

May 11, 2021

Ms. Paula Stewart
CUPA Manager
San Francisco City & County Public Health Department
1390 Market Street, Room 210
San Francisco, California 94102-5403

Dear Ms. Stewart:

During December, 2020, through April, 2021, CalEPA and the state program agencies conducted a performance evaluation of the San Francisco City & County Public Health Department Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, 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 improvement 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 (July 12, 2021), 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.

To ensure the CUPA Performance Evaluation process is as effective and efficient as intended, I kindly request the included evaluation survey to be completed and returned to Melinda Blum within 30 days. If you would like to have specific comments remain anonymous, please indicate so on the survey.

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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

Enclosures

cc sent via email:

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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: San Francisco City & County Public Health Department

Evaluation Period: December 2020 to April 2021

Evaluation Team Members:

- **CalEPA Team Lead:** Tim Brandt
- **DTSC:** Kevin Abriol
- **Cal OES:** Fred Mehr, Garrett Chan
- **State Water Board:** Jessica Botsford
- **CAL FIRE-OSFM:** Glenn Warner

This Final Summary of Findings includes:

- Program deficiencies
- Incidental findings requiring resolution
- Program 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 Unified Program implementation and performance of the CUPA is considered: **satisfactory with improvements needed.**

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

Tim Brandt
CalEPA Unified Program
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 correcting each deficiency and resolving each 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: July 12, 2021
3rd Progress Report: January 12, 2022

2nd Progress Report: October 12, 2021
4th Progress Report: April 12, 2022

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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 inspecting each APSA tank facility that stores 10,000 gallons or more of petroleum once every three years or Hazardous Waste Generator (HWG) facility at least once every three years, nor each “Minimal Quantity Generator” facility at least once every six years, per the inspection frequency established in the Inspection and Enforcement (I&E) Plan.

Review of facility files, inspection, violation and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS), and additional information provided by the CUPA indicates:

- 180 of 1,113 (16%) HWG facilities were not inspected within the inspection frequency established in the I&E Plan.
- 6 of 28 (21%) APSA tank facilities that store 10,000 gallons or more of petroleum have not been inspected within the last three years.

CITATION:

Health and Safety Code (HSC), Chapter 6.67, Section 25270.5(a)
California Code of Regulations (CCR), Title 27, Section 15200(a)(3)
[DTSC, OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure all HWG facilities and all APSA tank facilities that store 10,000 gallons or more of petroleum and are not conditionally exempt are inspected per the inspection frequency established in the I&E Plan. The action plan will include at minimum:

- An analysis and explanation as to why the inspection frequency requirement for the HWG and APSA programs are not being met. Existing inspection staff resources and how many facilities each inspector is scheduled to conduct each year are factors to address in the explanation.
- A sortable spreadsheet exported from the CUPA’s data management system or CERS, identifying each HWG facility and each APSA tank facility storing 10,000 gallons or more of petroleum that has not been inspected per the inspection frequencies established in the I&E Plan. For each HWG facility and each APSA tank facility listed, the spreadsheet will include, at minimum:
 - Facility name,
 - CERS ID, and
 - Date of the last routine inspection.
- A schedule to inspect those listed HWG facilities and APSA tank facilities, prioritizing the most delinquent inspections to be completed prior to any other HWG facility and APSA

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tank facility inspection based on a risk analysis (e.g., large volumes of petroleum, proximity to navigable water).

- Future steps to ensure that all HWG facilities and APSA tank facilities storing 10,000 gallons or more of petroleum will be inspected per the inspection frequencies established in the I&E Plan.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet to demonstrate the number of HWG facility and APSA tank facility inspections that have been conducted during the previous three months.

By the 5th Progress Report, the CUPA will have inspected each HWG facility and each APSA tank facility storing 10,000 gallons or more of petroleum within the frequency reported in the I&E Plan.

2. DEFICIENCY:

The CUPA is not correctly reporting complete and accurate CME information to CERS for the HWG Program.

Review of inspection data provided by the CUPA and CERS CME information finds the CUPA is not correctly reporting Resource Conservation and Recovery Act Large Quantity Generator (RCRALQG) and Tiered Permitting (TP) inspections to CERS.

- The CUPA reports having 11 RCRALQG facilities, however CERS indicates RCRALQG facility inspections were reported under the HWG program.
- The CUPA reports having seven Tiered Permit facilities, however CERS indicates Tiered Permit inspections were reported under the HWG program.

Review of inspection data provided by the CUPA and CERS CME information finds observed violations have not been reported to CERS:

- CERS ID 10056742: Inspection report dated June 20, 2018, cites one violation for failure to determine if wastes generated are hazardous wastes by using generator knowledge or applying testing method, however this violation is not in CERS.
- CERS ID 10061056: Inspection report dated July 9, 2019, cites one violation for failure to obtain an Identification Number prior to treating, storing, disposing of, transporting or offering for transportation any hazardous waste, however this violation is not in CERS.

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

CITATION:

HSC, Chapter 6.11, Section 25404(e)(4)
CCR, Title 27, Sections 15187(c) and 15290(a)(3) and (b)
[DTSC]

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CORRECTIVE ACTION:

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

- Identification and correction of the cause(s) of missing or incorrect HWG Program CME information reported to CERS, including any data transfer from the local data management system or portal to CERS to ensure all CME information is reported completely and accurately to CERS;
- Revision of the existing HWG Program CME reporting component of the data management procedure, or other applicable procedure to ensure CME information is completely and accurately reported to CERS.
- Identification of HWG Program CME information not previously reported to CERS, or reported to CERS incorrectly from July 1, 2017, through June 30, 2020;
- A process for reporting HWG Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS, including CME information for any revised inspection reports;
- A process for ensuring CUPA personnel and inspectors are trained in the consistent use of CERS violation type numbers; and
- Future steps to ensure all HWG Program CME information is reported completely and accurately to CERS. This may generate the need for a comparison of HWG Program CME information (including follow-up actions) in the local data management system with CERS to identify any CME information not being reported, or being reported incorrectly to CERS through electronic data transfer (EDT).

