

September 9, 2022

Ms. Lindsey Young
Fire Marshal
City of Anaheim Fire Department
Anaheim Fire & Rescue Community Risk Reduction Division
Hazardous Materials Section
Anaheim West Tower
201 South Anaheim Boulevard, Suite 300
Anaheim, California 92805-3821

Dear Ms. Young:

During June 2019 through October 2019, CalEPA and the state program agencies conducted a performance evaluation of the City of Anaheim Fire Department Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, review of regulated facility file documentation, California Environmental Reporting System information, and oversight inspections.

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.

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

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

The CUPA is strongly encouraged to provide an update detailing as much progress made as possible in accomplishing the corrective actions and resolutions for each

identified deficiency and incidental finding, particularly if steps for corrective actions and resolutions outlined for completion in anticipated subsequent Progress Reports have been completed and addressed at present. Any deficiencies that remain uncorrected and any incidental findings that remain unresolved will be incorporated into the 2022 performance evaluation.

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

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

Sincerely,



Jason Boetzer
Assistant Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: City of Anaheim Fire Department

Evaluation Period: June 2019 through October 2019

Evaluation Team Members:

- **CalEPA Team Lead:** Kaeleigh Pontif, Marc Lorentzen
- **DTSC:** Elizabeth Brega, Ryan Mia
- **Cal OES/CalEPA:** Denise Gibson
- **State Water Board:** Sean Farrow, Jenna Hartman
- **CAL FIRE-OSFM:** Joann Lai, 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:

Tim Brandt

CalEPA Unified Program

Phone: (916) 323-2204

E-mail: timothy.brandt@calepa.ca.gov

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

The CUPA is required to submit the Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings Report. The Evaluation Progress Report must be submitted to the CalEPA Team Lead at Kaeleigh.Pontif@calepa.ca.gov no later than **November 14, 2021**.

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

*Effective July 1, 2021, oversight of the Hazardous Materials Release Response Plans and Inventory and the California Accidental Release 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 reviewing, processing, and authorizing each annual Onsite Hazardous Waste Treatment Notification for Permit by Rule (PBR) facilities with a Fixed Treatment Unit (FTU) within 45 calendar days of receiving it.

During the 45-day review process the CUPA must either:

- Authorize operation of the FTU; or,
- Deny authorization of the FTU in accordance with Permit-by-Rule laws and regulations; or,
- Notify the owner/operator that the notification submittal is inaccurate or incomplete.

Review of PBR Onsite Hazardous Waste Treatment Notifications finds the following were not reviewed by the CUPA within 45 days of receipt:

- CERS ID 10413619: submitted March 2, 2019, has not yet been reviewed.
- CERS ID 10152429: submitted March 1, 2019, has not yet been reviewed.
- CERS ID 10152437: submitted February 28, 2019, has not yet been reviewed.
- CERS ID 10428436: submitted February 27, 2019, accepted April 24, 2019
- CERS ID 10151679: submitted January 8, 2019, accepted June 4, 2019

Review of Onsite Hazardous Waste Treatment Notifications finds the CUPA did not conduct an accurate and complete review of the following submitted treatment notification:

- CERS ID 10428583: Evaporation of sulfamic acid cleaning solution is not an allowable treatment method.

Review of inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information in the California Environmental Reporting System (CERS) finds the following PBR facilities did not annually submit an Onsite Hazardous Waste Treatment Notification:

- CERS ID 10152443: last submitted January 24, 2018
- CERS ID 10152551: last submitted August 5, 2014
- CERS ID 10454179: last submitted November 3, 2017

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

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DEFICIENCIES REQUIRING CORRECTION

CITATION:

California Code of Regulations (CCR), Title 22, Sections 67450.2(b)(4) and 67450.3(c)(1) and (d) [DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide inspectors with Tiered Permit (TP) program training regarding how to accurately review, process, and authorize Onsite Hazardous Waste Treatment Notifications within the 45-day review process by either:

- Authorizing operation of the FTU;
- Denying authorization of the FTU in accordance with Permit-by-Rule laws and regulations; or
- Notifying the owner/operator that the notification submittal is inaccurate or incomplete.

