

February 24, 2023

Mr. Greg Plucker
Community Development Director
Colusa County Environmental Health
146 7th Street
Colusa, California 95932-2112

Dear Mr. Plucker:

During April 2022 through December 2022, CalEPA and the state program agencies conducted a performance evaluation of the Colusa County Environmental Health 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 an oversight Underground Storage Tank (UST) Program inspection.

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 acknowledgement of accomplishments and challenges, as well as 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 meets or exceeds 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 (May 1, 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.

I commend you and your team in the successful implementation of the Unified Program despite the numerous challenges over the past few years, including the response and management efforts of the Coronavirus (COVID-19) pandemic. The CUPA has managed to do an exemplary job of keeping up with a desirable Unified Program performance rating.

Mr. Greg Plucker
Page 2

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

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

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

Sincerely,



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

Enclosures

cc sent via email:

Mr. Kuljeet Mundi
Environmental Health Manager
Colusa County Environmental Health
146 7th Street
Colusa, California 95932-2112

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

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

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

Mr. Greg Plucker
Page 3

cc sent via email:

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

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

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

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

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

Ms. Char'Mane Robinson
Environmental Scientist
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

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

Mr. Pheleep Sidhom
Environmental Scientist
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Greg Plucker
Page 4

cc sent via email:

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

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

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Mr. John Elkins
Environmental Program Manager
California Environmental Protection Agency

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

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

Mr. Garrett Chan
Environmental Scientist
California Environmental Protection Agency

Ms. Julie Unson
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: Colusa County Environmental Health

Evaluation Period: April 2022 through December 2022

Evaluation Team Members:

- **CalEPA Team Lead:** Timothy Brandt
- **DTSC:** Mia Goings, Kevin Abriol
- **CalEPA:** Garrett Chan
- **State Water Board:** Jenna Hartman, Sean Farrow
- **CAL FIRE-OSFM:** Mary Wren-Wilson, 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 meets or exceeds 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

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

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

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

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

1st Progress Report: May 1, 2023

3rd Progress Report: October 30, 2023

2nd Progress Report: July 31, 2023

4th Progress Report: January 8, 2024

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL 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.

1. ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM IMPLEMENTATION:

The CUPA ensured each APSA tank facility storing 1,320 gallons or more of petroleum was inspected once every three years, which met the triennial inspection frequency established in the Inspection and Enforcement (I&E) Plan.

The CUPA ensured APSA tank facilities annually submitted the tank facility statement or a complete Hazardous Materials Business Plan (HMBP), when provided in lieu of the tank facility statement.

The CUPA ensured APSA tank facilities with violations achieved return to compliance (RTC).

The inspection and enforcement efforts of the CUPA are considered above and beyond the standard expectations of the implementation of the APSA Program during the statewide challenges and restrictions due to the Coronavirus (COVID-19).

2. CUSTOMER SERVICE AND ASSISTANCE PROVIDED TO THE REGULATED COMMUNITY:

The Environmental Health Manager, who oversees the implementation of the Unified Program by the CUPA, goes above and beyond in efforts to provide assistance with helping ensure the regulated community is able to enter information into the California Environmental Reporting System (CERS). There are many regulated facilities within the jurisdiction of the CUPA that do not have owners or operators with the technical ability or knowledge necessary to submit electronic information to CERS accurately. The Environmental Health Manager strongly encourages and supports CUPA staff to take the time to assist owners and operators of regulated facilities with the use of CERS and the CERS submittal process.

