



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

June 23, 2020

Ms. Jami Aggers, Director
Stanislaus County Department of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, California 95358-9492

Dear Ms. Aggers:

During January through June, 2020, CalEPA and the state program agencies conducted a performance evaluation of the Stanislaus County Department of Environmental Resources Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation and review of regulated facility file documentation and California Environmental Reporting System data.

Upon completion of the evaluation, a preliminary Summary of Findings report was developed to identify various findings: program deficiencies with corrective actions, incidental findings with resolutions and program observations and recommendations. The report also includes examples of outstanding Unified Program implementation. Enclosed, please find the final Summary of Findings report.

Based upon review and completion of the performance evaluation, CalEPA has rated the CUPA's overall implementation of the Unified Program as satisfactory with improvements needed.

To demonstrate progress towards the correction of program deficiencies and incidental findings identified in the final Summary of Findings, the CUPA must submit an Evaluation Progress Report within 60 days from the date of this letter (August 24, 2020), and every 90 days thereafter. Evaluation Progress Reports are required to be submitted to CalEPA until all deficiencies and incidental findings identified have been acknowledged as corrected or resolved. Each Evaluation Progress Report must be submitted to Tim Brandt at Timothy.Brandt@calepa.ca.gov, or mail.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of the Unified Program.

Ms. Jami Aggers
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If you have any questions or need further assistance, please contact Melinda Blum at Melinda.Blum@calepa.ca.gov or John Paine, Unified Program Manager, at John.Paine@calepa.ca.gov.

Sincerely,



Jason Boetzer
Assistant Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

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Ms. Jami Aggers
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cc sent via email:

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Ms. Melinda Blum
Senior Environmental Scientist, Supervisor
California Environmental Protection Agency

Mr. Tim Brandt
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Stanislaus County Department of Environmental Resources (SCDER)

Evaluation Period: January 2020 through June 2020

Evaluation Team Members:

- **CalEPA Team Lead:** Timothy Brandt
- **DTSC:** Kevin Abriol
- **Cal OES:** Jack Harrah
- **State Water Board:** Sean Farrow & Wesley Franks (training)
- **CAL FIRE-OSFM:** Carmen Zamora

This Final Summary of Findings includes:

- Deficiencies requiring correction
- Incidental findings requiring resolution
- Observations and recommendations
- Examples of outstanding program implementation

The findings contained within this evaluation report are considered final.

Based upon review and completion of the evaluation, the CUPA's Unified Program implementation and performance is considered: satisfactory with improvements needed.

Questions or comments regarding this evaluation should be directed to the CalEPA Team Lead:

Timothy Brandt
CalEPA Unified Program
P.O. Box 2815
Sacramento, CA 95812
Phone: (916) 323-2204
E-mail: timothy.brandt@calepa.ca.gov

The CUPA is required to submit an Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings Report, and every 90 days thereafter, until all deficiencies and incidental findings have been acknowledged as corrected or resolved.

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead and must include a narrative stating the status of each deficiency and incidental finding identified in this Final Summary of Findings Report.

Evaluation Progress Report submittal dates for the first year following the evaluation are:

1st Progress Report: August 24, 2020 **2nd Progress Report:** November 30, 2020
3rd Progress Report: March 5, 2021 **4th Progress Report:** June 7, 2021

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

Program deficiencies identify specific aspects regarding inadequate implementation of the Unified Program. The CUPA must complete the corrective action indicated to demonstrate sufficient implementation of the Unified Program as required by regulation or statute.

1. DEFICIENCY:

The CUPA is not consistently or correctly reporting all inspection, violation, and enforcement information, also known as compliance, monitoring and enforcement (CME) information, to the California Environmental Reporting System (CERS).