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 attending the training.

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>. Additional TP program training assistance may also be requested from DTSC.

By the 1st Progress Report, the CUPA will review and process all pending Onsite Hazardous Waste Treatment Notifications in CERS and provide an update to CalEPA on the status of the progress made toward accurately reviewing, processing, and authorizing each Onsite Hazardous Waste Treatment Notification that has not been reviewed within 45 days and ensure annual notification submittals are accurate, correct, and represent the actual waste treatment systems used at the notifying facility.

2. DEFICIENCY:

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

Review of CERS indicates the following 5 of 10 (50%) APSA tank facilities submitted an HMBP, in lieu of a tank facility statement, that was missing various required elements in recently accepted submittals:

- CERS ID 10426747: missing components on site map such as emergency shutoffs, emergency response equipment, and evacuation staging area.
- CERS ID 10152409: missing components on site map such as emergency response equipment, storm and sewer drains, and evacuation staging area.
- CERS ID 10429720: missing components on site map such as emergency shutoffs, emergency response equipment, evacuation staging area, north arrow, adjacent streets, and storm and sewer drains.

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DEFICIENCIES REQUIRING CORRECTION

- CERS ID 10428271: missing components on site map such as emergency shutoffs, emergency response equipment, evacuation staging area, north arrow, adjacent streets, hazardous materials storage areas, and storm and sewer drains
- CERS ID 10427311: missing components on site map such as emergency shutoffs and evacuation staging area.

CITATION:

Health and Safety Code (HSC), Chapter 6.67, Section 25270.6(a)(2)
2016 California Fire Code, Chapter 50, Sections 5001.5.1 and 5001.5.2, and Appendix H [OSFM]

CORRECTIVE ACTION:

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

- Facility name;
- CERS ID; and
- Follow-up actions including a narrative of the applied appropriate enforcement taken by the CUPA to ensure the HMBP contains all applicable required components.

By the 3rd Progress Report, the CUPA will ensure each APSA tank facility has submitted a complete HMBP to CERS, when an HMBP is provided in lieu of a tank facility statement, or the CUPA will have applied appropriate enforcement.

3. DEFICIENCY:

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

The following Unified Program administrative procedures have not been established:

- Data Management, including:
 - Collection, retention, and management of electronic data and documents in compliance with CCR, Title 27, Section 15185
 - Transfer and exchange of electronic data through an applicable local information management system in compliance with CCR, Title 27, Section 15187
 - Reporting of electronic data in compliance with CCR, Title 27, Section 15290

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DEFICIENCIES REQUIRING CORRECTION

- Financial Management, including:
 - a single fee system in compliance with CCR, Title 27, Section 15210
 - a fee accountability program in compliance with CCR, Title 27, Section 15220
 - a surcharge collection and reimbursement program in compliance with CCR, Title 27, Section 15250
- Responding to requests for information from the public, from government agencies with a legal right to access the information, or from emergency responders, including methods to prevent the release of confidential and trade secret information.
- Public participation, including ensuring receipt and consideration of comments from regulated businesses and the public, coordination, consolidation, and consistent public hearings related to any Unified Program element, coordination, consolidation, and consistent public notices for activities related to any Unified Program element.
- Records maintenance, including identification of the records maintained, minimum retention times, archive procedures, and proper disposal methods.
- Providing the Hazardous Material Release Response Plan (HMRRP) information to emergency response personnel and other appropriate government entities in accordance with HSC, Section 25504(c).
- A permitting process for the consolidated Unified Program Facility Permit (UPFP)

CITATION:

CCR, Title 27, Sections 15180(e), 15185, 15187, 15190(c), 15210, and 15220
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop and provide CalEPA with the Unified Program administrative procedures identified above as not being established, ensuring all required components are adequately incorporated.

