



Gavin Newsom  
Governor

Yana Garcia  
Secretary for Environmental Protection

January 6, 2023

Ms. Deena Lee  
Fire Chief  
City of El Segundo Fire Department Environmental Safety  
314 Main Street  
El Segundo, California 90245-3887

Dear Ms. Lee:

During March 2022 through November 2022, CalEPA and the state program agencies conducted a performance evaluation of the City of El Segundo Fire Department Environmental Safety 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 accomplishments, examples of outstanding Unified Program implementation and challenges. Enclosed, please find the final Summary of Findings report.

Based upon review and completion of the performance evaluation, CalEPA considers the overall implementation and performance of the CUPA to meet or exceed Unified Program standards.

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 (March 13, 2023), 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 [Timothy.Brandt@calepa.ca.gov](mailto:Timothy.Brandt@calepa.ca.gov).

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

I kindly thank you for previously providing a completed evaluation survey. Feedback from evaluated CUPAs assists in ensuring the CUPA Performance Evaluation process is as effective and efficient as intended.

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

Sincerely,



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

Enclosures

cc sent via email:

Mr. Victor Morales  
Environmental Safety Manager  
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El Segundo, California 90245-3887

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Mr. John Paine  
Unified Program Manager  
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Mr. John Elkins  
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Ms. Elizabeth Brega  
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California Environmental Protection Agency

Ms. Esme Hassell-Thean  
Environmental Scientist  
California Environmental Protection Agency

Mr. Tim Brandt  
Environmental Scientist  
California Environmental Protection Agency

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### CUPA: City of El Segundo Fire Department Environmental Safety

**Evaluation Period:** March 2022 through November 2022

#### Evaluation Team Members:

- **CalEPA Team Lead:** Timothy Brandt, Samuel Porras
- **DTSC:** Matthew McCarron
- **CalEPA:** Esmé Hassell-Thean
- **State Water Board:** Jenna Hartman, Sean Farrow
- **CAL FIRE-OSFM:** Denise Villanueva, Glenn Warner

This Final Summary of Findings includes:

- Accomplishments, Examples of Outstanding Implementation, and Challenges
- Deficiencies requiring correction
- Incidental findings requiring resolution
- Observations and recommendations

The findings contained within this evaluation report are considered final.

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

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

**Tim Brandt**

CalEPA Unified Program

Phone: (916) 323-2204

Email: [timothy.brandt@calepa.ca.gov](mailto:timothy.brandt@calepa.ca.gov)

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

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

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

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

**1<sup>st</sup> Progress Report:** March 13, 2023

**3<sup>rd</sup> Progress Report:** September 18, 2023

**2<sup>nd</sup> Progress Report:** June 16, 2023

**4<sup>th</sup> Progress Report:** December 22, 2023

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION PRELIMINARY SUMMARY OF FINDINGS REPORT

### ACCOMPLISHMENTS, EXAMPLES OF OUTSTANDING IMPLEMENTATION, AND CHALLENGES

Various accomplishments, outstanding efforts, and challenges that impact and/or enhance the overall ability of the CUPA to implement the Unified Program. Recognition of aspects such as response to local emergency declarations and statewide recovery efforts, which illustrate the accomplishments and challenges the CUPA manages in the efforts to continue implementation of the Unified Program.

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#### **1. PROGRAM IMPLEMENTATION ASSISTANCE TO CALEPA:**

CUPA staff, the CUPA Manager in particular, have been proactive in assisting the new CalEPA Hazardous Material Business Plan (HMBP) and California Accidental Release Prevention (CalARP) unit obtain and retain historical knowledge following the transition of regulatory oversight for both programs from the California Office of Emergency Services (Cal OES) to CalEPA, which took place July 1, 2021.

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#### **2. HMBP AND CALARP PROGRAM INSPECTION FREQUENCY:**

The CUPA has maintained a triennial inspection frequency for both HMBP and CalARP facilities at a rate over 100% since the 2018 CUPA Performance Evaluation and throughout the Coronavirus (COVID-19) pandemic. The CUPA has conducted inspections of every business subject to the HMBP and CalARP programs at least once every three years (which is reflected by the 100% triennial inspection frequency). In addition, the CUPA has obtained return to compliance (RTC) for 100% of violations cited for both the HMBP and CalARP programs during the three-year time-period evaluated.

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#### **3. ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM IMPLEMENTATION:**

Since the 2018 CUPA Performance Evaluation, the CUPA has effectively implemented the APSA Program. The CUPA meets the mandated inspection frequency for APSA facilities with 10,000 gallons or more of petroleum and meets the established frequency of once every three years for other APSA facilities. The CUPA has obtained RTC for 100% of the APSA violations cited during Fiscal Years (FYs) 2017/2018, 2018/2019, 2019/2020, and FY 2020/2021. The CUPA ensures annual tank facility statements and HMBP submittals, provided by APSA tank facilities in lieu of tank facility statements, are submitted and complete.

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#### **4. HAZARDOUS WASTE GENERATOR (HWG) PROGRAM:**

Since the 2018 CUPA Performance Evaluation, the CUPA has maintained a 98% inspection frequency, meaning 98% of HWG facilities have been inspected once within the last three years. In addition, the CUPA has obtained RTC for 99% of the HWG violations cited throughout the COVID-19 pandemic.

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#### **5. DETAILED FISCAL DOCUMENTATION OF FEE ACCOUNTABILITY:**

The CUPA provided detailed fiscal documentation for the past three FYs in a concise document that is readable and user-friendly. Fiscal documentation clearly demonstrates the CUPA is assessing all expenditures and revenues across the Unified Program in a format that ensures the CUPA is tracking operations for which the single fee and state surcharges are assessed. Though the current amount of the Unified Program single fees may not fully fund the necessary and

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reasonable costs of Unified Program implementation, documentation of the accounting for expenditures and revenues is clearly identified and easily interpreted.