3. INFORMATION AND RESOURCES AVAILABLE FOR UNDERGROUND STORAGE TANK (UST) PERMANENT CLOSURE REQUIREMENTS:

The CUPA's webpage, <https://www.countyofcolusa.org/426/Hazardous-Materials-Waste-CUPA>, includes the permanent closure requirements for single-walled UST systems that must be permanently closed on or before December 31, 2025, as well as information on grants and loans made available through the Replacing, Removing, or Upgrading USTs (RUST) Program. The CUPA is proactively making efforts to promote and provide resources to UST owners and/or operators to facilitate permanent closure of single-walled UST systems by the December 31, 2025, deadline. Additionally, links are provided to the applicable State Water Board webpages.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

ACCOMPLISHMENTS, EXAMPLES OF OUTSTANDING IMPLEMENTATION, AND CHALLENGES

4. HAZARDOUS WASTE GENERATOR (HWG) PROGRAM INSPECTIONS & RETURN TO COMPLIANCE (RTC) DURING THE COVID-19 PANDEMIC:

The CUPA ensured each HWG facility was inspected once every three years, achieving an inspection frequency of 100% despite the many challenges and restrictions experienced relating to COVID-19 and staff turnover of CUPA personnel. During the same timeframe, the CUPA was also able to ensure 96% of cited HWG violations obtained RTC.

5. ADMINISTRATIVE AND PROCEDURAL DOCUMENT QUALITY AND REPORTING CONSISTENCY:

The administrative and procedural documents established by the CUPA consistently meet or surpass the requirements set forth in California Code of Regulations (CCR), Title 27. The CUPA is consistent in adhering to the requirements for reporting information to CERS and CalEPA. As a result of this attention to detail, CalEPA cited no deficiencies or findings relating to the administrative, procedural, and reporting requirements of Title 27 for this evaluation. Additionally, the administrative and procedural documents are a prime example for other CUPAs to follow in ensuring CCR, Title 27 regulatory requirements are fulfilled.

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 consistently ensuring RTC for UST testing and leak detection violations is obtained within 60 days and documented in CERS.

Review of inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information in CERS finds testing and leak detection violations for UST facilities did not obtain RTC within 60 days for the following Fiscal Years (FYs):

- FY 2019/2020
 - 26 of 61 (43%)
 - 9 of 26 (35%) violations were cited for single-walled UST facilities
 - The following are examples:
 - CERS ID 10191166: “All UDC's failed tightness test. Repairs must be made within 30 days and re-tested.”
 - CERS ID 10191151: “All three spill buckets failed. If concrete is broken, a permit needs to be pulled within 30 days.”
- FY 2020/2021
 - 40 of 66 (61%)
 - 11 of 40 (28%) violations were cited for single-walled UST facilities
 - The following are examples:
 - CERS ID 10191163: “Diesel annular sensor failed. Pull permits for necessary repairs within 30 days.”
 - CERS ID 10191193: “All of the vacuum sensors were in alarm at time of inspection and were unable to be tested at time of inspection. Necessary repairs need to be made and sensors need to be tested.”
- FY 2021/2022
 - 14 of 35 (40%)
 - 7 of 14 (50%) violations were cited for single-walled UST facilities
 - The following are examples:
 - CERS ID 10191175: “Overfill prevention tested attempted but not completed due to issues with diesel drop tube and spill bucket. Complete overfill testing once diesel spill bucket is repaired”
 - CERS ID 10191421: “Spill bucket failed due to not having a minimum five-gallon capacity. Pull necessary permits within 30 days to replace the spill bucket.”

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

Review of CERS CME information finds testing and leak detection violations for single-walled UST facilities have no RTC documented in CERS for the following FYs:

- FY 2019/2020
 - 3 of 8 (37%)
 - The following is an example:
 - CERS ID 10420180: “Per 23 CCR 16 2641(e) UST’s that can’t be visually monitored need to be non-visually monitored. Facility does not currently implement a method of non-visual monitoring. Facility needs to implement a form of non-visual monitoring.”
- FY 2020/2021
 - 7 of 8 (87%)
 - The following is an example:
 - CERS ID 10420180: “Per 23 CCR 16 2641(e) UST’s that can’t be visually monitored need to be non-visually monitored. Facility does not currently implement a method of non-visual monitoring. Facility needs to implement a form of non-visual monitoring.”
- FY 2021/2022
 - 6 of 8 (75%)
 - The following are examples:
 - CERS ID 10412950: “Last enhanced leak detection testing was conducted 7/30/18 and has not been scheduled. Schedule testing within two weeks.”
 - CERS ID 10420180: “Last cathodic protection testing was conducted 4/22/18 and has not been scheduled. Schedule testing within two weeks.”