The following are examples:

- CERS ID 10177217: An Aboveground Petroleum Storage Act (APSA) inspection report dated July 10, 2019, documents 24 minor violations and three Class II violations. CERS indicates 25 minor violations and three Class II violations.
- CERS ID 10177809: An APSA inspection report dated July 12, 2019, documents 11 minor violations and one Class I violation. CERS indicates 16 minor violations and one Class I violation.
- CERS ID 10178143: An APSA inspection report dated April 17, 2017, documents two violations, although one violation is not marked out of compliance but has the 'comply by [date]' note assigned next to it and the violation summary states only one violation. Both violations are recorded in CERS with one minor violation and one Class II violation. The minor violation has a return to compliance (RTC) date on May 13, 2017, in CERS. The facility file notes on May 17, 2017, as 'RTC ok' but no other documentation was observed to determine which violation had RTC.
- CERS ID 10178265: An APSA inspection report dated March 8, 2017, documents five violations. All violations are recorded in CERS. For the March 8, 2017, inspection, CERS shows RTC on March 13, 2017, for three violations, RTC on April 12, 2017, for one violation, and RTC on August 10, 2017, for another violation. A follow up inspection report dated April 10, 2017, documents two violations. For the April 10, 2017, follow up inspection, CERS shows RTC on April 12, 2017, for one violation and August 10, 2017, for the second violation. However, facility file documentation dated August 18, 2017, indicates RTC of August 10, 2017, for several APSA violations, and facility file notes dated April 10, 2017, show the status of violations from the previous inspection, including RTC for one violation.
- CERS ID 10178885: An APSA inspection report dated November 2, 2018, documents five violations. CERS also records the five violations. A follow up inspection on December 3, 2018, documents all violations from the previous inspection have RTC; however, CERS shows RTC for the violations on December 2, 2018.

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**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

- CERS ID 10166983: A Hazardous Waste Generator (HWG) inspection report dated July 25, 2019, documents two minor violations and four Class II violations, however CERS indicates three minor violations and five Class II violations.
- CERS ID 10177939: A HWG inspection report dated November 21, 2019, documents one minor violation, however CERS indicates six minor violations.

Note: The CUPA addressed and corrected the above APSA examples during the 2020 CUPA Performance Evaluation process; however, examples provided above may not represent all instances of this deficiency.

CITATION:

Health and Safety Code (HSC), Chapter 6.11, Section 25404(e)(4)
California Code of Regulations (CCR), Title 27, Sections 15187(c) and 15290(b)
[CalEPA, DTSC, OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan for reporting APSA and HWG CME information consistently and correctly to CERS. The action plan will include, at minimum, the following:

- Revision to the existing CME component of the data management procedures to address the root causes of missing or incorrect APSA and HWG CME information reported in CERS;
- Identification of APSA and HWG CME information from this CUPA Performance Evaluation that was not previously reported to or accurately reported to CERS as required, including CME information for any revised inspection reports;
- A process for reporting APSA and HWG CME information that was not previously reported to CERS as required, including APSA and HWG CME information for any revised inspection reports; and
- Future steps to ensure all APSA and HWG CME information is reported accurately to CERS as required.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a copy of an inspection report or RTC documentation for up to three APSA facilities as requested by OSFM and for up to three HWG facilities as requested by DTSC.

By the 5th Progress Report, the CUPA will consistently and correctly report all current and previous APSA and HWG CME information to CERS as required.

2. DEFICIENCY:

The CUPA is not properly classifying HWG violations.

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FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

In some cases, the CUPA is citing HWG violations as minor violations that are Class I or II violations. The following examples include, but are not limited to:

- Violation for exceedance of authorized accumulation time incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - CERS data reviewed for July 26, 2017 – June 30, 2019, indicates 49 of 123 (40%) violations cited for exceedance of hazardous waste accumulation time were improperly cited as a minor violation.
 - Examples from inspection reports reviewed include:
 - CERS ID 10123255: inspection report dated December 3, 2018,
 - CERS ID 10177971: inspection report dated June 7, 2019.

Note: This deficiency was identified and corrected during the 2017 CUPA Performance Evaluation process. For the 2020 CUPA Performance Evaluation, CERS violation classification data was after the CUPA received hazardous waste violation classification training on June 25, 2017.