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**6. TRAININGS FOR REGULATED FACILITIES AND INDUSTRY GROUPS:**

The CUPA is commended for providing free trainings to the community. Since the 2018 CUPA Performance Evaluation, the CUPA has facilitated several Unified Program trainings, which have addressed the HMBP and HWG Programs for locally regulated facilities, in addition to facilitating the California CUPA Forum Board (CalCUPA) APSA Training, held at the Karl Storz Endoscopy-America, Inc. headquarters. In recent years, community attendance for these trainings has ranged from 16 attendees (HMBP training) to 49 attendees (APSA training). The CUPA actively participates in and has hosted meetings within the City of El Segundo City Chambers for the Interagency Refinery Task Force, which is comprised of various CalARP Program 4 industry representatives and regulatory agencies.

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**7. RECIPIENT OF VARIOUS GRANTS:**

In 2018, Plains All American awarded the CUPA with funding through its Plains First Responder Grant Program in support of a free business training class for regulated businesses. The CUPA was successful in receiving the full grant amount, managing the agreement, and providing the final report required to Plains All American. In 2019, Cal OES awarded the CUPA with the Hazardous Materials Emergency Preparedness (HMBP) Grant in support of the creation and communication of a new Area Plan for FY 2019/2020. In 2021, the CUPA was awarded the Year 3 HMEP by Cal OES in support of the Above the Line/Below the Line HazMat IQ training for the Fire Department, which was scheduled in January 2022.

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**8. COLLABORATION WITH CITY OF EL SEGUNDO:**

The CUPA has worked closely in partnership with the City of El Segundo to strengthen collaboration and communication to improve hazardous materials response efforts by doing the following:

- Ensuring new businesses are vetted through the Environmental Safety Division by collaborating with the Planning/Building-Safety Department to include Hazardous Materials elements on plan checks and permit cards;
  - Serving in various roles within the All-Hazards Incident Management Team for COVID-19 response; and
  - Participating in the El Segundo Fire Department Accreditation Process.
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**9. OVERALL OUTSTANDING UNIFIED PROGRAM IMPLEMENTATION AND PARTICIPATION IN COMMUNITY AWARENESS AND EMERGENCY RESPONSE (CAER):**

The CUPA continues to meet the implementation expectations of the Unified Program regarding fulfillment of inspection frequencies as stated in the Inspection and Enforcement (I&E) Plan across all program elements, ensures RTC is obtained for cited violations and follows up with noncompliant facilities, and successfully transfers inspection, violation, and enforcement

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information, also known as compliance, monitoring, and enforcement (CME) information to the California Environmental Reporting System (CERS) with minimal error.

While maintaining an outstanding degree of Unified Program implementation, the CUPA also actively participates as a member of the Beach Cities CAER, where the CUPA currently acts as the liaison for the local emergency planning committee. The Beach Cities CAER is a non-profit organization of public agencies, city emergency management professionals, fire departments, schools, manufacturing industries, chemical producers, and transporters in the South Bay region of Los Angeles County. The organization focuses its efforts on providing improved community engagement, emergency response education, and enhancing public health and safety. As a member of the Beach Cities CAER, the CUPA assists school districts with the cleanup and management of hazardous spills.

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# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION PRELIMINARY SUMMARY OF FINDINGS REPORT

### DEFICIENCIES REQUIRING CORRECTION

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

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#### 1. DEFICIENCY:

The CUPA is not consistently documenting in sufficient detail whether the Underground Storage Tank (UST) owner or operator has demonstrated to the satisfaction of the CUPA that UST permanent closure and soil and/or groundwater sampling complies with California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Sections 2670 and 2672(d) (UST Regulations) and Health and Safety Code, Division 20, Chapter 6.7, Section 25298(c).

Review of UST facility files finds the following examples:

- CERS ID 10417963
  - The CUPA provided a copy of the Regional Water Quality Control Board (RWQCB) referral letter to the facility owner or operator of the facility but did not issue a closure letter to the facility owner or operator.
- CERS ID 10129003
  - The CUPA provided a copy of the RWQCB referral letter to the facility owner or operator of the facility but did not issue a closure letter to the facility owner or operator.
- CERS ID 10416640
  - The closure letter issued to the owner or operator did not include the following:
    - Date(s) of when closure activity occurred
    - Indication as to whether the USTs were closed in place or removed.

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

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

#### CITATION:

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

#### CORRECTIVE ACTION:

By the 1<sup>st</sup> Progress Report, the CUPA will review and revise the UST closure procedure or other applicable procedure to ensure the establishment of a process, which will include at minimum, how the CUPA will:

- Document in sufficient detail the owner or operator has demonstrated to the satisfaction of the CUPA that UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC, and

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

#### DEFICIENCIES REQUIRING CORRECTION

- Provide UST closure documentation to the UST owner or operator which demonstrates to the satisfaction of the CUPA that UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC.

The CUPA will provide the revised UST closure procedure, or other applicable procedure, to CalEPA.

By the 1<sup>st</sup> Progress Report, the CUPA will revise the UST closure letter template to be issued to the owner or operator. The CUPA may consider including the following language in the UST closure letter template:

- Date of permanent closure
- Site address
- Indication as to whether each UST was closed in place or removed
- Confirmation that the UST(s) have been permanently closed in accordance with HSC, Chapter 6.7, Section 25298(c) and CCR, Title 23, Section 2672.

The CUPA will provide the revised UST closure letter template to CalEPA.

By the 2<sup>nd</sup> Progress Report, if amendments to the UST closure procedure or other applicable procedure and/or amendments to the UST closure letter template are necessary, based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended UST closure procedure or other applicable procedure and/or amended UST closure letter template. If no amendments to the UST closure procedure or other applicable procedure and/or no amendments to the UST closure letter template are necessary, the CUPA will provide internal training to UST inspection staff on the revised UST closure procedure or other applicable procedure and/or revised UST closure letter template. The CUPA will provide training documentation to CalEPA, which at minimum will include, the date the training was conducted, 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 UST closure procedure or other applicable procedure and/or revised UST closure letter template.