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

The CUPA will provide training documentation to CalEPA, which at a minimum, will include, an outline of the training conducted and a list of CUPA personnel in attendance. Once training is complete, the CUPA will implement the Unified Program procedures.

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**UNIFIED PROGRAM PERFORMANCE EVALUATION
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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 consistently classifying hazardous waste generator (HWG) violations properly.

Review of facility files and CERS CME information 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 (CCR, Title 22, Section 66262.34) incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - CERS ID 10426726: inspection on January 9, 2019
 - CERS ID 10427638: inspection on October 16, 2018
 - CERS ID 10428280: inspection on October 16, 2018
 - CERS ID 10427662: inspection on June 25, 2018
 - CERS ID 10429249: inspection on January 9, 2018
 - CERS ID 10594816: inspection on November 20, 2017
 - CERS ID 10426621: inspection on July 13, 2017
 - CERS ID 10428409: inspection on June 16, 2017
 - CERS ID 10429900: inspection on June 6, 2017
 - CERS ID 10428397: inspection on February 22, 2017
 - CERS ID 10428163: inspection on January 17, 2017
 - CERS ID 10427317: inspection on November 22, 2016
 - CERS ID 10426735: inspection on October 25, 2016
 - CERS ID 10426630: inspection on October 17, 2016
 - CERS ID 10428034: inspection on September 22, 2016
 - CERS ID 10428346: inspection on August 8, 2016
 - CERS ID 10429660: inspection on July 21, 2016

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

CITATION:

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

RESOLUTION:

Beginning immediately, the CUPA will ensure violations are correctly classified and appropriate enforcement actions are pursued for non-minor (Class I and Class II) violations.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

By the 1st Progress Report, the CUPA will train inspection staff on the definition of minor violation as defined in HSC, Chapter 6.11, Section 25404(a)(3) and Class I and Class II violations as defined in HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6 and CCR, Title 22, Section 66260.10. The CUPA will provide training documentation to CalEPA which, at a minimum, will include the date the training was conducted, an outline of the training conducted and a list of CUPA personnel in attendance.

2. INCIDENTAL FINDING:

The CUPA's Inspection and Enforcement (I&E) Plan has required components that are inaccurate or incomplete.

The following information is inaccurate:

- Inspection frequencies for the Permit-By-Rule (PBR), Conditionally Authorized (CA), and Conditionally Exempt (CE) programs need to be updated to include an "initial inspection within two years of notification and every three years thereafter."
- Page 7 references inspections and permitting. The CUPA's inspections and permitting language does not incorporate the recent amendments of HSC, Chapter 6.7, Section 25285, which became effective January 1, 2019. The I&E Plan states, "Underground Storage Tank (UST) Program: State law requires all USTs be inspected annually and prior to issuing or modifying the Consolidated Permit." HSC, Section 25285 does not require an inspection to be completed prior to issuing or renewing a permit to operate.
- Page 34 references the red tag enforcement option. The CUPA's enforcement option does not incorporate the recent amendments of HSC, Chapter 6.7, Section 25292.3, which became effective January 1, 2019. Section 25292.3 includes language such as a person shall not input or withdraw from a UST that has been red tagged and a CUPA having the authority to require an owner/operator to remove contents from USTs which have a red tag is affixed.
- Pages 32 and 33 reference HSC, Chapter 6.34 (Underground Storage of Hazardous Substances). The I&E Plan should reference HSC, Chapter 6.7.

The following information is incomplete:

- Narrative of how the CUPA closes complaints.
- Provisions for ensuring sampling capability and analysis performed by a state certified laboratory.

CITATION:

CCR, Title 27, Section 15200(a)
HSC, Chapter 6.7, Sections 25285(b), 25292.3(a)(2)(A) and (c)(1)(C)
[CalEPA, DTSC, State Water Board]

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

RESOLUTION:

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.

