



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

August 10, 2021

Ms. Dee Williams-Ridley
City Manager
City of Berkeley Planning Department
Toxics Management Division
1947 Center Street, 1st Floor
Berkeley, California 94704-1155

Dear Ms. Williams-Ridley:

During February through June, 2021, CalEPA and the state program agencies conducted a performance evaluation of the City of Berkeley Planning Department Toxics Management Division Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, and review of regulated facility file documentation and California Environmental Reporting System data.

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

Based upon review and completion of the performance evaluation, CalEPA has rated the CUPA's overall implementation of the Unified Program as satisfactory with 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 (October 12, 2021), and every 90 days thereafter. Evaluation Progress Reports are required to be submitted to CalEPA until all deficiencies and incidental findings identified have been acknowledged as corrected or resolved. Each Evaluation Progress Report must be submitted to Tim Brandt at Timothy.Brandt@calepa.ca.gov, or mail.

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

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

If you have any questions or need further assistance, please contact Melinda Blum at Melinda.Blum@calepa.ca.gov.

Sincerely,



Jason Boetzer
Assistant Secretary
Local Program Coordination and Emergency Response

Enclosures

cc sent via email:

Mr. Jordan Klein
Director of Planning and Development
City of Berkeley Planning Department
Toxics Management Division
1947 Center Street, 1st Floor
Berkeley, California 94704-1155

Mr. Lam Inthavong
Hazardous Materials Manager
City of Berkeley Planning Department
Toxics Management Division
1947 Center Street, 1st Floor
Berkeley, California 94704-1155

Ms. Cheryl Prowell
Supervising Water Resource Control Engineer
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Ms. Laura Fisher
Senior Environmental Scientist, Supervisor
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

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cc sent via email:

Ms. Maria Soria
Program Manager
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Ms. Diana Peebler
Senior Environmental Scientist, Supervisor
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. James Hosler, Chief
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Ms. Jennifer Lorenzo
Senior Environmental Scientist (Supervisor)
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Jack Harrah
Senior Emergency Services Coordinator
California Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655-4203

Ms. Jessica Botsford
Environmental Scientist
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Mr. Kevin Abriol
Environmental Scientist
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Glenn Warner
Senior Environmental Scientist, Specialist
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

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cc sent via email:

Mr. Garrett Chan
Environmental Scientist
California Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655-4203

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Mr. John Elkins
Environmental Program Manager
California Environmental Protection Agency

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

Mr. Tim Brandt
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: City of Berkeley Planning Department – Toxics Management Division

Evaluation Period: February 2021 – June 2021

Evaluation Team Members:

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

This Final Summary of Findings includes:

- Program deficiencies
- Incidental findings requiring resolution
- Program observations and recommendations
- Examples of outstanding program implementation

The findings contained within this evaluation report are considered final.

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

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

Tim Brandt

CalEPA Unified Program

Phone: (916) 323-2204

E-mail: timothy.brandt@calepa.ca.gov

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

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

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

1st Progress Report: October 12, 2021

3rd Progress Report: April 28, 2022

2nd Progress Report: January 25, 2022

4th Progress Report: August 2, 2022

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

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

1. DEFICIENCY:

The Underground Storage Tank (UST) operating permit and permit conditions, which are required to be issued under the Unified Program Facility Permit (UPFP), are inconsistent with UST Regulations and Health and Safety Code (HSC) requirements.

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

- The UST Operating Permit template does not reflect issuance under a UPFP.
- Permit conditions reference HSC, Chapters 6.75 and 18, however, the CUPA does not have regulatory authority under HSC, Chapters 6.75 or 18.
- Permit conditions state the UST Monitoring Plan, Emergency Response Plan, and plot plans shall be maintained at the facility; however, the regulatory requirement is to have these plans in CERS.
- Permit conditions reference federal financial responsibility; however, the CUPA does not have the authority to implement federal requirements.
- Permit conditions state the permit holder shall notify the CUPA of an unauthorized release within 24 hours, however, only “reportable” unauthorized releases must be reported to the CUPA within 24 hours.
- Permit conditions state all monitoring performed shall be maintained at the facility by the operator and be available for inspection for a period of at least three years, however, the regulatory requirement is 36 months.
- Permit conditions state the permit holder shall perform testing and preventative maintenance on all leak detection monitoring equipment annually, however, preventative maintenance is more stringent than UST Regulations and HSC and there is no local ordinance authority to require preventative maintenance.
- Permit conditions state testing documents shall be maintained at the facility for a period of at least three years, however, the regulatory requirement is 36 months.

