



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

May 10, 2021

Ms. Leslie Lindbo
Community Development Director
Yolo County Environmental Health
292 West Beamer Street
Woodland, California 95695-2511

Dear Ms. Lindbo:

During September, 2020, through February, 2021, CalEPA and the state program agencies conducted a performance evaluation of the Yolo County Environmental Health 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 an example 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 9, 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 Sam Porras at Samuel.Porras@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:

Ms. April Meneghetti
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Ms. Moushumi Hasan
Supervising Hazardous Materials Specialist
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Ms. Cheryl Prowell
Supervising Water Resource Control Engineer
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Ms. Laura Fisher
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Ms. Maria Soria
Program Manager
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700 Heinz Avenue, Suite 210
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cc sent via email:

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cc sent via email:

Mr. Fred Mehr
Environmental Scientist
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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. Sam Porras
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Yolo County Environmental Health

Evaluation Period: September 2020 through February 2021

Evaluation Team Members:

- **CalEPA Team Lead:** Samuel Porras
- **DTSC:** Matthew McCarron
- **Cal OES:** Fred Mehr
- **State Water Board:** Wesley Franks
- **CAL FIRE-OSFM:** Glenn Warner

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 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:

Samuel Porras
CalEPA Unified Program
Phone: (916) 327-9957
E-mail: Samuel.Porras@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 9, 2021
3rd Progress Report: January 5, 2022

2nd Progress Report: October 7, 2021
4th Progress Report: April 5, 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 Unified Program administrative procedures have components that are incomplete.

The following components are incomplete:

- The Public Participation procedure, titled “Public Participation Policy” does not identify how the CUPA is coordinating, consolidating, and making consistent locally required public hearings. The process and guidelines for facilitating a public hearing are not discussed in the procedure. The CUPA provided information in the “Yolo County Administrative Procedures” related to issuing public notices that is not included in the CUPA’s “Public Participation Policy.”
- The Records Maintenance procedure addressed within the “Yolo County Administrative Procedures” discusses how the CUPA has transitioned to paperless electronic reporting, however the CUPA has not addressed the minimum retention times, archival procedures, and proper disposal methods for paper documents that are retained. The CUPA has not addressed how paper documents are disposed once they have been scanned into the CUPA’s OnBase local data management system.
- The procedures for providing Hazardous Materials Release Response Plan (HMRRP) information within the “Yolo County Administrative Procedures” does not address provisions for providing “emergency response personnel and other appropriate government entities” access to HMRRP information.
- The Data Management procedure addressed within the “Yolo County Administrative Procedures” does not identify the full list of CUPA-related documents required to be retained for the five-year minimum retention time that includes:
 - Self-Audit reports, enforcement files, all records related to hazardous waste enforcement actions, detailed records used to produce the summary reports submitted to the state, surcharge billing and collection records, and training records.
- The Data Management procedure does not include provisions for submitting CME information from the West Sacramento Fire Department PA and from the Yolo County Department of Agriculture to the CUPA are not outlined in any written procedure or document. The Yolo County Administrative Procedures should include provisions for addressing how the West Sacramento Fire Department PA and the Yolo County Department of Agriculture submit CME information to the CUPA for uploading to CERS.
- The Permitting procedures addressed within the “Yolo County Administrative Procedures” do not include, the following components in regards to issuing a Unified Program Facility Permit (UPFP) in cooperation with the West Sacramento Fire Department Participating Agency (PA):
 - Time lines and time limits of appeal processes,
 - Provisions for preliminary check for application completeness,
 - Provisions for technical review of permit applications by the responsible agency,
 - A procedure for tracking permit applications, establishing follow-up protocol, and facilitating expeditious processing, and

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DEFICIENCIES REQUIRING CORRECTION

- A process for identifying and utilizing efficient methods of transmitting the permit.
- Financial Management Procedures do not include:
 - Single Fee System
 - The CUPA, in cooperation with the West Sacramento Fire Department PA, has not delineated a process for examining how fees are set based on the necessary and reasonable costs to implement the Unified Program. Fee schedules shall be based on factors associated with the cost of implementing and maintaining programs.
 - The CUPA shall ensure that all funds collected on behalf of the West Sacramento Fire Department PA are forward to the PA. The CUPA shall reimburse the West Sacramento Fire Department PA within 45 days of receiving designated fees designated unless the West Sacramento Fire Department PA and CUPA agree, in writing, to an alternate schedule. Written provisions outlining this process have not been provided.
 - The plan to resolve fee disputes, titled the “Fee Dispute Resolution Process” does not specify that if disputes are referred to CalEPA, they shall be made in writing and include a recommendation for resolution.
 - Fee accountability program
 - The CUPA and West Sacramento Fire Department PA shall annually review and update the fee accountability program. There is no means to determine if review has occurred.

CITATION:

California Code of Regulations (CCR), Title 27, Sections 15180(e), 15185(b), 15190, 15210(c), (f), and (k)(1)(A), 15220(a)(2), and 15290(a)(3)
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a copy of the revised Unified Program administrative procedures that completely address all required components.

By the 2nd Progress Report, if amendments to the revised Unified Program administrative procedures are necessary based on feedback from CalEPA, the CUPA will provide CalEPA with the amended Unified Program administrative procedures. If no amendments are necessary, the CUPA and the West Sacramento Fire Department PA, in consultation with the CUPA, will train CUPA and West Sacramento Fire Department PA personnel on the applicable revised Unified Program administrative procedures. The CUPA will provide training documentation to CalEPA, which at minimum will include an outline of the training conducted and a list of the CUPA and West Sacramento Fire Department PA personnel in attendance. Once training is complete, the CUPA and the West Sacramento Fire Department PA will implement the revised Unified Program administrative procedures.

By the 3rd Progress Report, if amendments to the revised Unified Program administrative procedures were necessary, the CUPA, and the West Sacramento Fire Department PA in consultation with the CUPA, will train CUPA and West Sacramento Fire Department PA personnel on the amended Unified Program administrative procedures. The CUPA will provide

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training documentation to CalEPA, which at minimum will include an outline of the training conducted and a list of CUPA and West Sacramento Fire Department PA personnel in attendance. Once training is complete, the CUPA and West Sacramento Fire Department PA will implement the amended Unified Program administrative procedures.

2. DEFICIENCY:

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

The following component is missing:

- Provisions for ensuring the CUPA has sampling capability and ensuring the analysis of any material is performed by a state certified laboratory.

The following components are incomplete:

- Identification of all available enforcement options.
 - The I&E Plan addresses implementing various types of enforcement in different scenarios, but does not provide adequate context to convey the full range of informal and formal enforcement options utilized and when each is applied.
- Procedures for addressing complaints, including but not limited to the receipt, investigation, enforcement, and closure of a complaint.
 - The I&E Plan addresses complaints within the context of the CalEPA Environmental Complaint System database, but does not address complaints received directly by the CUPA through the Yolo County website:
<https://www.yolocounty.org/community-services/environmental-health-services/file-an-environmental-health-complaint>.
- The I&E Plan does not reflect the Health and Safety Code (HSC), Chapter 6.7, provisions of the red tag authority which prevents the withdrawal of fuel from a Underground Storage Tank (UST). Beginning January 1, 2019, no person shall withdraw fuel from a UST that has a red tag affixed to its fill pipe, except to empty the UST pursuant to a directive from the CUPA or State Water Board.

The following components are inaccurate:

- Contents of the Penalty Matrix specify a penalty less than \$500, when the minimum UST penalty is no less than \$500.

CITATION:

HSC, Chapter 6.7, Sections 25292.3 and 25299(a)
CCR, Title 27, Section 15200(a)
[CalEPA, DTSC, State Water Board]

CORRECTIVE ACTION:

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

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By the 2nd Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from CalEPA, DTSC, or the State Water Board, the CUPA will provide CalEPA with 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.

