



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

March 17, 2022

Ms. Kelly Colopy, Director
City of Long Beach Department of Health & Human Services
2525 Grand Avenue
Long Beach, California 90815-3125

Dear Ms. Colopy:

During April through December, 2021, CalEPA and the state program agencies conducted a performance evaluation of the City of Long Beach Department of Health and Human Services Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, review of regulated facility file documentation, and California Environmental Reporting System information.

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 (May 17, 2022), 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 Samuel Porras at Samuel.Porras@calepa.ca.gov.

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

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, REHS
Assistant Secretary
Local Program Coordination and Emergency Response

Enclosures

cc sent via email:

Ms. Linda Kolinski
Hazardous Materials Coordinator
City of Long Beach Department of Health & Human Services
2525 Grand Avenue
Long Beach, California 90815-3125

Mr. Mitch Yamada
Senior Hazardous Materials Specialist/Supervisor
City of Long Beach Department of Health & Human Services
2525 Grand Avenue
Long Beach, California 90815-3125

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

Mr. Tom Henderson
Engineering Geologist, Acting UST Unit Coordinator
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

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

Mr. Ryan Miya
Senior Environmental Scientist, Acting Supervisor
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Ms. Kelly Colopy
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cc sent via email:

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. Sean Farrow
Environmental Scientist
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Ms. Jenna Hartman, REHS
Environmental Scientist
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Mr. Matt McCarron
Senior Environmental Scientist, Specialist
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

Ms. Mary Wren-Wilson
Environmental Scientist
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Ms. Kelly Colopy
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cc sent via email:

Mr. John Elkins
Environmental Program Manager
California Environmental Protection Agency

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

Ms. Elizabeth Brega
Senior Environmental Scientist, Supervisor
California Environmental Protection Agency

Mr. Garrett Chan
Environmental Scientist
California Environmental Protection Agency

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

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: City of Long Beach Department of Health and Human Services

Evaluation Period: April 2021 through December 2021

Evaluation Team Members:

- **CalEPA Team Lead:** Samuel Porras
- **DTSC:** Matthew McCarron
- **CalEPA*:** Garrett Chan, Jack Harrah
- **State Water Board:** Sean Farrow
- **CAL FIRE-OSFM:** Mary Wren-Wilson, Glenn Warner

This Final Summary of Findings includes:

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

The findings contained within this evaluation report are considered final.

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

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

Samuel Porras
CalEPA Unified Program
Phone: (916) 327-9557
E-mail: Samuel.Porras@calepa.ca.gov

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

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead and must include a narrative stating the status of 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: May 17, 2022 **2nd Progress Report:** August 17, 2022
3rd Progress Report: November 17, 2022 **4th Progress Report:** February 17, 2023

*Effective July 1, 2021, oversight of the Hazardous Materials Release Response Plans and Inventory and the California Accidental Response Prevention Program transitioned from Cal OES to CalEPA.

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**UNIFIED PROGRAM PERFORMANCE EVALUATION
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DEFICIENCIES REQUIRING CORRECTION

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

1. DEFICIENCY:

Established administrative procedures have components that are incomplete or inaccurate.

The following administrative procedures have components that are incomplete:

- The public participation procedure does not outline how the CUPA ensures the receipt and consideration of comments from regulated businesses and the public.
- The file retention policy is missing the following list of files to be retained for the five-year minimum retention time:
 - Copies of self-audit reports, inspection reports, enforcement files
 - All records related to hazardous waste enforcement actions from the date the enforcement action is resolved
 - Detailed records used to produce the summary reports submitted to the state
 - Surcharge billing and collection records following closure of any billing period or until completion of any audit process
 - Training records
- The procedures for providing Hazardous Materials Release Response Plan (HMRRP) information do not include provisions for providing HMRRP information to other appropriate government entities in accordance with Health and Safety Code (HSC) Section 25504(c).
- The file retention policy does not include archival procedures for documentation other than the Underground Storage Tank (UST) Program.

The following administrative procedure has a component that is inaccurate:

- The Unified Program Consolidated Permit procedure, Section III, Subsection (A)(3) references “HSC, Chapter 6.75” and “Title 23 of the CCR Chapter 18.” However, the CUPA is not authorized to implement HSC, Chapter 6.75 or CCR, Title 23, Division 3, Chapter 18.

CITATION:

California Code of Regulations (CCR), Title 27, Section 15180(e)(1), (e)(4), 15180(e)(2), and 15185(b)

Health and Safety Code (HSC), Chapter 6.7, Section 25292.3

[CalEPA, State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with the revised Unified Program administrative procedures that adequately incorporate all required components.

By the 2nd Progress Report, if amendments to the revised Unified Program administrative procedures, are necessary based on feedback from CalEPA and the State Water Board, the CUPA will provide CalEPA with the amended Unified Program administrative procedures. If no

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DEFICIENCIES REQUIRING CORRECTION

amendments are necessary, the CUPA will train CUPA personnel on the revised Unified Program administrative procedures. 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 Unified Program administrative procedures.

By the 3rd Progress Report, if amendments to the revised Unified Program administrative procedures were necessary, the CUPA will train CUPA personnel on the amended Unified Program administrative procedures. 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 Unified Program administrative procedures.

2. DEFICIENCY:

The CUPA did not submit the Annual Single Fee Summary Report to CalEPA by September 30th for Fiscal Years (FYs) 2018/2019 and 2019/2020.

CITATION:

CCR, Title 27, Section 15290(a)(2)
[CalEPA]

CORRECTIVE ACTION:

By the 3rd Progress Report, the CUPA will provide CalEPA with the completed Annual Single Fee Summary Report for FY 2021/2022. The CUPA will complete an Annual Single Fee Summary Report by September 30th for each subsequent FY.

3. DEFICIENCY:

The CUPA's Single Fee System does not include details for the allocation of supplemental revenues to properly fund the Unified Program.

The CUPA provided a budget spreadsheet covering FYs 2017/2018, 2018/2019, and 2019/2020 that incorporates calculations of total expenditures and revenues funding the Unified Program.

- FY 2017/2018:
 - The CUPA reported expenditures of \$1,977,235.87 and single fee revenues of \$1,767,633.12. The CUPA has a budget deficit of \$209,602.75.
- FY 2018/2019:
 - The CUPA reported expenditures of \$2,082,293.73 and single fee revenues of \$1,778,799.24. The CUPA has a budget deficit of \$303,494.49.
- FY 2019/2020:
 - The CUPA reported expenditures of \$2,074,340.18 and single fee revenues of \$1,869,739.93. The CUPA has a budget deficit of \$204,600.25.

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DEFICIENCIES REQUIRING CORRECTION

CITATION:

HSC, Chapter 6.11, Section 25404.5(a)(2)(A)
CCR, Title 27, Sections 15210(d) and 15220(a)
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide a narrative identifying the additional funding sources, and the financial amounts of those additional funding sources used to supplement the CUPA's expenditures accrued with the implementation of the Unified Program for FYs 2017/2018, 2018/2019, and 2019/2020.

By the 1st Progress Report, the CUPA will review and revise the Financial Management Procedure to include a narrative that specifically identifies the funding sources and financial amounts of the Single Fee System for Unified Program implementation. The narrative will identify how the fee accountability program incorporates additional and reliable funding sources in the Single Fee System, such as supplemental deferred funds, and the relative amounts of each additional funding source to be utilized in the future for continually supplementing the necessary and reasonable costs accrued as expenditures in the implementation of the Unified Program. The CUPA will provide the revised Financial Management Procedure to CalEPA.

By the 2nd Progress Report, if amendments to the Financial Management Procedure are necessary based on feedback from CalEPA, the CUPA will provide CalEPA with the amended Financial Management Procedure.