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

CITATION:

HSC, Chapter 6.7, Section 25295(a)(1)

California Code of Regulations (CCR), Title 23, Sections 2650, 2651, 2652, and 2712(c) and (i)

CCR, Title 27, Section 15190(h)

[CalEPA, State Water Board]

CORRECTIVE ACTION:

During the evaluation, the CUPA provided a revised UST operating permit to reflect issuance under a UPFP. CalEPA & State Water Board will review the revised UST operating permit

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DEFICIENCIES REQUIRING CORRECTION

template and revised UST operating permit conditions for consistency with UST Regulations and HSC. CalEPA & the State Water Board will provide feedback on the revisions to the CUPA with the 1st Progress Report response.

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

As a result of the CUPA five-year permitting cycle, the State Water Board will consider this deficiency corrected upon completion and acceptance of the revised or amended UST operating permit template and revised or amended UST operating permit conditions. Issuance of the acceptable UST operating permit template and UST operating permit conditions will be verified during the next CUPA Performance Evaluation.

2. DEFICIENCY:

UST compliance inspection information and facility inventory in the Semi-Annual Report (Report 6) is inconsistent with compliance, monitoring, and enforcement (CME) information in the California Environmental Reporting System (CERS).

Review of Report 6 and CERS CME UST facility inspection frequency information for the following Fiscal Years (FYs.) finds:

- FY 2019/2020
 - Report 6: 31 of 30 (103%) UST facilities inspected
 - CERS CME information: 29 of 30 (96%) UST facilities inspected
- FY 2018/2019
 - Report 6: 26 of 30 (87%) UST facilities inspected
 - CERS CME information: 26 of 30 (87%) UST facilities inspected
- FY 2017/2018
 - Report 6: 33 of 31 (106%) UST facilities inspected
 - CERS CME information: 30 of 31 (97%) UST facilities inspected

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

Note: Inspection frequency for FY 2019/2020 was calculated using the most recently reported number of UST facilities reported by the CUPA in Report 6.

CITATION:

HSC, Chapter 6.11, Section 25404(e)(4)
CCR, Title 23, Section 2713(c)(3)
CCR, Title 27, Sections 15187(c) and 15290(b)
[State Water Board]

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DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop and provide CalEPA with an action plan that, at minimum, includes:

- A thorough analysis and explanation as to how Report 6 and CERS CME information have inconsistent UST compliance inspection information; and
- A strategy to ensure UST compliance inspection information in Report 6 and CERS will be accurately reported.

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, which at a minimum will address how UST compliance inspection information is accurately reported in Report 6 and CERS. The CUPA will provide CalEPA with the revised Data Management Procedure, or other applicable procedure.

By the 2nd Progress Report, if amendments to the revised Data Management Procedure, or other applicable procedure are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with a copy of the amended Data Management Procedure, or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised Data Management Procedure, 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 Data Management Procedure, or other applicable procedure.

By the 3rd Progress Report, if amendments to the revised Data Management Procedure, or other applicable procedure were necessary, the CUPA will train UST inspection staff on the amended Data Management Procedure, 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 amended Data Management Procedure, or other applicable procedure.

By the 4th Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will have accurately reported UST compliance inspection information in Report 6 and CERS for two consecutive Report 6 reporting periods.

3. DEFICIENCY:

The CUPA's local ordinance, Chapter 15.12 Hazardous Materials and Wastes Management, is inconsistent with UST Regulations and HSC.

Review of the local ordinance finds the following inconsistencies:

- 15.12.010(G) states the CUPA assumes responsibility for the abatement of nuisances and remediation of the contamination resulting from releases of hazardous material and waste; however, the CUPA is not a certified Local Oversight Program (LOP) and therefore does not have the authority to conduct abatement or remediation.

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DEFICIENCIES REQUIRING CORRECTION

- 15.12.070(A)(1) and (2) references a Unified Program Consolidated Form, however, the CUPA no longer uses the paper form, the form is now submitted electronically in CERS.

CITATION:

HSC, Chapter 6.7 Section 25299.2, 25299.3

CCR, Title 23, Section 2620(c)

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

[State Water Board]

CORRECTIVE ACTION:

The CUPA will no longer implement provisions of the local ordinance that are less stringent or inconsistent with UST Regulations and HSC, including:

- assuming responsibility for the abatement of nuisances and remediation of the contamination resulting from releases of hazardous material and waste.

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

- a timeline for revising, drafting, and adopting the ordinance; and
- provisions for the CUPA to provide the revised local ordinance to the State Water Board for legal analysis to ensure consistency with UST Regulations and HSC.

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

Considering the length of time required to draft and adopt local ordinances, the State Water Board will consider this deficiency closed, but not corrected, after the CUPA has provided an acceptable plan for the revision and adoption of the revised local ordinance 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 other legal requirements.

4. DEFICIENCY:

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

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DEFICIENCIES REQUIRING CORRECTION

Review of UST facility files finds the CUPA did not provide UST closure documentation to the owner or operator upon completion of UST closure activities for the following:

- CERS ID 10196554

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

Note: 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) may be referenced.

