

A Summary of Deficiencies and Incidental Findings Identified in 2021 CUPA Performance Evaluations

Below is a summary of deficiencies and incidental findings identified in the Final Summary of Findings reports for each of the 22 Certified Unified Program Agency (CUPA) Performance Evaluations that began in the calendar year of 2021. While the summary lists each of the deficiencies and incidental findings identified during 2021 CUPA Performance Evaluations, it is not all-inclusive of the various possible deficiencies and incidental findings that may be determined upon conducting a CUPA Performance Evaluation.

Though a final Summary of Findings report has not been finalized or issued for several CUPAs evaluated in 2021, the deficiencies and incidental findings identified in the draft Summary of Findings report have been included in this summary. A draft Summary of Findings report has not been compiled for three CUPAs, for which the evaluation process began in late 2021, thus potential deficiencies and incidental findings have not yet been identified and as such, cannot be included in this summary.

Deficiencies identify specific aspects regarding systemically 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.

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

Deficiency or Incidental Finding Category or Relative Subject		# of times issued as a Deficiency	Corrected During the Evaluation	# of times issued as an Incidental Finding	Resolved During the Evaluation
Self-Audit Report	The CUPA is not consistently completing an annual Self-Audit Report that contains all required elements.	1	0	2	0
Self-Audit Report	The CUPA did not complete a Self-Audit Report.	1	0	4	2
Formal Enforcement Summary Report	The CUPA did not submit a Formal Enforcement Summary Report for each case that received a final judgement.	0	0	4	3

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Inspection and Enforcement (I&E) Plan	The Inspection and Enforcement (I&E) Plan has inaccurate information or is missing required components.	6	0	8	1
Administrative Procedures	The Unified Program administrative procedures have not been established and/or components are missing or inaccurate/incomplete.	13	2	6	1
Administrative Procedures-Records Maintenance Policy	The Records Maintenance Policy does not reflect how the CUPA is currently and adequately reporting violations (including technical compliance rate (TCR) criteria on inspection forms) or ensuring review of information in UST CERS submittals is complete and accurate before being accepted.	0	0	1	0
Surcharge Fees	The CUPA is not waiving the Surcharge while waiving the Single Fee.	1	0	0	0
Surcharge Transmittal Report Template	The CUPA is not utilizing the current Surcharge Transmittal Report template when submitting Quarterly Surcharge Transmittal Reports 30 days after the end of each fiscal quarter.	0	0	2	0
Surcharge/Surcharge Transmittal Report	The CUPA is not submitting Surcharges and/or Surcharge Transmittal Reports to CalEPA within 30 days after the end of each fiscal quarter, and/or when state surcharge revenues are remitted.	4	0	3	0

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Annual Single Fee Summary Report	The Annual Single Fee Summary Report has missing information.	1	0	0	0
Annual Single Fee Summary Report	The CUPA did not submit the Annual Single Fee Summary Report to CalEPA by September 30 th .	1	0	0	0
Single Fee	The Single Fee System does not fund the necessary and reasonable costs to implement the Unified Program.	1	0	0	0
Single Fee	The Single Fee System does not include details for the allocation of supplemental revenues to properly fund the Program.	3	0	0	0
Complaint Referral	The CUPA is not addressing every complaint referred by the state.	0	0	1	0
Local Ordinance	The Local Ordinance includes sections that are less stringent and/or inconsistent with requirements outlined in statute or regulations.	9	0	2	0
Local Ordinance	The CUPA has not provided the local code citation for all local reporting requirement information collected in CERS.	0	0	4	2
Unified Program Facility Permit	The CUPA is issuing a permit to combine the issuance of various Unified Program permits in place of the required Unified Program Facility Permit (UPFP).	1	0	6	1

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Unified Program Facility Permit	The CUPA has not issued a Unified Program Facility Permit (UPFP) to regulated businesses and facilities that require a permit to operate under any local ordinance, statutory requirement or regulation relative to the generation or handling of hazardous waste or hazardous materials, including issuance of UST operating permits.	1	1	0	0
Area Plan	The CUPA is not certifying to Cal OES every 3 years that it has conducted a complete review of the Area Plan and has made any necessary revisions.	6	2	0	0
Area Plan	The Area Plan is missing required elements.	5	1	0	0
Reporting CME Information to CERS	The CUPA is not consistently reporting all inspection, violation, and enforcement, also known as CME, information to the California Environmental Reporting System (CERS).	3	0	4	0
Documenting RTC, Obtaining RTC within 60 days	The CUPA is not consistently ensuring return to compliance (RTC) is obtained within 60 days or is not consistently following up and documenting RTC information in CERS for facilities cited with violations. EXAMPLE: No RTC noted in CERS for not having, or failure to prepare, a Spill Prevention, Control, and Countermeasure (SPCC) Plan.	29	4	1	0

