



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

August 19, 2022

Mr. Jason Boaz
Fire Chief
Healdsburg/Sebastopol JPA
Healdsburg Fire Department
601 Healdsburg Avenue
Healdsburg, California 95448-3608

Dear Mr. Boaz:

During July 2021 through March 2022, CalEPA and the state program agencies conducted a performance evaluation of the Healdsburg/Sebastopol JPA Healdsburg Fire 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 information.

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

Based upon review and completion of the performance evaluation, CalEPA has rated the CUPA's overall implementation of the Unified Program as satisfactory with improvement needed.

To demonstrate progress towards the correction of program deficiencies and incidental findings identified in the final Summary of Findings, the CUPA must submit an Evaluation Progress Report within 60 days from the date of this letter (August 19, 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 Samuel.Porras@calepa.ca.gov.

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

To ensure the CUPA Performance Evaluation process is as effective and efficient as intended, I kindly request the included evaluation survey to be completed and returned to Melinda Blum within 30 days. If you would like to have specific comments remain anonymous, please indicate so on the survey.

Mr. Jason Boaz
Page 2

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:

Mr. Lance Macdonald
Healdsburg/Sebastopol JPA
Healdsburg Fire Department
601 Healdsburg Avenue
Healdsburg, California 95448-3608

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

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

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

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

Mr. Jason Boaz
Page 3

cc sent via email:

Mr. James Hosler, Chief
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Ms. Jennifer Lorenzo
Senior Environmental Scientist (Supervisor)
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

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

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

Ms. Kaitlin Cottrell
Environmental Scientist
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Mr. Matt McCarron
Senior Environmental Scientist, Specialist
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Brennan Ko-Madden
Senior Environmental Scientist
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Ms. Mia Goings
Environmental Scientist
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Jason Boaz
Page 4

cc sent via email:

Mr. Glenn Warner
Senior Environmental Scientist, Specialist
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

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

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Mr. John Elkins
Environmental Program Manager
California Environmental Protection Agency

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

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

Mr. Garrett Chan
Environmental Scientist
California Environmental Protection Agency

Mr. Sam Porras
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Healdsburg/Sebastopol JPA Healdsburg Fire Department

Evaluation Period: July 2021 through March 2022

Evaluation Team Members:

- **CalEPA Team Lead:** Samuel Porras
- **DTSC:** Brennan Ko-Madden, Matthew McCarron
- **CalEPA/Cal OES*:** Garrett Chan, Jack Harrah
- **State Water Board:** Sean Farrow
- **CAL FIRE-OSFM:** Denise Villanueva, Glenn Warner

This Final Summary of Findings includes:

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

The findings contained within this evaluation report are considered final.

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

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

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

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

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

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

1st Progress Report: October 20, 2022

3rd Progress Report: April 3, 2023

2nd Progress Report: January 31, 2023

4th Progress Report: July 6, 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.

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:

Required components of the Inspection and Enforcement (I&E) Plan are incomplete or inaccurate.

Review of the I&E Plan finds the following components are incomplete:

- An established frequency for inspections of silver-only Hazardous Waste Generators (HWGs) has not been established. Silver-only HWGs are regulated as Small Quantity Generators (SQGs) in California and thus require an inspection frequency. The I&E Plan does not clearly indicate whether or not silver-only HWGs are included in the three-year inspection frequency for HWGs or if an alternative inspection frequency is established for silver-only HWGs.
- Provisions for addressing complaints do not include the investigation, enforcement, and closure of a complaint.
- Provisions for ensuring sampling capability and analysis performed by a state certified laboratory are addressed, however information should include identification of sampling equipment, methods to preserve physical evidence obtained through sampling and testing information. This information was required when the CUPA became certified and is necessary to proceed with any potential enforcement actions as needed.

Review of the I&E Plan finds the following components are inaccurate:

- Red Tag Procedures are not consistent with the amended and effective requirements of Health and Safety Code (HSC), Division 20, Chapter 6.7, Section 25292.3 dated January 1, 2019.
- The Penalty Matrix for Underground Storage Tanks (USTs) indicates the minimum penalty for the UST Program is \$0; however, this is inconsistent with HSC, Section 25299, which states the minimum penalty is not less than \$500 and no more than \$5000 for each UST, for each day of violation, for each violation.
- In the section "Inspection – Enforcement Program Plan," subsection I, paragraph F, subparagraph 2, the I&E Plan states:
 - “The HSCUPA will ensure regulatory compliance of Universal Waste Handlers and [Conditionally Exempt Small Quantity Universal Waste Generators] CESQUWGs by doing the following:
 - a. Conducting routine and spot check inspections of businesses that handle silver and/or universal waste.
 - b. Conducting piggyback inspections (e.g., inspecting for silver or universal waste when conducting other regulatory activities at a given site).
 - c. Performing follow-up to emergency responses if they involve silver or universal waste.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

- d. 5% of hazardous waste resources will be annually determined by multiplying the standard workload for full-time inspectors (1860 hours) by the number of FTE's dedicated to the CUPA program and by 0.05, then dividing the total by six (the number of CUPA programs)."

The May 8, 2021, letter to CUPAs from the CUPA Forum Board referenced in this section contains outdated information regarding Silver-only Generators and CESQUWGs. DTSC issued a letter to CUPAs dated October 11, 2021, with guidance on how to regulate Silver-only Generators and CESQUWGs. The I&E Plan should be updated to refer to the October 11, 2021, letter issued by DTSC.

- Page 32, "Initial Penalties", contains inaccurate information regarding the total penalty amount per day, per violation found in HSC, Section 25189.2 and the Initial Penalty Matrix found in CCR, Title 22, Section 66272.62, used to calculate an initial penalty for hazardous waste violations. The total penalty amount per day, per violation, specified in statute increased from \$25,000 to \$70,000 in 2018. All violations cited after July 5, 2018, have a statutory maximum of \$70,000 per violation, per day.