3. INCIDENTAL FINDING:

The CUPA is not consistently reporting CERS CME information correctly for the HWG Program.

Review of HWG Program inspection reports and CERS CME information finds the following examples when inspection, violation, and enforcement data was not reported or was incorrectly reported to CERS:

- CERS ID 10428436: inspection on May 22, 2019, is missing a violation in CERS regarding the filter cake drying unit submittal.
- CERS ID 10152411: inspection on April 16, 2018, is entered twice in CERS.
- CERS ID 10152427: inspection on March 14, 2018, is missing a violation in CERS regarding the failure to minimize the possibility of a fire, explosion, or release.

CITATION:

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

RESOLUTION:

By the 1st Progress Report, the CUPA will establish a procedure for CUPA inspectors to ensure consistent use of the most recent violation classifications and citations of the CUPA's data management system or CERS violation type numbers.

By the 2nd Progress Report, the CUPA will, if necessary, revise the procedure, based on feedback from DTSC and will provide the revisions to CalEPA. If no revisions to the established procedure are necessary, the CUPA will train CUPA inspectors on the established procedure and will provide training documentation to CalEPA which, at a minimum, will include an outline of the training conducted and a list of CUPA inspectors in attendance. Once training is complete, the CUPA will implement the new procedure.

4. INCIDENTAL FINDING:

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

Review of the CERS UST Facility/Tank Data Download report obtained on August 12, 2019, finds the following UST monitoring and construction information is incorrect:

- 7 instances of USTs identified as having single-wall pressurized product pipe with mechanical line leak detectors when this configuration requires electronic line leak detectors to be installed

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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

INCIDENTAL FINDINGS REQUIRING RESOLUTION

- 4 instances of USTs identified as being single-wall steel tanks with only isolation as corrosion protection when this configuration requires cathodic protection to be installed
- 5 instances of USTs identified as being single-wall steel tanks with no tank lining when this configuration requires tank lining to be installed
- 23 instances of USTs identified as having no striker plate/bottom protection when all tanks require striker plate/bottom protection
- 6 instances of USTs identified as being installed post July 1, 2004, conducting periodic secondary containment testing when this configuration does not require periodic secondary containment testing
- 3 instances of USTs identified as having to conduct periodic enhanced leak detection (ELD) testing when no notification to conduct periodic ELD has been issued by the State Water Board

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

Note: This incidental finding was previously identified as a deficiency during the 2015 CUPA Performance Evaluation and was considered corrected during the Evaluation Progress Report process.

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;” and
- “Which Forms Require Uploading to CERS.”

Note: State Water Board expects UST testing and maintenance records to be reviewed as soon as possible, but no later than 30 days after the submittal date. All other records are to be reviewed for completeness and accuracy, though not necessarily verified in the field, as soon as possible, but no later than 60 days after the submittal date. Refer to the State Water Board correspondence dated November 29, 2016, “When to Review Underground Storage Tank (UST) Records.”

CITATION:

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

RESOLUTION:

By the 2nd Progress Report, the CUPA will establish a procedure for CUPA personnel to ensure accurate and complete UST information is accepted in CERS.

The procedure will delineate managing CERS UST submittals including and not limited to:

- A process for reviewing and not accepting CERS submittals; AND
- A process for reviewing and accepting only accurate and complete CERS submittals; OR
- A process for reviewing and accepting submittals with minor errors:

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- A condition is set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe.
- If the submittal is not corrected, CUPA personnel will change the submittal status from “accept” to “not accept.”

By the 3rd Progress Report, the CUPA will, if necessary, revise the procedure, based on feedback from the State Water Board and will provide the revisions to CalEPA. If no revisions to the established procedure are necessary, the CUPA will train CUPA inspectors on the established procedure and will provide training documentation to CalEPA which, at a minimum, will include an outline of the training conducted and a list of CUPA inspectors in attendance. Once training is complete, the CUPA will implement the new procedure.