By the 2nd Progress Report, the CUPA will provide the annual Self-Audit Report for FY 2021/2022, which will include a narrative that specifically identifies the additional funding sources and the amount of each additional funding source in the Single Fee System, used to supplement the necessary and reasonable costs for implementing the Unified Program, if applicable. Each subsequent Self-Audit Report will include a review of the fee accountability program including, but not limited to identifying the additional funding sources and the amount of each additional funding source in the Single Fee System, used to supplement the necessary and reasonable costs for implementing the Unified Program, if applicable.

4. DEFICIENCY:

The CUPA is not submitting quarterly Surcharge Transmittal Reports to CalEPA within 30 days after the end of each fiscal quarter when state surcharge revenues are remitted.

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

- FY 2018/2019
 - 2nd Fiscal Quarter
 - Due on January 30, 2019, submitted on February 11, 2021.
 - 3rd Fiscal Quarter
 - Due on April 30, 2019, submitted on February 11, 2021.

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DEFICIENCIES REQUIRING CORRECTION

- 4th Fiscal Quarter
 - Due on July 30, 2019, submitted on May 6, 2021.
- FY 2019/2020
 - 1st Fiscal Quarter
 - Due on October 30, 2019, submitted on May 13, 2021.
 - 2nd Fiscal Quarter
 - Due on January 30, 2020, submitted on May 13, 2021.
 - 3rd Fiscal Quarter
 - Due on April 30, 2020, submitted on May 13, 2021.
 - 4th Fiscal Quarter
 - Due on July 30, 2020, submitted on May 13, 2021.
- FY 2020/2021
 - 1st Fiscal Quarter
 - Due on October 30, 2020, submitted on June 17, 2021.
 - 2nd Fiscal Quarter
 - Due on January 30, 2021, submitted on June 17, 2021.
 - 3rd Fiscal Quarter
 - Due on April 30, 2021, submitted on June 17, 2021.

Note: A deficiency for not remitting surcharges was identified during the 2018 CUPA Performance Evaluation and was not corrected during the Evaluation Progress Report process. However, after the 2018 CUPA Performance Evaluation was closed and prior to the 2021 CUPA Performance Evaluation, the CUPA remitted surcharges to CalEPA.

CITATION:

CCR, Title 27, Section 15250(b)(1) and (2)
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will have submitted to CalEPA the 3rd quarterly Surcharge Transmittal Report for Fiscal Year 2021/2022 by the required due date using the current Quarterly Surcharge Transmittal Report template. Thereafter, the CUPA will submit each Quarterly Surcharge Transmittal Report to CalEPA no later than 30 days after the end of each fiscal quarter.

Note: CalEPA has revised the Quarterly Surcharge Transmittal Report template to reflect the increased CUPA Oversight state surcharge, which became effective July 1, 2021, and includes an assessment for the CERS NextGen Project. The revised Quarterly Surcharge Transmittal Report is available at: https://calepa.ca.gov/wp-content/uploads/sites/6/2021/07/SURCHARGE-TRANSMITTAL-REPORT_20210709-ADA.pdf. Though CalEPA has requested use of the revised Quarterly Surcharge Transmittal Report, the July 1, 2018, version of the Quarterly Surcharge Transmittal Report may be used until the revised Quarterly Surcharge Transmittal Report is incorporated into Title 27.

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DEFICIENCIES REQUIRING CORRECTION

5. DEFICIENCY:

The CUPA is not inspecting each Hazardous Waste Generator (HWG) facility once every three years.

Review of facility files, inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS), and additional information provided by the CUPA indicates:

- 486 of 931 (52%) HWG facilities were not inspected once every three years.

Note: This deficiency was identified during the 2018 CUPA Performance Evaluation and was not corrected during the Evaluation Progress Report process.

CITATION:

CCR, Title 27, Section 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 ensure each HWG facility is inspected once every three years. The action plan will include, at a minimum:

- An analysis and explanation as to why the inspection frequency for the HWG program is not being met. Factors to consider include existing inspection staff resources and how many facilities each inspector is scheduled to conduct each year.
- A spreadsheet exported from the CUPA's data management system or CERS identifying each HWG facility that has not been inspected once every three years per the inspection frequency established in the Inspection and Enforcement (I&E) Plan. For each HWG facility listed, the spreadsheet will include, at a minimum:
 - Facility name,
 - CERS ID, and
 - Date of the last routine inspection.
- A schedule to inspect those HWG facilities, prioritizing the most delinquent inspections to be completed prior to any other HWG inspection.
- Future steps to ensure that all HWG facilities will be inspected once every three years.

By the 2nd Progress Report, the CUPA will, if necessary, revise the action plan based on feedback from DTSC. The CUPA will provide the revised action plan to CalEPA.

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 HWG facility once every three years.

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DEFICIENCIES REQUIRING CORRECTION

6. DEFICIENCY:

The CUPA is not inspecting each Tiered Permit (TP) facility within the first two years of operations and every three years thereafter.

Review of CERS CME information from July 1, 2018, through June 30, 2021, and additional information provided by the CUPA indicates:

- 4 of 6 (67%) TP facilities were not inspected every three years after the initial inspection.

CITATION:

HSC, Chapter 6.5, Section 25201.4(b)(2)
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each TP facility is inspected at least once within the first two years of operation and every three years thereafter. The action plan will include, at a minimum:

- An analysis and explanation as to why the inspection frequency for TP facilities is not being met. Factors to consider include existing inspection staff resources and how many facilities each inspector is scheduled to conduct each year.
- A spreadsheet exported from the CUPA's data management system or CERS, identifying each TP facility that has not been inspected at least once within the first two years of operation and every three years thereafter. For each TP facility listed, the spreadsheet will include, at a minimum:
 - Facility name,
 - CERS ID, and
 - Date of the last routine inspection.
- A schedule to inspect those TP facilities, prioritizing the most delinquent inspections to be completed prior to any other TP inspection based on risk.
- Future steps to ensure that all TP facilities will be inspected at least once within the first two years of operation and every three years thereafter.

By the 2nd Progress Report, the CUPA will, if necessary, revise the action plan, based on feedback from DTSC. The CUPA will provide the revised action plan to CalEPA.

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 3rd Progress Report and with each subsequent Progress Report, until considered corrected, the CUPA will provide CalEPA with up to three TP facility compliance inspection reports.

By the 5th Progress Report, the CUPA will have inspected each TP facility at least once within the first two years of operation and every three years thereafter.

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

DEFICIENCIES REQUIRING CORRECTION

7. DEFICIENCY:

The CUPA is not properly classifying HWG Program violations.

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

- 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 described in HSC, Section 25404(a)(3).
 - CERS CME information indicates 25 of 25 (100%) violations cited between FY 2018/2019 through FY 2020/2021, for exceedance of accumulation timeframe were classified as minor. The following are examples:
 - CERS ID 10411642: inspection dated August 2, 2018
 - CERS ID 10460902: inspection dated October 15, 2019
 - CERS ID 10610836: inspection dated March 3, 2020
- Violation for unauthorized treatment (HSC 25201) or illegal disposal (HSC 25189.5) incorrectly cited as a minor violation. Unauthorized treatment may result in a significant threat to human health or safety or the environment. Illegal disposal fails to ensure that hazardous waste is destined for, and delivered to, an authorized hazardous waste facility. Additionally, there is an economic benefit and avoided costs when hazardous waste is treated without authorization or illegally disposed. This does not meet the definition of minor violation as described in HSC, Section 25404(a)(3).
 - CERS CME information indicates 4 of 7 (57%) violations cited between FY 2018/2019 through FY 2020/2021, for unauthorized treatment or illegal disposal were classified as minor. The following are examples:
 - CERS ID 10452652: inspection dated March 27, 2019, citing two separate minor violations
 - CERS ID 10810588: inspection dated July 1, 2019, citing two separate minor violations

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

CCR, Title 27, Section 15200(a) and (e)

[DTSC]

CORRECTIVE ACTION:

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

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DEFICIENCIES REQUIRING CORRECTION

By the 1st Progress Report, the CUPA will train inspection staff on:

- the classification of minor, Class I, and Class II violations, as defined in:
 - HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6
 - HSC Chapter 6.11, Section 25404(a)(3)
 - CCR, Title 22, Section 66260.10
- how to properly classify HWG Program violations during inspections and ensure inspection staff review the following:
 - 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>

The CUPA will provide CalEPA with training documentation, which at a minimum will include an outline of the training conducted and a list of CUPA inspection staff in attendance.