3. DEFICIENCY:

The CUPA has instituted changes in the roles and responsibilities of the West Sacramento Fire Department Participating Agency (PA) and the Yolo County Department of Agriculture without notifying and receiving approval from CalEPA.

The CUPA did not submit a proposal to the Secretary to address changes in the roles or responsibilities of the West Sacramento Fire Department PA, nor the Yolo County Department of Agriculture as follows:

- The West Sacramento Fire Department PA was certified as a PA in 2003 by CalEPA for the implementation of the Hazardous Materials Business Plan (HMBP) Program, Underground Storage Tank (UST) Program, and the Aboveground Petroleum Storage Act (APSA) Tank Program within the City of West Sacramento.
 - The CUPA has since removed implementation of the UST and APSA Programs from the West Sacramento Fire Department PA without providing notification to CalEPA.
 - Currently, without authorization from CalEPA, the CUPA has delegated the West Sacramento Fire Department PA to conduct inspections of the Hazardous Waste Generator (HWG) Program for Small Quantity Generators (SQGs) within the City of West Sacramento.
 - Currently, as authorized by CalEPA, the CUPA has delegated the West Sacramento Fire Department PA to implement the HMBP Program within the City of West Sacramento.
 - The 2003 Agreement between the CUPA and the West Sacramento Fire Department PA outlines the PA responsibilities to implement the “Hazardous Waste Generator Program where the facility only generates recyclable waste,” which is in conflict with the certification by CalEPA in 2003, and therefore does not authorize the West Sacramento Fire Department to implement any aspect of the HWG Program.
- The Yolo County Department of Agriculture is conducting inspections of farm facilities within the HWG and APSA Programs without authorization from CalEPA.
 - HSC, Chapter 6.95, Sections 25507.1 and 25511 authorize a CUPA to designate the county agricultural commissioner to conduct the HMBP inspection of agricultural handlers pursuant to a written agreement. The agreement does not need to be certified nor approved by CalEPA.

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DEFICIENCIES REQUIRING CORRECTION

CITATION:

CCR, Title 27, Section 15300
[CalEPA]

CORRECTIVE ACTION:

The West Sacramento Fire Department PA and the Yolo County Department of Agriculture must cease conducting HWG Program inspections, for all HWG type facilities. The Yolo County Department of Agriculture must also cease conducting APSA Program inspections.

By the 2nd Progress Report, if the CUPA decides to proceed with instituted changes in the roles and responsibilities of the West Sacramento Fire Department PA and the Yolo County Department of Agriculture, the CUPA will adhere to the requirements of CCR, Title 27, Section 15300 and will provide CalEPA with a proposal to add or remove program element authorizations for change, which will include the following:

- An explanation of the proposed changes in sufficient detail to enable a full understanding of the roles and responsibilities of the CUPA, the PA, and the Yolo County Department of Agriculture;
- PA agreements for any new PAs or any changes in the role or responsibilities of any PA;
- Adequate information to enable CalEPA to determine that agencies proposed to implement some element of the Unified Program meet requirements including technical expertise, training, and education applicable to those elements; and
- Sufficient information to enable CalEPA to determine that adequate resources exist to carry out all aspects of the Unified Program.

By the 4th Progress Report, if instituted changes in the roles and responsibilities of the West Sacramento Fire Department PA and the Yolo County Department of Agriculture are approved by the Secretary, the CUPA will revise the appropriate procedures to reflect the roles and responsibilities of the West Sacramento Fire Department PA and the Yolo County Department of Agriculture relative to implementation of the Unified Program and will provide the revised procedures and documentation outlined in CCR, Title 27, Section 15300 to CalEPA.

4. DEFICIENCY:

The UST operating permit, issued under the UFPF, is inconsistent with UST Regulations and HSC.

Review of UST operating permits, issued under the UFPF, finds the following inconsistencies with UST Regulations and HSC:

- Permit conditions indicate UST owners or operators shall notify the CUPA of changes in equipment, operations, or modifications, which lacks consistency with the regulatory requirement to notify the CUPA of any change in substance stored 30 days prior to the change.
- Permit conditions include a requirement to maintain monitoring, plot plans, and emergency response plans on-site or off-site at a readily available location if approved by the local agency, which is more stringent than the regulatory requirement, and for which there is no local ordinance. Without authority granted by a local ordinance to be

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consistent with UST regulations, it is accurate for the UST operating permit to reflect “monitoring, plot plans, and emergency response plans must be readily accessible at the facility via a paper or electronic copy” in place of requiring monitoring, plot plans, and emergency response to be maintained “on site or off-site at a readily available location if approved by the local agency.”

Note: The following may be referenced: State Water Board correspondence dated April 7, 2017, “Amended Requirements for Unified Program Facility Permits Effective January 1, 2017.”

CITATION:

HSC, Chapter 6.7, Section 25298(c)
CCR, Title 23, Sections 2632(d)(1) and (2) and 2712(c) and (i)
CCR, Title 27, Section 15190(h)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a revised UST operating permit template, issued under the consolidated UPFP that is consistent with UST Regulations and HSC.

By the 2nd Progress Report, the CUPA will, if necessary, amend the revised UST operating permit template, based on feedback from the State Water Board, and will provide the amended UST operating permit template to CalEPA. If no amendments are necessary, the CUPA will begin to issue the revised UST operating permit under the consolidated UPFP.

By the 3rd Progress Report, if amendments to the revised UST operating permit template were necessary, the CUPA will begin to issue the amended UST operating permit under the consolidated UPFP. If no amendments were necessary, the CUPA will provide CalEPA with up to five UST operating permits issued to UST facilities using the revised UST operating permit template.

By the 4th Progress Report, the CUPA will provide CalEPA with up to five UPFP, which include the UST operating permit, issued to UST facilities using the amended UPFP.

5. DEFICIENCY:

The CUPA’s local ordinance, Chapter 11, Underground Storage of Hazardous Substances is inconsistent with UST Regulations and HSC.

Review of the local ordinance finds the following inconsistencies:

- Section 6-11.02(b) grants authority to the Board of Supervisors to decide whether a liquid or solid substance is not a regulated hazardous substance and, therefore, allows the board of supervisors to implement decisions that are less stringent than UST Regulations and HSC.

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- Section 6-11.02(k) provides a definition of an “Unauthorized release” that is inconsistent with HSC. The section defines an “Unauthorized release” as any release or emission of any hazardous substance which does not conform to the provisions of this chapter, unless such release is authorized by the State Water Resources Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State, while the regulatory definition is any release of any hazardous substance that does not conform to HSC, including an unauthorized release specified in HSC, Section 25295.5.
- Section 6-11.02(l)(1) provides provisions that a tank used for the storage of hazardous substances used for the control of external parasites of cattle and subject to the supervision of the County Agricultural Commissioner does not meet the definition of a UST if the County Agricultural Commissioner determines, by inspection prior to use, that the tank provides a level of protection equivalent to the requirements contained within the local ordinance. This provision is less stringent than UST Regulations and HSC.
- Section 6-11.02(l)(3) provides provisions that tanks used for aviation or motor vehicle fuel located within one mile of a farm and such tanks used by a licensed pest control operator, as defined by Section 11705 of the Food and Agricultural Code of the State, who is primarily involved in agricultural pest control activities, do not meet the definition of a UST. These exemptions are not authorized by statute and regulation and, therefore, are less stringent than UST Regulations and HSC.
- Sections 6-11.03, 6-11.04, 6-11.07, 6-11.10(c), 6-11.12.8 6-11.14(a) and (b), 6-11.14.4, and 6-11.23 incorrectly reference the California Administrative Code. The correct reference is California Code of Regulations.
- Section 6-11.03 provides provisions for not issuing a permit to operate to any USTs installed after January 1, 1984, unless that UST or facility meets all requirements of HSC, Section 25291 and UST Regulations. The CUPA is not following the ordinance by issuing permits to UST facilities that are not in full compliance with HSC, Section 25291 and UST Regulations.
- Section 6-11.12.2(a) provides provisions that if a UST undergoes a change in substance stored, the owner or operator must apply for a new or amended permit within 30 days after the change, when the regulatory requirement is to apply for a new or amended permit 30 days prior to the change in substance stored.
- Section 6-11.14 grants the Permitting Authority the authority to determine whether to modify or terminate a permit, which allows the Permitting Authority to implement decisions less stringent than UST Regulations or HSC.
- Section 6-11.15(a) provides provisions that any operator of a UST shall be liable for a civil penalty of not less than \$500.00 or more than \$5,000.00 per day, when the regulatory penalty is applied per day, per UST, and per violation.
- Section 6-11.22(b) and Section 6-11.23 provide provisions for “variance,” which grants the CUPA authority that allows for implementation of construction or monitoring components that are less stringent than UST Regulations and HSC. Variances only can be granted by the Regional Water Quality Control Board pursuant to UST Regulations and HSC.