5. INCIDENTAL FINDING:

The CUPA is not consistently collecting, managing, and reporting the number of UST inspections conducted. The reported violations cited during UST inspections is inconsistent among the Semi-Annual Report (Report 6) and CERS CME information.

Review of Report 6 and CERS CME UST facility inspection frequency information finds UST facility inspections were conducted for the following Fiscal Years (FYs):

- FY 2017/2018, 117 regulated UST facilities
 - Report 6: 121 routine inspections conducted
 - CERS CME information: 114 routine inspections conducted
- FY 2015/2016, 118 regulated UST facilities
 - Report 6: 136 routine inspections conducted
 - CERS CME information: 118 routine inspections conducted

CITATION:

CCR, Title 23, Section 2713(c)(3)
CCR, Title 27, Section 15185(a)
[State Water Board]

RESOLUTION:

By the 2nd Progress Report, the CUPA will establish a procedure that will include, and not be limited to:

- Collecting, retaining, managing, and reporting inspection information;
- How personnel report inspection information at the local level; and
- How inspection information is reported to state agencies.

By the 3rd Progress Report, the CUPA will, if necessary, revise the procedure based on feedback from the State Water Board and provide the revisions to CalEPA. If no revisions to the established procedure are necessary, the CUPA will train personnel on the established procedure and 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 new procedure.

UNIFIED PROGRAM PERFORMANCE EVALUATION
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INCIDENTAL FINDINGS REQUIRING RESOLUTION

6. INCIDENTAL FINDING:

The CUPA is not consistently conducting complete HWG Program facility inspections.

Oversight inspections conducted at HWG Program facilities with CUPA inspectors finds the following:

- On September 12, 2019, an oversight inspection was conducted at a Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) facility (CERS ID 10152669). Prior to arriving at the facility, the inspector demonstrated knowledge of the facility's inspection history, CERS data, as well as a review of the Hazardous Waste Tracking System (HWTS). During the inspection, the inspector toured the entire site and asked appropriate operating questions during the walkthrough. The inspector reviewed required paperwork but did not review or request Land Disposal Restriction notices (LDRs) or a training plan as required in CCR, Title 22, Section 66265.16. The inspector did not inquire about weekly container inspections. The inspector did not identify a violation for satellite accumulation containers that had incomplete labelling. Each satellite accumulation container must be labeled with the words "Hazardous Waste," and the following information: (a) the composition and physical state of the wastes; (b) a statement that calls attention to the hazardous properties of the waste; and (c) the name and address of the generator. The initial date that hazardous waste is placed in the container must be clearly marked and visible on all containers used for satellite accumulation. Containers used to store used oil shall be marked or clearly labeled with the words "USED OIL." The accumulation start date can say "empty daily" as opposed to a chronological date. The inspector did not ask for consent to conduct the inspection.
- On September 13, 2019, an oversight inspection was conducted at a non-RCRA LQG facility (CERS ID 10426822). Prior to arriving at the facility, the inspector demonstrated knowledge of the facility's inspection history, CERS data, as well as a review of the HWTS. During the inspection, the inspector toured the entire site and asked appropriate operating questions during the walkthrough. The inspector reviewed required paperwork but did not review or request Land Disposal Restriction notices (LDRs) or a training plan as required in CCR, Title 22, Section 66265.16. The inspector appropriately noted several violations. The inspector did not identify a violation for satellite accumulation containers that had incomplete labelling. The inspector did not initially inquire about weekly container inspections, daily and weekly tank inspections, and tank inspection records. Following a debrief with DTSC, the inspector did cite a violation for the facility failing to conduct inspections of containers and tanks, and keep records, however, the inspector did not cite the violation correctly. Containers are required to be inspected weekly; however, records of the inspection are not required. Daily tank inspections are required for the discharge controls (e.g., bypass systems), monitoring data, and to observe the level of tank. Weekly inspections must also be conducted to inspect the tank and containment area for leaks. Records of tank inspections must be maintained. The inspector requested a tank assessment for the used oil tank and in a subsequent review found the assessment to be adequate. However, upon review, DTSC found that the tank assessment did not meet all requirements of CCR, Title 22, Section 66265.192.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

