

September 15, 2023

Mr. Mario Tresieras  
Division Chief  
County of Los Angeles Fire Department  
Health Hazardous Materials Division  
5825 Rickenbacker Road  
Commerce, California 90040-3027

Dear Mr. Tresieras:

During October 2022, through August 2023, CalEPA and the Unified Program state agencies conducted a performance evaluation of the County of Los Angeles Fire Department Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, review of regulated facility file documentation, California Environmental Reporting System information, and oversight inspections.

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

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

To demonstrate progress towards the correction of program deficiencies and resolution of incidental findings identified in the final Summary of Findings report, the CUPA must submit an Evaluation Progress Report approximately 60 days from the date of this letter, and every 90 days thereafter, until all deficiencies and incidental findings identified have been acknowledged as corrected or resolved by each issuing state agency. An Evaluation Progress Report template will be provided by the CalEPA Team Lead. Each Evaluation Progress Report must be submitted to the CalEPA Team Lead, Tim Brandt, via email at [Timothy.Brandt@calepa.ca.gov](mailto:Timothy.Brandt@calepa.ca.gov), or uploaded to the established SharePoint website.

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

Mr. Mario Tresieras  
Page 2

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, at [Melinda.blum@calepa.ca.gov](mailto:Melinda.blum@calepa.ca.gov). If you would like to have specific comments remain anonymous, please indicate so on the survey.

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

Sincerely,



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

Enclosure

cc sent via email:

Ms. Teresa Quiaoit  
Assistant Chief  
Admin/Planning Section  
County of Los Angeles Fire Department  
Health Hazardous Materials Division  
5825 Rickenbacker Road  
Commerce, California 90040-3027

Mr. Jeff Holwager  
Assistant Chief  
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Mr. Vy Lam  
County of Los Angeles Fire Department  
Financial Management Division  
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Ms. Cheryl Prowell  
Supervising Water Resource Control Engineer  
State Water Resources Control Board  
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Sacramento, California 95812-2231

Mr. Mario Tresieras  
Page 3

cc sent via email:

Mr. Tom Henderson  
Engineering Geologist, UST Unit Coordinator  
State Water Resources Control Board  
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Ms. Julie Pettijohn  
Environmental Program Manager  
CUPA Enforcement Branch  
Department of Toxic Substances Control  
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Berkeley, California 94710-2721

Ryan Miya, Ph.D.  
Senior Environmental Scientist, Supervisor  
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Ms. Jennifer Lorenzo  
Senior Environmental Scientist, Supervisor  
CAL FIRE - Office of the State Fire Marshal  
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Sacramento, California 94244-2460

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

Ms. Kaitlin Cottrell  
Environmental Scientist  
State Water Resources Control Board  
P.O. Box 2231  
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Mr. Brennan Ko-Madden  
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Mr. Mario Tresieras  
Page 4

cc sent via email:

Mr. Glenn Warner  
Senior Environmental Scientist, Specialist  
CAL FIRE - Office of the State Fire Marshal  
P.O. Box 944246  
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Ms. Mary Wren-Wilson  
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Ms. Denise Villanueva  
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Mr. John Paine  
Unified Program Manager  
California Environmental Protection Agency

Mr. John Elkins  
Environmental Program Manager  
California Environmental Protection Agency

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

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

Mr. Garrett Chan  
Environmental Scientist  
California Environmental Protection Agency

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

Mr. Tim Brandt  
Environmental Scientist  
California Environmental Protection Agency

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

**CUPA:** County of Los Angeles Fire Department

**Evaluation Period:** October 2022 through August 2023

**Evaluation Team Members:**

- **CalEPA Team Lead:** Timothy Brandt
- **DTSC:** Matthew McCarron, Brennan Ko-Madden
- **CalEPA:** Garrett Chan, Esmé Hassell-Thean
- **State Water Board:** Jenna Hartman, Kaitlin Cottrell
- **CAL FIRE-OSFM:** Glenn Warner, Mary Wren-Wilson, Denise Villanueva

This Final Summary of Findings includes:

- Accomplishments, Examples of Outstanding Implementation, and Challenges
- Deficiencies requiring correction
- Incidental findings requiring resolution
- Observations and recommendations
- The findings contained within this evaluation report are considered final.

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

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

**Timothy Brandt**  
CalEPA Unified Program  
Phone: (916) 323-2204  
E-mail: [Timothy.Brandt@calepa.ca.gov](mailto:Timothy.Brandt@calepa.ca.gov)

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

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead via email at [timothy.brandt@calepa.ca.gov](mailto:timothy.brandt@calepa.ca.gov), or uploaded to the established SharePoint website. A narrative stating the status of correcting each deficiency and resolving each incidental finding identified in this Final Summary of Findings Report, and any applicable supporting documentation must be included in each Evaluation Progress Report.

The submittal date for the 1<sup>st</sup> Evaluation Progress Report is **November 27, 2023**.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

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

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

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#### **1. UNDERGROUND STORAGE TANK (UST) PROGRAM IMPLEMENTATION:**

The Los Angeles Department of Public Works (LADPW) Participating Agency (PA) and the City of Pasadena Fire Department PA staff have consistently contributed to various Unified Program Administration and Advisory Group (UPAAG) workgroups, including the UST Technical Advisory Group (TAG). The LADPW PA has also presented at the annual Unified Program training conference and has participated in the California Code of Regulations (CCR), Title 23 rewrite workgroup. The State Water Board appreciates the commitment of both PAs to balance Unified Program implementation and carry out regulatory responsibilities while assisting the Certified Unified Program Agency (CUPA) community.

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#### **2. ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM IMPLEMENTATION AND STATEWIDE SUPPORT:**

The CUPA met the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum. The CUPA has also met the triennial inspection frequency for APSA tank facilities storing between 1,320 gallons and 9,999 gallons of petroleum in accordance with the Inspection and Enforcement (I&E) Plan.

The CUPA ensured APSA tank facilities annually submitted a tank facility statement or a complete Hazardous Materials Business Plan (HMBP) in lieu of a tank facility statement to the California Environmental Reporting System (CERS).

The CUPA successfully enforced requirements of the APSA Program and obtained a high rate of compliance for tank facilities that were cited with violations since the 2019 CUPA Performance Evaluation was conducted.

These inspection, enforcement and compliance efforts are above and beyond the standard implementation expectations of the APSA Program during the statewide restrictions and challenges resulting from the Coronavirus (COVID-19).

Additionally, the CUPA continues to be involved in, and support, the overall implementation of the APSA Program by:

- Fulfilling the co-chair role of the CUPA Forum Board APSA TAG from 2019 through June 2022;
  - Participating as the instructor or moderator for APSA track sessions at the 2021, 2022, and 2023 annual Unified Program training conferences; and
  - Developing new and revising old APSA Program violations for the Unified Program violation library in CERS.
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**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

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

**3. CUPA ENFORCEMENT PROGRAM:**

The CUPA has a strong enforcement program. During this evaluation period, October 2022 through August 2023, the CUPA settled 104 Administrative Enforcement Orders (AEOs) across all Unified Program elements, obtaining a total of \$1,160,435.68 in collected fines. Specifically, in the Hazardous Waste Generator (HWG) program, there were 68 AEOs involving only HWG violations at HWG facilities, with a settlement amount of \$717,009.00. An additional \$216,862.00 in settlements was established at facilities with HWG violations and other program violations. Specific to the California Accidental Release Prevention (CalARP) program, there were 22 enforcement cases completed between July 1, 2019, and June 30, 2022.

In addition, \$134,600 was collected for Supplemental Environmental Projects (SEPs), \$74,900 was collected from Civil cases, and \$7,573.77 was collected from Criminal cases. This includes \$85,000 in SEPs assessed for HWG facilities.

The following is a summary of the formal enforcement efforts of the CUPA relative to the issuance of AEOs and SEPs for the combination of all Unified Program elements, as reported in the Self-Audit Reports:

- Fiscal Year (FY) 2019/2020
    - 32 settled AEOs
    - 2 settled Criminal cases
    - \$100,164.44 in fines
    - \$76,600 in SEPs
    - \$74,900 from Civil cases
    - \$7,573.77 from Criminal cases
  - FY 2020/2021
    - 45 settled AEOs
    - \$785,245.93 in fines
    - \$30,000 in SEPs
  - FY 2021/2022
    - 27 settled AEOs
    - \$302,042.32 in fines
    - \$28,000 in SEPs
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# 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.

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#### 1. DEFICIENCY:

The UST operating permit, issued under the “Annual Unified Program Facility Permit,” as the Unified Program Facility Permit (UPFP), is inconsistent with CCR, Title 23, Division 3, Chapter 16 (UST Regulations) and Health and Safety Code (HSC), Chapter 6.7 requirements.

