



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

Certified Mail: 7015 1730 0001 0036 9009

March 5, 2020

Mr. Jasjit Kang
Director of Environmental Health Program
Lake County Environmental Health
922 Bevins Court
Lakeport, California 95453-9754

Dear Mr. Kang:

During October through December, 2019, CalEPA and the state program agencies conducted a performance evaluation of the Lake County Environmental Health Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, and review of regulated facility file documentation and California Environmental Reporting System data.

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

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

To demonstrate progress towards the correction of program deficiencies and incidental findings identified in the final Evaluation Report, the CUPA must submit an Evaluation Progress Report within 60 days from the date of this letter (May 8, 2020), and every 90 days thereafter. Evaluation Progress Reports are required to be submitted to CalEPA until all deficiencies and incidental findings identified have been acknowledged as corrected or resolved. Each Evaluation Progress Report must be submitted to Sam Porras at Samuel.Porras@calepa.ca.gov.

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

Mr. Jasjit Kang
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If you have any questions or need further assistance, please contact Sam Porras at (916) 327-9557 or John Paine, Unified Program Manager, at (916) 327-5092.

Sincerely,



Jason Boetzer
Assistant Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

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Mr. Jasjit Kang
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cc sent via email:

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Mr. Jasjit Kang
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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Lake County Environmental Health

Evaluation Period: October 2019 through December 2019

Evaluation Team Members:

- **CalEPA Team Lead:** Samuel Porras, Marc Lorentzen
- **DTSC:** Asha Arora, Kevin Abriol
- **Cal OES:** Jack Harrah
- **State Water Board:** Jessica Botsford
- **CAL FIRE-OSFM:** Joann Lai

This Final Summary of Findings includes:

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

The findings contained within this evaluation report are considered final.

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

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

Samuel Porras
CalEPA Unified Program
P.O. Box 2815
Sacramento, CA 95812
Phone: (916) 327-9557
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 each deficiency and incidental finding identified in this Final Summary of Findings Report.

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

Update 1: May 8, 2020 **Update 2:** August 12, 2020
Update 3: November 16, 2020 **Update 4:** February 23, 2021

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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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 ensuring all businesses subject to the Hazardous Materials Business Plan (HMBP) program maintain a complete business plan in the California Environmental Reporting System (CERS).

Review of CERS indicates 49 of 355 (14%) business plan facilities have not submitted emergency response and training plans within the past year.

CITATION:

Health and Safety Code (HSC), Chapter 6.95, Sections 25505 and 25508(a)
[Cal OES]

CORRECTIVE ACTION:

By Update 1, the CUPA will develop and provide CalEPA with an action plan to ensure all businesses subject to the HMBP program have annually submitted a complete business plan, including emergency response and training plans, to CERS.

By Update 3, the CUPA will follow-up with each business subject to the HMBP program to ensure a complete business plan has been submitted to CERS, or the CUPA will initiate appropriate enforcement.

2. DEFICIENCY:

The CUPA is not inspecting each facility subject to HMBP requirements at least once every three years.

Review of inspection information in CERS indicates 71 of 355 (20%) business plan facilities were not inspected within the last three years.

CITATION:

HSC, Chapter 6.95, Section 25511(b)
[Cal OES]

CORRECTIVE ACTION:

By Update 1, the CUPA will provide CalEPA with an action plan to ensure each business plan facility is inspected at least once every three years.

By Update 2, and with each subsequent Deficiency Progress Report until considered corrected, the CUPA will provide CalEPA with the number of business plan inspections that have occurred during the previous quarter.

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DEFICIENCIES REQUIRING CORRECTION

By Update 5, the CUPA will have inspected each business plan facility at least once in the last three years.

3. DEFICIENCY:

The CUPA has not inspected all facilities subject to the California Accidental Release Prevention (CalARP) Program at least once every three years.

Review of inspection information in CERS and documentation provided by the CUPA indicates 4 of 13 (31%) stationary source facilities were not inspected within the last three years.

CITATION:

HSC, Chapter 6.95, Section 25537(a)
California Code of Regulations (CCR), Title 19, Section 2775.3
[Cal OES]

CORRECTIVE ACTION:

By Update 1, the CUPA will provide CalEPA with an action plan to ensure each CalARP facility is inspected at least once every three years.

