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December 16, 2019

Mr. Steve Devine
Program Manager, Waste Management Division
County of Marin Department of Public Works
Waste Management Division
1600 Los Gamos Drive, Suite 210
San Rafael, California 94903-1842

Dear Mr. Devine:

During March through July, 2019, CalEPA and the state program agencies conducted a performance evaluation of the County of Marin Department of Public Works Waste Management Division Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, review of regulated facility file documentation, California Environmental Reporting System data, and oversight inspections.

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

Based upon review and completion of the performance evaluation, CalEPA has rated the CUPA's implementation of the Unified Program as Meets Unified Program Standards.

To demonstrate progress towards the correction of program deficiencies and incidental findings identified in the final report, the CUPA must submit an Evaluation Progress Report within 60 days from the date of this letter (February 21, 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 Melinda Blum, at Melinda.Blum@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. Steve Devine
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If you have any questions or need further assistance, please contact Melinda Blum at (916) 327-9560 or John Paine, Unified Program Manager, at (916) 327-5092.

Sincerely,

Original signed by Jason Boetzer

Jason Boetzer
Acting Assistant Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

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Mr. Steve Devine
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cc sent via email:

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

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

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

CUPA: County of Marin Department of Public Works, Waste Management Division

Evaluation Period: March – July 2019

Evaluation Team Members:

CalEPA Team Lead	DTSC	Cal OES	State Water Board	CAL FIRE - OSFM
Christopher Moon	Kevin Abriol	Denise Gibson	Sean Farrow	Joann Lai

This Final Summary of Findings includes:

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

The findings contained within this evaluation report are considered final.

Based upon review and completion of the evaluation, the CUPA's Unified Program implementation and performance is considered to meet Unified Program standards.

Questions or comments regarding this evaluation should be directed to Melinda Blum at Melinda.Blum@calepa.ca.gov.

The CUPA is required to submit a Deficiency 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 Deficiency Progress Report must include a narrative stating the status of all deficiencies and incidental findings identified in this Final Summary of Findings Report.

Deficiency Progress Report submittal dates for the first year following the evaluation are as follows:

- Update 1: February 21, 2020
- Update 2: May 21, 2020
- Update 3: August 25, 2020
- Update 4: December 1, 2020

Each Deficiency Progress Report must be submitted to Melinda Blum at Melinda.Blum@calepa.ca.gov.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

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

1. DEFICIENCY:

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

Review of the following inspection reports indicates the CUPA incorrectly classified the HWG violation for exceedance of authorized accumulation time as a minor violation:

- CERSID 10031164: Inspection conducted on August 11, 2016
- CERSID 10032985: Inspection conducted on November 22, 2016
- CERSID 10342927: Inspection conducted on June 14, 2016

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 (HSC), Section 25404(a)(3).

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5, 25117.6

HSC, Chapter 6.11, Section 25404(a)(3)

California Code of Regulations (CCR), Title 22, Sections, 66260.10, 66262.34

[DTSC]

CORRECTIVE ACTION:

By Update 2, the CUPA will provide CalEPA with a copy of three (3) inspection reports, as requested by DTSC, for facilities inspected within the last three (3) months cited with hazardous waste violations.

2. DEFICIENCY: CORRECTED

The CUPA is not inspecting all APSA tank facilities at least once every three (3) years in accordance with the inspection frequency specified in the Inspection and Enforcement Program (I&E) Plan.

Review of facility files, compliance, monitoring and enforcement (CME) information from the California Environmental Reporting System (CERS) and data provided by the CUPA reveals:

- 27 (31%) of 88 APSA tank facilities that store 1,320 gallons or more of petroleum have not been inspected within the last three (3) years.

During the evaluation, a CERS report generated on June 25, 2019, indicated that 86% of the total APSA facilities had been inspected within the last three (3) years.

CITATION:

HSC, Chapter 6.67, Section 25270.5(b)

[OSFM]

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

Corrected at the time of evaluation, no further corrective action needed.

3. DEFICIENCY: CORRECTED

The CUPA is not ensuring each inspector completes the APSA training program and passes the exam prior to conducting APSA compliance inspections at tank facilities.