By the 3<sup>rd</sup> Progress Report, if amendments to the UST closure procedure or other applicable procedure and/or amendments to the UST closure letter template were necessary, the CUPA will provide internal training to UST inspection staff on the amended UST closure procedure or other applicable procedure and/or the amended UST closure letter template. The CUPA will provide training documentation to CalEPA, which at minimum will include, the date the training was conducted, an outline of the training conducted, and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended UST closure procedure or other applicable procedure and/or the amended UST closure letter template.

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

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**DEFICIENCIES REQUIRING CORRECTION**

Opportunities to conduct UST closure activities are limited within the jurisdiction of the CUPA, therefore, the State Water Board will consider this deficiency corrected upon completion of the UST closure procedure, or other applicable procedure, and the UST closure letter template determined acceptable by the State Water Board to avoid keeping this deficiency unnecessarily open while waiting for USTs to undergo permanent closure. The State Water Board will verify the CUPA is implementing the accepted UST closure procedure, or other applicable procedure, and utilizing the accepted UST closure letter during the next CUPA Performance Evaluation.

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# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION PRELIMINARY SUMMARY OF FINDINGS REPORT

### INCIDENTAL FINDINGS REQUIRING RESOLUTION

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

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#### 1. INCIDENTAL FINDING:

The CUPA is not ensuring submitted HMBPs are thoroughly reviewed and contain all required elements before being accepted in CERS.

Review of HMBPs submitted to CERS by regulated businesses subject to Business Plan reporting requirements finds the following HMBP submittals were accepted with missing or incomplete components:

- CERS ID 10401328: The employee training plan does not have provisions for documenting training records for a minimum of three years.
- CERS ID 10413196: Missing required site map component such as loading areas and evacuation staging areas.
- CERS ID 10503469: Missing required site map component such as emergency response equipment.
- CERS ID 10500631: Missing required site map components such as north orientation and loading areas.
- CERS ID 10629772: Missing required site map components such as an evacuation staging area and emergency response equipment. The emergency response plans do not identify an evacuation route.
- CERS ID 10591243: Missing required site map components such as access and exit points, an evacuation staging area, and emergency response equipment. The emergency response plans do not identify evacuation plans and procedures.

Note: This deficiency was identified in the 2018 CUPA Performance Evaluation by OSFM relative to not consistently ensuring HMBP site map submittals contain all required elements. The deficiency was considered corrected during the 2018 Evaluation Progress Report process.

#### CITATION:

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

#### RESOLUTION:

By the 1<sup>st</sup> Progress Report, the CUPA will develop and provide CalEPA with an action plan to ensure that each HMBP submittal is thoroughly reviewed and contains all required elements before being accepted in CERS.

By the 2<sup>nd</sup> Progress Report, CalEPA will review HMBP submittals for each facility identified above to ensure all required elements are included before being accepted in CERS by the CUPA.

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# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION PRELIMINARY SUMMARY OF FINDINGS REPORT

### INCIDENTAL FINDINGS REQUIRING RESOLUTION

#### 2. INCIDENTAL FINDING:

The “Permit to Operate,” issued as the Unified Program Facility Permit (UPFP), UST operating permit (issued under the “Permit to Operate”), and UST operating permit conditions are inconsistent with UST Regulations and HSC.

Review of the “Permit to Operate” finds the following inconsistencies with UST Regulations and HSC:

- The “Permit to Operate” states, “This permit cannot be transferred to another owner/operator or location under any circumstances.”, which is more stringent than CCR, Chapter 16, Section 2712(d) and HSC, Section 25284(b), allowing for the transfer of permits.
- The “Permit to Operate” states, “THIS PERMIT IS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE CALIFORNIA HEALTH AND SAFETY CODE (CH&SC), THE CALIFORNIA CODE OF REGULATIONS (CCR), AND IS SUBJECT TO SUSPENSION OR REVOCATION AS PROVIDED THEREIN.”
  - The CUPA does not have authority to suspend a UST operating permit, per HSC, Section 25285.1.

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

- The UST operating permit references HSC, Chapter 6.75 and CCR, Chapter 18.
  - The CUPA does not have regulatory authority to implement cleanup of USTs as a Local Oversight Program agency, and therefore cannot cite Chapters 6.75 and 18.
  - The correct citations are as follows:
    - CCR, Chapter 16, Sections 2610 through 2717.7.
    - HSC, Chapter 6.7, Sections 25280 through 25296 and 25298 through 25299.6.
  - Alternatively, the UST Program citations referenced could identify what sections of UST Regulations and HSC are excluded.
- The UST operating permit references CCR, Chapter 17.
  - The CUPA does not have authority to implement the Underground Tank Tester Regulations, and therefore cannot cite Chapter 17.

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

- UST operating permit condition 4 states, “The permittee must obtain permission from the CUPA prior to any modification of an UST system.”
  - The CUPA does not have authority to include this as part of the permit conditions unless required by a local ordinance. The local ordinance, *Title 5, Chapter 5, Article B, Underground Storage*, does not include this requirement.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION PRELIMINARY SUMMARY OF FINDINGS REPORT

### INCIDENTAL FINDINGS REQUIRING RESOLUTION

#### **CITATION:**

HSC, Chapter 6.7, Sections 25283(b)(1)(B), 25297.01(b), 25284(b), 25285.1, and 25284.4(a)  
CCR, Title 23, Section 2712(d)  
[State Water Board]

#### **RESOLUTION:**

By the 1<sup>st</sup> Progress Report, the CUPA will revise the “Permit to Operate,” UST operating permit, and UST operating permit conditions to be consistent with UST Regulations and HSC. The CUPA will provide the revised “Permit to Operate” template, UST operating permit, and UST operating permit conditions to CalEPA.