By Update 2, and with each subsequent Deficiency Progress Report until considered corrected, the CUPA will provide CalEPA with the number of CalARP inspections that have occurred during the previous quarter.

By Update 5, the CUPA will have inspected each CalARP facility at least once in the last three years.

4. DEFICIENCY:

The CUPA is not ensuring each Aboveground Petroleum Storage Act tank facility that is not conditionally exempt and storing 1,320 gallons or more of petroleum prepares a Spill Prevention, Control, and Countermeasure (SPCC) Plan.

Review of CERS compliance monitoring and enforcement (CME) data indicates the following facilities were cited with CERS violation library #4010001 (failure to prepare an SPCC Plan) and have no return to compliance (RTC) information:

- Fiscal Year 2016/2017 – CERS ID 10135717 and CERS ID 10136611

Note: The examples provided above were identified during the CUPA evaluation and may not represent all instances of this deficiency.

CITATION:

HSC, Chapter 6.67, Section 25270.4.5(a)
[OSFM]

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DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

By Update 1, the CUPA will provide CalEPA a list of all APSA facilities that are not conditionally exempt, store 1,320 gallons or more of petroleum, and have not prepared an SPCC Plan. The list will also contain the CERS ID number, status of facility compliance, including actual RTC date if achieved, or in the absence of RTC, documentation of follow-up activity (including applying appropriate enforcement action as necessary).

With each subsequent Deficiency Progress Report until considered corrected, the CUPA will update the list and provide it to CalEPA.

5. DEFICIENCY:

The CUPA is not properly classifying hazardous waste generator (HWG) violations.

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

- Violation for exceedance of authorized accumulation time incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - CERS ID 10639672: inspection dated June 23, 2017
 - CERS ID 10137112: inspection dated June 29, 2017
 - CERS ID 10136734: inspection dated June 11, 2019
 - CERS ID 10136338: inspection dated November 7, 2017
- Violation for failure to accumulate hazardous waste in a container that is in good condition. Storage of hazardous waste in damaged containers may lead to a release of hazardous waste to the environment.
 - CERS ID 10136509: inspection dated April 22, 2019
 - CERS ID 10602286: inspection dated April 30, 2019
 - CERS ID 10569085: inspection dated October 7, 2017
- Violation for failure to provide or conduct training for employees incorrectly cited as a minor violation. Since no training has been provided, employees are not familiar with hazardous waste management and handling, as well as how to respond to emergencies. There may have been an economic benefit to the facility by not providing training. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - CERS ID 10136059: inspection dated May 31, 2017
 - CERS ID 10136512: inspection dated December 19, 2017
 - CERS ID 10136413: inspection dated April 23, 2019
 - CERS ID 10135564: inspection dated April 4, 2018

Note: This deficiency was observed during the 2016 evaluation and was corrected during the Deficiency Progress Update process.

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DEFICIENCIES REQUIRING CORRECTION

CITATION:

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

CORRECTIVE ACTION:

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

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

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

Note: The CUPA provided CalEPA with a copy of the sign in sheet documenting the staff attended the above listed online trainings on January 21, 2020.

By Update 3, the CUPA will provide CalEPA with a copy of inspection reports, as requested by DTSC, for up to three (3) facilities inspected within the last six months. Each inspection report should correctly cite at least one HWG violation.

6. DEFICIENCY:

The CUPA's Inspection and Enforcement (I&E) Plan has inaccurate or incomplete information or is missing required components.

The following information is incomplete:

- Provisions for ensuring sampling capability and analysis performed by a state certified laboratory.
- A description of the graduated series of enforcement actions based on the severity of the violation.
- Page 1, Introduction- Although the requirements for the Fire Code Hazardous Material Management Plan- Hazardous Materials Inventory Statement (HMMP-HMIS) program have been consolidated with the HMBP program, the HMMP-HMIS program element is omitted.

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It is one of the six program elements implemented by the CUPA and should be included in the I&E Plan introduction.

