

§ 15280. Self-Auditing.

(a) The CUPA shall conduct an annual self-audit of their Unified Program administration, implementation and enforcement activities at the end of each state fiscal year, including an assessment of the performance of a PA or other agency authorized to administer, implement and enforce any program element and shall be maintained on file by the CUPA for a period of five years. Annual self-audit reports shall be completed by September 30 of each year.

(b) The time period covered by each self-audit is the previous state fiscal year from July 1 to June 30 of each year.

(c) The CUPA shall document the annual self-audit in a written self-audit report.

(1) The self-audit report shall be maintained on file by the CUPA for a period of five years.

(2) Annual self-audit reports shall be completed by September 30 of each year. The first self-audit report shall be ~~produced~~completed by September 30 following a full year of operation as a CUPA.

~~(2) Upon written request of the Secretary or a state agency responsible for overseeing one or more program elements, the CUPA shall forward the self-audit to the person or agency making the request upon 60 days notice.~~

(3) The self-audit report shall include:

(A) A cover page referencing the completion date;

(B) Identified areas of improvement needed with a plan for improvement, including progress made towards improvement of any previously identified areas;

(C) A narrative summary of activities including, but not limited to:

(i) Staffing status;

(ii) Inspections conducted;

(iii) Enforcement actions;

(iv) Community outreach;

(v) Training (internal and external); and

(vi) Accuracy of CERS information;

(D) An explanation of any discrepancies between program activities submitted to the Secretary annually and quarterly, pursuant to Section 15290 of the Unified Program requirements for those activities;

(E) The annual review and update of the Fee Accountability Program required by Section 15220;

(F) A description of changes in local ordinances, resolutions and agreements affecting the Unified Program; and

(G) A summary of new programs being included in the Unified Program, if applicable.

(3d) For an agency authorized to continue its role, responsibilities, and authority for a program element or elements pursuant to HSC ~~s~~Sections 25404.3(f) ~~or 25533(f)~~, the self-audit shall ~~only~~ include information on ~~the each~~ program element ~~or elements that particular agency~~ the agency is authorized to ~~continue to operate~~ implement and shall not include information related to the surcharge or single fee system.

~~(b) The self-audit shall assess the performance of the CUPAs and any PAs implementation of standards in statutes and regulations established by the Secretary or the state agencies responsible for one or more of the program elements.~~

~~(c) The self-audit report shall include:~~

~~(1) A report of deficiencies with a plan of correction.~~

~~(2) A narrative summary of the effectiveness of activities including, but not limited to:~~

~~(A) Permitting;~~

~~(B) Inspections;~~

~~(C) Enforcement; and~~

~~(D) The single fee system.~~

~~(3) An explanation of any discrepancies on the annual and quarterly reports of program activities submitted to the Secretary pursuant to section 15290 and the Unified Program requirements for those activities.~~

~~(4) The annual review and update of the fee accountability program as required by section 15220.~~

~~(5) A record of changes in local ordinances, resolutions, and agreements affecting the Unified Program.~~

~~(6) A summary of new programs being included in the Unified Program if applicable.~~

(e) Upon written request of the Secretary, or a state agency responsible for overseeing one or more program elements, the CUPA shall forward the self-audit report to the person or agency making the request upon 60 day's notice.

Note: Authority cited: Sections 25404, 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(b), 25404(c), 25404(d), 25404.4(a)(1) and 25404.5(b), Health and Safety Code; and Title 23, Section 2713, California Code of Regulations.

§ 15290. CUPA-to-State Reporting.