CITATION:

Health and Safety Code (HSC), Chapter 6.7, Section 25288(d)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the I&E Plan, or other applicable procedure, to ensure establishment of a process for UST inspection staff to document:

- follow-up actions taken by the CUPA to ensure RTC is achieved within 60 days for UST facilities cited with violations;
- RTC in CERS for facilities that obtain RTC within 60 days; and
- any applied enforcement.

The CUPA will provide CalEPA with the revised I&E Plan, or other applicable procedure.

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide RTC documentation or documentation of the applied enforcement for CERS ID 10412950 and CERS ID 10420180.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

By the 2nd Progress Report, if amendments to the revised I&E Plan or other applicable procedure are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended I&E Plan or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised I&E Plan or other applicable procedure. 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 I&E Plan or other applicable procedure.

By the 3rd Progress Report, if amendments to the I&E Plan or other applicable procedure were necessary, the CUPA will train UST inspection staff on the amended I&E Plan or other applicable procedure. 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 UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended I&E Plan or other applicable procedure.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

INCIDENTAL FINDINGS REQUIRING RESOLUTION

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

1. INCIDENTAL FINDING:

The I&E Plan is inconsistent with CCR, Title 23, Division 3, Chapter 16 (UST Regulations) and HSC, Chapter 6.7 requirements.

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

- Section 3.3.2 states “Any permit issued pursuant to Colusa County Ordinance, Chapter 770, Section 770-061 (Underground Storage Tanks) may be revoked, modified or suspended during its term, upon one or more of the following grounds: a) Obtaining the permit by misrepresentation or intentional failure to fully disclose all relevant facts. (b) A change in condition that requires modification or termination of the operation of the Underground Storage Tank. (c) Violation of any provision of Colusa County Ordinance, Chapter 770, Section 770-061 or Health and Safety Code, Section 25280 et seq., or the California Code of Regulations, Title 23, Division 3, Chapter 16, Section 2610 et seq.”
 - The CUPA does not have authority to suspend a UST operating permit, per HSC, Section 25285.1.
 - Section 770-061 of the Colusa County Ordinance no longer appears to be adopted as part of Colusa County Code.

CITATION:

HSC, Chapter 6.7, Sections 25285.1.
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will review and revise the I&E Plan to address the inconsistency identified above. The CUPA will provide the revised I&E Plan to CalEPA.

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

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

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

INCIDENTAL FINDINGS REQUIRING RESOLUTION

2. INCIDENTAL FINDING:

The UST operating permit, issued under the “Permit to Operate” as the Unified Program Facility Permit (UPFP), has a component that is inconsistent with UST Regulations and HSC requirements.

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

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

Note: This was identified as a deficiency during the 2019 CUPA Performance Evaluation and was corrected during the Evaluation Progress Report process. However, all UST operating permits provided for the 2022 CUPA Performance Evaluation were issued after correction of the UST operating permit template was determined and reflect the incorrect citations.

CITATION:

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

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a revised UST operating permit template, to be issued under the “Permit to Operate,” as the UPFP, consistent with UST Regulations and HSC requirements.

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

By the 3rd Progress Report, if amendments to the revised UST operating permit template were necessary, the CUPA will begin to issue the amended UST operating permit and will provide CalEPA with five UST operating permits issued to UST facilities using the amended UST operating permit template.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

INCIDENTAL FINDINGS REQUIRING RESOLUTION

3. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA is not consistently classifying APSA Program violations properly.

