

February 24, 2023

Ms. Tia Branton, Director
Tehama County Environmental Health Department
633 Washington Street, Room 36
Red Bluff, California 96080-3355

Dear Ms. Branton:

During December 2021 through February 2023, CalEPA and the state program agencies conducted a performance evaluation of the Tehama County Environmental Health Department Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, review of regulated facility file documentation, and California Environmental Reporting System information.

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

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

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

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

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

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

Sincerely,



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

Enclosures

cc sent via email:

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Ms. Julie Unson
Environmental Scientist
California Environmental Protection Agency

Ms. Kaeleigh Pontif
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Tehama County Environmental Health Department

Evaluation Period: December 2021 – February 2023

Evaluation Team Members:

- **CalEPA Team Lead:** Kaeleigh Pontif
- **CalEPA*:** Garrett Chan
- **DTSC:** Matthew McCarron
- **State Water Board:** Kaitlin Cottrell, Sean Farrow
- **CAL FIRE-OSFM:** Glenn Warner, Denise Villanueva

This Final Summary of Findings includes:

- Program deficiencies
- Incidental findings requiring resolution
- Program observations and recommendations
- Examples of outstanding program implementation

The findings contained within this evaluation report are considered final.

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

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

Kaeleigh Pontif
CalEPA Unified Program
Phone: (916) 803-0623
E-mail: Kaeleigh.Pontif@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

*Effective July 1, 2021, oversight of the Hazardous Materials Release Response Plans and Inventory and the California Accidental Response Prevention Program transitioned from Cal OES to CalEPA.

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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 inspecting each Hazardous Waste Generator (HWG) facility once every three years, per the inspection frequency established in the Inspection and Enforcement (I&E) Plan.

Review of facility files, inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS) between April 1, 2019, and March 31, 2022, and additional information provided by the CUPA finds:

- 97 of 192 (51%) HWG facilities were not inspected once every three years.

CITATION:

California Code of Regulations (CCR), Title 27, Section 15200(a)(3)(A)
Health and Safety Code (HSC), Chapter 6.5, Section 25201.4(b)(2)
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each HWG facility is inspected once every three years. The action plan will include, at minimum:

- An analysis and explanation as to why the inspection frequency for the HWG Program is not being met. Factors to consider include existing inspection staff resources and the number of facilities scheduled to be inspected each year, response to declared emergencies such as wildfire response and recovery efforts and impacts of the Coronavirus (COVID-19).
- A sortable spreadsheet exported from the CUPA's data management system or CERS, identifying each HWG facility that has not been inspected once every three years. For each HWG facility listed, the spreadsheet will include, at minimum:
 - Facility name,
 - CERS ID, and
 - Date of the last routine inspection.
- A schedule to inspect those HWG facilities, prioritizing the most delinquent inspections to be completed prior to any other HWG inspection.
- Future steps to ensure that all HWG facilities will be inspected once every three years (for example, the generation of a list of all HWG facilities and the anniversary date of the next routine HWG inspection for each listed facility).

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

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DEFICIENCIES REQUIRING CORRECTION

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

By the 5th Progress Report, the CUPA will have inspected each delinquent HWG facility once every three years.

2. DEFICIENCY:

The “Permit to Operate,” issued as the Unified Program Facility Permit (UPFP), does not contain all required components.

The following required component is missing:

- An addendum used to document permit conditions for each applicable element of the Unified Program.
 - The “Permit to Operate” issued to HWG, Hazardous Materials Business Plan (HMBP), Aboveground Petroleum Storage Act (APSA) and California Accidental Release Prevention (CalARP) Program facilities did not contain permit conditions.

CITATION:

CCR, Title 27, Section 15190(h)
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a revised “Permit to Operate” template that includes permit conditions for each applicable program element, as identified in the “Consolidated Permit Plan.”

By the 2nd Progress Report, the CUPA will, if necessary, amend the revised “Permit to Operate” template, based on feedback from CalEPA, and will provide the amended template to CalEPA. If no amendments are necessary, the CUPA will provide CalEPA with the “Permit to Operate” issued to five facilities using the revised “Permit to Operate” template.

By the 3rd Progress Report, if amendments to the revised “Permit to Operate” template were necessary, the CUPA will provide CalEPA with the “Permit to Operate” issued to five facilities using the amended “Permit to Operate” template.

3. DEFICIENCY:

The CUPA is not consistently ensuring APSA tank facilities annually submit a HMBP to CERS, when an HMBP is provided in lieu of a tank facility statement.

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DEFICIENCIES REQUIRING CORRECTION

Review of HMBPs submitted to CERS by APSA tank facilities in lieu of a tank facility statement indicates:

- 30 of 88 (34%) APSA tank facilities have not submitted a chemical inventory and site map within the last 12 months
 - Including 1 APSA tank facility that has never submitted a chemical inventory and site map.
- 32 of 88 (36%) APSA tank facilities have not submitted emergency response and training plans within the last 12 months
 - Including 2 APSA tank facilities that have never submitted emergency response and training plans.

CITATION:

HSC, Chapter 6.67, Section 25270.6(a)
[OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure that HMBPs provided in lieu of a tank facility statement are annually submitted to CERS.

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from the CUPA's data management system or CERS, that includes at minimum the following information for each APSA tank facility that has not annually submitted an HMBP to CERS when an HMBP is provided in lieu of a tank facility statement:

- Facility name;
- CERS ID; and
- A narrative of the enforcement applied by the CUPA.

By the 4th Progress Report, the CUPA will ensure each APSA tank facility has annually submitted an HMBP to CERS when an HMBP is provided in lieu of a tank facility statement, or the CUPA will have applied enforcement.

4. DEFICIENCY:

The CUPA is not consistently following up and documenting return to compliance (RTC) information in CERS for APSA Program tank facilities cited with violations.

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DEFICIENCIES REQUIRING CORRECTION

Review of CERS CME information indicates there is no documented RTC for the following APSA Program violations:

- Fiscal Year (FY) 2020/2021
 - 4 of 10 (40%) violations
 - Including 1 violation for not having, or failure to prepare, a Spill Prevention, Control, and Countermeasure (SPCC) Plan.
- FY 2018/2019
 - 3 of 4 (75%) violations
 - Including 2 violations for not having, or failure to prepare, an SPCC Plan.
- FY 2017/2018
 - 7 of 13 (54%) violations
 - Including 2 violations for not having, or failure to prepare, an SPCC Plan.