By the 2nd Progress Report, if amendments to the revised CME reporting component of the data management procedure, or other applicable procedure are necessary based on feedback from DTSC, the CUPA will provide CalEPA with a copy of the amended CME reporting component of the data management procedure or other applicable procedure. If amendments are not necessary, the CUPA will train CUPA personnel on the revised CME reporting component of the data management procedure, or other applicable procedure. The CUPA will provide training documentation to CalEPA which will include, at minimum, an outline of the training conducted and a list of CUPA personnel in attendance. Once training is complete, the CUPA will implement the revised CME reporting component of the data management procedure or other applicable procedure.

By the 3rd Progress Report, if amendments to the revised CME reporting component of the data management procedure, or other applicable procedure were necessary, the CUPA will provide CalEPA with a copy of the amended CME reporting component of the data management procedure or other applicable procedure. The CUPA will train CUPA personnel on the amended CME reporting component of the data management procedure, or other applicable procedure. The CUPA will provide training documentation to CalEPA which will include, at minimum, an outline of the training conducted and a list of CUPA personnel in attendance. Once training is complete, the CUPA will implement the amended CME reporting component of the data management procedure or other applicable procedure.

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By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an inspection report for an inspection conducted during the previous three months or Return to Compliance (RTC) documentation obtained during the previous three months for up to five HWG Program facilities as requested by DTSC.

By the 4th Progress Report, the CUPA will consistently and correctly report all HWG Program CME information to CERS. The CUPA will provide a statement confirming the completion of all prior HWG Program CME information not previously reported to CERS, or previously reported incorrectly to CERS, from July 1, 2017, through June 30, 2020, as completely and accurately being reported to CERS.

3. DEFICIENCY:

The CUPA is not properly classifying HWG violations.

Review of facility files and CERS CME information finds the CUPA is classifying Class I or Class II HWG Program violations as minor violations in the following instances:

- Violation for exceedance of authorized accumulation time (CCR, Title 22, Section 66262.34) 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 Health and Safety Code, section 25404(a)(3).
 - CERS data indicates 14 of 47 (30%) violations cited between July 1, 2017, and June 30, 2020, for exceedance of accumulation timeframe were classified as minor.

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5, 25117.6
CCR, Title 22, Sections, 66260.10, 66262.34
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will train inspection staff on the classification of minor, Class I, and Class II violations, as defined in:

- HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6;
- HSC, Chapter 6.11, Section 25404(a)(3); and
- CCR, Title 22, Section 66260.10.

The CUPA will train inspection staff on how to properly classify HWG Program violations 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>
- [2020 Violation Classification Guidance for Unified Program Agencies](https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf)
<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>

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The CUPA will provide CalEPA with training documentation, which at minimum will include, an outline of the training conducted and a list of CUPA inspection staff in attendance.

By the 2nd Progress Report, the CUPA will provide CalEPA with an inspection report citing at least one HWG Program violation, for three HWG facilities, as requested by DTSC, that have been inspected after training has been completed and within the last three months. Each inspection report will contain observations, factual basis, and corrective actions to correctly identify and classify each observed HWG Program violation.

Note: The following additional HWG inspection, accumulation and generator requirement training resources are available to assist in training CUPA inspectors:

- Advanced Hazardous Waste Inspector Training Video 2016 (1 of 2)
<https://www.youtube.com/watch?v=Iqn3TJftSUM>
- Advanced Hazardous Waste Inspector Training Video 2012 (5 of 7): Tanks and Sumps
<https://www.youtube.com/watch?v=oCrI3MvTd8M>
- Generator Requirements Fact Sheet
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM_FS_Generator_Requirements.pdf
- Accumulation Time Fact Sheet
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf
- Universal Waste
https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/UW_Factsheet1.pdf
- Managing Used Oil Filters for Generators
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG_Used-Oil-Filters_Generators1.pdf
- Management of Spent Lead Acid Batteries
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_DutyOfficer_LeadAcidBatteries1.pdf
- Generator Summary Chart
<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/05/California-Generator-Chart.pdf> and
https://www.acgov.org/forms/aceh/Generator_Requirements_Summary_Chart.pdf

4. DEFICIENCY:

The CUPA did not provide CalEPA with a Formal Enforcement Summary Report within 30 days for each formal enforcement case that has received a final judgement.

- A Formal Enforcement Summary Report was not provided for 88 facilities that were assessed administrative penalties.
 - Self-Audit reports for Fiscal Years (FYs) 2017/2018, 2018/2019, and 2019/2020 indicate a combined total of 88 facilities were assessed administrative penalties for failure to maintain a valid Certificate of Registration.
- A Formal Enforcement Summary Report was not provided for seven enforcement cases.
 - Self-Audit reports for FYs 2017/2018, 2018/2019, and 2019/2020 indicate a combined total of seven major enforcement cases received final judgements.

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CITATION:

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

CORRECTIVE ACTION:

Effective immediately, the CUPA will provide CalEPA with a Formal Enforcement Summary Report within 30 days of final judgment for each future formal enforcement case, not including statewide formal enforcement cases.

