



Gavin Newsom  
Governor

Jared Blumenfeld  
Secretary for Environmental Protection

May 11, 2022

Mr. Jeff Johnson  
Deputy Director  
Riverside County Department of Environmental Health  
Hazardous Materials Management Branch  
P.O. Box 7909  
Riverside, California 92513-7909

Dear Mr. Johnson:

During June 2021 through April 2022, CalEPA and the state program agencies conducted a performance evaluation of the Riverside County Department of 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 data.

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

Based upon review and completion of the performance evaluation, CalEPA has determined the CUPA meets overall implementation of the Unified Program.

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 (July 25, 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 the CalEPA Team Lead at [Kaeleigh.Pontif@calepa.ca.gov](mailto:Kaeleigh.Pontif@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.

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

Sincerely,



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

Enclosures

cc sent via email:

Mr. Nick Crain  
Program Chief  
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State Water Resources Control Board  
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Mr. Tom Henderson  
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Mr. Jeff Johnson  
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cc sent via email:

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Mr. John Paine  
Unified Program Manager  
California Environmental Protection Agency

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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

Ms. Kaeleigh Pontif  
Environmental Scientist  
California Environmental Protection Agency

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### CUPA: Riverside County Department of Environmental Health

**Evaluation Period:** June 2021 – April 2022

**Evaluation Team Members:**

- **CalEPA Team Lead:** Kaeleigh Pontif
- **DTSC:** Matthew McCarron
- **CalEPA\*:** Garrett Chan
- **State Water Board:** Jessica Botsford, Sean Farrow
- **CAL FIRE-OSFM:** Glenn Warner, Mary Wren-Wilson

This Final Summary of Findings includes:

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

The findings contained within this evaluation report are considered final.

Based upon review and completion of the evaluation, the Unified Program implementation and performance of the CUPA is considered to meet Unified Program standards.

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

**Kaeleigh Pontif**  
CalEPA Unified Program  
Phone: (916) 803-0623  
E-mail: [Kaeleigh.pontif@calepa.ca.gov](mailto:Kaeleigh.pontif@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:

**1<sup>st</sup> Progress Report:** July 25, 2022  
**3<sup>rd</sup> Progress Report:** January 30, 2023

**2<sup>nd</sup> Progress Report:** October 24, 2022  
**4<sup>th</sup> Progress Report:** May 1, 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.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### DEFICIENCIES REQUIRING CORRECTION

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

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#### 1. DEFICIENCY:

The Hazardous Materials Management Permit, which serves as the consolidated Unified Program Facility Permit, does not contain all required components.

The Underground Storage Tank (UST) operating permit and previously issued permit conditions, issued under the Hazardous Materials Management Permit, are less stringent than and inconsistent with UST Regulations and California Health and Safety Code (HSC) requirements.

- Review of the Hazardous Materials Management Permit finds the following components are not included in the Hazardous Materials Management Permit:
  - UST operating permit conditions are not being issued to UST facility owners/operators upon issuance of the UST operating permit under the Hazardous Materials Management Permit.
  - The addendum used to document permit conditions for each applicable program element of the Unified Program has not been included with the issuance of the Hazardous Materials Management Permit since 2015.
- Review of UST operating permits, issued under the Hazardous Materials Management Permit, finds the following:
  - The UST operating permit states that the permit is “granted for the business indicated on the condition that the business will comply with the laws, ordinances, and regulations that are now or may be hereafter be in force by the United States Government, the State of California, and the County of Riverside...” The statement indicates inclusion of additional provisions, such as Fire or Building code authorities and the United States Government, that are not authorized for implementation under the Unified Program. The UST operating permit and permit conditions cannot reference implementation of provisions outside the authority of the Unified Program. This permit condition shall be revised to specify “...as enforceable by the Unified Program pertaining to the abovementioned business.”
  - The UST operating permit states that an “inspection of this business may be conducted by a duly authorized representative of the Director of Environmental Health,” which as written, is less stringent than UST Regulations.
- Review of UST operating permit conditions of the UST operating permit, issued under the Hazardous Materials Management Permit, finds the following:
  - Permit condition “C” refers to HSC, Chapter 6.75 and California Code of Regulations (CCR), Chapter 18, however, the CUPA does not have the authority to

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### DEFICIENCIES REQUIRING CORRECTION

