



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

June 3, 2022

Mr. Steve Morioka
Assistant Director of Hazardous Materials Programs
Contra Costa County Health Services Department
4585 Pacheco Boulevard, Suite 100
Martinez, California 94553-2295

Dear Mr. Morioka:

During May 2021 through February 2022, CalEPA and the state program agencies conducted a performance evaluation of the Contra Costa County Health Services Department 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 rated the CUPA's overall implementation of the Unified Program as satisfactory with improvement needed.

To demonstrate progress towards the correction of program deficiencies and incidental findings identified in the final Summary of Findings, the CUPA must submit an Evaluation Progress Report within 60 days from the date of this letter (August 5, 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, Timothy Brandt, at timothy.brandt@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.

Sincerely,



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

Enclosures

cc sent via email:

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Mr. Steve Morioka
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Mr. Steve Morioka
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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Contra Costa County Health Services Department

Evaluation Period: May 2021 – February 2022

Evaluation Team Members:

- **CalEPA Team Lead:** Timothy Brandt
- **DTSC:** Kevin Abriol
- **CalEPA/Cal OES*:** Garrett Chan, Jack Harrah
- **State Water Board:** Jessica Botsford, Sean Farrow
- **CAL FIRE-OSFM:** Glenn Warner, Mary Wren-Wilson

This Final Summary of Findings includes:

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

The findings contained within this evaluation report are considered final.

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

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

Timothy Brandt
CalEPA Unified Program
Phone: (916) 323-2204
E-mail: timothy.brandt@calepa.ca.gov

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

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead and must include a narrative stating the status of correcting each deficiency and resolving each incidental finding identified in this Final Summary of Findings Report.

Evaluation Progress Report submittal dates for the first year following the evaluation are:

1st Progress Report: August 5, 2022 **2nd Progress Report:** November 7, 2022
3rd Progress Report: February 13, 2023 **4th Progress Report:** May 15, 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.

1. DEFICIENCY:

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

Review of facility files and inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS) indicates the CUPA is classifying Class I or Class II HWG Program violations as minor violations in the following instances:

- Violation for exceedance of authorized accumulation time (California Code of Regulations, 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 California Health and Safety Code (HSC), Section 25404(a)(3).
 - 127 of 157 (81%) violations cited between April 1, 2018, through March 31, 2021, for exceedance of accumulation timeframe were classified as minor.
- Violation for failure to properly implement a Large Quantity Generator (LQG) training program (California Code of Regulations, Title 22, Section 66265.16) incorrectly cited as a minor violation. Failure to provide training and/or maintain related training program records may result in hazardous waste mismanagement issues and an inability to respond to emergencies. There may have been an economic benefit to the facility by not providing training or maintaining training program records. This does not meet the definition of minor violation as described in HSC, Section 25404(a)(3).
 - 32 of 40 (80%) violations cited between April 1, 2018, through March 31, 2021, for failure to implement a LQG training program were classified as minor.

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
California Code of Regulations (CCR), Title 22, Section 66260.10
HSC, Chapter 6.11, Sections 25404(a)(3)
[DTSC]

CORRECTIVE ACTION:

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

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**UNIFIED PROGRAM PERFORMANCE EVALUATION
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DEFICIENCIES REQUIRING CORRECTION

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

- Violation Classification Training Video 2014
<https://www.youtube.com/watch?v=RB-5V6RfPH8>
- 2020 Violation Classification Guidance for Unified Program Agencies
<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>

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

By the 2nd Progress Report, and with each subsequent progress report until considered corrected, the CUPA will provide CalEPA with an inspection report citing at least one HWG Program violation, for three HWG Program facilities, as requested by DTSC, 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 Program violation.

2. DEFICIENCY:

The CUPA is not inspecting each HWG facility per the inspection frequency established in the Inspection and Enforcement (I&E) Plan:

- “Businesses that generate 250 or more tons of hazardous waste are generally inspected annually.”
- “Business that generate lesser quantities are generally inspected every other year.”
- “Facilities operating under Tiered Permitting – Permit By Rule or Conditional Authorization are generally inspected annually.”
- “Facilities operating under Tiered Permitting – Conditionally Exempt are generally inspected every other year.”

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

- 735 of 2,443 (30%) HWG facilities were not inspected per the inspection frequency established in the I&E Plan between April 1, 2019, through March 31, 2021.

CITATION:

CCR, Title 27, Section 15200(a)(3)(A)
HSC, Chapter 6.5, Section 25201.4(b)(2)
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each HWG facility is inspected per the inspection frequency established in the I&E Plan. The action plan will include, at a minimum:

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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

- 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 per the inspection frequency established in the I&E Plan. For each HWG facility listed, the spreadsheet will include, at a minimum:
 - Facility name,
 - CERS ID, and
 - Date of the last routine inspection.
- A schedule to inspect those HWG facilities.
- Future steps to ensure that all HWG facilities will be inspected per the inspection frequency established in the I&E Plan.

By the 2nd Progress Report, the CUPA will, if necessary, revise the action plan and amend the revised I&E Plan, based on feedback from DTSC. The CUPA will provide the revised action plan and amended I&E Plan to CalEPA.

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

By the 5th Progress Report, the CUPA will have inspected each HWG facility in the spreadsheet as established in the action plan.