- 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>
- Completed forms shall be submitted via email to CUPA@calepa.ca.gov

By the 2nd Progress Report, the CUPA will provide CalEPA with a Formal Enforcement Summary Report for each of the 88 formal enforcement cases and for each of the seven major enforcement cases receiving final judgments as identified in the Self-Audit reports for fiscal years 2017/2018, 2018/2019, and 2019/2020.

5. DEFICIENCY:

Required components of the Inspection and Enforcement (I&E) Plan are missing or inaccurate.

- The following components are missing:
 - Provisions for ensuring the CUPA has sampling capability and ensuring the analysis of any material shall be performed by a state certified laboratory pursuant to HSC, Chapter 6.5, Section 25198.
 - Provisions to ensure the I&E Plan is reviewed annually by the CUPA. The Enforcement Plan (CUPA Policy 8-01) appears to be reviewed annually; however, a number of associated policies, including the Inspection Plan component of the I&E Plan (Policy 3-01) have no indication of being reviewed annually.
 - Provisions for enforcement options regarding red tag authority for the UST Program, per HSC, Chapter 6.7
- The following component is inaccurate:
 - Page 18 inaccurately lists \$25,000 per day as the statutory maximum for each HWG violation per day. The maximum initial penalty was amended in 2018 to \$70,000. The initial penalty amount should be updated for consistency with HSC 25189.2(d) and CCR 66272.62(d).

CITATION:

CCR, Title 27, Section 15200(a)
HSC, Chapter 6.7, section 25292.3
[CalEPA, DTSC, State Water Board]

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CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a copy of the revised I&E Plan that addresses the identified missing and inaccurate components.

By the 2nd Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from CalEPA, the CUPA will provide CalEPA with a copy of the amended I&E Plan. If no amendments are necessary, the CUPA will train CUPA personnel on the revised I&E Plan. The CUPA will provide training documentation to CalEPA, which at minimum will include an outline of the training conducted and a list of CUPA personnel in attendance. Once training is complete, the CUPA will implement the revised I&E Plan.

By the 3rd Progress Report, if amendments were necessary, the CUPA will train CUPA personnel on the amended I&E Plan. The CUPA will provide training documentation to CalEPA, which at minimum will include an outline of the training conducted and a list of CUPA personnel in attendance. Once training is complete, the CUPA will implement the amended I&E Plan.

6. DEFICIENCY:

The Self-Audit Report for FYs 2017/2018, 2018/2019, and 2019/2020 are missing required components.

- The following components are missing:
 - A report of deficiencies with a plan of correction.
 - A narrative description of the effectiveness of the single fee system.
 - An indication that each Self-Audit was completed before September 30th of each year.

Note: While the narrative description of effectiveness of the single fee system is missing, the narrative descriptions for the implementation of each program element, permitting, inspections, enforcement, and administrative/staffing are comprehensive and highly informative.

CITATION:

CCR, Title 27, Section 15280(c)
[CalEPA]

CORRECTIVE ACTION:

By the 2nd Progress Report, the CUPA will provide CalEPA with a completed Self-Audit Report for FY 2020/2021 that includes all required components, and incorporates a date of completion to demonstrate the Self-Audit Report was compiled by September 30th. For each subsequent FY, the CUPA will complete a Self-Audit Report, which will include all required components, and incorporate a date of completion to reflect compilation by September 30th.

7. DEFICIENCY:

The CUPA is not following up and documenting actions associated with return to compliance (RTC) within 60 days of testing or leak detection failures.

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Review of CERS CME information for the following FYs finds:

- FY 2019/2020
 - 84 of 242 (35%) of testing and leak detection failures did not obtain RTC within 60 days
- FY 2018/2019
 - 123 of 282 (44%) of testing and leak detection failures did not obtain RTC within 60 days
- FY 2017/2018
 - 45 of 120 (37%) of testing and leak detection failures did not obtain RTC within 60 days

Below are examples of the testing and leak detection violations with no documented RTC in CERS:

- CERS ID 10175107: Inspection dated May 28, 2020, indicates failure of overfill prevention equipment. There is no documented RTC within 60 days.
- CERS ID 10058551: Inspection dated May 20, 2020, indicates failure of secondary containment. There is no documented RTC within 60 days.
- CERS ID 10057753: Inspection dated April 22, 2020, indicates failure of line leak detector. There is no documented RTC within 60 days.
- CERS ID 10056775: Inspection dated October 9, 2019, indicates spill container failure. There is no documented RTC within 60 days.

Note: The examples provided above may not represent all instances of this deficiency and do not include RTC actions for administrative or minor violations.

CITATION:

HSC, Chapter 6.7, Section 25288(d)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the I&E Plan or other applicable procedure to ensure the establishment of a process for documenting follow up actions taken by the CUPA with UST facilities that have testing or leak detection failures and require RTC within 60 days and applying an informal or formal graduated series of enforcement. The CUPA will provide CalEPA with the revised I&E Plan, or other applicable procedure.

By the 2nd Progress Report, if amendments to the revised I&E Plan or other applicable procedure are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended I&E Plan or other applicable procedure. If no amendments are necessary, the CUPA will train UST Inspection staff on the revised I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at minimum, will include an outline of the training conducted and a list of UST Inspection staff in attendance. Once training is complete, the CUPA will implement the revised I&E Plan or other applicable procedure.

By the 3rd Progress Report, if amendments were necessary, the CUPA will train UST Inspection staff on the amended I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at minimum, will include an outline of the training conducted

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and a list of UST Inspection staff in attendance. Once training is complete, the CUPA will implement the amended I&E Plan or other applicable procedure.

By the 4th Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with facility records for five UST facilities, as selected by the State Water Board, that include RTC or documentation of an applied informal or formal graduated series of enforcement.