CITATION:

CCR, Title 22, Sections 66262.34, 66265.16, 66265.192, and 66265.195
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will review the following:

- [Hazardous Waste Generator Requirements](https://dtsc.ca.gov/accumulating-hazardous-wastes-at-generator-sites/)
(<https://dtsc.ca.gov/accumulating-hazardous-wastes-at-generator-sites/>)
- [Accumulating Hazardous Wastes at Generator Sites](https://dtsc.ca.gov/hazardous-waste-accumulation-time-for-generators/)
(<https://dtsc.ca.gov/hazardous-waste-accumulation-time-for-generators/>)
- CCR, Title 22, Sections 66265.191 through 66265.195 (tank regulations)

The CUPA will provide CalEPA with a narrative stating CUPA inspectors have reviewed all training material identified above and the date the training was completed.

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 UST facility files and associated CERS CME information for overfill prevention equipment inspections (inspections) finds, the CUPA is consistently requiring initial inspections to be completed by the October 13, 2018, due date. However, the same inspector did not cite and report a violation for the failure of an owner/operator to conduct the overfill prevention equipment inspection by October 13, 2018, in the following instances:

- CERS ID 10447213: The Overfill Prevention Equipment Inspection Report is dated April 9, 2019. The routine inspection dated April 9, 2019, does not include a violation for the failure of an owner/operator to conduct the overfill prevention equipment inspection by October 13, 2018.
- CERS ID 10126945: The Overfill Prevention Equipment Inspection Report is dated December 28, 2018. The routine inspection dated June 11, 2019, does not include a violation for the failure of an owner/operator to conduct the overfill prevention equipment inspection by October 13, 2018.

Note: Not reporting the violation in CERS, Report 6, and to U.S. EPA, subsequently results in inaccurate U.S. EPA Technical Compliance Rate (TCR) 9b reporting.

RECOMMENDATION:

Review and revise inspection procedures and subsequently provide additional training to inspection personnel, ensuring inspection personnel cite and report all observed non-compliance during annual UST compliance inspections.

2. OBSERVATION:

Review of accepted CERS UST submittals finds the following 94 of 349 (27%) submittals were accepted in 61 days or greater:

- 4 instances between 301 – 353 days
- 4 instances between 201 – 300 days
- 45 instances between 101 – 200 days
- 41 instances between 61 – 100 days

Note: State Water Board expects UST testing and maintenance records to be reviewed as soon as possible, but no later than 30 days after the submittal date. All other records are to be reviewed for completeness and accuracy, though not necessarily verified in the field, as soon as possible, but no later than 60 days after the submittal date.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Review the State Water Board Correspondence, "When to Review Underground Storage Tank (UST) Records," dated November 29, 2016, and determine if it is possible to meet State Water Board expectations.

3. OBSERVATION:

Review of CERS finds the following UST systems have single-walled components which require permanent closure by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05:

- CERS ID 10401010
- CERS ID 10429945
- CERS ID 10725796

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

RECOMMENDATION:

Continue to provide verbal reminders to all applicable UST facility owners/operators regarding the December 31, 2025, requirements for permanent closure of single-walled USTs. Consider providing written notification of the requirement to all applicable UST facility owners/operators. The written notification should inform the facility owners/operators that in order to remain in compliance, owners/operators must replace or remove single-walled USTs by December 31, 2025. Additional information regarding single-walled UST closure requirements may be found at:

http://waterboards.ca.gov/water_issues/programs/ust/single_walled/.