CITATION:

HSC Chapter 6.11, Section 25404.1.2(c)

HSC, Chapter 6.67, Section 25270.4.5(a)

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

[OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from the CUPA's data management system or CERS, that includes at minimum the following information for each APSA tank facility with open violations (no RTC) cited between July 1, 2017, and June 30, 2021.

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date (when applicable);
- RTC qualifier; and
- In the absence of obtained RTC, a narrative of the enforcement applied by the CUPA to ensure RTC.

The CUPA will prioritize follow-up actions with each facility based on the level of hazard present to public health and the environment.

By the 3rd Progress Report and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three APSA tank facility records, as requested by OSFM, that include RTC documentation, or a description of the enforcement applied by the CUPA in the absence of RTC.

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DEFICIENCIES REQUIRING CORRECTION

By the 4th Progress Report, the CUPA will have ensured each APSA tank facility identified in the sortable spreadsheet provided with the 1st Progress Report as having been cited with a violation for not having, or failure to prepare, an SPCC Plan has achieved compliance, or the CUPA will have applied enforcement.

5. DEFICIENCY:

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.

Review of HMBPs submitted to CERS by regulated businesses subject to Business Plan reporting requirements between May 31, 2021, and June 30, 2022, finds:

- 141 of 320 (44%) Business Plan facilities have not submitted a chemical inventory (including site map) or a no-change certification within the last 12 months.
- 153 of 320 (48%) 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), 25508(a), and 25508.2
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure that all Businesses Plan facilities annually submit an HMBP or a no-change certification to CERS.

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from the CUPA's data management system or CERS, that includes at minimum the following information for each regulated business subject to Business Plan reporting requirements that has not submitted an HMBP or no-change certification to CERS within the last 12 months:

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

By the 4th Progress Report, the CUPA will follow up with each Business Plan facility subject to HMBP reporting requirements identified in the sortable spreadsheet provided with the 1st Progress Report, to ensure each regulated business subject to Business Plan reporting requirements submits a complete HMBP or a no-change certification to CERS, or the CUPA will have applied enforcement.

UNIFIED PROGRAM PERFORMANCE EVALUATION
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DEFICIENCIES REQUIRING CORRECTION

6. DEFICIENCY:

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

Review of CERS CME information between April 1, 2019, and March 31, 2022, finds:

- 157 of 320 (49%) facilities subject to Business Plan requirements were not inspected within the last three years.

CITATION:

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

CORRECTIVE ACTION:

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

- An analysis and explanation as to why the triennial compliance inspection requirement is not being met for Business Plan facilities. Factors to consider include existing inspection staff resources and the number of facilities scheduled to be inspected each year, response to declared emergencies such as wildfire response and recovery efforts and impacts of COVID-19.
- A sortable spreadsheet exported from the CUPA's data management system or CERS, identifying each HMBP facility that has not been inspected within the last three years. For each HMBP facility listed, the spreadsheet will include, at minimum:
 - Facility name;
 - CERS ID; and
 - Date of the last routine inspection
- A schedule to inspect those HMBP facilities, prioritizing the most delinquent inspections to be completed prior to any other Business Plan inspection based on risk.
- Future steps to ensure that all HMBP facilities will be inspected at least once every three years.

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

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

By the 5th Progress Report, the CUPA will have inspected each facility subject to HMBP requirements at least once in the last three years.

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DEFICIENCIES REQUIRING CORRECTION

7. DEFICIENCY:

The 2021 area plan is missing required elements.

Review of the 2021 area plan finds the following required elements are missing:

- Procedures, developed in consultation with the Local Health Officer, to inform medical providers regarding eligibility for reimbursement pursuant to Section 12997.5 of the Food and Agricultural Code, where applicable;
- Provisions for access to state approved and permitted hazardous waste disposal facilities and emergency response contractors;
- Procedures, established in consultation with the County Agricultural Commissioner and the Local Health Officer, with assistance from the Department of Pesticide Regulation, to provide immediate access to pesticide-specific information for responders to pesticide releases;
- Procedures, developed in consultation with the Local Health Officer, to ensure access to health care within 24 hours of an exposure resulting from a pesticide drift exposure incident and up to a week after the incident;
- Identification of medical facilities capable of providing treatment appropriate for hazardous material incidents, to include pesticide drift exposure incidents;
- Procedures, developed in consultation with the County Agricultural Commissioner, to notify residents of a pesticide drift exposure incident and a procedure to assist in the coordination of an evacuation, if deemed necessary by emergency response personnel;
- Procedures to identify all languages known to be spoken in the administering agency's county or city, as the case may be, and ensure that any individual is able to access services in their native language as required by Section 11135 of the Government Code. The area plan will outline what these services are and how they will be provided in the languages identified;
- Provisions for informing medical and health facilities of the nature of the incident and the substance(s) involved in an incident; and
- Protocols for responses to pesticide drift exposure incidents.

CITATION:

HSC, Chapter 6.95, Section 25503(d)(2)
CCR, Title 19, Sections 2640 and 2642 through 2648
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with the revised area plan that includes all required elements.

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DEFICIENCIES REQUIRING CORRECTION

8. DEFICIENCY:

The CUPA is not consistently inspecting abandoned underground storage tanks (USTs), reporting technical compliance rate (TCR) information in CERS and the Semi-Annual Report (Report 6), nor applying enforcement to ensure the proper closure of abandoned USTs in accordance with CCR, Title 23, Division 3, Chapter 16 (UST Regulations) and HSC, Division 20, Chapter 6.7 (HSC).

Review of CERS CME information and Report 6 finds the following:

- CERS ID 10706383:
 - CUPA identifies USTs as abandoned since 2009.
 - USTs reported in CERS as being inspected November 14, 2017, November 14, 2019, and February 27, 2020.
 - CERS reflects 1 violation dated 2017 for “Permanent Closure” (CERS violation type number 2030038). No additional violations have been reported in CERS, including TCR violations, nor has the CUPA reported applied enforcement.
- CERS ID 10706386:
 - CUPA identifies USTs as abandoned since 2017.
 - USTs reported in CERS as being inspected September 12, 2017, September 9, 2019, and May 27, 2020.
 - CERS reflects 1 violation dated 2017 for “Permanent Closure” (CERS violation type number 2030038). No additional violations have been reported in CERS, including TCR violations, nor has the CUPA reported applied enforcement.