Review of facility files and CERS CME information indicates the CUPA is classifying Class I or Class II APSA Program violations as minor violations in the following instance:

- Not having, or failure to prepare, a Spill Prevention, Control, and Countermeasure (SPCC) Plan was cited as a minor violation. Facilities that operate without an SPCC Plan present a significant threat to human health or the environment and may benefit economically from noncompliance either by reduced costs or by competitive advantage. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3). In addition, classifying a violation for not having an SPCC Plan as minor is inconsistent with, and less stringent than, the U.S. Environmental Protection Agency (U.S. EPA).
 - FY 2018/2019 through FY 2020/2021
 - 2 of 8 (25%) violations for not having, or failure to prepare, an SPCC Plan were classified as minor.

Note: The Federal SPCC Rule is not delegated to any state. However, the APSA Program requires consistency and compliance with the Federal SPCC Rule for SPCC Plan preparation and implementation, as well as consistency with Federal enforcement guidance.

CITATION:

HSC, Chapter 6.11, Sections 25404(a)(3) and 25404.2(a)(3)-(4)
HSC, Chapter 6.67, Sections 25270.4.1(c) and 25270.4.5(a)
CCR, Title 27, Sections 15200(a) and (e)
[OSFM]

RESOLUTION: COMPLETED

Prior to the evaluation assessment, the CUPA trained inspection staff and provided CalEPA with documentation that the following training was conducted:

- Violation Classification Training Video 2014
<https://www.youtube.com/watch?v=RB-5V6RfPH8>
- 2020 Violation Classification Guidance for Unified Program Agencies
<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>
- U.S. EPA Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act, August 1998 for SPCC violations
https://19january2017snapshot.epa.gov/enforcement/civil-penalty-policy-section-311b3-and-section-311j-clean-water-act-cwa-august-1998_.html

This incidental finding is considered resolved. No further action is necessary.

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:

The CUPA's website (<https://www.countyofcolusa.org/426/Hazardous-Materials-Waste-CUPA>) contains many resources for the public and regulated community. However, the following information relative to the APSA Program is outdated or incorrect and may benefit from improvement:

- The statement, "Exceptions to this rule includes farms, nurseries, logging and construction sites if these businesses..." should be clarified as follows: "Conditionally exempt tank facilities include farms, nurseries, logging and construction sites, if these facilities have a total storage capacity of less than 100,000 gallons or if the individual storage tanks are less than 20,000 gallons."
- The following statement should be relocated under the section on APSA tank facility requirements/responsibilities: "A submittal of a Tank Facility Statement to CERS is required, unless a complete HMBP has been submitted to CERS. A complete HMBP includes the chemical inventory, site map, and emergency response and training plans."
- The following statement should be removed from under the section on APSA tank facility requirements/responsibilities: "Submit a Tank Facility Statement Form (Unless a Hazardous Materials Inventory statement has been submitted to CCEH)."
- The statement, "While facilities may meet the petroleum storage volume threshold exceptions for preparing an SPCC plan..." should be clarified as follows: "A conditionally exempt tank facility is not required to prepare an SPCC Plan under APSA; however, a conditionally exempt tank facility is still regulated under APSA and must meet the following three conditions as described in HSC, Section 25270.4.5(b)."
- The statement, "If your facility meets the 1,320 gallon threshold and is not a exempted facility, the follow must be met..." should be clarified as follows: "If your facility is regulated under APSA and is not a conditionally exempt tank facility, then your facility must do the following..."
- Replace the link for the "SPCC Tier II Template" (Tier II Qualified Facility SPCC Plan template) with the most recent version, dated May 2021:
https://osfm.fire.ca.gov/media/13bddwhw/calfire-osfm_tierii_spcc_plantemplate_05-2021-accessible.pdf.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Update the website as indicated above. To better assist the regulated community, the following information relative to the APSA Program should also be included on the website:

- In addition to APSA tank facilities with 1,320 gallons or more petroleum, include a discussion on other tank facilities regulated under the APSA Program, such as tank facilities subject to the Federal SPCC Rule per HSC, Section 25270.3(a), tank facilities with one or more tanks in underground areas (TIUGAs), and tanks that store less than 1,320 gallons of petroleum per HSC, Section 25270.3(c).
 - Include a discussion on payment of fees (CUPA fees and the APSA state surcharge) on the list of APSA tank facility requirements and responsibilities.
-

2. OBSERVATION:

Some APSA tank facilities submitted an HMBP in lieu of a tank facility statement using the 2011 emergency response and training plans template, which contains obsolete information.

