

February 9, 2023

Mr. Ryan Rucker
Deputy Chief/Fire Marshal
Livermore-Pleasanton Fire Department
3650 Nevada Street
Pleasanton, California 94566-6267

Dear Mr. Rucker:

During July through November 2019, CalEPA and the state program agencies conducted a performance evaluation of the Livermore-Pleasanton Fire 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.

CalEPA recognizes the delay with issuing the final Summary of Findings report. Consequently, as the next CUPA Performance Evaluation is scheduled to begin in June 2023, there is sufficient time for submittal and review of two Evaluation Progress Reports, although the timeframe for completion of corrective actions and resolutions outlined in the Summary of Findings report may extend beyond the remaining time period available for the Evaluation Progress Report process before the subsequent CUPA Performance Evaluation begins.

The CUPA is required to submit the first Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings report (April 10, 2023). Please provide the Evaluation Progress Report to the CalEPA Team Lead, Kaeleigh Pontif, at Kaeleigh.Pontif@calepa.ca.gov.

Mr. Ryan Rucker
Page 2

The CUPA is strongly encouraged to provide an update detailing as much progress made as possible in accomplishing the corrective actions and resolutions for each identified deficiency and incidental finding, particularly if steps for corrective actions and resolutions outlined for completion in anticipated subsequent Progress Reports have been completed and addressed at present, or in advance. Any deficiencies that remain uncorrected, and any incidental findings that remain unresolved will be incorporated into the 2023 CUPA Performance Evaluation.

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

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

Sincerely,



Jason Boetzer
Assistant Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

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Mr. Ryan Rucker
Page 3

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Mr. Ryan Rucker
Page 4

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UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Livermore-Pleasanton Fire Department

Evaluation Period: July 2019 through November 2019

Evaluation Team Members:

- **CalEPA Team Lead:** Kaeleigh Pontif, Marc Lorentzen
- **DTSC:** Kevin Abriol
- **CalEPA*/Cal OES:** Esme Hassell-Thean, Denise Gibson
- **State Water Board:** Sean Farrow
- **CAL FIRE-OSFM:** Glenn Warner, Joann Lai

This Final Summary of Findings includes:

- Deficiencies requiring correction
- Incidental findings requiring resolution
- Observations and recommendations
- Examples of outstanding program implementation

The findings contained within this evaluation report are considered final. Based upon review and completion of the evaluation, the Unified Program implementation and performance of the CUPA is considered satisfactory with improvement needed.

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

Kaeleigh Pontif

Phone: (916) 803-0623

E-mail: Kaeleigh.Pontif@calepa.ca.gov

CalEPA recognizes the delayed issuance of this Final Summary of Findings report. Consequently, as the next CUPA Performance Evaluation is scheduled to begin in June 2023, there is sufficient time for submittal and review of two Evaluation Progress Reports, although the timeframe for completion of corrective actions may extend beyond submittal of the first Evaluation Progress Report.

The CUPA is required to submit the first Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings Report, no later than April 10, 2023, and the second Evaluation Progress Report 90 days thereafter, no later than July 17, 2023. Each Evaluation Progress Report must be submitted to the CalEPA Team Lead at kaeleigh.pontif@calepa.ca.gov.

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

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

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

1. DEFICIENCY:

The CUPA is not inspecting all Aboveground Petroleum Storage Act (APSA) tank facilities at least once every three years in accordance with the Inspection and Enforcement Program (I&E) Plan.

Review of facility files and compliance, monitoring, inspection, and enforcement (CME) information from the California Environmental Reporting System (CERS) indicates:

- 17 of 60 (28%) APSA tank facilities that store 1,320 gallons or more 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:

Health and Safety Code (HSC), Chapter 6.67, Section 25270.5(a) and (b)
[OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure all APSA tank facilities, including those that store 10,000 gallons or more of petroleum, are inspected at least once every three years. The plan will include the following:

- A sortable list identifying all APSA tank facilities that have not been inspected in the last three years;
- A proposed schedule to inspect those APSA tank facilities by the 2nd Progress Report. Inspection prioritization should consider the most delinquent inspections first, and should also be based on a risk analysis of all APSA facilities (i.e., large volumes of petroleum or proximity to navigable water);
- Steps to ensure that all APSA tank facilities will be inspected at least once every three years; and
- Steps to ensure CME information is entered into CERS.

With each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated sortable list.