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

Note: The following may be referenced:

- State Water Board correspondence dated April 27, 2017, “Conclusion of the Abandoned Underground Storage Tank Initiative, and Unified Program Agency Inspection and Reporting Requirements”
- CERS Frequently Asked Questions (FAQ) “Reporting Abandoned USTs” may be referenced.

CITATION:

HSC, Chapter 6.7, Sections 25298 and 25299(a)(5) or (b)(3)
[State Water Board]

CORRECTIVE ACTION:

With respect to the abandoned USTs identified at CERS ID 10706383 and CERS ID 10706386, the CUPA will follow up and ensure proper closure is completed in accordance with UST Regulations and HSC. Any UST installed on or after January 1, 1984, which is operational, or temporarily closed, or abandoned and was previously regulated by the CUPA, shall be:

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DEFICIENCIES REQUIRING CORRECTION

- Reported to CERS or to a local reporting portal,
- Inspected annually, applying enforcement to obtain compliance if needed, and
- Reported in Report 6 with TCR information.

By the 1st Progress Report, the CUPA will develop an action plan to properly inspect abandoned USTs at least once every 12 months, report TCR information in CERS and Report 6, and apply enforcement for the proper closure of abandoned USTs. The CUPA will provide CalEPA with the action plan.

By the 1st Progress Report, the CUPA will review and revise the I&E Plan or other applicable procedure, to ensure the establishment of a process for proper closure of abandoned USTs, including how the CUPA inspects and enforces the proper closure of abandoned USTs. The process at minimum will address:

- Conducting annual UST compliance inspections;
- Reporting TCR information in Report 6 and CERS;
- Applying enforcement; and
- Ensuring future abandoned USTs are reported to CERS and remain in CERS until UST closure is completed.

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

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 revised 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 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.

By the 4th Progress Report, and with each subsequent Progress Report until considered corrected, for each remaining abandoned UST, the CUPA will provide CalEPA with annual UST compliance inspection reports, TCR information in CERS and Report 6, UST closure records (if applicable), or the applied enforcement.

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DEFICIENCIES REQUIRING CORRECTION

If no UST removals or closures in place have occurred by the 5th Progress Report, the State Water Board will consider this deficiency closed but not corrected upon completion of training and implementation of the revised/amended I&E Plan or other applicable procedure. The State Water Board will verify proper UST removal or closure in place during the next CUPA Performance Evaluation.

9. DEFICIENCY:

The CUPA is not issuing the UST permit to operate to owners or operators prior to or upon the expiration date of the previously issued UST permit to operate.

Review of the UST permit to operate issued to owners or operators finds the subsequent permit was issued after the expiration date of the previously issued permit when no red tags had been issued and when no enforcement was pending and/or reported in CERS.

The following facilities were issued a subsequent UST permit to operate after the previously issued permit expired on December 31, 2020:

- CERS ID 10206691: UST permit to operate issued May 10, 2021;
- CERS ID 10459753: UST permit to operate issued May 6, 2021;
- CERS ID 10155173: UST permit to operate issued February 3, 2021;
- CERS ID 10149241: UST permit to operate issued February 4, 2021; and
- CERS ID 10406599: UST permit to operate issued February 4, 2021;

CITATION:

HSC, Chapter 6.7, Sections 25284 and 25285
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review and revise the *Consolidated Permit Plan*, to ensure the establishment of a process for issuing the UST permit to operate prior to or upon the expiration date of the previously issued permit. The *Consolidated Permit Plan* shall be consistent with permitting requirements outlined in HSC, Chapter 6.7, Section 25285 in regard to withholding permits.

By the 2nd Progress Report, if amendments to the revised *Consolidated Permit Plan* are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended *Consolidated Permit Plan*. If no amendments are necessary, the CUPA will train UST inspection staff on the revised *Consolidated Permit Plan*. 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 *Consolidated Permit Plan*.

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As a result of the CUPA's five-year permitting cycle, the State Water Board will consider this deficiency corrected upon completion and acceptance of the revised or amended *Consolidated Permit Plan* and upon receipt of training documentation. Issuance of UST permits to operate based on the revised or amended *Consolidated Permit Plan* will be verified during the next CUPA Performance Evaluation.

10. DEFICIENCY:

The UST operating permit and permit conditions have components that are inconsistent with HSC, UST Regulations, and the CUPA's Local Ordinance, Chapter 6.28 Underground Storage of Hazardous Substance requirements.

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

- Permit Condition 1 references UST Regulations, Chapter 16 and HSC, Chapter 6.7.
 - The CUPA does not have regulatory authority to implement cleanup of USTs as a Local Oversight Program agency, and therefore the CUPA cannot include UST Regulations and HSC citations for cleanup activities. The correct citations are as follows:
 - UST Regulations Sections 2610 through 2717.7.
 - HSC, Sections 25280 through 25296 and 25298 through 25299.6.
 - Alternatively, the permit conditions could identify HSC and CCR sections that are excluded from the reference.
- Permit Condition 3 includes reference to remedial actions, which are a process of cleanup activities.
 - The CUPA does not have regulatory authority to implement cleanup of USTs as a Local Oversight Program agency, and therefore the CUPA cannot reference remedial actions for cleanup activities.
- Permit Condition 5 indicates maintaining records of monitoring, maintenance, and testing for "3 years."
 - UST Regulations, Section 2712(b) requires UST owners or operators to maintain monitoring and maintenance records for "36 months."
- Permit and permit conditions reflect not being transferrable.
 - UST Regulations, Section 2712(d) indicates the permit may be transferred to new UST owners or operators.
 - Local Ordinance, Chapter 6.28.110 indicates permits are transferable as long as the UST owner or operator submits an application for transfer and the required fees.
- Permit indicates to display the permit conspicuously on the premises.
 - UST Regulations, Section 2712(i) requires permits and all conditions and attachments to be readily accessible at the facility in paper or electronic format.

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

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CITATION:

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will revise the UST operating permit and permit conditions template, to be consistent with HSC and UST Regulations. The CUPA will provide the revised UST operating permit and permit conditions template to CalEPA.

By the 2nd Progress Report, the CUPA will, if necessary, amend the revised UST operating permit and permit conditions template, based on feedback from the State Water Board, and will provide the amended UST operating permit and permit conditions template to CalEPA. If no amendments are necessary, the CUPA will begin to issue the revised UST operating permit and permit conditions.

As a result of the CUPA's five-year permitting cycle, the State Water Board will consider this deficiency corrected upon completion and acceptance of the revised or amended UST operating permit and permit conditions template. Issuance of the revised or amended UST operating permit and permit conditions will be verified during the next CUPA Performance Evaluation.