- implement HSC, Chapters 6.75 and 18, therefore the CUPA cannot reference HSC, Chapters 6.75 and 18.
- Permit condition “1” states in the event of a spill, leak, or other unauthorized release, the permittee must comply with CCR, Chapter 16, Article 5. However, UST owners or operators must also comply with HSC and also may be required to comply with additional reporting requirements, including, but not limited to, reporting requirements in Water Code, Sections 13271 and 13272 and reporting an unauthorized release to the Office of Emergency Services if emergency response personnel and equipment were involved at any time, per HSC, Section 25295(c).
  - Permit condition “3” states the permittee must notify the department within 30 days *after* any change in the usage of any UST, however, this is less stringent than UST Regulations. The regulatory requirement is to notify the CUPA 30 days *prior* to any change in substance stored.
  - Permit condition “4” states the permittee must perform yearly maintenance testing of all leak detection equipment, however, the regulatory requirement is to perform maintenance testing of all leak detection equipment at least once every 12 months.
  - Permit condition “5” states the permittee must obtain approval from the CUPA and the local Fire and Building authorities prior to modifying any UST system. Fire or Building codes are not authorized for implementation under the Unified Program, therefore, the UST operating permit and permit conditions cannot reference Fire and Building code authorities. The CUPA may not withhold or revoke the issuance of a UST operating permit for noncompliance with Fire and Building code authorities.
  - Permit condition “6” states written records of all monitoring performed, response plans, and approved plot plans will be submitted to the Department and maintained on-site for a period of three years, however, the regulatory requirement is to have response, plot, and monitoring plans submitted in CERS and for monitoring records to be maintained for 36 months.
  - Permit condition “8” states the facility will be inspected periodically, however, the regulatory requirement is to inspect all UST facilities at least once every 12 months.

#### **CITATION:**

CCR, Title 23, Section 2715(g)

CCR, Title 27, Sections 15110(q) and 15190(h)

[CalEPA, State Water Board]

#### **CORRECTIVE ACTION:**

During the evaluation, the CUPA provided amended UST operating permit conditions of the UST operating permit, issued under the Hazardous Materials Management Permit, which adequately address the deficiency. The revised UST operating permit conditions are consistent with UST Regulations and HSC. The State Water Board considers this deficiency corrected.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### DEFICIENCIES REQUIRING CORRECTION

By the 1<sup>st</sup> Progress Report, the CUPA will provide CalEPA with a revised Hazardous Materials Management Permit template that contains all required components, including UST operating permit conditions and the addendum used to document permit conditions for each applicable program element of the Unified Program.

By the 2<sup>nd</sup> Progress Report, the CUPA will, if necessary, amend the revised Hazardous Materials Management Permit template, based on feedback from CalEPA. The CUPA will provide the amended Hazardous Materials Management Permit template to CalEPA.

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## 2. DEFICIENCY:

The local ordinance (Ordinance No. 617, An Ordinance of the County of Riverside Amending Ordinance No. 617 Regulating Underground Storage Tank Systems Containing Hazardous Substances) is less stringent than and inconsistent with UST Regulations and HSC.

Review of the local ordinance finds the following:

- The ordinance references Chapter 6.75, which the CUPA does not have authority to implement.
- Section 1(b) states “this ordinance shall be implemented according to the requirements as the Board of Supervisors shall adopt,” which could lead to less stringent or inconsistent implementation of the UST Program.
- Section 2(g) states the definition of permanent closure of a UST includes a statement that the UST will not store hazardous substances within the next 12 consecutive months, however, permanent closure is the removal or closure of USTs that will not be placed back into use.
- Section 4 states the CUPA has the right to conduct periodic inspections of UST facilities, however, it is unclear if this is in addition to the required annual UST compliance inspection.
- Section 6(a) states that a permit to operate must be obtained for each UST system, however, HSC, Chapter 6.7, Section 25284 states a Hazardous Materials Management Permit will be issued where the USTs are located and the CUPA issues Hazardous Materials Management Permits and not individual UST operating permits. Additionally, the CUPA is required to issue UST operating permits under the consolidated Hazardous Materials Management Permit.
- Section 6(b)(1) states the application shall be made by completing a form provided by the Department of Environmental Health, however, the application is now required to be submitted via CERS.
- Section 6(e)(2) states a permit to operate shall be issued upon payment of fees which are due no later than January 1<sup>st</sup> of every year, as stated in Section 6(c)(1), however, the CUPA issues UST operating permits throughout the year.
- Section 7(g) states the permittee shall give written notice that construction or installation of a UST has been completed prior to operating, however, prior to a written notice of completion, an owner or operator of a new UST must also complete Enhanced Leak Detection (ELD) testing prior to the operation of a new UST.



## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### DEFICIENCIES REQUIRING CORRECTION

- Section 9(b)(2)(1) states an application for a permit to temporarily or permanently close shall contain the date such UST system is to be reopened or resume operating, however, this would only apply to USTs in temporary closure.
- Section 11(b) states tank integrity tests must be conducted when the tank contains a minimum product level of 60% of the tank capacity. This is inconsistent with UST Regulations, Section 2643.1 and testing methods identified in the State Water Board Local Guidance letter (LG) 113, which allow tank integrity tests to be conducted using a nonvolumetric method. Additionally, testing with a minimum product level of 60% of the tank capacity may not be authorized with certain test methods.
- Sections 12, 13, 15(c), and 16(c) refer to Corrective Actions associated with cleanup and refers to the County of Riverside as a Local Oversight Program (LOP). The County of Riverside is not an LOP and therefore, does not have the authority to implement corrective actions associated with the cleanup of leaking USTs.
- Section 15(b) states monitoring reports will be submitted on a schedule determined by the Department of Environmental Health, however, no schedule is published nor is it clear what monitoring reports this includes. UST Regulations state certain testing is due at set intervals, such as every 12, 36, or more months and some monitoring reports for that testing are due based on 30 days after the testing.

#### CITATION:

HSC, Chapter 6.7 Sections 25284, 25289(b), and 25299(b)

CCR, Title 23, Sections 2638(d), 2671, and 2672

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 not implement provisions of the local ordinance that are less stringent than or inconsistent with UST Regulations and HSC, including but not limited to the examples provided above.

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

- A timeline for revising and adopting the revised local ordinance; and
- Provisions for the CUPA to provide a draft of the revised local ordinance to the State Water Board for review before being adopted, which will allow the State Water Board to work with the CUPA to ensure the revised draft is consistent with UST Regulations and HSC, the CUPA certification approval, and meets all other requirements.

By the 2nd Progress Report, the CUPA will, if necessary, revise the plan based on feedback from the State Water Board.

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**DEFICIENCIES REQUIRING CORRECTION**

Considering the length of time required to revise and adopt the revised local ordinance, 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 and an opportunity for the State Water Board to review a draft of the revised local ordinance, as outlined above. During the next CUPA performance evaluation, the State Water Board will verify that the revised local ordinance was adopted.

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**3. DEFICIENCY: CORRECTED DURING EVALUATION**

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

Review of chemical inventories submitted to CERS by regulated businesses subject to HMBP reporting requirements finds:

- 579 of 4,977 (12%) HMBP facilities have not submitted a chemical inventory (including site map) or a no-change certification within the last 12 months.

**CITATION:**

HSC, Chapter 6.95, Sections 25505(a)(1) and 25508(a)(2) and (3)  
[CalEPA]

**CORRECTIVE ACTION: COMPLETED**

The California Environmental Reporting System (CERS) compliance, monitoring, enforcement, and inspection (CME) information generated on December 1, 2021, indicates 372 of 5,024 (7%) HMBP facilities have not submitted a chemical inventory (including site map) or a no-change certification within the last 12 months. This deficiency is considered corrected. No further action is required.

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**4. DEFICIENCY: CORRECTED DURING EVALUATION**

The CUPA is not properly classifying Hazardous Waste Generator (HWG) Program violations.

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

- 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).
  - 536 of 632 (85%) violations cited between Fiscal Year (FY) 2018/2019 through FY 2020/2021, for exceedance of authorized accumulation time were classified as minor. Examples include:
    - CERS ID 10317505: inspection dated October 11, 2019

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

**UNIFIED PROGRAM PERFORMANCE EVALUATION  
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**DEFICIENCIES REQUIRING CORRECTION**

- CERS ID 10329961: inspection dated October 24, 2019
- CERS ID 10327747: inspection dated January 8, 2020

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

**CITATION:**

HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6

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

CCR, Title 22, Section 66260.10

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

[DTSC]

**CORRECTIVE ACTION: COMPLETED**

The CUPA provided updates to the data management system, which will ensure incorrect HWG program violation classification default settings will no longer result in the improper classification of HWG program violations. The CUPA provided training on the data management system updates to staff, the training presentations utilized to train staff, and training attendance rosters. This deficiency is considered corrected. No further action is required.

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**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

**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.

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**1. INCIDENTAL FINDING:**

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 complies with UST Regulations and HSC.