By the 3rd Progress Report, the CUPA will have inspected all APSA tank facilities, at least once every three years.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

2. DEFICIENCY:

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

Review of HMBP submittals in CERS, provided in lieu of a tank facility statement indicates:

- 13 of 60 (22%) APSA tank facilities have not submitted a chemical inventory and site map within the last 12 months.
- 15 of 60 (25%) APSA tank facilities have not submitted emergency response and employee training plans within the last 12 months.

CITATION:

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop and provide a sortable list to CalEPA of all APSA tank facilities that have not annually submitted a complete HMBP to CERS, when an HMBP is provided in lieu of a tank facility statement. The list will include the status of facility compliance. The CUPA will follow up with each APSA tank facility identified on the list to ensure a complete HMBP is submitted to CERS when an HMBP is provided in lieu of a tank facility statement or the CUPA will initiate enforcement.

With each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated sortable list.

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

3. DEFICIENCY:

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

Review of CME information in CERS indicates:

- FY 2018/2019 – 4 of 11 (36%) violations have no documented RTC.
- FY 2017/2018 – 10 of 25 (40%) violations have no documented RTC, including 3 facilities cited for violation #4010001 [failure to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan].
- FY 2016/2017 – 9 of 15 (60%) violations have no documented RTC, including 2 facilities cited for violation #4010001 (failure to prepare an SPCC Plan).

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

CITATION:

HSC Chapter 6.11, Section 25404.1.2(c)

HSC, Chapter 6.7, Section 25270.4.5(a)

California Code of Regulations (CCR), Title 27, Sections 15185(a) and (c) and 15200(a)
[OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of the total number of APSA Program facilities that have open violations (no RTC). The CUPA will follow-up with the facilities listed in the spreadsheet and prioritize follow-up actions based on the level of hazard. At minimum, the spreadsheet will include:

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date;
- RTC qualifier; and
- Follow-up actions.

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

By the 2nd Progress Report, the CUPA will provide CalEPA with RTC documentation for three APSA tank facilities that obtained compliance during the previous quarter.

4. DEFICIENCY:

The CUPA is not consistently citing violations for failure to conduct overfill prevention equipment inspections as required by CCR, Title 23, Division 3, Chapter 16, Section 2637.2(a).

No later than October 13, 2018, all initial overfill prevention equipment inspections must have been completed in accordance with CCR, Title 23, Division 3, Chapter 16, Sections 2637.2(a)(1)(A) and 2665(b).

Review of annual UST compliance inspection reports, associated Overfill Prevention Equipment Inspection Reports, and CERS CME information finds the CUPA did not report a violation for not performing the overfill prevention equipment inspection on or before the October 13, 2018, required due date:

- CERS ID 10146181 –The Overfill Prevention Equipment Inspection results are dated March 28, 2019. The CUPA conducted the annual compliance inspection on March 28, 2019.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

- CERS ID 10403614 –The Overfill Prevention Equipment Inspection results are dated January 10, 2019. The CUPA conducted the annual compliance inspection on October 10, 2019.
- CERS ID 10414240 –The Overfill Prevention Equipment Inspection results are dated July 1, 2019. The CUPA conducted the annual compliance inspection on July 1, 2019, and reported a violation for Leak Detection Equipment Maintenance, with a Violation Description of: “Failure to have a properly qualified service technician test leak detection equipment as required every 12 months [vapor, pressure, hydrostatic (VPH) system, sensors, line-leak detectors (LLD), automatic tank gauge (ATG), etc.]”

Note: As a result of not reporting this violation in Report 6 and CERS, and subsequently the U.S. Environmental Protection Agency (EPA), the U.S. EPA Technical Compliance Rate (TCR) 9b reporting is inaccurate.

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

CITATION:

CCR, Title 23, Sections 2637.2(a) and 2665(b)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will revise and provide CalEPA with the I&E Plan, or other applicable procedure, to ensure CUPA personnel consistently and correctly cite and report all violations identified during the annual compliance inspection in CERS.

By the 2nd Progress Report, the CUPA will, if necessary, amend the I&E Plan, or other applicable procedure, based on feedback from the State Water Board and will provide the revisions to CalEPA.

By the 3rd Progress Report, the CUPA will train CUPA personnel on the revised I&E Plan or other applicable procedure and will provide training documentation to CalEPA. Training documentation will include, an outline of the training conducted and a list of CUPA personnel in attendance. Once training is complete, the CUPA will implement the revised/amended I&E Plan or other applicable procedure.