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

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CITATION:

HSC, Chapter 6.7 Section 25299.2, 25299.3

CCR, Title 23, Section 2620(c)

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

[State Water Board]

CORRECTIVE ACTION:

The CUPA will no longer implement provisions of the local ordinance that are less stringent or inconsistent, with UST Regulations and HSC, including but is not limited to:

- the provisions which exclude certain tanks from the definition of a UST, including those used for the storage of hazardous substances used for the control of external parasites of cattle and subject to the supervision of the County Agricultural Commissioner if said entity determines, by inspection prior to use, that the tank provides a level of protection equivalent to the requirements contained within the local ordinance;
- tanks used for aviation or motor vehicle fuel located within one mile of a farm and such tanks used by a licensed pest control operator, as defined by Section 11705 of the Food and Agricultural Code of the State, who is primarily involved in agricultural pest control activities; and
- USTs issued site specific variances.

By the 1st Progress Report, the CUPA will provide CalEPA with a detailed plan to revise and adopt, or repeal, the local ordinance to be consistent with UST Regulations and HSC. The plan will at minimum include:

- a timeline for revising, drafting and adopting, or repealing, the ordinance;
- provisions for the CUPA to provide legal analysis of the revised ordinance to the State Water Board;
- steps to reconcile with UST Regulations and HSC any USTs identified as having been previously excluded from the definition of a UST, pursuant to the local ordinance provisions identified above; and
- provisions for the State Water Board to work with the CUPA to establish compliance with USTs previously excluded from the definition of a UST, pursuant to the local ordinance.

If the CUPA, in consultation with their legal counsel makes the determination to repeal the local ordinance applicable to the UST Program, the plan shall assess and include reference to what elements of the UST Program would be affected by the repeal of local ordinance. If the local ordinance is repealed, the State Water Board will reassess UST Program implementation, including review of policies and procedures, to ensure that no UST Program elements including, but not limited to, those referenced by the CUPA, are more stringent than or inconsistent with UST Regulations and HSC.

Additionally, by the 1st Progress Report, the CUPA will provide CalEPA a list of all instances where tanks may be or are incorrectly excluded from the definition of a UST and, therefore, not currently regulated under UST Regulations and HSC. The CUPA will also provide the corresponding CERS ID, facility address, the specific exclusion or provision of non-regulation that

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was previously asserted under the local ordinance, and the provisions of UST Regulations or HSC which the UST does not comply with after repeal of the exclusion or variance. The State Water Board will review the material provided by the CUPA and, in consultation with the CUPA, provide direction to require owners or operators to comply with UST Regulation and HSC. The CUPA will then notify the UST owner or operator of the requirement to comply with UST Regulations and HSC, or obtain a UST closure permit. The CUPA will apply appropriate enforcement if the owner or operator does not comply. The CUPA will provide copies of all correspondence provided to the UST owner or operator. If there are no instances where tanks may be or are incorrectly excluded from the definition of a UST, the CUPA will await feedback from the State Water Board on its plan to revise and adopt, or repeal, the local ordinance to be consistent with UST Regulations and HSC.

By the 2nd Progress Report, the CUPA will, if necessary, revise the plan based on feedback from the State Water Board.

Considering the length of time required to draft and adopt, or repeal, local ordinances, and reconcile USTs previously excluded from the UST Program, 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, the State Water Board must have an opportunity to review the revised draft of the local ordinance, which will allow 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, the CUPA certification approval, and meets all other legal requirements.

6. DEFICIENCY:

The CUPA has not required one-time enhanced leak detection ELD testing for a double walled UST located within a 1,000-foot radius of a public drinking water well to implement one-time ELD testing.

Review of UST facility files and State Water Board ELD documentation indicates the CUPA has not required implementation of one-time ELD testing for a double-walled UST located within a 1,000-foot radius of a public drinking water well for CERS ID 10212757.

- On April 30, 2008, the State Water Board sent a Notice of Noncompliance to the UST owner or operator and the CUPA, indicating that ELD testing is required.
- On February 12, 2020, and on December 12, 2018, the CUPA cited a violation for failure to complete required one-time ELD testing or submit a request for reconsideration (RFR).
- On October 12, 2020, and on November 3, 2020, the CUPA followed up with the UST owner or operator via email correspondence, informing the UST owner or operator to conduct ELD testing.
- On March 11, 2021, the State Water Board informed the CUPA that the UST facility may be eligible for Leaking Underground Storage Tank financial assistant to assist with implementing one-time ELD testing.

Note: The ELD aspect of this deficiency was identified and corrected during the 2018 CUPA Performance Evaluation process with the understanding that the CUPA was in constant communication with the UST facility owner and was on track to achieve compliance.

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Additionally, review of UST facility files and CERS CME data indicates the CUPA is not requiring CERS ID 10212757 to comply with UST Regulations and HSC.

- Correspondence dated December 5, 2019, indicates CERS ID 10212757 was issued a UST Operating Permit while past due for secondary containment testing, annual monitoring certification, and ELD testing.
- The UST compliance inspection dated February 20, 2020, cites a violation for failure to complete the annual monitoring certification and secondary containment testing, however, failure to conduct the spill container testing was not cited.
- Correspondence dated January 25, 2021, indicates the CUPA notified the UST owner or operator that the annual monitoring certification for CERS ID 1021757 expired on December 30, 2019.
- Correspondence dated January 25, 2021, indicates the CUPA notified the UST owner or operator that the financial responsibility documentation expired on December 20, 2020.
- Correspondence dated January 25, 2021, indicates the CUPA notified the UST owner or operator that secondary containment testing March 18, 2018.
- On March 11, 2021, the CUPA confirmed that fuel remained in three of the six USTs at the UST facility and that the UST systems are not being continuously monitored.

Note: State Water Board has distributed the following Local Guidance Letters (LGs) to CUPAs regarding the requirement for UST facilities to implement triennial or complete one-time ELD testing:

- LG 161: distributed September 18, 2001, to provide notification of Senate Bill 989 requirements
- LG 161-2: distributed May 15, 2003, to provide an update on ELD testing requirements and responses to questions
- LG 161-3: distributed October 23, 2006, to provide an update on ELD testing requirements and responses to questions
- LG 161-4: distributed June 12, 2007, to provide an update on ELD testing requirements and responses to questions
- LG-161-5: distributed March 25, 2008, to provide an update on ELD testing requirements and responses to questions

CITATION:

HSC, Chapter 6.7, Section 25292.4
CCR, Title 23, Section 2637
CCR, Title 23, Section 2640(e) and 2644.1
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will continue to provide written correspondence addressed to the UST facility owner or operator to inform the UST owner or operator of the requirement to either complete one-time ELD testing within 60 days, or submit an RFR to the State Water Board, within 30 days. The written correspondence will include language stating that failure to conduct one-time ELD testing within 60 days or submit an RFR application within 30 days will lead to appropriate enforcement, including but not limited to revocation of the UST operating permit

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portion of the UPFP and issuance of red tags. The CUPA will include both CalEPA and the State Water Board on the correspondence.