CITATION:

HSC, Chapter 6.7, Section 25298(c)

CCR, Title 23, Section 2672(d)

[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop a UST closure procedure, or other applicable procedure, ensuring the establishment of a process, which will include at a 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 groundwater sampling complies with HSC, Chapter 6.7, Section 25298(c) and CCR, Title 23, Section 2672(d) (i.e. correspondence, hardcopy, electronic media) and
- Provide UST closure documentation to the owner or operator, which demonstrates to the satisfaction of the CUPA, UST closure, removal, and soil and/or groundwater sampling complies with UST Regulations and HSC.

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

By the 1st Progress Report, the CUPA will develop a UST closure letter template. The CUPA may consider including the following language in the UST closure letter template: “the City of Berkeley Planning Department – Toxic Managements Division has reviewed the UST closure documentation and approves the UST closure as properly completed in accordance with HSC, Chapter 6.7, Section 25298(c) and CCR, Title 23, Section 2672(d)” to include reference to specific UST code citations. The CUPA will provide the developed UST closure letter template to CalEPA.

By the 2nd Progress Report, if revisions to the UST closure procedure, or other applicable procedure are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the revised UST closure procedure or other applicable procedure. If no revisions are necessary, the CUPA will train UST inspection staff on the UST closure procedure 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 UST closure procedure or other applicable procedure.

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By the 2nd Progress Report, if revisions to the UST closure letter template are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the revised UST closure letter template. If no revisions are necessary, the CUPA will train UST inspection staff on the use of the UST closure letter template. The CUPA will provide training documentation to CalEPA, which at a 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 issue the UST closure letter template.

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

By the 3rd Progress Report, if amendments to the revised UST closure letter template were necessary, the CUPA will train UST inspection staff on the use of the amended UST closure letter template. The CUPA will provide training documentation to CalEPA, which at a 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 issue the amended UST closure letter template.

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

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

5. DEFICIENCY:

The CUPA is not consistently ensuring return to compliance (RTC) is obtained for Hazardous Waste Generator (HWG) Program facilities cited with violations.

Review of CERS CME information from January 1, 2018 - December 31, 2020, indicates there is no documented RTC for the following:

- 72 of 364 (20%) HWG violations.

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5, 25117.6, and 25187.8(b) and (g)

HSC, Chapter 6.7, Section 25288(d)

HSC, Chapter 6.11, Section 25404.1.2(c)

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

[DTSC]

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DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review, revise and provide CalEPA with the Inspection and Enforcement (I&E) Plan, which includes a delineated process to:

- ensure facilities cited with violations RTC through appropriate enforcement, and
- follow up with facilities and document RTC in CERS.

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a spreadsheet obtained from the CUPA's local data management system or CERS, that includes at a minimum the following information for each HWG facility with open violations (no RTC):

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date (when applicable);
- RTC qualifier; and
- In the absence of obtained RTC, a narrative of the appropriate enforcement taken by the CUPA to ensure RTC. The CUPA will prioritize follow-up actions with each facility based on the level of hazard violations present to public health and the environment.

By the 2nd Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from DTSC, the CUPA will provide CalEPA with the amended I&E Plan. If no amendments to the I&E Plan are necessary, the CUPA will train CUPA personnel on the revised I&E Plan. The CUPA will provide training documentation to CalEPA, which at a 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 to the I&E Plan were necessary, the CUPA will train CUPA personnel on the amended I&E Plan. The CUPA will provide training documentation to CalEPA, which at a 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.

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three facility records, as requested by DTSC, that include documentation of RTC or a narrative of the appropriate enforcement taken in the absence of RTC.

6. DEFICIENCY:

The CUPA is not properly classifying HWG Program violations.

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

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DEFICIENCIES REQUIRING CORRECTION

- 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 HSC, Section 25404(a)(3).
 - CERS indicates 21 of 26 (81%) violations cited between January 1, 2018 – December 31, 2020, for exceedance of accumulation timeframe were classified as minor.
- Violation for failure to obtain and maintain a written tank assessment certified by a professional engineer [CCR, Title 22, Section 66265.192(h)] incorrectly cited as a minor violation. Failure to obtain a tank system certified by a professional engineer poses risks to human health and the environment in the event the tank system is not fit for use. There is an economic benefit to the facility by not hiring an independent professional engineer to assess the tank system. This does not meet the definition of minor violation as described in HSC, Section 25404(a)(3).
 - CERS indicates 2 of 3 (67%) violations cited between January 1, 2018 – December 31, 2020, for failure to obtain and maintain a written tank assessment certified by a professional engineer were classified as minor.
- Violation for failure to implement a Large Quantity Generator (LQG) training program (CCR, Title 22, Section 66265.16) incorrectly cited as a minor violation. Failure to provide training and/or maintain related training program records may result in hazardous waste mismanagement issues and an inability to respond to emergencies. Additionally, there may have been an economic benefit to the facility by not providing training or maintaining training program records. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - CERS indicates 9 of 11 (82%) violations cited between January 1, 2018 – December 31, 2020, for failure to implement a LQG training program were classified as minor.