By the 4th Progress Report, the CUPA will provide CalEPA with the most recent annual UST compliance inspection report and Overfill Prevention Equipment Inspection Report Form for five Underground Storage Tank (UST) facilities that have received an overfill prevention equipment inspection after training of UST inspection staff has been completed.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

5. DEFICIENCY:

The CUPA is not consistently following up and documenting RTC for facilities cited with Hazardous Waste Generator (HWG) violations.

Review of CERS CME information finds:

- FY 2018/2019: 22 of 85 (26%) HWG violations have no documented RTC.
- FY 2017/2018: 44 of 132 (33%) HWG violations have no documented RTC.
- FY 2016/2017: 40 of 150 (27%) HWG violations have no documented RTC.

CITATION:

HSC, Chapter 6.5, Section 25187.8(g)
CCR, Title 27, Sections 15185(a) and (c) and 15200(a)
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet that includes the total number of HWG facilities that have open violations (no RTC). The CUPA will follow up with the facilities listed in the provided spreadsheet and prioritize follow-up actions based on the level of hazard. At minimum, the spreadsheet will include:

- Facility name;
- CERS ID;
- Facility ID (if applicable);
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date;
- RTC qualifier; and
- Follow-up actions.

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

By the 2nd Progress Report, the CUPA will provide CalEPA with RTC documentation for the following HWG facilities, as requested by DTSC:

- CERS ID 10419670, inspection dated June 24, 2019
- CERS ID 10419247, inspection dated May 24, 2019
- CERS ID 10808917, inspection dated May 23, 2019
- CERS ID 10457152, inspection dated April 17, 2019
- CERS ID 10707568, inspection dated May 4, 2018

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

6. DEFICIENCY:

The CUPA is not properly classifying HWG Program violations.

Review of CERS CME information finds the CUPA is classifying the following Class I or Class II HWG Program violation as a minor violation:

- Violation for exceedance of authorized accumulation time (illegally stored hazardous waste) incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - 21 of 25 (84%) violations for exceedance of accumulation time were incorrectly classified as a minor violation.

CITATION:

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will train staff on the terms: minor, Class I, and Class II violations, as described in HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6 and CCR, Title 22, Section 66260.10. Also, the CUPA will review the violation classification guidance listed below and provide CalEPA with training documentation. Training documentation will include an outline of the training conducted and a list of CUPA personnel in attendance.

Violation Classification:

- [Violation Classification Guidance \(https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/Violation-Classification-Guidance-Document-accessible.pdf\)](https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/Violation-Classification-Guidance-Document-accessible.pdf)

7. DEFICIENCY:

The CUPA is not ensuring each business subject to business plan reporting requirements annually submits an HMBP to CERS.

Review of CERS CME information finds:

- 469 of 694 (68%) regulated businesses have submitted a chemical inventory within the last 12 months.
- 451 of 694 (65%) regulated business have submitted a chemical inventory within the last 12 months.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

CITATION:

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

Note: The findings of this deficiency were identified by Cal OES, however, CalEPA will be determining correction of this deficiency due to the July 22, 2021, transition of the implementation and oversight of HMBP/CalARP Programs to CalEPA.

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop and provide CalEPA with an action plan to ensure that all businesses subject to business plan reporting requirements have annually submitted a complete HMBP to CERS.

By the 2nd Progress Report, the CUPA will follow up with each regulated business, to ensure a complete HMBP has been submitted to CERS or the CUPA will have initiated enforcement.

8. DEFICIENCY:

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

Review of CERS CME information finds:

522 of 694 (75%) business plan facilities were inspected within the last three years.

CITATION:

HSC, Chapter 6.95, Section 25511(b)
[Cal OES]

Note: The findings of this deficiency were identified by Cal OES, however, CalEPA will be determining correction of this deficiency due to the July 22, 2021, transition of the implementation and oversight of HMBP/CalARP Programs to 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 reporting requirements is inspected at least once every three years.

By the 2nd Progress Report, and with each subsequent Progress Report, the CUPA will provide CalEPA with the number of facilities subject to business plan reporting requirements that have been inspected during the previous quarter.

By the 4th Progress Report, the CUPA will have inspected each facility subject to business plan reporting requirements at least once in the last three years.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

9. DEFICIENCY:

The CUPA's area plan has required elements that are missing, incomplete, or inaccurate.

Review of the area plan finds the following element is missing:

- Section 2647 Supplies and Equipment: There is no documentation of the Testing and maintenance of equipment.