8. DEFICIENCY:

The CUPA is not issuing the required Unified Program Facility Permit (UPFP). The CUPA utilizes a Certificate of Registration (COR), also referred to as the Hazardous Material Unified Program Agency (HMUPA) Compliance Certificate, to consolidate the issuance of Unified Program permits in place of a UPFP.

In addition, review of the COR, which includes the UST operating permit, UST operating permit conditions, and general COR conditions, finds inconsistencies with CCR, Title 27, UST Regulations, and HSC.

The following information on the COR is inconsistent with CCR, Title 27:

- COR Restrictions/Stipulations indicate a business must be in compliance with the San Francisco Building Code, Electric Code, Public Works Code, Fire Code, City Planning Code, and other laws governing the use and storage of hazardous materials. Conditions of issuance of a UPFP can only be relative to Unified Program elements.
- The COR includes the Chlorofluorocarbon Recovery and Recycling Permit, which is not a Unified Program element.

The UST Operating Permit and permit conditions issued under the COR are inconsistent with UST Regulations and HSC:

- UST Operating Permit conditions indicate UST owners or operators shall notify the CUPA of changes in chemical inventory within 30 days, while the regulatory requirement is to notify the CUPA 30 days prior to any change in substance stored.
- UST Operating Permit conditions reference reporting all “spills and leaks”, however, in regard to the UST Program it should reference “releases.”
- UST Operating Permit conditions cite HSC, Chapters 6.7 and 6.75. The citation of HSC, Chapter 6.75 is incorrect.
- UST Operating Permit conditions indicate yearly maintenance; however, this is not specific to the type of maintenance and is inconsistent with maintenance frequencies outlined in HSC, Chapter 6.7 and CCR, Title 23.
- UST Operating Permit conditions have misprints, including, but not limited to, “pipeline” (which should be “pipe line”) and “up grading” (which should be “upgrading”).

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CITATION:

HSC, Chapter 6.7

CCR, Title 23, Section 2712(c) and (i)

CCR, Title 27, Section 15190(b) and (h)

[CalEPA, State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will replace the COR template with a UPFP template and provide a copy to CalEPA. The UPFP template will include the UST operating permit and UST operating permit conditions, and, at minimum, will address the inconsistencies identified above relative to Unified Program elements consolidated under the UPFP and UST operating permit conditions.

By the 2nd Progress Report, the CUPA will, if necessary, revise the UPFP template and UST operating permit conditions, based on feedback from CalEPA and the State Water Board, and will provide the revised documents to CalEPA. If no revisions are necessary, the CUPA will provide CalEPA with a copy of five UPFPs, which include issuance of the revised UST operating permit conditions that have been issued to UST Program facilities using the revised UPFP template.

By the 3rd Progress Report, if revisions to the UPFP template and UST operating permit conditions were necessary, the CUPA will provide CalEPA with a copy of five UPFPs, which include issuance of the revised UST operating permit conditions that have been issued to UST Program facilities using the revised UPFP template.

9. DEFICIENCY:

The local ordinance, Article 21, Division III, is inconsistent with UST Regulations and HSC.

Review of Article 21, Division III finds the following inconsistencies, including but not limited to:

- Section 1120.1(a) and (c) requires compliance with non-UST requirements by imposing additional limits on the UST operating permit. The CUPA does not have the authority to impose these restrictions on UST facilities by way of the operating permit, however, the CUPA may require additional requirements elsewhere in the local ordinance.
- Section 1120.1(d) references “any Code violations”, however, this should clearly identify it only references UST code citations. Note: Amendments to HSC, Chapter 6.7, Section 25285 allows permits to be issued to UST facilities, unless the UST facility is currently red tagged, undergoing formal enforcement, or has not paid permit fees.
- Section 1120.1(d) requires the design and construction of the UST must meet all applicable City, State, and Federal UST laws, however, the CUPA does not have the authority to implement Federal UST laws.

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DEFICIENCIES REQUIRING CORRECTION

CITATION:

HSC, Chapter 6.7 Section 25299.2, 25299.3

CCR, Title 23, Section 2620(c)

CCR, Title 27, Sections 15100(b)(1)(C), 15160, 15330(a) (1) and (a)(2), 15280(c)(5) and 15150(c)(2)

[State Water Board]

CORRECTIVE ACTION:

The CUPA will no longer implement provisions of the local ordinance that may be inconsistent with UST Regulations and HSC.

By the 1st Progress Report, the CUPA will provide CalEPA with a detailed plan to revise and adopt the local ordinance to be consistent with UST Regulations and HSC. The plan will at minimum include a timeline for drafting and adopting the revised ordinance, provisions for the CUPA to provide legal analysis of the ordinance to the State Water Board, and a draft of the revised local ordinance.

By the 2nd Progress Report, the CUPA will, if necessary, revise the plan for revision and adoption of the local ordinance, based on feedback from the State Water Board.

Considering the length of time required to draft and adopt local ordinances, the State Water Board will consider this deficiency closed, but not corrected, after the CUPA has provided the plan as outlined above. During implementation of the plan, State Water Board must have an opportunity to review the revised draft of the local ordinance. This opportunity allows the State Water Board to work with the CUPA to ensure the revised draft of the local ordinance is consistent with UST Regulations and HSC and meets all other legal requirements.

10. DEFICIENCY:

The CUPA is not consistently issuing closure documentation and is not documenting in sufficient detail whether the UST owner or operator has demonstrated to the satisfaction of the CUPA, UST closure, removal, and soil and/or water sampling complies with UST Regulations and HSC.