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

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6

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

CCR, Title 22, Section 66260.10

[DTSC]

CORRECTIVE ACTION:

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

During the evaluation process, the CUPA provided sufficient documentation indicating that staff conducting inspections of HWG facilities completed the trainings outlined below:

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DEFICIENCIES REQUIRING CORRECTION

- Violation Classification Training Video 2014
<https://www.youtube.com/watch?v=RB-5V6RfPH8>
- 2020 Violation Classification Guidance for Unified Program Agencies
<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>

DTSC finds this documentation acceptable.

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

7. DEFICIENCY:

The CUPA is not inspecting each facility subject to Hazardous Materials Business Plan (HMBP) requirements at least once every three years.

Review of facility files, CERS CME information, and additional information provided by the CUPA indicates:

- 81 of 474 (17%) HMBP facilities were not inspected within the last three years.

CITATION:

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each facility subject to HMBP requirements is inspected at least once every three years. The action plan will include, at a minimum:

- An analysis and explanation as to why the triennial compliance inspection requirement is not being met for HMBP facilities. Existing inspection staff resources and the number of facilities scheduled to be inspected each year are factors to address in the explanation.
- A spreadsheet exported from the CUPA's data management system or CERS, identifying each HMBP facility that has not been inspected within the last three years. For each HMBP facility listed, the spreadsheet will include, at a minimum:
 - Facility name;
 - CERS ID;
 - Date of the last inspection
- A schedule to inspect those HMBP facilities, prioritizing the most delinquent inspections to be completed prior to any other HMBP inspection based on risk.

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DEFICIENCIES REQUIRING CORRECTION

- Future steps to ensure that all HMBP facilities will be inspected at least once every three years.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet.

By the 5th Progress Report, the CUPA will have inspected each HMBP facility at least once in the last three years.

8. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA is not inspecting each Aboveground Petroleum Storage Act (APSA) tank facility at least once every three years in accordance with the I&E Plan.

Review of CERS CME information and information provided by the CUPA indicates:

- 4 of 18 (22%) APSA tank facilities under 10,000 gallons have not been inspected within the last three years.

CITATION:

HSC, Chapter 6.67, Section 25270.5(a) and (b)
[OSFM]

CORRECTIVE ACTION: COMPLETED

Over the course of the evaluation period, the CUPA completed additional APSA tank facility inspections. This deficiency is considered corrected.

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**UNIFIED PROGRAM PERFORMANCE EVALUATION
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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 consistently ensuring UST related information in CERS is accurate and complete.

Review of the UST Facility/Tank Data Download report obtained from CERS on March 1, 2021, finds the following:

- 3 of 13 (23%) USTs installed on, or after, July 1, 2004, and have single-wall components listed.
- 4 of 15 (27%) single-wall USTs incorrectly identify secondary containment construction.
- 11 of 87 (13%) USTs incorrectly show no spill container being installed.
- 26 of 87 (30%) USTs incorrectly show no striker plate installed.

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

Note: The following CERS FAQs may be referenced:

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

Note: The following State Water Board correspondence may be referenced:

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

CITATION:

HSC, Chapter 6.7, Sections 25286 and 25288(a)
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 revise the Data Management Procedure, or other applicable procedure, to ensure UST related information in CERS is consistently accurate and complete. The CUPA will provide CalEPA with the revised Data Management Procedure, or other applicable procedure.

By the 2nd Progress Report, if amendments to the revised Data Management Procedure, or other applicable procedure are necessary based on feedback from State Water Board, the CUPA will provide CalEPA with the amended Data Management Procedure, or other procedure. If no amendments are necessary, the CUPA will train UST Inspection staff on the revised Data

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Management Procedure, or other applicable procedure. Once training is complete, the CUPA will implement the revised Data Management Procedure, or other applicable procedure.

By the 3rd Progress Report, if amendments were necessary, the CUPA will train UST Inspection staff on the amended Data Management Procedure, or other applicable procedure. Once training is complete, the CUPA will implement the amended Data Management Procedure, or other applicable procedure.

2. INCIDENTAL FINDING:

The CUPA is not inspecting all UST facilities at least once every 12 months.

Review of Report 6 for the following FY finds:

- FY 2018/2019
 - 4 of 30 (13%) UST facilities were not inspected.

CITATION:

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

RESOLUTION:

The CUPA has been inspecting all UST facilities at least once every 12 months since FY 2018/2019.

The CUPA will inspect all UST facilities at least once every 12 months.

To demonstrate resolution of this incidental finding, the State Water Board will verify all UST facilities are being inspected at least once every 12 months with review of the next two Report 6 report periods and CERS CME data.