The following information is inaccurate:

- Page 3, Frequency of Inspection - The inspection frequency for the “PBR - Household Hazardous Waste Facilities” is listed as once every three years citing HSC, Section 25201.4(b)(2), however, HSC, Section 25201.4(b)(2) should not be cited as household hazardous waste facilities do not have a statutorily required inspection frequency.
- Page 3, the authority for CalARP inspections is given as 19 CCR section 2775.3. While this is correct, HSC, Chapter 6.95, Article 2, section 25537 is a more powerful citation.
- Page 9, the section for On-site Procedures, Re-Inspections, bullet #11(f), states that: “LCEH will honor a five (5) day grace period for submittal of return to compliance documentation in order to account for weekends, holidays, and mailing time.” As five (5) days are provided as a grace period in HSC, section 25187.8(b), the I&E Plan language “will honor” should be removed to mirror statutory language.
- Page 9, HSC section 25508(a)(2) is the correct citation for identifying the timeline for correction of submittal deficiencies, however, it is not the authority for providing a 30 day window for return to compliance of violations identified during inspection. HSC, Chapter 6.95 does not have a citation for inspection violations returning to compliance.
- Page 39, “1.a. Initial Penalties, Hazardous Waste” incorrectly references a single violation of not more than \$25,000. Effective January 1, 2018, regulations changed the penalty matrix from \$25,000 to \$70,000. The penalty matrix should be updated to reflect the new penalty amounts as referenced here:
[https://govt.westlaw.com/calregs/Document/I6E61B9CC611B4E74B0C852041AAADBE5?vIewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I6E61B9CC611B4E74B0C852041AAADBE5?vIewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

CITATION:

CCR, Title 27, Section 15200(a)
[CalEPA, DTSC, Cal OES, OSFM]

CORRECTIVE ACTION:

By Update 1, the CUPA will review, revise, and provide CalEPA with a copy of the corrected I&E Plan that includes the components listed in this deficiency.

7. DEFICIENCY:

The CUPA is not consistently citing violations for failure to conduct an overfill prevention equipment inspection. State Water Board review of annual UST compliance inspection reports, associated overfill prevention inspection reports, and CERS CME information finds the following:

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- CERS ID 10212712: Overfill Prevention Inspection was not conducted by the October 13, 2018 deadline. The CUPA did not cite the violation during the compliance inspection.
- CERS ID 10029454: Overfill Prevention Inspection, dated April 11, 2019, was conducted beyond the October 13, 2018 deadline. The CUPA did not cite the violation during the compliance inspection.
- CERS ID 10212718: Overfill Prevention Inspection, dated January 23, 2019, was conducted beyond the October 13, 2018 deadline. The CUPA did not cite the violation during the compliance inspection.

Note: The examples provided above were identified during the CUPA evaluation and may not represent all instances of this deficiency.

CITATION:

CCR, Title 23, Section 2637.2(a) and 2665(b)
[State Water Board]

CORRECTIVE ACTION:

By Update 1, the CUPA will revise and provide CalEPA with the I&E Plan, or other applicable procedure, to ensure personnel consistently and correctly cite all violations during the annual compliance inspection on inspection reports and in CERS.

By Update 2 the CUPA will, if necessary, amend the I&E Plan or other applicable procedure, based on feedback from State Water Board and will submit the revisions to CalEPA.

By Update 3, the CUPA will train personnel on the revised I&E Plan or other applicable procedure and will provide training documentation to CalEPA, which will include at minimum, an outline of the training conducted and a list of CUPA personnel attending training. Once training is complete, the CUPA will implement the revised I&E Plan or other applicable procedure.

By Update 4, the CUPA will provide up to five (5) facility records, if not available in CERS, as selected by State Water Board, including annual UST compliance inspection reports and overfill prevention equipment inspection reports.

8. DEFICIENCY:

The CUPA did not establish and implement the following Unified Program administrative procedures:

- Unified Program facility permit (consolidated permit) plan or procedure.

CITATION:

CCR, Title 27, Section 15190(c)
[CalEPA, State Water Board]

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DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

By Update 1, the CUPA will develop and provide CalEPA with the Unified Program administrative procedure identified in this deficiency.

By Update 2, the CUPA will, if necessary, revise the Unified Program administrative procedure identified in this deficiency, based on feedback from CalEPA and will submit the revised procedure to CalEPA.

By Update 3, the CUPA will implement and train personnel on the Unified Program administrative procedure. 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.

9. DEFICIENCY:

The CUPA is not consistently following-up and documenting RTC information in CERS for APSA tank facilities and HWG facilities.