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5, 25117.6
CCR, Title 22, Sections, 66260.10

[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will train personnel on the classification of Minor, Class I, and Class II violations, as described in HSC, Chapter 6.5, Sections 25110.8.5, 25117.6 and CCR, Title 22, Section 66260.10. The CUPA will train personnel on how to properly classify violations for each program element during inspections and ensure personnel review the following:

- [Violation Classification Training Video 2014](https://www.youtube.com/watch?v=RB-5V6RfPH8)
(<https://www.youtube.com/watch?v=RB-5V6RfPH8>)
- [Violation Classification Guidance](https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/Violation-Classification-Guidance-Document-accessible.pdf)
(<https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/Violation-Classification-Guidance-Document-accessible.pdf>)

The CUPA will provide CalEPA with training documentation, which at minimum will include, an outline of the training conducted and a list of CUPA personnel attending the training, to demonstrate that each inspector received training on how to properly classify violations for the HWG program and has reviewed the Violation Classification Training Video and Guidance.

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DEFICIENCIES REQUIRING CORRECTION

Note: On May 6, 2020, the CUPA provided hazardous waste violation classification training documentation to CalEPA which included an outline of the training conducted and a list of CUPA personnel who attended the training. The documentation demonstrates that each inspector received training on how to properly classify violations for the HWG program and has reviewed the Violation Classification Training Video and Guidance.

By the 2nd Progress Report, the CUPA will provide CalEPA with a copy of inspection reports citing at least one HWG violation, for three HWG facilities that have been inspected after training has been completed and within the last six months. Each inspection report will correctly identify and classify any observed HWG violations.

3. DEFICIENCY:

The CUPA is not inspecting all CalARP facilities at least once every three years.

Review of inspection information in CERS and documentation provided by the CUPA indicates 19 of 56 (34%) stationary source facilities were not inspected within the last three years.

CITATION:

HSC, Chapter 6.95, Section 25537(a)

CCR, Title 19, Section 2775.3

[Cal OES]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each CalARP facility is inspected at least once every three years.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with the number of CalARP inspections performed during the previous three months.

By the 6th Progress Report, the CUPA will have inspected each CalARP facility at least once in the last three years.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

INCIDENTAL FINDINGS REQUIRING RESOLUTION

Incidental findings identify specific incidents or activities regarding implementation of the Unified Program. Though incidental findings do not rise to the level of program deficiencies or inadequate implementation of the Unified Program, the CUPA must complete the resolution indicated as required by regulation or statute.

1. INCIDENTAL FINDING:

The CUPA is not consistently ensuring that APSA tank facilities comply with the tank facility statement reporting requirements.

Most APSA tank facilities submit a hazardous materials business plan (HMBP) in lieu of the tank facility statement in CERS. However, the CUPA is not consistently ensuring that the HMBP submittals contain all applicable required elements.

Review of CERS indicates the following four of 15 (27%) APSA tank facilities did not address earthquake vulnerability in emergency response plans and procedures:

- CERS ID 10178143
- CERS ID 10177497
- CERS ID 10177217
- CERS ID 10177393

CITATION:

HSC, Chapter 6.67, Section 25270.6(a)(2)

2016 CFC, Chapter 50, Sections 5001.5.1 and 5001.5.2, and Appendix H

[OSFM]

RESOLUTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide an action plan to ensure that future CERS submittals of a HMBP in lieu of the APSA tank facility statement are thoroughly reviewed and contain all required elements. The action plan will include steps to follow-up with rejected or incomplete submittals.

By the 2nd Progress Report, the CUPA will provide a list of APSA tank facility submittals that have recently been submitted, reviewed, and not accepted where an HMBP was provided in lieu of the APSA tank facility statement. For each APSA tank facility on the list, the CUPA will include follow-up actions, including any formal enforcement.

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will update the list with the status of facility compliance and provide it to CalEPA.

By the 4th Progress Report, the CUPA will have ensured each APSA tank facility has submitted all applicable required HMBP elements when an HMBP is submitted in lieu of a tank facility statement, and any appropriate actions taken to enforce this requirement.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

INCIDENTAL FINDINGS REQUIRING RESOLUTION

2. INCIDENTAL FINDING:

The CUPA's Unified Program Facility Permit (permit), which includes the Underground Storage Tank (UST) Operating Permit contains the requirement for the owner/operator to display the permit conspicuously. Without having a local ordinance, this requirement is more stringent than the regulatory requirement for the permit to be readily accessible.

