

September 15, 2021

Mr. Miles Massone  
Fire Marshal  
City of Hayward Fire Department  
777 B Street, 4<sup>th</sup> Floor  
Hayward, California 94541-5007

Dear Mr. Massone:

During February 19, 2019 through May 30, 2019, CalEPA and the state program agencies conducted a performance evaluation of the City of Hayward Fire Department 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 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.

CalEPA recognizes the delay with issuing the final Summary of Findings report. Consequently, as the next CUPA Performance Evaluation is scheduled to begin in January 2022, there is sufficient time for submittal and review of one Evaluation Progress Report, although the timeframe for completion of corrective actions and resolutions may extend beyond submittal of the first Evaluation Progress Report.

The CUPA is required to submit the Evaluation Progress Report 90 days from the receipt of this Final Summary of Findings Report. The Evaluation Progress Report must be submitted to the CalEPA Team Lead, Tim Brandt, at [Timothy.Brandt@calepa.ca.gov](mailto:Timothy.Brandt@calepa.ca.gov).

The CUPA is strongly encouraged to provide an update detailing as much progress made as possible in accomplishing the corrective actions and resolutions for each identified deficiency and incidental finding, particularly if steps for corrective actions and resolutions outlined for completion in anticipated subsequent Progress Reports have been completed and addressed at present, or in advance. Any deficiencies that remain

uncorrected, and any incidental findings that remain unresolved will be incorporated into the next CUPA Performance Evaluation.

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

If you have any questions or need further assistance, please contact Melinda Blum at [Melinda.Blum@calepa.ca.gov](mailto:Melinda.Blum@calepa.ca.gov).

Sincerely,



Jason Boetzer, REHS  
Assistant Secretary  
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

Mr. Hugh Murphy  
Hazardous Materials Program Coordinator  
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cc sent via email:

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cc sent via email:

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Mr. Timothy Brandt  
Environmental Scientist  
California Environmental Protection Agency

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

**CUPA: City of Hayward Fire Department**

**Evaluation Period: February 19, 2019 – May 30, 2019**

**Evaluation Team Members:**

- **CalEPA Team Lead:** Timothy Brandt, Christopher Moon
- **DTSC:** Asha Arora, Matthew McCarron
- **Cal OES:** Jack Harrah
- **State Water Board:** Jessica Botsford
- **CAL FIRE-OSFM:** Denise Villanueva, 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 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](mailto:timothy.brandt@calepa.ca.gov)

CalEPA recognizes the delayed issuance of this final Summary of Findings report. Consequently, as the next CUPA Performance Evaluation is scheduled to begin in January 2022, there is sufficient time for submittal and review of one Evaluation Progress Report, although the timeframe for completion of corrective actions may extend beyond submittal of the first Evaluation Progress Report.

The CUPA is required to submit the Evaluation Progress Report 90 days from the receipt of this final Summary of Findings report. The Evaluation Progress Report must be submitted to the CalEPA Team Lead, Tim Brandt, at [timothy.brandt@calepa.ca.gov](mailto:timothy.brandt@calepa.ca.gov) no later than **December 20, 2021**.

The CUPA is strongly encouraged to provide an update detailing as much progress made as possible in accomplishing the corrective actions for each identified deficiency, particularly if steps for corrective actions and resolutions outlined for completion in anticipated subsequent Progress Reports have been completed and addressed at present, or in advance. Any deficiencies or incidental findings that remain uncorrected or unresolved will be incorporated into the next CUPA Performance Evaluation.

**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.

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**1. DEFICIENCY:**

The CUPA is not inspecting all hazardous waste generator (HWG) facilities with the inspection frequency reported in the Inspection and Enforcement (I&E) Plan for the HWG program.

The CUPA's I&E Plan indicates that the HWG facility inspection frequency is at least once every three years. The CUPA had an inspection frequency of every two years up to Fiscal Year (FY) 2015/2016 and changed to every three years from beginning FY 2016/2017 in order to address the inspection frequency deficiency cited during the 2016 evaluation.

In the self-audit, the CUPA provided three fiscal years of inspection frequency data. The information that the CUPA provided indicates there are 601 HWG facilities within the jurisdiction of the CUPA.

- FY 2015/2016: 94 of 567 (16.6%) HWG inspections were conducted
- FY 2016/2017: 112 of 574 (19.5%) HWG inspections were conducted
- FY 2017/2018: 119 of 515 (23.1%) HWG inspections were conducted

Note: This deficiency was identified during the 2016 CUPA Performance Evaluation and was not corrected during the Evaluation Progress Report process. Upon conclusion of the 2016 Evaluation Progress Report process, the HWG facility inspection frequency was below 50%.

**CITATION:**

California Code of Regulations (CCR), Title 27, Section 15200(a)(3)  
[DTSC, CalEPA]

**CORRECTIVE ACTION:**

By the 1<sup>st</sup> Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each HWG facility is inspected within the required timeframe. The action plan will include at a minimum:

- A sortable spreadsheet exported from the CUPA's data management system or CERS, with each HWG facility that has not been inspected within the required timeframe. At a minimum, the spreadsheet will include facility name, CERS ID number, and last routine inspection date;
- A proposed schedule to inspect those HWG facilities by prioritizing the most delinquent inspections to be completed prior to any other HWG inspection; and
- Future steps to ensure that all HWG facilities will be inspected within the required timeframe.

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated version of the spreadsheet to show HWG facility inspections that have occurred during the previous three months.

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By the 3<sup>rd</sup> Progress Report, the CUPA will have inspected each HWG facility within the required timeframe.

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**2. DEFICIENCY:**

The CUPA has not fully developed and implemented the tiered permitting (TP) program.