One (1) inspector has conducted the following APSA facility inspections without completing the APSA training program or passing the exam:

- CERS ID 10595074: Inspection conducted on January 30, 2019
- CERS ID 10032715: Inspection conducted on February 26, 2019

Note: The above findings may not be the only inspections that were conducted by the inspector who did not complete the APSA training program and pass the exam.

CITATION:

HSC, Chapter 6.67, Section 25270.5(c)
[OSFM]

CORRECTIVE ACTION:

Corrected at the time of evaluation, no further corrective action needed. During the evaluation, the CUPA enrolled the inspector in the online APSA Basic Inspector Training program. The CUPA also began re-inspecting the APSA facilities previously conducted by the inspector that had not completed the APSA training nor passed the exam. Each inspector must complete the APSA training program and pass the exam before conducting APSA facility inspections. An untrained inspector cannot conduct APSA compliance inspections.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

INCIDENTAL FINDINGS REQUIRING RESOLUTION

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

1. INCIDENTAL FINDING:

The CUPA's I&E Plan has the following inaccurate and missing required components:

- Inspection frequencies for the Permit by Rule (PBR), Conditionally Authorized (CA), and Conditionally Exempt (CE) HWG programs do not include "an initial inspection within two (2) years of notification and every three (3) years thereafter."
- Provisions for ensuring the analysis of any material sampled is performed by a state certified laboratory are missing.

CITATION:

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

RESOLUTION:

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 above.

2. INCIDENTAL FINDING:

The CUPA is not consistently ensuring underground storage tank (UST) related information in CERS UST facility submittals is accurate and complete.

Review of the UST Facility/Tank Data Download report obtained from CERS on April 19, 2019, finds the CUPA is accepting inaccurate or incomplete UST related information as follows:

- Three (3) USTs incorrectly show having single-wall product pipe with mechanical line leak detector installed.
- Three (3) USTs incorrectly show no spill container being installed.
- One (1) single-wall steel tank incorrectly shows having no cathodic protection installed.
- One (1) single-wall steel tank incorrectly shows having no interior lining installed.
- 19 USTs with double-wall product pipe incorrectly show no continuous monitoring of product pipe.
- One (1) UST identified with double-wall pressurized product pipe, incorrectly shows having no mechanical or electronic line leak detector.
- Seven (7) USTs installed between January 1, 1984, and June 30, 2004, incorrectly show having not to conduct periodic secondary containment testing.
- 10 USTs installed on, or after, July 1, 2004, incorrectly show having to conduct periodic secondary containment testing.
- 37 USTs show having no striker plate/bottom protectors.

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
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INCIDENTAL FINDINGS REQUIRING RESOLUTION

Note: Please reference the following CERS FAQs: “General Reporting Requirements for USTs;” “When to Issue a UST Operating Permit;” “Common CERS Reporting Errors;” “Setting Accepted Submittal Status;” and “Which Forms Require Uploading to CERS.” Please reference State Water Board correspondence dated November 29, 2016, “When to Review Underground Storage Tank Records.”

CITATION:

HSC, Chapter 6.7, Sections 25286 and 25288(a)
CCR, Title 23, Sections 2632(d)(1), 2634(d)(2) and 2641(g) and (h)
[State Water Board, CalEPA]

RESOLUTION:

By Update 1, the CUPA will train personnel on the procedure developed by the CUPA that ensures UST related information in CERS submittals is accurate and complete. The CUPA will provide training documentation to CalEPA such as: an outline of the training conducted and a list of CUPA personnel attending training.

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

3. INCIDENTAL FINDING:

The CUPA’s Unified Program Facility Permit (permit) includes the UST Operating Permit and, without having a local ordinance, contains the requirement for the owner/operator to display the permit in a prominent place, which is more stringent than the regulatory requirement for the permit to be readily accessible.

CITATION:

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

RESOLUTION:

By Update 1, the CUPA will develop and provide to CalEPA a plan to remove the display language from permits issued to new owners/operators until the CUPA can work with its vendor (DHD) to permanently remove the language from the permit template.

Once revised, the CUPA will provide CalEPA with a copy of the permit template containing the regulatory requirement for the permit to be readily accessible. The CUPA will provide CalEPA with a copy of five (5) revised consolidated permits that have been issued to facilities.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
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INCIDENTAL FINDINGS REQUIRING RESOLUTION

4. INCIDENTAL FINDING:

The CUPA is not consistently citing violations for failure to conduct an overfill prevention equipment inspection on or after October 1, 2018, periodically and after repairs as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16,1 Sections 2637.2(a) and 2665(b).