Notify facility owners/operators that Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program grants and loans are available to assist eligible small businesses with the costs necessary to remove, replace, or upgrade project USTs. More information on funding sources may be found at: http://www.waterboards.ca.gov/water_issues/programs/ustcf/rust.shtml

4. OBSERVATION:

The Area Plan contains the following outdated information:

- Page 125: The phone number listed for California State Fire Marshal is not valid. The new phone numbers are (916) 568-3800 for the main office in Sacramento, (626) 305-1908 for the office in Monrovia, and (916) 323-7390 for the 24-hour Duty Chief line.
- Page 147: The Glossary Section defines State Fire Marshal (SFM) as, "The State Fire Marshal has primary responsibility for the safety of all interstate and intrastate hazardous liquid pipelines in California." OSFM oversees intrastate hazardous liquid pipelines only.

RECOMMENDATION:

Update the Area Plan.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

5. OBSERVATION:

The CUPA provides site map instructions, a blank site map, and site map symbols as resources to regulated businesses on the CUPA's webpage at <https://www.anaheim.net/711/Documents>. The site map instructions do not identify the location of emergency response equipment as a minimum required element for the site map. The site map instructions request the location of utility emergency shutoff points; however, emergency shutoff is not explicitly limited to utility shutoffs. The CUPA's webpage also contains an outdated Consolidated Emergency Response/Contingency Plan dated June 2011. The current 2022 version is available on the CalEPA Unified Program website at: <https://calepa.ca.gov/publications/>.

RECOMMENDATION:

Update the site map instructions on the website, including the link to the current version of the Consolidated Emergency Response/Contingency Plan.

6. OBSERVATION:

The I&E Plan contains the following incorrect or missing information regarding the APSA program and Fire Code Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) requirements:

- Page 4: In the Introduction section, the fire code HMMP-HMIS program element is omitted. It is one of the six program elements that the CUPA implements, although requirements have been consolidated with the HMBP Program.
- Page 5: Table 1 shows the number of facilities and the CUPA's inspection frequency for each of the programs, along with the minimum mandated inspection frequencies in parentheses. The APSA program is missing the minimum mandated triennial inspection frequency for tank facilities with 10,000 gallons or more of petroleum, per HSC, Section 25270.5(a). Also, 'Article 80 CFC' is referenced for the fire code HMMP/HMIS. The current edition of the California Fire Code (CFC) does not contain articles but chapters, and the requirements of HMMP/HMIS are found in Chapter 50 and Appendix H.
- Page 15: It is stated, "The [APSA tank facility] owner or operator shall prepare for review a Spill Prevention, Control and Countermeasure Plan within **sixty (30)** days of receiving notification from the CUPA. Other minor violations shall be complied with within thirty (30) days." The CUPA used both 60 days and 30 days for the return to compliance (RTC) timeframe in the first sentence, but the assumption is 60 days to obtain RTC based on the second sentence. The first sentence addresses either facilities that were cited for not having a Spill Prevention, Control, and Countermeasure (SPCC) Plan or facilities that need to amend the SPCC Plan. The second sentence implies that facilities with no SPCC Plan or those that must amend the SPCC Plan were cited with a minor violation. Facilities with no SPCC Plans are not considered minor violations.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
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OBSERVATIONS AND RECOMMENDATIONS

- Page 18: Reference to HSC, Chapter 6.67, Section 25270.5 to address violations for APSA requirements in the Statutory Authority section is incorrect. Section 25270.5 covers the mandated inspection frequency, an alternate inspection and compliance plan, and Unified Program Agency inspector training requirements. The appropriate section to reference is HSC, Chapter 6.67 commencing with Section 25270.
- Page 43: In lieu of using the phrase, “For violations of HSC, Section 25270.5, the violator shall be liable...,” the appropriate statement is “Pursuant to HSC, Section 25270.12 or 25270.12.5, the violator shall be liable...”

RECOMMENDATION:

Update the I&E Plan.

7. OBSERVATION:

Review of CERS CME information finds three instances in FY 2017/2018 and FY 2016/2017 where the CUPA classified violation 4010001 as minor, for facilities not having an SPCC Plan. However, five facilities cited for violation 4010001 in FY 2018/2019 were classified as Class II violations.