The following are instances where TP requirements were not implemented:

- Administrative reviews of TP notifications are not completed accurately.
- Technical reviews of TP notifications are not accurately verified during inspection.
- The CUPA is not properly reviewing, processing, and authorizing each annual Onsite Hazardous Waste Treatment Notification for facilities with a Fixed Treatment Unit (FTU) within 45 calendar days of receiving it.

The following are instances where review of TP notifications were incorrect and/or inaccurately verified during the inspection:

- CERS ID: 10152325
  - Submitted the Permit-By-Rule (PBR) notification on December 14, 2018.
  - The CUPA incorrectly accepted the notification on January 31, 2019.
  - This facility has cyanide and chrome treatment and drum rinsing listed as one permit by rule (PBR) unit. They have a second PBR unit for cyanide and chrome batch treatment and drum rinsing as one unit.
  - Cyanide and chrome treatment must be permitted as separate units. Drum rinsing would be a separate unit under a Conditionally Waste Specified Waste Stream (CESW) tier.] The CUPA has been incorrectly accepting these submittals for at least five years.
- CERS ID 10739143:
  - Submitted a Conditionally Exempt Small Quantity Treatment (CESQT) tier notification on February 20, 2019.
  - The CUPA incorrectly accepted this notification on February 22, 2019.
  - The facility stated 440 gallons corrosive waste is treated monthly.
  - Facilities operating under a CESQT tier cannot exceed a total volume of 55 gallons or 500 pounds of waste treated per calendar month, facility wide. The facility is not otherwise required to obtain a hazardous waste facilities permit or other grant of authorization for any other hazardous waste management activity at the facility (HSC, section 25201.15(a)].
- CERS ID 10626208:
  - Submitted a Conditionally Authorized (CA) tiered permit notification on February 1, 2019.
  - The CUPA incorrectly accepted this notification on February 4, 2019.
  - The CA tiered permit notification submittal was for 1) treatment of aqueous wastes which are hazardous solely due to the presence of organic constituents and 2) acidic or alkaline wastes that are hazardous only due to corrosivity in one unit.

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#### DEFICIENCIES REQUIRING CORRECTION

- A CA tier is limited to the treatment of a single waste stream; either aqueous waste with organics or corrosive wastes.
- A facility has the option to have two CA units: 1) treatment of aqueous wastes which are hazardous solely due to the presence of organic constituents and 2) acidic or alkaline wastes that are hazardous only due to corrosivity.
- CERS ID 10152405:
  - Submitted a PBR notification on December 15, 2016, for the treatment of hexavalent chrome, aqueous waste containing metals, and drum rinsing as one unit.
  - The CUPA incorrectly accepted this notification on April 21, 2017. The CUPA has been incorrectly accepting these submittals for at least five years.
  - Drum rinsing must be a separate unit under a Conditionally Waste Specified Waste Stream (CESW) tier.
- The Fiscal Year (FY) 2018 CUPA Self-Evaluation document dated September 30, 2018, states the following on page 3: “The 5th PBR facility, the county household hazardous waste collection facility in Hayward, claimed exemption from filing not only the annual renewal notification, but also of the closure plan and the financial assurance for closure.”
  - Permanent household hazardous waste collection facilities (PHHWCFs) that have a PBR are not regulated the same as HWG facilities that also treat onsite generated waste under a PBR.
  - PHHWCFs are exempt from submitting annual PBR notification
  - PHHWCFs are not exempt from the requirements of preparing a closure plan and having financial assurance for closure (CCR, Title 22, Section 67450.30).
    - Local agencies may use DTSC Form 1220 for Financial Assurance, available at: <https://dtsc.ca.gov/forms-index/>
- The Fiscal Year (FY) 2018 CUPA Self-Evaluation document dated September 20, 2018, states the following: “The HFD has no real experience in reviewing actual first-time notifications although renewals are reviewed as if they are first-time notifications. The determination for the correct tier is reviewed and discussed with the facility, if there is disagreement.”
  - As a CUPA with the responsibility of implementing the HWG and TP programs, it is incumbent upon the CUPA to clearly understand the different programs implemented.
  - The above statement is also found in the Self-Evaluation documents for FY 2017 and FY 2016.
- During the 45-day review process of notifications, the CUPA must: 1) authorize operation of the FTU; 2) deny authorization of the FTU in accordance with PBR laws and regulations, or, 3) notify the owner/operator that the notification submittal is inaccurate or incomplete. CERS data indicates the following 5 of 11 (45%) Onsite Hazardous Waste Treatment Notifications were not reviewed by the CUPA within 45 days:
  - CERS ID 10766785:
    - Submitted PBR notification on February 13, 2019, and has been under review since February 22, 2019.



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**DEFICIENCIES REQUIRING CORRECTION**

- CERS ID 10152217:
  - Submitted PBR notification on February 7, 2018, the CUPA responded on April 23, 2018, that it was “not accepted.”
- CERS ID 10152405:
  - Submitted PBR notification on December 15, 2016, the CUPA accepted it on April 21, 2017.
- CERS ID 10315759:
  - Submitted PBR notification on September 18, 2018, the CUPA responded on February 15, 2019, that it was “not accepted.”
- CERS ID 10153599:
  - Submitted PBR notification on February 24, 2014, the CUPA accepted it on May 23, 2014.
  - This facility has not submitted an annual PBR notification since 2015. The DTSC Hazardous Waste Tracking System (HWTS) indicates the facility is a Resource Conservation and Recovery Act Large Quantity Generator, with an inactive U.S. EPA ID number.

Note: Not reviewing PBR notifications within 45 days was identified as a deficiency during the 2016 CUPA Performance Evaluation and was considered corrected during the Evaluation Progress Report process.