CITATION:

CCR, Title 23, Section 2712(i)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will modify permit issued to owners/operators to include the requirement for the permit to be readily accessible, in place of the requirement for the permit to be displayed conspicuously. The display language can be removed manually by affixing correction tape or by redaction. The CUPA may also consider issuing permits outside of the Envision Connect ecosystem in order to revise the permit template.

Once the CUPA amends the permit, the CUPA will provide CalEPA with a copy of the permit and description of the modification. The CUPA will provide CalEPA with a copy of two revised consolidated permits that have been issued to facilities.

3. INCIDENTAL FINDING:

The CUPA's Inspection & Enforcement (I&E) Plan and Permitting Procedures have inaccurate or missing information.

I&E Plan

- Page 18 – Permits. I&E Plan language inaccurately indicates permits to operate are to be maintained on-site. This language conflicts with CCR, Title 23, Chapter 16, Section 2712(i) which indicates a permit is to be readily accessible at the facility in either paper or electronic format.
- Page 38 – Red tags. I&E Plan language inaccurately states, "Red Tags prevent the delivery of fuel into the UST system, until compliance is achieved." This language conflicts with HSC, Chapter 6.7, Section 25292.3(c)(1)(C), which states, "A person shall not input into or withdraw from an underground storage tank system that has a red tag affixed to its fill pipe..."
- Page 39 – Significant Operational Compliance (SOC). I&E Plan language inaccurately indicates the CUPA is to report SOC compliance for release detection and release prevention criteria to the State Water Board; however, the I&E Plan language should be updated to reflect technical compliance rate (TCR) criteria has replaced SOC.
- Provisions for ensuring the analysis of any material sampled is performed by a state certified laboratory are missing.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
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INCIDENTAL FINDINGS REQUIRING RESOLUTION

Permitting Procedures

- Permitting language inaccurately indicates a UST must be in compliance prior to issuing a permit to operate. Language conflicts with HSC, Chapter 6.7, Section 25285(b), which indicates a permit shall not be issued to a tank in either of the following; while a red tag is affixed or if the facility is subject to an enforcement for administrative, civil, or criminal liability.

CITATION:

HSC, Chapter 6.7, Sections 25285(b) and 25292.3(c)(1)(C)

CCR, Title 23, section 2712(i)

CCR, Title 27, Section 15200(a)

[CalEPA, State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will review, revise, and provide CalEPA with a copy of the revised I&E Plan and revised Permitting Procedures that address the inaccurate and missing information identified in this finding. In addition, the CUPA will train staff on the revised policy or procedure and begin implementation.

4. INCIDENTAL FINDING:

The CUPA is not consistently collecting, managing, and reporting the number of UST inspection and facility count information.

Review of Semi-Annual UST Program Reports (Report 6), CUPA Self-Audit Reports and CERS indicate the following:

- FY 2018/2019
 - Report 6 – 190 UST inspections and 205 regulated UST facilities
 - Self-Audit Report – 195 UST inspections and 206 regulated UST facilities
 - CERS – 201 UST inspections and 207* regulated UST facilities.
- FY 2017/2018
 - Report 6 – 238 UST inspections and 205 regulated UST facilities
 - Self-Audit Report – 199 UST inspections and 204 regulated UST facilities
 - CERS – 203 UST inspections and 207* regulated UST facilities.
- FY 2016/2017
 - Report 6 – 201 UST inspections and 208 regulated UST facilities
 - Self-Audit Report – 200 UST inspections and 206 regulated UST facilities
 - CERS – 201 UST inspections and 207* regulated UST facilities.

***Note:** Due to a known data glitch in CERS, it is not possible to obtain an exact count of regulated UST facilities in CERS for past years, the number of regulated UST facilities for CERS

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

is the count provided in the “Regulated Facilities by Unified Program Element” Report ran on June 9, 2020.

Note: This incidental finding was identified and corrected as a deficiency during the 2017 CUPA Performance Evaluation.