Review of facility files finds the following example:

- CERS ID 10174533
  - The letter issued to the owner or operator does not document in sufficient detail that closure was completed to the satisfaction of the CUPA.
  - The letter does not contain the following detailed information:
    - Date(s) of when closure activity (i.e. removal, sampling, etc.) occurred
    - UST identification information, such as size of USTs, what the USTs contained, or UST ID numbers
    - Whether the USTs were removed or closed in place; and
    - Reference to UST Regulations, Sections 2670 and 2672, and HSC, Section 25298.

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

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](https://www.waterboards.ca.gov/ust/leak_prevention/faq15.shtml)) may be referenced.

**CITATION:**

HSC, Chapter 6.7, Section 25298(c)  
CCR, Title 23, Sections 2670 and 2672  
[State Water Board]

**RESOLUTION:**

By the 1<sup>st</sup> Progress Report, the CUPA will develop a UST closure letter template for sites, with and without contamination, if separate letters are issued for those scenarios. The UST closure letter template shall include the following information in sufficient detail to identify the satisfaction of the CUPA regarding UST closure requirements:

- A statement such as: “The Riverside County Environmental Health CUPA has reviewed the UST closure documentation and approves the UST closure or removal in place as properly completed in accordance with HSC Section 25298, Subdivision (c) and UST Regulations, Sections 2670 and 2672.”

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

- Identification of each UST (i.e. size of each UST, what each UST contained, each UST ID#)
- Whether each UST was closed in place or removed
- Date(s) of removal or closure in place, sampling and all activity that occurred for each UST

By the 2<sup>nd</sup> Progress Report, if revisions to the UST closure letter template are necessary, based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended UST closure letter template. If no amendments are necessary, the CUPA will train UST inspection staff on the UST closure letter template. Once training is complete, the CUPA will use the UST closure letter template.

With respect to facilities which have not been provided adequate UST closure documentation, the CUPA will use the revised UST closure letter template accepted by the State Water Board and will provide updated closure documentation to UST owners or operators upon request.

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

The CUPA's Unified Program administrative procedures have a component that is missing.

The following administrative procedure component is missing:

- Financial management
  - Fee Dispute Resolution
    - The CUPA does not have a written procedure in place for resolving fee disputes that arise between the CUPA and PAs, between a regulated business and either the PA or CUPA, or between a regulated business and the state regarding the state surcharge.

**CITATION:**

CCR, Title 27, Section 15210(k)  
[CalEPA]

**RESOLUTION: COMPLETED**

During the evaluation, the CUPA developed a written fee dispute resolution procedure and distributed the procedure to the appropriate staff. This incidental finding is considered corrected. No further action is required.

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

The Inspection and Enforcement (I&E) Plan is inconsistent with HSC, Chapter 6.7.

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

**UNIFIED PROGRAM PERFORMANCE EVALUATION  
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**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

Review of the I&E Plan finds the following inconsistencies:

- The requirements when USTs are affixed with red tags are inconsistent with HSC, Chapter 6.7, Section 25292.3, which was amended and became effective January 1, 2019.
- The Administrative Penalties section states penalties will be calculated based on a set of considerations, which is less stringent than HSC, Section 25200(b), which states UST owners are liable for civil penalties of no less than \$500 or no more than \$5,000 per day for each UST, for each day of violation.

**CITATION:**

HSC, Chapter 6.7, Sections 25292.3 and 25299(b)  
[State Water Board]

**RESOLUTION: COMPLETED**

During the evaluation, the CUPA provided revised I&E Plan language consistent with HSC, Chapter 6.7. This incidental finding is considered corrected. No further action is required.

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# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### OBSERVATIONS AND RECOMMENDATIONS

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

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#### 1. OBSERVATION:

The CUPA's document titled "Public Participation", provides procedures that address comments, hearings and notices related to only the HMBP and California Accidental Release Prevention (CalARP) programs.

Procedures for addressing comments, hearings and notices related to other Unified Program elements are not discussed directly and can only be found via references in the document, Title 3 and Riverside Policy A-2. The CUPA is required to ensure receipt and consideration from regulated businesses and the public related to all Unified Program elements.

#### RECOMMENDATION:

Incorporate the UST, Aboveground Petroleum Storage Act (APSA) and HWG Unified Program elements into the "Public Participation" document.

Incorporate the "Public Participation" document, or make reference to the "Public Participation" document in Title 3 and Riverside Policy A-2.