**CITATION:**

HSC, Chapter 6.5, Sections 25101(d);  
HSC, Chapter 6.11, Section 25404.2(a)(1)(A);  
CCR Title 22, Sections 67450.2(b)(4) 67450.3(c) and 67450.2(b)(4)  
CCR, Title 27, Sections 15100 (b)(3), and 15200(a)(3)(A)  
[DTSC]

**CORRECTIVE ACTION:**

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to fully implement the HWG and TP programs. The action plan will at a minimum address:

- Complete and accurate administrative review of TP notifications.
- Verification of TP notifications and technical review during inspection.
- Proper review, processing, and authorization of annual Onsite Hazardous Waste Treatment Notifications for facilities with a Fixed Treatment Unit (FTU) within 45 calendar days of receiving it.
- During the 45-day review process of notifications, the CUPA must: 1) authorize operation of the FTU; 2) deny authorization of the FTU in accordance with PBR laws and regulations, or, 3) notify the owner/operator that the notification submittal is inaccurate or incomplete.
- Revision of the statements included in the 2018 FY CUPA Self-Evaluation document above so that 2018 FY CUPA Self-Evaluation documents accurately indicate the CUPA will review each TP notification submitted according to CCR, Title 22 and HSC requirements and inform the facility accordingly.

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**DEFICIENCIES REQUIRING CORRECTION**

By the 2<sup>nd</sup> Progress Report, the CUPA will provide personnel with TP program training regarding how to review, process, and authorize Onsite Hazardous Waste Treatment Notifications within 45 days. The CUPA will document and provide CalEPA with proof of completion of the training for each inspector, such as an outline of the training and the names of personnel in attendance. The CUPA can review TP classes available in the video library on the CalCUPA website at: <http://www.calcupa.org/videos.html> or request additional assistance from DTSC.

By the 2<sup>nd</sup> Progress Report, the CUPA will review and process all pending Onsite Hazardous Waste Treatment Notifications in CERS and notify CalEPA of the progress. The CUPA will ensure that annual notification submittals are accurate and represent the actual waste treatment systems used at that facility. The CUPA will follow up with CERS IDs 10766785 and 10153599 to obtain an Onsite Hazardous Waste Treatment Notification, if required.

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**3. DEFICIENCY:**

The CUPA is not consistently following up and documenting return to compliance (RTC) information for facilities cited with violations in inspection reports for the HWG Program, Underground Storage Tank (UST) Program and Aboveground Petroleum Storage Act (APSA) Program.

Review of inspection, compliance, monitoring and enforcement (CME) data in the California Environmental Reporting System (CERS) indicates the following:

HWG Program

85 of 186 (46%) violations cited during FYs 2015/2016, 2016/2017 and 2017/2018 have no documented RTC.

Review of violation information provided by the CUPA indicates:

- FY 2017/2018: 48 of 79 (61%) violations have no documented RTC.
- FY 2016/2017: 33 of 60 (55%) violations have no documented RTC.

UST Program

The following UST facilities with violations for testing or leak detection failures have no documented RTC:

- FY 2018/2019: 19 (57%)
- FY 2017/2018: 22 (41%)
- FY 2016/2017: 11 (22%)

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

Note: State Water Board correspondence "When to Review Underground Storage Tank Records," dated November 29, 2016, may be referenced.

APSA Program

- FY 2016/2017: 11 of 26 (42%) minor violations have no documented RTC.
- FY 2015/2016: 1 of 1 (100%) non-minor violation has no documented RTC.

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The following APSA facilities with violations for not having a Spill Prevention, Control, and Countermeasure (SPCC) Plan have no documented RTC:

- FY 2016/2017: 3 facilities
- FY 2015/2016: 1 facility

Note: This deficiency was identified during the 2016 CUPA Performance Evaluation and was corrected during the Evaluation Progress Report process.

**CITATION:**

HSC, Chapter 6.7, Section 25288(d)  
HSC, Chapter 6.11, Section 25404.1.2(c);  
CCR, Title 27, Sections 15185(a) and (c), 15200(a)  
[DTSC, State Water Board, OSFM]

**CORRECTIVE ACTION:**

By the 1<sup>st</sup> Progress Report, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of all HWG, UST, and APSA facilities that have open violations (no RTC). The CUPA will follow up with the facilities listed in the provided spreadsheet and prioritize follow-up actions based on the level of hazard. At a minimum, the spreadsheet will include:

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date;
- RTC qualifier; and
- Follow-up actions taken by the CUPA and timeframe to obtain compliance. The CUPA will indicate appropriate enforcement actions initiated as necessary to ensure facilities obtain RTC.

By the 1<sup>st</sup> Progress Report, the CUPA will review and revise the I&E Plan, or other applicable procedure, to identify how the CUPA requires facilities to RTC, specifically for those UST facilities with testing or leak detection failure violations. The CUPA will provide the revised I&E Plan to CalEPA.

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated sortable RTC tracking spreadsheet of all HWG, UST, and APSA facilities that have open violations (no RTC).

By the 2<sup>nd</sup> Progress Report, the CUPA will train personnel on the revised I&E Plan or other applicable procedure, and will provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of CUPA personnel attending training. Once training is complete, the CUPA will implement the new I&E Plan or other applicable procedure.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### DEFICIENCIES REQUIRING CORRECTION

By the 3<sup>rd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with RTC documentation obtained within the previous three months, for five facilities from the HWG, APSA, and UST Programs, as requested by DTSC, State Water Board, and OSFM, respectively.

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#### 4. DEFICIENCY:

The I&E Plan has inaccurate or incomplete information.