By the 1st Progress Report, the CUPA will provide written correspondence addressed to the UST facility owner or operator to inform the UST facility owner or operator that the UST system must be brought into compliance with, at a minimum, annual monitoring certification requirements, secondary containment requirements, financial responsibility requirements, and continuous monitoring requirements. The written correspondence will include, at a minimum, information regarding what is required to bring the UST facility into compliance, a timeline for obtaining compliance, and language stating that failure to bring the UST system into compliance will lead to appropriate enforcement, including, but not limited to, revocation of the UST operating permit portion of the UPFP and issuance of red tags. The CUPA will include both CalEPA and the State Water Board on the correspondence.

By the 1st Progress Report, the CUPA will provide CalEPA a list of all instances of similar situations where UST facilities have not conducted ELD testing and/or are not meeting requirements of UST Regulations and HSC, including, but not limited to, the requirements outlined above, which will include the corresponding CERS ID, facility address, and the provisions of UST Regulations or HSC with which the UST is not in compliance. The State Water Board will review the material provided by the CUPA and, in consultation with the CUPA, provide direction to require UST owners or operators to comply with UST Regulation and HSC. The CUPA will then notify the UST owner or operator of the requirement to comply with UST Regulations and HSC, apply appropriate enforcement if the owner or operator does not comply, and provide all correspondence with the UST owner or operator to CalEPA.

By the 2nd Progress Report, if ELD testing has not been conducted within 60 days of notification, or if an RFR has not been submitted to the State Water Board within 30 days of notification, the CUPA will apply appropriate enforcement, including but not limited to revocation of the UST operating permit portion of the UPFP and issuance of red tags.

By the 2nd Progress Report, if the UST system is not brought back into compliance within the approved timeline the CUPA will apply appropriate enforcement, including but not limited to, revocation of the UST operating permit portion of the UPFP and issuance of red tags.

By the 3rd Progress Report, or until considered corrected, the CUPA will apply appropriate enforcement, including but not limited to, revocation of the UST operating permit portion of the UPFP and issuance of red tags.

The State Water Board will consider this deficiency corrected if ELD testing has been completed, and the CUPA provides CalEPA with the ELD testing results, and when the UST system are brought back into compliance with the requirements, at a minimum, outlined above.

The State Water Board will consider this deficiency closed, but not corrected, and will verify that ELD testing was conducted during the next CUPA evaluation if the UST owner or operator does not conduct ELD testing or does not submit an RFR to the State Water Board, and does not bring the UST system into compliance, and the CUPA has applied appropriate enforcement.

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7. DEFICIENCY:

The CUPA is not properly classifying Hazardous Waste Generator (HWG) Program and Aboveground Petroleum Storage Act (APSA) Program violations.

Review of facility files and inspection, violation and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS) indicates the CUPA is classifying Class I or Class II HWG Program and APSA Program violations as minor violations in the following instances:

For the HWG Program:

- 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 ID 10424716: inspection dated May 24, 2018
 - CERS ID 10777792: inspection dated February 8, 2019
 - CERS ID 10174477: inspection dated December 5, 2019
 - CERS ID 10213075: inspection dated January 22, 2020
 - CERS ID 10214149: inspection dated May 11, 2020
 - 69 of 97 (71%) violations were cited as minor between Fiscal Year (FY) 2017/2018 through FY 2019/2020

Note: This deficiency was identified for the HWG Program and considered corrected during the 2018 CUPA Performance Evaluation process.

For the APSA Program:

- Not having or failure to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan incorrectly 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 (US EPA).
 - FY 2017/2018 through FY 2019/2020: 7 of 25 (28%)

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

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CITATION:

HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6
HSC, Chapter 6.11, Sections 25404(a)(3) and 25404.2(a)(3-4)
HSC, Chapter 6.67, Sections 25270.4.1(c) and 25270.4.5
CCR, Title 22, Sections 66260.10
[DTSC, OSFM]

CORRECTIVE ACTION:

The CUPA will ensure violations are correctly classified and appropriate enforcement actions are pursued for non-minor (Class I and Class II) violations.

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

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

The CUPA will train inspection staff on how to properly classify HWG Program and 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)
(<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-Documents-accessible.pdf)
(<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Documents-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)
(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 in attendance.

By the 2nd Progress Report, the CUPA will provide CalEPA with an inspection report for three HWG facilities, inspected within the last three months and after training has been completed, as requested by DTSC. Each inspection report will cite at least one HWG Program violation for exceedance of authorized accumulation time, contain observations, factual basis, and corrective actions to correctly identify and classify each observed 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=Ign3TJftSUM)
<https://www.youtube.com/watch?v=Ign3TJftSUM>
- [Advanced Hazardous Waste Inspector Training Video 2012 \(5 of 7\): Tanks and Sumps](https://www.youtube.com/watch?v=oCrI3MvTd8M)
<https://www.youtube.com/watch?v=oCrI3MvTd8M>
- [Generator Requirements Fact Sheet](#)

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- 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)
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)
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)
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)
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
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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 submitting quarterly Surcharge Transmittal Reports to CalEPA within 30 days after the end of each fiscal quarter and is not submitting a copy of the current quarterly Surcharge Report template to CalEPA.

The following quarterly Surcharge Transmittal Reports were not received by the required due date:

- FY 2017/2018
 - 1st Quarter: Submitted on October 31, 2017
 - 4th Quarter: Submitted on July 3, 2018
- FY 2018/2019
 - 1st Quarter: Submitted on November 8, 2018
 - 2nd Quarter: Submitted on February 21, 2019
 - 4th Quarter: Submitted on August 21, 2019
- FY 2019/2020
 - 1st Quarter: Submitted on November 14, 2019
 - 2nd Quarter: Submitted on March 12, 2020
 - 3rd Quarter: Submitted on May 18, 2020

CITATION:

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

RESOLUTION:

By the 1st Progress Report, the CUPA will have submitted to CalEPA the 4th quarterly Surcharge Transmittal Report for Fiscal Year 2020/2021 by the required due date using the current quarterly [Surcharge Transmittal Report](#) template. Thereafter, the CUPA will submit each quarterly Surcharge Transmittal Report to CalEPA at cupa@calepa.ca.gov no later than 30 days after the end of each fiscal quarter. The current quarterly [Surcharge Transmittal Report](#) template can be found at: https://calepa.ca.gov/wp-content/uploads/sites/6/2020/01/SURCHARGE-TRANSMITTAL-REPORT_1819.pdf.

2. INCIDENTAL FINDING:

The Self-Audit Reports for FYs 2017/2018, 2018/2019, and 2019/2020 have missing or incomplete components and each was not completed by September 30 of the respective FY.

The following component is missing:

- A report of deficiencies with a plan of correction.

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The following components are incomplete:

- A narrative summary of the effectiveness of the activities including permitting, inspections, and enforcement.
- A summary of new programs being included in the Unified Program.

CITATION:

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

RESOLUTION:

By September 30, 2021, and each subsequent year, the CUPA will complete the Self-Audit Report that includes all required components, and incorporates a date of completion to demonstrate the report was completed by September 30th. The CUPA will provide CalEPA the FY 2020/2021 Self-Audit Report.