3. DEFICIENCY:

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

Additionally the CUPA is not utilizing the current Surcharge Transmittal Report template.

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

- FY 2017/2018
 - 1st: Due on October 30, 2017, submitted on November 8, 2017.
 - 2nd: Due on January 30, 2018, submitted on March 14, 2018.
 - 4th: Due on July 30, 2018, submitted on September 10, 2018.
- FY 2018/2019
 - 1st: Due on October 30, 2018, not submitted
 - Note: Records indicate that collected surcharges were remitted, but no quarterly report was provided.
 - 2nd: Due on January 30, 2019, submitted on February 15, 2019.
 - 3rd: Due on April 30, 2019, submitted on May 2, 2019.
 - 4th: Due on July 30, 2019, submitted on September 26, 2019.
- FY 2019/2020
 - 1st: Due on October 30, 2019, submitted on January 27, 2020.

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DEFICIENCIES REQUIRING CORRECTION

- 3rd: Due on April 30, 2020, submitted on May 11, 2020.
- 4th: Due on July 30, 2020, submitted on August 28, 2020.
- FY 2020/2021
 - 1st: Due on October 30, 2020, submitted on July 6, 2021.
 - 2nd: Due on January 30, 2021, submitted on February 19, 2021
 - 3rd: Due on April 30, 2021, submitted on June 21, 2021.

CITATION:

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will have submitted to CalEPA the 4th Quarterly Surcharge Transmittal Report for Fiscal Year 2021/2022 by the required due date using the current template. Thereafter, the CUPA will submit each quarterly Surcharge Transmittal Report to CalEPA no later than 30 days after the end of each fiscal quarter.

The current Quarterly Surcharge Transmittal Report template can be found at:

https://calepa.ca.gov/wp-content/uploads/sites/6/2021/07/SURCHARGE-TRANSMITTAL-REPORT_20210709-ADA.pdf

4. DEFICIENCY:

Required components and references within the Inspection and Enforcement (I&E) Plan are inaccurate.

Review of the I&E Plan (Rev. 1. 2021) finds the following components are inaccurate:

- Permit Process:
 - PDF page 13 of 365 – Section V(A)(2)(b) indicates issuing a permit to a facility in significant compliance, which is inconsistent with HSC, Section 25285. A facility is not required to be in significant compliance in order to be issued a permit.
 - PDF page 13 of 365 – Section V(A)(2)(d) indicates Underground Storage Tank (UST) owners or operators “...are required to update CERS within 30 days if the conditions of their Consolidated Permit have changed.” This is inconsistent with the requirement to notify a CUPA 30 days prior to any change in substance stored in accordance with UST Regulations, Section 2711(c).
- Hazardous Waste Generator Inspections
 - PDF page 61 of 365 – Page 15, Section III of the Facility Inspections Hazardous Waste Generator states, “Civil prosecution or administrative action may result in assessed fines of up to \$25,000 per day per violation.” This is inconsistent with CCR, Title 22, Section 66272.62. Effective January 1, 2018, Assembly Bill 245 increased the penalty amount for hazardous waste violations from \$25,000 to \$70,000 for each day of non-compliance.

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DEFICIENCIES REQUIRING CORRECTION

- Guidelines for Installation of UST Systems in Contra Costa County
 - PDF page 83 of 365 – Item 17 indicates enhanced leak detection (ELD) test results are to be submitted within 30-days of final inspection. This is inconsistent with UST Regulations and HSC, which states ELD test results for new construction must be submitted within 60-days of testing.
- Red Tag Procedures for USTs
 - PDF page 144 of 365 –As written, the procedures are inconsistent with the requirements of HSC, Division 20, Chapter 6.7, Section 25292.3 for a UST owner or operator when USTs are affixed with red tags.
- Appendix B – Initial Penalties
 - PDF page 147 of 365 – The penalty matrix indicates the minimal fee for the UST Program is \$0; however, this is inconsistent with HSC, Section 25299, which states, “penalty of not less than five hundred dollars (\$500) or more than five thousand (\$5000) for each underground storage tank, for each day of violation...”. The CUPA may consider adding language to the penalty matrix indicating UST penalties may be suspended down to zero.
 - PDF page 147 of 365 – Page 24, Appendix B of Section 4 of the Enforcement Plan states, “For a violation Chapter 6.5 of the Health and Safety Code, the violator shall be liable for a penalty not to exceed the amount of \$25,000 per day, per violation as prescribed in HSC section 25189.2.” This is inconsistent with CCR, Title 22, Section 66272.62. Effective January 1, 2018, Assembly Bill 245 increased the penalty amount for hazardous waste violations from \$25,000 to \$70,000 for each day of non-compliance. Additionally, the penalty matrix is outdated.
- Inspection Priorities Policy:
 - PDF pages 210-211 of 365 – Page 3, Section 5.2.3 uses the term “Generally” to describe inspection frequencies for HWG, Aboveground Petroleum Storage Act (APSA), Hazardous Materials Business Plan (HMBP), and California Accidental Release Prevention (CalARP) facilities. The term “Generally” is not specific and implies that inspections may occur more or less frequently than the inspection frequency established by the CUPA. A specific schedule of minimum inspection frequencies is required.
 - PDF page 211 of 365 – Page 4, Section 5.3 lists the mandated inspection frequency for Tired Permit facilities as “Every Three Years”. Mandated inspection frequencies for the Permit-By-Rule (PBR), Conditionally Authorized (CA), and Conditionally Exempt (CE) components of the HWG program are an “initial inspection within two years of notification and every three years thereafter.”