The following information is inaccurate or incomplete:

- Page 5: The “Inventory of Regulated Businesses” section states that the inventory of regulated businesses within the jurisdiction of the CUPA, at the beginning of each fiscal year will be consistent with what is submitted to CalEPA in Report 3, as required by Title 27. Report 3 is no longer required to be submitted to CalEPA, effective September 2013.
- Page 6: The “Frequency of Inspections” table identifies the CUPA’s Permit-By-Rule (PBR), Conditional Authorization (CA), and Conditionally Exempt inspection (CE) frequency as every three years. Pursuant to HSC, Section 25201.4(b)(2), the mandated inspection frequency is initially within two years and thereafter every three years.
- PBR for Household Hazardous Waste (HHW) does not have a statutory inspection timeframe. Therefore, the mandated inspection frequency of three years as well as the reference to HSC, Section 25201.4(b)(2) should be removed. The revised I&E plan provided on May 20, 2019, did not remove this incorrect reference.
- Page 22: Paragraph 2 states under HSC, Section 25187 (a)(C): “The department (DTSC) shall adopt regulations to implement this paragraph and paragraph (2) of subdivision (a) of Section 25187.1.”
  - Note: DTSC adopted penalty regulations, CCR, Title 22, Section 66272.60 -.69, effective 2001. This section was revised in the March 2019 I&E Plan submitted on May 20, 2019. Page 22 reads: “Therefore, the CUPA should have a written policy filed with the local district attorney on the issuance of administrative orders under HSC, Sections 25187 and 25187.1”.
  - It appears the document is intending to reference HSC, Section 25187 (o) and (p), which provides that the CUPA shall arrange to have appropriate legal representation in administrative hearings and language stating that DTSC may adopt regulations to implement HSC, Section 25187 as it relates to the authority of the unified program state agencies to issue orders.
  - The penalty regulations the CUPA is referring to have been amended and a new penalty matrix with updated penalty amounts were adopted into regulations in 2018, increasing the maximum administrative and civil penalty for hazardous waste violations in California from \$25,000 to \$70,000 per violation per day of violation. The revised I&E plan provided on May 20, 2019, did not remove this incorrect reference.
- Page 37: Paragraph 3 incorrectly references Title 27, Section 15200(f)(2)(D): “Title 27 Section 15200(f)(2)(D) states that the enforcement component of the Inspection and Enforcement Program Plan shall include the following: A graduated series of enforcement actions, which may be taken by the responsible agencies, based on the severity of the violation.” Title 27, Section 15200(f)(2)(D) no longer exists. The correct section is

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15200(a)(9): A description of the graduated series of enforcement actions the UPA shall initiate based on the severity of the violation.

- Page 37: Paragraph 4 references an outdated DTSC Enforcement Response Policy dated August 16, 1995. This policy was updated in 2017. If the DTSC Enforcement Response Policy is referenced in the I&E Plan, the CUPA is obligated to follow it.
- Page 44: Though the CUPA states DTSC -OP-006 (Enforcement Response Policy) and DTSC-OP-004 (Calculating the Economic Benefit of Noncompliance Policy) were revised with the I&E Plan in 2017, the reference text on page 44 needs to be revised accordingly. The revised I&E plan provided on May 20, 2019, did not revise this incorrect reference.
- The I&E Plan incorrectly references HSC, Section 25187(a)(4) as there is no such section. The correct sections are HSC, 25187(a)(2) and CCR, Title 22, Section 66272.68. The revised I&E plan provided on May 20, 2019, does not reflect the correct references.
- Page 47: In the section regarding examples of Class II violations, the last bullet listed incorrectly states, "Failure to update closure cost for inflation (although this may be Class I if such costs exceeds \$100,000)" as a condition to be included but not limited to. There is no financial amount established to determine when a Class II violation would be considered a Class I violation regarding closure costs.
- Appendix A: Requirements for Inspection/Enforcement Program Plans should be replaced with an updated Title 27, Section 15200.

Note: This deficiency was identified during the 2016 CUPA Performance Evaluation and was not corrected during the Evaluation Progress Report process.

**CITATION:**

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

**CORRECTIVE ACTION:**

On May 20, 2019, the CUPA provided a revised I&E Plan, dated March 2019, addressing the following:

- Page 5: inclusion of an inventory of regulated business for each program
- Page 6: correctly listed inspection frequencies for PBR, CA, and CE facilities
- Page 37: includes the correct section reference, 15200(a)(9)
- Page 37: correctly listed penalties, now found on page 45
- Page 47: correction of the statement regarding closure costs
- Appendix A: includes the correct section reference, 15200

By the 1<sup>st</sup> Progress Report, the CUPA will review and revise the I&E Plan to address the remaining inaccurate and incomplete information identified above. The CUPA will provide the revised I&E Plan to CalEPA.

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**5. DEFICIENCY:**

The CUPA is not properly classifying HWG violations.

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**DEFICIENCIES REQUIRING CORRECTION**

The CUPA is citing Class I and Class II HWG violations as minor violations:

- Violation for exceedance of authorized accumulation time incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3). The following are examples:
  - CERS ID 10315234: a Small Quantity Generator (SGQ), inspection dated April 13, 2018.
  - CERS ID 10315729: a Large Quantity Generator (LQG), inspection dated October 6, 2017.
  - CERS ID 10314208: inspection dated October 3, 2017.
  - CERS ID 10157759: inspection dated August 14, 2017.
- Violation for failure to provide or conduct training for employees incorrectly cited as a minor violation. Since training was not provided, employees are not familiar with hazardous waste management and handling, nor how to respond to emergencies. There may have been an economic benefit to the facility by not providing training. This does not meet the definition of minor violation as defined in HSC, Section 25404 (a)(3). The following are examples:
  - CERS ID 10314895: a LQG, inspection dated April 11, 2018.
  - CERS ID 10157755: inspection dated October 14, 2017.
  - CERS ID 10315663: a LQG, inspection dated October 4, 2016.
  - CERS ID 10174459: a LQG, inspection dated July 7, 2016.
- Violation for failure to obtain tank integrity assessment incorrectly cited as a minor violation. LQGs are required to obtain a tank integrity assessment to be completed and certified by a professional engineer in accordance with CCR, Title 22, Section 66265.192. There is an economic benefit to the facility for not obtaining a tank integrity assessment by a professional engineer. This does not meet the definition of minor violation as defined in HSC, Section 25404 (a)(3). The following are examples:
  - CERS ID 10314823: inspection dated June 19, 2017.
  - CERS ID 10152217: inspection dated December 5, 2016.
  - CERS ID 10315759: a LQG and/or PBR facility, inspection dated October 18, 2016.