The following are examples:

- CERS ID 10174965: The letter provided to the owner or operator is a no further action letter and does not identify that the owner or operator demonstrated to the satisfaction of the CUPA, UST closure, removal, and soil and/or water sampling complies with UST Regulations and HSC.
- CERS ID 10059748: No closure documentation was provided to the owner or operator stating that the owner or operator demonstrated to the satisfaction of the CUPA, UST closure, removal, and soil and/or water sampling complies with UST Regulations and HSC.
- CERS ID 10022938: No closure documentation was provided to the owner or operator stating that the owner or operator demonstrated to the satisfaction of the CUPA, UST closure, removal, and soil and/or water sampling complies with UST Regulations and HSC.

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

Note: The following may be referenced: [State Water Board UST Program Leak Prevention Frequently Asked Question 15](https://www.waterboards.ca.gov/ust/leak_prevention/faq15.shtml)
(https://www.waterboards.ca.gov/ust/leak_prevention/faq15.shtml).

CITATION:

HSC, Chapter 6.7, Section 25298(c)
CCR, Title 23, Section 2672(d)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop a UST Closure procedure, ensuring the establishment of a process, which will include at minimum, how the CUPA will:

- Document in sufficient detail, the owner or operator has demonstrated to the satisfaction of the CUPA, UST closure, removal, and soil and/or water sampling complies with UST Regulations and HSC; and
- Provide UST closure documentation to the owner or operator which demonstrates to the satisfaction of the CUPA, UST closure, removal, and soil and/or water sampling complies with UST Regulations and HSC.

The CUPA will provide the developed UST Closure procedure to CalEPA.

By the 1st Progress Report, the CUPA will develop or review and revise a UST closure letter template. The CUPA may consider including the following language in the UST closure letter template: “the San Francisco CUPA has reviewed the UST closure documentation and approves the UST closure as properly completed in accordance with HSC, Chapter 6.7, Section 25298(c) and CCR, Title 23, Section 2672(d)” to include reference to specific UST code citations. The CUPA will provide the developed or revised UST closure letter template to CalEPA.

By the 2nd Progress Report, if revisions to the developed UST Closure procedure and/or UST closure letter template are necessary based on feedback from State Water Board, the CUPA will provide CalEPA with a copy of the revised UST Closure procedure and/or UST closure letter template. If no revisions are necessary, the CUPA will train UST inspection staff on the revised UST Closure procedure and/or UST closure letter template. The CUPA will provide training documentation to CalEPA, which at minimum, will include an outline of the training conducted and a list of UST Inspection staff in attendance. Once training is complete, the CUPA will implement the revised UST Closure procedure and/or UST closure letter template.

By the 3rd Progress Report, if amendments to the revised UST Closure procedure and/or UST closure letter template were necessary, the CUPA will train UST Inspection staff on the amended UST Closure procedure and/or UST closure letter template. The CUPA will provide training documentation to CalEPA, which at minimum, will include an outline of the training conducted and a list of UST Inspection staff in attendance. Once training is complete, the CUPA will implement the amended UST Closure procedure and/or UST closure letter template.

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With respect to facilities which have not been provided adequate UST closure documentation, the CUPA will use the revised UST closure letter template and will provide the requested documentation upon request or in the event of a public records request.

By the 4th Progress Report, or until considered corrected, for the next two UST removals or closures in place, the CUPA will provide CalEPA with a copy of the UST closure documentation that demonstrates to the satisfaction of the CUPA, UST closure, removal and soil and/or water sampling complies with UST Regulations and HSC.

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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 properly classifying APSA Program violations.

Review of facility files and CERS CME information indicates the CUPA is classifying Class I or Class II APSA Program violations as minor violations in the following instances:

- Not having or failure to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan is being cited as a minor violation. Facilities that operate without an SPCC Plan present a significant threat to human health or the environment, and may benefit economically from noncompliance either by reduced costs or by competitive advantage. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3). Classifying a violation for not having an SPCC Plan as minor is inconsistent with, and less stringent than, the U.S. Environmental Protection Agency (EPA).
 - FY 2017/2018 through FY 2019/2020: 17 of 37 (46%) violations for not having, or failure to prepare, an SPCC Plan were classified as minor.

Note: The Federal SPCC Rule is not delegated to any state; however, APSA requires consistency and compliance with the Federal SPCC Rule for SPCC Plan preparation and implementation, as well as consistency with Federal enforcement guidance.

CITATION:

HSC, Chapter 6.11, Sections 25404(a)(3), 25404.2(a)(3) and 25404.2(a)(4)
HSC, Chapter 6.67, Sections 25270.4.1(c) and 25270.4.5
CCR, Title 27, Section 15200(a) and (e)
[OSFM]

RESOLUTION:

Beginning immediately, the CUPA will ensure that future citations of violations for not having, or failure to prepare, an SPCC Plan are not classified as minor.

By the 1st Progress Report, the CUPA will train inspection staff on the classification of minor, Class I, and Class II violations, as described in

- HSC, Chapter 6.11, Section 25404(a)(3) and
- U.S. Environmental Protection Agency (EPA) Civil Penalty Policy, Section 311(b)(3) and Section 311(j) of the Clean Water Act, emphasizing that the “no SPCC Plan” violation is not considered a minor violation
(<https://19january2017snapshot.epa.gov/enforcement/civil-penalty-policy-section=311b3-and-section-311j-clean-water-act-cwa-august-1998.html>).

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The CUPA will train inspection staff on how to properly classify APSA Program violations during inspections and ensure inspection staff review the following:

- Violation Classification Training Video 2014
(<https://www.youtube.com/watch?v=RB-5V6RfPH8>)
- 2020 Violation Classification Guidance for Unified Program Agencies
(<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>)
- U.S. EPA Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act, August 1998 for SPCC violations
(<https://19january2017snapshot.epa.gov/enforcement/civil-penalty-policy-section-311b3-and-section-311j-clean-water-act-cwa-august-1998.html>)

The CUPA will provide CalEPA with training documentation, which at minimum will include, an outline of the training conducted and a list of CUPA inspection staff attending the training.