Review of compliance, monitoring, inspection and enforcement information in CERS indicates there is no documented RTC for the number of violations cited during the following Fiscal Years (FYs):

- FY 2016/2017:
 - 8 of 27 (30%) APSA tank facility violations
 - 13 of 111 (12%) HWG facility violations
- FY 2017/2018:
 - 39 of 107 (36%) HWG facility violations
- FY 2018/2019:
 - 14 of 31 (45%) APSA tank facility violations
 - 37 of 66 (56%) HWG facility violations

Note: The lack of RTC documentation for HWG facilities was also observed during the 2016 Evaluation and was considered corrected during the Deficiency Progress Update process.

CITATION:

HSC, Chapter 6.11, Section 25404.1.2(c)

HSC, Chapter 6.5, Section 25187.8(g)

CCR, Title 27, Sections 15185(a) and (c) and 15200(a)

[OSFM, DTSC]

CORRECTIVE ACTION:

By Update 1, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of all APSA tank facilities and HWG facilities that have open violations. The CUPA will follow-up with the facilities listed in the spreadsheet and prioritize follow-up actions based on the level of hazard presented to human health and the environment. At minimum, the spreadsheet will include:

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DEFICIENCIES REQUIRING CORRECTION

- Facility name and address;
- CERS ID number;
- Facility ID number (if applicable);
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date;
- RTC qualifier; and
- Follow-up actions taken by the CUPA and the timeframe to obtain compliance.

By Update 2, and with each subsequent Deficiency Progress Report until considered corrected, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet

By Update 3, and with each subsequent Deficiency Progress Report until considered corrected, the CUPA will provide CalEPA with RTC documentation received during the previous FY quarter, for up to three (3) APSA tank facilities as selected by OSFM, and for up to five (5) HWG facilities as selected by DTSC.

10. DEFICIENCY: CORRECTED DURING THE EVALUATION

The CUPA is not consistently collecting, managing and reporting the number of UST inspections and/or violations cited during routine inspections.

- CERS ID 10212733: 2018 annual compliance inspection not reported in CERS
- CERS ID 10136104: 2018 annual compliance inspection not reported in CERS
- CERS ID 10212736: Overfill violation not reported in CERS

Note: This deficiency was observed during the 2016 evaluation and was corrected during the Deficiency Progress Update process.

CITATION:

CCR, Title 23, Section 2713(c)(3)
CCR, Title 27, Section 15185(a)
[State Water Board, CalEPA]

CORRECTIVE ACTION:

The CUPA uploaded the missing compliance inspection reports and violations on October 8 and 9, 2019. No further action required.

11. DEFICIENCY: CORRECTED DURING THE EVALUATION

The CUPA's Unified Program Facility Permit (permit), which includes the UST Operating Permit, does not include all required UST elements. Review of issued permits indicates the required CERS ID number is missing.

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Note: Effective January 1, 2017, Title 23 includes revisions for permit conditions in section 2712(c). Specifically, section 2712(c) now allows permits to be retained electronically or physically at the facility and requires permits to include the CERS identification number (CERS ID).

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

CITATION:

CCR, Title 27, Section 15190(h)
CCR, Title 23, Sections 2712(c) and (i)
[CalEPA, State Water Board]

CORRECTIVE ACTION:

The CUPA provided a permit template on January 21, 2020, which included the required CERS ID. State Water Board finds the template satisfactory, no further action required.

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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:

Review of the Area Plan identified the following incorrect or obsolete items:

- Page 2, all Title 19 citations are obsolete.
- Page 9, 19 CCR 2745.2(a)(2) should be 19 CCR 2745.2(c).
- Page 12, Also, the outdated Uniform Fire Code is referenced on page 12. The 2016 edition of the California Fire Code is the current fire code adopted by the state. The 2019 edition of the California Fire Code has been adopted and will become effective January 1, 2019
- Page 16, the flow chart does not list the 800 number for the Warning Center, although it is mentioned on page 14 and several other places in the document.
- Page 29, 19 CCR 2725 should be 19 CCR 2645.
- Pages 30, 123 and several other places in the document, “Fish and Game” should be “Fish and Wildlife”. This has been corrected in several other places in the Area Plan.
- Page 42, Cal OES is identified as “Cal EMA”.
- In Annex E (pages 107, et. seq.) all HSC Chapter 6.95, Article 1 and CCR, Title 19, Chapter 4 citations are obsolete and need to be checked.
- Page 120, the URL for the Cal OES website is obsolete.
- Appendix R, Glossary- Includes in the definition of the California State Fire Marshal, “The State Fire Marshal also has primary responsibility for the safety of all interstate and intrastate hazardous liquid pipelines in California.” OSFM oversees intrastate hazardous liquid pipelines only.
- All “Title 19, CCR, Chapter 4” and “HSC, Chapter 6.95, Article 1” citations should be reviewed.