CITATION:

HSC Chapter 6.7, Sections 25284, 25285, 25292.3, and 25299
CCR, Title 23, Sections 2711, 2712, and 2715
CCR, Title 27, Section 15200(a)
[CalEPA, DTSC, State Water Board]

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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the I&E Plan to adequately incorporate all required components and references. The CUPA will provide the revised I&E Plan to CalEPA.

By the 2nd Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from CalEPA, DTSC, or the State Water Board, the CUPA will provide CalEPA with the amended I&E Plan. If no amendments are necessary, the CUPA will train personnel, including UST inspection staff, on the revised I&E Plan. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of personnel, including UST inspection staff, in attendance. Once training is complete, the CUPA will implement the revised I&E Plan.

By the 3rd Progress Report, if amendments to the revised I&E Plan were necessary, the CUPA will train personnel, including UST inspection staff, on the amended I&E Plan. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of personnel, including UST inspection staff, in attendance. Once training is complete, the CUPA will implement the amended I&E Plan.

5. DEFICIENCY:

The CUPA is not consistently implementing UST closure requirements.

Review of UST facility files, CERS information, and GeoTracker indicates the following examples where 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:

- CERS ID 10010875:
 - USTs were removed June 10, 2019.
 - The CUPA generated the required UST closure documentation for the UST closures and provided a UST closure letter to the UST owner/operator dated June 17, 2021, which is substantially later than when the UST closure documentation should have been issued to the UST facility owner/operator.
- CERS ID 10004359:
 - The CUPA provided a UST closure letter to the UST owner/operator dated October 19, 2015. The UST closure letter does not:
 - identify date(s) of closure nor date(s) closure activity took place.
 - contain identifiers for the USTs such as tank numbers, content, or gallons stored.
 - identify if USTs were removed or closed in place.
 - reference HSC, Section 25298 or UST Regulations, Sections 2670 and 2672.
 - indicate USTs were removed in accordance with UST Regulations.

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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

- CERS ID 10004446:
 - The CUPA provided a UST closure letter to the UST owner/operator dated December 21, 2017. The UST closure letter does not:
 - identify date(s) of closure nor date(s) closure activity took place.
 - contain identifiers for the USTs such as tank numbers, content, or gallons stored.
 - reference HSC, Section 25298 or UST Regulations, Sections 2670 and 2672.
 - indicate USTs were removed in accordance with UST Regulations.

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

Note: State Water Board UST Program Leak Prevention [Frequently Asked Question 15](https://www.waterboards.ca.gov/ust/leak_prevention/faq15.shtml) (https://www.waterboards.ca.gov/ust/leak_prevention/faq15.shtml) may be referenced.

CITATION:

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the *Guidelines for Permit to Close Underground Storage Tank Systems*, to ensure the establishment of a process, which will include at a minimum, how the CUPA will:

- document in sufficient detail the owner or operator has demonstrated to the satisfaction of the CUPA that UST closure complies with UST Regulations and HSC, and
- provide UST closure documentation to the UST owner or operator upon completion of UST closure activities which demonstrates to the satisfaction of the CUPA, UST closure, removal complies with UST Regulations and HSC.

The CUPA will provide the revised *Guidelines for Permit to Close Underground Storage Tank Systems* to CalEPA.

By the 1st Progress Report, the CUPA will revise the UST closure letter template for sites with and without contamination, if separate letters are issued for those scenarios, to ensure the following is included:

- Identify UST closure date(s)
- Identifiers for the UST(s) such as tank numbers, content, substance, gallons stored
- Identify USTs closed in place or removed
- Reference to HSC, Section 25298 and UST Regulations, Sections 2670 and 2672
- Indicate completion in accordance with UST Regulations and HSC.

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DEFICIENCIES REQUIRING CORRECTION

The CUPA may consider including the following language in the UST closure letter template:

- “the Contra Costa Health Services Hazardous Materials Program has reviewed the UST closure documentation and finds the UST closure as properly completed in accordance with HSC, Section 25298(c) and UST Regulations, Sections 2670 and 2672.”

By the 2nd Progress Report, if amendments to the revised *Guidelines for Permit to Close Underground Storage Tank Systems* and/or revised UST closure letter template are necessary, based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended *Guidelines for Permit to Close Underground Storage Tank Systems* and/or amended UST closure letter template. If no amendments to the revised *Guidelines for Permit to Close Underground Storage Tank Systems* and/or revised UST closure letter template are necessary, the CUPA will train UST inspection staff on the revised *Guidelines for Permit to Close Underground Storage Tank Systems* and/or revised UST closure letter template. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised *Guidelines for Permit to Close Underground Storage Tank Systems* and/or revised UST closure letter template.