CITATION:

CCR, Title 23, Section 2713(c)(3)

CCR, Title 27, Sections 15185(a), 15290(a)(3) and 15290(a)(4)

[CalEPA, State Water Board]

RESOLUTION:

By the 2nd Progress Report, the CUPA will perform a thorough analysis of the Data Management Procedure, or other applicable procedure, and conclude why reported inspection numbers and facility counts differ among Report 6, Self-Audit Reports, and CERS. Based on the analysis of the Data Management Procedure or other applicable procedure, the CUPA will make revisions to ensure the CUPA consistently collects, manages, and reports UST Program information among Report 6, SA Reports and CERS. The CUPA will train staff on the revised policy or procedure and begin implementation.

5. INCIDENTAL FINDING:

The CUPA is not consistently ensuring UST information in CERS is accurate and complete.

Review of UST facility submittals in CERS indicates the CUPA is accepting inaccurate or incomplete UST related information.

Data review is based on the UST Facility/Tank Data Download report obtained from CERS on January 15, 2020.

Data review indicates the following inconsistent or inaccurate information:

- 25 USTs identified as being single-wall steel incorrectly show having no interior tank lining installed.
- Eight USTs identified as having single-wall pressurized pipe incorrectly show having no electronic line leak detector installed.
- 62 USTs identified with having double-wall product pipe with continuous monitoring where the pipe secondary is blank.
- Eight USTs installed on or after July 1, 2004, show having to conduct periodic secondary containment testing.

Note: The examples provided above may not represent all instances of this finding.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

Note: This deficiency/incidental finding was identified and corrected/resolved during the 2017 CUPA Performance Evaluation process.

CITATION:

HSC, Chapter 6.7, Sections 25286 and 25288(a)

CCR, Title 23, Sections 2632(d)(1), 2634(d)(2) and 2641(g) and (h)

[State Water Board]

RESOLUTION: By the 1st Progress Report, the CUPA will perform an analysis of its procedure identified as *Underground Storage of Hazardous Substances: Standard Operating Procedures* and personnel actions to determine why UST related information in CERS is not accurate and complete. Once the analysis is complete, the CUPA will revise its *Underground Storage of Hazardous Substances: Standard Operating Procedures* ensuring inspection personnel consistently follow the revised procedure, ensuring UST information in CERS is accurate and complete as required.

The revised procedure will, at minimum, delineate the CUPA's process for managing CERS UST submittals as follows:

- A process for reviewing and not accepting CERS submittals and a process for reviewing and accepting only accurate and complete CERS submittals; OR
- A process for reviewing and accepting submittals with minor errors, including the following:
 - Setting the condition in CERS to require the submittal to be corrected and resubmitted within a certain timeframe;
 - If the submittal is not corrected within the certain timeframe, the CUPA will change the submittal status from "accept" to "not accept."

By the 2nd Progress Report, the CUPA will, if necessary, amend the procedure, based on feedback from State Water Board and will submit the revisions to CalEPA.

By the 3rd Progress Report, the CUPA will train personnel on the revised plan or procedure and provide training documentation to CalEPA. Training documentation will include, and not be limited to an outline of the training conducted and a list of CUPA personnel attending training. Once training is complete, the CUPA will implement the new plan or procedure.

With respect to submittals already accepted in CERS, the CUPA will review UST related information and require accurate and complete submittals when the next submittal is made, but no later than the next annual UST facility compliance inspection.

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide to CalEPA, 10 CERS IDs that have had accepted UST submittals subsequent to the training of CUPA personnel. State Water Board will review

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

accepted CERS submittals for completeness and accuracy and ensuring inspection personnel are consistently implementing revised procedures.

6. INCIDENTAL FINDING: RESOLVED

The CUPA's Unified Program administrative procedure[s] are missing procedures for forwarding the Hazardous Material Release Response Plan (HMRRP) information in accordance with HSC Section 25504(c).

CITATION:

CCR, Title 27, Section 15180(e)
[CalEPA]

RESOLUTION: COMPLETED

This incidental finding is considered resolved during the evaluation. The CUPA provided the missing procedure listed in this finding to CalEPA. No further action is necessary.

7. INCIDENTAL FINDING: RESOLVED

The CUPA did not submit a Formal Enforcement Summary Report for each case that has received a final judgement.

No formal enforcement information has been submitted to CalEPA.

CITATION:

CCR, Title 27, Section 15290(a)(5)
[CalEPA]

RESOLUTION: COMPLETED

The incidental finding is considered resolved during the evaluation. The CUPA provided all Formal Enforcement Summary Reports to CalEPA.