2. INCIDENTAL FINDING:

The CUPA is not utilizing the current Surcharge Transmittal Report template to CalEPA.

A copy of the current quarterly [Surcharge Transmittal Report](https://calepa.ca.gov/wp-content/uploads/sites/6/2020/01/SURCHARGE-TRANSMITTAL-REPORT_1819.pdf) can be found at:
https://calepa.ca.gov/wp-content/uploads/sites/6/2020/01/SURCHARGE-TRANSMITTAL-REPORT_1819.pdf.

CITATION:

CCR, Title 27, Section 15250(b)(1) and (2)
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will have provided CalEPA with the 3rd quarterly Surcharge Transmittal Report for Fiscal Year 2020/2021 by the required due date using the current template. Thereafter, the CUPA will submit each quarterly Surcharge Transmittal Report to CalEPA no later than 30 days after the end of each fiscal quarter utilizing the most current template.

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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's Inspection and Enforcement (I&E) Plan contains information that is inaccurate, outdated, or may benefit from improvement.

- A RTC timeframe, relative to any program element, is not included, and there is a note in the minor violation section that indicates formal enforcement action may not be taken by the CUPA for minor violations corrected during an inspection or when corrected within 30 days. However, when cited with a minor violation, Unified Program facilities have 30 days from the date of the notice to comply, in accordance with HSC 25404.1.2(c)(1).
- Page 16 inaccurately refers to the APSA program as above ground tank.
- Pages 16 and 17, the HSC Section 25270.4.5 statute language is outdated.
- Page 17, the HSC Section 25270.12 statute language is referenced for civil penalties. However, there is no statute language included for administrative penalties (HSC Section 25270.12.1) nor misdemeanors (HSC Section 25270.12.5).

RECOMMENDATION:

Update the Inspection and Enforcement Plan as indicated above.

2. OBSERVATION:

The CUPA's website contains various resources for the public and regulated community, however APSA program information on the website is outdated, incorrect, or may benefit from improvement.

- The Hazardous Materials & Waste Program: Aboveground Petroleum Storage webpage (<https://www.sfdph.org/dph/EH/HMUPA/APSA.asp>) identifies a three-year inspection frequency for APSA tank facilities, which is consistent with the mandated triennial inspections of tank facilities storing 10,000 gallons or more of petroleum but differs from the CUPA's inspection frequency of six years for tank facilities storing less than 10,000 gallons of petroleum.
- The existing link for the California APSA Helpful Link is broken. The correct link to the California APSA Helpful Link on the OSFM APSA website is: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/>.
- The Aboveground Petroleum Storage Frequently Asked Questions webpage (https://www.sfdph.org/dph/EH/HMUPA/APSA_FAQ.asp) does not reflect the current APSA statute.
 - Statutory requirements for other tank facilities subject to APSA, such as tank facilities with tanks in underground areas (TIUGA), regardless of the 1,320-gallon storage capacity of the facility should be included.

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- The Tier I and Tier II qualified facility discussions should be updated to reflect all oils (not exclusively petroleum). For example, self-certification of an SPCC Plan applies only to qualified facilities storing 10,000 gallons or less of SPCC regulated oils.
- The information related to excluded aboveground storage tanks can be improved:
 - The description of the HSC Section 25270.2(a)(2) exclusion should reference HSC Sections 25117 and 25115, not HSC Section 25316(g), and should discuss the permit by rule authorization from the CUPA.
 - The UST exclusion should discuss USTs that do not meet the definition of a TIUGA.
 - Information relative to the HSC Section 25270.2(a)(7) exclusion related to farms is missing.
 - Information relative to the HSC Section 25270.2(a)(8) exclusion related to TIUGAs of less than 55-gallon capacity is missing.
- The specific identification of olefins, alkanes, alkylates, and aromatics as APSA petroleum may not be accurate and should be removed.
- The APSA conditional exemption discussion erroneously implies that the local agency determines the size of secondary containment plus precipitation.
- The statement regarding APSA not providing an exemption for wastewater systems/facilities similar to the exemption contained in the SPCC Rule should be removed. For consistency with the SPCC Rule, oil/water separators that are exempt from the SPCC Rule requirements are not regulated under the APSA Program. However, bulking tanks (i.e., tanks that collect skimmed oil as part of the oil/water separator system) are subject to the SPCC Rule, and are regulated under the APSA Program.

RECOMMENDATION:

Review and update the website to ensure it reflects current and correct information. Update the California APSA link to the new OSFM APSA webpage. Provide a link to the U.S. Environmental Protection Agency website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations> for information on SPCC requirements.

3. OBSERVATION:

The SFDPH APSA CERS Violations Table, used during inspection, corresponds well with the Unified Program Violation Library. However, the CUPA's inspection checklist for professional engineer (PE)-certified SPCC Plan facilities contains approximately 54 violations, whereas the corresponding 2020 CUPA Forum Board checklist for PE-certified SPCC Plan facilities contains approximately 89 violations.

RECOMMENDATION:

Utilize the latest version of the CUPA Forum Board APSA inspection checklists, and ensure the APSA inspection checklist being utilized is applicable to the type of tank facility being inspected.

4. OBSERVATION:

The CERS reporting requirement is currently set as APSA Applicable for 222 facilities. The CUPA's local data management system identifies 208 APSA facilities.

- 197 APSA tank facilities are identified in both CERS and the CUPA's local data management system.