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 an inspection that has been conducted after training was completed and within the past three months for three HWG Program facilities, as requested by DTSC. Each inspection report will contain observations, factual basis, and corrective actions to correctly identify and classify each observed HWG Program violation.

Note: The following additional HWG inspection, accumulation, and generator requirement training resources are available to assist in training CUPA inspectors:

- Advanced Hazardous Waste Inspector Training Video 2016 (1 of 2)
<https://www.youtube.com/watch?v=lgN3TJftSUM>
- Advanced Hazardous Waste Inspector Training Video 2012 (5 of 7): Tanks and Sumps
<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
- Accumulation Time Fact Sheet
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
- Managing Used Oil Filters for Generators
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

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FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

- Generator Summary Chart
<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/05/California-Generator-Chart.pdf> and
https://www.acgov.org/forms/aceh/Generator_Requirements_Summary_Chart.pdf
-

8. DEFICIENCY:

The CUPA is not properly reviewing, processing, and authorizing each annual Onsite Hazardous Waste Treatment Notification for Permit By Rule (PBR) facilities with a Fixed Treatment Unit (FTU) within 45 calendar days of receiving it.

During the 45-day review process the CUPA must:

- Authorize operation of the FTU; or
- Deny authorization of the FTU in accordance with PBR laws and regulations; or
- Notify the owner/operator that the notification submittal is inaccurate or incomplete.

CERS data indicates that 5 of 7 (71%) PBR Onsite Hazardous Waste Treatment Notifications submitted July 1, 2018, through June 30, 2021, were not reviewed, processed, or authorized by the CUPA within 45 days of receipt as follows:

- CERS ID 10151765
 - PBR notification submitted March 8, 2019, and authorized May 9, 2019
 - PBR notification submitted February 28, 2018, and authorized August 1, 2018
- CERS ID 10152249
 - PBR notification submitted February 20, 2019, and authorized on May 9, 2019
 - PBR notification submitted February 19, 2018, and authorized on August 1, 2018
- CERS ID 10640032
 - PBR notification submitted January 24, 2020, and authorized on April 16, 2020

Note: This deficiency was identified during the 2018 CUPA Performance Evaluation and was not corrected during the Evaluation Progress Report process.

CITATION:

CCR, Title 22, Section 67450.3(c)(1) and (d)
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide inspectors with Tiered Permit (TP) training regarding how to accurately review, process, and authorize Onsite Hazardous Waste Treatment Notifications within the 45-day review process by either:

- Authorizing operation of the FTU; or
- Denying authorization of the FTU in accordance with PBR laws and regulations; or
- Notifying the owner/operator that the notification submittal is inaccurate or incomplete.

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The CUPA will provide CalEPA with training documentation, which at a minimum will include an outline of the training conducted and a list of CUPA inspection staff attending the training.

Note: A TP training video is available on the California Certified Unified Program Agency Forum Board website at: <https://www.youtube.com/user/orangetreeweb/videos>. Additional TP training assistance may also be requested from DTSC.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide a narrative update to CalEPA on the status of the progress made toward accurately reviewing, processing, and authorizing each Onsite Hazardous Waste Treatment Notification to ensure annual notification submittals are accurate, correct, and represent the actual waste treatment systems used at the notifying facility.

9. DEFICIENCY:

The CUPA is not ensuring all regulated businesses subject to the Hazardous Materials Business Plan (HMBP) reporting requirements annually submit a chemical inventory or no-change certification to CERS.

Review of HMBPs submitted to CERS by regulated businesses subject to Business Plan reporting requirements finds:

- 328 of 1,311 (25%) business plan facilities have not submitted a chemical inventory (including site map) or no-change certification within the last 12 months.

CITATION:

HSC, Chapter 6.95, Sections 25505(a) and 25508(a)
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop and provide CalEPA with an action plan to ensure that all business plan facilities have annually submitted an HMBP, including a chemical inventory, or no-change certification to CERS, and that each HMBP is thoroughly reviewed and contains all required elements before being accepted in CERS.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a spreadsheet obtained from the CUPA's data management system or CERS, that includes at a minimum the following information for each regulated business subject to Business Plan reporting requirements that has not submitted an HMBP containing all required components or a no-change certification to CERS within the last 12 months:

- Facility name;
- CERS ID;
- Follow-up actions including:
 - recent review, acceptance and rejection of HMBPs

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- For those businesses that have not complied, the appropriate enforcement taken by the CUPA to ensure a complete HMBP is annually submitted to CERS.

By the 4th Progress Report, the CUPA will follow up with each business plan facility identified in the action plan to ensure each regulated business subject to Business Plan reporting requirements submits a complete HMBP or certification to CERS, or the CUPA will apply appropriate enforcement.

10. DEFICIENCY:

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

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

- 399 of 1,311 (30%) facilities subject to Business Plan requirements were not inspected within the last three years.

CITATION:

HSC, Chapter 6.95, Section 25511(b)
[CalEPA]

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 Business Plan 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 routine inspection.
- A schedule to inspect those HMBP facilities based on risk, prioritizing the most delinquent inspections to be completed prior to any other Business Plan inspection based on risk.
- Future steps to ensure that all HMBP facilities will be inspected at least once every three years.

By the 2nd Progress Report, the CUPA will, if necessary, revise the action plan, based on feedback from CalEPA. The CUPA will provide the revised action plan to CalEPA.

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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.

11. DEFICIENCY:

The underground storage tank (UST) operating permit and permit conditions, issued under the Unified Program Facility Permit (UPFP), are missing provisions required under HSC and UST Regulations and are inconsistent with HSC and UST Regulations.

Review of UST operating permits finds the following provisions are missing:

- CERS identification (ID) number.
- UST ID numbers.
- Issuance date.

Review of UST operating permits, and permit conditions finds the following inconsistencies with HSC and UST Regulations:

- Permit indicates being issued in conformity with “EXISTING FEDERAL AND STATE LAWS...;” however, the CUPA is not authorized to implement federal rule.
- Permit Condition 7 references “CH&SC DIV 20 CH 6.75;” “CCR TITLE 23, CH 18;” and “CCR TITLE 24, PART 9.” However, the CUPA does not have regulatory authority under HSC, Division 20, Chapter 6.75 or California Code of Regulations, Title 23, Division 3, Chapter 18. In addition, Permit Condition 7 references “CALIFORNIA FIRE CODE CHAPTER 23 (FIRE PERMIT F33 – AIRCRAFT REFUELING, FP37 – AUTO FUELING OR FP43A – MARINE FUELING).” Pursuant to HSC, Division 20, Chapter 6.11, Section 25404(a)(6), a UPFP cannot contain provisions of the California Fire Code. Equally, as noted in the 2018 CUPA Performance Evaluation, the permit condition references the UST program element as “motor fuel dispensing.” The UST program covers storage of more materials than motor vehicle fuel.
- Permit Condition 8 references “CH&SC DIV 20 CH 6.75;” “CCR TITLE 23, CH 18;” “CCR TITLE 24 PART 9;” “CALIFORNIA FIRE CODE CHAPTERS 23 AND 57;” and “LB MUNICIPAL CODE 18.48 (FIRE PERMIT FP 11A).” However, the CUPA does not have regulatory authority under HSC, Division 20, Chapter 6.75 or CCR, Title 23, Division 3, Chapter 18. In addition, pursuant to HSC, Division 20, Chapter 6.11, Section 25404(a)(6), a UPFP cannot contain provisions of the California Fire Code.
- Permit and permit condition requires a UST owner or operator to post a specific portion of the permit in a conspicuous place at the facility. This requirement is more stringent than HSC and UST Regulations, and where no local ordinance authority exists. UST Regulations require a paper or electronic copy of the UST operating permit be readily accessible at the facility.