By the 2<sup>nd</sup> Progress Report, the CUPA will, if necessary, amend the “Permit to Operate,” UST operating permit, and UST operating permit conditions based on feedback from the State Water Board, and will provide the amended “Permit to Operate,” UST operating permit, and UST operating permit conditions to CalEPA. If no amendments are necessary, the CUPA will begin to issue the revised “Permit to Operate,” revised UST operating permit, and revised UST operating permit conditions. The CUPA will provide CalEPA with the “Permit to Operate,” UST operating permit, and UST operating permit conditions issued to five UST facilities using the revised “Permit to Operate,” revised UST operating permit, and revised UST operating permit conditions.

By the 3<sup>rd</sup> Progress Report, if amendments to the revised “Permit to Operate,” UST operating permit, and UST operating permit conditions were necessary, the CUPA will begin to issue the amended “Permit to Operate,” amended UST operating permit, and amended UST operating permit conditions. The CUPA will provide CalEPA with the “Permit to Operate,” UST operating permit, and UST operating permit conditions issued to five UST facilities using the amended “Permit to Operate,” amended UST operating permit, and amended UST operating permit conditions.

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### **3. INCIDENTAL FINDING:**

The local ordinance, *Title 5, Chapter 5, Article B, Underground Storage*, is inconsistent with UST Regulations and HSC requirements.

Review of the local ordinance finds the following inconsistency:

- Section 5-5B-1 references HSC, Chapter 6.75 and CCR, Chapter 18.
  - The CUPA does not have regulatory authority to implement cleanup of USTs as a Local Oversight Program agency, and therefore cannot cite Chapters 6.75 and 18.
  - The correct citations are as follows:
    - CCR, Chapter 16, Sections 2610 through 2717, and
    - HSC, Chapter 6.7, Sections 25280 through 25296 and 25298 through 25299.6
  - Alternatively, the UST Program citations referenced could identify what sections of UST Regulations and HSC are excluded.

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**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

**CITATION:**

HSC, Chapter 6.7, Sections 25283(b)(1)(B) and 25297.01(b).  
[State Water Board]

**RESOLUTION:**

The CUPA will not implement provisions of the local ordinance that are inconsistent with UST Regulations and HSC, such as referencing HSC, Chapter 6.75 and CCR, Chapter 18.

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

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

OR

- A timeline for repealing the existing local ordinance.

By the 2<sup>nd</sup> 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 revise and adopt the revised local ordinance, or repeal the existing local ordinance, the State Water Board will consider this incidental finding closed, but not resolved, after the CUPA has provided an acceptable plan for the revision and adoption of the revised local ordinance and an opportunity for the State Water Board to review a draft of the revised local ordinance, or after the CUPA has provided an acceptable plan for repealing the existing local ordinance as outlined above.

During the next CUPA performance evaluation, the State Water Board will verify that the revised local ordinance was adopted, or that the existing local ordinance was repealed.

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**4. INCIDENTAL FINDING:**

Required components of the I&E Plan are inaccurate.

Review of the I&E Plan finds the following components are inconsistent with UST Regulations and HSC:

- Section J states, “Any permit issued pursuant to California Health & Safety Code, Chapters 6.7, Section 25281 (Underground Storage of Hazardous Substances) ... may be revoked,

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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modified or suspended during its term, upon one or more of the following grounds: a) Any permit issued pursuant to California Health & Safety Code, Chapters 6.7 (Underground Storage) b) Violation of any provision of California Health & Safety Code, Chapters 6.7 (Underground Storage of Hazardous Substances)..."

- The CUPA does not have authority to suspend a UST operating permit, per HSC, Section 25285.1.
- Section L(1)(b) states, "Before affixing any red tag, the Environmental Safety employee shall document the product level in the tank. No owner or operator of a UST system may deposit or allow for the deposit of any petroleum product into a UST that has a red tag affixed."
  - The provisions of HSC, Section 25292.3 were amended to include the language in HSC, Section 25292.3(c)(1)(c), which became effective January 1, 2019.

#### **CITATION:**

HSC, Chapter 6.7, Section 25285.1 and 25292.3(c)(1)(c)  
[State Water Board]

#### **RESOLUTION:**

By the 1<sup>st</sup> Progress Report, the CUPA will revise the I&E Plan to correctly address all required components. The CUPA will provide the revised I&E Plan to CalEPA.

By the 2<sup>nd</sup> Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from the State Water Board, the CUPA will provide the amended I&E Plan to CalEPA. If no amendments are necessary, the CUPA will provide internal training to UST inspection staff on the revised I&E Plan. Once training is complete, the CUPA will implement the revised I&E Plan.

By the 3<sup>rd</sup> Progress Report, if amendments to the revised I&E Plan were necessary, the CUPA will provide internal training to UST inspection staff on the amended I&E Plan. Once training is complete, the CUPA will implement the amended I&E Plan.

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#### **5. INCIDENTAL FINDING:**

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

Review of CERS CME information between April 1, 2019, and March 31, 2022, HWG inspection reports and other information provided by the CUPA finds the CUPA is not consistently and correctly reporting CME information in inspection reports to the CUPA's data management system, resulting in inconsistent and incorrect CME information in CERS as follows:

- Multi-day HWG facility inspections are reflected in CERS as independent inspections on the same day. The following Hazardous Waste (HW) Large Quantity Generator (LQG) and HW inspections are reported in CES as being conducted on the same day:
  - CERS ID 10154963: HW LQG and HW inspections dated April 27, 2021
  - CERS ID 10854340: HW LQG and HW inspections dated October 13, 2020