By the 3rd Progress Report, if amendments to the revised *Guidelines for Permit to Close Underground Storage Tank Systems* and/or revised UST closure letter template were necessary, the CUPA will train UST inspection staff on the amended *Guidelines for Permit to Close Underground Storage Tank Systems* and/or amended UST closure letter template. The CUPA will provide training documentation to CalEPA, which at minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended *Guidelines for Permit to Close Underground Storage Tank Systems* and/or amended UST closure letter template.

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

By the 4th Progress Report, or until considered corrected, the CUPA will provide the State Water Board with up to two UST closure letters, for UST removals or closures in place. If no UST removals or closures in place have occurred by the 4th Progress Report, the State Water Board will consider this deficiency closed, but not corrected, upon completion of training and implementation of the revised or amended *Guidelines for Permit to Close Underground Storage Tank Systems* and/or revised or amended UST closure letter template. The State Water Board will verify UST closure activities during the next CUPA performance evaluation.

6. DEFICIENCY: CORRECTED DURING EVALUATION

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

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**UNIFIED PROGRAM PERFORMANCE EVALUATION
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DEFICIENCIES REQUIRING CORRECTION

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

- 6 of 41 (15%) CalARP facilities were not inspected within the last three years.

CITATION:

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

CORRECTIVE ACTION: COMPLETED

During the evaluation, as of February 10, 2022, CERS CME information indicates 2 of 40 (5%) CalARP facilities were not inspected within the last three years. This deficiency is considered corrected. No further action is required.

7. DEFICIENCY: CORRECTED DURING EVALUATION

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

CITATION:

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

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA provided information to indicate that the area plan was last reviewed in March of 2021. This deficiency is considered corrected. No further action is required.

8. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA is not inspecting each APSA tank facility that stores 100,000 gallons or more of petroleum at least once annually in accordance with the I&E Plan.

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

- 6 of 26 (23%) tank facilities that store 100,000 gallons or more of petroleum have not been inspected in the last 12 months.

CITATION:

HSC, Chapter 6.67, Section 25270.5(a) and (b)
[OSFM]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA conducted additional routine inspections of APSA tank facilities that store 100,000 gallons or more of petroleum. This deficiency is considered corrected. No further action is required.

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DEFICIENCIES REQUIRING CORRECTION

9. DEFICIENCY: CORRECTED DURING EVALUATION

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 CERS CME information indicates there is no documented RTC for the following violations:

- FY 2020/2021
 - 42 of 179 (23%)
- FY 2019/2020
 - One violation for not having, or failure to prepare, a Spill Prevention, Control, and Countermeasure (SPCC) Plan.

CITATION:

HSC Chapter 6.11, Section 25404.1.2(c)

HSC, Chapter 6.67, Section 25270.4.5(a)

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

[OSFM]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA documented additional RTC information in CERS. This deficiency is considered corrected. No further action is required.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

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

1. INCIDENTAL FINDING:

The CUPA is not always properly reviewing, processing, and authorizing each annual Onsite Hazardous Waste Treatment Notification for onsite treatment facilities with a Fixed Treatment Unit (FTU).

Review of FTU submittals in CERS indicates:

- CERS ID 10016653
 - PBR and CA submittals marked as “Accepted” on November 19, 2020, and March 24, 2021, are indicated as having two tanks, however the facility has claimed Tank and Container Certification exemption because “No hazardous waste tank onsite.” The CUPA marked the PBR resubmittal as “Accepted” on December 3, 2021, however the notification did not include all required information specified in CCR, Section 67450.2(b)(3), as referenced in CCR 67450.3(c)(1), including the Tank Assessment Certifications requested by the CUPA on November 30, 2021.
- CERS ID 10006771
 - CA submittals marked as “Accepted” on March 11, 2019, March 12, 2020, and March 12, 2021, indicate that the Waste and Treatment Process Combinations include both treatment of aqueous wastes hazardous solely due to inorganic constituents listed in 66261.24(a), and neutralization of acidic or alkaline wastes hazardous solely due to corrosivity. Treatment of both aqueous waste containing metals and neutralization of corrosive waste is not allowed under the CA tier.

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

Note: TP Program training videos are available on the California Certified Unified Program Agency Forum Board website at: <https://www.youtube.com/user/orangetreeweb/videos>.

CITATION:

HSC, Chapter 6.5, Section 25200.3
[DTSC]

RESOLUTION:

During the evaluation, the CUPA followed up with CERS ID 10016653. The CUPA determined marking the PBR resubmittal as “Accepted” on December 3, 2021, was a clerical error and the resubmittal has since been marked as “Not Accepted” by the CUPA.

During the evaluation, the CUPA followed up with CERS ID 10006771 and found there were no issues identified in the CERS submittal.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

By the 1st Progress Report, the CUPA will follow up with CERS ID 10016653 to ensure the facility has made a correct hazardous waste determination and determine if an onsite treatment permit is required. The CUPA will provide CalEPA with a narrative as to the determination.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will review all FTU notifications to ensure accuracy of each Onsite Hazardous Waste Treatment Notification and to ensure submittals are correct and represent the actual waste streams and treatment systems identified at the facility. The CUPA will provide an update to CalEPA on the status of the progress made toward accurately reviewing FTU submittals.

By the 3rd Progress Report, the CUPA will follow up with the facilities identified by the CUPA as requiring a resubmission of the FTU notification to correct any errors. The CUPA will provide CalEPA with a narrative update on the facilities that required follow-up.