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

CCR, Title 22, Sections 66260.10, 66262.34(a)(4), 66262.34(d)(2) and 66265.16

[DTSC]

**CORRECTIVE ACTION:**

By the 1<sup>st</sup> Progress Report, the CUPA will train personnel on the violation classification terms: minor, Class I, and Class II, as described in HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6; and CCR, Title 22, Section 66260.10, and how to properly classify hazardous waste violations during compliance inspections. The CUPA will provide training documentation to CalEPA that will include, but is not limited to, an outline of the training conducted and a list of CUPA personnel in attendance.

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**DEFICIENCIES REQUIRING CORRECTION**

By the 2<sup>nd</sup> Progress Report, the CUPA will provide CalEPA with inspection reports from five HWG facilities, including one inspection report for each of the following type of facilities: RCRA LQG, LQG, SQG, and TP (if any), that have been inspected within the last three months. Each inspection report will correctly cite at least one HWG violation.

Note: The following training materials are available:

- Violation classification classes available in the video library on the CalCUPA YouTube website at: <https://www.youtube.com/user/orangetreeweb/videos>
- The document titled, "Violation Classification Guidance for Unified Program Agencies," which provides examples of what is considered minor vs. non-minor violations, available at: <https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>.

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**6. DEFICIENCY:**

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

The CUPA is not consistently requiring a soil or groundwater sample plan or soil and groundwater sample map be provided with closure documentation.

The following are examples:

- CERS ID 10000909
- CERS ID 10315537

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)&(c)(3)  
[State Water Board]

**CORRECTIVE ACTION:**

By the 1<sup>st</sup> Progress Report, the CUPA will revise the UST Closure procedure or other applicable procedure, that describes how the CUPA will document whether the UST owner/operator has demonstrated to the satisfaction of the CUPA that tank closure and soil and/or groundwater sampling complies with statute and regulation (i.e. correspondence, hardcopy, electronic media). The UST Closure procedure or other applicable procedure shall include a policy for requiring a soil and/or groundwater sample plan and a soil and/or groundwater sample map. The UST Closure procedure or other applicable procedure will address how the CUPA will maintain closure records, as required by statute and regulation. The CUPA will provide the revised UST Closure procedure or other applicable procedure to CalEPA.

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**DEFICIENCIES REQUIRING CORRECTION**

By the 2<sup>nd</sup> Progress Report, the CUPA will, if necessary, amend the UST Closure procedure or other applicable procedure, based on feedback from the State Water Board, and will submit the amended UST Closure procedure or other applicable procedure to CalEPA.

By the 3<sup>rd</sup> Progress Report, the CUPA will train personnel on the revised or amended UST Closure procedure or other applicable procedure and provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of CUPA personnel attending training. Once training is complete, the CUPA will implement the revised or amended UST Closure procedure or other applicable procedure.

With respect to UST facilities which have not been provided UST closure documentation, in the event of a request for closure documentation, the CUPA will provide the requested documentation. Closure documentation will demonstrate the CUPA's satisfaction regarding UST closure, removal, and soil sampling complies with statute and regulation.

To demonstrate correction of this deficiency, for the next two UST closures, or until considered corrected, the CUPA will provide CalEPA a copy of the UST closure documentation demonstrating the CUPA's satisfaction UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC.

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**7. DEFICIENCY:**

The CUPA is not consistently citing violations for failure to conduct an overfill prevention equipment inspection as required by CCR, Title 23, Division 3, Chapter 16.1, Sections 2637.2(a) and 2665(b).

On, or after, October 1, 2018, all overfill prevention equipment must be inspected periodically and after repairs in accordance with CCR, Title 23, Division 3, Chapter 16.1, Sections 2637.2(a) and 2665(b). State Water Board review of annual UST compliance inspection reports, associated overfill prevention inspection reports, and CERS CME finds the following:

- CERS ID 10314730: Overfill Prevention Inspection, dated January 11, 2019, was conducted beyond the October 13, 2018, deadline. The CUPA did not cite a violation during the annual compliance inspection dated November 7, 2018, and no violation was reported in CERS, therefore, U.S. EPA Technical Compliance Rate (TCR) 9b reporting is inaccurate.
- CERS ID 10315615: Overfill Prevention Inspection, dated February 11, 2019, was conducted beyond the October 13, 2018, deadline. The CUPA did not cite a violation during the annual compliance inspection dated February 11, 2019, and no violation was reported in CERS, therefore, U.S. EPA TCR 9b reporting is inaccurate.
- CERS ID 10313887: Overfill Prevention Inspection, dated December 03, 2018, was conducted beyond the October 13, 2018, deadline. The CUPA did not cite a violation during the annual compliance inspection dated December 03, 2018, and no violation was reported in CERS, therefore, U.S. EPA TCR 9b reporting is inaccurate.

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



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**DEFICIENCIES REQUIRING CORRECTION**

**CITATION:**

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

**CORRECTIVE ACTION:**

By the 1<sup>st</sup> Progress Report, the CUPA will revise and provide CalEPA with the I&E Plan, or other applicable procedure, to ensure personnel consistently and correctly report all violations during the annual compliance inspection and in CERS.

By the 2<sup>nd</sup> Progress Report, the CUPA will, if necessary, amend the I&E Plan, or other applicable procedure, based on feedback from the State Water Board and provide the amended I&E Plan or other applicable procedure to CalEPA.