Review of the area plan finds the following element is incomplete:

- Inventory, Testing and Maintenance of Equipment: The comment under the header states, "*There are no LPFD – Specific written inventory or maintenance procedures or logs. The Firescope inventory and manufacturers' instructions are used,*" which is insufficient for equipment maintenance and testing. Since the Livermore has a Type 2 Team, the requirements for maintenance, testing, and training on such equipment is required as part of the program.

Review of the area plan finds the following element is inaccurate:

- The "2004 Hazardous Materials Incident Cost Recover Guidelines" document is out of date and has incorrect recovery cost amounts from Federal Emergency Management Agency (FEMA), incorrect agency identification, such as "California Fish and Game" and inaccurate spill reporting documentation.
- Note: The inaccurate examples provided above may not include all instances of inaccurate information.

CITATION:

HSC, Chapter 6.95, Section 25503(d)(2)
CCR, Title 19, Section 2640
[Cal OES]

Note: The findings of this deficiency were identified by Cal OES, however, CalEPA will be determining correction of this deficiency due to the July 22, 2021, transition of the implementation and oversight of HMBP/CalARP Programs to CalEPA.

CORRECTIVE ACTION:

By the 2nd Progress Report, the CUPA will review and revise the area plan to address the missing, incomplete, and inaccurate elements. The CUPA will provide the revised area plan to CalEPA.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

DEFICIENCIES REQUIRING CORRECTION

10. DEFICIENCY: CORRECTED DURING THE EVALUATION

The CUPA is not consistently requiring Underground Storage Tank (UST) facilities with testing or leak detection failures to RTC.

Review of CERS CME information finds the following:

- Fiscal Year (FY) 2018/2019
 - 80 of 122 (66%) UST violations have documented RTC in CERS
- FY 2017/2018
 - 83 of 103 (81%) UST violations have documented RTC in CERS
- FY 2016/2017
 - 94 of 119 (79%) UST violations have documented RTC in CERS

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

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

CITATION:

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

CORRECTIVE ACTION: COMPLETED

During the 2019 CUPA Performance Evaluation, the CUPA uploaded CERS CME information. The uploaded CME information indicates the CUPA is requiring UST facilities with testing or leak detection failures to RTC. This deficiency is considered corrected. No further corrective action is required.

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 CUPA's I&E Plan has missing, incomplete, or inaccurate information.

Review finds the following information is missing:

- A description of provisions for ensuring sampling capability and analysis performed by a state certified laboratory.

Review finds the following information is either inaccurate or incomplete:

- The narrative of how the CUPA closes complaints is incomplete.
- Permit issuance and renewals are inaccurately based on compliance with the provisions of Article 3 or 4 of CCR, Title 23, Chapter 16. Recent amendments of HSC, Chapter 6.7, Section 25285, which became effective January 1, 2019, are not included. Amendments include language on issuing and renewing UST permits to operate based on payments of fees and pending enforcement.

CITATION:

CCR, Title 27, Section 15200(a)
HSC, Chapter 6.7, Section 25285(b)
[CalEPA, DTSC, State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will review and revise the I&E Plan to address the incomplete and inaccurate information and will provide CalEPA with the revised I&E Plan.

2. INCIDENTAL FINDING:

The CUPA is not properly reviewing, processing, and authorizing each annual Onsite Hazardous Waste Treatment Notification for Permit-by-Rule (PBR) facilities with a Fixed Treatment Unit (FTU) within 45 calendar days of receiving it.

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

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

INCIDENTAL FINDINGS REQUIRING RESOLUTION

Review of CERS information finds the following PBR Onsite Hazardous Waste Treatment Notifications were not reviewed within 45 calendar days of receipt:

- CERS ID 10421788, All submittals in years 2017, 2018, and 2019
- CERS ID 10467442, 4 of 5 (80%) submittals in years 2017, 2018, and 2019

CITATION:

CCR, Title 22, Sections 67450.2(b)(4) and
67450.3(c)(1)
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide inspectors with Tiered Permit (TP) training regarding how to review, process, and authorize Onsite Hazardous Waste Treatment Notifications. The CUPA will provide training documentation to CalEPA. Training documentation will include an outline of the training conducted and a list of CUPA personnel in attendance.

By the 1st Progress Report, the CUPA will review and process all pending Onsite Hazardous Waste Treatment Notifications in CERS.