The CUPA will ensure going forward that a Formal Enforcement Summary Report will be submitted to CalEPA within 30 days of final judgement for any formal enforcement case.

- The [Formal Enforcement Summary Report template](https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Template.pdf) is available at: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Template.pdf>
- [Instructions for filling out a Formal Enforcement Summary Report](https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Instructions.pdf) template are available at: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Instructions.pdf>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

OBSERVATIONS AND RECOMMENDATIONS

Observations and recommendations identify areas of Unified Program implementation that could be improved and provide suggestions for improvement. Though the CUPA is not required by regulation or statute to apply the recommendations provided, the CUPA would benefit in applying the recommendations provided to improve the overall implementation of the Unified Program.

1. OBSERVATION:

The CUPA accepted sections of the SPCC Plan submittal for the HMBP emergency response and training plans submittals for CERS ID 10177393. The SPCC Plan and the HMBP emergency response and training plans do not address the same requirements.

RECOMMENDATION:

Other program plan submittals should not be accepted for HMBP submittals, unless all applicable required HMBP elements are addressed.

2. OBSERVATION:

Pursuant to CCR, Title 19, Section 2745.10(a)(1), eight of 56 (14%) CalARP stationary sources have not updated the risk management plans within the past five years. The CUPA is aware of this, and is working with the stationary sources and taking appropriate enforcement action.

RECOMMENDATION:

Consider obtaining compliance at the eight high risk CalARP stationary source facilities a high priority.

3. OBSERVATION:

Review of the Area Plan revealed the following minor errors:

- Page 3, section 2 “Authority” - 19 CCR 2720-2728 should be 2640-2648.
- Page 4 - HSC 25509(5) should be 25505(a)(2).
- Page B1 of Appendix B - the definition of “BLEVE” as “Boiling liquid vapor expanding vapor explosion” should be revised to “boiling liquid expanding vapor explosion.”
- Pages B1 and B6 of Appendix B - “CHMIRS” should be removed as it has been obsolete since 1993.

RECOMMENDATION:

Revise the Area Plan as suggested above.

UNIFIED PROGRAM PERFORMANCE EVALUATION
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OBSERVATIONS AND RECOMMENDATIONS

4. OBSERVATION:

Review of CERS inspection information finds the following instances where the CUPA reported duplicate routine inspections:

- FY 2018/2019
 - CERS ID 10176385: routine inspections dated July 25, 2018, and August 27, 2018
 - CERS ID 10176603: routine inspections dated November 7, 2018, and December 14, 2018.
- FY 2017/2018
 - CERS ID 10176587: routine inspections dated January 19, 2018, and February 15, 2018
 - CERS ID 10178151: routine inspections dated January 22, 2018, and April 3, 2018.
- FY 2016/2017
 - CERS ID 10176381: routine inspections dated March 21, 2017, and May 9, 2017
 - CERS ID 10176449: routine inspections dated October 24, 2016, and November 30, 2016.

Note: Title 27 Section 15110 defines Routine Inspection as “a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements” and Other Inspection as including but not limited to “regulatory field activity such as re-inspections to verify compliance, 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.”

RECOMMENDATION:

Review procedures for reporting routine inspections in CERS and determine if revision and training on procedures is necessary. If revision is not necessary, the CUPA will train inspection personnel on reporting routine inspections in CERS.

5. OBSERVATION:

On Wednesday, February 26, 2020, State Water Board observed the Stanislaus County CUPA inspector conduct an annual UST compliance inspection for CERS ID 10179277. The CUPA inspector conducted a thorough and complete inspection, obtaining permission to inspect, physically observing the conditions of the UST system, reviewing alarm history, ensuring the tested sensors functioned as required, etc. State Water Board notes the CUPA inspector conducting the inspection was filling in for the assigned inspector and cited violations that appear to have been missed in past inspections.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Continue with current training of UST inspectors as the CUPA inspector completed a thorough UST physical inspection. Consider rotating inspection personnel among different areas and facilities to avoid stagnation during annual compliance inspections.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

Examples of outstanding program implementation highlight efforts and activities of the CUPA that are considered above and beyond the standard expectations for implementation of the Unified Program.