3. INCIDENTAL FINDING:

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

Review of CERS CME information, inspection reports, and other information provided by the CUPA finds the following:

- CERS ID 10670485: RTC information submitted by the CUPA for violations cited on October 4, 2019, indicate that HWG violations have RTC. However, no HWG violations in CERS for this inspection have RTC data.
- CERS ID 10196656: RTC information submitted by the CUPA for violations cited on May 22, 2019, indicate that several HWG violations have RTC. However, no HWG violations in CERS for this inspection have RTC data.

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- CERS ID 10196176: RTC information submitted by the CUPA for violations cited on November 2, 2019, indicate that several HWG violations have RTC. However, no HWG violations in CERS for this inspection have RTC data.

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

CITATION:

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

RESOLUTION:

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

- Identification and correction of the cause(s) of missing or incorrect HWG Program CME information reported to CERS, including any data transfer from the local data management system to CERS to ensure all CME information is consistently reported completely and accurately to CERS;
- Review and revision of the existing CME reporting component of the Data Management Procedure, or other applicable procedure, to ensure HWG Program CME information is consistently reported completely and accurately to CERS.
- Identification of HWG Program CME information not previously reported to CERS, or reported to CERS incorrectly from January 1, 2018 – December 31, 2020;
- A process for reporting HWG Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS, including CME information for any revised inspection reports;
- A process for ensuring CUPA personnel and inspectors are trained in the consistent use of the most recent violation classifications and citations of the local data management system or CERS violation type numbers;
- A comparison of HWG Program CME information (including follow-up actions) in the local CUPA data management system with CERS to identify any HWG Program CME information not being reported, or being reported incorrectly to CERS through electronic data transfer (EDT); and
- Future steps to ensure all HWG Program CME information is consistently reported completely and accurately to CERS.

By the 2nd Progress Report, if amendments to the revised CME reporting component of the Data Management Procedure, or other applicable procedure are necessary based on feedback from DTSC, the CUPA will provide CalEPA with the amended CME reporting component of the data management procedure or other applicable procedure. If amendments are not necessary, the CUPA will train CUPA personnel on the revised CME reporting component of the data management procedure, or other applicable procedure. Once training is complete, the CUPA will implement the revised CME reporting component of the data management procedure or other applicable procedure.

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By the 3rd Progress Report, if amendments to the revised CME reporting component of the data management procedure, or other applicable procedure were necessary, the CUPA will provide CalEPA with the amended CME reporting component of the data management procedure or other applicable procedure. The CUPA will train CUPA personnel on the amended CME reporting component of the data management procedure, or other applicable procedure. Once training is complete, the CUPA will implement the amended CME reporting component of the data management procedure or other applicable procedure.

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with RTC documentation obtained during the previous three months for three HWG Program facilities, as requested by DTSC.

By the 5th Progress Report, the CUPA will consistently and correctly report all current and previous HWG Program CME information to CERS completely and accurately. The CUPA will provide a statement confirming the completion of all prior HWG Program CME information not previously reported to CERS, or previously reported incorrectly to CERS, from January 1, 2018 – December 31, 2020, as currently and correctly being reported to CERS.

4. INCIDENTAL FINDING:

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

A Formal Enforcement Summary Report was not provided for the following formal enforcement cases:

- CERS ID 10750930
- CERS ID 10717054
- CERS ID 10706365
- CERS ID 10710547
- CERS ID 10196167

CITATION:

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

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a Formal Enforcement Summary Report for each formal enforcement case that has received a final judgement for which a Formal Enforcement Summary Report has not yet been provided. The CUPA will ensure a Formal Enforcement Summary Report is provided to CalEPA within 30 days of final judgment for each future formal enforcement case.

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

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- [Instructions for completing the Formal Enforcement Summary Report](https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Instructions.pdf) template are available at: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Instructions.pdf>
- Completed Formal Enforcement Summary Reports shall be submitted via email to CUPA@calepa.ca.gov.

5. INCIDENTAL FINDING:

The CUPA Self-Audit Report for FY 2017/2018 is missing components and was not completed by September 30th of the respective FY.

- The following component is missing:
 - A report of deficiencies with a plan of correction.

Note: The CUPA Self-Audit Report lists the date of completion as November 1st.

CITATION:

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

RESOLUTION:

By the 1st Progress Report or September 30, 2021 (whichever occurs first), the CUPA will provide CalEPA with a completed Self-Audit Report for FY 2020/2021 that includes all required components.

6. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

Required components of the I&E Plan are missing, inaccurate, or incomplete.