RECOMMENDATION:

Encourage each APSA tank facility that utilizes the consolidated emergency response and training plans template as part of the HMBP submittal, when provided in lieu of the tank facility statement, to use the current 2022 template available in CERS.

3. OBSERVATION:

The CERS reporting requirement is currently set as “APSA Applicable” for 51 APSA tank facilities. The CUPA’s data management system also identifies 51 APSA tank facilities.

- 51 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- 3 facilities are reported as “APSA Not Applicable” in CERS. Some of these facilities may be APSA regulated. The CUPA should change the CERS APSA reporting requirement to “APSA Applicable” for each of the 3 APSA tank facilities and should update the data management system appropriately.
- 3 facilities were identified as APSA tank facilities in the CUPA’s data management system and in CERS. However, the CUPA should determine if the facilities really are APSA tank facilities. Those that are not APSA regulated should not be identified as APSA tank facilities in the CUPA’s data management system. Those that are not APSA regulated should have the APSA reporting requirement set to “Not Applicable.”
- Farms that are no longer regulated under APSA due to Senate Bill 612 (Statutes of 2015, Chapter 452) and the Federal Water Resources Reform and Development Act (WRRDA) of 2014 oil applicability thresholds should be identified in CERS as “Not Applicable” for APSA.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Review the list of conditionally exempt APSA tank facilities at farms, verify if the total oil storage capacity at each facility meets the WRRDA thresholds, and determine if each facility should still be regulated as a conditionally exempt tank facility under APSA.

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.

4. OBSERVATION:

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

- Page 3 Table of Contents and Page 13 Enforcement Section: Replace "Above Ground Storage Tank Program" with "Aboveground Petroleum Storage Act Program".
- Page 28, Section 3.4.2., Item 3: Article 2 (commencing with Section 25531) of HSC, Chapter 6.67 does not exist. The correct citation is Chapter 6.95.

RECOMMENDATION:

Update the I&E Plan as indicated above.

5. OBSERVATION:

Information within the Self-Audit Reports for FYs 2018/2019, 2019/2020, and 2020/2021 may benefit from improvement.

- Page 1
 - Authorized Program Elements: The fire code Hazardous Materials Management Plans-Hazardous Materials Inventory Statements (HMMP-HMIS) is missing from the Unified Program elements implemented by the CUPA.
 - The HMMP-HMIS is consolidated with the HMBP Program to streamline the regulatory requirements for regulated facilities.
 - Update "Aboveground Storage Tank Act" to "Aboveground Petroleum Storage Act."

RECOMMENDATION:

Ensure future Self-Audit Reports include the above information.

6. OBSERVATION:

The area plan contains the following outdated information that may benefit from improvement:

- Page 149, Part III, D.4.: Remove the word 'uniform' in "California Uniform Fire Code."
 - The Uniform Fire Code is outdated; the current fire code adopted by the state is the California Fire Code. The 2022 edition is the current edition, which became effective January 1, 2023.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

With the next review and revision of the area plan, address the above observation.

7. OBSERVATION:

CUPA inspectors reference the CUPA Forum Board APSA inspection checklists when conducting compliance inspections. The CUPA provides a one-page inspection report to the facility, which includes a facility capacity or classification field, using check boxes for the following categories: conditionally exempt, less than 10,000 gallons of petroleum, greater than or equal to 10,000 gallons of petroleum, and Tier I or Tier II qualified facility.