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- Permit Condition states, “Maintain all UST related CUPA forms at facility.” However, the regulatory requirement is for an UST owner or operator to provide UST related information in CERS.
- Permit Condition reflects maintaining records of monitoring, maintenance, and testing for “3 years.” However, the requirement for UST owners or operators is to maintain monitoring and maintenance records for 36 months.
- Permit Condition states, “Notify CUPA within 30 days of any change in usage of UST...” However, the regulatory requirement for an UST owner or operator is to notify the CUPA 30 days prior to any change in substance stored.

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

Note: This deficiency was identified during the 2018 CUPA Performance Evaluation and was not corrected during the Evaluation Progress Report process.

CITATION:

HSC, Chapter 6.7, Sections 25285(c) and 25295(a)(1)
CCR, Title 23, Sections 2650, 2651, 2652, and 2712(b), (c) and (i)
CCR, Title 27, Section 15190(h)
[State Water Board]

CORRECTIVE ACTION:

During the CUPA Performance Evaluation, the CUPA provided a revised UPFP, titled “Permit to Operate,” which the State Water Board will review to ensure it includes a revised UST operating permit template and revised UST operating permit conditions. The State Water Board will provide feedback with the 1st Progress Report.

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 the State Water Board, and will provide the amended UST operating permit template and UST operating permit conditions to CalEPA. If no amendments are necessary, the CUPA will begin to issue the revised UST operating permit issued under the UPFP and will provide CalEPA with five UST operating permits issued to UST facilities using the revised UST operating permit template and revised UST operating permit conditions.

By the 3rd Progress Report, if amendments to the revised UST operating permit template and UST operating permit conditions were necessary, the CUPA will begin to issue the amended UST operating permit issued under the UPFP and will provide CalEPA with five UST operating permits issued to UST facilities using the amended UST operating permit template and amended UST operating permit conditions.

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12. DEFICIENCY:

The CUPA is not consistently citing violations for late overfill prevention equipment inspections during annual UST compliance inspections. As a result, the CUPA is also not accurately reporting Technical Compliance Rate (TCR) data to the United States Environmental Protection Agency (U.S. EPA). Additionally, the CUPA is not consistently citing the correct overfill prevention equipment violation number.

Review of annual UST compliance inspection reports, associated Overfill Prevention Equipment Inspection Report Forms, and CERS CME information finds the following overfill prevention equipment inspections were conducted beyond the October 13, 2018, deadline and the CUPA did not cite and/or correctly cite violations.

The following UST facilities were not cited a violation for late overfill prevention equipment inspections during the CUPA's annual UST compliance inspection:

- CERS ID 10152639: Overfill Prevention Equipment Inspection Report Form dated July 29, 2020. The CUPA did not cite the violation for failure to conduct the overfill prevention equipment inspection during the annual UST compliance inspection May 16, 2019, and provide accurate U.S. EPA TCR 9b reporting.
- CERS ID 10212625: Overfill Prevention Equipment Inspection Report Form dated May 22, 2019. The CUPA did not cite the violation for failure to conduct the overfill prevention equipment inspection during the annual UST compliance inspection May 22, 2019, and provide accurate U.S. EPA TCR 9b reporting.
- CERS ID 10405297: Overfill Prevention Equipment Inspection Report Form dated March 21, 2019. The CUPA did not cite the violation for failure to conduct the overfill prevention equipment inspection during the annual UST compliance inspection March 12, 2019, and provide accurate U.S. EPA TCR 9b reporting.

The following UST facilities were cited the incorrect overfill prevention equipment violation number during the annual UST compliance inspections:

- CERS ID 10445332: Overfill Prevention Equipment Inspection Report Form dated July 18, 2019. The CUPA cited CERS violation number 2010018 for Overfill Prevention Inspection Records. The correct CERS violation number is 2030036 for Overfill Prevention (USEPATCR 9b). The CUPA did not cite the correct CERS violation number during the annual UST compliance inspection October 8, 2019, and provide accurate U.S. EPA TCR 9b reporting.
- CERS ID 10649515: Overfill Prevention Equipment Inspection Report Form dated November 20, 2019. The CUPA cited CERS violation number 2010018 for Overfill Prevention Inspection Records. The correct CERS violation number is 2030036 for Overfill Prevention (USEPATCR 9b). The CUPA did not cite the correct CERS violation number during the annual UST compliance inspection November 20, 2019, and provide accurate U.S. EPA TCR 9b reporting.
- CERS ID 10403842: Overfill Prevention Equipment Inspection Report Form dated October 22, 2019. The CUPA cited CERS violation number 2010018 for Overfill

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Prevention Inspection Records. The correct CERS violation number is 2030036 for Overfill Prevention (USEPATCR 9b). The CUPA did not cite the correct CERS violation number during the annual UST compliance inspection October 22, 2019, and provide accurate U.S. EPA TCR 9b reporting.

CITATION:

HSC, Chapter 6.7, Section 25299

CCR, Title 23, Sections 2637.2(a), 2665(b), 2712(g), and 2713(c) and (d)

CCR, Title 27, Section 15290(a)(3)

[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the I&E Plan, or other applicable procedure, to ensure the establishment of a process to delineate how the CUPA will ensure UST inspection staff are trained on provisions of HSC and UST Regulations, and how to consistently and correctly cite violations, including violations for overfill prevention equipment inspections, in CERS and TCR criteria to the U.S. EPA. The CUPA will provide CalEPA with the revised I&E Plan, or other applicable procedure.

By the 2nd Progress Report, if amendments to the revised I&E Plan, or other applicable procedure were necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended I&E Plan or other applicable procedure. If no amendments were necessary, the CUPA will train UST inspection staff on the revised I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at 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 revised I&E Plan or other applicable procedure.

By the 3rd Progress Report, if amendments were necessary to the I&E Plan or other applicable procedure, the CUPA will train UST inspection staff on the amended I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at 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 I&E Plan or other applicable procedure.

By the 4th Progress Report, and with each subsequent Progress Report until considered corrected, if not available in CERS, the CUPA will provide CalEPA with the annual UST compliance inspection report for five UST facilities, as selected by the State Water Board, once training of UST inspection staff has been completed. The inspection report for each selected UST facility will include all properly cited UST violations, such as overfill prevention equipment inspection violations. The State Water Board will review CERS for consistency with annual UST compliance inspection reports ensuring violations are cited for late overfill prevention equipment inspections (if applicable) and correct violation numbers.

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13. DEFICIENCY:

The CUPA is not ensuring all USTs including associated piping, used for the storage of hazardous substances installed on, or after, July 1, 2004, are in compliance with the design, construction, monitoring, and testing requirements of HSC, Division 20, Chapter 6.7, Section 25290.1.

Review of all USTs installed on, or after, July 1, 2004, finds:

- Five UST facilities either have not provided appropriate documentation or are missing or needing to complete and provide proof of required ELD testing for USTs.
 - During the CUPA Performance Evaluation, the CUPA provided information to demonstrate compliance for two UST facilities.
- The following UST facilities have not provided appropriate documentation or are missing or needing to complete and provide proof of required ELD testing for USTs:

Note: This deficiency was identified during the 2018 CUPA Performance Evaluation and was not corrected during the Evaluation Progress Report process.