- The following components are missing:
 - An adequate narrative of how the CUPA addresses complaints including receiving and closure of complaints is described in the CUPA's Complaint Tracking Policy, however it is not incorporated into the CUPA's I&E Plan by reference.
 - An adequate narrative of the CUPA's sampling capability and ensuring that samples are taken to a state certified laboratory is described in the CUPA's Inspection Policy, however it is not incorporated into the CUPA's I&E Plan by reference.
- The following components are inaccurate or incomplete:
 - The CUPA's maximum initial penalty for hazardous waste violations indicates \$25,000. The correct penalty amount is \$70,000 for hazardous waste violations. Per Assembly Bill 245 effective January 1, 2018, and CCR, Title 22, Section 66272.62, the penalties for hazardous waste violations increased from \$25,000 to \$70,000 for each day of non-compliance.
 - The penalty matrix for the UST Program shows a minimum of \$0, which is inconsistent with HSC. The correct amount is no less than \$500 or no more than \$5,000 per UST, per each day of violation, and per violation.

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CITATION:

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

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided an updated I&E plan that addressed the items identified above. This finding is considered resolved.

7. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA is not properly reviewing, processing, and authorizing each annual Onsite Hazardous Waste Treatment Notification for onsite treatment facilities with a Fixed Treatment Unit (FTU).

Review of the following FTU submittal in CERS finds:

- CERS ID 1044940
 - Conditional Authorization (CA) submittals marked as “Accepted” on June 1, 2017, indicate in the ‘Treatment Unit Identification and Details’ that sulfuric acid and sodium hydroxide effluent from silicon wafer cleaning and etching baths were being treated. However, the ‘Waste and Treatment Process Combinations’ section of the notification indicates that the waste stream is being treated by both neutralization of acidic and alkaline wastes and pH adjustment of aqueous waste containing metals.
 - This unit likely does not qualify under the CA tier since the description includes that the waste stream is undergoing both metals treatment and pH neutralization. Wastes that qualify under the CA tier must be hazardous solely due to a single constituent.
 - Additionally, ‘Basis for Not Needing a Federal Permit’ and “Residuals Management Description’ may also be incorrect. Specifically, the submittal indicates it is an elementary neutralization unit which is defined as: a device which is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristic defined in HSC, Section 66261.22, or are listed in Article 4 of Chapter 11 of this division only for this reason.

CITATION:

CCR Title 22, Sections 67450.2(b)(4) and 67450.3(c)
HSC, Chapter 6.5, Section 25200.3(e)(3) and 25201.5(d)(7)
[DTSC]

RESOLUTION: COMPLETED

During the evaluation, the CUPA was able to correct the identified submittal inaccuracies for the FTU facility listed. This finding is considered resolved during the evaluation.

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

- CERS ID 10196032 (Tank IDs 1 - 4);
- CERS ID 10196398 (Tank IDs 1 - 4); and
- CERS ID 10195924 (Tank IDs 1 - 5).

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.

2. OBSERVATION:

Review of overall implementation of the HWG program, including CERS data, and facility file information between January 1, 2018 – December 31, 2020, is summarized below:

- CERS indicates 305 routine HWG inspections were conducted.
 - 161 of 305 (53%) routine inspections resulted in one or more violations being cited.
 - 144 of 305 (47%) routine inspections had no violations cited.
- CERS indicates 3 Class I violations were cited.
- CERS indicates 48 Class II violations were cited.
- CERS indicates 315 minor violations were cited.
- CERS indicates the CUPA did not complete any formal enforcement on HWG facilities.
- The CUPA utilizes the DTSC Hazardous Waste Tracking System and Transporter Quarterly Report (TQR) data to identify HWG facilities within the jurisdiction of the CUPA.
- DTSC was unable to conduct oversight inspections due to Coronavirus (COVID-19) restrictions.

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RECOMMENDATION:

Ensure complete and thorough inspections are conducted to identify all violations at facilities. Ensure inspection reports are detailed and include all observations, factual basis of violations, and corrective actions. Follow the I&E Plan to follow up with facilities that have not returned to compliance (RTC) by the scheduled RTC date and apply appropriate enforcement for facilities that do not RTC.

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
<https://dtsc.ca.gov/hazardous-waste-generator-requirements-fact-sheet/>
- Accumulation Time
<https://dtsc.ca.gov/hazardous-waste-accumulation-time-for-generators/>
- Universal Waste
<https://dtsc.ca.gov/universal-waste-fact-sheet/>
- Managing Used Oil Filters for Generators
<https://dtsc.ca.gov/managing-used-oil-filters-for-generators/>
- Management of Spent Lead Acid Batteries
<https://dtsc.ca.gov/management-of-spent-lead-acid-batteries/>
- Generator Summary Chart
<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/05/California-Generator-Chart.pdf>

3. OBSERVATION:

The CERS reporting requirement is currently set as “APSA Applicable” for 26 tank facilities. The CUPA’s local data management system identifies 24 APSA tank facilities.