Review of UST operating permits issued by the CUPA, the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA and the City of Pasadena Fire Department PA, finds the following inconsistencies with UST Regulations and HSC:

- The UST operating permit states the permit is subject to all requirements of state and local laws and regulations. The CUPA and PAs do not have regulatory authority to implement cleanup of USTs, and therefore cannot reference all requirements of HSC, Division 20, Chapter 6.7 or CCR, Title 23, Division 3, Chapter 16. The correct citations are as follows:
  - CCR, Chapter 16, Sections 2610 through 2717.7;
  - HSC, Chapter 6.7, Sections 25280 through 25296 and 25298 through 25299.6.
  - Alternatively, the UST Program citations referenced could identify the sections of UST Regulations and HSC that are excluded.

#### CITATION:

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

#### CORRECTIVE ACTION:

By the 1<sup>st</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA, in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA and the City of Pasadena Fire Department PA, will consult with the State Water Board to revise and amend the UST operating permit template, issued under the “Annual Unified Program Facility Permit” as the UPFP, to be consistent with UST Regulations and HSC. The CUPA will provide the revised UST operating permit template to CalEPA.

When determined by the State Water Board to be consistent with UST Regulations and HSC, the CUPA, in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA and the City of Pasadena Fire Department PA, will begin to issue the approved UST operating permit under the “Annual Unified Program Facility Permit” as the UPFP. The CUPA, in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA and the City of Pasadena Fire Department PA, will provide CalEPA with the most recently issued “Annual Unified Program Facility Permit” to five UST facilities using the approved UST operating permit template.



**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**DEFICIENCIES REQUIRING CORRECTION**

**2. DEFICIENCY:**

The CUPA is not consistently ensuring the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, and the LADPW PA obtain return to compliance (RTC) for UST testing and leak detection violations within 60 days and document obtained RTC in CERS.

Review of inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information in CERS finds the following:

- City of Burbank Fire Department PA
  - FY 2019/2020
    - 1 of 7 (14%) violations did not obtain RTC within 60 days
    - 2 of 7 (29%) violations have no recorded RTC
  - FY 2020/2021
    - 2 of 6 (33%) violations did not obtain RTC within 60 days
    - 2 of 6 (33%) violations have no recorded RTC
  - FY 2021/2022
    - 0 of 5 (0%) violations did not obtain RTC within 60 days
    - 3 of 5 (60%) violations have no recorded RTC
- City of Torrance Fire Department PA
  - FY 2019/2020
    - 5 of 12 (42%) violations did not obtain RTC within 60 days
    - 0 of 12 (0%) violations have no recorded RTC
  - FY 2020/2021
    - 8 of 12 (67%) violations did not obtain RTC within 60 days
    - 0 of 12 (0%) violations have no recorded RTC
  - FY 2021/2022
    - 4 of 13 (31%) violations did not obtain RTC within 60 days
    - 3 of 13 (23%) violations have no recorded RTC
- LADPW PA
  - FY 2019/2020
    - 3,196 of 4,668 (68%) violations did not obtain RTC within 60 days
    - 723 of 4,668 (15%) violations have no recorded RTC
  - FY 2020/2021
    - 1,597 of 3,710 (43%) violations did not obtain RTC within 60 days
    - 1,559 of 3,710 (42%) violations have no recorded RTC
  - 2021/2022
    - 622 of 3,494 (17%) violations did not obtain RTC within 60 days
    - 2510 of 3,494 (72%) violations have no recorded RTC

Note: This deficiency was identified in the 2019 CUPA Performance Evaluation and was corrected during the Evaluation Progress Report process.

**CITATION:**

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

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### DEFICIENCIES REQUIRING CORRECTION

##### **CORRECTIVE ACTION:**

By the 1<sup>st</sup> Progress Report, the CUPA, in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA and the LADPW PA, will review the I&E Plan, or other applicable procedure, and revise as necessary, to ensure establishment of a delineated process to:

- Ensure facilities cited with violations RTC through applied enforcement,
- Document follow-up actions applied by the CUPA to ensure RTC is achieved by UST facilities within 60 days, and
- Document RTC in CERS.

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

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA and the LADPW PA will provide CalEPA with three UST facility records, as requested by the State Water Board, that include RTC documentation provided by the facility, or a narrative of the enforcement applied by the CUPA or PA in the absence of RTC.

By the 2<sup>nd</sup> 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 in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA and the LADPW PA will provide CalEPA with the amended I&E Plan or other applicable procedure. If no amendments are necessary, the CUPA in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA and the LADPW PA 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 training was conducted, an outline of the training conducted and a list of UST inspection staff in attendance for the City of Burbank Fire Department PA, the City of Torrance Fire Department PA and the LADPW PA. Once training is complete, the City of Burbank Fire Department PA, the City of Torrance Fire Department PA and the LADPW PA will implement the revised I&E Plan or other applicable procedure.

By the 3<sup>rd</sup> Progress Report, if amendments to the I&E Plan or other applicable procedure were necessary, the CUPA, in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA and the LADPW PA 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 training was conducted, an outline of the training conducted and a list of UST inspection staff in attendance for the City of Burbank Fire Department PA, the City of Torrance Fire Department PA and the LADPW PA. Once training is complete, the City of Burbank Fire Department PA, the City of Torrance Fire Department PA and the LADPW PA will implement the amended I&E Plan or other applicable procedure.

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# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### DEFICIENCIES REQUIRING CORRECTION

#### 3. DEFICIENCY:

The CUPA is not consistently ensuring the City of Burbank Fire Department PA and the City of Torrance Fire Department PA are conducting complete annual UST compliance inspections.

The CUPA is not ensuring the City of Burbank Fire Department PA and the City of Torrance Fire Department PA correctly:

- cite and document noncompliance,
- cite UST violations identified during annual UST compliance inspections in inspection reports, and
- correctly report UST violations in CERS when UST violations are cited, including technical compliance rate (TCR) criteria.

Review of annual UST compliance inspection reports, associated testing and leak detection documents, and CERS CME information finds the following instances when violations were not identified on inspection reports and/or not reported to CERS by the City of Burbank Fire Department PA and the City of Torrance Fire Department PA when the annual monitoring certification identified non-compliance:

- City of Burbank Fire Department PA
  - CERS ID 10229086
    - Secondary Containment Testing Report dated March 8, 2022, identifies “91 submersible turbine pump (STP) sump failed testing” and “Perform SB989 repair by replacing all penetrations.”
    - The annual compliance inspection report, dated July 7, 2022, does not cite violations for the 91 STP sump failure identified in the March 8, 2022, Secondary Containment Test Report.
  - CERS ID 10229437
    - Secondary Containment Testing Report dated December 13, 2019, identifies the 91 fill sump failed testing.
    - The annual compliance inspection report, dated December 4, 2020, does not cite violations for the 91 fill sump failure identified in the December 13, 2019, Secondary Containment Test Report.
  - CERS ID 10229086
    - The initial 36-month Overfill Prevention Equipment Inspection Form indicates the inspection occurred on March 27, 2019.
    - The 2022 Overfill Prevention Equipment Inspection Form indicates an installation inspection occurred on April 8, 2022.
    - The annual compliance inspection report, dated July 7, 2022, does not cite a violation for not conducting the overfill prevention equipment inspection every 36 months or failure of overfill prevention equipment to activate at the correct level.

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**DEFICIENCIES REQUIRING CORRECTION**

- City of Torrance Fire Department PA
  - CERS ID 10124425
    - The past four 12-month Monitoring System Certifications occurred on February 22, 2019, April 30, 2020, April 26, 2021, and May 31, 2022.
    - The annual compliance inspection report, dated April 30, 2020, cites a violation for failing to test leak detection equipment every 12 months.
    - The annual compliance inspection reports dated May 17, 2021, and May 31, 2022, do not cite a violation for failing to test leak detection equipment every 12 months.
  - CERS ID 10126258
    - The past two Secondary Containment Test Reports are dated March 27, 2017, and May 25, 2022.
    - The annual compliance inspection report dated August 24, 2022, and the “other” inspection report dated May 25, 2022, do not cite a violation for failing to conduct secondary containment testing every 36 months.

Review of CERS CME information finds the following annual compliance inspections do not cite any violations:

- City of Burbank Fire Department PA
  - FY 2019/2020
    - 57 of 65 (88%)
  - FY 2020/2021
    - 54 of 60 (90%)
  - FY 2021/2022
    - 61 of 66 (92%)
- City of Torrance Fire Department PA
  - FY 2019/2020
    - 25 of 50 (50%)
  - FY 2020/2021
    - 39 of 53 (74%)
  - FY 2021/2022
    - 38 of 51 (75%)

The TCR for the City of Burbank Fire Department PA and the City of Torrance Fire Department PA indicates not all UST violations are being cited as the TCR reported by each PA is significantly higher in comparison to the average TCR for California.

- The TCR is a measurement of how a UST facility complies with performance measures as determined by the United States Environmental Protection Agency (U.S. EPA).
  - A low TCR indicates a low rate of compliance.
  - A high TCR indicates a high rate of compliance.

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### DEFICIENCIES REQUIRING CORRECTION

- When a CUPA's or a PA's TCR is significantly higher than the California TCR average, it is indicative that the CUPA or PA is not citing UST violations at the same frequency as other CUPAs or PAs.