RECOMMENDATION:

Correct the identified errors with the next revision of the Area Plan.

2. OBSERVATION:

The 2016/2017, 2017/2018 and 2018/2019 Self-Audit reports include all elements required by CCR, Title 19, Section 2780.5 for an annual CalARP performance audit. In the 2018/2019 Self-Audit report, bullet number eight of the CalARP performance audit lists the names and experience of the CalARP inspectors for the CUPA.

RECOMMENDATION:

Amend the 2018-2019 Self-Audit document by removing the listed names and experience of the CalARP inspectors and replacing it with “a summary of the personnel and personnel years necessary to directly implement, administer and operate the CalARP Program,” as specified in

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OBSERVATIONS AND RECOMMENDATIONS

CCR, Title 19, section 2780.5(b)(7), meaning “how much staff time does it take to do implement the CalARP program?” If, for instance, there are 2 inspectors, each devoting 25% of their time to CalARP, and one supervisor, devoting 10% of his/her time to CalARP, the summary would be “three personnel, 0.6 PY (personnel years).” It is not necessary to list the names and experience of the CalARP inspectors. Use the suggested revision in future Self-Audit reports.

3. OBSERVATION:

The CUPA’s webpage at

http://www.lakecountyca.gov/Government/Directory/Environmental_Health/Programs/cupa.htm

contains the following outdated APSA documents:

- California APSA Frequently Asked Questions
- Tier II Qualified Facility SPCC Plan template

RECOMMENDATION:

Remove the “California APSA Frequently Asked Questions” document from the website, and replace the existing “Tier II Qualified Facility SPCC Plan template” with the updated Tier II Qualified Facility SPCC Plan template provided by OSFM.

4. OBSERVATION:

The CUPA uses a comprehensive APSA inspection checklist. However, if a facility receives a violation, a summary is included at the end of the inspection report with the applicable Federal SPCC rule citation first, along with the HSC citation. Additionally, the inspection checklist references the Federal SPCC rule (40 CFR 112) at the top of each section.

RECOMMENDATION:

As CUPAs have no authority to enforce the Federal SPCC rule, add a Health and Safety Code citation, such as “HSC, Chapter 6.67, commencing with Section 25270” at the top section on the first page of the APSA inspection checklist. On the summary of violations, have the HSC citation first and then reference the Federal SPCC rule, if applicable.

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FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

5. OBSERVATION:

The CUPA is citing facilities for hazardous waste generator violations that are not actual violations of hazardous waste law and regulations.

- The CUPA cited the following HWG facilities with a violation for “failure to retain employee training records for SQGs” - There is no statutory or regulatory requirement for a small quantity generator (SQG) to document employee training records.
 - CERS ID 10136413: Inspection dated April 23, 2019
 - CERS ID 10135576: Inspection dated January 8, 2019
 - CERS ID 10135612: Inspection dated December 5, 2017

RECOMMENDATION:

Only cite HWG facilities with observed violations of hazardous waste law and regulations or use language that indicates retaining employee training records is only a recommendation for SQGs.

6. OBSERVATION:

This observation was noted during the 2016 evaluation.

The CUPA is not consistently ensuring all operating HWGs have current active U.S. Environmental Protection Agency Identification (EPA ID) numbers. There are several HWGs within the jurisdiction of the CUPA operating with an inactive EPA ID number. Examples include but are not limited to:

- CERS ID 10136656: The DTSC Hazardous Waste Tracking System lists a different facility name and has had an inactive EPA ID: CAH111001417, since 2016 and has been shipping large amounts of hazardous waste offsite. Review of CERS indicates the last hazardous waste inspection was conducted on May 14, 2019 and the CUPA did not cite this as a violation.
- CERS ID 10149005: has had an inactive EPA ID#: CAR000207985, since 2011 and has been shipping hazardous waste offsite. Review of CERS indicates the last hazardous waste inspection was conducted on October 18, 2013.