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

- CERS ID 10128265: An inspection report dated February 22, 2022, notes the facility is classified by the inspector as having less than 10,000 gallons of petroleum. However, the facility stores more than 10,000 gallons of petroleum based on the current hazardous materials inventory, site map, and APSA facility information submittals in CERS.
- CERS ID 10758028: An inspection report dated December 4, 2020, notes the facility is classified by the inspector as having less than 10,000 gallons of petroleum. However, the facility stores more than 10,000 gallons of petroleum based on the current hazardous materials inventory submittal in CERS.

RECOMMENDATION:

Ensure the appropriate APSA tank facility inspection checklist (Tier I qualified facility, Tier II qualified facility, professional engineer-certified SPCC Plan facility, or conditionally exempt tank facility) is utilized when conducting APSA tank facility inspections and ensure the appropriate facility category or classification is marked accordingly on the one-page checklist provided to facilities.

8. OBSERVATION:

On June 28, 2022, the State Water Board observed Colusa County Environmental Health conduct a routine annual UST compliance inspection for CERS ID 10412950.

The CUPA inspector conducted a complete inspection, including but not limited to visually observing UST components and containment areas, reviewing alarm history, and reviewing testing reports, designated operator (DO) training records, and DO monthly inspection reports. The CUPA inspector also displayed knowledge of UST regulations and HSC requirements, which facilitated in conducting a complete annual compliance inspection.

RECOMMENDATION:

Continue to perform complete annual compliance inspections for consistency in implementation of UST Program requirements.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

9. OBSERVATION:

Review of accepted CERS UST submittals finds the following single-walled tanks require permanent closure by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05:

- CERS ID 10412950 (tanks 10412950-001, -002, -003)
- CERS ID 10420180 (tanks 10420180-001, -002, -003)

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.

10. OBSERVATION:

Review of the UST closure letter for CERS ID 10191400 finds the following information was not included:

- CERS tank ID number(s) for the permanently closed UST(s) and
- Date of permanent closure.

RECOMMENDATION:

Revise the UST closure letter template to ensure it includes CERS tank ID numbers for permanently closed UST(s), if applicable, and the date of permanent closure in order to document permanent closure in sufficient detail. A closure letter template is provided at: https://www.waterboards.ca.gov/water_issues/programs/ust/docs/ust-closure-letter-template-final.pdf.

11. 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 California Accidental Release Prevention (CalARP) Programs:

HMBP Program

- April 1, 2019 through March 31, 2020
 - The CUPA conducted 154 routine inspections, of which 87 (57%) had no violations cited and 67 (44%) had at least one violation cited.
 - A total of 112 violations were cited, consisting of:
 - 0 (0%) Class I violations
 - 9 (8%) Class II violations and
 - 103 (92%) Minor violations.
 - The CUPA has ensured RTC for 112 of 112 (100%) violations cited.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

- April 1, 2020 through March 31, 2021
 - The CUPA conducted 151 routine inspections, of which 131 (87%) had no violations cited and 20 (13%) had at least one violation cited.
 - A total of 21 violations were cited, consisting of:
 - 0 (0%) Class I violations
 - 0 (0%) Class II violations
 - 21 of 21 (100%) Minor violations.
 - The CUPA has ensured RTC for 21 of 21 (100%) violations cited.
- April 1, 2021 through March 31, 2022
 - The CUPA conducted 111 routine inspections, of which 85 (77%) had no violations cited and 26 (23%) had at least one violation cited.
 - A total of 30 violations were cited, consisting of:
 - 0 (0%) Class I violations
 - 5 (17%) Class II violations and
 - 25 (83%) Minor violations.
 - The CUPA has ensured RTC for 27 of 30 (90%) violations cited.

CalARP Program

- April 1, 2019 through March 31, 2020
 - The CUPA conducted 3 routine inspections, of which 3 (100%) had no violations cited and 0 (0%) had at least one violation cited.
 - There were no violations for which the CUPA had to obtain RTC.
- April 1, 2020 through March 31, 2021
 - The CUPA conducted 5 routine inspections, of which 5 (100%) had no violations cited and 0 (0%) had at least one violation cited.
 - There were no violations for which the CUPA had to obtain RTC.
- April 1, 2021 through March 31, 2022
 - The CUPA conducted 0 routine inspections.