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- CERS ID 10441801: HW LQG and HW inspections dated September 10, 2020
- CERS ID 10401328: HW LQG and HW inspections dated August 26, 2020
- CERS ID 10741087: HW LQG and HW inspections dated June 16, 2020
- CERS ID 10131241: HW LQG and HW inspections dated June 10, 2020
- CERS ID 10159275: HW LQG and HW inspections dated December 3, 2019.
- A separate inspection checklist is utilized for different HWG facilities rather than using an HWG facility inspection checklist that incorporates different types of HWG facilities. This generates the entry of separate and concurrent HWG facility type inspections in the CUPA's data management system and generates the entry of duplicative or incorrect HWG inspection information in CERS if the CME information is not initially synced correctly in the CUPA's data management system.
  - Only one type of facility inspection for an HWG facility should be entered in CERS, unless the facility also treats or recycles waste on site. An HWG facility should have either an HW LQG or an HW Small Quantity Generator (SQG)/HW Very Small Quantity Generator (VSQG) associated inspection.
- The following routine HW LQG and routine HW inspections are reported as being conducted closely to one another for the following facilities:
  - CERS ID 10628350
    - HW LQG inspection dated September 10, 2020
    - HW inspection dated September 24, 2020
  - CERS ID 10130428
    - HW LQG inspection dated August 10, 2020
    - HW inspection dated August 11, 2020
  - CERS ID 10414294
    - HW LQG inspection dated January 31, 2020
    - HW inspection dated January 23, 2020
  - CERS ID 10206970
    - HW LQG inspection dated November 12, 2019
    - HW inspection dated November 21, 2019
  - CERS ID 10158243
    - HW LQG inspection dated October 16, 2019
    - HW inspection dated October 24, 2019.
  - Multi-day inspections should be reported in CERS as one inspection regardless of the number of days needed to complete the inspection. Refer to CERS Frequently Asked Questions (FAQ) "How to Report Multi-Day Inspections in CERS."
  - In some instances, the HW LQG inspection includes Resource Conservation and Recovery Act (RCRA) LQG violations, and in some instances the HW inspection includes HW SQG violations that are actually applicable to a RCRA LQG facility. This results in incorrect reporting of RCRA LQG violation information to the U.S. Environmental Protection Agency Enforcement and Compliance History Online (ECHO) database.
- Duplicative CME information exists in CERS:
  - CERS ID 10854340: There are two separate HW inspections in CERS, each dated October 13, 2020, each citing the same violation.

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**CITATION:**

HSC, Chapter 6.11, Section 25404(e)(4)  
CCR, Title 27, Section 15187(a)(2) and (c)  
[DTSC]

**RESOLUTION:**

During the evaluation, the CUPA stated a certain checklist for HW LQG inspections will no longer be used to ensure the data redundancy does not continue to occur. The CUPA will work with the data management system service provider to correct the electronic data transfer of information from the CUPA's data management system to CERS.

By the 1<sup>st</sup> Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure information in inspection reports and related CME information is correctly entered into the CUPA's data management system and is transferred to CERS correctly through electronic data transfer (EDT). The action plan will include, at minimum:

- Identification and correction of the cause(s) for inconsistent and incorrect reporting of CME information from inspection reports to the CUPA's data management system;
- Identification and correction of the cause(s) for inconsistent and incorrect reporting of CME information to CERS, including duplicative CME information;
- A timeframe for implementing correction, including the anticipated date of resolution, to ensure consistent and correct reporting of CME information to the CUPA's data management system and CERS;
- Review and revision of the CME reporting component of the Data Management Procedure, or other applicable procedure, to ensure CME information is consistently and correctly reported to the CUPA's data management system and CERS;
- Training of CUPA personnel on the CME reporting component of the Data Management Procedure, once reviewed, and revised if necessary;
- Revision of the HWG facility inspection checklists to clearly indicate whether an inspection is considered "routine" or "other" and to identify the HWG facility type inspected, including applicable citation(s) for each violation observed; and
- Identification of all RCRA LQG CME information that was not previously reported to CERS or reported to CERS incorrectly. This may generate the need for a comparison of HWG Program CME information in the CUPA's data management system with the CME information in CERS to identify CME information not reported, or previously reported incorrectly to CERS.

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a narrative update of the progress made towards implementation of all components of the action plan.

By the 2<sup>nd</sup> Progress Report, if revisions to the CME reporting component of the Data Management Procedure, or other applicable procedure were necessary, the CUPA will provide CalEPA with the revised CME reporting component of the Data Management Procedure, or other applicable procedure. If revisions were not necessary, the CUPA will train CUPA personnel on

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the CME reporting component of the Data Management Procedure, or other applicable procedure.

By the 3<sup>rd</sup> Progress Report, if revisions to the CME reporting component of the Data Management Procedure, or other applicable procedure were necessary, the CUPA will train CUPA personnel on the revised CME reporting component of the Data Management Procedure, or other applicable procedure.

By the 5<sup>th</sup> Progress Report, the CUPA will consistently and correctly report CME information to the CUPA's data management system and CERS.

By the 5<sup>th</sup> Progress Report, the CUPA will provide a statement confirming the complete entry of all prior RCRA LQG CME information to CERS that was not previously reported to CERS or was previously reported to CERS incorrectly.

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

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

As of June 9, 2022, review of HMBPs submitted to CERS by regulated businesses subject to Business Plan reporting requirements finds:

- 38 of 300 (13%) regulated business plan facilities have not submitted a chemical inventory (including site map) or a no-change certification within the last 12 months.
- 37 of 299 (12%) regulated business plan facilities have not submitted emergency response and employee training plans or a no-change certification within the last 12 months.

**CITATION:**

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

**RESOLUTION: COMPLETED**

During the evaluation, as of September 20, 2022, review of information provided by the CUPA and HMBPs submitted to CERS by regulated businesses subject to Business Plan reporting requirements finds:

- 16 of 299 (5%) regulated business plan facilities have not submitted a chemical inventory (including site map) or a no-change certification within the last 12 months.
- 16 of 299 (5%) regulated business plan facilities have not submitted emergency response and employee training plans or a no-change certification within the last 12 months.

The CUPA is encouraged to continue to follow up with facilities to ensure all regulated businesses submit a chemical inventory (including site map) and an emergency response and employee training plan, or a no change certification, at least once every 12 months. This finding is considered resolved. No further action is required.

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**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

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

The annual CalARP Performance Audit Reports for FYs 2018/2019, 2019/2020, and 2020/2021 have missing, incomplete, and inaccurate components.

The following component is missing:

- A listing of stationary sources which have been audited.