CITATION:

HSC, Chapter 6.7, Sections 25285, 25292.3, 25299, 25299.2
California Code of Regulations (CCR), Title 27, Section 15200(a)
[CalEPA, DTSC, State Water Board]

CORRECTIVE ACTION:

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

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

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

2. DEFICIENCY:

The CUPA is not inspecting each facility subject to Hazardous Materials Business Plan (HMBP) requirements at least once every three years.

Review of inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS), finds:

- 48 of 226 (21%) facilities subject to HMBP requirements were not inspected within the last three years.

CITATION:

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with an action plan to ensure each facility subject to HMBP requirements is inspected at least once every three years. The action plan will include, at a minimum:

- A spreadsheet exported from the CUPA's data management system or CERS, identifying each HMBP facility that has not been inspected within the last three years. For each HMBP facility listed, the spreadsheet will include, at a minimum:
 - Facility name;
 - CERS ID; and
 - Date of the last routine inspection
- A schedule to inspect those HMBP facilities, prioritizing the most delinquent inspections to be completed prior to any other Business Plan inspection based on risk.
- Future steps to ensure that all HMBP facilities will be inspected at least once every three years.

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

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 facility subject to HMBP requirements at least once in the last three years.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

3. DEFICIENCY:

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

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

- 78 of 226 (35%) business plan 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) and 25508(a)
[CalEPA]

CORRECTIVE ACTION:

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

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

- Facility name:
- CERS ID;
- Follow-up actions including:
 - Recent review, acceptance, and rejection of chemical inventories or no-change certifications
 - For those businesses that have not complied, the appropriate enforcement taken by the CUPA to ensure a complete HMBP is annually submitted to CERS.

By the 4th Progress Report, the CUPA will follow up with each regulated business subject to HMBP reporting requirements identified in the action plan, to ensure a chemical inventory or a no-change certification has been submitted to CERS, or the CUPA will apply appropriate enforcement.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

4. DEFICIENCY:

The CUPA is not inspecting each HWG facility once every three years.

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

- 21 of 122 (17%) HWG facilities were not inspected once every three years.
 - CERS CME information reflects 125 HWG facilities.
 - On August 18, 2021, the CUPA provided documentation showing three facilities no longer generate hazardous waste, resulting in a total of 122 HWG facilities.
- The CUPA's 2018/2019 Self-Audit Report states there are 126 HWG facilities.

Review of CERS CME information and facility file information finds the following HWG facilities have not received a routine HWG inspection once every three years:

- CERS ID 10154363 – HWG inspections reported in CERS on July 7, 2017, and June 14, 2021
- CERS ID 10116769 – Last HWG inspection reported in CERS is August 9, 2017
- CERS ID 10120780 – Last HWG inspection reported in CERS is August 16, 2017
- CERS ID 10503460 – Last HWG inspection reported in CERS is August 31, 2017
- CERS ID 10166253 – Last HWG inspection reported in CERS is September 28, 2017
- CERS ID 10733866 – Last HWG inspection reported in CERS is November 10, 2017
- CERS ID 10112647 – Last HWG inspection reported in CERS is November 27, 2017
- CERS ID 10206874 – Last HWG inspection reported in CERS is December 13, 2017
- CERS ID 10156243 – Last HWG inspection reported in CERS is December 15, 2017
- CERS ID 10112686 – Last HWG inspection reported in CERS is December 19, 2017
- CERS ID 10131148 – Last HWG inspection reported in CERS is February 16, 2018
- CERS ID 10121308 – Last HWG inspection reported in CERS is February 20, 2018
- CERS ID 10102696 – Last HWG inspection reported in CERS is February 20, 2018
- CERS ID 10448323 – Last HWG inspection reported in CERS is February 21, 2018
- CERS ID 10173231 – Last HWG inspection reported in CERS is February 27, 2018
- CERS ID 10121191 – Last HWG inspection reported in CERS is March 15, 2018
- CERS ID 10130728 – Last HWG inspection reported in CERS is March 19, 2018
- CERS ID 10131034 – Last HWG inspection reported in CERS is March 29, 2018
- CERS ID 10127803 – Last HWG inspection reported in CERS is May 24, 2018
- CERS ID 10134094 – Last HWG inspection reported in CERS is May 30, 2018
- CERS ID 10156795 – Last HWG inspection reported in CERS is May 31, 2018

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

CITATION:

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

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

- A sortable spreadsheet exported from the CUPA's data management system or CERS, identifying each HWG facility that was not inspected once every three years. For each HWG facility listed, the spreadsheet will include, at a minimum:
 - Facility name,
 - CERS ID, and
 - Date of the last routine inspection.
- A proposed schedule to inspect those HWG facilities, prioritizing the most delinquent inspections to be completed prior to any other HWG inspection.
- Future steps to ensure that all HWG facilities will be inspected at least once every three years.

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 identified on the spreadsheet provided with the 1st Progress Report at least once every three years.

5. DEFICIENCY:

The local ordinances, *Chapter 8.16 Underground Storage of Hazardous Substances* and *Chapter 8.20 Certified Unified Program Agency (CUPA)* are inconsistent with and/or are less stringent than CCR, Title 23, Division 3, Chapter 16 (UST Regulations) and HSC.