11. DEFICIENCY:

The local ordinance, Chapter 6.28 Underground Storage of Hazardous Substances, is inconsistent with and less stringent than UST Regulations and HSC.

Review of the local ordinance finds the following provision is inconsistent with UST Regulations and HSC:

- 6.28.010 – HSC and UST Regulation citations reference Sections 25280 through 25299.6 and Chapter 16 respectively.
 - The CUPA does not have regulatory authority to implement cleanup of USTs as a Local Oversight Program agency, and therefore cannot reference citations for cleanup activities. The correct citations are as follows:
 - UST Regulations Sections 2610 through 2717.7.
 - HSC, Sections 25280 through 25296 and 25298 through 25299.6.
 - Alternatively, the permit conditions could identify HSC and CCR sections that are excluded from the reference.

Review of the local ordinance finds the following provision is less stringent than HSC:

- 6.28.020(B) reflects UST construction requirements for HSC, Section 25291 (USTs installed after January 1, 1984) and Section 25292 (USTs installed on or before January 1, 1984).
 - UST construction requirements in accordance with HSC, Section 25290.1 (Design and Construction Requirements for Underground Storage Tanks Installed on or After July 1, 2004) are not reflected.

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DEFICIENCIES REQUIRING CORRECTION

Note: This deficiency was identified in the 2017 CUPA Performance Evaluation and was corrected during the Evaluation Progress Report process.

CITATION:

HSC, Chapter 6.7 Sections 25299.2 and 25299.3
CCR, Title 23, Section 2620(c)
[State Water Board]

CORRECTIVE ACTION:

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

- A timeline for revising, drafting, and adopting, or repealing, the ordinance; and
- Provisions for the CUPA to provide the revised local ordinance to the State Water Board for review to ensure consistency with UST Regulations and HSC.
- If the CUPA makes the determination to repeal the local ordinance applicable to the UST Program, the plan shall assess and include reference to what elements of the UST Program would be affected by the repeal of the local ordinance. If the local ordinance is repealed, the State Water Board will reassess UST Program implementation, including review of policies and procedures, to ensure that no UST Program elements including, but not limited to, those referenced by the CUPA, are more stringent than or inconsistent with UST Regulations and HSC.

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

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

During the next CUPA performance evaluation, the State Water Board will verify the local ordinance was revised and adopted.

12. DEFICIENCY:

The CUPA is not implementing UST closure requirements.

The CUPA is not maintaining UST closure documentation to demonstrate UST owners or operators correctly removed USTs or closed USTs in place.

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DEFICIENCIES REQUIRING CORRECTION

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

Review of facility file information for CERS ID 10173909 and CERS ID 10575070 finds:

- UST closure letters were not provided to the owner or operator.
- Insufficient UST closure documents were provided with the UST facility files;
- Site sampling maps, documentation on site conditions, and documentation to determine whether or not proper soil and/or groundwater sampling was performed were not provided.

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

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

CITATION:

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop a 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.
- Maintain UST closure documentation to demonstrate UST owners or operators correctly closed USTs in place or correctly removed USTs.

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

By the 1st Progress Report, the CUPA will develop a UST closure letter template for sites with and without contamination if separate letters are issued for those scenarios. The CUPA should consider including the following in the UST closure letter template:

- A statement such as, "The Tehama County Environmental Health Department CUPA has reviewed the UST closure documentation and finds the UST closure as properly completed in accordance with HSC, Chapter 6.7, Section 25298(c) and UST Regulations, Sections 2670 and 2672;"
- UST identification (i.e., size of the USTs, UST contents, and UST ID#);

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DEFICIENCIES REQUIRING CORRECTION

- Date removal or closure in place and all activity occurred; and
- If the USTs were closed in place or removed

The CUPA will provide the developed or revised UST closure letter template(s) to CalEPA.

By the 2nd Progress Report, if revisions to the developed UST closure procedure or other applicable procedure and/or revisions to the developed UST closure letter template(s) are necessary, based on feedback from the State Water Board, the CUPA will provide CalEPA with the revised UST closure procedure or other applicable procedure and/or revised UST closure letter template(s). If no revisions to the developed UST closure procedure or other applicable procedure and/or if no revisions to the developed UST closure letter template(s) are necessary, the CUPA will train UST inspection staff on the developed UST closure procedure or other applicable procedure and/or developed UST closure letter template(s). 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 developed UST closure procedure or other applicable procedure and the developed UST closure letter template(s).

By the 3rd Progress Report, if amendments to the revised UST closure procedure or other applicable procedure and/or amendments to the UST closure letter template(s) were necessary, the CUPA will train UST inspection staff on the amended UST Closure procedure and/or amended UST closure letter template(s). 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 amended UST closure letter template(s).

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

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 an adequate UST closure procedure and an adequate UST closure letter template(s) to avoid keeping this deficiency unnecessarily open while waiting for USTs to undergo closure. The State Water Board will verify the CUPA is implementing the approved UST closure procedure and utilizing the approved UST closure letter template during the next CUPA Performance Evaluation.

The CUPA will maintain UST closure documentation to demonstrate UST owners or operators correctly removed USTs or closed USTs in place.

13. DEFICIENCY:

Report 6 for the reporting period between July 2021 and December 2021 was submitted after the regulatory deadline of March 1, 2022.

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DEFICIENCIES REQUIRING CORRECTION

CITATION:

CCR, Title 23, Section 2713(c)
CCR, Title 27, Section 15290 (a)(4)
[State Water Board]

CORRECTIVE ACTION:

The CUPA will submit Report 6 in accordance with the regulatory deadline, of March 1, 2023, for the July 2022 through December 2022 reporting period and September 1, 2023, for the January 2023 through June 2023 reporting period.

14. DEFICIENCY: CORRECTED DURING EVALUATION

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

- The last certification of the area plan was June 2017.

CITATION:

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

CORRECTIVE ACTION: COMPLETED

On October 14, 2022, the CUPA provided an updated area plan dated May 2021. The area plan has been certified to CalEPA. This deficiency is considered corrected. No further action is required.

15. DEFICIENCY: CORRECTED DURING EVALUATION

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

Review of CERS CME information between April 1, 2019, and March 31, 2022, finds:

- 1 of 2 (50%) facilities subject to CalARP Program requirements were not inspected within the last three years.

CITATION:

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

CORRECTIVE ACTION: COMPLETED

On December 27, 2022, the CUPA notified CalEPA that the facility inspection was conducted on October 6, 2022. This deficiency is considered corrected. No further action is required.