The following component is incomplete:

- A summary of enforcement actions initiated by the CUPA identifying each stationary source.
  - The CUPA provided the number of enforcement actions, however, a summary of the enforcement actions was not provided.

The following component is inaccurate:

- A summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP program.
  - The CUPA summarized personnel in the terms of a Full-Time Equivalent rather than personnel years. CCR, Title 19, Section 2780.5(b)(7) requires the personnel time dedicated to CalARP program implementation to be summarized in personnel years.

**CITATION:**

CCR, Title 19, Section 2780.5(b)  
[CalEPA]

**RESOLUTION: COMPLETED**

During the evaluation, the CUPA provided a revised CalARP Performance Audit Report for FY 2021/2022, which contained all components required by CCR, Title 19, Section 2780.5. Though the revised CalARP Performance Audit Report for FY 2021/2022 reflects no enforcement actions were initiated by the CUPA during the year of 2021/2022, future CalARP Performance Audit Reports must have a summary of enforcement actions initiated by the CUPA identifying each stationary source, as required by CCR, Title 19, Section 2780.5(b)(6). This finding is considered resolved. No further action is required.

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### OBSERVATIONS AND RECOMMENDATIONS

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

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#### 1. OBSERVATION:

The following is a summary of inspection and violation information based on review of facility files and CERS CME information for the HMBP and CalARP Programs:

HMBP Program:

- April 1, 2019, through March 31, 2020
  - The CUPA conducted 74 “routine” inspections, of which 19 (26%) had no violations cited and 55 (74%) had at least one violation cited.
  - A total of 146 violations were cited during “routine” inspections, consisting of:
    - 0 (0%) Class I violations
    - 65 (45%) Class II violations
    - 81 (55%) Minor violations
  - The CUPA has ensured RTC for 246 of 246 (100%) violations cited.
- April 1, 2020, through March 31, 2021
  - The CUPA conducted 159 “routine” inspections, of which 75 (47%) had no violations cited and 84 (53%) had at least one violation cited.
  - A total of 249 violations were cited during “routine” inspections, consisting of:
    - 0 (0%) Class I violations
    - 74 (30%) Class II violations
    - 175 (70%) Minor violations
  - The CUPA has ensured RTC for 249 of 249 (100%) violations cited.
- April 1, 2021, through March 31, 2022
  - The CUPA conducted 78 “routine” inspections, of which 42 (54%) had no violations cited and 36 (46%) had at least one violation cited.
  - A total of 84 violations were cited during “routine” inspections, consisting of:
    - 0 (0%) Class I violations
    - 31 (37%) Class II violations
    - 53 (63%) Minor violations
  - The CUPA has ensured RTC for 84 of 84 (100%) violations cited.

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CalARP Program:

- April 1, 2019, through March 31, 2022
  - The CUPA conducted 6 “routine” inspections, of which 3 (50%) had no violations cited and 3 (50%) had at least one violation cited.
  - A total of 5 violations were cited, consisting of:
    - 0 (0%) Class I violations
    - 3 (60%) Class II violations
    - 2 (40%) Minor violations
  - The CUPA has ensured RTC for 5 of 5 (100%) violations cited.

#### **RECOMMENDATION:**

Maintain the three-year inspection frequency for all HMBP facilities and all CalARP facilities, as required by statute. Ensure complete and thorough inspections are conducted to identify all violations at facilities. Continue to generate detailed inspection reports that include all factual basis and proper citation for each identified violation. Follow up with facilities that have not obtained RTC by the scheduled RTC date and apply enforcement per the I&E Plan when facilities do not obtain RTC.

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#### **2. OBSERVATION:**

The CERS reporting requirement is currently set as “APSA Applicable” for 34 tank facilities. The CUPA’s data management system identifies 35 APSA tank facilities.

- 32 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- 3 tank facilities are reported as “APSA Applicable” in CERS but are not identified as APSA tank facilities in the CUPA’s data management system. Some of these facilities are likely not APSA regulated, and the CUPA should change the CERS APSA reporting requirement to “APSA Not Applicable” for each facility. Some of these facilities are APSA regulated, and the CUPA should update the local data management system appropriately.
- 2 facilities identified as APSA tank facilities in the CUPA’s data management system are not in the CERS list of APSA facilities. The CUPA should determine if the facilities really are APSA facilities. Those that are not APSA regulated should have the APSA reporting requirement set to “Not Applicable,” and should not be identified as APSA tank facilities in the CUPA’s data management system. Those that are APSA regulated should have the APSA reporting requirement set to “Applicable.”

#### **RECOMMENDATION:**

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

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**3. OBSERVATION:**

The [APSA website](https://www.elsegundofd.org/environmental-safety/aboveground-petroleum-storage-act) (<https://www.elsegundofd.org/environmental-safety/aboveground-petroleum-storage-act>) contains resources for the public and regulated community; however, the following APSA program information may benefit from improvement:

- The description of an APSA tank facility under “Your business or facility needs an APSA permit if...” is limited and should be clarified to be consistent with the statute, including tank facilities that are subject to the Federal SPCC rule.
- Revise the APSA requirements section for clarity as follows:
  - Remove the ‘unless exempt’ phrase in the following statement, “Unless exempt, a facility in the APSA Program must...”
  - Add “(or HMBP)” to the following statement, “submit facility information in CERS” so that it reads “submit a tank facility statement (or HMBP) to CERS.”
  - Add a statement to clarify that conditionally exempt tank facilities are exempt only from preparing a Spill Prevention, Control, and Countermeasure (SPCC) Plan under APSA if certain conditions are met, however, such tank facilities are still required to submit a tank facility statement (or HMBP) to CERS and pay a fee to the CUPA.

**RECOMMENDATION:**

Update the information on the website as indicated above.

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**4. OBSERVATION:**

The June 2020 area plan and Self-Audit Reports for FYs 2017/2018, 2018/2019, 2019/2020, and 2020/2021 contain information that may benefit from improvement.