Review of the local ordinance *Chapter 8.16 Underground Storage of Hazardous Substances* finds the following is inconsistent:

- 8.16.010 – *Underground Storage Tanks*; states, “Pursuant to Division 20 of the Health and Safety Code, Chapter 6.11, Section 25404.1, and Chapter 6.7, Section 25283, the City of Healdsburg assumes the enforcement responsibility for the implementation of Title 23, Division 3, Chapters 16 and 18 of the California Code of Regulations and Chapters 6.7 and 6.75 of the California Health and Safety Code; Chapter 6.7 of the Health and Safety Code and Chapter 16 of the California Code of Regulations relating to underground storage of hazardous materials; Chapter 6.75 of the Health and Safety Code and Chapter 18 of the California Code of Regulations relating to petroleum underground storage tank cleanup.”
 - The CUPA does not have regulatory authority to implement the cleanup of USTs as a Local Oversight Program agency, and therefore cannot cite HSC, Division 20, Chapter 6.75 or CCR, Title 23, Division 3, Chapter 18.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

Review of the local ordinance *Chapter 8.20 Certified Unified Program Agency (CUPA)* finds the following is inconsistent and/or less stringent:

- 8.20.040 – *Certified Unified Program Agency Permit Required*; subsection (C) states “Construct, install, repair, modify, upgrade, temporarily close, remove or abandon in place any underground storage tank system or any part of the system.”
 - This is less stringent than HSC, Section 25298(a), as no person shall abandon a UST. The correct terminology is “closure in place.”
- 8.20.110 – *Underground Storage Tanks*; subsection (B) references construction requirements for HSC, Sections 25291 and 25292.HSC.
 - Sections 25290.1 and 25290.2 are not listed.
- 8.20.110, subsection (C) states “abandon in place.” This is less stringent than HSC, Section 25298(a) as no person shall abandon a UST.
 - The correct terminology is “closure in place.”
- 8.20.110, subsection (D) states “if there is a release the person or business shall complete a written report and submit it to the CUPA and notify the North Coast Regional Water Quality Control Board.”
 - This is inconsistent with HSC, Section 25295(a)(1) as UST owners or operators must report “reportable” releases to a CUPA within 24 hours after a release has been detected or should have been detected and transmit information regarding the unauthorized release to the CUPA no later than five working days after the date of the occurrence of the unauthorized release.
 - Further, UST Regulations, Section 2713(a) requires each CUPA to transmit unauthorized release information to the appropriate Regional Board through CERS or a local reporting portal. Owners or operators must report any additional requirements that may be imposed by HSC, Sections 13271 and 13272 of the Water Code [HSC, section 25295(c)] and reporting an unauthorized release to the Office of Emergency Services if emergency response personnel and equipment were involved at any time [HSC, section 25295(c)].
- 8.20.170 – *Inspections*; states “The CUPA may make periodic inspections of locations where hazardous material and/or hazardous waste is generated, stored, handled, disposed, treated or recycled, and may inspect aboveground and underground storage tank systems and all locations where the CUPA has reasonable cause to believe that hazardous materials or hazardous waste is generated, stored, handled, disposed, treated, or recycled.”
 - This is inconsistent with UST Regulations which require all UST systems to be inspected at least once every 12 months.

CITATION:

HSC, Chapter 6.7 Sections 25288, 25290.1, 25290.2, 25291, 25292, 25295, 25298, 25299.2, and 25299.3

CCR, Title 23, Section 2713(a)

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]

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

The CUPA will no longer implement any provisions that are inconsistent or less stringent with UST Regulations and HSC.

By the 1st Progress Report, the CUPA will provide CalEPA with a detailed plan to repeal and/or revise and adopt the local ordinances, *Chapter 8.16 Underground Storage of Hazardous Substances* and/or *Chapter 8.20 Certified Unified Program Agency (CUPA)* and ensure each reflects the correct authority and consistency with UST Regulations and HSC. The plan will at a minimum include:

- A timeline for repealing and/or revising and adopting the ordinance(s).
- Provisions for the CUPA to provide the repealed and/or revised local ordinance(s) to CalEPA and the State Water Board for review to ensure correct authority and consistency with UST Regulations and HSC.

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

Considering the length of time required to draft, repeal and/or revise and adopt local ordinances, the State Water Board will consider this deficiency closed, but not corrected, after the CUPA has provided an acceptable plan for the repeal and/or revision and adoption of the revised local ordinance(s) as outlined above. During implementation of the plan, the State Water Board must have an opportunity to review the repealed and/or revised draft of the local ordinance(s), which will allow the State Water Board to work with the CUPA to ensure the repealed and/or revised draft of the local ordinance(s) is/are consistent with UST Regulations and HSC, the CUPA certification approval, and meet(s) all other requirements.

During the next CUPA performance evaluation, the State Water Board will verify that the local ordinances were revised (if applicable) and adopted.

6. DEFICIENCY:

The UST operating permit and permit conditions, issued under the Unified Program Facility Permit (UPFP), are inconsistent with the existing CUPA ordinance (*Chapter 8.20 Certified Unified Program Agency*), UST Regulations and HSC requirements.

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

- UST Program citations reference “CH&SC DIVISION 20, CHAPTER 6.75” and “TITLE 23 CCR, DIVISION 3, CHAPTER 18.” The CUPA does not have regulatory authority to implement cleanup of USTs as a Local Oversight Program agency, and therefore cannot cite HSC, Division 20, Chapter 6.75 or California Code of Regulations, Title 23, Division 3, Chapter 18.
- Permit Condition 1 states, “The owner or operator must report any unauthorized release to the CUPA...” HSC, Section 25295(a)(1) requires an owner or operator to report a

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

“reportable” release to a CUPA within 24 hours after a release has been detected or should have been detected and transit information regarding the unauthorized release to the CUPA no later than five working days after the date of the occurrence of the unauthorized release. In addition, the owner or operator must report the unauthorized release to the Office of Emergency Services if emergency response personnel and equipment were involved at any time during the unauthorized release.

- Permit Condition 2 indicates UST owners or operators must notify the CUPA of changes in the usage of any UST within 30 days. CCR, Section 2711(c) requires UST owners or operators to notify the CUPA 30 days prior to any change in substance stored.
- Permit Condition 5 reflects maintaining monitoring and maintenance records for “3 years.” CCR, Section 2712(b)(1) requires UST owners or operators to maintain monitoring and maintenance records for 36 months. In addition, the permit conditions state, “The Response Plan, Monitoring Plan, and Plot Plan shall be maintained on site with this Permit.” CCR, Section 2632(d)(1-2) and (d)(1)(C), Section 2634(d)(2) and (e), and Section 2641(h) require these plans to be in CERS.