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DEFICIENCIES REQUIRING CORRECTION

16. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA did not conduct an annual audit of its activities to implement the CalARP Program or compile a CalARP performance audit report for the following FYs:

- FY 2018/2019
- FY 2020/2021

CITATION:

CCR, Title 19, Section 2780.5
[CalEPA]

CORRECTIVE ACTION: COMPLETED

On December 27, 2022, the CUPA provided CalEPA with the CalARP performance audit report for FYs 2018/2019 and 2020/2021. This deficiency is considered corrected. No further action is required.

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**UNIFIED PROGRAM PERFORMANCE EVALUATION
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INCIDENTAL FINDINGS REQUIRING RESOLUTION

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

1. INCIDENTAL FINDING:

The CUPA is not consistently following up and documenting RTC information in CERS for HWG Program facilities cited with violations.

Review of CERS CME information, and information in the CUPA's data management system between April 1, 2019, and March 31, 2022, indicates there is no documented RTC for the following HWG violations:

- 8 of 61 (13%) open HWG violations (no RTC) were cited between May 19, 2019, and March 30, 2022.
- 37 of 133 (28%) open HWG violations (no RTC) were cited prior to July 1, 2013, through March 30, 2019.

Note: This deficiency was identified in the 2017 CUPA Performance Evaluation and was not corrected during the Evaluation Progress Report process.

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5, 25117.6, and 25187.8(b) and (g)

HSC, Chapter 6.11, Section 25404.1.2(c)

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

[DTSC]

RESOLUTION:

By the 1st Progress Report and with each subsequent Progress Report until considered corrected, the CUPA will have followed up with each HWG facility having open violations (no RTC) and will ensure any obtained RTC is reported to CERS. In instances where RTC is not obtained, the CUPA will provide a description of the applied enforcement.

2. INCIDENTAL FINDING:

Required components of the I&E Plan are missing.

The following components are missing:

- Provisions for ensuring sampling capability and analysis performed by a state certified laboratory.
- A description of how the CUPA minimizes or eliminates duplication, inconsistencies, and lack of coordination within the inspection and enforcement program.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

CITATION:

CCR, Title 27, Section 15200(a)
[CalEPA, DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with the revised I&E Plan that adequately incorporates each required component.

3. INCIDENTAL FINDING:

The Unified Program administrative procedures have components that are inaccurate or incomplete.

Review of the following administrative procedure finds it has components that are inaccurate or incomplete:

- Records maintenance
 - Minimum retention times
 - The CUPA's procedural document states that hazardous waste enforcement actions are kept at least three years after the enforcement action is resolved, citing CCR, Title 27, Section 15188, which is inaccurate. Hazardous waste enforcement actions are to be retained for at least five years after the enforcement action is resolved, and the proper citation is CCR, Title 27, Section 15185(b).
 - The CUPA Records Retention Schedule does not stipulate that training records will be maintained for a minimum of five years.

CITATION:

CCR, Title 27, Sections 15180(e)(4) and 15185(b)
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with the revised Unified Program administrative procedures that adequately incorporate all required components.

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

By the 3rd Progress Report, if amendments to the revised Unified Program administrative procedures were necessary, the CUPA will train CUPA personnel on the amended Unified Program administrative procedures. Once training is complete, the CUPA will implement the amended Unified Program administrative procedures.

UNIFIED PROGRAM PERFORMANCE EVALUATION
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INCIDENTAL FINDINGS REQUIRING RESOLUTION

4. INCIDENTAL FINDING:

The CUPA is not inspecting each UST facility subject to UST Program requirements at least once every 12 months.

Review of Report 6 in CERS for the following FYs finds:

- FY 2018/2019 – 1 of 40 (2%) UST facilities were not inspected;
- FY 2019/2020 – 2 of 42 (5%) UST facilities were not inspected; and
- FY 2020/2021 – 4 of 42 (10%) UST facilities were not inspected.

CITATION:

HSC, Chapter 6.7, Section 25288(a)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will develop and provide CalEPA with an action plan to ensure each UST is inspected at least annually. The action plan will include, at a minimum:

- A spreadsheet exported from the CUPA's data management system or CERS, identifying each UST facility that has not been inspected within the last 12 months. For each UST facility, the list will include:
 - Facility name,
 - CERS ID, and
 - Date of the last UST compliance inspection.

By the 2nd Progress Report, the CUPA will have completed annual UST compliance inspections for UST facilities identified as not being inspected within the last 12 months, prioritizing the most delinquent UST compliance inspections with those having single wall UST components and proximity to drinking water wells. The CUPA will provide CalEPA with the annual UST compliance inspection report until all UST facilities have been inspected within the last 12 months.

5. INCIDENTAL FINDING:

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

Review of the UST Facility/Tank Data Download report obtained from CERS on May 31, 2022, finds UST construction and monitoring information is incorrect as follows:

- 4 of 14 (29%) USTs installed after July 1, 2004, have single-walled components when required to have double-walled components.
- 6 of 129 (5%) USTs with double-walled product pipe with no secondary containment.
- 5 of 133 (4%) USTs with no spill container installed.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- 5 of 133 (4%) USTs with no striker plate/bottom protection installed.
- 5 of 133 (4%) USTs with double-walled product pipe which have no pipe/turbine sump installed.

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

Note: The following CERS FAQs may be referenced:

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

Note: State Water Board correspondence, “When to Review Underground Storage Tank Records,” dated November 29, 2016, may be referenced.

Note: This incidental finding was identified in the 2017 CUPA Performance Evaluation and was resolved during the Evaluation Progress Report process.

CITATION:

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

RESOLUTION:

By the 1st Progress Report, the CUPA will review the Data Management Procedure, or other applicable procedure and revise as necessary, to ensure establishment of a process for UST inspection staff to review CERS UST submittal information for accuracy and completeness. The procedure will at minimum delineate the CUPA’s process for reviewing UST CERS submittals for accuracy and completeness regarding construction and monitoring requirements based on the UST installation date as follows:

- When UST CERS submittal information is identified as incorrect, the CUPA will either:
 - accept UST CERS submittals with minor errors utilizing a condition set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe, or
 - not accept UST CERS submittals and provide comments with the requirement to resubmit UST information within a specified time
- When the UST CERS submittal is not corrected and resubmitted within the time specified by the CUPA, the CUPA will apply enforcement per the I&E Plan.