- The list of Unified Program elements is missing the fire code Hazardous Materials Management Plans-Hazardous Materials Inventory Statements (HMMP-HMIS). The HMMP-HMIS is consolidated with the HMBP Program to streamline the regulatory requirements for regulated facilities.

**RECOMMENDATION:**

Ensure the next revision of the area plan and future Self-Audit Reports incorporate HMMP-HMIS with the HMBP Program.

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**5. OBSERVATION:**

The CUPA utilizes the CUPA Forum Board APSA inspection checklists and generally utilizes the appropriate version during inspections; however, review of APSA facility files provided by the CUPA indicates:

- CERS ID 10128355: An inspection report, dated October 27, 2021, shows a Tier I qualified facility inspection checklist was used. The facility does not meet the qualified facility criteria.

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- CERS ID 10872214: An inspection report, dated July 19, 2021, shows a Tier II qualified facility inspection checklist was used. The facility does not meet the qualified facility criteria.

**RECOMMENDATION:**

Ensure the appropriate inspection checklist is utilized when conducting APSA tank facility inspections.

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**6. OBSERVATION:**

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

- Page 7: RTC section for APSA – The following statement is incorrect, “A PE [professional engineer] is required for facilities that exceed 10,000 gallons of petroleum.” A PE-certified SPCC Plan is required if a facility stores more than 10,000 gallons of oil (including petroleum).
- Page 12: Reference to the DTSC Envirostor complaint referral system is outdated. CalEPA took over the DTSC Envirostor complaint referral system in April 2016, and complaints are now referred to CUPAs via the CalEPA Environmental Complaint System, which requires periodic updates to local referral CUPA contacts and feedback and closure information on referred complaints from the agency the complaint is referred to. The CalEPA Environmental Complaint System website is: <https://calepacomplaints.secure.force.com/complaints/>.
- Page 23: The description of ensuring appropriate confidentiality is only mentioned in the context of the Show Cause Letter. The description should address and expand on the general standard for ensuring appropriate confidentiality within the enforcement process.
- Page 40: Include APSA in the list of acronyms.

**RECOMMENDATION:**

Ensure the next revision of the I&E Plan addresses the above observations. Ensure the referral CUPA contact information in the CalEPA Environmental Complaint system is current and remains updated any time there is a change in personnel.

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**7. OBSERVATION:**

Review of accepted CERS UST submittals finds two single-walled tanks which require permanent closure by December 31, 2025, in accordance with HSC, Chapter 6.7, section 25292.05.

- CERS ID 10131661 (Tank IDs 001 and 002)

**RECOMMENDATION:**

Continue to provide written and verbal reminders to all applicable UST facility owners or operators regarding the December 31, 2025, requirements for permanent closure of single-walled USTs. Consider providing written notification of the requirement to all applicable UST facility owners or operators. The written notification should inform facility owners or operators



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that to remain in compliance, owners or operators must replace or remove single-walled USTs by December 31, 2025. Additional information regarding single-walled UST closure requirements may be found at: [https://www.waterboards.ca.gov/ust/single\\_walled.html](https://www.waterboards.ca.gov/ust/single_walled.html).

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

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

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#### 8. OBSERVATION:

Review of overall implementation of the HWG Program, including policies and procedures, CERS information, facility file information, information provided by the CUPA and Self-Audit Reports between April 1, 2019, and March 31, 2022, is summarized below:

- CERS identifies there are 125 facilities that self-identified as HWGs, 6 Resource Conservation and Recovery Act (RCRA) Large Quantity Generators (LQGs), and 1 Tiered Permitted (TP) facility.
- The three-year HWG inspection frequency for all facilities is currently being met as 123 of 125 facilities were inspected (98%).
- The CUPA conducted 156 total HWG inspections (Routine and Other).
  - The CUPA conducted 141 “routine” HWG inspections, of which 85 (60%) had at least one violation cited and 56 (40%) had no violations cited.
    - In the 85 inspections having at least one violation cited, 221 total violations were cited, consisting of:
      - Zero Class I violations
      - 118 (54%) Class II violations, and
      - 103 (46%) minor violations.
- The CUPA has ensured RTC for 218 of 221 (99%) violations cited.
- The CUPA completed two formal enforcement actions for hazardous waste related violations. The formal enforcement notices to CalEPA reflect penalties in the amounts of \$8,400.00 and \$8,500.00. CERS reflects penalty amounts for three formal enforcement Administrative Enforcement Orders (AEOs), but there are no corresponding violations associated with each of the AEOs for any program in CERS.
- Review of facility files finds inspection reports are inconsistent when describing violations identified. Some inspection reports contain detailed comments that note the factual basis of cited violations in an initial observation section and other inspection reports did not have this section when citing violations. However, detailed information was in CERS CME information for each violation for both types of inspection reports.
- The CUPA’s website contains helpful information for HWG facilities.

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

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**RECOMMENDATION:**

Continue with the three-year HWG inspection frequency and applied enforcement efforts in addition to generating quality inspection reports.

At the time of inspection, provide facilities with a checklist detailing observations and corrective actions to violations cited.

