



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

April 22, 2022

Ms. Sara Chandler
Environmental Health Specialist
Lassen County Environmental Health
1445 Paul Bunyan Road, Suite B
Susanville, California 96130-3146

Dear Ms. Chandler:

During April 2019 through August 2019, CalEPA and the state program agencies conducted a performance evaluation of the Lassen County Environmental Health 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. 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 unsatisfactory.

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

The CUPA is required to submit the Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings Report. Please provide the Evaluation Progress Report to the CalEPA Team Lead at Samuel.Porras@calepa.ca.gov.

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

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

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

Sincerely,



Jason Boetzer
Assistant Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

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Ms. Sara Chandler
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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Lassen County Environmental Health

Evaluation Period: April 2019 through August 2019

Evaluation Team Members:

- **CalEPA Team Lead:** Marc Lorentzen, Samuel Porras
- **DTSC:** Kevin Abriol
- **Cal OES*:** Jack Harrah
- **State Water Board:** Jessica Botsford
- **CAL FIRE-OSFM:** Mary Wren-Wilson, Joann Lai

This Final Summary of Findings includes:

- Deficiencies requiring correction
- Incidental findings requiring resolution
- Observations and recommendations

The findings contained within this evaluation report are considered final. Based upon review and completion of the evaluation, the CUPA's Unified Program implementation and performance of the CUPA is considered unsatisfactory.

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

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

The CUPA is required to submit an Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings Report. The Evaluation Progress Report must be submitted to the CalEPA Team Lead at Samuel.Porras@calepa.ca.gov no later than **July 1, 2022**.

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

*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.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

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

1. DEFICIENCY:

The CUPA is not consistently ensuring that Aboveground Petroleum Storage Act (APSA) tank facilities submit a complete Hazardous Materials Business Plan (HMBP) when an HMBP is submitted to the California Environmental Reporting System (CERS) in lieu of a tank facility statement.

Review of HMBPs submitted to CERS in lieu of tank facility statements indicates the following 8 of 12 (67%) APSA tank facilities were missing required elements in recently accepted site map submittals:

- CERS IDs 10129834, 10124836, 10125571, 10413856 and 10127917 missing emergency shutoff(s), emergency response equipment, and evacuation staging area(s).
- CERS IDs 10127920 and 10125979 missing emergency response equipment and evacuation staging area(s).
- CERS ID 10125517 missing hazardous materials handling and storage area(s).

CITATION:

Health and Safety Code (HSC), Chapter 6.67, Section 25270.6(a)
2016 California Fire Code, Chapter 50, Sections 5001.5.1 and 5001.5.2, and Appendix H [OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure that HMBPs submitted to CERS, in lieu of a tank facility statement, are thoroughly reviewed and contain all applicable required elements. The action plan will include steps to follow up with rejected or incomplete submittals.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a list of APSA tank facilities with recent HMBP submittals, in lieu of tank facility statements, that have been reviewed and not accepted for missing applicable required elements. For each tank facility on the list, the CUPA will include:

- Facility name
- CERS ID
- Follow-up actions including a narrative of the appropriate enforcement taken by the CUPA.

By the 4th Progress Report, the CUPA will ensure each APSA tank facility has submitted a complete HMBP to CERS, when an HMPB is provided in lieu of a tank facility statement, or the CUPA will have applied appropriate enforcement.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

2. DEFICIENCY:

The CUPA is not consistently ensuring all APSA tank facilities annually submit an HMBP to CERS when an HMBP is provided in lieu of a tank facility statement.

Review of HMBPs submitted in lieu of tank facility statements to CERS indicates:

- 20 of 63 (32%) APSA tank facilities have not submitted a chemical inventory and site map within the last 12 months.
- 19 of 63 (31%) APSA tank facilities have not submitted emergency response and employee training plans within the last 12 months.

CITATION:

HSC, Chapter 6.67, Section 25270.6(a)
[OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop and provide CalEPA with an action plan to ensure that HMBPs provided in lieu of a tank facility statement are annually submitted to CERS.

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a spreadsheet obtained from the CUPA's data management system or CERS, that includes at a minimum the following information for each APSA tank facility that has not annually submitted an HMBP when an HMBP is provided in lieu of a tank facility statement to CERS:

- Facility name
- CERS ID and
- A narrative of the appropriate enforcement taken by the CUPA.