Review of annual UST compliance inspection reports, associated overfill prevention inspection reports, and CERS CME finds the following:

- CERS ID 10030618: overfill prevention inspection dated November 28, 2018, was conducted beyond the October 13, 2018, deadline. The CUPA did not cite a violation during the annual UST compliance inspection dated April 11, 2019, and no violation was reported in CERS.
- CERS ID 10460464: overfill prevention inspection dated November 28, 2018, was conducted beyond the October 13, 2018, deadline. The CUPA did not cite a violation during the annual UST compliance inspection dated January 18, 2019, and no violation was reported in CERS.

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

CITATION:

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

RESOLUTION:

By Update 2, the CUPA will revise and provide CalEPA with the I&E Plan, or other applicable procedure, which ensures inspection personnel consistently and correctly report all violations observed during the annual compliance inspection into CERS.

By Update 3, the CUPA will train inspection personnel on the revised plan or procedure and provide training documentation to CalEPA, which will include at a minimum, an outline of the training conducted and a list of CUPA inspection personnel attending the training. Once training is complete, the CUPA will implement the new plan or procedure.

5. INCIDENTAL FINDING:

The CUPA's I&E Plan and Consolidated Permit Plan are inconsistent with Statute as follows:

- I&E Plan – The red tag enforcement option does not address the recent amendment to Statute that became effective January 1, 2019. Amendments include language regarding an owner/operator no longer being able to withdraw gasoline when a red tag is affixed and the ability of a CUPA to require an owner/operator to remove contents from USTs which have a red tag affixed.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- Consolidated Permit Plan – The recent amendment to Statute that became effective January 1, 2019, is not addressed. Amendments reflect issuing the permit when USTs are not in full compliance. Amendments also include language regarding not issuing a permit if a red tag has been affixed or if enforcement is pending.

CITATION:

HSC, Chapter 6.7, Sections 25285(b) and 25295.3(a)(2)(A) and (c)(1)(C)
CCR, Title 23, Sections 2712(c) and 2713(c)
CCR, Title 27, Section 15200(a)
[State Water Board, CalEPA]

RESOLUTION:

By Update 2, the CUPA will review, revise, and provide CalEPA with a copy of the revised I&E Plan and Consolidated Permit Plan addressing the recent amendments to Statute that became effective January 1, 2019.

6. INCIDENTAL FINDING: RESOLVED

The CUPA is not consistently documenting in sufficient detail whether the UST owner/operator has demonstrated to the satisfaction of the CUPA, tank closure, removal and soil sampling complies with statute and regulation and maintaining closure records as required by statute and regulation.

Review of facility files finds the CUPA did not document, in sufficient detail, to the satisfaction of the CUPA, that tank closure complies with statute and regulations and that closure records are maintained for the following facility:

- CERS ID 10031083

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

CITATION:

CCR, Title 23, Section 2672(d)
CCR, Title 27, Sections 15180(e)(2) and 15185(a) and (c)(3)
[State Water Board, CalEPA]

RESOLUTION:

Resolved at the time of evaluation, no further resolution needed. During the evaluation, the CUPA provided a revised UST Closure Inspection Form. The revision includes a mechanism to document to the satisfaction of the CUPA that UST closure activities were completed in accordance with Statute and Regulations.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
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INCIDENTAL FINDINGS REQUIRING RESOLUTION

7. INCIDENTAL FINDING: RESOLVED

The CUPA is not always correctly reporting inspection, violation, and enforcement information, also known as CME information, to CERS.

Review of CERS CME information reveals 28 (6%) of 494 HWG and Tiered Permit (TP) facility inspections are inaccurately reported in CERS.

Between July 1, 2015, and June 30, 2018, the CUPA reported in CERS:

- Five (5) PBR Onsite Hazardous Waste Treatment inspections at facilities not operating under PBR requirements. Note: Household Hazardous Waste (HHW) facilities are PBR facilities, however the PBR inspection type in CERS relates to treatment facilities. There is a specific inspection type for HHW inspections in CERS.
- One (1) CA Treatment inspection at a facility not operating under CA Treatment requirements,
- 20 CE Treatment inspections at facilities not operating under CE Treatment requirements, and
- Two (2) HWG inspections at facilities operating under a CE permit.