2. INCIDENTAL FINDING:

The CUPA is not consistently or correctly reporting complete and accurate CME information to CERS for the HWG Program.

Review of CERS CME information, inspection reports, and other information provided by the CUPA indicates enforcement data was not reported or was incorrectly reported to CERS for the following:

- CERS ID 10010740: CERS reflects a civil enforcement action was created on November 14, 2018, and referred to the district attorney, however no HWG violations are linked to the enforcement action.
- CERS ID 10019722: CERS does not reflect a civil enforcement action referred to the district attorney, filed on August 17, 2021.

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

CITATION:

HSC, Chapter 6.11, Section 25404(e)(4)
CCR, Title 27, Sections 15187(c) and 15290(a)(3) and (b)
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will develop and provide CalEPA with an action plan for reporting HWG enforcement information consistently and correctly to CERS. The action plan will include, at a minimum, the following:

- Identification and correction of the cause(s) of missing or incorrect HWG enforcement information reported to CERS, including any data transfer from the local data management system to CERS to ensure all CME information is reported accurately to CERS;
- Identification of HWG enforcement information not previously reported to CERS, or reported to CERS incorrectly;

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- A process for reporting HWG enforcement information identified as not being reported to CERS, or reported incorrectly to CERS;
- A process for ensuring CUPA personnel are trained on reporting HWG enforcement; and
- Future steps to ensure all HWG enforcement information is reported consistently and correctly to CERS.

By the 1st Progress Report, the CUPA will revise the existing CME reporting component of the data management procedure, or other applicable procedure, to ensure enforcement information is consistently and correctly reported to CERS.

By the 2nd Progress Report, if amendments to the revised CME reporting component of the data management procedure, or other applicable procedure are necessary based on feedback from DTSC, the CUPA will provide CalEPA with the amended CME reporting component of the data management procedure or other applicable procedure. If amendments are not necessary, the CUPA will train CUPA personnel on the revised CME reporting component of the data management procedure, or other applicable procedure.

By the 3rd Progress Report, the CUPA will consistently and correctly report all HWG Program enforcement information to CERS.

3. INCIDENTAL FINDING:

The Annual Single Fee Summary Report has missing information.

- The Annual Single Fee Summary Report for FY 2018/2019 and FY 2019/2020 are missing the amounts for Single Fees billed and collected.
 - The amounts for total Single Fees billed and collected were incorrectly reported the same as the amounts for the total State Surcharges billed and collected.

CITATION:

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with the completed Annual Single Fee Summary Report for FY 2020/2021 that includes all required information reported correctly. The CUPA will provide revised copies of the Annual Single Fee Summary Report for FY 2018/2019 and FY 2019/2020, to correctly reflect the amount of Single Fees billed and collected. The CUPA will complete an Annual Single Fee Summary Report by September 30th for each subsequent FY, including all required information reported correctly.

4. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA did not provide CalEPA with a Formal Enforcement Summary Report within 30 days of final judgement being issued for each formal enforcement case.

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FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

A Formal Enforcement Summary Report was not provided for the following formal enforcement case:

- CERS ID 10010740

CITATION:

CCR, Title 27, Section 15290(a)(5)
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided documentation indicating that a Formal Enforcement Summary Report for CERS ID 1001740 was provided to CalEPA on June 10, 2021. Going forward, the CUPA will ensure that a Formal Enforcement Summary Report is issued for each formal enforcement case within 30 days of a final judgement being issued.

- The [Formal Enforcement Summary Report template](https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Template.pdf) is available at: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Template.pdf>
 - [Instructions for completing the Formal Enforcement Summary Report](https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Instructions.pdf) template are available at: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-eReporting-Instructions.pdf>
 - Completed Formal Enforcement Summary Reports shall be submitted via email to CUPA@calepa.ca.gov.
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UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

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

1. OBSERVATION:

Review of the I&E Plan (Rev 1.2021) indicates information that is inaccurate, outdated, or may benefit from improvement as follows:

- PDF page 8 states Hazardous materials inventory statement (HMIS) as one of the six program elements. This program element includes both the hazardous materials management plans (HMMP) and HMIS.
- PDF page 35 does not clearly state the person conducting the inspection pursuant to HSC, Section 25270.5 must have completed and passed the initial aboveground storage tank inspector training program.
- Hazardous Material Programs Policy
 - PDF page 68 has an outdated reference for the Uniform Fire Code. The current fire code adopted by the state is the California Fire Code (2019 edition).
- UP-003 Facility Inspections APSA Program
 - PDF Page 99 - Section 1.1 states, "APSA regulated facilities are required to prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan." Include information on certain facilities that are exempt from preparing an SPCC Plan if specific conditions are met.
 - PDF Page 99 - Section 3.0 Authority could also reference HSC, Section 25270.4 in addition to HSC, Section 25270.2(c)(3).
- Enforcement Plan
 - PDF page 124 references HSC, Section 2570.12 for APSA Statutory Authority which does not exist. The correct reference is HSC, Sections 25270.2(c)(3) and 25270.4.
 - PDF Page 149 references HSC, Section 25270.5 for penalty amounts. A better reference is HSC, Sections 25270.12 and 25270.12.1.
- APSA Inspection/Compliance checklist
 - PDF page 165 references HSC, Section 2570, which does not exist, the correct reference is HSC, Section 25270. Cite HSC, Chapter 6.67 first on the checklist since Unified Program Agencies (UPAs) implement and enforce APSA. The Federal SPCC Rule (Code of Federal Regulations, Title 40, Part 112) is not enforced by UPAs, but could be referenced along with violations of HSC, Section 25270.4.5(a).
- Underground Storage Tank Sections
 - Update to be consistent with UST Regulations and HSC relative to:
 - Reflect timeframes in months rather than years (ex. 36 months rather than 3 years).
 - Code citations
 - Reference CERS submittals rather than written documents
 - Reference guidance documents as necessary