By the 3<sup>rd</sup> Progress Report, the CUPA will train personnel on the revised or amended I&E Plan or other applicable procedure and provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of CUPA personnel attending training. Once training is complete, the CUPA will implement the revised or amended I&E Plan or other applicable procedure.

By the 4<sup>th</sup> Progress Report, the CUPA will provide five UST facility records for the facilities below as selected by the State Water Board, including annual UST compliance inspection reports and overfill prevention inspection reports not found in CERS:

- CERS ID 10314730
- CERS ID 10314208
- CERS ID 10002325
- CERS ID 10417294
- CERS ID 10170037

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**8. DEFICIENCY: CORRECTED DURING EVALUATION**

The CUPA is not consistently citing correct hazardous waste violations in accordance with hazardous waste control law and regulations.

- Review of CERS CME data finds the CUPA incorrectly requires businesses to provide a log of conducting weekly container inspections or requires SQGs to post a Hazardous Waste Storage Area sign on the storage areas. There is no regulatory requirement for HWGs to maintain a log of weekly container inspections or post Hazardous Waste Storage Area signs. The following are examples:
  - CERS ID 10314610: a SQG, inspection dated April 13, 2018, comment notes “Facility is to post a Hazardous Waste Storage Area sign on the storage area.”
  - CERS ID 10157755: inspection dated October 14, 2017, comment notes, “Facility is not consistently conducted the daily inspections of the tank system. Facility is to start conduct the required daily inspection's and document each inspection. Inspection records shall be kept at the facility and available for inspection. The facility is to keep the most current 3 years.”

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**DEFICIENCIES REQUIRING CORRECTION**

- CERS ID 10315648: a LQG, inspection dated June 21, 2017. Comment notes “Facility is a LQG and is required to conduct and document waste container inspections weekly. No documentation on site for the inspections.”
- CERS ID 10314823: a LQG, inspection dated June 19, 2017. Comment notes “Facility is to start a weekly inspection for the hazardous waste containers.”
- CERS ID 10174459: inspection dated July 7, 2016. Comment notes, “Facility is to start to document weekly hazardous waste area inspections and keep inspection on site for inspection.”
- CERS ID 10174459: a LQG, inspection dated July 7, 2016, comment notes, “Facility is to start to document weekly hazardous waste area inspections and keep on site for inspection.”

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

**CITATION:**

CCR, Title 22, Sections 66262.34(a) and 66265.174  
[DTSC]

**CORRECTIVE ACTION: COMPLETED**

During the evaluation, on May 20, 2019, the CUPA provided a sign-in sheet and a statement that staff read and reviewed the HWG Fact Sheets below in a training meeting on May 14, 2019.

**HWG Fact Sheets:**

- [Advanced Hazardous Waste Inspector Training Video 2016 \(1 of 2\)](https://www.youtube.com/watch?v=Iqn3TJftSUM)  
<https://www.youtube.com/watch?v=Iqn3TJftSUM>
- [Advanced Hazardous Waste Inspector Training Video 2012 \(5 of 7\): Tanks and Sumps](https://www.youtube.com/watch?v=oCrI3MvTd8M)  
<https://www.youtube.com/watch?v=oCrI3MvTd8M>
- [Generator Requirements Fact Sheet](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM_FS_Generator_Requirements.pdf)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM\\_FS\\_Generator\\_Requirements.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM_FS_Generator_Requirements.pdf)
- [Accumulation Time Fact Sheet](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS\\_OAD\\_Accumulation.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf)
- [Universal Waste](https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/UW_Factsheet1.pdf)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/UW\\_Factsheet1.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/UW_Factsheet1.pdf)
- [Managing Used Oil Filters for Generators](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG_Used-Oil-Filters_Generators1.pdf)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG\\_Used-Oil-Filters\\_Generators1.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG_Used-Oil-Filters_Generators1.pdf)
- [Management of Spent Lead Acid Batteries](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_DutyOfficer_LeadAcidBatteries1.pdf)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS\\_DutyOfficer\\_LeadAcidBatteries1.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_DutyOfficer_LeadAcidBatteries1.pdf)
- [Generator Summary Chart](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/05/California-Generator-Chart.pdf)  
<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/05/California-Generator-Chart.pdf> and  
[https://www.acgov.org/forms/aceh/Generator\\_Requirements\\_Summary\\_Chart.pdf](https://www.acgov.org/forms/aceh/Generator_Requirements_Summary_Chart.pdf)

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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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.

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**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 April 3, 2019, finds the CUPA is accepting inaccurate or incomplete UST related information as follows:

- 9 USTs identified as having no tank installation date
- 14 USTs identified with double-wall pressurized product pipe, incorrectly show having no mechanical or electronic line leak detector
- 31 USTs show no striker plate/bottom protectors
- 11 USTs installed between January 1, 1984, and June 30, 2004, list double-walled piping without having continuous monitoring

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

Note: Please reference the following:

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

Note: This finding was cited as a deficiency during the 2016 CUPA Performance Evaluation and was considered corrected during Evaluation Progress Report process. However, through review of CERS, State Water Board finds the issue is continuing, thus it is identified as a finding.

**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]

**RESOLUTION:**

By the 1<sup>st</sup> Progress Report, the CUPA will review and revise, if necessary, the Data Management procedure and provide it to CalEPA. The CUPA will train personnel on the Data Management procedure for ensuring UST related information in CERS is accurate and complete. The CUPA will train personnel on the revised Data Management procedure.

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**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

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, but no later than the next annual UST facility compliance inspection.

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**2. INCIDENTAL FINDING:**

The Consolidated Permit Policy does not accurately reflect changes made in HSC, effective January 1, 2019.

**CITATION:**

HSC, Chapter 6.7, Section 25292.3  
[CalEPA, State Water Board]

**RESOLUTION:**

By the 2<sup>nd</sup> Progress Report, the CUPA will revise the Consolidated Permit Policy to accurately reflect current HSC. The CUPA will provide CalEPA with the revised Consolidated Permit Policy.