The TCR for the City of Burbank Fire Department PA and the TCR for the City of Torrance Fire Department PA in comparison with the average TCR for California during the specified reporting periods identifies the following trend:

- July – December 2019:
  - City of Burbank Fire Department PA: 94%
  - City of Torrance Fire Department PA: 75%
  - California average: 47%
- January – June 2020:
  - City of Burbank Fire Department PA: 88%
  - City of Torrance Fire Department PA: 82%
  - California average: 60%
- July – December 2020:
  - City of Burbank Fire Department PA: 97%
  - City of Torrance Fire Department PA: 100%
  - California average: 61%
- January – June 2021
  - City of Burbank Fire Department PA: 95%
  - City of Torrance Fire Department PA: 89%
  - California average: 59%
- July – December 2021
  - City of Burbank Fire Department PA: 87%
  - City of Torrance Fire Department PA: 83%
  - California average: 60%
- January – June 2022
  - City of Burbank Fire Department PA: 100%
  - City of Torrance Fire Department PA: 88%
  - California average: 60%
- July – December 2022
  - City of Burbank Fire Department PA: 100%
  - City of Torrance Fire Department PA: 100%
  - California average: 59%

In comparison with the California TCR average, the high TCR of the City of Burbank Fire Department PA and the TCR for the City of Torrance Fire Department PA are indicative of not consistently observing non-compliance during the annual UST compliance inspection, not consistently citing and documenting violations in annual UST compliance inspection reports and/or in CERS, which provides inaccurate U.S. EPA TCR reporting, impacting the assessment of national compliance with UST Program requirements.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### DEFICIENCIES REQUIRING CORRECTION

Note: This deficiency was identified in the 2019 CUPA Performance Evaluation as Deficiency #3 and Deficiency #4, as documented in the Final Summary of Findings issued July 11, 2022, regarding the City of Burbank Fire Department PA, and remains uncorrected.

Note: During the 2019 CUPA Performance Evaluation Progress Report process, the CUPA, in coordination with the City of Burbank Fire Department PA, provided a revised I&E Plan, revised UST Compliance Inspection procedures, a revised UST facility inspection checklist, and training documentation to demonstrate UST inspection staff were trained on each of the revised documents provided. The revised documents provided, and the training documentation provided were considered acceptable. However, at the time UST facility file information was assessed for the 2022 CUPA Performance Evaluation, the City of Burbank Fire Department PA had not yet had an opportunity to implement utilization of the revised UST facility inspection checklist previously approved in December 2022.

#### **CITATION:**

HSC, Chapter 6.7, Section 25288(a) and (b)  
CCR, Title 23, Section 2713 (c)(4) and (d)  
CCR, Title 27, Section 15290(a)(3)  
[State Water Board]

#### **CORRECTIVE ACTION:**

By the 1<sup>st</sup> Progress Report, the CUPA, in coordination with the City of Torrance Fire Department PA will review the I&E Plan, or other applicable procedure, and revise as necessary, to ensure the establishment of a process for UST inspection staff to conduct complete annual UST compliance inspections and document violations observed in annual UST compliance inspection reports and in CERS.

The revised I&E Plan, or other applicable procedure will, at minimum include:

- A process for conducting complete annual UST compliance inspections at all UST facilities, including single-walled UST facilities;
- A process for directing UST inspection staff to apply enforcement and utilize available enforcement tools as outlined in the I&E Plan;
- A process for the review and follow-up of submitted UST testing and leak detection documents by the UST owner or operator as part of the annual UST compliance inspection;
- Ensuring violations observed during annual UST inspections are correctly and consistently cited on the inspection report and in CERS;
- A process for conducting annual UST compliance inspections when UST inspection staff are on-site to witness the monitoring system certification and visually inspect all UST required components;
- A process for conducting annual UST compliance inspections when UST inspection staff are not on-site to witness the monitoring system certification and visually inspect all UST required components;

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**DEFICIENCIES REQUIRING CORRECTION**

- A process for reviewing the annual UST compliance inspection checklist for thoroughness to capture citations in accordance with UST Regulations, HSC, and the Unified Program violation library in CERS; and
- Accurate U.S. EPA TCR reporting.

By the 2<sup>nd</sup> Progress Report, if amendments to the I&E Plan or other applicable procedure were necessary, the CUPA, in coordination with the City of Torrance Fire Department PA, 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 training was conducted, an outline of the training conducted, and a list of UST inspection staff in attendance for the City of Torrance Fire Department PA. Once training is complete, the CUPA will ensure the City of Torrance Fire Department PA will implement the amended I&E Plan or other applicable procedure.

By the 3<sup>rd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA, in coordination with the City of Burbank Fire Department PA and the City of Torrance Fire Department PA, will provide CalEPA with facility records for five UST facilities, within the jurisdiction of each PA, as requested by the State Water Board, including at minimum, annual UST compliance inspection reports, and associated testing and leak detection documents.

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# 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.

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#### 1. INCIDENTAL FINDING:

The CUPA is not ensuring the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA, and the City of Pasadena Fire Department PA are accurately collecting, managing, and reporting the number of UST inspections conducted.

Review of Report 6, CERS CME information and CUPA Self-Audit Reports finds the following inconsistencies in the reported number of UST facilities inspected:

- City of Burbank Fire Department PA
  - FY 2019/2020
    - Report 6: 52 of 64 (81%)
    - CERS CME information: 65 of 65 (100%)
    - CUPA Self-Audit Report: 52 of 64 (81%)
  - FY 2020/2021
    - Report 6: 56 of 64 (88%)
    - CERS CME information: 60 of 65 (92%)
    - CUPA Self-Audit Report: 56 of 64 (88%)
  - FY 2021/2022
    - Report 6: 66 of 64 (103%)
    - CERS CME information: 66 of 65 (102%)
    - CUPA Self-Audit Report: 66 of 64 (122%)
- City of Torrance Fire Department PA
  - FY 2019/2020
    - Report 6: 50 of 54 (93%)
    - CERS CME information: 50 of 52 (96%)
    - CUPA Self-Audit Report: 50 of 53 (94%)
  - FY 2020/2021
    - Report 6: 56 of 53 (106%)
    - CERS CME information: 53 of 52 (102%)
    - CUPA Self-Audit Report: 56 of 52 (108%)
  - FY 2021/2022
    - Report 6: 34 of 53 (64%)
    - CERS CME information: 53 of 52 (102%)
    - CUPA Self-Audit Report: 34 of 52 (65%)
- LADPW PA
  - FY 2019/2020
    - Report 6: 1473 of 1536 (96%)
    - CERS CME information: 1189 of 1548 (77%)
    - CUPA Self-Audit Report: 1472 of 1629 (90%)



**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

- FY 2020/2021
  - Report 6: 1619 of 1525 (106%)
  - CERS CME information: 1609 of 1548 (104%)
  - CUPA Self-Audit Report: 1613 of 1546 (104%)
- FY 2021/2022
  - Report 6: 1323 of 1525 (87%)
  - CERS CME information: 1326 of 1548 (86%)
  - CUPA Self-Audit Report: 1324 of 1538 (86%)
- City of Pasadena Fire Department PA
  - FY 2019/2020
    - Report 6: 54 of 58 (93%)
    - CERS CME information: 45 of 53 (85%)
    - CUPA Self-Audit Report: 54 of 58 (93%)
  - FY 2020/2021
    - Report 6: 54 of 57 (95%)
    - CERS CME information: 55 of 53 (104%)
    - CUPA Self-Audit Report: 55 of 57 (96%)
  - FY 2021/2022
    - Report 6: 55 of 56 (98%)
    - CERS CME information: 57 of 53 (108%)
    - CUPA Self-Audit Report: 57 of 56 (102%)

Note: This incidental finding was identified in the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued on July 11, 2022, and remains unresolved. During the 2019 Evaluation Progress Report process, the CUPA, in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA, and the City of Pasadena Fire Department PA, amended the Data Management procedure to address accurate collection, management, and reporting of UST inspections, and trained UST Program staff on the amended Data Management procedure.

**CITATION:**

HSC, Chapter 6.11, Section 25404(e)(4)

CCR, Title 23, Section 2713(c)(3)

CCR, Title 27, Sections 15185(a), 15187(c), and 15290(b)

[State Water Board]

**RESOLUTION:**

The CUPA and PAs completed training on the amended Data Management Procedure during the 2019 evaluation progress report process.

By the 1<sup>st</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA, in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA, and the City of Pasadena Fire Department PA will accurately report UST compliance inspection information in Report 6 and CERS for two consecutive Report 6 reporting periods.

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

**2. INCIDENTAL FINDING:**

The CUPA is not consistently ensuring the City of Burbank Fire Department PA and the City of Torrance Fire Department PA are preparing annual UST compliance inspection reports for every annual UST inspection.

Note: This incidental finding was identified in the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued on July 11, 2022, and remains unresolved. No instances were identified during the 2022 CUPA Performance Evaluation assessment.