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OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Revise the I&E Plan as indicated above.

2. OBSERVATION:

There was a limited number of instances where more than one UST “routine” inspection was entered in CERS. A “routine” inspection in CERS is a regularly scheduled inspection conducted to evaluate compliance. A “routine” inspection is not considered a follow-up inspection.

Review of CERS CME information indicates the following:

- CERS ID 10005550: UST routine inspections dated November 15, 2019, and November 22, 2019.
- CERS ID 10005760: UST routine inspections dated February 25, 2020, and March 2, 2020.
- CERS ID 10004353: UST routine inspections dated March 5, 2019, and March 28, 2019.
- CERS ID 10007191: UST routine inspections dated January 9, 2019, and March 13, 2019.

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

RECOMMENDATION:

Though there can be more than one “routine” inspection conducted for a facility and entered in CERS, ensure all inspections are classified correctly in CERS. If not a “routine” inspection, and inspection would be classified as an “Other” inspection, which includes inspections conducted relative to complaint investigations, closures, release investigations, UST installation and/or removal oversight, UST cleaning, follow-up enforcement, or any other inspection conducted in addition to a regularly scheduled “routine” inspection. Review the I&E Plan to ensure the classification of inspections in CERS is addressed accordingly and retrain UST inspection staff as needed.

Contact Dan Firth of the State Water Board, at daniel.firth@waterboards.ca.gov, to determine a path forward allowing for more accurate CERS reporting of inspections conducted, which meets the needs of both the CUPA and the State Water Board.

3. 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:

- Contra Costa County Health Services Department CUPA Application, dated December 19, 1995;
- CERS “Summary Regulated Facilities by Unified Program Element” report, generated on October 7, 2021; and

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FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

- CERS “UST Inspection Summary Report (Report 6),” generated on September 7, 2021.

- Total Number of Regulated Businesses and Facilities:
 - In 1995 Application: 2,103
 - Currently: 3,734
 - An increase of 1,631 facilities

- Total Number of **Business Plan** Regulated Businesses and Facilities:
 - In 1995 Application: 1,561
 - Currently: 3,006
 - An increase of 1,445 facilities

- Total Number of Regulated **Underground Storage Tank (UST)** Facilities:
 - In 1995 Application: 788
 - Currently: 382
 - A decrease of 406 facilities

- Total Number of Regulated **USTs**:
 - In 1995 Application: 1,756
 - Currently: 1,009
 - A decrease of 747 USTs

- Total Number of Regulated **Hazardous Waste Generator** Facilities:
 - In 1995 Application: 1,347
 - Currently: 2,445
 - An increase of 1,098 facilities

- Total Number of Regulated **Household Hazardous Waste (HHW)** Facilities:
 - In 1995 Application: Not specified
 - Currently: 10

- Total Number of Regulated **Tiered Permitting (TP) Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt)**:
 - In 1995 Application: 127
 - Currently: 22
 - A decrease of 105 facilities

- Total Number of **Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities**:
 - In 1995 Application: Not specified
 - Currently: 106

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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

- **Total Number of Regulated Risk Management Prevention Plan (RMPP), also known as California Accidental Release Prevention (CalARP) Program Facilities:**
 - In 1995 Application: 120
 - Currently: 36
 - A decrease of 84 facilities
- **Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:**
 - In 1995 Application: Not applicable
 - Currently: 362

Since the original application for certification was submitted in 1995, the CUPA has seen significant fluctuations in the number of regulated facilities in nearly all Unified Program elements. In particular, the total number of regulated HMBP facilities increased by 1,445 (or 93%) and the total number of regulated Hazardous Waste Generator facilities increased by 1,098 (or 82%). The incorporation of the APSA program also added another 362 facilities not previously regulated by the CUPA. The number of regulated UST facilities decreased by 406 (or 52%), the number of TP facilities decreased by 105 facilities (or 83%), and the number of CalARP facilities decreased by 84 (or 70%); although, in general, the total number of regulated facilities increased by 1,631 (or 78%).

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

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 Contra Costa CUPA 1995 Application and recent information provided by the CUPA.