- 22 APSA tank facilities are identified in both CERS and the CUPA’s local data management system.
- 2 APSA tank facilities identified in the CUPA’s local data management system are currently identified in CERS as “APSA Not Applicable”.
 - These tank facilities should be evaluated by the CUPA to determine if they should not be designated as APSA tank facilities in the CUPA’s local data management system.
- 4 tank facilities are reported as “APSA Applicable” in CERS, but are not identified as APSA tank facilities in the CUPA’s local data management system.
 - 2 of the 4 facilities appear to be APSA tank facilities. The CUPA should identify them as APSA tank facilities in the CUPA’s local data management system.
 - 2 of the 4 facilities appear to not be APSA tank facilities. The CUPA should update the CERS reporting requirement to “APSA Not Applicable.”

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- The CUPA should investigate three additional APSA facilities to determine if they are actual APSA tank facilities.

Facilities the CUPA determines to be APSA regulated should have their APSA CERS reporting requirement set to “Applicable” and should be designated as an APSA tank facility in the CUPA’s local data management system.

RECOMMENDATION:

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

4. OBSERVATION:

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

The 2017 version of the consolidated emergency response and training plans template contains the current OSFM phone number.

RECOMMENDATION:

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

5. OBSERVATION:

The webpage at:

https://www.cityofberkeley.info/Planning_and_Development/Toxics_Management/CUPA_Overview.aspx contains the following APSA program information that may benefit from improvement:

- The requirement for Spill Prevention Control and Countermeasure (SPCC) Plans should be removed from the caption or header for APSA as certain tank facilities are exempt from preparing an SPCC Plan under APSA if they meet certain conditions.

The webpage at:

https://www.cityofberkeley.info/Planning_and_Development/Toxics_Management/Aboveground_Petroleum_Storage_Tanks.aspx contains the following APSA program information that may benefit from improvement:

- APSA tank facilities are required to prepare and implement an SPCC Plan. However, information should be added about certain tank facilities that are exempt from preparing an SPCC Plan under APSA if they meet certain conditions.

RECOMMENDATION:

Update the APSA information on each of the websites. Consider including a link to the U.S. Environmental Protection Agency website at: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations> for information on SPCC requirements.

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6. OBSERVATION:

The documents comprising the CUPA's area plan have inaccurate information.

Examples are:

- Document 3B – Roles and Responsibilities, pages 11-12, The California Emergency Management Agency is now the Governor's Office of Emergency Services.
- Document 7A – Resources – the local phone number for the California State Warning Center is no longer (916) 262-1621. The current number is (916) 845-8911.

RECOMMENDATION:

Revise Document 3B and Document 7A to address the inaccurate information with the next review of the area plan.

7. OBSERVATION:

The City of Berkeley Records Retention Schedule indicates that any department performance audits, which would include annual CUPA Self-Audit reports, are retained indefinitely; however, the excerpt of the City Records Retention Schedule incorporated in the CUPA Records Maintenance Procedures does not include this information.

RECOMMENDATION:

Revise the CUPA Records Maintenance Procedures to include all aspects of the City of Berkeley Records Retention Schedule that are relevant to the CUPA program.

8. OBSERVATION:

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

- City of Berkeley Toxics Management Division CUPA Application from June, 1996 (Amended 2001)
- CERS "Summary Regulated Facilities by Unified Program Element Report," generated April 12, 2021
- CERS "UST Inspection Summary Report (Report 6)," generated April 12, 2021
- City of Berkeley Annual Review and Update of the Fee Accountability Program for FY 2019/2020
- Total Number of Regulated Businesses and Facilities:
 - In 2001: 406
 - Current CUPA Evaluation: 486
 - An increase of **80** facilities

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- Total Number of Hazardous Materials Release Response Plan and Inventory (Business Plan) Program Regulated Businesses and Facilities:
 - In 2001: 298
 - Current CUPA Evaluation: 486
 - An increase of **188** facilities
- Total Number of Regulated Underground Storage Tank (UST) Facilities:
 - In 2001: 40
 - Current CUPA Evaluation: 29
 - A decrease of **11** facilities
- Total Number of Regulated USTs:
 - In 2001: 110
 - Current CUPA Evaluation: 80
 - A decrease of **30** USTs
- Total Number of Regulated Hazardous Waste Generator (HWG) Facilities:
 - In 2001: 280
 - Current CUPA Evaluation: 310
 - An increase of **40** facilities
- Total Number of Regulated Household Hazardous Waste (HHW) Facilities:
 - In 2001: **Not specified**
 - Current CUPA Evaluation: 1
 - Comments: The difference between the current and historic number of facilities cannot be determined at this time.
- Total Number of Regulated Tiered Permitting (TP) Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):
 - In 2001: 3
 - Current CUPA Evaluation: 2
 - A decrease of **1** facility
- Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:
 - In 2001: **Not specified**
 - Current CUPA Evaluation: 10
 - Comments: The difference between the current and historic number of facilities cannot be determined at this time.
- Total Number of Regulated Risk Management Prevention Plan (RMPP), also known as California Accidental Release Prevention (CalARP) Program Facilities:
 - In 2001: 4
 - Current CUPA Evaluation: 1
 - A decrease of **3** facilities