3. INCIDENTAL FINDING:

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

Review of facility files finds the following example:

- CERS ID 10212871: The UST closure documentation, in the form of a “Certificate of Satisfactory Completion,” provided by the CUPA to the owner or operator states: “This statement, when signed by an authorized representative of Yolo County Environmental Health, certifies that the USTs listed above have been properly removed in accordance with Yolo County and California State Regulations and Law.” The “Certificate of Satisfactory Completion” does not identify whether the UST owner or operator has demonstrated to the satisfaction of the CUPA that UST closure, removal, and soil and/or water sampling complies with HSC, Chapter 6.7, Section 25298(c), and CCR, Title 23, Section 2672(d).

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

RESOLUTION:

By the 1st Progress Report, the CUPA will develop a UST Closure procedure, or other applicable 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

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HSC, Chapter 6.7, Section 25298(c) and CCR, Title 23, Section 2672(d) (i.e. correspondence, hardcopy, electronic media).

The CUPA will provide the developed or revised UST closure procedure, or other applicable procedure to CalEPA.

In addition, the CUPA will revise the “Certificate of Satisfactory Completion” or develop a UST closure letter template. The CUPA may consider including the following language in the “Certificate of Satisfactory Completion” or UST closure letter template: “The Yolo County Environmental Health 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).” The CUPA will provide the revised “Certificate of Satisfactory Completion” or developed UST closure letter template to CalEPA.

By the 2nd Progress Report, if amendments to the revised UST closure procedure, or other applicable procedure, and/or “Certificate of Satisfactory Completion” or developed UST closure letter template, are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with a copy of the amended UST closure procedure or other applicable procedure, and/or amended “Certificate of Satisfactory Completion” or developed UST closure letter template. If no amendments are necessary, the CUPA will train UST inspection staff on the revised UST closure procedure or other applicable procedure and on the use of the revised “Certificate of Satisfactory Completion” or developed UST closure letter template. Once training is complete, the CUPA will implement the revised UST closure procedure or other applicable procedure, and/or will issue the revised “Certificate of Satisfactory Completion” or developed UST closure letter template.

By the 3rd Progress Report, if amendments to the revised UST closure procedure or other applicable procedure, and/or “Certificate of Satisfactory Completion” or developed UST closure letter template, were necessary, the CUPA will train UST inspection staff on the amended UST closure procedure or other applicable procedure, and/or on the use of the amended “Certificate of Satisfactory Completion” or developed UST closure letter template. Once training is complete, the CUPA will implement the amended UST closure procedure or other applicable procedure, and/or will issue the amended “Certificate of Satisfactory Completion” or developed UST closure letter template.

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

4. INCIDENTAL FINDING:

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

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

Review of the UST Facility/Tank Data Download report obtained from CERS on December 1, 2020, finds UST monitoring and construction data are incorrect as follows:

- 8 of 45 (18%) continuous vacuum, pressure, or hydrostatic (VPH) Systems indicate having to conduct secondary containment testing,
- 4 of 45 (9%) VPH Systems indicate having to conduct periodic enhanced leak detection testing, and
- 5 of 45 (11%) VPH Systems indicate having single-wall components when they are required to have double-wall components.
- A small number of UST facilities indicate not having striker plates, spill buckets or spill bucket testing, when all are required.

Note: The following CERS FAQs may be referenced:

- General Reporting Requirements for USTs
- When to Issue a UST Operating Permit
- Common CERS Reporting Errors
- Setting Accepted Submittal Status
- Which Forms Require Uploading to CERS

The following State Water Board correspondence may be referenced:

- When to Review Underground Storage Tank Records, dated November 29, 2016.

CITATION:

CCR, Title 23, Sections 2632(d)(1), 2634(d)(2), 2641(g) and (h), and 2711(d)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will review and revise the Data Management Procedure, or other applicable procedure, to ensure establishment of a process for UST inspection staff to consistently review CERS UST submittal information for accuracy and completeness regarding monitoring and construction requirements. The CUPA will provide CalEPA with the revised Data Management Procedure, or other applicable procedure. If revisions are made to a procedure other than the Data Management Procedure, the I&E Plan must be revised to incorporate reference to the revised procedure.

The CUPA will train UST inspection staff on the revised Data Management Procedure, or other applicable procedure.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, to verify accuracy and completeness, the State Water Board will review three UST submittals that were accepted in CERS after UST inspection staff received training.

5. INCIDENTAL FINDING:

Upon adoption of the requirement for all overfill prevention equipment inspections to be completed no later than October 13, 2018, the CUPA is not consistently citing violations for failure to conduct an overfill prevention equipment inspection.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

Review of annual UST compliance inspection reports, associated Overfill Prevention Equipment Inspection Report Forms, and CERS CME information finds the CUPA did not cite violations for the following overfill prevention equipment inspections conducted after October 13, 2018:

- CERS ID 10212931: Overfill Prevention Equipment Inspection Report Form dated December 21, 2018. The CUPA did not: 1) cite the correct violation during the UST compliance inspection (dated December 21, 2018, and 2) provide accurate U.S. EPA Technical Compliance Report (TCR) 9b reporting.
- CERS ID 10212964: Overfill Prevention Equipment Inspection Report Form dated January 14, 2019. The CUPA did not: 1) cite the correct violation during the UST compliance inspection (dated November 6, 2019, and 2) provide accurate U.S. EPA TCR 9b reporting.
- CERS ID 10213069: Overfill Prevention Equipment Inspection Report Form dated February 8, 2019. The CUPA did not: 1) cite the correct violation during the UST compliance inspection (dated August 21, 2019, and 2) provide accurate U.S. EPA TCR 9b reporting.

CITATION:

HSC, Chapter 6.7, Sections 25288(b), 25299, and 25299.2(a)
CCR, Title 23, Sections 2637.2(a), 2665(b), 2712(c), (e), (g) and 2713(c) and (d)
CCR, Title 27, Section 15290(a)(3)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will review and revise the I&E Plan, or other applicable procedure, to ensure establishment of a process for UST inspection staff to correctly cite all violations on inspection reports, report all UST violations in CERS, and provide accurate TCR reporting. The process will delineate how the CUPA will ensure UST inspectors are trained on new provisions of UST Regulations and HSC, and to consistently and correctly cite violations for failure to implement those provisions. 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 amendments are made to a revised procedure other than the I&E Plan, the I&E Plan must be revised to incorporate reference to the amended 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 to the I&E Plan or other applicable procedure, 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 and a list of UST inspection staff in attendance.

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Once training is complete, the CUPA will implement the amended I&E Plan or other applicable procedure.

6. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

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

A Formal Enforcement Summary Report was not provided within 30 days of final judgement for the following formal enforcement cases:

- CERS ID 10215217
- CERS ID 10216243

CITATION:

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

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided CalEPA with a Formal Enforcement Summary Report for the identified formal enforcement cases.

7. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA is not ensuring each APSA tank facility that is not conditionally exempt prepares an SPCC Plan.

Review of CME information in CERS indicates the following facilities were cited for not having an SPCC Plan and have no record of return to compliance (RTC) information:

- FY 2019/2020:
 - CERS ID 10212847 and
 - CERS ID 10214206

CITATION:

HSC, Chapter 6.67, Section 25270.4.5(a)
CCR, Title 27, Section 15200(a)
[OSFM]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided documentation of RTC at the facilities cited for not having an SPCC Plan in FY 2019/2020.