Note: State Water Board Local Guidance Letters 162-1, 162-2, and 162-3 dated July 25, 2003, October 12, 2007, and March 5, 2008, respectively, may be referenced.

CITATION:

HSC Chapter 6.7, Section 25290.1
[State Water Board]

CORRECTIVE ACTION:

During the CUPA Performance Evaluation, the CUPA provided information to demonstrate compliance for two of the five identified UST facilities that had not provided appropriate documentation or were missing or needing to complete and provide proof of required ELD testing. The CUPA is currently working with the UST owners or operators of the following three facilities to obtain appropriate documentation regarding the required ELD testing:

- CERS ID 10485634 (Tank ID number 002)
- CERS ID 10590478 (Tank ID number 002)
- CERS ID 10590595 (Tank ID numbers 001 and 002)

By the 1st Progress Report, for each of the three identified UST facilities, if the appropriate documentation regarding the required ELD testing has not been obtained for each UST, the CUPA will issue a Notice of Violation (NOV) to the applicable UST owners or operators and will require compliance within 30 days. If compliance is not obtained within 30 days, the CUPA will apply appropriate enforcement, which includes affixing UST red tags to non-compliant USTs.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide the appropriate documentation obtained from each UST facility regarding the required ELD testing. If the appropriate documentation regarding the required ELD testing has not been obtained for a UST, the CUPA will provide enforcement documentation for each applicable UST facility.

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14. DEFICIENCY:

The local ordinance, *Title 8 – Health and Safety, Chapter 8.85 Underground and Above Ground Storage Tanks*, is inconsistent with HSC and UST Regulations.

Review of the local ordinance finds the following inconsistencies:

- Sections 8.85.010 (Creation of Long Beach/Signal Hill CUPA), 8.85.020 (Definitions), 8.85.030 (Designation of Long Beach/Signal Hill CUPA as local agency for underground storage tanks), 8.85.040 (Designation of Long Beach/Signal Hill CUPA as Unified Program Agency for above ground storage tanks), and 8.85.050 (Fees) reflect Long Beach/Signal Hill as the CUPA, however, Signal Hill no longer implements the CUPA program alongside Long Beach.
- Section 8.85.020 reflects a Joint Powers Agreement (JPA) between Long Beach and Signal Hill, however, the JPA is no longer valid between Long Beach and Signal Hill.
- Sections 8.85.030, 8.85.050, and 8.85.060 reference “Chapter 6.75 of Division 20 of the California Health and Safety Code” and “Chapter 18 of Division 3 of Title 23 of the California Code of Regulations.” However, the CUPA does not have regulatory authority under HSC, Division 20, Chapter 6.75 or CCR, Title 23, Division 3, Chapter 18.

CITATION:

HSC, Chapter 6.7 Sections 25299.2, and 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 ensure the local ordinance reflects the correct authorized entities implementing the CUPA program.

By the 2nd Progress Report, the CUPA will provide CalEPA with a detailed plan to revise and adopt the revised local ordinances to be consistent with HSC, UST Regulations, and Unified Program Regulations. The plan will at a minimum include:

- A timeline for revising, drafting, and adopting, or repealing, the local ordinance; and
- Provisions for the CUPA to provide the revised local ordinance the State Water Board for analysis to ensure consistency with HSC, UST Regulations, and Unified Program Regulations.

By the 3rd Progress Report, the CUPA will, if necessary, revise the plan for revision and adoption, or repealing, of the revised local ordinances based on feedback from the State Water Board.

Considering the length of time required to draft, revise, and adopt, or repeal, 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

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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 HSC, UST Regulations, Unified Program Regulations, and authorized entities implementing the CUPA program, the CUPA certification approval, and meets all other requirements.

During the next CUPA performance evaluation, the State Water Board will verify that the revised local ordinance has been adopted.

15. DEFICIENCY:

The CUPA is not consistently 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 when contamination is present.

The CUPA issues two different documents for UST closure, one for sites with contamination that require referral to the Los Angeles Regional Water Quality Control Board (Regional Board), and another for sites without contamination.

Review of UST facility files finds the following examples where the CUPA does not provide adequate UST closure documentation to the owner or operator upon completion of UST closure activities when contamination exists, and when the site is referred to the Regional Board for cleanup:

- CERS ID 10420759: Letter provided to the Regional Board dated August 10, 2020, does not document that the owner or operator has demonstrated proper closure to the satisfaction of the CUPA and in accordance with HSC and UST Regulations.
- CERS ID 10590523: Letter provided to the Regional Board dated August 10, 2020, does not document that the owner or operator has demonstrated proper closure to the satisfaction of the CUPA and in accordance with HSC and UST Regulations.

Note: The examples 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 review and revise the UST closure procedure or other applicable procedure, to ensure the establishment of a process, which will include at a minimum how the CUPA will:

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- Document in sufficient detail, the 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, and
- Provide UST closure documentation to the UST owner or operator for all closures which demonstrates to the satisfaction of the CUPA, UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC.

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

By the 1st Progress Report, the CUPA will develop or revise a UST closure letter template for sites with contamination. The CUPA may consider including the following language in the UST closure letter template: “the City of Long Beach Department of Health and Human Services 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 or revised UST closure letter template to CalEPA.

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

By the 3rd Progress Report, if amendments to the revised UST closure procedure, or other applicable procedure and/or the UST closure letter template were necessary, the CUPA will train UST inspection staff on the amended UST closure procedure or other applicable procedure and/or the UST closure letter template. 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 UST Closure procedure or other applicable procedure and/or UST closure letter template.

With respect to facilities which have not been provided adequate UST closure documentation, the CUPA will use the approved UST closure letter template and provide updated closure documentation upon request.

For the next two UST closures, or until considered corrected, the CUPA will provide CalEPA with a copy of the UST closure documentation demonstrating the CUPA’s satisfaction UST closure complies with HSC and UST Regulations.

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16. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA is not certifying to CalEPA every three years that a complete review of the area plan has been conducted and any necessary revisions have been made.

- The last update of the area plan was September 2014.
- The last certification to CalEPA was September 2014.

CITATION:

HSC, Chapter 6.95, Section 25503(d)(2)
[CalEPA]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA certified and provided the Area Plan, updated September 2021. No further action is needed.

17. DEFICIENCY: CORRECTED DURING EVALUATION

The area plan is missing the following required element:

- Optional Modeling Form

CITATION:

HSC, Chapter 6.95, Section 25503(d)(2)
CCR, Title 19, Section 2640(d)
[CalEPA]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA added the Optional Modeling Form to the jurisdictional area plan. No further action is needed.

18. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA is not consistently following up and documenting return to compliance (RTC) information in CERS for HWG Program facilities cited with violations.

Review of CERS CME information from July 1, 2018, through June 30, 2021, indicates there is no documented RTC for the following HWG violations:

- 96 of 950 (10%)

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)
HSC, Chapter 6.67, Section 25270.4.5(a)
CCR, Title 27, Sections 15185(a) and (c) and 15200(a) and (e)
[DTSC]

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CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA provided RTC information for 855 of 950 violations issued from July 1, 2018, through June 30, 2021, yielding a RTC rate of 90%. No further action is needed.

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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 issuing the required Unified Program Facility Permit (UPFP). The CUPA issues a "CUPA Permit," to combine the issuance of Unified Program permits in place of a UPFP.

CITATION:

CCR, Title 27, Section 15190(a) and (b)
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will replace the "CUPA Permit" template with a UPFP template and provide the UPFP template to CalEPA.