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#### 2. OBSERVATION:

The CUPA's website

(<https://www.rivcoeh.org/OurServices/HazardousMaterials/AbovegroundPetroleumStorageTanks>)

and the Riverside City Participating Agency's (PA) website

(<https://www.riversideca.gov/fire/divisions/prevention/aboveground-petroleum-storage-act>)

contain various resources for the public and regulated community; however, both websites contain the following information that is outdated, incorrect, or may benefit from improvement:

- The Guide to Understanding Tank in an Underground Area (TIUGA) document ([https://www.rivcoeh.org/Portals/0/TIUGA%20Fact%20Sheet%20REVISED%2012\\_18.pdf](https://www.rivcoeh.org/Portals/0/TIUGA%20Fact%20Sheet%20REVISED%2012_18.pdf)) is outdated. Updated information is available on the OSFM APSA website: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>.
- The APSA brochure (<https://www.rivcoeh.org/Portals/0/PDF/APSA/APSA-Brochure.pdf?ver=2019-03-01-110042-747>) is outdated. Updated information is available on the OSFM website: <https://osfm.fire.ca.gov/media/z4zlg3pr/apsa-faq-12apr2021-final.pdf>.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### OBSERVATIONS AND RECOMMENDATIONS

- The Farm Fact Sheet document (<https://www.rivcoeh.org/Portals/0/Farm%20Fact%20Sheet%2019Feb2016.pdf>) is outdated. Updated information is available on the OSFM website: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/farms/>.
- The Tier II Qualified Facility Spill Prevention, Control, and Countermeasure (SPCC) Plan template is outdated. The current template is available on the OSFM website: [https://osfm.fire.ca.gov/media/13bddwhw/calfire-osfm\\_tierii\\_spcc\\_plantemplate\\_05-2021-accessible.pdf](https://osfm.fire.ca.gov/media/13bddwhw/calfire-osfm_tierii_spcc_plantemplate_05-2021-accessible.pdf).
- Under ‘What is Required,’ the website states each owner or operator of a tank facility must prepare and implement an SPCC Plan; however, not all tank facilities are required to prepare an SPCC Plan under APSA if certain conditions are met.
- Both the Tier I and Tier II qualified facilities discussion on not having discharges to navigable water or adjoining shoreline “in the past three years” is incorrect. A qualified facility is one that has had no single discharge to navigable water or adjoining shoreline exceeding 1,000 gallons or no two discharges (to navigable water or adjoining shoreline) each exceeding 42 gallons within any 12-month period in the three years prior to the SPCC Plan certification date, or since becoming subject to the Federal SPCC rule if the facility has been in operation for less than three years.
- The website states, “Tier II qualified facilities may use the CalCUPA Forum Board designed template...” This referenced template is outdated and may not meet all applicable requirements for a Tier II qualified facility.
- The ‘Full-Plan Facilities’ discussion about facilities with the capacity to store more than 10,000 gallons of petroleum-based products is incorrect. Facilities that do not meet the qualified facility criteria store more than 10,000 gallons of oil, including petroleum.

Note: Any OSFM document developed prior to July 2019 and posted on the CUPA’s website or the PA’s website may have hyperlinks that are no longer valid due to revision of OSFM documents for compliance with accessibility requirements.

#### **RECOMMENDATION:**

Review and update the CUPA and PA websites to ensure each has correct and current APSA program information.

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#### **3. OBSERVATION:**

Some APSA tank facilities submitted an HMBP in lieu of a tank facility statement using the 2011 or older consolidated emergency response and training plans template, which contains obsolete information, including but not limited to the OSFM phone number.

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



UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

**RECOMMENDATION:**

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

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**4. OBSERVATION:**

CERS reflects 705 APSA tank facilities with the reporting requirement set as “APSA Applicable” for the CUPA. The CUPA’s data management system identifies 651 APSA tank facilities.

- 633 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- 72 tank facilities are reported as “APSA Applicable” in CERS but are not identified as APSA tank facilities in the CUPA’s data management system.
  - Some of these facilities are not APSA regulated, and the CUPA should change the CERS APSA reporting requirement to “APSA Not Applicable” for each facility.
  - Many of these facilities are APSA regulated, and the CUPA should update the data management system appropriately.
- 18 facilities identified as APSA tank facilities in the CUPA’s data management system are not in CERS.
  - Some of these facilities are not APSA regulated, and the CUPA should update the data management system appropriately.
  - Some of these facilities are APSA regulated, and the CUPA should change the CERS APSA reporting requirement to “APSA Applicable” for each facility.

CERS reflects 104 APSA tank facilities with the reporting requirement set as “APSA Applicable” for the Riverside City PA. The CUPA’s data management system identifies 103 APSA tank facilities as regulated by the Riverside City PA.