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Violation Classification	The CUPA is not properly classifying violations. EXAMPLE: Not having, or failure to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan.	0	0	5	1
Incomplete Inspection Reports	The CUPA is not consistently including all observations, factual basis, and corrective action documentation for each violation cited on inspection reports.	1	0	0	0
Training and Experience Requirements	The CUPA is not ensuring that personnel involved with Unified Program implementation meet the applicable minimum education, training, and experience requirements.	4	0	0	0
APSA Program-Training	The CUPA is not ensuring each inspector completes the APSA training program and passes the training exam prior to conducting APSA compliance inspections at tank facilities for compliance with the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements of APSA.	1	1	0	0
APSA Program-Annual Submittal of an HMBP (in lieu of a Tank Facility Statement)	The CUPA is not consistently ensuring all APSA tank facilities annually submit a Hazardous Materials Business Plan (HMBP), when an HMBP is provided in lieu of a tank facility statement to CERS.	5	1	1	1

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APSA Program-Submittal of a Complete HMBP (in lieu of a Tank Facility Statement)	The CUPA is not consistently ensuring HMBP submittals, provided in lieu of a tank facility statement, include site maps and/or emergency response and training plans that contain all applicable required elements.	0	0	4	0
APSA Program-SPCC Plan	The CUPA is not ensuring each APSA tank facility that is not conditionally exempt prepares an SPCC Plan.	0	0	1	0
APSA Program-Inspection Frequency	The CUPA is not inspecting each APSA tank facility that stores 10,000 gallons or more of petroleum at least once every three years, or is not inspecting each APSA tank facility in accordance with the Inspection and Enforcement (I&E) Plan.	10	5	1	0
CalARP Program-Risk Management Plan	The CUPA is not ensuring that each facility subject to CalARP Program requirements updates its Risk Management Plan (RMP) every five years.	1	1	0	0
CalARP Program-Inspection Frequency	The CUPA is not inspecting all CalARP Program facilities at least once every 3 years.	7	2	0	0
CalARP Program-Dispute Resolution	The CUPA did not provide procedures necessary to implement the CalARP dispute resolution process.	1	0	1	0
CalARP Program-Dispute Resolution	The CalARP Dispute Resolution is missing or does not address all required elements.	1	0	0	0

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CalARP Program- Performance Audit Report	The CUPA did not conduct an annual audit of its activities to implement the CalARP Program or compile a CalARP performance audit report.	3	0	0	0
CalARP Program- Performance Audit Report	The annual CalARP performance audit report is missing a required element.	1	0	1	0
Business Plan- Inspection Frequency	The CUPA is not inspecting each facility subject to business plan requirements at least once every 3 years.	14	0	0	0
HMBP- Incomplete HMBP Submittals	The CUPA is accepting incomplete HMBP submittals. Facilities submitted HMBPs with site maps that do not contain all required elements, such as emergency shutoffs, evacuation staging areas, emergency response equipment, and storm and/or sewer drains.	2	0	0	0
HMBP- Annual Reporting to CERS	The CUPA is not ensuring that all regulated businesses subject to Business Plan reporting requirements annually submit a Hazardous Materials Business Plan (HMBP) or a no-change certification to CERS.	15	3	0	0
HWG Program- Onsite Hazardous Waste Treatment Notification	The CUPA is not 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.	2	0	2	2

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HWG Program- Onsite Hazardous Waste Treatment Notification	The CUPA is not properly reviewing, processing, and authorizing each annual Onsite Hazardous Waste Treatment Notification for onsite treatment facilities with a Fixed Treatment Unit (FTU).	0	0	2	1
HWG Program- Citing Violations	The CUPA is not consistently citing correct HWG violations and properly applying hazardous waste control laws and regulations.	5	2	1	0
HWG Program- Citing Violations	The CUPA is not consistently including observations, all alleged violations, and the factual basis for each violation cited in HWG inspection reports.	1	0	0	0
HWG Program- Complete Inspections	The CUPA is not consistently conducting thorough HWG inspections or identifying all violations at HWG facilities.	1	0	0	0
HWG Program- HWG Inspection Frequency	The CUPA is not inspecting each Hazardous Waste Generator (HWG) facility once every three years, per the inspection frequency established in the Inspection and Enforcement (I&E) Plan.	13	0	0	0
HWG Program- Tiered Permit Inspection Frequency	The CUPA is not inspecting each Tiered Permit (TP) facility within the first two years of operations and every three years thereafter.	3	0	1	0