RECOMMENDATION:

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

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

12. OBSERVATION:

Review of overall implementation of the HWG Program, including policies and procedures, CERS data, facility file information, information in the DTSC Hazardous Waste Tracking System (HWTS), information provided by the CUPA and Self-Audit Reports from April 1, 2019, through March 31, 2022, is summarized below:

- The CUPA provided a list of 139 regulated HWG facilities, which includes 1 Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) facility, and 1 Tiered Permitted (TP) facility.
- The FY 2020/2021 Self-Audit Report identifies 141 regulated HWG facilities.
- CERS indicates 134 facilities self-identified as an HWG on the Business Activities page.
- Review of the DTSC HWTS Generator Waste Summary Report for Colusa County finds the following:
 - 179 facilities shipped hazardous waste April 1, 2019, through March 31, 2022.
 - 158 facilities shipped hazardous waste January 1, 2020, through March 31, 2022.
 - 125 facilities shipped hazardous waste January 1, 2021, through March 31, 2022.
 - Note: The counts of facilities above do not include facilities shipping hazardous waste in an emergency or for one-time removal actions.
- The 2016 and 2019 CUPA Performance Evaluations identified a deficiency for not identifying all HWGs within the jurisdiction of the CUPA. The corrective actions for each of those deficiencies required the CUPA to develop an action plan to identify any HWGs that were not regulated. Each deficiency was considered corrected during the Evaluation Progress Report process.
- The CUPA inspected 142 facilities and performed 182 HWG routine inspections, of which 114 (63%) had no violations cited and 68 (37%) had at least one violation cited.
 - In the 68 routine inspections performed having at least one violation cited, a total of 109 violations were issued, consisting of:
 - 0 Class I violations,
 - 27 Class II violations, and
 - 82 minor violations.
 - The CUPA has ensured RTC for 105 of 109 (96%) violations.
- The CUPA did not complete any separate formal enforcement actions for hazardous waste related violations, thus there is \$0 cumulative total penalty amount.
- Inspection reports contain detailed comments that note the factual basis of cited violations and indicate whether consent to inspect was requested prior to the inspection being conducted.

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Continue with the three-year HWG inspection frequency and applied enforcement efforts in addition to generating quality inspection reports. Ensure that detailed factual basis of each violation is included in the inspection report(s) and in the CME information transferred from the data management system to CERS, to support any enforcement efforts. Follow up with facilities that have not obtained RTC by the scheduled RTC date and apply enforcement for facilities that do not RTC, per the I&E plan.

Review the HWTS Generator Waste Summary Report for Colusa County to identify any HWG facilities not currently regulated within the jurisdiction of the CUPA.

Develop a step by step written plan or procedure for staff to refer to regarding how the CUPA identifies new and closing businesses regulated under the HWG program:

- including regular referrals from city and county planning agencies, fire districts plan check or occupancy permits;
- sanitary district industrial waste discharge permits;
- HWTS reviews and/or other local sources;
- a process to update CERS to maintain accurate and current data.

13. OBSERVATION:

The CUPA did not consistently include all observations, factual basis, and corrective action documentation for each violation cited on HWG and TP inspection reports.

Review of HWG and TP inspection reports, CERS CME information and issued Notices of Violation finds inadequate or improper documentation of cited violations for the following facilities:

- CERS ID 10191325: An inspection report dated June 3, 2019, cites the following violation: "Waste was not picked up within 180 days." The CUPA did not document the corrective actions for this violation on the inspection report.
- CERS ID 10191325: inspection dated May 3, 2019, cites the following violation: "Waste was not picked up within 180 days." The CUPA did not document the corrective actions for this violation on the inspection report.

Note: This observation was listed as a Deficiency during the 2019 CUPA Performance Evaluation and was considered corrected during the Evaluation Progress Report process. The CUPA has improved the overall process for documenting factual basis, however, needs to be consistent.