By the 2nd Progress Report, the CUPA will, if necessary, revise the UPFP template based on feedback from CalEPA. If no revisions are necessary, the CUPA will provide CalEPA with a copy of three UPFPs issued to facilities within the previous three months using the revised UPFP template.

2. INCIDENTAL FINDING:

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

The following component is missing:

- Provisions for ensuring sampling capability and analysis performed by a state certified laboratory. Information should include training, identification of sampling equipment, methods to preserve physical evidence obtained through sampling and testing information. This information was required when the CUPA became certified and is necessary to proceed with any potential enforcement actions as needed.

The following components are inaccurate:

- The Program Specific Enforcement Violation section for the UST Program does not reflect the current provisions of HSC, Chapter 6.7, Section 25292.3, which was amended and effective January 1, 2019. As written, the I&E Plan is not consistent with the requirements for a UST owner or operator when USTs are affixed with red tags.
- Throughout the I&E Plan, "Business Emergency Plans (BEPs)" is used instead of HMBPs.
- The citation Section 25512.2 (a-b) may have been intended to be cited as 25515.2(a-b).
- The civil penalties for the California Accidental Release Prevention (CalARP) Program are noted as \$2,000 and should be \$5,000.

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The following components are incomplete:

- Provisions for addressing complaints do not include the investigation, enforcement, and closure of a complaint.
- Language requiring UST inspection staff to issue the correct citation for UST violations, specify utilization of “General” or “General/Local Ordinance” violation citations for which there is no authority under UST Regulations, HSC, or local ordinance authority. “General” or “General/Local Ordinance” violation citations should not be used to report UST violations when a specific violation citation is available or when the CUPA does not have a local ordinance.

Note: The 2018 CUPA Performance Evaluation identified a deficiency for citing violations as “General” or “General/Local Ordinance” for which the CUPA has no authority under either HSC, Chapter 6.7 or Local Ordinance. Though the CUPA updated the local data management system, revised the inspection checklist, and held a verbal training to address the deficiency, the CUPA did not provide a revised I&E Plan, training documentation, or annual UST compliance inspection reports for requested UST facilities to correct the deficiency. Review of current CERS CME information finds the CUPA has ceased reporting “General” or “General/Local Ordinance” violations and is consistently and correctly citing UST violations.

CITATION:

HSC, Chapter 6.7, Section 25299.2(a)
HSC, Chapter 6.95, Section 25515.2
CCR, Title 27, Section 15200(a)(11) and (14)
[CalEPA, DTSC, State Water Board]

RESOLUTION:

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

By the 2nd Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from CalEPA, DTSC, and State Water Board, the CUPA will provide CalEPA with the amended I&E Plan. If no amendments are necessary, the CUPA will train CUPA personnel on the revised I&E Plan. Once training is complete, the CUPA will implement the revised I&E Plan.

By the 3rd Progress Report, if amendments to the revised I&E Plan were necessary, the CUPA will train CUPA personnel on the amended I&E Plan. Once training is complete, the CUPA will implement the amended I&E Plan.

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3. INCIDENTAL FINDING:

The CUPA is not consistently addressing each referred complaint in accordance with the I&E Plan.

The following complaint number was referred to the CUPA and has not been addressed:

- Complaint #: COMP-49490; Referral dated: December 14, 2020

CITATION:

CCR, Title 27, Section 15200(a)(13)
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will address the referred complaint identified in this deficiency. The CUPA will provide CalEPA with follow-up documentation and explain the outcome of the complaint.

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OBSERVATIONS AND RECOMMENDATIONS

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

1. OBSERVATION:

The CUPA must include relevant information in each annual Self-Audit Report to identify changes and other pertinent updates relative to the applicable fiscal year.

RECOMMENDATION:

Provide unique information relevant to each annual Self-Audit Report for the applicable fiscal year and incorporate the date of completion.

2. OBSERVATION:

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

- Information provided by City of Long Beach Department of Health and Human Services 1995 Application for Certification
- CERS “Summary Regulated Facilities by Unified Program Element Report” generated on August 17, 2021
- CERS “UST Inspection Summary Report (Report 6),” generated on August 17, 2021
- Total Number of Regulated Businesses and Facilities:
 - In 1995: **5,355**
 - Currently: **1,529**
 - A decrease of **3,826** facilities
- Total Number of Hazardous Materials Release Response Plan and Inventory (Business Plan) Regulated Businesses and Facilities:
 - In 1995: **1,700**
 - Currently: **1,328**
 - An addition of **372** facilities
- Total Number of Regulated Underground Storage Tank (UST) Facilities:
 - In 1995: **365**
 - Currently: **145**
 - A decrease of **220** facilities

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OBSERVATIONS AND RECOMMENDATIONS

- Total Number of Regulated Underground Storage Tanks (USTs):
 - In 1995: **1,010**
 - Currently: **402**
 - A decrease of **608** Underground Storage Tanks

- Total Number of Regulated Hazardous Waste Generator (HWGs) Facilities:
 - In 1995: **734**
 - Currently: **932**
 - An increase of **198** facilities

- Total Number of Regulated Household Hazardous Waste (HHW) Facilities:
 - In 1995: none specified
 - Currently: **0**
 - Comments: HHW Facilities were regulated under the Unified Program upon certification, though no count was provided in the application for certification. The difference between the current and historic number of facilities cannot be determined at this time.

- Total Number of Regulated Tiered Permitting Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):
 - In 1995: **114**
 - Currently: **7**
 - A decrease of **107** facilities

- Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:
 - In 1995: none specified
 - Currently: **38**
 - Comments: RCRA LQG Facilities were regulated under the Unified Program upon certification, though no count was provided in the application for certification. The difference between the current and historic number of facilities cannot be determined at this time.

- Total Number of Regulated Risk Management Prevention Plan (RMPP) or California Accidental Release Prevention (CalARP) Program Facilities:
 - In 1995: **4**
 - Currently: **11**
 - An increase of **7** facilities

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- Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:
 - In 1995: none specified
 - Currently: **158**
 - Comments: APSA Tank Facilities were regulated under the Unified Program upon certification, though no count was provided in the application for certification. The difference between the current and historic number of facilities cannot be determined at this time.

Since the CUPA applied for certification in 1995, an expansion of responsibilities in the HMBP, HWG, and CalARP programs has occurred, increasing the workload undertaken by the CUPA to further implement regulatory oversight of each of these programs. Additionally, the management of compliance, monitoring, inspection, and enforcement information transitioned from the use of Unified Program Consolidated Forms to the implementation of electronic data reporting through local data management systems and CERS.

Most program elements have seen a reduction in the number of regulated facilities and the Total Number of Regulated Businesses and Facilities, has significantly decreased by 3,826 (71%). The decline in the overall number of regulated USTs, UST facilities, and Tiered Permitted facilities exceeds the decreases observed in the HMBP, HWG, and CalARP programs. The dissolution of the Long Beach/Signal Hill Joint Powers Agency in 2003 removed all regulated facilities within the City of Signal Hill from the authority of the joint CUPA, significantly decreasing the total number of regulated facilities within the CUPA's jurisdiction.

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 Long Beach Department of Health and Human Services 1995 Application for Certification and recent information provided by the CUPA.

- Inspection and other Staff
 - Upon Certification in 1995:
 - 8 Staff each Full Time = 8.0 FTE
 - Currently:
 - 10 Staff each Part Time = 8.35 FTE
- Supervisory and Management Staff
 - Upon Certification in 1995:
 - 2 Staff each Part Time = 1.5 FTE
 - Currently:
 - 2 Staff at a Part Time Equivalent = 0.9 FTE

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RECOMMENDATION:

The CUPA last conducted a fee accountability study in 2018, which resulted in no fee increases. The City of Long Beach has not authorized any fee increases since. The City of Long Beach is in the process of conducting a city-wide fee analysis. The CUPA began the fee analysis process in June 2021. The CUPA is pursuing a proposal to implement a “technology fee” to address the necessary costs of utilizing and maintaining the local electronic reporting data management system and CERS. The new “technology fee” will be used to supplement the fulfillment of a records administrator position to assist the CUPA in ensuring effective and accurate transmittal of CME information to CERS from the local data management system as well as general maintenance of the local data management system. Currently, the CUPA utilizes a separate account, managed by the CUPA, to offset budgetary deficits.