Not having an SPCC Plan is not considered a minor violation as defined in HSC, Section 25404(a)(3). Based on the definition of a “minor violation,” a minor violation does not include the following: (1) a violation that presents a significant threat to human health or the environment; or (2) a violation that enables the violator to benefit economically from the noncompliance, either by reduced costs or competitive advantage.”

RECOMMENDATION:

Continue to ensure inspectors do not classify a no SPCC Plan violation as minor.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

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

1. ENFORCEMENT

As recommended in previous CUPA Performance Evaluations, the CUPA has developed and implemented an Administrative Enforcement Order (AEO) process. The AEO process was developed through coordination with the Orange County CUPA and nearby City fire agencies to create consistency. Notification was sent out to all facilities in July 2017. The first case was initiated in 2018 with a total of 5 cases for 2018, and 5 as of this date in 2019. The Assistant Fire Marshal acts as the CUPA enforcement coordinator and continues to work closely with the Orange County District Attorney's office and investigators through regular task force meetings.

2. STAFFING, TRAINING AND OUTREACH PROGRAMS

The CUPA continues to maintain a highly experienced staff with over 80 years of combined experience among full-time and part-time personnel. The CUPA has continued to maintain an exceptional record of staff retention with over 80% of the personnel in the Hazardous Materials Section having 12 years or more experience. Cross-training of staff from both the Hazardous Materials Section and Fire Life Safety Section, both within the Community Risk Reduction Division, provides efficiencies for the department, continuity for regulated facilities, and an improved depth of available staff resources as well as "bench building" opportunities when staff openings occur within the CUPA.

Training of staff remains a core value. In the last three years the CUPA has provided various types of training courses for staff, including specialized training courses in addition to the minimally required training for each inspector. These specialized training courses include U.S. EPA and California Specialized Training Institute (CSTI) Advanced Environmental Crimes, CSTI Hazmat Technician, CSTI Hazmat Specialist, and other specialized training courses related to hazardous materials response and fire prevention. Inspectors are trained and prepared to answer questions or concerns regarding the specifics of observed violations, regulations, or with reporting information in CERS while conducting inspections.

The CUPA has hosted multi-jurisdictional regional training meetings for other CUPAs and the industry, including the California CUPA Forum Board Train the Trainer, Orange County CUPA joint meetings and subcommittees, Orange County Hazardous Waste Strike Force, California Accidental Release Prevention (CalARP) Program Risk Management Plan (RMP) training, UST Technical Advisory Group meetings, and presenting UST training sessions at the Unified Program Annual Training Conference. Additionally, the CUPA has led the coordination of multi-agency enforcement meetings and has developed specialized outreach programs that offer one-on-one assistance to local owners and operators.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

3. CERS OUTREACH

The CUPA has continued to modify the CERS outreach strategy by incorporating the allocation of any time necessary during each routine inspection to sit with each owner and operator while still at the facility. Office meetings are also welcome and arranged as needed. For field assistance, each inspector is equipped with a mobile office and all the equipment needed to assist owners and operators with reporting facility information in CERS. This method of outreach requires more investment of CUPA time and resources yet proves to be very effective with ensuring that facility information and submittals in CERS are accurate. It provides a higher level of service to the regulated community and improves facility compliance through education and one-on-one assistance.

4. NEW FACILITY OUTREACH

The CUPA is committed to monitoring for new and existing facilities within the City of Anaheim that require a CUPA Consolidated Permit for one or more programs. Within the past three Fiscal Years (2016/2017, 2017/2018, 2018/2019) a total of 329 new facility case files have been created. These new cases are the result of CUPA efforts to identify:

- Hazardous Waste Generators with an EPA ID # with no HWG Program permit.
 - Follow-up with facilities that have relocated to a new address.
 - Cell sites that have updated Hazardous Materials Inventories in CERS.
 - Industry category searches for existing facilities in the City of Anaheim.
 - Business License surveys and notifications from Business License Department.
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