By the 4th Progress Report, the CUPA will ensure each APSA tank facility has annually submitted an HMBP to CERS when an HMPB is provided in lieu of a tank facility statement, or the CUPA will apply the appropriate enforcement.

3. DEFICIENCY:

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

Review of inspection, violation, and enforcement information, also known as compliance, monitoring and enforcement (CME) information in CERS indicates there is no documented RTC for the following violations:

- Fiscal Year (FY) 2013/2014: 11 of 43 (26%), including 4 violations for not having, or failure to prepare, a Spill Prevention, Control, and Countermeasure (SPCC) Plan
- FY 2016/2017: 43 of 75 (57%)

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DEFICIENCIES REQUIRING CORRECTION

CITATION:

HSC Chapter 6.11, Section 25404.1.2(c)

HSC Chapter 6.67, Section 25270.4.5(a)

California Code of Regulations (CCR), Title 27, Sections 15185(a) and (c) and 15200(a)
[OSFM]

CORRECTIVE ACTION:

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

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date (when applicable);
- RTC qualifier; and
- In the absence of obtained RTC, a narrative of the appropriate enforcement taken by the CUPA

The CUPA will prioritize follow-up actions with each facility based on the level of hazard present to public health and the environment.

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with the following four APSA tank facility file records, as requested by OSFM, that includes RTC documentation, or a description of the appropriate applied enforcement taken in the absence of RTC:

- CERS ID 10129102
- CERS ID 10129111
- CERS ID 10129138
- CERS ID 10129117

By the 4th Progress Report, the CUPA will have ensured each APSA tank facility identified in the 1st Progress Report with an open violation for no SPCC Plan has achieved compliance, or the CUPA will have applied appropriate enforcement.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

4. DEFICIENCY:

The CUPA is not ensuring that all regulated businesses subject to the Business Plan reporting requirements annually submit an HMBP to CERS.

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

- 62 of 196 (32%) business plan facilities have not submitted a chemical inventory within the last 12 months.
- 64 of 196 (33%) business plan facilities have not submitted emergency response and training plans within the last 12 months.

Note: The findings of this deficiency were identified by Cal OES, however, CalEPA will be determining correction of this deficiency due to the July 22, 2021, transition of the implementation and oversight of HMBP/CalARP Programs to CalEPA.

CITATION:

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

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 to CERS.

By the 3rd 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 to CERS, or the CUPA will apply appropriate enforcement.

5. DEFICIENCY:

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

Review of CERS CME information indicates 85% of facilities subject to HMBP requirements were not inspected within the last three years.

Note: The findings of this deficiency were identified by Cal OES, however, CalEPA will be determining correction of this deficiency due to the July 22, 2021, transition of the implementation and oversight of HMBP/CalARP Programs to CalEPA.

CITATION:

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with the number of business plan inspections that have occurred during the previous quarter.

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

6. DEFICIENCY:

The CUPA is not inspecting each facility subject to the California Accidental Release Prevention (CalARP) Program at least once every three years.

Review of CERS CME information indicates 50% of stationary sources were not inspected within the last three years.

Note: The findings of this deficiency were identified by Cal OES, however, CalEPA will be determining correction of this deficiency due to the July 22, 2021, transition of the implementation and oversight of HMBP/CalARP Programs to CalEPA.

CITATION:

HSC, Chapter 6.95, Section 25537(a)
CCR, Title 19, Section 2775.3
[Cal OES]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with an action plan to ensure each facility subject to CalARP Program requirements is inspected at least once every three years.

By the 3rd Progress Report, the CUPA will have inspected each CalARP facility at least once in the last three years.

7. DEFICIENCY:

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.

Review of facility files and CERS CME information indicates that the CUPA did not inspect 79 of 101 (78%) HWG facilities once every three years.

CITATION:

CCR, Title 27, Section 15200(a)(3)
[DTSC]

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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DEFICIENCIES REQUIRING CORRECTION

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. For each HWG facility listed, the spreadsheet will include, at minimum:
 - Facility name;
 - CERS ID;
 - 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; and
- Future steps to ensure that all HWG facilities will be inspected once every three years.

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

By the 6th Progress Report, the CUPA will have inspected each HWG facility once every three years.