When conducting the fee analysis process, in addition to pursuing the proposal to implement a “technology fee,” ensure the fee analysis identifies the current necessary and reasonable costs to implement all aspects of the Unified Program with the existing regulated businesses and facilities within each program element. Reevaluate the current budget, including revenue sources and expenditures, single fee assessment for each regulated entity, and funding allocation for program services in addition to those associated with electronic data reporting. Determine if it is necessary to increase the single fee for program elements to ensure revenue is reasonably adequate for implementing the Unified Program and CUPA operations, regarding the need to acquire support of additional staff or other resources as necessary and reasonable to ensure adequate implementation of program services and regulatory oversight for each program element. Examine how current CUPA resources are being allocated, specifically in areas of inspection and enforcement.

The ability to apply each aspect of inspection, compliance, monitoring, and enforcement for all Unified Program activities is not only vital to the success of the program, but it further ensures the protection of health and safety of the community and environment at large. Once the CUPA has the necessary resources to obtain and maintain an adequate staff, it is likely the issues causing the identified and recurring deficiencies, such as falling short of meeting the mandated inspection frequency for various program elements will be addressed.

3. OBSERVATION:

The I&E Plan contains information that is inaccurate, outdated, or may benefit from improvement:

- Page 3, Section III part F references CCR Title 24, Part 9, Section 80.113 for the Hazardous Materials Management Plans (HMMP)-Hazardous Materials Inventory Statements (HMIS) requirements. Section 80.113 of the current fire code does not exist and should be replaced with Chapter 50 or Sections 5001.5.1 and 5001.5.2.
- Page 6, Section IV part C titled ‘Frequency of Inspections’ identifies a mandated Aboveground Petroleum Storage Act (APSA) triennial frequency and identifies the CUPA frequency as triennial. Per HSC 25270.5(a), the mandated inspection frequency is at least once every three years for tank facilities that are required to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan under APSA and have 10,000 gallons or more of petroleum. Unified Program Agencies (UPAs) are provided latitude in the APSA statute

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per HSC 25270.5(b) to create an alternative inspection plan. The CUPA has communicated to OSFM that the I&E Plan requires triennial inspections at APSA facilities storing less than 10,000 gallons of petroleum. The Frequency of Inspections table could be improved to clearly identify the implementation of an alternative inspection plan.

- Page 8, refers to the APSA program as SPCC was observed in Section IV part D.6.
- Page 25, Section VII part E.5 discusses Graduated Series of Enforcement for the APSA program. For clarity, under HSC 25404.1.2(b), a notice to comply is the only means by which a UPA may cite a minor violation, not a Class II violation. The minor violation paragraph could also be improved by adding a return to compliance timeframe. Although there are no established timeframes under APSA, Unified Program regulated facilities cited with a minor violation have 30 days from the date of the notice to comply, in accordance with HSC Section 25404.1.2(c)(1).
- Page 13, Section VII part B.4 references a violation classification called 'Other', which is not consistent with Unified Program guidance.
- Page 21, Section VII part C.4 discussion related to HSC Section 25270.4 should reference Section 25270.4.1 (instead of 25270.41).

RECOMMENDATION:

Update the I&E Plan as indicated above.

4. OBSERVATION:

The webpages identified below contain information that is outdated, incorrect, or may benefit from improvement as follows:

- <https://www.longbeach.gov/fire/fire-prevention/cupa/>
 - The 'What is Long Beach CUPA' document (<https://www.longbeach.gov/globalassets/fire/media-library/documents/fire-prevention/fire-inspections/cupa/what-is-long-beach-cupa>) incorrectly references the APSA program as Aboveground Storage Tank (AST)/SPCC. Also, the Uniform Fire Code Plans and Inventory Requirements should be replaced with the HMMP-HMIS requirements.
- <https://longbeach.gov/fire/fire-prevention/hazardous-materials-recertification-forms/>
 - The UP Form (<https://longbeach.gov/globalassets/fire/media-library/documents/fire-prevention/fire-inspections/recertification-forms/upshortversion>) is missing emergency shutoffs on the site map template on page 24.
 - The CUPA Plot plan template (<https://longbeach.gov/globalassets/fire/media-library/documents/fire-prevention/fire-inspections/cupa/cupa-plot-plan-template>) is missing the site map identification of the required elements: emergency shutoffs and evacuation staging area.
- <https://www.longbeach.gov/health/inspections-and-reporting/inspections/hazardous-materials-management/>
 - The webpage incorrectly references the APSA program as 'Aboveground Storage Tank Spill Prevention' and 'AST/ASPA/SPCC.'

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- The website states APSA facilities must develop an SPCC Plan. However, not all tank facilities are required to prepare an SPCC Plan if certain conditions are met per HSC 25270.4.5(b).

RECOMMENDATION:

Update the information on the websites as indicated above. Consider adding website links to the Office of the State Fire Marshal website for more information on the APSA program.

Consider adding a website link to the U.S. EPA website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations> for information on SPCC Plan requirements.

5. OBSERVATION:

The CERS reporting requirement is currently set as “APSA Applicable” for 159 tank facilities. The CUPA’s local data management system identifies 158 APSA tank facilities:

- 146 APSA tank facilities are identified in both CERS and the CUPA’s local data management system.
- 13 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.
 - Some of these facilities are likely not APSA regulated, and the CUPA should change the CERS APSA reporting requirement to “APSA Not Applicable” for each facility.
 - Some of these facilities are APSA regulated, and the CUPA should update the local data management system appropriately.
- 11 facilities identified as APSA tank facilities in the CUPA’s local data management system are not in the CERS list of APSA facilities. The CUPA should determine if the facilities really are APSA facilities.
 - Those that are not APSA regulated should have the APSA reporting requirement set to “Not Applicable,” and not be identified as APSA tank facilities in the CUPA’s local data management system.
 - Those that are APSA regulated should have the APSA reporting requirement set to “Applicable.” Four facilities need to have the CERS ID corrected in the CUPA’s local data management system due to transposed numbers. Several facilities are lacking a CERS ID. One CERS ID is used for two different facilities.
- There are six potential APSA facilities currently reported in CERS as “APSA Not Applicable”. The CUPA should investigate if they really are APSA facilities.

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.

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6. OBSERVATION:

Multiple APSA tank facilities submitted a HMBP in lieu of a tank facility statement using the 2011 emergency response and training plans template, which has an obsolete 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 2017 template contains the current OSFM phone number and is available in CERS.