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- 11 APSA tank facilities identified in the CUPA's database are currently identified in CERS as "APSA Not Applicable".
 - Nine of the 11 facilities appear to be APSA tank facilities, and the CUPA should update the CERS reporting requirement to "APSA Applicable."
 - Two of the 11 facilities appear to not be APSA tank facilities, and, as such, should be removed from the CUPA's local data management system.
- 25 APSA tank facilities are not included in the CUPA's local data management system, but are reported as APSA Applicable in CERS. The CUPA should investigate these facilities to determine which are actual APSA tank facilities that should be added to the CUPA's local data management system. Facilities the CUPA determines to not be APSA regulated should have the APSA CERS reporting requirement set to "Not Applicable" by the CUPA.

RECOMMENDATION:

Complete the reconciliation of the APSA Program information in the CUPA's local data management system with CERS to ensure all APSA tank facilities are included in both systems.

5. OBSERVATION:

SPCC Plan submittals were accepted by the CUPA for CERS IDs 10056526, 10056418, and 10060969.

SPCC Plans are not required to be provided as part of an APSA CERS submittal. SPCC Plans should not be uploaded to CERS. The APSA documentation upload section in CERS is for facilities to (1) provide annual tank facility statements, (2) indicate if a hazardous materials business plan (HMBP) is provided in lieu of a tank facility statement, or (3) provide other local reporting requirement information.

RECOMMENDATION:

Utilize the regulator comments field in CERS to provide feedback to the APSA tank facility advising the owner or operator to not include SPCC Plans in future CERS submittals.

6. OBSERVATION:

Multiple APSA tank facilities submitted an HMBP in lieu of a tank facility statement using the 2011 emergency response and training plans template, which has an invalid phone number for OSFM.

RECOMMENDATION:

Encourage each APSA tank facility that utilizes the consolidated emergency response and training plans template as part of the HMBP submittal, in lieu of the tank facility statement, to use the current 2017 template. The current template is available in CERS.

7. OBSERVATION:

The Area Plan contains APSA program information that is inaccurate and may benefit from improvement.

- In the HMBP requirements section on page 11, "aboveground storage of petroleum exceeding SPCC requirements" is referenced. However, it may be more appropriate to reference APSA

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rather than SPCC and specify “aboveground storage of petroleum meeting APSA requirements”.

RECOMMENDATION:

Update the Area Plan as indicated above.

8. OBSERVATION:

Review of overall implementation of the HWG program, including CERS data, and facility file information between July 1, 2017 and June 30, 2020, is summarized below:

- CERS indicates 973 routine HWG inspections were conducted.
 - 341 of 973 (35%) resulted in one or more violations being cited.
 - 629 of 973 (65%) had no violations cited.
- Of the 341 routine HWG inspections resulting in one or more violations cited there were:
 - 18 Class I violations, two of which remain out of compliance since August 27, 2019.
 - 375 Class II violations, three of which remain out of compliance since August 27, 2019.
 - 243 minor violations, three of which remain out of compliance since February 7, 2020.
- The CUPA completed no formal enforcement actions for the HWG program during the evaluation period.
- DTSC was unable to conduct oversight inspections due to Coronavirus (COVID-19) restrictions.

RECOMMENDATION:

Initiate formal enforcement actions for those HWG facilities with inspections that result in egregious violations in accordance with the CUPA’s I&E plan. Ensure complete and thorough HWG inspections are conducted so that all violations at a HWG facility are identified. Ensure complete and accurate CME data is in CERS.

9. OBSERVATION:

Review of CERS finds the following USTs or UST systems as having single-walled components which require permanent closure by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05:

- CERS ID 10131949: Tank IDs 001 - 004;
- CERS ID 10174949: Tank IDs 1 - 3; and
- CERS ID 10056349: Tank IDs 1 - 3.

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

RECOMMENDATION:

Continue to provide verbal reminders to all applicable UST facility owners or operators regarding the December 31, 2025, requirements for permanent closure of single-walled USTs. Consider providing written notification of the requirement to all applicable UST facility owners or operators. The written notification should inform facility owners or operators that in order to remain in

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compliance, owners or operators must replace or remove single-walled USTs by December 31, 2025. Additional information regarding single-walled UST closure requirements may be found at: http://waterboards.ca.gov/water_issues/programs/ust/single_walled/.

Notify facility owners or operators that Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program grants and loans are available to assist eligible small businesses with the costs necessary to remove, replace, or upgrade project USTs. More information on funding sources may be found at:

https://www.waterboards.ca.gov/water_issues/programs/ustcf/rust.html.

10. OBSERVATION:

The Semi-Annual Report (Report 6) for January – June 2018, was submitted past the regulatory deadline of September 1, 2018.

RECOMMENDATION:

Submit each Report 6 by the regulatory deadline of March 1 and September 1 of every year.

11. OBSERVATION:

The information below is a comparison of the total number of regulated facilities within each Unified Program element upon certification of the CUPA with present-day circumstance and the degree to which the number of regulated facilities has increased or decreased. The information is sourced from the following:

- City and County of San Francisco Department of Public Health CUPA Application, February 16, 1996
- CERS “Summary Regulated Facilities by Unified Program Element Report,” generated January 19, 2021
- CERS “UST Inspection Summary Report (Report 6),” generated January 19, 2021
- San Francisco CUPA Fiscal Year 19-20 Self-Audit Report

- Total Number of Regulated Businesses and Facilities:
 - In 1996: 2,300
 - Current CUPA Evaluation: 2,542
 - An increase of **242** facilities

- Total Number of Hazardous Materials Release Response Plan and Inventory (Business Plan) Program Regulated Businesses and Facilities:
 - In 1996: 2200
 - Current CUPA Evaluation: 2067
 - A decrease of **137** facilities