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- Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities
 - In 2001: 3
 - Current CUPA Evaluation: 25
 - An increase of **22** facilities

Since the receipt of the amended CUPA application in 2001, an expansion of responsibilities in the Aboveground Petroleum Storage Act and Hazardous Waste Generator programs has occurred, increasing the total regulated facility count and attributing to an increased workload undertaken by the CUPA to further implement regulatory oversight of each of these programs. The number of regulated facilities for some program elements has notably decreased, including UST facilities (a decrease of 11 facilities, or 28%), TP Facilities (a decrease of 1 facility, or 33%), and CalARP facilities (a decrease of 3 facilities, or 75%). Conversely, a number of program elements have expanded during the same timeframe, including those facilities subject to business plan reporting requirements (an increase of 188 facilities, or 63%), HWG facilities (an increase of 40 facilities, or 11%), and the APSA program (an increase of 22 facilities, or 733%). Despite the variability across program elements, the overall trend shows the number of regulated facilities managed by the CUPA as of FY 2020/2021 is almost 20% greater than it was at the time the amended CUPA application was received in 2001.

The information below is a comparison of the overall full-time equivalent (FTE) of CUPA personnel allocated to the implementation of the Unified Program upon certification of the CUPA with present-day circumstance and the degree to which allocated inspection and supervisory/management staff has increased or decreased. The information is sourced from the City of Berkeley Toxic Management Division CUPA Application (Submitted June 1996, Amended 2001) and recent information provided by the CUPA.

Staffing Resources (Inspection and Supervisory Staff Only):

- In 2001:
 - 1 Manager and 4 Inspection Staff totaling 4.5 FTE
 - Note: The original CUPA application does not differentiate between FTE hours assigned to inspection staff versus supervisory staff.
- Currently:
 - 1 Hazardous Materials Manager totaling 1 FTE
 - 4 Inspection Staff totaling 4 FTE

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

RECOMMENDATION:

The comparison of the implementation of the program upon certification with present-day circumstance reveals that, at present, CUPA performance doesn't appear to be significantly impacted by staffing resources as they relate to the total number of regulated facilities and the implementation of Unified Program elements. The CUPA is deficient in maintaining inspection frequency and obtaining RTC for certain program elements; however, the majority of the findings

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within this report pertain to administrative duties, quality of data submittals, and/or properly reporting information to CERS. Reassess current staff assignments to ensure adequate implementation of each program element within the Unified Program is obtained.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

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

1. OUTREACH TO REGULATED COMMUNITY FOR TRAINING OPPORTUNITIES:

The Toxics Management Division (TMD) proactively sends outreach information to regulated facilities regarding applicable training opportunities. TMD has notified UST facilities of free Designated Operator (DO) training in Alameda County with the 2020 Operating Permit. The 2021 HMBP reminder notice includes information on CalEPA's AB 1429 training for businesses, and the free Basic Hazardous Waste training at the 2021 CUPA conference.

2. CUPA PARTICIPATION IN TAGS AND OTHER ADVISORY GROUPS:

TMD is an active participant in multiple technical advisory groups (TAGs) and various local groups that allow for coordination and consistent implementation of the CUPA program, including:

- UST TAG;
 - HMBP TAG;
 - HW TAG;
 - APSA TAG;
 - CalARP TAG;
 - Alameda County's Fire Chiefs East Bay;
 - Alameda County Task Force;
 - CUPA Forum Board; and
 - Alameda County Clean water Program.
-

3. OUTREACH TO REGULATED COMMUNITY FOR TREATED WOOD WASTE:

TMD has reached out to facilities that sell and collect Treated Wood Waste (TWW) to inform them of the end of the sunset for the Alternative Management Standards for TWW. TMD also created a web page with information for generators of TWW to inform them of the sunset of these standards.

4. CUPA INTERNSHIP PROGRAM:

TMD offers an internship opportunity. The intern is provided with insight into the CUPA programs and assists with the development of tutorial newsletters, outreach, commission work, etc. Interns are instructed how to process basic CERS submittals and assist facility owners/operators through the submittal process, both over the phone and in-person. This has helped TMD CERS approval and acceptance of HMBPs.

Interns accompany Senior Haz Mat Specialists on low-risk inspections, to educate the interns about the regulatory process, including regulation structuring, application of the regulations, report writing, violation classification, and enforcement. Interns are also given the opportunity to take free online trainings during work hours as the internship progresses, including the Aboveground Petroleum Storage Act course and California Air Resource Board (CARB)'s Basic Inspector Academy, which bolster resumes and marketable skills. Three of the previous Haz Mat interns have obtained career positions as Hazardous Materials CUPA inspectors.