7. OBSERVATION:

Review of overall implementation of the HWG Program, including policies and procedures, CERS data, facility file information, information provided by the CUPA and Self-Audit Reports for July 1, 2018, through June 30, 2021, is summarized below:

- There are 931 regulated HWG facilities, 20 RCRA LQG facilities, and 6 Tiered Permitted facilities.
- The three-year inspection frequency for all facilities is not currently being met.
- The CUPA conducted 1,006 inspections.
 - There were 528 routine inspections at 445 facilities and 478 other inspections.
 - There were 5 duplicate routine inspection dates at the same sites.
 - During the 528 “routine” inspections the CUPA issued at least one violation at 306 inspections for a rate of 58%.
 - During the 478 “other” inspections the CUPA issued at least one violation at 21 inspections for a rate of 4%.
 - In the 1,006 inspections performed, 950 total violations were issued, consisting of:
 - One Class I violation,
 - 533 Class II violations, and
 - 416 minor violations.
 - The CUPA has ensured RTC for 855 of 950 (90%) violations cited.
- The CUPA completed no formal enforcement actions.
- Inspection reports are inconsistent in containing detailed comments that note the factual basis of cited violations. The comments often do not correlate with the cited violation.
- Inspection reports (1 of 15 files submitted) reviewed often do not indicate whether consent to inspect was requested prior to the inspection.
- Tiered Permitting – Closure cost estimates that have been submitted require a more thorough review (example - CERS ID 10152249). The salvage value of equipment to be sold is used to offset closure costs. The salvage quoted has not been updated since 2004. This has led to no financial mechanism to be in place for the facility, as they are claiming an exemption under \$10,000.
- CERS ID 10153131 inspection dated February 27, 2018, states “Last tank assessment/certification by PE: 2014.” A subsequent inspection by DTSC on June 28, 2018, found that the facility staff could not locate any tank assessment for treatment or storage tanks going back to 1997. The inspection report completed by the CUPA does not contain accurate information.

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- CERS ID 10640032 inspection information submitted for review contains a tank assessment dated January 13, 2020. The assessment is missing the most critical required regulatory element for section 22 CCR 66265.192 (k) tank assessment requirements:
 - 66265.192 (k)(11): estimated remaining service life of the tank system based on findings of subsections (k)(1) through (k)(10).

DTSC was unable to conduct oversight inspections due to Coronavirus (COVID-19) restrictions.

RECOMMENDATION:

Continue with the three-year HWG inspection frequency, identify and classify violations correctly, and ensure that inspection reports include the factual basis of violations and all necessary corrective actions as well as comments that are relevant to the violation cited. Ensure that notes are accurate and verified. Apply all necessary enforcement for facilities that have Class I violations.

Revise the HWG inspection checklist to ensure consent is obtained and documented prior to conducting a HWG inspection.

Follow up with facilities that have not returned to compliance by the scheduled RTC date and apply appropriate enforcement for facilities that do not RTC, per the I&E Plan.

Review and check the details of submitted closure cost estimates for each PBR and CA tiered permitted treatment facility. Ensure that the closure plans, costs to close the unit (removal and decontamination of all hazardous waste, residues, containment system components, and other structures or equipment contaminated with hazardous waste) are correctly calculated and salvage values submitted are financially accurate. An example of a worksheet from another CUPA is attached here for reference. [https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/hm-9224%20\(02-14\).pdf](https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/hm-9224%20(02-14).pdf)

8. OBSERVATION:

CERS CME information indicates 286 of 416 (69%) minor violations obtained RTC after 35 days. Several minor violations took longer than one year to obtain RTC, with no indication of applied appropriate enforcement or documentation of an applied graduated series of enforcement.

Taking more than 35 days for a violation to obtain RTC without applying appropriate enforcement or documentation of an applied graduated series of enforcement may be identified as a deficiency in future CUPA Performance Evaluations if identified as a continued trend.

RECOMMENDATION:

Ensure appropriate enforcement and documentation of an applied graduated series of enforcement is applied to violations that do not obtain RTC.

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9. OBSERVATION:

The CUPA's Area Plan has outdated information. For example:

- Throughout the Area Plan, Administering Agencies (AAs), are used instead of UPAs.

RECOMMENDATION:

With the next review, revise the Area Plan by replacing AAs with UPAs.

10. OBSERVATION:

The CUPA utilizes a template letter identified as "UST Permit Withholding Notification" for withholding a UST permit to operate. The template letter identifies a RTC date to correct issues regarding the UST system and language encouraging the UST owner or operator to work with the UST contractor/consultant to ensure compliance. However, the template letter is not consistent with HSC, Chapter 6.7, Section 25285 for withholding a UST permit to operate.

RECOMMENDATION:

Revise the "UST Permit Withholding Notification" template letter to be consistent with HSC, Chapter 6.7, Section 25285, which identifies when a UST permit to operate may be withheld.

11. 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 10481959 (Tank IDs 001 - 003);
- CERS ID 10612966 (Tank IDs 001 AND 002); and
- CERS ID 10621201 (Tank IDs 001 - 003).

RECOMMENDATION:

Continue to provide written and 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.

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12. OBSERVATION:

The CUPA's I&E Plan, in regard to UST red tag authority, correctly reflects HSC, Section 25292.3. Language also includes references to UST Regulations, Sections 2717-2717.7 for applying red tags, removing red tags, content of red tags, etc. However, the I&E Plan does not include the citation for UST Regulations as part of the red tag authority.

RECOMMENDATION:

Revise the I&E Plan section for UST red tags to include the citation for UST Regulations, Sections 2717-2717.7, which will point the reader to the UST Regulations for applying red tags, removing red tags, content of red tags, etc.

13. OBSERVATION:

Review of the UST Facility/Tank Data Download report obtained from CERS on June 22, 2021, indicates there are a limited number of instances where CERS, monitoring, and construction data are incorrect as follows:

- 8 of 23 (35%) USTs installed post July 1, 2004, and having to complete periodic secondary containment tests.
- 12 of 363 (3%) USTs have double-walled pipe construction without continuous interstitial monitoring.
- 13 of 392 (3%) USTs have double-walled tank construction without continuous interstitial monitoring.

Note: The following CERS FAQs may be referenced:

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

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

RECOMMENDATION:

Provide refresher training for UST inspection staff who review CERS UST facility submittals for accuracy and continue to assist facility owners or operators with reporting accurate and complete UST facility submittals with the next CERS submittal, but no later than one year.

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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. LEAD PARTICIPANT IN ADVISORY COMMITTEES:

CUPA staff are key participants and leaders in the continuous improvement and implementation of the Unified Program. Staff members are active representatives in several statewide groups and committees including: the CUPA Forum Board, CUPA Forum Board Trustee Committee, APSA Technical Advisory Group (TAG), HMBP TAG, Hazardous Waste TAG, Enforcement TAG, UST TAG and California Conference of Directors of Environmental Health (CCDEH).

2. EMERGENCY HAZARDOUS WASTE RESPONSE:

For more than 30 years, the CUPA's health department inspection staff have acted as an on-call emergency response and technical resource, responding to hazardous material incidents on a 24-hour basis, seven days a week. Each inspector is responsible for handling emergency response in assigned districts during the workday and after-hours. Each inspector rotates responsibility on a weekly basis for handling emergency response on the weekend. The CUPA's role in emergency response is to identify a Responsible Party (RP), ensure the spill is cleaned up properly, and provide an Emergency Response Report. The CUPA also provides additional resources, information, and education to the RP to prevent future spills or releases. The emergency response staff educate CUPA permitted facilities regarding responsibilities outlined in the Contingency Plan of the facility and often work in conjunction with Police, Public Works, LA County Sanitation, US Fish and Wildlife, US Coast Guard, and US EPA.

3. TRAINING OPPORTUNITIES:

The CUPA hosted the Steel Tank Institute (STI) SP001 AST Inspector Training Course November 1 - 5, 2021. The training was designed to assist participants obtain STI certification for inspecting shop-fabricated aboveground tanks, portable containers, and small field-erected tanks and improve regulatory compliance for AST inspectors. There were 24 participants at this training attended by neighboring CUPAs and outside agencies. The CUPA intends to provide this training again in the latter half of 2022.

The CUPA hosts and instructs an annual refresher course for Hazwoper which is attended by internal staff and neighboring small agencies. The course offers continuing education credits for those that are Registered Environmental Health Specialist-certified (REHS). Additionally, the CUPA has facilitated various trainings at the annual CUPA Conference during the last several years including 2019, 2020, and 2021. CUPA staff have instructed classes for CERS, UST Plan Checks, UST inspections, and UST enforcement.