Review of UST operating permit conditions finds the following inconsistency with the UST operating permit and local ordinance, *Chapter 8.20 Certified Unified Program Agency*, section 8.20.050:

- Permit Condition 8 states “facilities will retain a paper copy of the permit if an electronic copy of the permit is not readily accessible at the facility in accordance with Title 23 CCR, Section 2712(i).” This is inconsistent with the UST operating permit language to “DISPLAY IN A PROMINENT PLACE” and the local ordinance, subsection E, which requires the issued permit to be posted at the permit place of business.

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

CITATION:

HSC, Chapter 6.7, Section 25295

CCR, Title 23, Sections 2632(d)(1-2) and (d)(1)(C), 2634(d)(2) and (e), 2641(h), 2711(c), and 2712(b) and (i)

[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will revise the UST operating permit and permit conditions template, issued under the UPFP, to be consistent with the existing CUPA ordinance (*Chapter 8.20 Certified Unified Program Agency*) and UST Regulations and HSC requirements. The CUPA will provide the revised UST operating permit and permit conditions template to CalEPA.

By the 2nd Progress Report, the CUPA will, if necessary, amend the revised UST operating permit and permit conditions template, issued under the UPFP, based on feedback from the State Water Board, and will provide the amended UST operating permit and permit conditions template to CalEPA.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

Due to the CUPA's three-year permitting cycle, the State Water Board will consider this deficiency corrected upon completion and acceptance of the revised or amended UST operating permit and permit conditions template, issued under the UPFP. Issuance of the revised or amended UST operating permit and permit conditions template will be verified during the next CUPA Performance Evaluation.

7. DEFICIENCY:

The CUPA is not consistently documenting in sufficient detail whether the UST owner or operator has demonstrated to the satisfaction of the CUPA, UST permanent closure complies with UST Regulations and HSC.

Review of UST facility files finds the following examples:

- 230 Healdsburg Avenue: the letter issued to the owner or operator does not document in sufficient detail that closure was completed to the satisfaction of the CUPA. Additionally, the letter does not contain the following 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, and/or UST ID numbers; and
 - Reference to UST Regulations, Sections 2670, 2672, and HSC 25298.
- 720 South Main Street: the letter provided was a "no further action" letter, issued by the Regional Water Quality Control Board. The CUPA did not issue a closure letter for this facility.

CITATION:

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

CORRECTIVE ACTION:

During the evaluation, the CUPA provided the following:

- UST closure letters issued to both facilities on January 24, 2022
- A revised UST closure template
- Training documentation of staff on the use of the revised UST closure template
- Revised *UNDERGROUND STORAGE TANK REMOVAL & INSTALLATION PERMIT PROCEDURES*.

Review of the UST closure documents finds them acceptable.

By the 1st Progress Report, the CUPA will train UST inspection staff on the revised *UNDERGROUND STORAGE TANK REMOVAL & INSTALLATION PERMIT PROCEDURES*. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised *UNDERGROUND STORAGE TANK REMOVAL & INSTALLATION PERMIT PROCEDURES*.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

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

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

8. DEFICIENCY: CORRECTED DURING EVALUATION

Unified Program administrative procedures have components that are incomplete.

The following Unified Program administrative procedures have components that are incomplete:

- The Public Participation Policy does not address a process for coordinating, consolidating, and making consistent public notices for activities related to any Unified Program element.
- The Records Maintenance Procedure does not identify the following documents required to be retained for a minimum of five years:
 - Copies of self-audits, inspection reports, and enforcement files
 - All records related to hazardous waste enforcement actions from the date the enforcement action is resolved
 - Detailed records used to produce the summary reports submitted to the state
 - Surcharge billing and collection records following closure of any billing period, or until completion of any audit process, whichever is longer
 - Training records required by CCR, Title 27, Section 15260, and any other required training records specific to each program element
- The Fee Dispute Resolution Policy does not address mechanisms for ensuring fee disputes referred to the Secretary shall be made in writing and include a recommendation for resolution.

CITATION:

CCR, Title 27, Section 15180(e)(1), 15185(b), 15200(a), and 15210(k)(1)
[CalEPA]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA provided a revised Public Participation Policy, a revised Records Maintenance Procedure, and a revised Fee Dispute Resolution Policy as well as an outline of the training conducted and a list of CUPA personnel trained on the revised policies and procedure. The revised policies and procedure adequately incorporate all required components. This deficiency is considered corrected. No further action is needed.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

9. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA is not inspecting each Aboveground Petroleum Storage Act (APSA) tank facility at least once every three years in accordance with the I&E Plan.

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

- 3 of 13 (23%) APSA tank facilities have not been inspected within the last three years.

CITATION:

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

CORRECTIVE ACTION: COMPLETED

During the CUPA Performance Evaluation, the CUPA performed sufficient inspections to correct this deficiency. No further action is required.

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.

1. INCIDENTAL FINDING:

The CUPA is not consistently ensuring UST Program related information in CERS is accurate and complete.

Review of the UST Facility/Tank Data Download report obtained from CERS on September 9, 2021, finds UST construction and monitoring information is incorrect as follows:

- 4 of 38 (11%) USTs with double-walled pressurized pipe are without mechanical or electronic line leak detectors.
- 5 of 41 (12%) USTs are identified without no form of overfill protection.
- 6 of 34 (18%) UST systems installed between January 1, 1984, and June 30, 2004, are identified as not conducting triennial secondary containment tests.
- 4 of 41 (10%) motor vehicle USTs are identified as not having to complete annual spill container testing.
- 5 of 41 (12%) USTs show no striker plate/bottom protectors.