- 102 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- 2 tank facilities are reported as “APSA Applicable” in CERS but are not identified as APSA tank facilities in the CUPA’s data management system. Each facility is not APSA regulated, and the CUPA should change the CERS APSA reporting requirement to “APSA Not Applicable” for each facility.
- 1 facility identified as an APSA tank facility in the CUPA’s data management system is not in CERS. This facility may not be APSA regulated, and the CUPA should update the data management system appropriately.

**RECOMMENDATION:**

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

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UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

**OBSERVATIONS AND RECOMMENDATIONS**

**5. 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 10138389 (Tank IDs 1 - 3);
- CERS ID 10175871 (Tank IDs 1 - 3); and
- CERS ID 10318780 (Tank IDs 1 - 3).

**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.

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](https://www.waterboards.ca.gov/water_issues/programs/ustcf/rust.html).

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**6. OBSERVATION:**

Section (A)(5) of the “Underground Storage Tank Guidelines to Temporary Closure” document references the option for an owner/operator to elect to permanently close the UST during the 12 consecutive month period of temporary closure. This is inconsistent with UST Regulations, Section 2671, which identifies that USTs placed in temporary closure shall be brought back into operation.

**RECOMMENDATION:**

Revise the “Underground Storage Tank Guidelines to Temporary Closure” document to be consistent with UST Regulations, Section 2671.

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**7. OBSERVATION:**

The following UST submittal was accepted in CERS by CUPA personnel that had not obtained the required International Code Council (ICC) California UST Inspector certification:

- CERS ID 10325281: UST submittal accepted on February 1, 2021

**RECOMMENDATION:**

Ensure only ICC certified staff accept CERS UST submittals.

UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

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**8. 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:

- Information provided by the CUPA identifies 4,339 regulated HWG facilities, 51 Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) facilities, and 72 Tiered Permitted (TP) facilities.
- CERS identifies 4,569 HWG facilities.
- The DTSC Hazardous Waste Tracking System (HWTS) identifies 4,523 facilities shipped hazardous waste in 2020.
- The three-year inspection frequency for all HWG facilities is currently being met at a rate of 95%.
- The CUPA conducted 6,223 inspections of HWG facilities, of which 3,244 (52%) had no violations cited and 2,981 (48%) had at least one violation cited.
  - The CUPA conducted 4,690 routine inspections and issued a violation at 2,457 (52%) of those inspections.
  - The CUPA conducted 1,533 other inspections and issued a violation at 524 (34%) of those inspections
- In the 2,981 inspections with at least one violation cited, a total of 8,441 violations were issued, consisting of:
  - 49 Class I violations,
  - 2,573 Class II violations, and
  - 5,819 minor violations.
- The CUPA has ensured return to compliance for 8,195 of 8,441 (97%) cited violations.
  - Several categories of violations lacked violation comments in CERS, which may have altered the classification of a violation.
- The CUPA completed separate formal enforcement actions for 14 different HWG facilities with hazardous waste related violations having a cumulative total penalty amount of \$109,000.00.
- Inspection reports contain detailed comments that note the factual basis of cited violations.
- Inspection reports indicate whether consent to inspect was requested prior to the inspection being conducted.
- The CUPA incorporated AutoZone stores to the TP program for treatment of battery waste from charging units. All AutoZone stores within the jurisdiction of the CUPA utilize the same equipment.

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

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### OBSERVATIONS AND RECOMMENDATIONS

#### RECOMMENDATION:

Implement and incorporate the following into existing policies and procedures:

- Performing routine quality assurance/quality control review of data amount Envision/Accella, CERS and the DTSC Hazardous Waste Tracking System to assess and determine if HWGs within the jurisdiction of the CUPA are identified as regulated facilities.
- additional processes for identifying new and closing businesses to be regulated within the jurisdiction of the CUPA.

Continue with the three-year HWG inspection frequency and applied enforcement efforts in addition to generating quality inspection reports. Ensure that detailed factual basis of a violation is included on the inspection reports and in the data transferred to CERS to support any enforcement efforts.