By the 3<sup>rd</sup> Progress Report, the CUPA will train personnel on the revised Consolidated Permit Policy.

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**3. INCIDENTAL FINDING:**

The CUPA did not consistently and correctly report CME data to CERS beginning July 1, 2013.

Note: This finding was identified as a deficiency during the 2016 CUPA Performance Evaluation and was not fully corrected during the Evaluation Progress Report process.

**CITATION:**

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

**RESOLUTION:**

Since this issue was first identified during the 2016 CUPA Performance Evaluation, the CUPA has revised and trained staff on an improved Data Management Procedure and has begun to report data more accurately in CERS. The annual Self-Audit reports explain that much of the CME data is in the form of paper and needs to be digitized.

By the 2<sup>nd</sup> Progress Report, the CUPA will have accurately reported all CME information to CERS from July 1, 2013, to present, ensuring all duplicate CME data has been removed from CERS.

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UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

INCIDENTAL FINDINGS REQUIRING RESOLUTION

**4. INCIDENTAL FINDING: RESOLVED DURING EVALUATION**

The CUPA is not consistently classifying APSA violations properly.  
Not having an SPCC Plan was cited as a minor violation on some occasions.

Review of CERS CME data and APSA facility file information indicates the following:

- 3 of 8 (38%) violations cited for not having or failure to prepare an SPCC Plan were classified as minor.

Not having an SPCC Plan is not considered a minor violation as defined in HSC, Section 25404(a)(3). Based on the definition of a “minor violation,” a minor violation does not include the following: (1) a violation that presents a significant threat to human health or the environment; or (2) a violation that enables the violator to benefit economically from the noncompliance, either by reduced costs or competitive advantage.”

Note: 1 of 3 facilities cited for not having an SPCC Plan, classified as a minor violation, has returned to compliance.

**CITATION:**

HSC, Chapter 6.67, Sections 25270.4.1(c), 25270.12, 25270.12.1, and 25270.12.5  
HSC, Chapter 6.11, Sections 25404(a)(3), 25404.2(a)(3), and 25404.2(a)(4)  
CCR, Title 27, Section 15200(a) and (e)  
[OSFM]

**RESOLUTION: COMPLETED**

During the evaluation, CUPA inspection personnel were trained on the violation classification terms: minor, Class I, and Class II, as each reviewed the Violation Classification/Enforcement Options video on the CalCUPA website. CUPA inspection personnel also reviewed the APSA Violation Dictionary and various guidance documents relating to the APSA Program. The CUPA provided training documentation to CalEPA.

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**5. INCIDENTAL FINDING: RESOLVED DURING EVALUATION**

The CUPA is not correctly completing Surcharge Transmittal Reports.

- Surcharge Transmittal Reports submitted by the CUPA indicate a single year rather than a FY. The applicable year on the Surcharge Transmittal Report must clearly indicate the applicable fiscal year.

The CUPA is not submitting Surcharge Transmittal Reports to CalEPA by the required due date, 30 days after each fiscal quarter.

- FY 2017/2018: All four surcharge transmittal reports were submitted to CalEPA on June 22, 2018. Surcharge transmittal reports for quarters 1, 2, and 3 were submitted past the due date.

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**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

- The CUPA incorporates all late fees into the first Quarter Surcharge Transmittal. Late fees collected must be identified separately from surcharge fees collected when submitted on a Surcharge Transmittal Report. The Fiscal Year for which the late fees are collected must also be identified. This is most easily done with the use of a separate Surcharge Transmittal Form.

**CITATION:**

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

**RESOLUTION: COMPLETED**

During the evaluation, the CUPA submitted the last two Surcharge Transmittal Reports prior to the due date, clearly indicating the applicable fiscal year.

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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 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.

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**1. OBSERVATION:**

Review of CERS CME data finds multiple routine inspections conducted on the same date, as follows:

- CERS ID 10315759: three routine PBR inspections conducted on October 18, 2016, one for each PBR unit.
- CERS ID 10406908: two routine inspections conducted on August 10, 2017, for each CA treatment units.
- CERS ID 10315765: two routine CE inspections conducted on October 27, 2016, for each unit.
- CERS ID 10199941: two routine CE inspections conducted on September 8, 2016, for each unit.

**RECOMMENDATION:**

One routine inspection should be reflected for multiple PBR, CA or CE units at one facility.

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**2. OBSERVATION:**

The CUPA is accepting incorrect or incomplete Recyclable Materials Reports (RMRs) from facilities. Examples include:

- CERS ID 10314847: Submitted an incomplete and incorrect RMR on August 28, 2018. The U.S. EPA ID# CAR00188201 is not a correct EPA ID# and the basis for claiming an exemption or exclusion portion of the form is left blank.
- CERS ID 10314589: submitted a RMR report on April 27, 2018, for recycling antifreeze onsite. The CUPA accepted the submittal on August 28, 2018. The RMR documentation was incomplete and referenced an ending date of "ongoing".

**RECOMMENDATION:**

Thoroughly review the RMR and any other submittals by facilities in CERS for accuracy prior to acceptance. Pursuant to HSC, Section 25143.10, the RMR is due to the CUPA every two years starting July 1, 1992.

Pursuant to HSC, Section 25143.10(f), a local officer or agency authorized to enforce this section pursuant to subdivision (a) of Section 25180 may exempt from subdivision (a) any person who operates antifreeze recycling units or solvent distillation units, where the recycled material is returned to productive use at the site of generation, or may require less information than that required under subdivision (a) from the person.

UNIFIED PROGRAM PERFORMANCE EVALUATION  
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**OBSERVATIONS AND RECOMMENDATIONS**

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**3. OBSERVATION:**

The CUPA utilizes the CUPA Forum Board inspection checklists for various types of APSA tank facilities. However, the checklists do not include HSC citations.