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

Note: The following CERS Frequently Asked Questions (FAQs) may be referenced:

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

Note: The following State Water Board correspondence may be referenced:

- “When to Review Underground Storage Tank Records,” dated November 29, 2016.

CITATION:

HSC, Chapter 6.7, Sections 25286, 25288(a)
CCR, Title 23, Sections 2632(d)(1), 2634(d)(2), 2641(g) and (h) and 2711(d)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will review the I&E Plan or other applicable procedure and revise as necessary, to address consistently ensuring UST Program related information in CERS is accurate and complete. The CUPA will provide the revised I&E Plan or other applicable procedure to CalEPA. The CUPA will train UST inspection staff on the revised I&E Plan or other

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

INCIDENTAL FINDINGS REQUIRING RESOLUTION

applicable procedure and retain training documentation, including an outline of the training conducted and a list of CUPA personnel in attendance.

With respect to UST Program submittals already accepted in CERS, the CUPA will review UST related information and require accurate and complete UST Program submittals when the next UST Program submittal is made, but no later than the next annual UST compliance inspection.

2. INCIDENTAL FINDING:

The UST Removal & Installation Permit Procedure has components that are inaccurate and less stringent than UST Regulations and HSC.

Review of the *Underground Storage Tank Removal & Installation Permit Procedure* finds the following component is inaccurate:

- The procedure requires the facility to submit State Forms A and B (a separate Form B for each tank), installation plans (blueprints), a written monitoring program, a response plan, and financial responsibility, etc. to the CUPA with the permit application. This is inconsistent with HSC, UST Regulations, and the CUPA's local ordinance. The information contained in Forms A and B, the written monitoring program/plans, response plan, and financial responsibility are now required to be submitted to CERS.

Review of the *Underground Storage Tank Removal & Installation Permit Procedure* finds the following component is less stringent than UST Regulations and HSC:

- The procedure indicates, "All newly installed underground storage tanks must be double walled with the capability of monitoring the interstitial space. The piping must also provide double containment, which includes a leak line detection system, and be able to monitor the entire secondary containment system." While this applies to UST systems installed after January 1, 1984, this is less stringent for UST systems installed on or after July 1, 2003, and before July 1, 2004, and UST systems installed after July 1, 2004, where UST systems must also have the ability to detect the entry of liquid or vapor phase of a hazardous substance stored in the primary containment into the secondary containment and to detect water intrusion into the secondary containment.

CITATION:

HSC, Chapter 6.7, Sections 25285, 25290.1, 25290.2, 25291, 25298 and 25299.2
California Code of Regulations (CCR), Title 27, Section 15200(a)
[State Water Board]

RESOLUTION:

During the evaluation, the CUPA provided revised *UNDERGROUND STORAGE TANK REMOVAL & INSTALLATION PERMIT PROCEDURES*. Review of *UNDERGROUND STORAGE TANK REMOVAL & INSTALLATION PERMIT PROCEDURES* finds them acceptable.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

INCIDENTAL FINDINGS REQUIRING RESOLUTION

By the 1st Progress Report, the CUPA will train CUPA personnel on the revised *UNDERGROUND STORAGE TANK REMOVAL & INSTALLATION PERMIT PROCEDURES*. Once training is complete, the CUPA will implement the revised *UNDERGROUND STORAGE TANK REMOVAL & INSTALLATION PERMIT PROCEDURES*.

3. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA has not provided the local code citation for all local reporting requirement information collected in CERS.

The local reporting requirement includes:

- Facility Information – “Regulated facilities in this jurisdiction are required to report property owner information.”

CITATION:

CCR, Title 27, Section 15187(d)
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA requested the removal of the above local reporting requirement from CERS. The local reporting requirement was removed from CERS. No further action is required.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

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:

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

- There are 122 regulated HWG facilities, including two Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) facilities. There are no Tiered Permitted facilities.
- The CUPA inspected 96 facilities and performed 153 Routine or Other HWG inspections, of which 114 (75%) had no violations cited and 39 (26%) had at least one violation cited. The State average for HWG routine inspections performed having at least one violation cited is 40%.
 - In the 39 inspections performed with at least one violation cited, 78 total violations were issued, consisting of:
 - 2 Class I violations,
 - 39 Class II violations, and
 - 37 minor violations.
 - The CUPA has ensured return to compliance for 71 of 78 (91%) violations cited.
- The CUPA had a cumulative total penalty amount of \$0 as a result of not initiating separate formal enforcement actions for hazardous waste related violations.
- Inspection reports contain detailed comments that note the factual basis of cited violations and indicate whether consent to inspect was requested prior to the inspection.
- 6 of 41 (15%) HWG violations have no RTC in CERS
- RTC information was not obtained within 60 days and/or there is no documented RTC in CERS for the following Class I and Class II violations:
 - CERS ID 10670722
 - One Class I violation was cited on September 26, 2019, with an RTC date of January 16, 2020 (112 days to RTC). This facility was part of the facility file review and RTC communications between the CUPA and the facility were observed.
 - CERS ID 10132378
 - One Class II violation was cited on September 8, 2018, with an RTC date of May 7, 2019 (239 days to RTC).
 - CERS ID 10129231
 - One Class II violation was cited on December 6, 2018, with an RTC date of January 12, 2020 (402 days to RTC).
 - CERS ID 10120267
 - One Class II violation was cited on March 5, 2019, with an RTC date of April 6, 2020 (398 days to RTC).