1. PROVIDE EDUCATION AND OUTREACH TO REGULATED FACILITIES:

The CUPA aims to support local regulated businesses with remaining in compliance, informing local businesses of any violations, and assisting owners and operators with returning to compliance through building relationships and fulfilling public services as regulators and educators, through efforts such as:

- SDCER co-chaired and presented at the Central Valley Chemical Safety Day (CVCSA) 2017, 2018, and 2019
- Sending CERS submittal reminder emails using Mail Merge to customize each email with individualized facility-specific fields from CERS since 2017.
 - January 2020, AB-1429 information has been included in the monthly reminder email.
- Written news articles on program topics for the CUPA annual newsletter (2017-2019)
- Providing CERS and program related training workshops and in-office assistance. The following workshops were provided free to the regulated community:
 - March 3, 2017: Hazardous Waste Management - ACT Enviro and SCDER joint production
 - Common Violations
 - October 5, 2017: Ammonia Refrigeration Training Resource Compliance and SCDER joint production
 - March 23, 2018: CalARP Compliance Workshop - Condor Earth Technologies and SCDER joint production
 - RMP and CalARP Updates
 - CalARP Audit - Common Deficiencies
 - CERS Update, submittals for all CUPA programs
 - June 22, 2018, June 20, 2019: Generator Workshop - ACT Enviro and SCDER joint production
 - Common Violations/Return to Compliance
 - May 2, 2019: Storm Water and CalARP Workshop - Condor Earth Technologies and SCDER joint production
 - How to Conduct a CalARP Audit and What Regulators Look For
 - March 11, 2020: CalARP Compliance Workshop - Condor Earth Technologies and SCDER joint production

2. SCDER EMERGENCY RESPONDERS:

SCDER administers the Hazardous Materials Emergency Response team and is part of the Countywide Emergency Response Team. Hazardous Materials Emergency Responders are available to respond to all hazardous materials and other environmental health emergencies in Stanislaus County 24 hours a day, 365 days a year. SCDER has 10 California Specialized Training Institute (CSTI) certified Hazardous Materials Specialists (HMS).

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

SCDER conducts routine monthly training with the County-Wide Response Team, which covers hazardous materials categorization, self-contained breathing apparatus (SCBA) training, rail car overturns, and various monitoring instruments.

Members of the Stanislaus County-Wide Response Team are required to participate in a minimum of 24 hours of approved training each year. Training drills and exercises are provided through the SCDER approximately 11 times per year to meet this requirement. At least one of these training drills or exercises will address pesticide-related incident response issues. These pesticide trainings also involve public health professionals who specialize in pesticide illness diagnosis and treatment and consist of either table-top or full-scale exercises.

The following are examples of team training:

- SCDER by rail and rail car overturns at Modesto and Empire Traction Company
- SCDER bomb device situation
- Radiation
- Kiva Energy Propane tank cylinders
- Mass decontamination
- Pesticide drift
- Unknown powder identification
- Simulated a chemical release from chlorine cylinders at the City of Modesto's Water Treatment Plant on Jennings Road (2019)
- Ammonia release drill at Bronco Winery on May 25, 2018
- Live ammonia release drill in November of 2017 and 2018
- Emergency response drill at CSUS on October 10, 2018
- Emergency response drill at Doctor's Medical Center on October 23, 2018
- Release mitigation utilizing Level A SCBA suits

The following are examples of emergency responses:

- SCDER emergency responders responded to a Honey Well Extraction illegal Drug Lab in Oakdale. There were 170 gallons (in 4 drums) of byproduct disposed and 700 pounds (in 7 drums) of contaminated debris. Responders were on the scene for 12 hours in April of 2019. Other local responders were on the scene as well.
 - At 3:00 a.m. on July 22, 2019, SCDER emergency responders were called to a diesel spill caused by a big rig that veered off the Highway 99 freeway. The incident caused a road closure for several hours.
 - SCDER emergency responders, in partnership with the Stanislaus County Drug Enforcement Agency (SCDEA), responded to a methamphetamine lab on September 25, 2019, at a residence in Empire.
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