CERS ID 10136665: has had an inactive EPA ID#: CAR000203919, since 2017 and has been shipping hazardous waste offsite. Review of CERS indicates the last hazardous waste inspection was conducted on October 29, 2014.

RECOMMENDATION:

Ensure during HWG inspections that each HWG has an active EPA ID# and is responding to DTSC’s annual electronic verification questionnaire (eVQ). If a HWG has an inactive or suspended EPA ID# due to the fact that the HWG did not submit an eVQ to DTSC and/or is not receiving email notification from DTSC to submit an eVQ, please direct the HWG to submit DTSC Form 1358 and to review the resources below:

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- [Form 1358 to Reactivate a EPA ID number](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/GISS_FORM_1358.pdf)
(https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/GISS_FORM_1358.pdf)
 - [Information Regarding EPA ID number Verification Questionnaire and FAQ](https://dtsc.ca.gov/hazardous-waste-id-number-verification-questionnaire/)
(<https://dtsc.ca.gov/hazardous-waste-id-number-verification-questionnaire/>)
 - [Electronic Verification Questionnaire Homepage](https://evq.dtsc.ca.gov/Home.aspx)
(<https://evq.dtsc.ca.gov/Home.aspx>)
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7. OBSERVATION:

Review of CERS indicates that the following facilities with UST systems may require permanent closure by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05:

- CERS ID 10155691: Tank IDs T1 – T3
- CERS ID 10212739: Tank ID T1
- CERS ID 10212745: Tank IDs 001 - 003

Note: The examples above may not include all UST systems subject to the December 31, 2025 Single Walled permanent closure requirements. The U.S. Environmental Program Agency (U.S. EPA) and the State Water Board now fund two full-time contractors to specifically assist single-walled tank owners/operators. By encouraging UST owners/operators to remove and replace single-walled tanks and piping well in advance of California's December 2025 deadline, we hope to prevent contractor shortages, unmanageable permitting workloads and UST abandonment.

RECOMMENDATION:

Continue to provide verbal reminders to all applicable UST facility owners/operators regarding the December 31, 2025 requirements for permanent closure of single-walled USTs. Consider providing written notification of the requirements to all applicable UST facility owners/operators. The written notification should inform facility owners/operators that, in order to remain in compliance, owners/operators must replace or remove single-walled USTs by December 31, 2025. Additional information about single-walled UST closure requirements may be found at: http://waterboards.ca.gov/water_issues/programs/ust/single_walled/.

Notify facility owners/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 tanks. More information on funding sources may be found at: http://www.waterboards.ca.gov/water_issues/programs/ustcf/rust.shtml.

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8. OBSERVATION:

There is an electronic data transfer (EDT) issue with the CUPA's local data management system and CERS, resulting in violations being classified in CERS as minor violations, when actually cited and noted on inspection reports as Class I or Class II violations.

RECOMMENDATION:

Work with the local data management services provider to identify the cause of the EDT issue and work to resolve the issue so that the information reported in the local data management system is accurately reflected in CERS. Once the EDT issue is resolved, establish a quality assurance and quality control process to ensure compliance, monitoring and enforcement data entered into the local data management system is correctly reflected in CERS through EDT to ensure future data transfer will be accurate.

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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. IMPROVED MULT-AGENCY PARTNERSHIPS:

As a small, rural CUPA, it is not feasible for CUPA personnel to specialize in a singular aspect of Unified Program implementation. CUPA personnel often work across multiple Unified Program elements, environmental health programs, and with several different agencies. Lake County Environmental Health CUPA personnel currently participate in the local Environmental Crimes Task Force, working with multiple agencies including local Law Enforcement, Code Enforcement, Air Quality and Water Quality departments, as well as state agencies such as the California Department of Fish and Wildlife (CDFW), DTSC, State Water Board, and CalFIRE. CUPA personnel have developed excellent working relationships with these and other agencies to provide assistance in almost any environmental situation.