The CUPA will provide the revised Data Management Procedure, or other applicable procedure to CalEPA.

By the 2nd Progress Report, if amendments to the revised Data Management Procedure, or other applicable procedure are necessary based on feedback from the State Water Board, the CUPA

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

will provide CalEPA with the amended Data Management Procedure or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised Data Management Procedure, or other applicable procedure and retain training documentation, including an outline of the training conducted and a list of CUPA personnel in attendance. Once training is complete, the CUPA will implement the revised Data Management Procedure, or other applicable procedure.

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

6. INCIDENTAL FINDING:

The CUPA is not inspecting each APSA tank facility that stores less than 10,000 gallons of petroleum at least once every three years per the inspection frequency established in the I&E Plan.

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

- 22 of 35 (66%) APSA tank facilities storing less than 10,000 gallons of petroleum have not been inspected within the last three years.

Note: The CUPA meets the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum.

CITATION:

HSC, Chapter 6.67, Section 25270.5(b)
CCR, Title 27, 15200(a)
[OSFM]

RESOLUTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each APSA tank facility storing less than 10,000 gallons of petroleum is inspected at least once every three years. The action plan will include at minimum:

- A sortable spreadsheet exported from the CUPA's data management system or CERS, identifying each APSA tank facility storing less than 10,000 gallons of petroleum that was not inspected within the last three years. For each APSA tank facility listed, the sortable spreadsheet will include, at minimum:
 - Facility name,
 - CERS ID,
 - Date of the last routine inspection.
- A schedule to inspect those APSA tank facilities, prioritizing the most delinquent inspections to be completed prior to any other APSA tank facility inspection based on a risk analysis of all APSA tank facilities (i.e., large volumes of petroleum or proximity to navigable water).

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

- Future steps to ensure each APSA tank facility storing less than 10,000 gallons of petroleum will be inspected at least once every three years.

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

By the 5th Progress Report, the CUPA will have inspected each APSA tank facility identified on the sortable spreadsheet provided with the 1st Progress Report at least once every three years.

7. INCIDENTAL FINDING:

The annual CalARP performance audit report for FYs 2019/2020, 2020/2021, and 2021/2022 have missing required elements.

The following elements are missing:

- an executive summary and a brief description of how the CUPA is meeting the requirements of the program as listed in Section 2780.3.
- a listing of stationary sources which have been requested to develop Risk Management Plans (RMPs).

CITATION:

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

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with the most recent annual CalARP performance audit report, which will include the components identified as missing in this incidental finding.

8. INCIDENTAL FINDING: RESOLVED

The CUPA is not ensuring all personnel involved with Unified Program implementation meet applicable training requirements.

- An inspector did not complete the HAZWOPER Refresher training course.

CITATION:

CCR, Title 27, Section 15260
[CalEPA]

RESOLUTION: COMPLETED

The CUPA inspector completed the required training and provided documentation to CalEPA during the evaluation. This incidental finding is considered resolved. No further action is required.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

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

1. OBSERVATION:

Review of 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 indicates there are 92 self-identified HWG facilities, 4 Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) facilities, and 0 Tiered Permitted (TP) facilities.
- The three-year inspection frequency for all HWG facilities is currently not being met.
- The CUPA conducted 102 routine and other HWG inspections, of which 59 (58%) had no violations cited and 43 (42%) had at least one violation cited.
 - In the 43 inspections with at least one violation cited, 61 total violations were issued, consisting of:
 - 0 Class I violations,
 - 26 Class II violations, and
 - 35 minor violations.
 - The CUPA has ensured RTC for 53 of 61 (87%) violations cited between April 1, 2019, and March 31, 2022.
- CERS identifies 37 of 133 (28%) violations cited prior to April 1, 2019, dating back to 2014 that are without RTC.
- There are no formal enforcements for hazardous waste in CERS dating back to July 1, 2013.
- Inspection reports contain detailed comments that note the factual basis of cited violations; however, inspection reports do not indicate whether consent to inspect was requested prior to the inspection.
- The CUPA's website refers to the UNIDOCs site for hazardous waste information, and to CalEPA's website and CERS to assist local businesses with the HWG Program.
- Review of HWG facility files finds:
 - CERS ID 10510816: inspection conducted on September 1, 2018
 - CERS CME information is inconsistent as the violation comments do not match the violation cited. However, the information appears correct in the inspection report.
 - CERS ID 10684591: inspection conducted on December 15, 2016
 - A total of 4 violations were cited. One violation, which remains without RTC, was cited for not having a Tank assessment. However, the description in CERS indicates the violation was cited for not having closed lids on containers for antifreeze and oil.

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

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OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Revise the HWG inspection checklist to ensure consent is obtained from the facility owner or operator and is documented prior to conducting an HWG inspection.

Continue with the three-year HWG inspection frequency as identified in the I&E Plan. 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. Ensure that complete and thorough inspections are conducted to identify all violations at facilities.

Correct inspection details for the inspection conducted at CERS ID 10510816 on September 1, 2018.

Follow up with CERS ID 10684591 regarding the outstanding tank assessment violation to see if the correct citation was used, if RTC has been obtained, and apply enforcement in accordance with the I&E Plan if RTC is not obtained.

2. OBSERVATION:

SPCC Plans were submitted to CERS by APSA tank facilities as part of the APSA CERS submittal.

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

The APSA documentation upload section in CERS is for providing an annual tank facility statement submittal, unless an HMBP is already provided in lieu of a tank facility statement, or for providing other local reporting requirement documents.

RECOMMENDATION:

Utilize the regulator comments field in CERS to advise APSA tank facility owners and operators that SPCC Plans should not be included in future APSA CERS submittals.

3. OBSERVATION:

The CERS reporting requirement is currently set as "APSA Applicable" for 85 tank facilities. The CUPA's data management system identifies 78 APSA related tank facilities.

- 73 APSA tank facilities are identified in both CERS and the CUPA's data management system.
- 12 APSA 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.

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OBSERVATIONS AND RECOMMENDATIONS

- One facility identified as an APSA related tank facility in the CUPA's data management system is not in the CERS list of APSA facilities. The CUPA should investigate if the facility really is an APSA facility. If the facility isn't, the APSA reporting requirement should be set to "Not Applicable," and the facility should not be identified as an APSA tank facility in the CUPA's data management system. If the facility is, the APSA reporting requirement should be 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.