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- CERS ID 10399522
 - One Class II violation was cited on May 21, 2019, with an RTC date of February 5, 2020 (260 days to RTC).
- CERS ID 10471423
 - One Class II violation was cited on May 31, 2019, with an RTC date of August 27, 2021 (616 days to RTC).
- CERS ID 10169791
 - Two Class II violations were cited on June 12, 2019, each with an RTC date of May 5, 2021 (693 days to RTC).
- CERS ID 10122709
 - One Class II violation was cited on January 10, 2020, with an RTC date of July 30, 2020 (202 days to RTC).
- CERS ID 10112716
 - One Class II violation was cited on September 9, 2020, with an RTC date of April 6, 2021 (209 days to RTC).
- CERS ID 10126363
 - Two Class II violations were cited on September 16, 2020, each with an RTC date of January 9, 2021 (115 days to RTC).
- CERS ID 10125466
 - One Class II violation cited on August 13, 2020, has no RTC (424 days without RTC as of October 21, 2021).
- CERS ID 10132141
 - One Class II violation cited on August 27, 2019, has no RTC (786 days without RTC as of October 21, 2021).
- CERS ID 10690384
 - Two Class II violations cited on November 30, 2020, have no RTC (335 days without RTC as of October 21, 2021).
- CERS ID 10112680
 - Two Class II violations cited on March 30, 2021, have no RTC (205 days without RTC as of October 21, 2021).

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

RECOMMENDATION:

Continue with the three-year HWG inspection frequency and applied enforcement efforts in addition to generating quality inspection reports. Continue to ensure that detailed factual basis of each violation is included in inspection reports and in the CME information transferred to CERS, to support any enforcement efforts. Follow up with facilities that have not returned to compliance by the scheduled RTC date and apply appropriate enforcement when facilities do not RTC, per the I&E Plan.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

2. OBSERVATION:

An SPCC Plan was submitted to CERS by an APSA tank facility as part of an APSA CERS submittal (CERS ID 10113022).

SPCC Plans are not required as part of an APSA CERS submittal; therefore, SPCC Plans should not be uploaded to CERS.

The APSA documentation section in CERS APSA submittal is for a regulated business to provide an annual tank facility statement submittal, when an HMBP is not submitted in lieu of a tank facility statement, or for the regulated business to provide information for other local reporting requirements.

RECOMMENDATION:

Utilize the regulator comments field in CERS to provide feedback and advise regulated businesses that SPCC Plans should not be included in future CERS submittals for APSA tank facilities.

3. OBSERVATION:

The CUPA's website (<https://www.ci.healdsburg.ca.us/308/Certified-Unified-Program-Agencies-CUPA>) contains various resources for the public and regulated community; however, it contains links to an APSA Program webpage and a CERS information webpage, each with information that is outdated, incorrect, or may benefit from improvement.

- Information on the APSA Program webpage (<https://www.ci.healdsburg.ca.us/283/Above-Ground-Petroleum-Storage-Act-APSA->) is outdated, incorrect, or may benefit from improvement as follows:
 - Links to the OSFM APSA website are broken.
 - The following statement is inaccurate and outdated, "Your local CUPA will soon be conducting inspections of your tanks (if your aggregate capacity is greater than 1,320 gallons)":
 - Replacing "if your aggregate capacity is greater than 1,320 gallons," with "if the tank facility is subject to the SPCC rule or has a storage capacity of 1,320 gallons or more of petroleum, or has one or more tanks in underground areas," would accurately clarify the statement.
 - The Tier I and Tier II qualified facility discussions on not having discharges to navigable water or adjoining shoreline "in the prior 3 years" are 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.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- Information on the CERS information webpage (<https://ci.healdsburg.ca.us/294/California-Environmental-Reporting-System>) is outdated, incorrect, or may benefit from improvement as follows:
 - The Facility Site Plan template (Word document: <https://ci.healdsburg.ca.us/DocumentCenter/View/7791>) omits the location of emergency shutoff.
 - The list of components for Site Layout is missing the evacuation staging area.
 - The Emergency Response Contingency Plan (Word document: <https://ci.healdsburg.ca.us/DocumentCenter/View/447>) is outdated. The 2011 document contains obsolete information, including but not limited to an outdated OSFM phone number. The current Emergency Response Contingency Plan is available in CERS Central.

RECOMMENDATION:

Update the information on the APSA Program and CERS information webpages with correct and current information.

4. OBSERVATION:

The I&E Plan contains information that is inaccurate or may benefit from improvement.

- Page 1 – The Unified Program elements list should clarify the California Fire Code element to include Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS).
- Page 27, section B (2) - discussion should reference HSC, Chapter 6.67 rather than HSC, Section 25270.5
- Page 37 – The APSA penalty discussion should reference HSC, Section 25270.12 rather than HSC, Section 25270.5, and the Initial Penalty Matrix table should be identified as APSA.

RECOMMENDATION:

Update the I&E Plan as indicated above.

5. OBSERVATION:

The Self Audit Reports for FY 2018/2019, FY 2019/2020, and FY 2020/2021 contain information that is inaccurate.

- The table showing the program elements, number of businesses under each program element, mandated inspection frequency, and planned inspection frequency, reflects no mandated inspection frequency for APSA. However, APSA tank facilities with 10,000 gallons or more of petroleum must be inspected every three years.

RECOMMENDATION:

In each future Self Audit Report, include the mandated inspection frequency for APSA as indicated above.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

6. OBSERVATION:

The CUPA's webpage for the UST Program references Unified Program Consolidated Forms (UPCFs), such as the *Operating Permit Application – Facility Information* and the *Underground Storage Tank – Installation Certificate of Compliance*. The information obtained with the use of the UPCFs is now obtained electronically through data elements submitted to CERS for review by the CUPA.

RECOMMENDATION:

Remove reference to the UPCFs or provide context as to how the UPCFs are no longer utilized as the information contained in the forms is now obtained electronically through data elements submitted to CERS.