- Inspection and other Staff
 - In 1995 Application
 - 25 staff working 24,431 hours/year on CUPA activities
 - Equates to approximately 11.7 FTE based on 2,080 working hours/year
 - Currently
 - 22 Staff, 3 vacant positions, total 21.0 FTE budgeted
- Supervisory and Management Staff
 - In 1995 Application
 - 3* staff working 4,440 hours/year on CUPA activities
 - Equates to approximately 2.1 FTE based on 2,080 working hours/year
 - *Note: The application indicates other staff also had supervisory duties, but a specific staff vs. supervisory breakdown of hours worked for employees in these roles was not provided. This note is assuming that the Deputy Director of

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**UNIFIED PROGRAM PERFORMANCE EVALUATION
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OBSERVATIONS AND RECOMMENDATIONS

Environment Health, the County Health Officer, and the Health Services Director were the three primary staff member positions budgeted at 2.1 FTE.

- Currently
 - 3 Supervisors, total 2.0 FTE budgeted

Additional program element responsibilities have been incorporated into the implementation of the Unified Program and the number of facilities regulated by the CUPA has changed since the CUPA applied for certification in 1995. From the provided information, the CUPA has adapted the budgeted FTEs to allow for the allocation of additional resources to be put towards the implementation of the Unified Program.

RECOMMENDATION:

The CUPA has been proactive in expanding staffing resources accordingly to meet the growing needs of Unified Program implementation over time. The majority of the deficiencies and incidental findings identified as a result of this evaluation pertain to duties that are administrative, the most significant of which is improperly reporting CME information to CERS.

Continue to regularly assess and reassess allocation of current staff assignments and existing resources to ensure adequate implementation of each program element within the Unified Program is obtained.

UNIFIED PROGRAM PERFORMANCE EVALUATION
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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

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

1. APSA PROGRAM SUPPORT

The CUPA has actively participated and continues to participate in, and support, the overall implementation of the APSA Program, including:

- Proposed legislation changes
 - Proposed rulemaking
 - Development or revision of fact sheets and guidance documents (Tanks In Under Ground Areas, APSA FAQs, and CERS help materials)
 - Fulfilling the previous co-chair role of the APSA Advisory Committee
 - Current participation in the APSA Advisory Committee
 - Fulfilling the co-chair role of the CUPA Forum Board's APSA Technical Advisory Group (TAG)
 - Instruction of the Virtual APSA Basic Inspector Training course
 - Development of new and revision of old APSA violations for the CERS violation library
 - Coordination of additional training for UPAs outside the annual Unified Program training conference (2019 APSA AST Inspection Training).
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2. PARTICIPATION IN TAGS AND OTHER TRAINING AND ADVISORY GROUPS

The Contra Costa County CUPA has multiple staff actively participating in the Unified Program Administration and Advisory Group (UPAAG), CUPA Forum Board (CFB), CFB technical advisory groups (TAGs), the Bay Area Region CUPA Forum, the annual Unified Program training Conference, and a number of other training and advisory groups that foster statewide coordination and consistent implementation of the Unified Program among all CUPAs. In addition to the outstanding support the CUPA provides for the APSA Program, several CUPA staff have also undertaken leadership roles, and participate in the following:

- CERS Violation Library Workgroup
 - CERS NextGen Workgroup
 - Co-Chair of the 2022 annual Unified Program training conference
 - Intra-Agency Refinery Task Force
 - HMBP TAG
 - Co-Chair of the Hazardous Waste TAG
 - Co-Chair of the Oil Storage Terminal Working Group
 - UST TAG
 - Enforcement TAG
 - Emergency Response TAG
 - Co-Chair of the CalARP TAG
 - ESF-10 Participating Agency (Chem Responder)
-

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

3. FORMAL ENFORCEMENT

Since 2017, the CUPA coordinated a long-standing effort with the Contra Costa County District Attorney's (DA) Office to pursue enforcement against CERS ID 10019722. The facility was cited for multiple violations in the HMBP, HWG, UST and APSA Programs. The Contra Costa County DA settled the case for a total of \$4 million, with \$250,000 allocated for supplemental environmental projects. All violations leading to this enforcement case have been corrected.

4. STATE-CERTIFIED TYPE I HAZMAT TEAM

The Contra Costa CUPA is designated by the State as a Type I, Hazardous Materials Response Team. Throughout the Coronavirus pandemic and over the past several years, the CUPA has continuously responded to hazardous materials incidents and complaints, including:

- Response to 29 incidents requiring immediate mitigation to protect the public from the release of a hazardous material.
 - Removal of approximately 1,300 pounds of hazardous waste from public areas throughout Contra Costa County.
 - Providing mutual aid to a neighboring County to assist with a gasoline tanker truck roll over incident.
-

5. CONTINUED, HIGH-LEVEL SERVICE OPERATIONS DURING COVID-19 RESPONSE

The Contra Costa CUPA is a division of Contra Costa Health Services, and as such, CUPA staff were activated as Disaster Service Workers (DSW) on March 15, 2020, to respond to the COVID-19 pandemic. During the initial stage of the pandemic, while CUPA staff were activated as DSW, CUPA activities, including conducting routine inspections, were suspended.

Routine inspections and permitting duties resumed for UST facilities in early April 2020, and in May 2020, the CUPA developed the Back to Business (B2B) plan. The B2B plan is a 3-phase plan which establishes a roadmap to resume Unified Program regulatory inspections and help the CUPA move forward in carrying out the Unified Program mission. The B2B plan also provides direction and workflows for CUPA staff as they are released from COVID-19 assignments.

