instructed to correct HMBP violations did so within the required time frame. The inspection and enforcement activities have been effective and are implemented in a consistent and consolidated manner. Our office does not issue permits to HMBP facilities. We continue to improve our communication with city and county planning departments regarding projects that need HMBPs. HMBP inspections are completed by the Sr. EHS that oversees the program, by the UST inspector at UST sites, and an EHS that spent approximately 20% of his time doing HMBP and Hazwaste inspections. Inspections not completed by the Sr. EHS are reviewed by him to ensure consistency.

### **SELF-AUDIT - SINGLE FEE SYSTEM**

#### EXAMPLE 1

#### Single fee system activities

All Unified Program fees, including State service fees, are consolidated into a single invoice sent to the facility. The billing process, coordinated electronically between the Public Safety and Finance Department, continues to work well.

Inspectors enter the appropriate permit elements into our system, either when the company is new or when there is a change at an existing company. Fees are associated with each element. Several days before the established billing date the finance system will extract billing data from our system, print invoices and send them out to the businesses. Upon receipt of the permit fees by the Finance Department, payment is recorded in their system. Data is then electronically sent to our system indicating the company has paid. This process has eliminated much duplication of data entry and staff time.

Delinquency reports are prepared by the Finance Department on a monthly basis. Once a company is over 90 days late in payment the permit revocation and collections process, as previously described, are initiated.

State surcharge fees are entered into the City system by program element so that an accurate record is maintained for distribution to the State.

The surcharge fees collected in 07/08 essentially equaled the amount billed. State fees billed totaled \$18,110 as compared with \$18,555 for the previous year (2.4% decline).

For State Annual Report purposes, the total amount of single fee billed, waived and collected is complicated by the fact that the Units "local program elements", including hazardous materials storage and toxic gas operation, are included in the totals. Therefore, the dollar amount listed in Summary Report 2 is not solely the result of revenues for CUPA program elements.

## EXAMPLE 2

### Summary of Single Fee System Activities

#### Maintenance

The CUPA implements a single fee system program and had done so prior to the implementation of CUPA statewide mandates. Facilities receive an annual consolidated and itemized billing statement reflecting applicable fees associated with CUPA programs. Our single fee system activities can be categorized as follows:

Activity	Summary
Billing	Billing for CUPA sites is generated each month with the majority mailed within the first four months of each fiscal year (July 1-June 30). The fees are set at a cost recovery rate determined by inspection time spent.
Collection	Approximately 45 days after the billing date, CUPA site accounts are checked for payment. If we have not received payment within

	that grace period, the CUPA begins collection activity. That activity begins with a “Delinquency Fee” letter requesting payment in full with an additional \$75.00 penalty fee attached and can culminate in Small Claims action.
Service Charge Transmittal (27 CCR 15250)	The CUPA Service Charge is collected and deposited into a County Pass Through account where it is kept until the CUPA requests the County Auditor to cut a warrant from this CUPA Pass Through account. This process is done on a quarterly basis beginning with the new fiscal year in July. The warrant is attached to a cover letter and the “Service Charge Transmittal form (27 CCR 15250) and mailed to the Secretary for Environmental Protection, Unified Program Account.

### Significant Changes

**None**

### EXAMPLE 3

#### Single Fee System Activities

The CUPA uses Access data management software to issue a consolidated bill to regulated businesses and track accounts receivable. Businesses receive one annual bill for all CUPA fees, which includes annual permit/program fees and state surcharges. The CUPA is responsible for the billing and collection of fees. For fiscal year 07/08, the CUPA collected \$420,237.02 in program fees for CUPA programs and \$26,151 in state surcharges. All facilities are billed at the same time, once per year. The CUPA implements a single fee system that is effective, efficient and meets the regulatory requirements.

### EXAMPLE 4

#### SINGLE FEE SYSTEM

The CUPA successfully performed a single fee system for invoicing, including the surcharges, for all CUPA programs on a consolidated invoice generated from the Tidemark data base. No changes were made to the Single Fee and Surcharge Implementation Plan, because none were needed.

Diligent collection methods were performed, including: late fees assessment, phone calls, in-person contact by the CUPA Program Manager, payment plan agreements and small claims court pursuit. A Notice of Violation was sent to those facilities that did not have a consolidated permit due to fees non-payment.

No surcharges were waived this fiscal year.

**The CUPA was on time with all quarterly submission of the surcharges to the Secretary.**

**SELF-AUDIT - FEE ACCOUNTABILITY PROGRAM**

EXAMPLE 1

Summary of annual review and update of the fee accountability program

The Unit is budgeted for three full time inspectors, one full time coordinator and one half time office assistant. During the year all positions were filled for the 12 month period. Total direct and indirect costs for the year were approximately \$808,613. This figure does not include building rental costs. The total amount of fees collected from the regulated community, excluding State service fees, was approximately \$913,318.

There have been very few fee complaints from the business community. With the consolidation of programs the overall environmental fee to the CUPA’s businesses continues to be less than if the City was a participating agency under the CUPA.

The number of total regulated businesses declined by 5.5% this year. The greatest losses were in UST facilities and hazardous waste generators.