7. OBSERVATION:

Review of the *Underground Storage Tank Closure Procedure* finds provisions not associated with the UST Program, such as:

- A requirement for the UST owner/operator to install chain link fencing around the perimeter of the pit with one "Danger, No Trespassing" sign for every 20 feet of fence.
- Language requiring fencing to be secured and locked if necessary, to prevent unauthorized access.
- A requirement in locations subject to vehicular traffic, concrete barriers shall be installed.
- Language indicates all closures in place will be evaluated on a case-by-case basis.

Requirements of other applicable laws and regulations must be identified separately on all procedures or guidance documents and cannot be merged with the requirements of UST Regulations and HSC. Closure in place for USTs is only allowed if removal would create damage to a structure (i.e. building, house, or other existing circumstances preventing the tank removal).

The CUPA cannot withhold a UST closure permit or a UPFP, UST operating permit, or UST installation/modification for non-compliance with requirements under other applicable laws.

RECOMMENDATION:

Update procedures and guidance documents with appropriate citations for requirements outside the Unified Program.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

8. OBSERVATION:

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

- Information provided by Healdsburg/Sebastopol JPA Healdsburg Fire Department Application for Certification
- CERS “Summary Regulated Facilities by Unified Program Element Report” generated on November 4, 2021
- CERS “UST Inspection Summary Report (Report 6),” generated on November 4, 2021

- Total Number of Regulated Businesses and Facilities:
 - In 1997: **204**
 - Currently: **256**
 - An increase of **52** facilities

- Total Number of Hazardous Materials Release Response Plan and Inventory (Business Plan) Regulated Businesses and Facilities:
 - In 1997: **91**
 - Currently: **224**
 - An increase of **133** facilities

- Total Number of Regulated Underground Storage Tank (UST) Facilities:
 - In 1997: **25**
 - Currently: **14**
 - A decrease of **11** facilities

- Total Number of Regulated Underground Storage Tanks (USTs):
 - In 1997: **75**
 - Currently: **40**
 - A decrease of **35** Underground Storage Tanks

- Total Number of Regulated Hazardous Waste Generator (HWGs) Facilities:
 - In 1997: **124**
 - Currently: **126**
 - An increase **2** facilities

- Total Number of Regulated Household Hazardous Waste (HHW) Facilities:
 - In 1997: None specified
 - Currently: **0** (This count includes Permanent HHWs, not temporary collection sites)
 - Comments: HHW Facilities were regulated under the Unified Program upon certification, though no count was provided in the application for certification. The difference between the current and historic number of facilities cannot be determined at this time.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- Total Number of Regulated Tiered Permitting Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):
 - In 1997: **4**
 - Currently: **0**
 - A decrease of **4** facilities

- Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:
 - In 1997: none specified
 - Currently: **3**
 - Comments: RCRA LQG Facilities were regulated under the Unified Program upon certification, though no count was provided in the application for certification. The difference between the current and historic number of facilities cannot be determined at this time.

- Total Number of Regulated Risk Management Prevention Plan (RMPP) or California Accidental Release Prevention (CalARP) Program Facilities:
 - In 1997: **0**
 - Currently: **0**
 - No change in the number of facilities

- Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:
 - In 1997: **6**
 - Currently: **11**
 - An increase of **5** facilities

Since the CUPA applied for certification in 1997, an expansion of responsibilities in the Business Plan, HWG, RCRA LQG, and APSA programs has occurred, increasing the total regulated facility count and attributing to an increased workload undertaken by the CUPA to further implement regulatory oversight of each of these programs. The reduction in the overall number of regulated USTs and UST facilities does not exceed the cumulative increases in the above-mentioned programs.

The most significant increases have occurred in the Business Plan program. The number of facilities subject to Business Plan requirements has increased by 59%. The total number of businesses and facilities regulated by the CUPA has increased by 20%.

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. The information is sourced from the Healdsburg/Sebastopol JPA Healdsburg Fire Department 1997 CUPA Application and recent information provided by the CUPA.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

CUPA Personnel:

- Inspection and Supervisory Staff
 - Upon Certification in 1997:
 - 2* Staff, each Part Time = 0.42 FTE
 - *The duties of the one position are shared by a Program Manager and an Inspector who also perform additional duties related to the fire department (suppression, code enforcement, investigations, etc.).
 - *One accounting technician position is not included in the above staff resourcing calculation. The person fulfilling this position was assigned to perform all billing and fee collection for a total of 0.03 FTE.
 - Currently:
 - 2* Staff, each Part Time = 0.4 FTE
 - *The duties of the one position are shared by the CUPA Manager and a backup inspector. The backup inspector provides support for a total of 0.1 FTE when the CUPA Manager is unavailable.
 - *One accounting technician position is not included in the above staff resourcing calculation. The person fulfilling this position was assigned to perform all billing and fee collection for a total of 0.2 FTE.

RECOMMENDATION:

The CUPA has provided Financial Management Procedures detailing the analysis used to document and determine the necessary and reasonable costs to implement the Unified Program. The CUPA automatically adjusts its fee schedule according to the Consumer Price Index (CPI) by close to 2% on an annual basis to account for rising costs and inflation. The CUPA performs a fee analysis which considers the time staff perform all tasks within the Unified Program. If revenues collected from single fees and expenditures are not within 20%, the CUPA will identify ways of bringing revenue and expenditures within the 20% margin. Additionally, the CUPA utilizes collected enforcement penalties to purchase new equipment, support outreach efforts to the regulated community, and train CUPA personnel. The Self-Audit Reports for the last three fiscal years reveal that all expenses and expenditures are fully funded by the single fee revenue collected.

Continue to conduct the annual review and update of the fee accountability program to determine the current necessary and reasonable costs to implement all aspects of the Unified Program with the existing regulated businesses and facilities within each program element. The ability to apply each aspect of inspection, compliance, monitoring, and enforcement for all Unified Program activities is not only vital to the success of the program, but it further ensures the protection of health and safety of the community and environment at large.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

9. OBSERVATION:

The CUPA utilizes the Sonoma County Area Plan.