4. OBSERVATION:

The CUPA regulates some farms. Effective January 1, 2016, Senate Bill (SB) 612 aligned the applicability threshold for farms with that of the Federal SPCC rule, which has increased to 2,500 gallons of oil or 6,000 gallons of oil (with no reportable discharge history) per the Federal Water Resources Reform and Development Act (WRRDA) of 2014.

The OSFM information on APSA and farms is available at:

<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/farms/>.

More information on farms under the Federal SPCC rule may be found on the U.S. Environmental Protection Agency website at: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spill-prevention-control-and-countermeasure-spcc>.

RECOMMENDATION:

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

Farms that are no longer regulated under APSA due to SB 612 and WRRDA applicability thresholds should be identified in CERS as "APSA Not Applicable." The CUPA is encouraged to change the CERS APSA facility reporting requirement from "Applicable" to "Not Applicable" for such farms.

5. OBSERVATION:

Multiple APSA tank facilities submitted an HMBP to CERS in lieu of a tank facility statement using an outdated emergency response and training plans template, which contains obsolete information.

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RECOMMENDATION:

Encourage each APSA tank facility that utilizes the consolidated emergency response and training plans template to use the current 2022 version, when an HMBP is submitted in lieu of a tank facility statement. The current template is available in CERS.

6. OBSERVATION:

The Self-Audit Reports for FYs 2018/2019 and 2019/2020 contain information that may benefit from improvement.

Review of the Self-Audit Reports for FYs 2018/2019 and 2019/2020 indicates:

- The fire code Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS) Program was not in the list of Program Elements. The HMMP/HMIS Program is consolidated with the HMBP Program to streamline the regulatory requirements for regulated facilities.
- “Aboveground Storage Tank” Program should be updated to “APSA Program.”
- There is no indication that the reports are completed by September 30 of each year.

RECOMMENDATION:

Ensure future Self-Audit Reports address the above observations and include a compilation date.

7. 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 59 routine inspections, of which 41 (69%) had no violations cited and 18 (31%) had at least one violation cited.
 - A total of 29 violations were cited, consisting of:
 - 0 (0%) Class I violations
 - 3 (10%) Class II violations
 - 26 (90%) minor violations
 - The CUPA has ensured RTC for 22 of 29 (76%) violations cited.
 - April 1, 2020 through March 31, 2021
 - The CUPA conducted 61 routine inspections, of which 36 (59%) had no violations cited and 25 (41%) had at least one violation cited.
 - A total of 34 violations were cited, consisting of:
 - 0 (0%) Class I violations
 - 4 (12%) Class II violations
 - 30 (88%) minor violations
 - The CUPA has ensured RTC for 26 of 34 (76%) violations cited.

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- April 1, 2021 through March 31, 2022
 - The CUPA conducted 44 routine inspections, of which 33 (75%) had no violations cited and 11 (25%) had at least one violation cited.
 - A total of 19 violations cited, consisting of:
 - 0 (0%) Class I violations
 - 8 (42%) Class II violations
 - 11 (58%) minor violations
 - The CUPA has ensured RTC for 14 of 19 (74%) violations cited.
- CalARP Program
 - April 1, 2019 through March 31, 2021
 - No routine inspections were conducted.
 - April 1, 2021 through March 31, 2022
 - The CUPA conducted 1 routine inspection, which had no violations cited.

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 enforcement when facilities do not obtain RTC, per the I&E Plan.

8. OBSERVATION:

The annual CalARP Performance Audit Report would benefit by improvement of the following:

- Addressing time invested into the CalARP program as Personnel Years

RECOMMENDATION:

Address time invested into the CalARP program as Personnel Years in the upcoming CalARP Performance Audit Report.

9. OBSERVATION:

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

- Page 3: the citation HSC, Chapter 6.95, Section 25508(b) may be referencing an older HSC citation;
- Page 7, item B.1.: Replace "AST facility" with "APSA tank facility" or "APSA facility".
- Page 54, item B.2.: Section 25270.5 is incorrectly referenced as APSA program violations. Replace Section 25270.5 with "Chapter 6.67 (commencing with Section 25270)."
- Pages 65 and 66: the citation HSC, Chapter 6.95, Section 25514.5 may be referencing an older HSC citation;
- Page 67: the citation HSC, Chapter 6.95, Section 25540(b) may be referencing an older HSC citation; and

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- Page 68: the penalty may need to be updated per HSC, Chapter 6.95, Section 25540(a)(2).

The Program Plan provided with the I&E Plan contains information that may benefit from improvement.

- Pages 1 and 2, Regulatory Authority: The list of Unified Program elements is missing the fire code HMMP-HMIS.
- Page 2, item 5.: Remove reference to the “Spill Prevention, Control, and Countermeasure Plans (SPCC)”. Not all APSA tank facilities are required to prepare an SPCC Plan if certain conditions are met.
- Page 3: Replace “Aboveground Storage Tanks – Specifically the SPCC” with “Aboveground Petroleum Storage Act (APSA).”

The AEO Process document provided with the I&E Plan contains information that may benefit from improvement.

- Page 24, item 6.a.: Section 25270.5 is incorrectly referenced as APSA program violations. Update the sentence with the following, “For violations of HSC Chapter 6.67 (commencing with Section 25270), the violator shall be liable for a penalty of not more than \$5,000 for each day on which the violation continues, per HSC Sections 25270.12 and 25270.12.1.”

RECOMMENDATION:

Update the I&E Plan, Program Plan, and AEO Process documents as indicated above.

With the next review, revise the area plan and provide appendices to address the information identified above as benefiting from improvement.

10. OBSERVATION:

The area plan contains information that may benefit from improvement.

- The “Area Plan Checklist Final” file has outdated citations.
- The “Area Plan Checklist Final” file references appendices not provided.

RECOMMENDATION:

With the next review, revise the area plan and provide appendices to address the information identified above as benefiting from improvement.

11. OBSERVATION:

The information provided below summarizes a comparison of the regulated community and the necessary and reasonable resources for implementation of the Unified Program upon certification with the current regulated community and the current resources available to the CUPA for implementation.