(a) The CUPA shall ~~submit the following CUPA to State reports~~ remit the collected state surcharge revenues to the Secretary within 30 days of the end of each state fiscal quarter as specified in subdivision (f) of this Section, using the Surcharge Transmittal Report (Appendix C):

(1) ~~The Surcharge Transmittal Report (Appendix C) shall be submitted as specified in section 15250 of this chapter~~ Remittance of the surcharge should ~~shall be made payable to: Secretary for Environmental Protection.~~

(2) With each surcharge remittance, the CUPA shall submit:

(A) The collected state surcharge revenues with a completed copy of the Surcharge Transmittal Report (Appendix C) to:

AIR RESOURCES BOARD
ATTN: ACCOUNTING
P. O. BOX 1436
SACRAMENTO, CA 95812; and

(B) An electronic copy of the Surcharge Transmittal Report to cupa@calepa.ca.gov.

(3) If no surcharge revenue has been collected during any fiscal quarter, a Surcharge Transmittal Report shall be submitted to CalEPA at cupa@calepa.ca.gov.

(4) Failure to remit the surcharge after collections may be a basis for withdrawing the CUPA's certification.

~~(2b)~~ The Annual Single Fee Summary Report (Appendix C) shall be submitted to the Secretary no later than September 30 of each year.

~~(A1)~~ The Annual Single Fee Summary Report shall include the following information from the previous state fiscal year from July 1 through June 30:

~~(iA)~~ The amount of the single fees billed, waived, and collected.

~~(iiB)~~ The amount of single fees billed and collected by the CUPA on behalf of its PA(s), as well as the amounts remitted and still owed to the PA(s).

~~(iiiC)~~ The amounts of surcharge billed, waived, collected, remitted and still owed to the Secretary for each category identified in ~~s~~Section 15240(c).

~~(ivD)~~ The total count for each of the following categories, within the jurisdiction of the CUPA, that were regulated during the previous fiscal year:

~~(i)~~ Businesses assessed the CUPA Oversight surcharge component minus the CERS NextGen component;

(ii) Regulated businesses assessed the CERS NextGen portion of the CUPA oversight surcharge;

~~(Hiii)~~ Hazardous waste generators (HWGs);

~~(Hiv)~~ Non-RCRA Large quantity hazardous waste generators (Non-RCRA LQGs);

~~(Iv)~~ RCRA large quantity hazardous waste generators (RCRA LQGs);

~~(Vvi)~~ Small quantity hazardous waste generators (SQGs);

~~(VIIii)~~ Onsite hazardous waste treatment facilities - permit by rule (PBR);

~~(VIIiii)~~ Onsite hazardous waste treatment facilities - conditional authorization (CA);

~~(VIIIix)~~ Onsite hazardous waste treatment facilities - conditional exemption (CE), including Conditionally Exempt Commercial Laundries (CECL), Conditionally Exempt Specified Wastestreams (CESW), Conditionally Exempt Small Quantity Treatment (CESQT) and Conditionally Exempt Limited (CEL);

~~(Ix)~~ Regulated B businesses assessed the CalARP Program surcharge component;

~~(Xxi)~~ Aboveground storage tank facilities with the capacity to store 10,000 gallons or more of petroleum; and

~~(Xixii)~~ Petroleum refineries assessed the Refinery Safety surcharge component at each tier.

~~(B2)~~ If the CUPA believes that the number of regulated businesses will change significantly in the current year or in the next year, then estimates of those changes for each program element shall be provided in a cover letter with the Annual Single Fee Summary Report.

~~(C3)~~ The Annual Single Fee Summary Report (~~Appendix C~~) shall be submitted to the Secretary using one of the following methods:

~~(iA)~~ Mail to:

~~CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY~~

~~UNIFIED PROGRAM~~

~~P.O. BOX 2815~~

~~SACRAMENTO, CALIFORNIA 95812-2815~~

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM

P.O. BOX 2815

SACRAMENTO, CALIFORNIA 95812-2815

or

~~CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY~~

~~UNIFIED PROGRAM~~

~~1001 "I" STREET~~

~~SACRAMENTO, CALIFORNIA 95814~~

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM

1001 "I" STREET

SACRAMENTO, CALIFORNIA 95814

or

(~~h~~B) Email to: cupa@calepa.ca.gov

(c) Each UPA shall submit a Formal Enforcement Summary (FES) report to the Secretary for each formal enforcement case that has received a final judgment. The FES report includes facility identification, violation summary(ies), formal enforcement action taken, and a description of the final disposition.