CITATION:

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

RESOLUTION:

Resolved at the time of evaluation, no further resolution needed.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

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

1. OBSERVATION:

On May 20, 2019, DTSC observed an inspection at a Non-RCRALQG facility (CERS ID: 10031935). The inspector was well-prepared for the inspection. Prior to arriving at the facility, the inspector demonstrated knowledge of the facility's inspection history, CERS data, and Hazardous Waste Tracking System shipment information. Upon arrival at the facility, the inspector gained consent to conduct the inspection. The inspector conducted a complete and thorough inspection of the facility by touring the entire site, taking photographs, and reviewing all required documentation. During the document review, the inspector confirmed that the facility's business had increased and therefore caused the generator status of the business to change from a SQG to a LQG. Some guidance was provided to the inspector by DTSC on used oil filter management. Upon conclusion of the inspection, the inspector provided the facility operator with a complete summary of all documented violations, observations, factual basis, and corrective actions.

On May 21, 2019, DTSC observed an inspection at CERS ID: 10033276 with a different inspector. The inspector was well-prepared for the inspection. Prior to arriving at the facility, the inspector demonstrated knowledge of the facility's inspection history, CERS data, and Hazardous Waste Tracking System shipment information. Upon arrival at the facility, the inspector gained consent to conduct the inspection. The inspector conducted a complete and thorough inspection of the facility by touring the entire site, taking photographs, and reviewing all required documentation. Upon conclusion of the inspection, the inspector provided the facility operator with a complete summary of all documented violations, observations, factual basis, and corrective actions.

RECOMMENDATION:

DTSC provided the Drained Used Oil Filter Management [Factsheet](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) and [Advisory](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/AdvisoryUsedOilFiltersMarch2017Final.pdf) (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/AdvisoryUsedOilFiltersMarch2017Final.pdf) to the inspectors who performed the inspection at CERS ID 10031935.

2. OBSERVATION:

When asked whether or not any sampling had occurred in the last three (3) years or whether there were any procedures for sending samples to a State Certified laboratory, the CUPA stated that no sampling had been conducted over the past three (3) years.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Sampling equipment and a contract for sampling with a State Certified laboratory should be maintained. Sampling results are often the best evidence to substantiate that a waste is hazardous. It is often critical to rely on analytical results gathered from sampling activities to be used as evidence to support an allegation of unlawful hazardous waste management activity to apply formal enforcement.

3. OBSERVATION:

Review of UST facility files and CERS finds one (1) instance where UST secondary containment test results are missing for CERS ID 10342474.

RECOMMENDATION:

Ensure required test results are included in the UST facility file as part of the facility file review during the annual UST compliance inspection.

4. OBSERVATION:

Review finds the following two (2) instances where test results do not match CERS or annual UST compliance inspection reports:

- CERS ID 10032112: CERS and the annual UST compliance inspection report dated January 23, 2019, show a violation for line leak detectors. However, the spill container test results dated January 23, 2019, indicate the failure of the 87 and 91 spill containers. Further, the annual monitoring certification dated January 23, 2019, indicates the spill containers do not have 5-gallon capacity. These failures should have been reported in CERS.
- CERS ID 10032634: CERS and the annual UST compliance inspection report dated January 29, 2019, show no violations reported. However, the annual UST monitoring certification dated January 29, 2019, indicates the service technician replacing the 91 turbine sump sensor. This failure should have been reported in CERS as a violation.

RECOMMENDATION:

Review the I&E Plan and ensure inspection personnel are reporting all observed violations to CERS. This is important as failing to report violations to CERS and in Report 6 can affect the accuracy of reporting of Technical Compliance Rate to the U.S. Environmental Protection Agency.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

5. OBSERVATION:

Review of CERS finds the following UST system(s) may need to be permanently closed by December 31, 2025, in accordance with HSC Chapter 6.7, Section 25292.05:

- CERS ID 10030615
- CERS ID 10030618
- CERS ID 10030669

Note: The examples provided may not represent all UST systems which may need to be permanently closed by December 31, 2025.