EXAMPLE 2

Summary of Fee Accountability Program

Fee accountability is managed as described here:

Element	Summary
Fee Schedule	Fees are set at a cost recovery rate that is determined by inspection time spent among other program costs. A “Fee Package” is adopted upon County Board of Supervisor’s approval.
Accounting for Amount Billed	The adopted fees are then input into Envision for tracking through its accounts receivable fields. Facilities are billed annually for their applicable program elements based on an anniversary date. Data queries are routinely run to ensure that amounts billed are correct.
Accounting for Revenue Collected	The revenue from this billing activity is posted to individual facility accounts and is deposited through the County Auditor’s Office. At the end of each fiscal year, the CUPA is required to complete a “Single Audit” report to the County Auditor’s Office. This report describes how the CUPA handles monies

	received to insure proper separation of duties. Data queries are routinely run 45 days after each billing to track revenue collection.
Discrete billable services	CUPA billable services are categorized as either “Site or Program Specific” and are billed annually at a cost recovery basis determined by Environmental Specialist.
Annual Budget (not including “flow through” funds)	\$3,819,687
Businesses per program	HMBP = 3,942                      UST facilities = 505 CalARP = 44                        HW generators = 3,391
Total # Regulated Businesses	5,355

EXAMPLE 3

**ANNUAL REVIEW OF FEE ACCOUNTABILITY PROGRAM**

The CUPA conducts a review of its fees on an annual basis in relation to budget preparation. Because of continuous budget monitoring, salary savings, adding new facilities and a balanced FY 2008-09 proposed budget, overall, no fees were actually increased in FY 2007-08. A copy of the FY 2007-08 actual and FY 2008-09 proposed budgets are available for review upon request.

EXAMPLE 4

Review of the Fee Accountability Program

Fiscal Year 2007/2008

Summary:

In fiscal year 2007/2008, the CUPA collected \$52,909.38 in CUPA fees. Total CUPA expenses for fiscal year were estimated at \$82,793. The amount of fees collected covers approximately 64% of the CUPA expenses for the CUPA. The fee schedule is based on the amount of hazardous materials handled and/or generated at a facility. The more hazardous materials handled and/or generated at a facility, the more time an inspector spends inspecting and auditing that facility to ensure compliance with State and Federal Regulations. The existing fee schedule and program costs will be reviewed to determine if any fee adjustments are necessary.

Accounting Procedures

The CUPA accounts for all amounts billed and collected using the SWEEPS data management system. Annual fees are based on the necessary and reasonable costs associated with

implementation of the CUPA. These costs are based on the Full Time Equivalent (FTE) necessary to implement the programs, direct program expenses, indirect program expenses, number of regulated businesses and quantity and range of services provided.

#### Billable Services

Fees for billable services are established by resolution by the County Board of Supervisors. Site specific billable services include annual permit/registration fees, construction fees, reinspection fees and penalty fees.

#### Staff Hours Required to Implement the Unified Program

Administrative staff hours required to implement the Unified Program is estimated at .40 FTE. Administrative staff saw an increase in their time spent implementing the billing and permitting of Unified Programs. As the Unified Program grows, there will be an increase in staff resources used to implement the program. With the implementation of the Decade-Envision data management system, expected to occur by January 2009, a more accurate account of administrative time spent in the Unified Program will be available. This fiscal year, the technical staff hours designated to implement the program involve a REHS -CUPA Program Coordinator and inspector (1 FTE), Director (0.2 FTE) and the Administrative staff (0.25 FTE). The upcoming fiscal year will designate for a CUPA program coordinator (0.5 FTE), and an REHS inspector (0.5 FTE), plus the Division director and administrative staff.

#### Direct Program Expenses

Direct program expenses for the CUPA program include employee salaries, employee benefits, operating expenses and specific use field supplies. Based on the total FTEs (1.0) for the CUPA program, the total cost was \$57,861.

#### Indirect Program Expenses

Indirect program expenses for the CUPA program include building occupancy, fixed asset replacement, equipment outlay and general and Departmental overhead. Based on the program overhead percentages, the indirect program expenses were \$24,932 for fiscal year 2007/2008.

#### Number of Regulated Businesses in Each Program Element

There are a total 248 businesses registered with hazardous material release response plans, 2 facilities registered with the Cal ARP program, 39 businesses permitted with USTs, 0 businesses registered to treat hazardous waste, 141 businesses registered as hazardous waste generators and 3 facilities permitted for the Permit by Rule-Household Hazardous Waste program.

#### Total Number of Regulated Businesses

The CUPA regulates 257 businesses under one or more Unified Program elements.

### Quantity and Range of Services Provided

The CUPA provides regulated businesses with the following services: consultation services, compliance assistance, routine, complaint and re-inspections, plan reviews and permitting. CUPA inspections are conducted at least once every three years with the exception of Underground Storage facilities, which are inspected on an annual basis.

The CUPA staff also oversees the cleanup and investigation from an unauthorized release at a UST facility that affects soil only. In addition to the above facility inspections, the CUPA staff also responds and investigates hazardous material/waste complaints at residential properties and businesses that are not registered/permited by this Department.

**C.2. Complete Self-audit**

**Pending**

# **Appendix D**

## **Other Guidance Documents**

## **D. Other Guidance Documents**

Guidance Document for Inspection and Enforcement; Final April 15, 2008

<http://www.calepa.ca.gov/CUPA/Documents/Inspection/IEGuide.pdf>

<http://www.calcupa.net/civica/filebank/blobdload.asp?BlobID=2581>

Violation Classification Guidance for Unified Program Agencies; June 1, 2006 (Note: July 11, 2006 on CUPA Forum website.)

<http://www.calepa.ca.gov/CUPA/Documents/Inspection/ViolationGuide.pdf>

<http://www.calcupa.net/civica/filebank/blobdload.asp?BlobID=2382>