(1) No later than 30 days after a final judgment, the UPA shall submit the FES report to the until such time when a FES report can be directly reported in CERS.

(A) All FES reports shall be emailed to cupa@calepa.ca.gov.

(~~3~~d) The CUPA shall report inspection, violation, and enforcement information for each program element to the Secretary through CERS no later than 30 days after the end of each state fiscal quarter as specified in subdivision (~~b~~f) of this ~~s~~Section.

(~~A~~1) Each PA shall report inspection, violation, and enforcement information to its overseeing CUPA or enter that information in CERS in accordance with a method agreed upon between the CUPA and PA.

~~(i) Each PA shall coordinate the distribution of its inspection, violation, and enforcement information with its overseeing CUPA so that the CUPA may report that information in accordance with paragraph (b) of this section.~~

(~~B~~2) The CUPA shall include inspection, violation, and enforcement information received from the PA(s) as part of the quarterly reporting requirement in accordance with paragraph (b) of this ~~s~~Section, so long as each PA has not yet reported the information in CERS.

(~~C~~3) Regulated businesses shall be able to access their inspection, violation, and enforcement information reported to CERS.

(~~4~~e) On a semi-annual basis, each UPA shall report to the State Water Board information pertaining to its local UST Program. The report shall include inspection, violation, and enforcement information including but not limited to facility and tank counts, ~~release detection and release prevention compliance technical compliance rate~~, and Red Tag issuance in accordance with HSC ~~s~~Sections 25288, 25292.3, 25299, 25299.7(b), and ~~23~~ CCR, ~~title 23 s~~Sections 2712(c), (g) and 2713(c).

~~(5) Each UPA shall submit a Formal Enforcement Summary Report to the Secretary for each formal enforcement case that has received a final judgment. The Formal Enforcement Summary Report includes facility identification, violation summary, formal enforcement action, and the description of final disposition.~~

~~(A) No later than 30 days after a final judgement, the UPA shall submit the Formal Enforcement Summary Report to the following email address until such a time when Formal Enforcement Summary Report information can be reported in CERS: cupa@calepa.ca.gov.~~

(~~b~~f) For purposes of this ~~s~~Section, state fiscal quarters are specified as:

- (1) First quarter - July 1 through September 30;
- (2) Second quarter - October 1 through December 31;
- (3) Third quarter - January 1 through March 31; and
- (4) Fourth quarter - April 1 through June 30.

(eg) Nothing in this ~~s~~Section shall limit the authority of the Secretary or state agencies with Unified Program responsibilities to request records or documents that are normally maintained by the CUPA in the course of implementing the Unified Program or otherwise required by law to be retained by the CUPA. The CUPA shall provide this information to the Secretary or state agencies with Unified Program responsibilities no later than 60 days after the request.

(dh) The CUPA shall provide any other program reports required by federal or state law or regulation to the person or agency making the request no later than 60 days after the request.

(ei) An agency authorized to operate a program element or elements pursuant to HSC ~~s~~Sections 25404.3(f) ~~or 25533(f)~~ shall only report information on the implementation of the program element or elements that particular agency is authorized to operate and shall not include information related to the surcharge or single fee system.

(fi) If the Secretary or state agencies with Unified Program responsibilities do not receive current information on the regulated business from each CUPA, the Secretary or state agencies with Unified Program responsibilities may use whatever information is available to estimate the data of that regulated business.

(gk) The Secretary shall provide copies of the received summary reports required pursuant to this ~~s~~Section ~~that are~~ requested by any state agency with Unified Program responsibilities.

Note: Authority cited: Sections 25404(b), 25404(c), 25404(d), 25404(e) and 25404.6(c), Health and Safety Code. Reference: Sections 25299.3(b), 25404(b), 25404(c), 25404(d), 25404.4(a)(1) and 25404.5(b), Health and Safety Code.