RECOMMENDATION:

Continue to provide verbal reminders to UST facility owners/operators and consider providing written notification of the December 31, 2025, requirements for permanent closure of single-wall USTs. The written notification should inform the facility owners/operators that in order to stay in compliance, owners/operators must replace or remove single-wall USTs by December 31, 2025. Additional information regarding single-wall UST closure requirements may be found at:

http://waterboards.ca.gov/water_issues/programs/ust/single_walled/.

Facility owners/operators should also be notified that grants and loans are available through the Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program 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.

6. OBSERVATION:

The CUPA's Area Plan contains the following incorrect information:

- Page 42, the 2010 California Fire Code is referenced, the most current Fire Code is the 2016 California Fire Code.
- Pages 4 and 5 of Appendix R-2, the phone numbers listed for State Fire Marshal (Sacramento) are no longer valid. The new phone number is (916) 568-3800, while the 24-hour OSFM Duty Chief number is (916) 323-7390.
- Page 12 of Attachment 2 in the Glossary defines California State Fire Marshal as, "A division of the Department of Forestry and Fire Protection for the safety of all interstate and intrastate hazardous liquid pipelines in California." OSFM oversees intrastate hazardous liquid pipelines only.

RECOMMENDATION:

The Area Plan should be updated to reflect correct information.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

OBSERVATIONS AND RECOMMENDATIONS

7. OBSERVATION:

The CUPA's webpage (<https://www.marincounty.org/depts/pw/divisions/public-services/cupa>) provides a link to CalEPA as the overseeing agency of the APSA program. The link should point to the OSFM website as the more appropriate overseeing agency. The webpage also contains a broken link for the "Spill Prevention, Control and Countermeasure (SPCC) Rule" under the "Required CUPA Forms" tab.

The CUPA's webpage (<https://www.marincounty.org/depts/pw/forms>) contains a broken link for the "SPCC Rule."

RECOMMENDATION:

Links on the CUPA's Unified Program webpages should be updated.

8. OBSERVATION:

The CUPA's I&E Plan contains the following unclear and inaccurate information:

- Page 12, the "CUPA RTC and Enforcement" flowchart is mostly comprehensive and articulates the CUPA's procedures for following up on return to compliance. However, the last stage under the "Minor Violation" track (Left side) can be interpreted to mean that, in some instances, the CUPA will conduct a follow up inspection, if necessary, but at the time of the next routine inspection, when actually, the CUPA will surely check for specific violations cited at the next routine inspection to be sure they are not being repeated.
- Page 16, the "Statutory Authority" section under "Enforcement" references HSC Chapter 6.67, Section 25270.5 to address violations for APSA requirements. Section 25270.5 covers the mandated inspection frequency, an alternate inspection plan, and Unified Program Agency inspector training requirements. The appropriate section to reference is HSC Chapter 6.67 commencing with Section 25270.

RECOMMENDATION:

The I&E Plan should be updated so that the "Minor Violation" stage of the "CUPA RTC and Enforcement" flowchart is rephrased in a manner that cannot be read to interpret that RTC follow-up can happen at a subsequent routine inspection.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

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

1. STANDARDS FOR UNIFIED PROGRAM IMPLEMENTATION:

Historically, Marin County has implemented a successful Unified Program, and has maintained consistency with performance adequacy regarding state requirements, including maintaining inspection frequencies. The CUPA has demonstrated proactive continuity measures to ensure that information submitted by businesses is accurate and accessible to all emergency responders in various ways such as: administering annual CERS training for all 10 local fire departments, hiring a consultant to work with businesses to ensure correct and accurate completion of annual CERS facility submissions, and presenting applicable requirements transparently to regulated facility owners. The CUPA is attentive to detail regarding regulation and enforcement of all program elements.

Prior to and during the 2019 triennial CUPA Performance Evaluation, the CUPA was self-driven to be forthcoming with state agency inquiries and immediately identified potential issues in satisfactorily meeting implementation requirements and rectified such issues. The CUPA's high standard for implementation of the Unified Program, the relationships the CUPA personnel have developed with the regulated community, and the devotion to the integrity of the program and environment are attributes to success in receiving none, or very few, deficiencies during past performance evaluations.