**RECOMMENDATION:**

Consistently include HSC, Chapter 6.67 citations first and reference the applicable Federal SPCC rule on the front page of the checklist or next to the violation categories on the APSA inspection checklists.

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**4. OBSERVATION:**

Review of the CUPA's Annual Self-Audit reports from 2015/2016, 2016/2017, and 2017/2018 describe the CUPA's efforts and challenges in gaining digitization of all facility files and addressing requests from the public.

**RECOMMENDATION:**

Continue to pursue a contractor to digitize files and enter the applicable information to CERS.

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**5. OBSERVATION:**

DTSC staff conducted two oversight inspections on April 30, 2019, and May 1, 2019.

The first inspection was conducted at CERS ID 10315759. This facility is a precision parts company that conducts metal finishing. The facility is a LQG with a PBR and conducts treatment of metals and corrosive wastes onsite. The inspector was well prepared, asked for consent to inspect, documented violations with photographs, built a rapport with the facility staff and was clear in explaining regulatory information and describing the identified violations. The CUPA inspector conducted a thorough inspection. The facility relied on a consultant to assist with documentation. Some of the cited violations include:

- Conditional acceptance of a tank assessment: the tank assessment should not have been conditionally accepted as it was incomplete (lacked shell thickness, no evaluation of secondary containment piping and seismic evaluation).
- Hazardous waste containing waste from etching baths destined for the waste treatment unit were not labeled.
- There was insufficient support for the assertion that the salvage value of equipment was correct, leading to an inaccurate closure cost estimate.

The inspector clearly identified the violations and provided necessary corrective actions to the facility personnel.



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**OBSERVATIONS AND RECOMMENDATIONS**

The second inspection was conducted at CERS ID 103144199. This facility is an auto repair, auto body and car sales business. The facility is a SQG. The inspector asked for consent, took photographs, and assisted the facility owner with guidance in correcting some minor violations. DTSC staff pointed out some partially empty aerosol cans in a trash barrel to the inspector, who then informed the facility on how they should be properly managed. The inspector clearly identified the violations and provided necessary corrective actions to the facility personnel.

**RECOMMENDATION:**

Continue to conduct thorough inspections. Have inspection staff review universal waste management activities at all HWG facilities. Request greater detail on closure cost estimates as they relate to the closure plans for TP facilities. Ensure that submitted tank assessments are completely reviewed before acceptance as conditionally accepted tank assessments are not complete tank assessments. If the tank assessment has recommendations which must be taken before the tank can be determined to meet all the requirements of CCR, Title 22, Section 66265.192, require corrections to be made and require the engineer to re-submit a completed tank integrity assessment before acceptance.

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**6. OBSERVATION:**

Review of CERS finds UST systems within the jurisdiction of the CUPA, which may need to be permanently closed by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05.

The following are examples of UST facilities that may require permanent closure. Please note, this list may not include all systems subject to the 2025 Single-Walled closure requirements:

- CERS ID: 10314829 (Tank IDs: T1 – T3)
- CERS ID: 10315108 (Tank IDs: 01 – 03)
- CERS ID: 10315399 (Tank IDs: 1 – 3)

Note: The examples provided above may not represent all UST systems which may need to be permanently closed by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05.

**RECOMMENDATION:**

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

[http://waterboards.ca.gov/water\\_issues/programs/ust/single\\_walled/](http://waterboards.ca.gov/water_issues/programs/ust/single_walled/)

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**OBSERVATIONS AND RECOMMENDATIONS**

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

[http://www.waterboards.ca.gov/water\\_issues/programs/ustcf/rust.shtml](http://www.waterboards.ca.gov/water_issues/programs/ustcf/rust.shtml)

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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.

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**1. SECURING NEW RESOURCES**

During the economic downturn, and subsequent recession, the CUPA lost staff and the ability to re-staff at levels necessary to carry out the HSC and CCR requirements. This staff limitation continued after 2012. The CUPA conducted a comprehensive fee study in 2016 in order to account for precisely what resources are needed to carry out the implementation of the Unified Program. This fee study provided the necessary justification for the CUPA to secure a new position, resulting in the most inspector positions the CUPA has historically had. Acquiring and retaining staff and resources are a main challenge for the majority of CUPA's. The CUPA is pursuing an additional new position to assist in supporting the growing regulated industry, and the resources needed to keep satisfactorily implementing the Unified Program while safeguarding the environment.

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**2. PHONE APPLICATION**

The CUPA utilizes "Police NIXLE", a phone application, which allows the CUPA to immediately notify subscribers of emergency information. The CUPA has the capability of providing emergency warnings and information, including hazardous materials alerts, such as the need to evacuate or shelter-in-place. Citizen subscribers to the "Police NIXLE" phone app can receive notification through email, text, and phone calls to cell or landline phones.

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**3. THE CUPA HAS A KEY ROLE IN CITY GOVERNMENT RELATIVE TO HAZARDOUS MATERIALS INTERPRETATION AND POLICIES**

The CUPA participates in various aspects of local government operations relative to hazardous materials processes, procedures, and interpretation. Examples include:

- Staffing the City Permit Center during business hours to:
    - review project documentation before submittals are submitted,
    - assist applicants, and
    - respond to questions, etc.
  - Screening all new business licenses for operation in the city of Hayward.
  - Assisting the Planning Department with interpretation of the Zoning Ordinance and screening of use permit thresholds for facilities that store and/or use hazardous materials.
  - Interpreting aspects of building codes related to hazardous materials for the Building Division, including those related to H-type Occupancies.
  - Attend and participate in weekly meetings held by the city of Hayward's Economic Development Division to address hazardous materials issues/solutions.
  - Participate as part of the city of Hayward's Emergency Operations Center (EOC).
-