3. INCIDENTAL FINDING:

The following Unified Program administrative procedures have not been established nor implemented:

- Procedures for forwarding the Hazardous Material Release Response Plan (HMRRP) information to emergency responders

CITATION:

CCR, Title 27, Section 15180(e)
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will develop and provide CalEPA with Unified Program administrative procedures for forwarding the HMRRP information to emergency responders.

By the 2nd Progress Report, the CUPA will, if necessary, amend the procedures, based on feedback from CalEPA and provide the revisions to CalEPA.

By the 3rd Progress Report, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel in attendance.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

INCIDENTAL FINDINGS REQUIRING RESOLUTION

4. INCIDENTAL FINDING: RESOLVED DURING THE EVALUATION

The CUPA's annual CalARP performance audit report is missing a required element.

Review of the CalARP performance audit finds the following element is missing:

- a list of stationary sources determined by the CUPA to be exempt pursuant to Section 25534(b) (2).

CITATION:

CCR, Title 19, Section 2780.5(b)
[Cal OES]

RESOLUTION: COMPLETED

During the evaluation, the CUPA addressed the missing element of the CalARP performance audit. No further action 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:

The CUPA is appropriately rejecting SPCC Plan submittals and informing regulated facilities about not submitting SPCC Plans to CERS. However, the CUPA is providing information to its regulated facilities that is inconsistent with the instructions of the APSA documentation section in CERS. Review of APSA submittals in CERS indicates the following comments were provided to facilities by the CUPA:

- CERS 10423078, “The SPCC Plan is to be marked ‘stored at facility’ and not uploaded into CERS.”
- CERS 10135096, “Mark the document [SPCC Plan] as ‘provided elsewhere in CERS’ or ‘onsite’.”
- CERS 10188263, “Please indicate the required information is provided elsewhere in CERS and check “hazardous materials inventory” or change to documentation is retained onsite.”

The APSA documentation upload section in CERS is for providing an annual tank facility statement, unless an HMBP is provided in lieu of a tank facility statement, or other local reporting requirement. The APSA documentation upload section in CERS is not for providing SPCC Plans.

RECOMMENDATION:

When necessary, provide comments consistent with the instructions for the APSA documentation upload section in CERS, as follows: “APSA tank facilities submitting an HMBP in lieu of a tank facility statement should select ‘Provided elsewhere in CERS’ and then select ‘Hazardous Materials Inventory.’”

2. OBSERVATION:

Review of accepted UST submittals in CERS finds the CUPA took 61 days or greater to review and accept 17 of 77 (22%) as follows:

- 2 instances greater than 301 days
- 5 instances between 201 – 300 days
- 6 instances between 100 – 200 days
- 4 instances between 61 – 99 days

Review of accepted UST submittals in CERS finds the CUPA took 60 days or less to review and accept 60 of 77 (78%).

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

It is the expectation that UST testing and maintenance records will be reviewed in CERS as soon as possible, but no later than 30 days after the submittal date. All other records are to be reviewed for completeness and accuracy, though not necessarily verified in the field, as soon as possible, but no later than 60 days after the CERS submittal date. State Water Board correspondence dated November 26, 2019, "When to Review Underground Storage Tank (UST) Records," may be referenced. Determine if it is possible to meet State Water Board expectations of reviewing information submitted to CERS within the identified timeframe.

3. OBSERVATION:

Review of the CUPA's UST closure letter, which is provided to UST owners/operators, finds the language of the letter acceptable. The content of the letter indicates the CUPA is satisfied with UST closure activities at a given site which is in accordance with regulation requirements. While the content of the letter is acceptable, it could use some revision, referencing code citations. The inclusion of code citations helps to clearly indicate the CUPA's satisfaction that UST closure activities were completed in accordance with statute and regulations.

RECOMMENDATION:

Revise the UST closure letter language by including HSC, Chapter 6.7, Section 25298(c) and CCR, Title 23, Chapter 16, Section 2672. The inclusion of these citations will strengthen the language regarding UST closure activities. Examples of UST closure letters including code citations maybe requested from the State Water Board.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

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

1. INTEGRATION OF THE UNIFIED PROGRAM AND CALIFORNIA FIRE CODE:

As a fire department, the goal of the CUPA is to address Unified Program issues as early as possible. The CUPA is in a unique position relative to having to provide Fire Code information and Unified Program information when onboarding a new facility. The CUPA provides a “one stop shop” for regulated businesses and facilities within its jurisdiction for fulfilling the various planning and permitting requirements of the Unified Program and the Fire Code.