Note: During the 2019 CUPA Performance Evaluation Progress Report process, the CUPA, in coordination with the City of Burbank Fire Department PA the City of Torrance Fire Department PA, amended the I&E Plan, Data Management Procedures, and the Annual UST Compliance Inspections Guidance document to address preparing complete annual UST compliance inspection reports for every annual UST inspection, and trained staff on the amended I&E Plan, Data Management Procedures, and the Annual UST Compliance Inspections Guidance document.

**CITATION:**

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

**RESOLUTION:**

By the 1<sup>st</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA, in coordination with the City of Burbank Fire Department PA and the City of Torrance Fire Department PA, will provide CalEPA with annual UST compliance inspection reports for three annual UST compliance inspections conducted within the previous 90 days by the City of Burbank Fire Department PA and for three annual UST compliance inspections conducted within the previous 90 days by the City of Torrance Fire Department PA.

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**3. INCIDENTAL FINDING:**

The CUPA is not consistently ensuring the City of Burbank Fire Department PA and the City of Torrance Fire Department PA require UST facilities to submit UST testing and leak detection documents.

Note: This incidental finding was identified in the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued on July 11, 2022, and remains unresolved. No instances were identified during the 2022 CUPA Performance Evaluation assessment.

Note: During the 2019 CUPA Performance Evaluation Progress Report process, the CUPA, in coordination with the City of Burbank Fire Department PA the City of Torrance Fire Department PA, amended the I&E Plan and Annual UST Compliance Inspections Guidance document to address consistently ensuring UST owners or operators submit UST testing and leak detection documents to the appropriate PA within 30 days of testing, and trained staff on the amended I&E Plan and Annual UST Compliance Inspections Guidance document.

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

**CITATION:**

HSC, Chapter 6.7, Section 25288(b)  
CCR, Title 23, Sections 2637(e), 2638(d), 2643(g) and 2644.1(a)(5)  
[State Water Board]

**RESOLUTION:**

By the 1<sup>st</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA, in coordination with the City of Burbank Fire Department PA and the City of Torrance Fire Department PA, will provide CalEPA with UST facility records for three UST facilities regulated within the jurisdiction of the City of Burbank Fire Department PA and UST facility records for three UST facilities regulated within the City of Torrance Fire Department PA. The UST facility records will include, at minimum, monitoring certification results, secondary containment test results, spill bucket test results, and any other testing or leak detection documents showing the date the testing and leak detection documents were received by the CUPA or PA.

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**4. INCIDENTAL FINDING:**

The CUPA is not ensuring the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA, and the City of Pasadena Fire Department PA, are consistently citing construction violations at existing used oil UST systems, nor requiring the correction of construction violations identified in State Water Board Letter Guidance (LG) 150, dated February 2021.

Review of the CERS Facility/Tank Data Download information finds USTs at the following UST facilities have single-walled vent or tank risers, and do not meet the secondary containment exemption requirements of CCR, Title 23, Section 2636(a) for vent and riser pipe to have overflow prevention equipment meeting the requirements specified in CCR, Title 23, Section 2635(c)(1)(B) or (C):

- The City of Burbank Fire Department PA
  - CERS tank ID 10230409-001
- The City of Torrance Fire Department PA
  - CERS tank ID 10124425-005
  - CERS tank ID 10126258-004
  - CERS tank ID 10135849-005
  - CERS tank ID 10135876-005
  - CERS tank ID 10117891-001
- LADPW PA
  - CERS tank ID 10173301-003
  - CERS tank ID 10263718-005
  - CERS tank ID 10271704-003
  - Note: a total of 92 instances were identified.
- The City of Pasadena Fire Department PA
  - CERS tank ID 10195684-001

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### INCIDENTAL FINDINGS REQUIRING RESOLUTION

Note: The State Water Board CUPA Evaluation Guidance Documents, Single-Walled Vent or Riser Piping (<https://www.waterboards.ca.gov/ust/single-walled-vent-riser.html>) and the State Water Board LG 150-3 ([https://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lgs/docs/150-3.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/docs/150-3.pdf)) may be referenced.

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

#### **CITATION:**

CCR, Title 23, Sections 2631(a), 2636(a), and 2635 (c)(1)  
[State Water Board]

#### **RESOLUTION:**

The CUPA must ensure the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA, and the City of Pasadena Fire Department PA ensure UST systems are properly constructed and meet the secondary containment requirements of CCR, Title 23, Section 2636(a).

By the 1<sup>st</sup> Progress Report, the CUPA, in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA, and the City of Pasadena Fire Department PA, will identify and provide CalEPA with a list of UST facilities which are incorrectly utilizing the overfill prevention equipment exemption. For each UST facility listed, information will include, at minimum:

- CERS ID
- UST Tank IDs

In addition, the CUPA, in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA, and the City of Pasadena Fire Department PA, will draft and provide written correspondence addressed to the UST facility owner(s) or operator(s) to inform the UST owner(s) or operator(s) of the requirement for installation of overfill prevention equipment, or to construct secondary containment for single-walled vent and tank risers. The written correspondence will include language stating that failure to comply with overfill prevention equipment requirements specified in CCR, Title 23, Section 2635(c)(1)(B) or (C), or secondary containment exemptions in CCR, Title 23, Section 2636(a) will lead to applied enforcement. The CUPA will ensure the State Water Board is included as a carbon copy recipient on the correspondence.

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated list, indicating the status of each UST facility listed in obtaining compliance with secondary containment exemption requirements of CCR, Title 23, Section 2636(a).

By the 3<sup>rd</sup> Progress Report, if appropriate steps have not been taken by the UST owner(s) or operator(s) to remedy the construction violations, the CUPA in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA, and the City of Pasadena Fire Department PA, will apply enforcement.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### INCIDENTAL FINDINGS REQUIRING RESOLUTION

The State Water Board will consider this incidental finding closed but not resolved when red tags are issued, and all hazardous substances are removed from the USTs, or when the CUPA in coordination with the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA, and the City of Pasadena Fire Department PA, has applied administrative, or other enforcement. The State Water Board will consider this incidental finding resolved when the UST owner(s) or operator(s) installs the correct overfill prevention equipment, or secondarily contains the vent and fill piping.

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#### 5. INCIDENTAL FINDING:

The CUPA is not ensuring the City of Burbank Fire Department PA is requiring UST facilities with single-walled UST component(s) within a 1,000-foot radius of a public drinking water well to implement initial and subsequent triennial enhanced leak detection (ELD) testing.

Review of CERS facility information, UST facility files, and GeoTracker finds the following UST facility has not completed subsequent triennial ELD testing and has not submitted a request for reconsideration (RFR) application form:

- CERS ID 10138289
  - Facility Owner/Operator provided Initial Formal Notification from the State Water Board to implement ELD testing on August 28, 2022.
  - Subsequent triennial ELD test reports have not been provided.

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

Note: The State Water Board has distributed the following Local Guidance Letters (LGs) to CUPAs regarding the requirement for UST facilities to implement triennial or complete one-time ELD testing:

- LG 161: distributed September 18, 2001, to provide notification of Senate Bill 989 requirements
- LG 161-2: distributed May 15, 2003, to provide an update on ELD testing requirements and responses to questions
- LG 161-3: distributed October 23, 2006, to provide an update on ELD testing requirements and responses to questions
- LG 161-4: distributed June 12, 2007, to provide an update on ELD testing requirements and responses to questions
- LG-161-5: distributed March 25, 2008, to provide an update on ELD testing requirements and responses to questions

#### CITATION:

HSC, Chapter 6.7, Section 25292.4  
CCR, Title 23, Sections 2640(e) and 2644.1  
[State Water Board]

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

**RESOLUTION:**

The CUPA must ensure the City of Burbank Fire Department PA will no longer allow USTs to continue to operate without having completed ELD testing.

By the 1<sup>st</sup> Progress Report, the CUPA, in coordination with the City of Burbank Fire Department PA, will identify and provide CalEPA with a list of UST facilities having a UST with single-walled components within a 1,000-foot radius of a public drinking water well that have not implemented triennial or one-time ELD testing.

By the 1<sup>st</sup> Progress Report, the CUPA, in coordination with the City of Burbank Fire Department PA, will draft written correspondence addressed to UST owners or operators with single-walled UST components within a 1,000-foot radius of a public drinking water well, to inform the UST owner or operator of the requirement to implement triennial or one-time ELD testing within 60 days and every 36 months thereafter or a request for reconsideration (RFR) application must be submitted to State Water Board immediately. The draft written correspondence shall include language stating failure to implement triennial ELD testing within 60 days of the date of the letter, and every 36 months thereafter, will lead to enforcement, including but not limited to application of a red tag and UST operating permit revocation. The CUPA, in coordination with the City of Burbank Fire Department PA, will provide CalEPA with the draft written correspondence to be provided to UST facility owners or operators with single-walled UST components within a 1,000-foot radius of a public drinking water well.

By the 2<sup>nd</sup> Progress Report, the CUPA, in coordination with the City of Burbank Fire Department PA will, if necessary, revise the draft written correspondence, based on feedback from the State Water Board and will provide the revised written correspondence to CalEPA. If no further revisions to the draft written correspondence are necessary, the State Water Board will consider the written correspondence as adequate.