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Number of regulated facilities for each program element:

- *Original Certification Source: Tehama County Department of Environmental Health 2001 CUPA Application*
- *Current CUPA Evaluation Sources: CERS “Summary Regulated Facilities by Unified Program Element Report” & CERS “UST Inspection Summary Report (Report 6)”, both generated on August 17, 2022.*

- Total Number of Regulated Businesses and Facilities:
 - Upon Certification in 2001: **312**
 - Current CUPA Evaluation: **404**
 - An addition of **92** facilities

- Total Number of Hazardous Materials Release Response Plan and Inventory (Business Plan) Regulated Businesses and Facilities:
 - Upon Certification in 2001: **240**
 - Current CUPA Evaluation: **381**
 - An addition of **141** facilities

- Total Number of Regulated Underground Storage Tank (UST) Facilities:
 - Upon Certification in 2001: **38**
 - Current CUPA Evaluation: **42**
 - An addition of **4** facilities

- Total Number of Regulated Underground Storage Tanks (USTs):
 - Upon Certification in 2001: **121**
 - Current CUPA Evaluation: **131**
 - An addition of **10** Underground Storage Tanks

- Total Number of Regulated Hazardous Waste Generator (HWGs) Facilities:
 - Upon Certification in 2001: **23**
 - Current CUPA Evaluation: **195**
 - An addition of **172** facilities

- Total Number of Regulated Household Hazardous Waste (HHW) Facilities:
 - Household Hazardous Waste Facilities were not regulated under the Unified Program upon certification in 2001
 - Current CUPA Evaluation: **3**
 - An addition of **3** facilities

- Total Number of Regulated Tiered Permitting Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):
 - Upon Certification in 2001: **6**
 - Current CUPA Evaluation: **0**
 - A decrease of **6** facilities

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- Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:
 - Current CUPA Evaluation: **4**
 - An addition of **4** facilities
- Total Number of Regulated Risk Management Prevention Plan (RMPP) or California Accidental Release Prevention (CalARP) Program Facilities:
 - Upon Certification in 2001: **5**
 - Current CUPA Evaluation: **2**
 - A decrease of **3** facilities
- Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:
 - Upon Certification in 2001: Not Applicable
 - Current CUPA Evaluation: **85**
 - An addition of **35** facilities
 - Note: 50 facilities were identified as SPCC facilities in the 2001 application for certification.

Since the original application for certification was submitted in 2001, the CUPA has seen an increase in regulated facilities for nearly all Unified Program elements, the most significant being the increase in the number of regulated facilities in the HMBP and HWG programs. The most significant decrease can be found in the number of regulated facilities in the TP Program, where the number of regulated facilities decreased by 100%. Additionally, the CUPA gained 4 RCRA facilities and 3 HHW facilities since certification.

Since the CUPA applied for certification in 2001, an expansion of responsibilities in the APSA and HWG programs occurred, increasing the total regulated facility count and attributing to an increased workload undertaken by the CUPA to further implement regulatory oversight of each of these programs. Furthermore, the management of compliance, monitoring, inspection, and enforcement information transitioned from the use of Unified Program Consolidated Forms to the implementation of electronic data reporting through local data management systems and CERS.

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

CUPA Personnel:

- Inspection and other Staff
 - Upon Certification in 2001:
 - 3 Staff, each at a FTE = 3 Full-Time positions
 - Currently:

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- 1 Staff at a Part-Time Equivalent and 1 CUPA Inspector vacancy = 1.8 Full-Time positions
- Supervisory and Management Staff
 - Upon Certification in 2001:
 - The Tehama County Environmental Health Department did not identify supervisory or management staff for the CUPA program at the time of certification. There was an allocation of 3 full-time CUPA positions, but nonspecific to overseeing the program.
 - Currently:
 - The senior most REHS is also the CUPA Program Manager, and currently, the only person involved in implementation of the program. In addition to the CUPA program, the CUPA Manager is also responsible for other departmental tasks outside of the Unified Program approximately 20% of the time.
 - 0.8 FTE for the CUPA Program Manager and 1 FTE for the Inspector vacancy, totaling 1.8 FTE for the CUPA program.

RECOMMENDATION:

Despite a cumulative increase in the number of regulated facilities, the CUPA's staffing resources have significantly decreased. In order to adequately apply each aspect of inspection, compliance, monitoring, and enforcement for all Unified Program activities, the CUPA should acquire additional positions and prioritize the hiring and training of additional staff.

The CUPA's Fiscal Year 2018/2019 Self-Audit Report revealed that approximately 2.50 FTEs are required to implement the Unified Program in Tehama County. Once the CUPA has adequate staff, it is likely the issues causing many of the identified deficiencies, such as falling short of meeting the mandated inspection frequency and applying enforcement to obtain RTC for various program elements, will improve.

12. OBSERVATION:

Review of CERS UST submittals finds the CUPA is not reviewing and accepting submittals as outlined in State Water Board Correspondence *When to Review Underground Storage Tank (UST) Records* dated November 29, 2016 (https://www.waterboards.ca.gov/ust/cers/docs/when_to_review_ust_records.pdf).

Examples are as follows:

- CERS ID 10478569: 4 UST submittals in "Submitted" status with the oldest submitted April 24, 2018.
- CERS ID 10207510: 6 UST submittals in "Submitted" status with the oldest submitted February 21, 2020.
- CERS ID 10459363: 1 UST submittal in "Submitted" status dated March 2, 2020.

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- CERS ID 10502869: 3 UST submittals in “Submitted” status with the oldest submitted August 3, 2020.
- CERS ID 10357279: 2 UST submittals in “Submitted” status with the oldest submitted January 24, 2021.
- CERS ID 10165861: 4 UST submittals in “Submitted” status with the oldest submitted April 8, 2021.
- CERS ID 10440460: 4 UST submittals in “Submitted” status with the oldest submitted June 23, 2021.
- CERS ID 10472233: 4 UST submittals in “Submitted” status with the oldest submitted June 29, 2021.
- CERS ID 10149241: 5 UST submittals in “Submitted” status with the oldest submitted September 24, 2021.

RECOMMENDATION:

Review State Water Board Correspondence *When to Review Underground Storage Tank (UST) Records* dated November 29, 2016, and begin to review CERS UST submittals as part of annual UST compliance inspections.

13. OBSERVATION:

Review of the “Consolidated Permit Plan” finds the following inconsistency:

- Section A. Consolidation of Permits, finds a consolidated permit and attached conditions is issued “as appropriate or necessary” for any one or combination of program elements.
- Section F. Sample of Consolidated Permit, defines the “Permit to Operate” as a consolidated permit in combination with operating conditions, however, it is also stated that a “Permit to Operate” does not always include operating conditions.

RECOMMENDATION:

Revise the Consolidated Permit Plan to clearly identify which permitted program elements have applicable permit conditions.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

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

1. APSA PROGRAM MANDATED INSPECTIONS:

Despite the COVID-19 challenges and chronic understaffing, the CUPA meets the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum.