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**9. 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 City of El Segundo Fire Department Environmental Safety 1995 Application for Certification
- CERS “Summary Regulated Facilities by Unified Program Element Report” generated on August 16, 2022
- CERS “UST Inspection Summary Report (Report 6),” generated on August 16, 2022
- Total Number of Regulated Businesses and Facilities:
  - In 1995: **140**
  - Currently: **327**
  - An increase of **187** facilities
- Total Number of Hazardous Materials Release Response Plan and Inventory (Business Plan) Regulated Businesses and Facilities:
  - In 1995: **90**
  - Currently: **302**
  - An increase of **212** facilities
- Total Number of Regulated Underground Storage Tank (UST) Facilities:
  - In 1995: **44**
  - Currently: **21**
  - A decrease of **23** facilities
- Total Number of Regulated Underground Storage Tanks (USTs):
  - In 1995: **176**
  - Currently: **44**
  - A decrease of **132** Underground Storage Tanks
- Total Number of Regulated Hazardous Waste Generator (HWGs) Facilities:
  - In 1995: **108**
  - Currently: **125**
  - An increase of **17** facilities

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- Total Number of Regulated Household Hazardous Waste (HHW) Facilities:
  - In 1995: None specified
  - Currently: **0**
  - 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.
- Total Number of Regulated Tiered Permitting Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):
  - In 1995: **15**
  - Currently: **1**
  - A decrease of **14** facilities
- Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:
  - In 1995: none specified
  - Currently: **6**
  - 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 1995: **20**
  - Currently: **6**
  - A decrease of **14** facilities
- Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:
  - In 1995: **4**
  - Currently: **34**
  - An increase of **30** facilities

Since the CUPA applied for certification in 1995, there has been increases in the number of regulated facilities within the Business Plan, HWG, and APSA Programs. Between 2022 and 1995, there has been a 236% increase in the Business Plan Program, a 16% increase in the HWG Program, and a 750% increase in the APSA Program. There have also been some decreases in the number of regulated facilities within the UST and CalARP Programs. Between 2022 and 1995, there has been a 52% decrease in the UST Program and a 70% decrease in the CalARP Program. The decline in the overall number of regulated USTs and UST facilities is almost parallel to the increase in regulated APSA tank facilities. The total number of regulated facilities has overall increased by 187 regulated businesses and facilities (134%).

After certification, an expansion of responsibilities in the HMBP, HWG, CalARP, and APSA programs has occurred, increasing the total regulated facility count and attributing to an

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increased workload undertaken by the CUPA to further implement regulatory oversight of each of these programs. Additionally, the management of compliance, monitoring, inspection, and enforcement information transitioned from the use of Unified Program Consolidated Forms to the implementation of electronic data reporting through local data management systems and CERS.

The information below is a comparison of the overall full-time equivalent (FTE) of CUPA personnel allocated to the implementation of the Unified Program upon certification of the CUPA with present-day circumstance and the degree to which allocated inspection and supervisory/management staff has increased. The information is sourced from the City of El Segundo Fire Department Environmental Safety 1995 CUPA Application and recent information provided by the CUPA.

#### CUPA Personnel:

- Inspection and other Staff
  - Upon Certification in 1995:
    - 1 Staff, each Part-Time = 0.85 FTE (1,696 hours total in one FY)
  - Currently:
    - 1 Staff, each Full-Time = 0.90 FTE
    - \*The CUPA has one Management Analyst with 0.70 FTE towards the Unified Program. The Management Analyst is responsible for billing and collections of the single fee program and performing other administrative tasks.
  
- Supervisory and Management Staff
  - Upon Certification in 1995:
    - 2 staff, each Full-Time = 2.0 FTE
      - Time was split equally between one ESM position and one Principal Env. position.
  - Currently:
    - 1 Staff, each Full-Time = 0.80 FTE

The comparison of the implementation of the program upon certification with present-day circumstance reveals there may be a few underlying issues impacting the CUPA. Between rapid growth within the city limits and the expansion of the Unified Program elements since its inception, the number of regulated facilities for the CUPA have more than doubled since the CUPA was first certified. As of the most recent evaluation, however, the CUPA has only partially increased the amount of work hours by 0.05 FTE that staff contribute to the Unified Program than when the agency was first certified.

Although the CUPA is currently fully staffed, staffing changes have been experienced within the last three years. The CUPA filled an open position (Management Analyst) and during 2018, the CUPA used a consultant firm (Koester Environmental) to perform some inspections, and also received support from the previous Fire Marshal. CUPA personnel were given temporary assignments during the COVID-19 response (Safety Officer and Fire Marshal). The CUPA

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continued to perform inspections and enforcement as required, however, some CERS submittal processing and return to compliance documentation were impacted throughout the period because of temporary assignments for CUPA personnel.

The CUPA's fee schedule is assessed every fiscal year. The CUPA regularly conducts fee studies assessing the CUPA fees. The City of El Segundo Finance Department conducts a Citywide Fee Study approximately every two years, and fees can be updated annually per Consumer Price Index (CPI) increases determined by the Finance Department. The annual review and updating of the fee accountability program are handled by the Environmental Safety Manager and Management Analyst. The CUPA works actively to address any pay discrepancies by identifying new facilities within the city limits and improving its assessment of Unified Program costs to determine the reasoning for raising fees, as needed. The CUPA aims to recover 80% of implementation expenditures through single fee assessment and subsidizes the remaining costs utilizing the general fund.

**RECOMMENDATION:**

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. Reevaluate the current budget and expenditures, single fee assessment for each entity, and funding allocation for program services so that, if applicable, the CUPA is able to justify the need to increase fees, staff levels, and other resources as necessary and reasonable to ensure adequate implementation of each program element.

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**10. OBSERVATION:**

There is no date of completion on the annual Self-Audit Report for FYs 2018/2019, 2019/2020, and 2020/2021.

**RECOMMENDATION:**

Incorporate a completion date on the annual Self-Audit Report.

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**11. OBSERVATION:**

The "Records Retention Policy" specifies how records are retained in physical and electronic formats, however, the criterion for determining eligibility is not provided.

**RECOMMENDATION:**

Revise the "Records Retention Policy" as indicated above.

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**12. OBSERVATION:**

The CUPA notified CalEPA of an incorrect Formal Enforcement Summary report that noted an enforcement action of a facility located outside the jurisdiction of the CUPA. The facility for which the enforcement action was applied was located within the jurisdiction of a different CUPA. In another instance, the CUPA notified CalEPA that a Formal Enforcement Summary report for a

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facility within the jurisdiction of the CUPA had been provided to CalEPA as required but was not uploaded to CERS by CalEPA in a timely manner.

**RECOMMENDATION:**

CalEPA and El Segundo CUPA will continue efforts to ensure enforcement data in both the Environmental Complaint Tracking System and CERS are as accurate as possible.

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