By the 3<sup>rd</sup> Progress Report, the CUPA, in coordination with the City of Burbank Fire Department PA, will issue the written correspondence (considered adequate by the State Water Board) to the owner or operator of each UST facility identified by the CUPA as not having implemented initial and subsequent triennial ELD testing. The CUPA, in coordination with the City of Burbank Fire Department PA, will include the State Water Board on the correspondence.

By the 4<sup>th</sup> Progress Report, if triennial ELD testing has not been conducted, within 60 days of the date of the letter, and every 36 months thereafter, the CUPA, in coordination with the City of Burbank Fire Department PA, will apply enforcement.

For those UST facilities that have implemented a program of ELD testing, the CUPA, in coordination with the City of Burbank Fire Department PA, will provide CalEPA with the ELD test results for each UST facility.

The State Water Board will consider this incidental finding resolved when one of the following conditions applies to each UST with single-walled components within a 1,000-foot radius of a public drinking water well:

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### INCIDENTAL FINDINGS REQUIRING RESOLUTION

- Initial and/or triennial ELD testing has been completed, and the CUPA in coordination with the City of Burbank Fire Department PA, has provided the ELD test results to CalEPA, or
- Issuance of a red tag if ELD testing has not been completed, or
- An RFR application has been approved by the State Water Board, or
- fuel is removed from the tank(s).

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#### 6. INCIDENTAL FINDING:

The CUPA is not ensuring the City of Burbank Fire Department PA is correctly implementing proper UST temporary closure requirements/activities.

Review of Report 6, CERS CME information, and UST temporary closure documentation in the UST facility file for CERS ID 10230007 finds the following inconsistencies reported by the City of Burbank Fire Department PA:

- Report 6
  - January 2020 through December 2020
    - CERS tank IDs 10230007-001 -003 reported as temporarily closed, indicating temporary closure began in November 2018.
  - January 2021 through December 2021
    - CERS tank IDs 10230007-001 -003 not reported as temporarily closed.
  - January 2022 through December 2022:
    - CERS tank IDs 10230007-001 -003 not reported as temporarily closed.
- CERS CME information
  - The last three routine compliance inspections were conducted on August 8, 2018, December 10, 2021, and December 23, 2022.
    - The inspection reports do not cite any violations or contain comments.
  - CERS Facility/Tank Data Download indicates CERS ID 10230007 was in Temporary Facility Closure as of the most recent accepted submittal, dated April 2, 2021.
- UST facility files
  - The last three routine compliance inspection reports are dated August 8, 2018, December 10, 2021, and December 23, 2022.
  - There is no site assessment, indicating temporary closure was properly extended after the first 12 months.
  - There is no enforcement documentation directing the UST owners and operators to return the USTs to operational status or permanently close the USTs after 24 months.

Note: UST Regulations allow for USTs to be placed into temporary closure for twelve months, and only for an additional twelve months after a site investigation is conducted and prior approval is obtained. Additionally, USTs are only to be placed into temporary closure if they will return to operation after the duration of temporary closure has ended. USTs are not to be placed into temporary closure as a means of postponing permanent closure.

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

**CITATION:**

HSC, Chapter 6.7, Sections 25293  
CCR, Title 23, Sections 2670(b), 2671(c), 2672(d)  
[State Water Board]

**RESOLUTION:**

By the 1<sup>st</sup> Progress Report, and with each subsequent progress report until considered corrected, the CUPA, in coordination with the City of Burbank Fire Department PA, will provide CalEPA with a list of all UST facilities in temporary closure and the following documentation for each UST facility:

- CERS ID
- Facility address
- Date USTs were placed into temporary closure
- Sampling assessment allowing extension of 12 months, if temporary closure extends beyond 12 months
- Annual UST compliance inspection reports,
- Quarterly inspection reports conducted by the owner or operator, and
- Temporary closure permits.

Once the list is provided to CalEPA, the CUPA, in coordination with the PA, will ensure the PA:

- rescinds the temporary closure permits for UST facilities that exceed the regulatory requirements,
- requires the UST facilities to return to compliance or obtain a UST closure permit, and
- applies enforcement if the owner or operator does not comply.

By the 1<sup>st</sup> Progress Report, and with each subsequent progress report until considered corrected, the CUPA, in coordination with the City of Burbank Fire Department PA, will provide CalEPA with all correspondence from the City of Burbank Fire Department PA to UST facility owners and operators regarding temporary closure revocation, UST closure permitting, and applied enforcement.

By the 1<sup>st</sup> Progress Report, the CUPA, in coordination with the City of Burbank Fire Department PA, will review and revise the I&E Plan, or other applicable procedure, to ensure establishment of a process to correctly implement UST temporary closure requirements, which will include, at minimum the following:

- Issuing a temporary closure extension of no more than an additional 12 months only after the City of Burbank Fire Department PA reviews and approves a site assessment conducted by the owner or operator, or issuing a temporary closure permit that does not extend beyond 12 months;
- Requiring documentation from the owner or operator to show inspections were conducted at least once every three months while the UST is in temporary closure;
- Reviewing quarterly inspections during the UST compliance inspection to ensure the owner or operator is complying with the temporary closure permit requirements;



## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### INCIDENTAL FINDINGS REQUIRING RESOLUTION

- Correctly reporting USTs in temporary closure in CERS and Report 6, including the date in which the USTs were put in temporary closure; and
- Putting only those USTs into temporary closure that are intended to be brought back into operation.

The CUPA, in coordination with the City of Burbank Fire Department PA, will provide CalEPA with the revised I&E Plan, or other applicable procedure.

By the 2<sup>nd</sup> 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, in coordination with the City of Burbank Fire Department PA, will provide CalEPA with the amended I&E Plan or other applicable procedure.

If no amendments are necessary, the CUPA, in coordination with the City of Burbank Fire Department PA, will train UST inspection staff on the revised I&E Plan or other applicable procedure. Once training is complete, the CUPA and City of Burbank Fire Department PA, will implement the revised I&E Plan or other applicable procedure.

By the 3<sup>rd</sup> Progress Report, if amendments to the I&E Plan or other applicable procedure were necessary, the CUPA, in coordination with the City of Burbank Fire Department PA, will train UST inspection staff on the amended I&E Plan, or other applicable procedure. Once training is complete, the CUPA and City of Burbank Fire Department PA will implement the amended I&E Plan or other applicable procedure.

The State Water Board will consider this incidental finding resolved when the CUPA and PA have rescinded temporary closure permits that exceed the regulatory requirements and have issued directives for UST owners and operators to return to operational status or permanently close the USTs. The State Water Board will verify compliance status during the next CUPA performance evaluation.

Note: To comply with the December 31, 2025, single-walled UST closure regulatory deadline, the CUPA may not issue temporary closure permits for USTs or UST systems with single-walled components on or after December 31, 2024. Temporary closure permits may only be issued to USTs or UST systems that will be brought back into operation. The State Water Board strongly recommends CUPAs not issue temporary closure permits to USTs or UST systems with single-walled components on or after December 31, 2023, to help mitigate the potential of UST abandonment.

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#### 7. INCIDENTAL FINDING:

The CUPA is not consistently ensuring the UST Program related information in CERS is accurate and complete for the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, the LADPW PA, and the City of Pasadena Fire Department PA.

The following UST Program facility submittals in CERS were accepted with inaccurate or incomplete UST Program related information:

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### INCIDENTAL FINDINGS REQUIRING RESOLUTION

- City of Burbank Fire Department PA:
  - 6 of 6 (100%) single-walled tanks listed as "Yes" for continuous electronic tank monitoring
  - 4 of 4 (100%) single-walled USTs within 1000 feet of a public drinking water well with Periodic Enhanced Leak Detection Testing listed as "No"
  - 2 of 6 (33%) single-walled USTs without tank monitoring listed (ATG, SIR, CITLD)
- City of Torrance Fire Department PA:
  - 3 of 3 (100%) single-walled product piping installed after July 1, 1987 (excluding safe suction)
  - 1 of 1 (100%) single-walled pressurized piping does not list pipeline integrity testing
  - 3 of 3 (100%) single-walled gravity piping installed prior to July 1, 1987, without pipeline integrity testing every 24 months
  - 2 of 6 (33%) single-walled piping listed as "Yes" for continuous secondary monitoring
- LADPW PA:
  - 7 of 37 (19%) single-walled gravity piping installed prior to July 1, 1987, are listed as not performing pipeline integrity testing every 24 months
  - 17 of 32 (53%) single-walled pressurized piping do not list pipeline integrity testing
  - 58 of 82 (71%) single-walled piping lists "Yes" for continuous secondary monitoring
  - 38 of 82 (46%) single-walled steel UST systems are listed without corrosion protection
  - 24 of 46 (52%) single-walled UST systems with Motor Vehicle Fuel are not marked as having Steel + Internal lining
- City of Pasadena Fire Department PA:
  - 3 of 3 (100%) single-walled UST systems (tank and product piping) with secondary containment testing listed as "Yes"
  - 2 of 5 (40%) single-walled pressurized piping monitored by a mechanical line leak detector
  - 5 of 5 (100%) single-walled pressurized piping does not list pipeline integrity testing
  - 3 of 8 (38%) single-walled piping listed as "Yes" for continuous secondary monitoring
  - 4 of 8 (50%) single-walled product piping installed after July 1, 1987 (excluding safe suction)