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

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## 9. OBSERVATION

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

- Riverside County Department of Environmental Health CUPA Application, received July 5, 1996;
  - CERS “Summary Regulated Facilities by Unified Program Element” report, generated on October 5, 2021;
  - CERS “UST Inspection Summary Report (Report 6),” generated on October 5, 2021;
  - County of Riverside Department of Environmental Health CUPA Organizational Chart; and
  - County of Riverside Department of Environmental Health FY 2020/2021 Self-Audit Report
- Total Number of Regulated Businesses and Facilities:
    - In 1996 Application: 4,356
    - Currently: 5,299
    - An increase of 943 facilities
  - Total Number of **Business Plan** Regulated Businesses and Facilities:
    - In 1996 Application: 2,423
    - Currently: 5,294
    - An increase of 2,871 business plans

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### OBSERVATIONS AND RECOMMENDATIONS

- **Total Number of Regulated Underground Storage Tank (UST) Facilities:**
  - In 1996 Application: 1,187
  - Currently: 694
  - A decrease of 493 facilities
- **Total Number of Regulated USTs:**
  - In 1996 Application: 3,109
  - Currently: 2,004
  - A decrease of 1,105 facilities
- **Total Number of Regulated Hazardous Waste Generator Facilities:**
  - In 1996 Application: 2,558
  - Currently: 4,546
  - An increase of 1,988
- **Total Number of Regulated Household Hazardous Waste (HHW) Facilities:**
  - In 1996 Application: NA
  - Currently: 28
  - An increase of 28 facilities
- **Total Number of Regulated Tiered Permitting (TP) Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):**
  - In 1996 Application: 9
  - Currently: 78
  - An increase of 69 facilities
- **Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:**
  - In 1996 Application: NA
  - Currently: 151
  - An increase of 151 facilities
- **Total Number of Regulated Risk Management Prevention Plan (RMPP), also known as California Accidental Release Prevention (CalARP) Program Facilities:**
  - In 1996 Application: 9
  - Currently: 80
  - An increase of 71 facilities
- **Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:**
  - In 1996 Application: NA
  - Currently: 706

Since the original application for certification was submitted in 1996, the CUPA has seen an expansion of responsibilities in the HMBP, HWG, and CalARP programs, increasing the workload undertaken by the CUPA to further implement regulatory oversight of each of these programs.

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

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 the California Environmental Reporting System.

Since 1996, significant changes in the number of regulated facilities has occurred in nearly all Unified Program elements. In particular, the total number of regulated HMBP facilities increased by 2,871 (or 118%) and the total number of regulated HWG facilities increased by 1,988 (or 78%). The incorporation of the APSA program added an additional 481 facilities not previously regulated by the CUPA. The number of regulated UST facilities decreased by 493 (or 42%), the number of TP facilities increased by 69 facilities (or 77%), and the number of CalARP facilities increased by 71 (or 78%). The overall total number of regulated facilities increased by 943 (or 22%).

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 County of Riverside Department of Environmental Health CUPA 1996 Application and recent information provided by the CUPA.

- Inspection and other Staff
  - In 1996 Application:
    - 23 staff working 19,477 hours/year on CUPA activities, which equates to roughly 9.4 FTEs working 2,080 hours/year.
  - Currently:
    - 27 staff working at 100% FTE, which equates to 27 FTEs
  - An increase of 17.6 FTEs
  
- Supervisory and Management Staff
  - In 1996 Application:
    - 8 Supervisory/Management staff working 7,280 hours/year on CUPA activities, which equates to 3.5 FTEs based on 2,080 working hours/year
  - Currently:
    - 6 Supervisor/Management staff at 100% FTE, which equates to 6 FTEs
  - An increase of 2.5 FTEs

The FTE of inspection and supervisory personnel has increased in parallel with the additional program element responsibilities incorporated into the implementation of the Unified Program and the increased number of facilities regulated by the CUPA.

#### **RECOMMENDATION:**

The comparison of the implementation of the program upon certification in 1996 with present-day circumstance reveals that, at present, CUPA performance does not appear to be impacted by staffing resources relative to the total number of regulated facilities and the implementation of Unified Program elements. Continue to assess current staff assignments to ensure adequate implementation of each program element within the Unified Program is obtained.

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

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

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**1. ACTIVE INVOLVEMENT IN CUPA FORUM AND INTERNAL COMMITTEES:**

The CUPA continues to actively participate in the CUPA Forum Board and the Unified Program Administration and Advisory Group (UPAAG) via a variety of Unified Program committees, technical advisory groups (TAGs), and workgroups that function to coordinate, consolidate, and make consistent the implementation of the Unified Program throughout the state. The CUPA is active in the Hazardous Waste, Data and Enforcement Steering Committees, as well as the HMBP Battery Reporting Workgroup. TAG participation includes Hazardous Waste, UST, APSA, CalARP, HMBP, and Emergency Response and Enforcement.