- Total Number of Regulated Underground Storage Tank (UST) Facilities:
 - In 1996: 376
 - Current CUPA Evaluation: 234
 - A decrease of **142** facilities

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- Total Number of Regulated USTs:
 - In 1996: 1014
 - Current CUPA Evaluation: 504
 - A decrease of **510** USTs

- Total Number of Regulated Hazardous Waste Generator (HWG) Facilities:
 - In 1996: 1500
 - Current CUPA Evaluation: 1182
 - A decrease of **318** facilities

- Total Number of Regulated Household Hazardous Waste (HHW) Facilities:
 - In 1996: **N/A**
 - Current CUPA Evaluation: 4
 - An increase of **4** facilities

- Total Number of Regulated Tiered Permitting (TP) Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):
 - In 1996: 83
 - Current CUPA Evaluation: 10
 - A decrease of **73** facilities

- Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:
 - In 1996: **None specified**
 - Current CUPA Evaluation: 11
 - An increase of **11** facilities
 - Comments: The difference between the current and historic number of facilities cannot be determined at this time.

- Total Number of California Accidental Release Prevention (CalARP) Program Facilities:
 - In 1996: 45
 - Current CUPA Evaluation: 2
 - A decrease of **43** facilities

- Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities
 - In 1996: **N/A**
 - Current CUPA Evaluation: 219
 - An increase of **219** facilities

Since the CUPA applied for certification in 1995, an expansion of responsibilities in the Aboveground Petroleum Storage Act and Hazardous Waste Generator programs has occurred, increasing the total regulated facility count and attributing to an increased workload undertaken by the CUPA to further implement regulatory oversight of each of these programs. The number of regulated facilities for most program elements have notably decreased, including those facilities subject to business plan reporting requirements (a decrease of 137 facilities, or 6%), UST facilities (a decrease of 142 facilities, or 38%), HWG facilities (a decrease of 318 facilities, or

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21%), TP facilities (a decrease of 73 facilities, or 88%), and CalARP facilities (a decrease of 43 facilities, or 95%). Additionally, the total number of regulated USTs has decreased by 510, or 50%. Despite these figures, the overall trend shows the number of regulated facilities managed by the CUPA as of FY 2020/2021 is almost 10% greater than it was at the time of certification in 1996.

The information below is a comparison of the overall full-time equivalent (FTE) of CUPA personnel allocated to the implementation of the Unified Program upon certification of the CUPA with present-day circumstance and the degree to which allocated inspection and supervisory/management staff has increased or decreased. The information is sourced from the City and County of San Francisco Department of Public Health CUPA Application, dated February 16, 1996, and recent information provided by the CUPA.

Inspection and Other Staff:

- In 1996:
 - 14 Staff totaling 13.25 Full-Time Equivalent (FTE)
 - Note: Staff includes Environmental Health Inspectors, Senior Environmental Health Inspectors, Fire Inspectors, Public Health Aids, Industrial Hygienists, & Senior Industrial Hygienists
- Currently:
 - 13 Staff totaling 13 FTE
 - Note: Staff includes FTE District Inspectors, Lead Inspectors, & Support Staff

Supervisory and Management Staff

- In 1996:
 - 1 Staff at 1 FTE
- Currently:
 - 1 Staff at 1 FTE

Though additional program element responsibilities have been incorporated into the implementation of the Unified Program and the number of facilities regulated by the CUPA has changed since the CUPA applied for certification in 1995, the full-time equivalent of inspection and supervisory personnel has relatively remained the same.

RECOMMENDATION:

The comparison of the implementation of the program upon certification with present-day circumstance reveals that, at present, CUPA performance does not appear to be significantly impacted by staffing resources as they relate to the total number of regulated facilities and the implementation of Unified Program elements. The CUPA is deficient in maintaining inspection frequency and obtaining RTC for certain program elements; however, the majority of the findings within this report pertain to administrative duties, training and education, or properly reporting information to CERS. Reassess current staff assignments to ensure adequate implementation of each program element within the Unified Program is obtained.

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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. CUPA RECOGNITION OF BEYOND-COMPLIANT FACILITIES:

The CUPA continues implementation of the local Clean and Green (C&G) program. The C&G program recognizes CUPA regulated businesses operating at a level beyond general compliance and implementing high environmental standards designed to prevent pollution, reduce waste, and conserve resources. Businesses are recognized with a C&G placard, to be posted in an area accessible for public viewing, which identifies the business as meeting enhanced environmental standards such as product substitution wherein industry specific products known to be high in toxicity are substituted for products with low or no toxicity and industry specific practices that effectively reduce and/or recycle waste are implemented. Green Business Program staff provide free pollution prevention workshops, environmental tools, private consultation, and health education materials to assist San Francisco businesses and agencies regulated by the CUPA program in achieving C&G status.

During the reporting period CUPA C&G Program staff inspected and recognized 68 businesses.

2. ONGOING COVID-19 OUTREACH AND ENFORCEMENT OF HEALTH & SAFETY GUIDELINES:

The CUPA developed outreach tools for CUPA regulated businesses relative to CUPA specific compliance guidance during the COVID-19 pandemic and conducted multiple outreach campaigns to all CUPA regulated facilities advising of updates to the Stay-Safer-At-Home Health Order and associated Directives governing business operations.

3. OUTREACH FOR CAREERS IN ENVIRONMENTAL HEALTH:

The CUPA developed and distributed an outreach video showcasing careers in Environmental Health and the important work performed by Environmental Health professionals. The video is available on YouTube at: <https://www.youtube.com/watch?v=7ULb00Vljs>