By the beginning of 2021, the CUPA entered Phase 3 of the B2B plan, wherein inspection activities at all regulated facilities resumed. During this phase, CUPA staff were still not permitted to inspect medical facilities and offices, as well as congregate facilities such as detention centers, assisted living, and schools until November 15, 2021.

The efforts put forth by the CUPA and the development of the B2B plan in association with the actions applied were evident to the State Evaluation Team during the review and assessment of facility files and CERS CME information pertaining to each of the Unified Program elements. The CUPA was able to quickly adapt to the new constraints raised during the initial stages of the pandemic and return to the pre-pandemic trajectory for inspecting regulated facilities and ensuring enforcement is applied when necessary.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

6. PROVIDED GUIDANCE TO PETROLEUM REFINERIES TRANSITIONING TO PRODUCTION OF RENEWABLE FUELS

The CUPA is working closely with the Department of Conservation and Development to oversee the safe conversion of two petroleum refineries to renewable fuels facilities in central and western Contra Costa County. This transition is projected to have the following positive impacts on the County:

- Reduced handling of hazardous chemicals
- Reduced production of hazardous waste
- Reduced greenhouse gas and other pollutant emissions from these facilities
- A reduction of more than 1 billion gallons of water consumed annually at these facilities

Contra Costa CUPA has provided technical guidance in review and comment of the Environmental Impact Reports for the transition projects of each of the two refineries. In addition, the CUPA has worked specifically with one of the refineries on tracking the deinventory of CalARP regulated materials from the site and the deregistration of the facility from the applicable programs. While the refinery is continuing with the transition, the CalARP staff of the CUPA have provided technical guidance on the implementation of the Process Hazard Analysis (PHA), including any Hierarchy of Hazard Controls Analysis associated with the PHAs. The facility is continuing to implement safety programs related to the CalARP/Industrial Safety Ordinance (ISO). The CUPA has also provided guidance to ease the transition back into the programs once the refinery is online again and implementing production as a renewable fuels site.

7. CONTRIBUTIONS TO THE ANNUAL UNIFIED PROGRAM TRAINING CONFERENCE

The CUPA regularly contributes to training efforts of the annual Unified Program Training Conference in multiple program elements. Recent examples include:

- One CUPA staff presenting a training course in the CalARP track on how to read Piping & Instrumentation Diagrams
- Four CUPA staff presenting a training course in the UST track on case studies involving unpredictable failures of UST systems
- Two CUPA staff fulfilling the role of co-track coordinator for the APSA track as well as presenting training courses in the APSA track

8. WORKING WITH THE REGULATED COMMUNITY

During 2021, the CUPA worked with seven CalARP facilities to draft revisions to applicable chapters of the safety plan guidance document to reflect updates to the Contra Costa County Industrial Safety Ordinance. In total, the CUPA worked with four refineries and three chemical companies.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

9. CONTINUED ASSISTANCE IN DEVELOPMENT OF CALARP PROGRAM 4 GUIDANCE DOCUMENT FOR UPAs WITH REFINERIES

The CUPA continues to lead the effort of seven additional UPAs in the development of a CalARP Program 4 Guidance Document applicable to regulated refineries within each jurisdiction. As the project manager of this effort, in 2021, the CUPA not only provided technical guidance in drafting select chapters, but also assisted in the effort to collect comments from stakeholders and format the document. Currently, all chapters of the document have been drafted and are being finalized to be sent to stakeholders before adoption.

10. POSITIVE ENVIRONMENTAL AND HEALTH OUTCOMES FOR THE COUNTY AND SURROUNDING COMMUNITY

Since certification, the CUPA has actively worked on improving health outcomes for the environment, regulated community, and general populace of Contra Costa County in coordination with various other County offices and initiatives. Notable activities and accomplishments include:

- In coordination with the Contra Costa Lead Poisoning Project, CUPA personnel worked closely with the families of children to investigate, identify, and mitigate the exposure and lead source of 10 instances of elevated blood lead levels within Contra Costa County.
- In coordination with the Contra Costa County department, achieving a decrease in overall pesticide use by 95% since 2000 throughout the County.
- Certification of 218 facilities as Green Businesses, resulting in the following environmental outcomes within Contra Costa County:
 - Greenhouse Gas Emissions Saved: 5,532,225 pounds
 - Energy Saved: 2,640,885 kilowatt hours
 - Solid Waste Diverted from Landfills: 28,138 pounds
 - Water Saved: 5,551,506 gallons
 - Fuel Saved: 4,050 gallons
 - Hazardous Waste Reduction: 1,160 gallons
 - Natural Gas Saved: 83,999 therms

NOTE: The information above is from the environmental savings report, based on vetted equations from the California Green Business Network (CAGBN, www.greenbusinessca.org) and data inputted by individual certified green businesses. The report is an aggregate of multiple individual environmental measures across multiple businesses. Equation inputs include the number of employees, square footage and equipment or supplies used (e.g., appliances, water fixtures, insulated piping, recycled content paper etc.). The 'baseline' for each equation is based on metric averages pulled from utility data and various research sources (e.g., Energy Star, SoCal Gas, California Air Resources Board, 2019 California Green Building Standards Code Title 24, Environmental Protection Agency, etc.).