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

Note: This deficiency was identified in the 2016 CUPA Performance Evaluation and was corrected during the Evaluation Progress Report process for the City of Burbank Fire Department PA, the City of Torrance Fire Department PA, and the LADPW PA. This deficiency was identified as an incidental finding in the 2019 CUPA Performance Evaluation and was resolved during the Evaluation Progress Report process for the City of Burbank Fire Department PA and City of Torrance Fire Department PA. During the 2019 Evaluation Progress Report process, the CUPA, in coordination with the City of Burbank Fire Department PA and the City of Torrance Fire Department PA, amended the Data Management procedure to address reviewing and accepting complete and accurate UST CERS submittals, and trained UST Program staff on the amended Data Management procedure.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### INCIDENTAL FINDINGS REQUIRING RESOLUTION

Note: The following CERS Frequently Asked Questions (FAQs) guidance documents and State Water Board correspondence may be referenced, and are available in CERS and at [www.waterboards.ca.gov/ust/cers/faqs.html](http://www.waterboards.ca.gov/ust/cers/faqs.html):

- Common CERS Reporting Errors
- Setting Accepted Submittal Status
- General Reporting Requirements for USTs
- Which Forms Require Uploading to CERS

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

#### **CITATION:**

CCR, Title 23, Sections 2631(d)(1), 2636(a)(3), 2640(e), 2641(g) and (h), 2643(d) and (e), 2644.1, 2662(c), 2711(d)  
[State Water Board]

#### **RESOLUTION:**

By the 1<sup>st</sup> Progress Report, the CUPA, in coordination with the LADPW PA and the City of Pasadena Fire Department PA and, will review the Data Management Procedure, or other applicable procedure, and revise as necessary, to ensure establishment of a process for UST International Code Council certified inspection staff to review CERS UST submittal information regarding construction and monitoring requirements for accuracy and completeness before being accepted in CERS. The procedure will at minimum include the following:

- When CERS UST submittal information is identified as correct, the submittal will be accepted;
- When CERS UST submittal information is identified as incorrect, the submittal will be:
  - accepted with minor errors, using a condition set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe, or
  - not accepted, with comments provided requiring resubmittal within a specified timeframe.
    - When CERS UST submittal information is not corrected and resubmitted within the timeframe specified, enforcement will be applied per the I&E Plan.

The CUPA will provide the revised Data Management Procedure, or other applicable procedure to CalEPA. The CUPA, in coordination with the LADPW PA and the City of Pasadena Fire Department PA, will contact the State Water Board for any assistance needed.

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the State Water Board will review five UST submittals accepted by the City of Burbank Fire Department PA, and five UST submittals accepted by the City of Torrance Fire Department PA.

By the 2<sup>nd</sup> 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,

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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

**INCIDENTAL FINDINGS REQUIRING RESOLUTION**

in coordination with the LADPW PA and the City of Pasadena Fire Department PA, will provide CalEPA with the amended Data Management Procedure or other applicable procedure. If no amendments are necessary, the CUPA, in coordination with LADPW PA and City of Pasadena Fire Department PA, will train UST International Code Council certified inspection staff on the revised Data Management Procedure or other applicable procedure. Once training is complete, the CUPA will ensure the LADPW PA and the City of Pasadena Fire Department PA implement the revised Data Management Procedure or other applicable procedure.

By the 3<sup>rd</sup> Progress Report, if amendments to the revised Data Management Procedure, or other applicable procedure were necessary, the CUPA, in coordination with LADPW PA and City of Pasadena Fire Department PA, will train UST International Code Council certified inspection staff on the amended Data Management Procedure or other applicable procedure. Once training is complete, the CUPA will ensure the LADPW PA, and the City of Pasadena Fire Department PA implement the amended Data Management Procedure or other applicable procedure.

With respect to UST submittals already accepted in CERS, the LADPW PA and the City of Pasadena Fire Department PA 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, to ensure information is accurate and complete regarding monitoring and construction requirements based on the UST installation date before being accepted.

By the 4<sup>th</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the State Water Board will review five UST submittals accepted by the LADPW PA, and five UST submittals accepted by the City of Pasadena Fire Department PA in CERS, after UST International Code Council certified inspection staff receive training on the revised or amended Data Management Procedure, or other applicable procedure.

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

The CUPA is not inspecting each facility subject to California Accidental Release Prevention (CalARP) Program requirements at least once every three years.

Review of CERS CME information and the information provided by the CUPA between October 1, 2019, and September 30, 2022, finds:

- 32 of 177 (18%) 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]

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### INCIDENTAL FINDINGS REQUIRING RESOLUTION

#### **RESOLUTION: COMPLETED**

As of July 24, 2023, review of CERS CME information and the information provided by the CUPA finds 15 of 177 (8%) facilities subject to CalARP Program requirements were not inspected within the last three years.

The CUPA is scheduled to inspect the remaining 15 CalARP facilities to ensure each facility subject to CalARP Program requirements receives a routine inspection at least once every three years. This Incidental Finding is considered resolved. No further action is required.

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#### **9. INCIDENTAL FINDING: RESOLVED DURING EVALUATION**

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

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

- CERS ID 10296268
  - Inventory submitted on October 27, 2022, and accepted on November 3, 2022
    - Missing required site map elements such as north orientation, adjacent streets, and emergency response equipment.
- CERS ID 10446781
  - Inventory submitted on February 16, 2022, and accepted on February 18, 2022
    - Missing required site map elements such as emergency response equipment.
- CERS ID 10753069
  - Inventory certified on January 17, 2023
    - Missing required site map elements such as evacuation staging areas and hazardous material handling and storage areas.
- CERS ID 10286926
  - Inventory submitted on June 1, 2022, and accepted on August 22, 2022
    - Missing required site map elements such as access and exit points.
- CERS ID 10152751
  - Inventory submitted on March 15, 2022, and accepted on May 20, 2022
    - Missing required site map elements such as access and exit points.
- CERS ID 10263400
  - Inventory submitted on March 13, 2022, and accepted on May 18, 2022
    - Missing required site map elements such as access and exit points and evacuation staging areas.
- CERS ID 10263874
  - Inventory submitted on July 21, 2022, and accepted on August 24, 2022
    - Missing required site map elements such as access and exit points.

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### INCIDENTAL FINDINGS REQUIRING RESOLUTION

- CERS ID 10265605
  - Inventory submitted on September 26, 2022, and accepted on September 26, 2022
    - Missing required site map elements such as north orientation, access and exit points, and evacuation staging areas.
- CERS ID 10270522
  - Inventory submitted on February 16, 2022, and accepted on October 25, 2022
    - Missing required site map elements such as access and exit points.
- CERS ID 10285030
  - Inventory submitted on March 10, 2022, and accepted on May 27, 2022
    - Missing required site map elements such as access and exit points.
- CERS ID 10288603
  - Inventory submitted on March 15, 2021, and accepted on July 6, 2021
    - Missing required site map elements such as access and exit points.
- CERS ID 10294147
  - Inventory submitted on November 10, 2022, and accepted on November 21, 2022
    - Missing required site map elements such as access and exit points.
- CERS ID 10267423
  - Emergency Response and Training Plans submitted on January 19, 2023, and accepted on February 15, 2023
    - Missing required emergency response plan elements such as procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment, and evacuation plans and procedures, including immediate notice, for the business site.
- CERS ID 10274962
  - Emergency Response and Training Plans submitted on October 26, 2021, and accepted on October 27, 2021
    - Missing required emergency response plan elements such as procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment, and evacuation plans and procedures, including immediate notice, for the business site.

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

#### **CITATION:**

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

#### **RESOLUTION: COMPLETED**

During the evaluation, the CUPA rejected the HMBP submittal for each facility identified above. In addition, the CUPA preemptively developed and implemented an action plan to ensure each future HMBP submittal will be thoroughly reviewed and contain all applicable required elements before being accepted in CERS. This Incidental Finding is considered resolved. No further action is required.

UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

INCIDENTAL FINDINGS REQUIRING RESOLUTION

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

The CUPA is not ensuring each stationary source in the CalARP Program reviews and updates the Risk Management Plan (RMP) every five years.

Review of information provided by the CUPA finds:

- 16 of 178 (9%) stationary sources in the CalARP Program have not updated the RMP in the last five years.