8. DEFICIENCY:

The CUPA is not consistently following up and documenting RTC information in CERS for HWG Program facilities cited with minor violations in Notices to Comply (NTC) or inspection reports.

Review of CERS CME information indicates:

- 13 of 24 (54%) violations cited July 1, 2015, through June 30, 2018, have no documented RTC.

CITATION:

HSC, Chapter 6.5, Section 25187.8(b) and (g)

HSC, Chapter 6.11, Section 25404.1.2(c)

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

[DTSC]

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
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DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

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

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date (when applicable);
- RTC qualifier; and
- In the absence of obtained RTC, a narrative of the appropriate enforcement taken by the CUPA to ensure RTC.

9. DEFICIENCY:

The CUPA did not consistently include all observations, factual basis, and corrective action documentation for each violation cited on HWG inspection reports.

Review of HWG inspection reports and Notices to Comply finds inadequate or improper documentation of cited violations on inspection reports for the following facilities:

- CERS ID 10126843: inspection report dated February 16, 2017, cites three HWG violations, however the CUPA did not document the observations, factual basis, and corrective actions for each violation on the inspection report.
- CERS ID 10413856: inspection report dated June 13, 2017, cites nine HWG violations, however the CUPA did not consistently document the observations, factual basis, and corrective actions for each violation on the inspection report.
- CERS ID 10208152: inspection report dated May 24, 2017, cites four HWG violations, however the CUPA did not consistently document the observations, factual basis, and corrective actions for each violation on the inspection report.
- CERS ID 10626100: inspection report dated April 12, 2017, cites one HWG violation, however the CUPA did not document the corrective action for the violation on the inspection report.
- CERS ID 10128364: inspection report dated February 22, 2017, cites three HWG violations, however the CUPA did not document corrective actions for each violation on the inspection report.

CITATION:

HSC, Chapter 6.5, Section 25185(c)(2)(A)
[DTSC]

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
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DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide report writing training to each CUPA inspector to ensure that all violations cited in HWG inspection reports include observations, factual basis, and corrective actions. The CUPA may include review of the “CalEPA Inspection Report Writing Guidance” (<https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-Inspection-InspectionRpt-accessible.pdf>.) as part of the inspector training. 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 personnel in attendance.

By the 3rd Progress Report, the CUPA will provide CalEPA with an inspection report citing at least one HWG violation, for three HWG facilities, that have been inspected after training has been completed and within the last three months.

Each inspection report will contain observations, factual basis, and corrective actions to correctly identify and classify each observed HWG violation.

10. DEFICIENCY:

The CUPA has not established nor implemented all Unified Program administrative procedures.

The following Unified Program administrative procedures have not been established:

- Procedures for forwarding information to emergency responders
- Data management procedures.

CITATION:

CCR, Title 27, Section 15180(e)
[CalEPA]

CORRECTIVE ACTION:

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

By the 2nd Progress Report, if revisions to the established Unified Program administrative procedures are necessary based on feedback from CalEPA, the CUPA will provide CalEPA with the revised Unified Program administrative procedures. If no revisions are necessary, the CUPA will train CUPA personnel on the established 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 established Unified Program administrative procedures.

By the 3rd Progress Report, if revisions to the established Unified Program administrative procedures were necessary, 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. One training is complete, the CUPA will implement the revised Unified Program administrative procedures.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

INCIDENTAL FINDINGS REQUIRING RESOLUTION

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

1. INCIDENTAL FINDING:

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

The following component is missing:

- Procedures for how the CUPA addresses complaints including receiving, investigating, enforcing, and closing the complaint.

The following component is inaccurate:

- Inspection frequencies for the Permit By Rule, Conditionally Authorized, and Conditionally Exempt components of the Tiered Permitting HWG Program need to be updated to include an “initial inspection within two (2) years of notification and every three (3) years thereafter.”

CITATION:

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

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a revised I&E Plan that adequately incorporates and correctly addresses all required components. 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.

2. INCIDENTAL FINDING:

The CUPA is not always properly classifying HWG Program violations.