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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 information provided 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:

- CERS “Summary Regulated Facilities by Unified Program Element Report,” generated on December 17, 2020
- CERS “UST Inspection Summary Report (Report 6),” generated on December 17, 2020
- Information provided by Yolo County Environmental Health Division 1996 CUPA Application for Certification
- Total Number of Regulated Businesses and Facilities:
 - In 1996: **1,101**
 - Currently: **1,523**
 - An increase of **422** facilities
- Total Number of Hazardous Materials Release Response Plan and Inventory (Business Plan) Regulated Businesses and Facilities:
 - In 1996: **998**
 - Currently: **1,356**
 - An increase of **358** facilities
- Total Number of Regulated Underground Storage Tank (UST) Facilities:
 - In 1996: **195**
 - Currently: **96**
 - A decrease of **99** facilities
- Total Number of Regulated Underground Storage Tanks (USTs):
 - In 1996: **517**
 - Currently: **291**
 - A decrease of **226** USTs
- Total Number of Regulated Hazardous Waste Generator (HWG) Facilities:
 - In 1996: **265**
 - Currently: **899**
 - An increase of **634** facilities
- Total Number of Regulated Household Hazardous Waste (HHW) Facilities:
 - In 1996: **1**
 - Currently: **1**
 - No change
- Total Number of Regulated Tiered Permitting (TP) Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):
 - In 1996: **13**
 - Currently: **5**
 - A decrease of **8** facilities

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OBSERVATIONS AND RECOMMENDATIONS

- Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:
 - In 1996: none specified
 - Currently: **28**
 - Comments: RCRA LQG Facilities were regulated under the Unified Program upon certification, though no count was provided in the Application for Certification. The difference between the current and historic number of facilities can't be determined at this time.
- Total Number of Regulated Risk Management Prevention Plan (RMPP) or California Accidental Release Prevention (CalARP) Program Facilities:
 - In 1996: **17**
 - Current CUPA Evaluation: **14**
 - A decrease of **3** facilities
- Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:
 - In 1996: N/A
 - Currently: **233**
 - An increase of **233** facilities

Note: The number of facilities does not include the facilities from the University of California, Davis campus as indicated on page 4 of the Yolo County Environmental Health Division 1996 CUPA Application for Certification.

While the number of total regulated facilities for the UST, TP, and CalARP programs regulated by the CUPA have decreased since the CUPA applied for certification in 1996, the number of total regulated facilities has significantly increased for the HMBP, HWG, and RCRA LQG programs. The total number of regulated businesses and facilities increased by 422.

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 Yolo County Environmental Health Division 1996 CUPA Application and recent information provided by the CUPA.

- Inspection and other Staff
 - In 1996:
 - **6** Staff, each at a Full Time Equivalent = **6** Full Time positions
 - Currently:
 - CUPA: **6** Staff at a Full Time Equivalent = **6** Full Time positions
- Supervisory and Management Staff
 - In 1996:
 - **1** Staff at a Full Time Equivalent = **1** Full Time position
 - Comments: In addition, **1.5** Full Time Equivalent clerical staff and an Environmental Health Division Director, for an unspecified amount of time, support the CUPA.

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OBSERVATIONS AND RECOMMENDATIONS

- Currently:
 - CUPA: 1 Staff at a Full Time Equivalent = 1 Full Time position

Since the CUPA applied for certification in 1995, an expansion of responsibilities in the APSA and HWG programs occurred, which increased the total regulated facility count and attributing to an increased workload necessary for the CUPA to fully implement regulatory oversight of each of these programs. The full time equivalent of CUPA inspection and supervisory personnel has not increased in parallel as a result of the addition in requirements for Unified Program implementation.

In 2003, under the authority of the CUPA, the West Sacramento Fire Department was certified as a PA by CalEPA for the implementation of the HMBP Program, UST Program, and APSA Program within the City of West Sacramento. However, the CUPA did not submit a proposal to CalEPA, as required, to approve the amended PA agreement regarding the removal of UST and APSA Program implementation, nor the addition of implementation of the HWG Program for Small Quantity Generators. As noted in Deficiency 3 of this Final Summary of Findings Report, though the West Sacramento Fire Department PA remains authorized to continue implementation of the HMBP Program within the City of West Sacramento, implementation of the HWG Program for Small Quantity Generators is not authorized. CalEPA has notified the CUPA that implementation of any aspect of the HWG Program by the City of West Sacramento Fire Department PA is not considered authorized by CalEPA, and as such, must cease immediately.

Pursuant to HSC, Chapter 6.95, Sections 25507.1 and 25511, the CUPA may authorize the Yolo County Department of Agriculture to conduct inspections at agricultural handlers. However, the CUPA has entered into an agreement with the Yolo County Department of Agriculture to conduct inspections for the HWG and APSA programs. The CUPA did not submit a proposal to CalEPA to establish a true PA agreement, authorizing the Yolo County Department of Agriculture to conduct HWG and APSA Program inspections or participate in the implementation of the HWG and APSA Programs. As noted in Deficiency 3 of this Final Summary of Findings Report, though the Yolo County Department of Agriculture can conduct inspections at agricultural handlers under written agreement with the CUPA, there is no existing CalEPA authorization for the Yolo County Department of Agriculture to implement the HWG nor APSA Programs. CalEPA has notified the CUPA that implementation of any aspect of the HWG or APSA Programs by the Yolo County Department of Agriculture is not considered authorized by CalEPA, and as such, must cease immediately.

RECOMMENDATION:

As noted in the Corrective Action for Deficiency 3 of this Final Summary of Findings Report, if the CUPA intends to change any aspect in the authorized roles or responsibilities of the West Sacramento Fire Department PA, the CUPA will adhere to the requirements of CCR, Title 27, Section 15300 and will provide CalEPA with a proposal to add or remove program element authorizations for change.

As noted in the Corrective Action for Deficiency 3 of this Final Summary of Findings Report, if the CUPA intends to change any aspect in the authorized roles or responsibilities of the Yolo

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County Department of Agriculture, relative to the inspection of agricultural handlers as permitted by HSC, Chapter 6.95, Sections 25507.1 and 25511, the CUPA will adhere to the requirements of CCR, Title 27, Section 15300 and will provide CalEPA with a proposal to add or remove program element authorizations for change.

Follow the direction of CalEPA, provided outside of the CUPA Performance Evaluation process, to immediately discontinue any unauthorized implementation efforts by the West Sacramento Fire Department PA and the Yolo County Department of Agriculture.

Ensure budgetary record keeping of revenues and expenditures clearly reflect and demonstrate application of resources to implement the Unified Program, such as full-time equivalents of staff positions, conducting inspections, and applying enforcement for all Unified Program elements and exclusion of resources for supplemental efforts relative to the CUPA, authorized PAs and other assisting agencies.

Continue to conduct the annual review and update of the fee accountability program to determine the current necessary and reasonable costs to implement all aspects of the Unified Program with the existing regulated businesses and facilities within each program element. Reevaluate the current budget and expenditures, single fee assessment for each entity, and funding allocation for program services so that, if applicable, the CUPA is able to justify the need to increase fees, staff levels, and other resources as necessary and reasonable to ensure adequate implementation of each program element.

The ability to apply each aspect of inspection, compliance, monitoring and enforcement for all Unified Program activities is not only vital to the success of the program, but further ensures the protection of health and safety of the community and environment at large.

2. OBSERVATION:

The I&E Plan contains information on the APSA and fire code hazardous materials management plans-hazardous materials inventory statement (HMMP-HMIS) programs that is incomplete, incorrect or may benefit from improvement as follows:

- Page 1 – Introduction, the list of program elements shows five Unified Program elements. The HMMP-HMIS program is missing. Although consolidated with the HMBP program, the HMMP-HMIS program is one of the six program elements implemented by the CUPA within its jurisdiction.
- Page 3 – Frequency of Inspections, the minimum mandated APSA inspection frequency is identified in parentheses as once every three years per HSC, Section 25270.5. This statement implies each APSA tank facility is required to be inspected every three years; however, tank facilities with 10,000 gallons or more of petroleum are required to be inspected every three years for SPCC Plan compliance pursuant to HSC, Section 25270.5(a).
- Page 6 – Cross Training of Staff, HSC, Section 25270.5(c)(1) and (2) are referenced. Paragraphs (1) and (2) of Subsection (c) of HSC, Section 25270.5 no longer exist. The correct reference is HSC, Section 25270.5(c).