**CITATION:**

CCR, Title 19, Section 2745.10(a)  
[CalEPA]

**RESOLUTION: COMPLETED**

The CUPA preemptively identified and prepared to resolve this issue. The CUPA developed and is implementing an action plan to ensure each stationary source in the CalARP Program updates the RMP within the last five years. The CUPA is utilizing a tracking spreadsheet to identify when RMP five-year updates are due and sends reminder letters to facilities six months in advance of the RMP update being due. The CUPA will follow up with each facility that does not comply with submitting an updated RMP within five years of the prior RMP update and will proceed with enforcement, if necessary, typically in the form of an AEO.

Review of the tracking spreadsheet provided finds 13 of 16 (81%) stationary sources identified as not updating the RMP in the last five years have complied by submitting an RMP, and the CUPA is following up with the remaining three stationary sources to ensure the RMP is reviewed and updated every five years. This Incidental Finding is considered resolved. No further action is required.

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

The 2022 area plan is missing required elements.

Review of the 2022 area plan finds the following required elements are missing:

- Provisions for pre-incident surveys of business sites by first responders for the purpose of site familiarization, if deemed necessary by the administering agency ([CCR, Title 19, Section 2643\(a\)](#)).
- Provisions for pre-emergency planning and coordination among emergency responders within the jurisdiction of an administering agency. Pre-emergency planning shall include coordination of emergency response and emergency assistance between contiguous jurisdictions ([CCR, Title 19, Section 2643\(b\)](#)).
- Provisions for training of emergency response personnel in the following areas:
  - first response to a release or threatened release of hazardous materials, including pesticide drift exposure incidents ([CCR, Title 19, Section 2645\(a\)\(1\)](#)).

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### INCIDENTAL FINDINGS REQUIRING RESOLUTION

- identification of medical facilities capable of providing treatment appropriate for hazardous material incidents, including pesticide drift exposure incidents ([CCR, Title 19, Section 2645\(a\)\(5\)](#)).
- evacuation plans and procedures ([CCR, Title 19, Section 2645\(a\)\(6\)](#)).
- monitoring and decontamination procedures for emergency response personnel and equipment ([CCR, Title 19, Section 2645\(a\)\(7\)](#)).
- first-aid procedures for hazardous material incidents, including pesticide exposure ([CCR, Title 19, Section 2645\(a\)\(8\)](#)).
- procedures for informing the public during emergencies ([CCR, Title 19, Section 2645\(a\)\(9\)](#)).
- psychological stress that may be encountered during disaster operations ([CCR, Title 19, Section 2645\(a\)\(10\)](#)).
- 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 ([CCR, Title 19, Section 2646\(d\)](#)).

The following information within the 2022 area plan may benefit from improvement.

- Page 19
  - The sentence “Facility, characteristics, topography, meteorology, and demography of potentially affected areas.” should remove the extraneous comma between “Facility” and “characteristics.”
- Page 57
  - The California State Warning center phone number is incorrectly listed as (916) 262-1621. The correct phone number is (916) 845-8911.

#### **CITATION:**

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

#### **RESOLUTION: COMPLETED**

During the evaluation, the CUPA conducted a complete review of the area plan, made the necessary revisions, and provided the reviewed and revised area plan to CalEPA. This Incidental Finding is considered resolved. No further action is required.

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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.

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**1. OBSERVATION:**

Review of CERS finds the following facilities have USTs or UST systems with single-walled components which require permanent closure by December 31, 2025, in accordance with HSC, Chapter 6.7, Section 25292.05:

- The City of Burbank Fire Department PA
  - CERS ID 10138289: Tank IDs 001-004
  - CERS ID 10397452: Tank IDs 001-002
- The City of Torrance Fire Department PA
  - CERS ID 10132234: Tank IDs 001-003
  - CERS ID 10133851: Tank IDs 001-003
- LADPW PA
  - CERS ID 10138211: Tank IDs 001-004
  - CERS ID 10197358: Tank ID 001
  - CERS ID 10304158: Tank IDs 001-004
  - Note: 185 UST Systems are identified as having single-walled components.
- The City of Pasadena Fire Department PA
  - CERS ID 10307749: Tank IDs 001-003

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

**RECOMMENDATION:**

Continue to provide verbal reminders to all applicable UST owners or operators regarding the December 31, 2025, requirement for permanent closure of single-walled USTs and UST systems. Consider providing written notification of the requirement to all applicable UST facility owners or operators. The written notification should inform facility owners or operators that in order to remain in compliance, owners or operators must replace or remove single-walled USTs by December 31, 2025. Additional information regarding single-walled UST closure requirements may be found at:

[https://www.waterboards.ca.gov/water\\_issues/programs/ust/single\\_walled.html](https://www.waterboards.ca.gov/water_issues/programs/ust/single_walled.html)

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

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

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UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

**OBSERVATIONS AND RECOMMENDATIONS**

**2. OBSERVATION:**

Review of the City of Pasadena Fire Department PA UST facility file for CERS ID 10306393 indicates the UPFP, which includes the UST Operating Permit, was issued after the expiration date of the previously issued UPFP.

**RECOMMENDATION:**

Ensure the City of Pasadena Fire Department PA issues UPFPs prior to or upon the expiration date of previously issued UPFPs.

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**3. OBSERVATION:**

Review of CERS CME information finds the LADPW PA has cited Violation Type #2010 139 times between July 1, 2019, and December 30, 2022, for the 2022 CUPA Performance evaluation. The general Violation Type #2010 is for use when there is not a more appropriate violation type number available. A description of the violation should be provided.

**RECOMMENDATION:**

Review when to use Violation Type #2010 (2010 - UST Program General) to cite violations identified during CUPA inspections for accurate electronic data transfer to CERS.

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**4. OBSERVATION:**

The I&E Plan contains the following information that may benefit from improvement:

- Page 1: The Unified Program elements list is missing the fire code Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS) Program, which is consolidated with the HMBP Program to streamline the regulatory requirements for regulated facilities.
- Page 5: Inspector training for APSA shows the following, “Under HSC, Section 25270.5(c), prior to conducting inspections of APSA facilities with a petroleum capacity of >1,320 gallons or more, the inspector shall complete and pass the aboveground storage tank inspector training program.” Remove the reference to petroleum storage capacity. Under HSC, Section 25270.5(c), training is required prior to inspecting an APSA tank facility for compliance with the Spill Prevention Control and Countermeasure (SPCC) Plan requirements of APSA. Training per HSC, Section 25270.5(c) is not required if the CUPA staff is only inspecting tank facilities conditionally exempt from preparing an SPCC Plan under APSA.
- Page 9: The Compliance Timeframes in Section G.1 do not discuss APSA Program RTC requirements. Although there are no established RTC timeframes for APSA violations, Unified Program regulated facilities, including APSA tank facilities, cited with a minor violation have 30 days from the date of the notice to RTC, in accordance with HSC, Section 25404.1.2(c)(1).
- Page 12: The CalEPA violation classification guidance document link in the Enforcement/Violation Classification section is broken.
- Page 17: In the table, HSC, Section 25270.5 is incorrectly referenced as violations of APSA. A better reference is HSC, Chapter 6.67, Section 25270 et al.

UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

**RECOMMENDATION:**

Update the I&E Plan as indicated above.

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**5. OBSERVATION:**

The CERS reporting requirement is currently set as “APSA Applicable” for 1,332 tank facilities.

The CUPA’s data management system identifies 1,289 APSA tank facilities.

- 1,270 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- 62 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 data management system appropriately.
- 19 facilities identified as APSA tank facilities in the CUPA’s data management system are not in the CERS list of APSA facilities. The CUPA should determine if the facilities really are APSA facilities.
  - Those that are not APSA regulated should have the APSA reporting requirement set to “Not Applicable,” and should not be identified as APSA tank facilities in the CUPA’s data management system. Those that are APSA regulated should have the APSA reporting requirement set to “Applicable.”
- There are 35 APSA tank facilities currently designated in CERS with the APSA reporting requirement set to “Not Applicable.” These facilities should be identified as APSA tank facilities in the CUPA’s data management system and the CUPA should change the APSA reporting requirement to “Applicable.”

**RECOMMENDATION:**

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

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**6. OBSERVATION:**

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

**RECOMMENDATION:**

Encourage each APSA tank facility that utilizes the consolidated emergency response and training plans template as part of the HMBP submittal, when an HMBP is provided in lieu of the tank facility statement, to use the current 2022 template. The 2022 template is available in the CERS Central Business Website at: <https://cers.calepa.ca.gov/businesses/> under Consolidated Emergency Response/Contingency Plan/Template and on the CalEPA Unified Program

UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

Publications and Guidance website at: <https://calepa.ca.gov/cupa/publications/> under “Business-to-CUPA Reporting Forms.”