The Sonoma County Area Plan has the following minor errors and obsolete references:

- Page 26, Title 19, CCR 2720-2728 should be CCR Sections 2640-2648
- Page 29, Title 19, CCR 2729-2732 should be CCR Sections 2650-2659
- Page 39, Incident command's "d" is offset in the table.
- Page 54, the last sentence on the page indicates the Pesticide Drift Exposure Incident is on page 98 which is on page 100.
- Page 105, Title 19, CCR 2722 should be CCR Section 2642
- Page 105, Title 19, CCR 2723 should be CCR Section 2643
- Page 105, Title 19, CCR 27276(a) should be CCR Section 2646(a)

Note: The examples provided above may not represent all instances of error and references to obsolete terms in the Area Plan.

RECOMMENDATION:

With the next review and revision of the Area Plan, correct the identified errors and references to obsolete citations and terms.

10. OBSERVATION:

While the CUPA ensures hired personnel meet the minimum applicable education, training, and experience requirements, review of the hiring qualifications for Fire Inspector Unified Program personnel finds the following minimum educational requirements that must be met are not specified:

- Thirty semester units earned from an accredited college or institution from one or more of the following disciplines:
 - Biology or microbiology
 - Chemistry, chemical engineering
 - Physics, physical science
 - Environmental science
 - Geology or soil science
 - Environmental health
 - Environmental or sanitary engineering
 - Toxicology
 - Industrial hygiene
 - Hazardous materials management
 - Fire science, fire technology;

OR;

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- Equivalent to graduation from an accredited college or university or equivalent degree with major course work in the disciplines listed in paragraph (a)(1)(A)(i); OR;
- Qualifying experience in hazardous materials management, regulation, analysis, or research; environmental research, monitoring, surveillance, or enforcement; or resource recovery may be substituted for the required education, on the basis of one year of qualifying experience for 15 units of college course work authorized pursuant to paragraph (a)(1)(A)(i), for up to a maximum of 15 units.

Note: Registration as an Environmental Health Specialist or a Trainee may be substituted for the education requirements under CCR, Title 27, Section 15260(a)(1)(A) as all personnel must have “at minimum a Bachelor’s degree from a four year college including thirty semester units of basic science coursework (courses must be for “science” or “biology” majors).”

RECOMMENDATION:

Continue to meet with Human Resources to ensure appropriate revisions are finalized for the Fire Inspector hiring qualifications to ensure minimum applicable education, training, and experience requirements for CUPA personnel are specified. Continue to ensure all hired CUPA personnel conducting inspections and/or enforcement activities meet the minimum education requirements of CCR, Title 27, Section 15260.

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. OUTSTANDING IMPROVEMENT OF RTC FOR HWG VIOLATIONS:

The CUPA has made outstanding improvements since the previous performance evaluation in achieving RTC for violations cited during HWG inspections, despite facing the challenges of COVID-19 restrictions and resources expended to the response and recovery efforts of multiple fires occurring from 2017 through 2020, including the Tubbs, Pocket, Glass, Kincade, Lightning Complex, and Walbridge wildfires.

The previous CUPA performance evaluation identified a deficiency for not ensuring RTC for HWG facilities cited with minor violations as 33% of cited violations had no RTC, while 67% of cited violations had obtained RTC. During this performance evaluation, from July 1, 2018, through June 30, 2021, RTC for HWG facilities cited with minor violations having no RTC was identified as 3%, while 97% (36 of 37) of cited violations obtained RTC. The overall RTC rate for HWG facilities cited with violations in all classifications (minor, Class I, and Class II) during July 1, 2018, through June 30, 2021, was 91% (71 of 78).

Since the last CUPA performance evaluation, the CUPA has significantly improved ensuring RTC for minor violations is obtained.

2. EMERGENCY RESPONSE FOR HAZMAT INCIDENTS:

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

The CUPA is primarily managed by one person, the CUPA Manager, with the assistance of one part-time inspector. Despite any staffing challenges, the CUPA is responsible for providing on-call emergency response during hazardous material spill incidents. The Healdsburg/Sebastopol Joint Powers Authority (JPA) Healdsburg Fire Department works in coordination with the Sonoma County Hazmat team for hazardous material incidents throughout Sonoma County. The CUPA Manager acts as the Chief Officer in response to incidents.

On August 14, 2021, the CUPA Manager was notified of a diesel fuel spill at a gas station through a dispatch. The spill was significant enough to reach a storm drain. The CUPA Manager worked with Public Works to send a vactor truck to clean five gallons of spilled fuel from the storm drain. The CUPA Manager notified the gas station owner and directed the owner to contact the Governor's Office of Emergency Services (Cal OES) to report the spill. The spill was not reported to Cal OES by the owner at the time of the incident. The incident resulted in appropriate enforcement and training of facility personnel.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

3. BUSINESS USE OF PROPANE DEVICES UNDER COVID-19 RESTRICTION:

The CUPA provided training and resources to the business community for the use of propane tanks under flammable structures at the onset of the COVID-19 shutdown. Open flames under tents and other structures are not allowed by fire code regulation; however, was allowed during emergency orders to keep businesses open that would otherwise not be able to serve customers indoors. Additionally, the CUPA worked with hardware stores to obtain appropriate locks and cables to safely store and secure propane and heating devices outside, as store owners are prohibited from storing such devices inside stores.

4. APSA PROGRAM ENFORCEMENT:

Despite the COVID-19 challenges and existence of significant impacts due to California wildfires, the CUPA effectively enforces the APSA Program. The CUPA successfully obtained compliance from tank facilities cited for violations since the last CUPA Performance Evaluation in 2017. The CUPA ensures its tank facilities annually submit complete HMBPs in lieu of tank facility statements. The CUPA was also able to meet the mandated triennial inspections of its APSA tank facilities storing 10,000 gallons or more of petroleum.