Review of facility files and CERS CME information finds the following instance where the CUPA classified a Class I or Class II HWG Program violation as minor:

- Violation for exceedance of authorized accumulation time (CCR, Title 22, Section 66262.34) incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - CERS ID 10126843: inspection report dated February 16.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

INCIDENTAL FINDINGS REQUIRING RESOLUTION

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5, 25117.6
CCR, Title 22, Sections, 66260.10, 66262.34
[DTSC]

RESOLUTION:

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.

The CUPA will train inspection staff on how to properly classify HWG Program violations during inspections and ensure inspection staff review the following:

- 2020 Violation Classification Guidance for Unified Program Agencies
<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Documents-accessible.pdf>
-

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

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

1. OBSERVATION:

The I&E Plan and the Consolidated Permit Plan have outdated information in regards to HSC, Section 25285.

RECOMMENDATION:

Prior to issuance of future UST operating permits, update the I&E Plan and the Consolidated Permit Plan to reflect the most recent changes in HSC, Section 25285, which became effective January 1, 2019. In the future, update all policies and procedures with regulatory and statutory changes as necessary.

2. OBSERVATION:

The Area Plan contains the following outdated information and minor errors:

- Page 2 of the Glossary in Appendix G-2 states, “The State Fire Marshal also has primary responsibility for the safety of all interstate and intrastate hazardous liquid pipelines in California.” OSFM oversees intrastate hazardous liquid pipelines only.
- Page 5 references the outdated Uniform Fire Code. The California Fire Code (CFC) is the current fire code adopted by the state. The 2016 edition of the CFC was applicable during the evaluation assessment; however, the 2019 edition is the latest version, effective January 1, 2020.
- Page 5 incorrectly references the authority for the area plan as HSC, Section 25500. The correct reference is HSC, Section 25503(c).
- Page 12, in the second paragraph, Lassen is listed twice.
- Page 41, the reference to HSC, Section 2705 should be HSC, Section 2632. Also, “within 30 days” should be “within 7 days” to parallel the Federal requirement, which supersedes what is written in CCR, Title 19.
- Page 42, reference to HSC, Section 25507.10 should be HSC, Section 25510.3.
- Pages 2-13, the Inland region REOC is located at Inland Region Headquarters in Sacramento and is not collocated with the SOC at Cal OES HQ in Mather.

RECOMMENDATION:

Update the Area Plan as indicated.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

3. OBSERVATION:

The CUPA's website at <http://www.lassencounty.org/dept/environmental-health/hazardous-material-management/aboveground-petroleum-storage-tanks-apsa> contains various information for its regulated community.

The following outdated and incorrect statement is shown on the CUPA's website, "Any facility with an aggregate storage capacity of 1,320 gallons of petroleum or greater must prepare and implement a Spill Prevention Control and Countermeasure (SPCC) Plan in accordance with federal law, 40 CFR 112." Tank facilities with one or more tanks in underground areas with a shell capacity of 55 gallons or more, regardless of the 1,320-gallon petroleum storage capacity, must prepare an SPCC Plan.

The CUPA's website also states that farms, dairies, nurseries, logging sites, and construction sites are conditionally exempt from APSA requirements. Conditionally exempt APSA tank facilities are only exempt from having to prepare and implement an SPCC Plan under APSA. These conditionally exempt APSA tank facilities are still required to submit a tank facility statement (or HMBP, in lieu of a tank facility statement) and pay the applicable state surcharge.

The CUPA's website contains broken links for the following: APSA Applicability Chart, Containment Guidance Sheet, Containment Guidance Sheet for Tier I Qualified Facilities, AST vs. UST, and APSA FAQ.

RECOMMENDATION:

Update the information and links on the CUPA's website.

4. OBSERVATION:

The I&E Plan contains the following outdated information and minor errors:

- Page 3 references the authority cited for return to compliance for business plan inspection violations as HSC 25505(a)(2) is incorrect. HSC 25505(a)(2) is in reference to site maps. The business plan program has no citation for return to compliance.
- Pages 14, 15, and 17 reference HSC, Section 25514.6, which does not exist. The proper citation is most likely HSC, Section 25515.2.
- Page 17, paragraph (F)(1) contains numerous citations that are incorrect. For example, HSC, Section 25514 limits public liability, it does not outline a penalty.
- Page 17, paragraph (F)(2) references HSC, Section 25540. The reference should be revised to: HSC, Section 25540, et. seq.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Correct the minor errors with the next annual update of the I&E Plan.