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- Page 9 – On-site Procedures, the reference to the APSA Inspection Procedure is incorrectly identified as Table 4. The correct reference to the APSA Inspection Procedure is Appendix 1.
- Page 17 – Statutory Authority, HSC Section 25270.5 is referenced as violations of the APSA program. The appropriate reference is HSC Chapter 6.67 commencing with Section 25270.
- Page 34 – Procedures to Access Administrative Law Judge, the correct references to APSA AEO enforcement authority is HSC, Section 25270.12.1, not Section 25270.5.
- Page 36 – Statute and Regulations, HSC, Section 25270.5 is referenced as violations of the APSA program. The appropriate reference is HSC Chapter 6.67 commencing with Section 25270.
- Page 47 – Replace the APSA facility term ‘exempt’ with ‘conditionally exempt’.
- Page 50 – Table 7 APSA Initial Penalties, HSC, Section 25270.5 was referenced as violations of the APSA program; the appropriate reference is HSC, Chapter 6.67 commencing with Section 25270. Also, use HSC, Section 25270.12 for civil penalties, and use HSC, Section 25270.12.1 for administrative penalties.
- Page 43 – Appendix I, replace the APSA facility term ‘exempt’ with ‘conditionally exempt’.
- Multiple instances of referral to the APSA program as AST or SPCC were observed throughout the document.

RECOMMENDATION:

Update the I&E Plan to ensure the HMMP-HMIS information and APSA program information is complete and correct.

3. OBSERVATION:

The CUPA regulates some farms under the APSA program. Effective January 1, 2016, Senate Bill (SB) 612 aligned the applicability threshold for farms with that of the Federal SPCC Rule, which was increased to 2,500 gallons of oil or 6,000 gallons of oil (with no reportable discharge history) per the Federal Water Resources Reform and Development Act (WRRDA) of 2014.

The OSFM information on APSA and farms is available at:

<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/farms/>. More information on farms under the Federal SPCC Rule may be found on the US EPA website at: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spill-prevention-control-and-countermeasure-spcc>.

RECOMMENDATION:

Review the list of conditionally exempt tank facilities at farms, verify if the total oil storage capacity at each tank facility meets the WRRDA thresholds, and determine if each is still regulated as conditionally exempt tank facilities under APSA.

Identify farms that are no longer regulated under APSA due to SB 612 oil applicability thresholds in CERS as “APSA Not Applicable.”

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4. OBSERVATION:

The APSA webpage at: <https://www.yolocounty.org/community-services/environmental-health-services/hazardous-materials/aboveground-storage-tank-program> is no longer valid as of February 9, 2021; however, it did contain various resources for the public and regulated community. If the webpage becomes valid again, the following APSA program information would benefit from being updated:

- “Previously, the State Water Resources Control Board (SWRCB) and the Central Valley Regional Water Quality Control Board (CVRWQCB) *administered the SPCC rule* in Yolo County at tank facilities subject to the federal regulations.” The SPCC Rule is not delegated to any state. The State and Regional Water Boards originally administered the APSA program until 2008 when it was transferred to the Unified Program Agencies, although the State and Regional Water Boards retained authority to oversee or cause cleanup or abatement efforts of a release from a tank at an APSA tank facility.
- “Assembly Bill 1130, the California Aboveground Petroleum Storage Act, was chaptered on October 13, 2007, and became effective on *November 10, 2010.*” AB 1130 became effective on January 1, 2008.
- The answer to the question about who is subject to APSA is inaccurate. APSA regulates (1) tank facilities subject to the SPCC Rule, (2) tank facilities with 1,320 gallons or more of petroleum, and (3) tank facilities with one or more tanks in underground areas (TIUGA) (regardless of the facility’s total petroleum storage capacity if the tank is stationary, contains petroleum, and has a minimum shell capacity of 55 gallons). In addition, the phrase that tanks exempted by HSC, Section 25270.4.5(b) as being excluded from APSA is incorrect. Tanks and tank facility exemptions or exclusions from APSA are identified in HSC, Sections 25270.2(a) and 25270.3(c)(3).
- The answers to the questions about whether all tank facilities are required to prepare an SPCC Plan and the requirements of APSA are incorrect. Not all APSA tank facilities are required to prepare an SPCC Plan. Conditionally exempt tank facilities that meet the conditions as described in HSC, Section 25270.4.5(b) are not required to prepare an SPCC Plan. Disclosure of all conditions described in HSC, Section 25270.4.5(b) on the website would be beneficial.
- The two links to the SPCC Rule (found under the questions about the APSA requirements and whether all APSA facilities are required to prepare an SPCC Plan) lead to an outdated PDF of the SPCC Rule. Current language of the SPCC Rule may be found on the [Electronic Code of Federal Regulations website](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=b70bd403f03a1c846282614133d4061d&mc=true&n=pt40.24.112&r=PART&ty=HTML#se40.24.112_13) at: https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=b70bd403f03a1c846282614133d4061d&mc=true&n=pt40.24.112&r=PART&ty=HTML#se40.24.112_13.
- In the Additional Resources section, the link to the OSFM APSA website is broken, and the OSFM address is no longer current. The new [OSFM APSA website](https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/) is at <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/>.
- In the AST forms section on the Forms & Applications webpage, both the Tier I and Tier II qualified facility SPCC Plan templates are outdated and may not incorporate all the applicable requirements. In the AST forms section on the AST webpage, the Tier I qualified facility SPCC Plan template link goes to the general US EPA SPCC website. The current version of the [Tier I qualified facility SPCC Plan template](#) is available on the

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US EPA website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/tier-i-qualified-facility-spcc-plan-template>. Tier II qualified facilities can self-certify using the OSFM [Tier II qualified facility SPCC Plan template](#), which was revised in September 2018 and available on the OSFM APSA website (<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/>).

- In the AST forms section on both the Forms & Applications and AST webpages, the Daily Inspection Log for Tank Systems may be misconstrued as APSA-required and should be renamed to clarify it's for hazardous waste tank systems. For owners/operators of APSA tank facilities, sample monthly and annual inspections of typical shop-fabricated aboveground tanks, including portable containers such as drums, based on an industry standard are available on the [Steel Tank Institute website](#) at <https://www.steeltank.com/SP001StandardFAQs/tabid/463/Default.aspx> (refer to question 5).

RECOMMENDATION:

Update the APSA and SPCC Plan information on the website. Consider providing a link to the OSFM webpage at: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/> for information on the APSA program, and a separate link to the US EPA website at: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations> for information on SPCC requirements.

5. OBSERVATION:

The CUPA may not be regulating all APSA tank facilities.

CERS identifies 232 APSA tank facilities within the CUPA's jurisdiction as APSA applicable.

The CUPA's local data management system identifies 226 APSA tank facilities, consisting of 44 APSA tank facilities storing 10,000 gallons or more of petroleum, and 182 APSA tank facilities storing less than 10,000 gallons of petroleum.