RECOMMENDATION:

Review the "CalEPA Inspection Report Writing Guidance" document, available at: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Documents-Inspection-InspectionRpt-accessible.pdf>, to ensure each inspection report contains observations, factual basis, and corrective actions to correctly identify and classify each observed HWG violation.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

14. OBSERVATION:

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

- Colusa County Environmental Health CUPA Application, dated December 26, 2001;
- CERS “Summary Regulated Facilities by Unified Program Element” report, generated on September 12, 2022;
- CERS “UST Inspection Summary Report (Report 6),” generated on September 12, 2022; and
- Colusa County Environmental Health Division, Colusa CUPA Self-Audit Report for Fiscal Year 20-21.

- Total Number of **Business Plan** Regulated Businesses and Facilities:

- In 2001 Application: 200
- Currently: 318
- An increase of 118 facilities

- Total Number of Regulated **Underground Storage Tank (UST)** Facilities:

- In 2001 Application: 21
- Currently: 18
- A decrease of 3 facilities

- Total Number of Regulated **USTs**:

- In 2001 Application: 52
- Currently: 50
- A decrease of 2 USTs

- Total Number of Regulated **Hazardous Waste Generator** Facilities:

- In 2001 Application: 50
- Currently: 142
- An increase of 92 facilities

- Total Number of Regulated **Household Hazardous Waste (HHW)** Facilities:

- In 2001 Application: Not 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.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

- **Total Number of Regulated Tiered Permitting (TP) Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):**
 - In 2001 Application: 0
 - Currently: 1
 - An increase of 1 facility

- **Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:**
 - In 2001 Application: Not specified
 - Currently: 1
 - 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), also known as California Accidental Release Prevention (CalARP) Program Facilities:**
 - In 2001 Application: 6
 - Currently: 9
 - An increase of 3 facilities

- **Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:**
 - In 2001 Application: Not applicable
 - Currently: 54

Since the original application for certification was submitted in 2001, the CUPA has seen some fluctuations in the number of regulated facilities in nearly all Unified Program elements. In particular, the total number of regulated HMBP facilities increased by 118 (or 59%) and the total number of regulated HWG facilities increased by 92 (or 184%). The incorporation of the APSA program also added another 54 facilities not previously regulated by the CUPA when first certified. The number of regulated facilities for the UST, CalARP, and TP component of the HWG program have changed slightly but have remained relatively consistent since the CUPA was first certified.

Additional program element responsibilities have been incorporated into the implementation of the Unified Program and the number of facilities regulated by the CUPA has changed since the CUPA applied for certification in 2001.

Since the CUPA applied for certification in 2001, an expansion of responsibilities in the HMBP, HWG, and APSA programs has occurred, increasing the 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.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

The information below is a comparison of the overall full-time equivalent (FTE) of CUPA personnel allocated to the implementation of the Unified Program upon certification of the CUPA with present-day circumstance and the degree to which allocated inspection and supervisory/management staff has increased or decreased. The information is sourced from the Colusa County Environmental Health CUPA Application, dated December 26, 2001, and recent information provided by the CUPA.

- In 2001 Application
 - 0.3 budgeted FTEs split between 4 staff positions
 - 1 Environmental Health Division Director
 - 1 Environmental Health Specialist (EHS) II
 - 1 EHS I
 - 1 Account Clerk II
 - Note: In the original application, the CUPA indicated that 0.3 FTEs were required to implement the entire CUPA program based on the 2001/2002 workload analysis. The CUPA also indicated the intent to hire additional staff to adequately implement the program after receiving certification from CalEPA.

- Currently
 - 5.0 budgeted FTEs split between 5 staff positions
 - 1 Division Manager
 - 3 Registered Environmental Health Specialist (REHS) Inspectors
 - 1 REHS position is currently vacant
 - 1 Administrative/Fiscal Support Staff

RECOMMENDATION:

Based on the information above, it appears the CUPA has been proactive in adapting staffing resources accordingly to meet the changing needs of Unified Program implementation over time.

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