The CUPA has implemented internal technical committees for each program element within the Unified Program. With multiple area offices throughout Riverside County, the internal technical committees ensure that each office has representation to consistently interpret and apply guidance and regulations for applicable programs. This also allows for the facilitation of discussion and an open forum to resolve technical programmatic issues. In addition, this system drives employee ownership of the programs, with vested interest in outcomes of issues.

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**2. TRAINING PROGRAM:**

The CUPA has an aggressive and comprehensive training program for new inspectors. New inspectors are trained in all program elements within the first six months of employment. All inspectors are trained to the Hazardous Materials Technician level, but many are trained to the Hazardous Materials Specialist level. Training is tracked and refreshed annually if not more frequently. The CUPA actively participates at the annual Unified Program Agency Training Conference by having staff speak and train other UPA personnel and conference attendees.

The CUPA is a recognized provider of the Special Projects and Training Program, acting as an Accreditation Agency as certified by the State of California Department of Public Health Environmental Health Specialist Registration Program. Through this program, the CUPA provides staff with continuing education courses along with continuing education units.

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**3. PARTICIPATING AGENCY EVALUATION AND COLLABORATION:**

The City of Corona Fire Department and the City of Riverside Fire Department are both Participating Agencies (PAs) to the Riverside CUPA. In 2017 and 2021, the CUPA performed the annual evaluation of both PAs in-person, which resulted in improved communication and streamlined consistency. The in-person evaluations have fostered a more collaborative approach in Unified Program implementation between the CUPA and its PAs.

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UNIFIED PROGRAM PERFORMANCE EVALUATION  
PRELIMINARY SUMMARY OF FINDINGS REPORT

**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

**4. ROBUST ENFORCEMENT PROGRAM:**

The CUPA has a robust enforcement program that pursues a graduated series of enforcement throughout Riverside County. Multiple checks and balances exist in daily processes to ensure proper violation classification and enforcement escalation for violations observed during inspections. For violations that require escalation, the internal Administrative Enforcement Order (AEO) process for formal enforcement is streamlined and accessible with over 50 AEOs being conducted in the last two years. In addition, the City of Riverside PA has started utilizing the AEO process for enforcement within the jurisdiction of the PA, utilizing CUPA staff. The City of Corona PA plans to soon start this process as well.

This parallel enforcement strategy is expected to make enforcement more comprehensive and consistent within Riverside County for all businesses, whether regulated by the CUPA or a PA. The CUPA works very closely with Riverside County's Office of the District Attorney (DA) staff on Statewide and local enforcement cases, while also being an active participant in the DA's Environmental Crimes Task Force.

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**5. HMBP ENFORCEMENT AUTOMATION PROJECT (HEAP):**

The CUPA, along with its internal Information Technology (IT) department, developed a software product to automate the process of ensuring fair compliance without increasing staff workloads. This product aids with updating the annual HMBP submittals, as well as generating four different letters (Notice To Comply, Notice Of Violation, NOV2 and Administrative Enforcement Order show-cause meeting notification) that will be issued to facilities if there is a delay in submitting an HMBP or if an incorrect HMBP is submitted. In the past, it would take one inspector many hours to generate the applicable letter. The time saved in utilizing this new automated process has increased exponentially with each subsequent letter issued, due to the necessity of coding inspections, violations, and enforcement actions. This new process has significantly reduced the workload for inspectors as now all of the required documents needed for following up with facilities regarding delayed or incorrect HMBP submittals can be done automatically with the use of technology, which allows for CUPA staff to work towards increasing compliance and staff productivity.

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**6. SELF-AUDIT REPORTS:**

The CUPA's annual self-audit report is extensive and informative. The self-audit report begins with an internal checklist of required procedures and proceeds to discuss the self-audit summary, performance for each element of the Unified Program, PA performance, and CUPA financials. The summary portion of the report discusses the I&E Plan, the self-audit, program activities, single-fee, changes in ordinances, resolution and agreements, fee accountability, the CalARP Program, and emergency response. The CUPA also utilizes visual means to present data, by incorporating charts, tables and graphs, financial statements, and transaction documents. Performing such a detailed self-audit has allowed the CUPA to identify areas where improvement is needed, and where the CUPA is excelling at program implementation.



**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

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**7. MAINTAINED INSPECTION FREQUENCY DURING COVID-19 PANDEMIC:**

Throughout the COVID-19 Pandemic, the CUPA was able to maintain the inspection frequency for all Unified Program elements. CUPA staff prioritized UST inspections and Emergency Response activities at the beginning of the pandemic. The CUPA then organized quickly and efficiently to train staff on new safety protocols so inspections for all Unified Program elements could continue.