- There are 210 APSA tank facilities in both CERS and the CUPA's local data management system.
 - 16 APSA tank facilities identified in the CUPA's local data management system are currently reported in CERS as "APSA Not Applicable."
 - Some are actual APSA tank facilities, and the CUPA should update the CERS reporting requirement to "APSA Applicable."
 - Some are not actual APSA tank facilities (due to WRRDA exclusion of small petroleum inventories at farms) and should be removed from the CUPA's local data management system.
- 22 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.
 - Some facilities (non-APSA regulated small farms) should have the APSA CERS reporting requirement set to "Not Applicable" by the CUPA.

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- Two other potential APSA tank facilities are currently reported as “APSA Not Applicable” in CERS, and are not identified as APSA tank facilities in the CUPA’s local data management system. The CUPA should determine which are actual APSA facilities, include them in the CUPA’s local data management system, and change the facility APSA CERS reporting requirement to “Applicable.”

The CUPA’s local data management system could be improved by adding a Program Element code to designate conditionally exempt APSA tank facilities.

The CUPA’s local data management system designates a significant number of farm facilities as APSA regulated, including some facilities whose CERS reporting requirement is currently set as “APSA Not Applicable.” The CERS reporting requirement is currently set as “APSA Applicable” for many farm facilities, some of which are probably not APSA regulated, due to WRRDA exclusions. The CERS reporting requirement is currently set as “APSA Not Applicable” for some farm facilities that may be APSA regulated as conditionally exempt.

RECOMMENDATION:

Complete a reconciliation of the data in the CUPA’s local data management system with CERS pertaining to the APSA program information.

6. OBSERVATION:

The Area Plan contains fire code and APSA information that is outdated or may benefit from improvement.

- Pages 10 and 20, it is better to refer to the APSA program as Aboveground Petroleum Storage Act (APS) instead of AST or SPCC since not all ASTs store petroleum and not all APSA tank facilities are required to prepare an SPCC Plan.
- Page 20, the Uniform Fire Code reference is outdated. The current fire code adopted by the state is the California Fire Code, and the 2019 edition became effective January 1, 2020.

RECOMMENDATION:

Update the Area Plan to include current fire code and APSA information.

7. OBSERVATION:

The Self-Audit for FY 2019/2020 indicates the Agriculture Department acts as a participating agency (PA) and conducts APSA inspections at APSA regulated farm facilities.

The Self-Audit states that the fees for farms were created to cover the cost of this initial inspection over a three-year period, after which the farm will no longer pay APSA fees.”

RECOMMENDATION:

Modify the inspection strategy and waiver of APSA fees related to APSA regulated farms.

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8. OBSERVATION:

Some APSA tank facilities submitted a hazardous materials business plan (HMBP) in lieu of the APSA tank facility statement, using the 2011 emergency response and training plans template with the obsolete phone number for OSFM.

RECOMMENDATION:

Encourage each APSA tank facility that utilizes the consolidated emergency response and training plans template to use the current 2017 version, when an HMBP submittal is provided in lieu of the tank facility statement. The 2017 template contains the current OSFM phone number and is available in CERS.

9. OBSERVATION:

Review of overall implementation of the HWG Program, including policies and procedures, CERS data, facility file information, information provided by the CUPA and Self-Audit Reports for July 1, 2017, through June 30, 2020, is summarized below:

- In the Self-Audit Report, the CUPA identifies 866 HWG facilities, 8 Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) facilities.
- CERS identifies three Tiered Permitted facilities and 905 self-identified HWG facilities (Hazardous Waste Generator checked with Y in CERS).
- The three-year inspection frequency for all HWG facilities, with the exception of Tiered Permitting facilities, is currently being met.
- CERS indicates 812 routine inspections of 873 HWG inspections (93%) were conducted between July 1, 2017 and June 30, 2020.
- The CUPA conducted 877 routine and “Other” inspections, of which 365 (42%) had at least one cited violation.
 - Of the 365 inspections conducted a total of 909 violations were cited, classified as follows:
 - 6 Class I violations,
 - 259 Class II violations, and
 - 644 minor violations.
 - The CUPA has ensured return to compliance (RTC) for 895 of 909 (98%) of the cited violations.
- The CUPA had one formal hazardous waste enforcement action.
- Inspection reports contain detailed comments that note the factual basis of cited violations; however inspection reports do not indicate whether consent to conduct the inspection is requested and obtained prior to conducting the inspection.
- The CUPA’s website (<https://www.yolocounty.org/government/general-government-departments/community-services/environmental-health-division/hazardous-materials-programs/hazardous-waste-generators-program>) has good information for HWGs to find regulatory assistance. Several links for DTSC Fact sheets are broken, see recommendations for link and replacement links. DTSC has recently updated various website and factsheet links to meet the American with Disabilities Act requirements, which has generated many changes to previous referenced links.
- DTSC was unable to conduct oversight inspections due to Coronavirus (COVID-19) restrictions.

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RECOMMENDATION:

Continue with the three-year HWG inspection frequency as identified in the I&E Plan. Follow up with facilities that have not returned to compliance (RTC) by the scheduled RTC date and apply a graduated series of enforcement, per the I&E Plan, for facilities that do not RTC. Ensure that complete and thorough inspections are conducted to identify all violations at facilities. Revise the inspection report to indicate consent to conduct the inspection is obtained prior to conducting the inspection.

Replace the following links on the Yolo County CUPA's main HWG webpage with the new DTSC links indicated:

- Change the existing link to the DTSC factsheet on “Accumulation” (https://dtsc.ca.gov/2020/04/17/document-request/?wpf337186_14=https://dtsc.ca.gov/HazardousWaste/upload/FS_OAD_Accumulation.pdf)
 - to this DTSC link: https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/HWM_FS_Accumulating_HazWaste_Generators.pdf
- Change the existing link to the DTSC Fact Sheet on “Hazardous Waste Generator Requirements” (https://dtsc.ca.gov/2020/04/17/document-request/?wpf337186_14=https://dtsc.ca.gov/HazardousWaste/upload/HWM_FS_Generator_Requirements.pdf)
 - to this DTSC link: <https://dtsc.ca.gov/hazardous-waste-generator-requirements-fact-sheet/>
- Change the existing link to the DTSC Fact Sheet on “Managing Universal Waste in California” (https://dtsc.ca.gov/2020/04/17/document-request/?wpf337186_14=https://dtsc.ca.gov/HazardousWaste/EWaste/upload/HWM_FS_UWR.pdf)
 - to the DTSC link: <https://dtsc.ca.gov/managing-universal-waste-in-california-fact-sheet/>

10. OBSERVATION:

The effort put forth by the CUPA to maintain extremely well organized and detailed training records of past and present staff is exemplary in meeting the requirements of CCR, Title 27, Section 15260.

RECOMMENDATION:

Continue to maintain detailed training records. Provide a blank training record spreadsheet to the CUPA Forum Board to be available as a template for use by other Unified Program Agencies to track and document staff training records. Require PA(s) to maintain staff training records parallel to the CUPA, utilizing the same training records spreadsheet.

11. OBSERVATION:

Review of CERS finds CERS ID 10212838 (Tank IDs T-1, T-2, T-3, T-4, and T-5) as the only UST system having single-walled components which require permanent closure by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05. While CERS

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indicates one UST facility, all other UST systems having single-walled components that may otherwise not be represented in CERS require permanent closure by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05.

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 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.

12. OBSERVATION:

The CUPA documents each time the I&E Plan is revised on the cover page.

RECOMMENDATION:

Continue to review the I&E Plan on an annual basis to ensure revisions are made as necessary.

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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. YOLO COUNTY ENVIRONMENTAL COMPLIANCE TRAINING:

The West Sacramento Fire Department Participating Agency (PA) sponsors various free environmental compliance training courses throughout the year, typically bimonthly, for regulated businesses in Yolo County as supported by the CUPA and presented by NES, Consulting and Training Services. Training courses have moved from in-person instruction to online webinars within the past year due to the COVID-19 pandemic.