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UST Program- Operating Permit	The UPPF, which includes the UST operating permit, are not issued prior to or upon the expiration date of the existing UPPF.	2	0	0	0
UST Program- Operating Permit	The CUPA's Permitting Procedure is inconsistent with UST Regulations and HSC.	1	0	1	0
UST Program- Operating Permit	The UPPF, which includes the UST operating permit and permit conditions, contains components that are inconsistent with the CUPA local ordinance(s) and UST regulations and HSC.	4	0	0	0
UST Program- Operating Permit	The local ordinance [Title of Ordinance] is inconsistent with local ordinance [Title of Ordinance], and the UST operating permit, issued under the UPPF.	1	0	0	0
UST Program- Operating Permit	The UST operating permit and permit conditions, issued under the UPPF, are inconsistent with UST Regulations and HSC and/or are missing required components.	13	0	0	0
UST Program- ICC Certification	The CUPA is not consistently ensuring International Code Counsel (ICC) California UST Inspector certified personnel conduct UST compliance inspections and/or accept CERS UST submittals.	2	0	1	1

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UST Program-Closure Documentation	The CUPA is not consistently issuing UST closure documentation and is not documenting in sufficient detail whether the UST owner or operator has demonstrated to the satisfaction of the CUPA, UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC.	8	0	2	0
UST Program-Closure Documentation	The CUPA is not consistently documenting in sufficient detail whether the UST owner or operator has demonstrated to the satisfaction of the CUPA, UST permanent closure complies with UST Regulations and HSC.	3	0	0	0
UST Program-Closure	The CUPA is not correctly implementing proper UST temporary closure requirements, or the UST closure procedure is inconsistent with UST Regulations and HSC.	1	0	0	0
UST Program-Guidance Documents	UST Program guidance documents written by the CUPA are inconsistent with and/or less/more stringent than UST Regulations and HSC.	1	0	0	0

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UST Program- Inspection and Enforcement (I&E) Plan	The Inspection and Enforcement (I&E) Plan does not reflect how the CUPA is currently and adequately requiring the owner or operator to submit UST testing and leak detection documentation within 30 days, preparing annual UST compliance inspection reports for each annual UST inspection, and conducting complete annual UST compliance inspections.	0	0	1	0
UST Program- Local Ordinance	The Local Ordinance has a requirement for tertiary containment without a process or verification to ensure that testing and leak detection of UST systems are following the secondary containment requirements of UST Regulations and HSC.	0	0	1	0
UST Program- Accurate and Complete Information in CERS	The CUPA is not consistently ensuring that all appropriate UST related information in CERS is accurate and complete.	3	0	0	0
UST Program- Technical Compliance Rate	The CUPA is not correctly reporting all UST violations, including technical compliance rate (TCR) criteria, in CERS when UST violations are cited during an annual UST compliance inspection.	3	0	0	0

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UST Program-Complete Inspections	The CUPA is not conducting complete annual UST compliance inspections. The CUPA is not observing and documenting noncompliance and/or citing violations during the annual UST compliance inspection, in inspection reports, and in CERS.	4	0	0	0
UST Program-Citing Violations	The CUPA is not correctly citing and reporting UST violations in CERS or UST Program related information in CERS is accurate and complete.	1	0	2	0
UST Program-Enhanced Leak Detection Testing	The CUPA is not requiring UST facilities with single-walled UST component(s) within a 1,000-foot radius of a public drinking water well to implement triennial enhanced leak detection (ELD) testing.	3	0	0	0
UST Program-Enhanced Leak Detection Testing	The CUPA is not consistently requiring UST facilities with double walled USTs within a 1,000-foot radius of a public drinking water well to implement one-time enhanced leak detection (ELD) testing.	1	0	0	0
UST Program-Enhanced Leak Detection Testing	The CUPA is not requiring the UST owner or operator to submit testing and leak detection documents within 30 days of completion.	2	1	0	0

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UST Program-Design, Construction, Monitoring and Testing Requirements	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, Chapter 6.7, Section 25290.1.	2	0	0	0
UST Program-Records Maintenance	The CUPA is not consistently ensuring UST facilities submit UST testing and leak detection documents and is not citing the corresponding violation during the annual UST compliance inspection.	1	0	0	0
UST Program-Records Maintenance	The CUPA is not consistently maintaining annual UST compliance inspection reports and testing and/or leak detection records.	1	0	0	0
UST Program-Records Maintenance	The CUPA is not consistently preparing annual UST compliance inspection reports.	1	1	0	0
UST Program-Inconsistent Compliance Inspection Information	UST compliance inspection information and facility inventory in the Semi-Annual Report (Report 6) is inconsistent with the Self-Audit Reports and/or compliance, monitoring, and enforcement (CME) information in the California Environmental Reporting System (CERS).	5	1	2	0

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UST Program-Failure to Conduct Overfill Prevention Equipment Inspection	The CUPA is not consistently citing violations for failure to conduct an overfill prevention equipment inspection. Initial overfill prevention equipment inspections must have been completed no later than October 13, 2018.	6	0	0	0
UST Program-Inspection Frequency	Review of the Semi-Annual Report (Report 6) finds the CUPA is not inspecting all UST facilities at least once every 12 months.	3	0	2	0
UST Program-Closure	The CUPA is not requiring proper sampling and analysis of soil and/or groundwater as part of UST closure activities.	1	0	0	0