In addition to participating in the Environmental Crimes Task Force, CUPA personnel work directly with CDFW and DTSC on a monthly basis to collaborate and create a standard response regarding use of illegal and/or banned pesticides, which serves to better protect Fish and Wildlife wardens from exposure to dangerous field conditions related to hazardous materials. Since September 2018, Lake County Environmental Health has responded to and assisted in investigating nine separate properties where dangerous toxic pesticides have been found.

2. COMMUNITY ASSISTANCE WITH CERS AND HMBP REPORTING REQUIREMENTS:

Lake County CUPA personnel have worked diligently over the past years to reach out and provide assistance to local businesses with the process of submitting HMBPs via CERS. CUPA personnel routinely provide over-the-phone step-by-step support to business representatives guiding them through the CERS submittal process. Additionally, CUPA personnel also visit business locations to provide assistance to those individuals who need additional help. As a result of this outreach, Lake County CUPA has increased the number of businesses that have successfully provided initial and annual HMBP CERS submissions from less than 60% to over 90% compliance. Improvements to the HMBP CERS submittal compliance rate began in 2016 and is a result of efforts to educate facility operators. In 2016, there were an estimated 143 facilities that had not submitted by March 1, 2016. In 2017, there were 96 facilities, in 2018 there were 74 facilities, and in 2019 there were merely 63 facilities that had not submitted by March 1st. Though at 90% compliance, Lake County CUPA is still below the set goal of 95% compliance, however, such significant progress in obtaining compliance over the past three years is worthy of recognition.

3. WILDLAND FIRE RESPONSE:

Lake County has suffered numerous wildfires over a period of four years. In 2015, two major fires sprung up in Lake County which combined, scorched a total of 145,550 acres and destroyed 1,465 homes and businesses. In 2016, the Clayton Fire burned 3,929 acres of land and another 300 homes and businesses were destroyed. In 2017, the Sulphur Bank Fire burned 2,207 acres and destroyed 162 homes and businesses. In 2018, the Mendocino Complex Fire (which

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included the Ranch Fire and River Fire) and the Pawnee Fire combined to burn and destroy 459,123 acres and 206 residences. In total, Lake County lost over 2,133 homes and hundreds of thousands of acres of land was burned.

During these events, the operation and planning branches in the Lake County Environmental Health Division were activated in the Incident Command System (ICS). CUPA personnel participated in the Incident Command Center providing intelligence information to the firefighter efforts on the locations, and quantity of hazardous materials. Of particular concerns were CalARP facilities, which represent an immense danger to responding firefighters and sheltered-in-place citizens. Following the immediate threat of the fires, CUPA personnel were often assigned to Damage Assessment teams which are comprised of CalFIRE, CUPA personnel and Lake County Community Development Building Inspectors. Personnel travel through active operation areas to determine the level of damage to homes, businesses and structures. CUPA personnel specifically flag and report immediate health threats resulting from damaged hazardous material containers such as damaged acetylene cylinders, or burned 55-gallon drums with unknown materials inside. Additional tasking during this period includes conducting health inspections of emergency shelters, providing emergency coordination with displaced victims, and conducting community outreach on health and safety related matters.

Once the fires were contained or rendered extinguished, CUPA personnel worked directly with DTSC under the direction of the Incident Commander to conduct a preliminary assessment of each property affected and remove any immediate hazardous waste which might serve as a hazard to clean-up crews. CUPA personnel were tasked as the representatives of the county and were required to secure access to properties, notify property owners of activities, track team assessments and activities, and serve as the point of contact to the public. Often times, CUPA personnel were called upon to provide logistical support to the hazmat teams. Also, during this period, CUPA staff were tasked with providing services in the Local Assistance Centers under the authority of either Cal OES or the Federal Emergency Management Agency (FEMA).

Finally, following any major fire, the Lake County Environmental Health Division is often overwhelmed with permit requests in the Land Program, and as such, CUPA personnel often assist the Land Program in performing inspections. The majority of homes affected during wildfires have onsite waste water treatment systems. These onsite waste water treatment systems must be inspected prior to rebuilding efforts to ensure they are safe and up to code for new construction. Lake County Environmental Health personnel across all programs perform these inspections. CUPA staff often serve to assist in the Land Program.

Simply stated, Lake County CUPA personnel have been tasked with hundreds of hours of additional work in direct support to recovery efforts related to wildland fires.