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**7. OBSERVATION:**

The following are suggestions for improvement to the CUPA’s APSA Program webpage at <https://fire.lacounty.gov/aboveground-petroleum-tanks/>:

- The CERS Business Portal Help: Is My Facility Regulated Under APSA, dated March 29, 2019, displayed via the “IS MY FACILITY REGULATED” link is outdated. Replace the document with a link to the OSFM website about whether a facility is APSA regulated (<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/is-my-facility-regulated-under-aboveground-petroleum-storage-act-apsa/>).
- The discussion under Exemptions is missing the following:
  - Tank or tank facility located on and operated by a farm that do not meet the Water Resources Reform and Development Act (WRRDA) oil threshold per HSC, Section 25270.2(a)(7) and
  - Tanks in underground areas with a capacity of less than 55 gallons.
- The CERS Business Portal Help: Aboveground Petroleum Storage Tank Facility Statement Reporting Requirements, dated March 29, 2019, displayed via the “ABOVEGROUND TANK REPORTING REQUIREMENTS” link under the APSA webpage and the “APSA Reporting Requirements” link under the Guidance Documents and Forms webpage (accessed from the Hazardous Waste Program webpage at <https://fire.lacounty.gov/hazardous-waste/>) is outdated. Replace the document with a link to the OSFM website on tank facility CERS reporting requirements (<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements/>).
- The CERS Business Portal Help: Preparing an APSA Submittal, dated March 29, 2019, displayed via the “PREPARING AN APSA SUBMITTAL” link is outdated. Replace the document with a link to the OSFM website on preparing an APSA submittal (<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/preparing-an-apsa-submittal-in-cers/>).
- The Tier II Qualified Facility SPCC Plan Template, dated September 2018, is outdated. Replace with the link to the current version dated May 2021 ([https://osfm.fire.ca.gov/media/13bddwhw/calfire-osfm\\_tierii\\_spcc\\_plantemplate\\_05-2021-accessible.pdf](https://osfm.fire.ca.gov/media/13bddwhw/calfire-osfm_tierii_spcc_plantemplate_05-2021-accessible.pdf)).
- The “APSA Factsheet” link to the OSFM APSA Program guidance document provided on the Guidance Documents and Forms webpage (accessed from the Hazardous Waste Program webpage) could also be linked on the CUPA APSA Program webpage.
- The Compliance Guideline for Hazardous Wastes and Materials, dated December 3, 2009, on the Guidance Documents and Forms webpage (accessed from the Hazardous Waste Program webpage) is outdated and may benefit from improvement as follows:
  - Pages 3: The outdated Uniform Fire Code is referenced. Replace with the current California Fire Code.

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

- Pages 6, 98, 99, and 101): Replace the AST Program with the APSA Program for consistency.
- Page 80: Replace “Uniform Fire Code (UFC) Standard Number 79.3” with a current and appropriate hazard ranking standard, such as the National Fire Protection Association (NFPA) Standard 704.
- Page 98: The section on tank facilities subject to APSA should be updated to reflect the current statute, including tank facilities subject to the Federal SPCC rule and tank facilities with less than 1,320 gallons of petroleum and has one or more tanks in underground areas (TIUGA).
- Page 99: The statement that “a facility could reasonably be expected to discharge oil into or upon navigable waters of the United States” only applies to APSA tank facilities that are subject to the Federal SPCC rule. Remove the statement, “Got ASTs? You must notify the SWRCB.” Update the entire ‘Notification’ section under AST Program Requirements to reflect current statutory requirements.
- Page 101: The “Exemptions from SPCC Requirements” should be broken into two categories (excluded under APSA and conditionally exempt from preparing an SPCC Plan under APSA) and updated to reflect current statutory requirements. Also, remove the link to the outdated CalEPA SPCC Fact Sheet.

#### **RECOMMENDATION:**

Update the website as indicated above.

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#### **8. OBSERVATION:**

Attachment 4 of the area plan contains the following information that is inaccurate or outdated and may benefit from improvement:

- Page A-1: “Article 80” of the California Fire Code (CFC) is an old reference to the HMMP/HMIS Program requirements in the outdated Uniform Fire Code. HMMP/HMIS Program requirements are now found in the CFC, Chapter 50 and Appendix H.
- Page A-2: Remove the word ‘uniform’ in the “California Uniform Fire Code.” Remove the reference to “requirements for Spill Prevention, Control, and Countermeasure Plans’ for APSA.
- Page A-6: Replace “Aboveground Storage Tank Program (SWRCB)” with “APSA (OSFM).” Remove reference to HSC, Section 25404.3(b) for the HMMP/HMIS Program and add the HSC, Division 12, Part 2, Chapter 1, Article 2, Section 13143.9, and CCR, Title 24, Part 9 (CFC), Chapter 50, Sections 5001.5.1 and 5001.5.2. Update the CCR, Title 27 reference to include Section 15100(a)(6) only for the HMMP/HMIS Program.

#### **RECOMMENDATION:**

With the next review and revision, update the area plan as indicated above.

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UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

**OBSERVATIONS AND RECOMMENDATIONS**

**9. OBSERVATION:**

Information within the following Self-Audit Reports may benefit from improvement.

- FYs 2019/2020, 2020/2021, and 2021/2022: The HMMP/HMIS Program is missing from the Unified Program elements implemented by the CUPA.
- FYs 2020/2021 and 2021/2022: Remove the reference to the “Spill Prevention Control and Countermeasure Plan (SPCC)” for the APSA Program under the list of Unified Program elements.

**RECOMMENDATION:**

Ensure future Self-Audit Reports address the above information.

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**10. OBSERVATION:**

The annual CalARP Performance Audit Reports for FYs 2019/2020, 2020/2021, and 2021/2022 have an inaccurate component.

The following component is inaccurate:

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

**RECOMMENDATION:**

With the annual CalARP Performance Audit for FY 2022/2023, ensure all components required by CCR, Title 19, Section 2780.5 are addressed, including a summary of the personnel and PYs necessary to directly implement, administer, and operate the CalARP Program.

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**11. OBSERVATION:**

The Hazardous Materials Farm Business Exemption Fact Sheet has inaccurate elements.

Per the agricultural handler exemption requirements in HSC, Section 25507.1, the following elements are inaccurate:

- Section III. Farm Business Exemption Requirements.
  - Cites “subdivisions (b) and (c) of 25504.” Should cite “paragraphs (3) and (4) of subdivision (a) of Section 25505.”
  - (A) Cites “the inventory of information required by Section 25509.” Should cite “the facility information and inventory required by Section 25506.”
- There are no provisions for the requirement in HSC, Section 25507.1(a)(3) for the agricultural handler to provide the training programs specified in paragraph (4) of subdivision (a) of Section 25505.

UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

**OBSERVATIONS AND RECOMMENDATIONS**

**RECOMMENDATION:**

Update the Hazardous Materials Farm Business Exemption Fact Sheet to include current citations and all information in HSC, Section 25507.1.

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**12. OBSERVATION:**

Oversight inspections were conducted with two different lead inspectors in the Southwest Region of the CUPA on February 7, 2022, at CERS ID 10154703, a Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) and on February 8, 2022, at CERS ID 10263394, a Small Quantity Generator (SQG).

Prior to the inspections, both inspectors demonstrated thorough pre-inspection preparation, including using both CERS and the DTSC Hazardous Waste Tracking System (HWTS) to gather information on the activities and hazardous waste shipments of each facility inspected. The SQG facility had no manifests in HWTS, which the inspector noted was a potential issue. The RCRA LQG facility had some manifests of concern which the inspector identified by downloading the Manifest Data Report. Overall, the pre-inspection preparation was detailed and appropriate for the nature of the facilities.

During both inspections the inspectors clearly asked for and obtained consent to inspect and explained the purpose of the inspection. In instances where there may have been a potential violation the inspectors asked pertinent follow-up questions. A full walkthrough of both facilities was conducted, and the inspectors observed all areas where hazardous waste was generated and managed. The appropriate documents required of LQGs and SQGs were reviewed or noted as violations when they were not available for review.

The violations observed during the inspection were cited and reviewed with the facilities at the conclusion of each inspection. The violations cited in each of the inspection reports contained the inspector's observations, the correct citations, and corrective actions. Overall, the inspections were handled professionally and were conducted in a timely manner.

In terms of understanding HWG requirements, the CUPA inspectors demonstrated they were well versed in a range of hazardous waste topics including the following that were encountered and applied during the oversight inspections: satellite accumulation, empty containers, excluded recyclable materials (ERM), and general hazardous waste generator requirements.

**RECOMMENDATION:**

Continue to conduct the current pre-inspection and inspection procedures noted above. When drafting corrective actions, inspectors should include contact information, such as an email address, if the facility is to provide corrective actions to the inspector directly. CUPAs with comprehensive corrective action language that clearly indicate where and how to submit corrective action information tend to obtain higher rates of RTC for the HWG program. Inspectors should continue to take notes during inspections to aid in writing comprehensive corrective actions.

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UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

**OBSERVATIONS AND RECOMMENDATIONS**

**13. OBSERVATION:**

The information below is a summary of the overall implementation of the HWG Program and the CUPA's hazardous waste related activities based upon review of policies and procedures, CERS CME information, facility file information, information provided by the CUPA, the I&E Plan, and Self-Audit Reports between October 1, 2019, and September 30, 2022:

- CERS reflects 11,695 facilities self-identified as an HWG, 448 RCRA LQGs, and 248 Tiered Permitted (TP) facilities.
- The three-year inspection frequency for all HWG facilities is currently being met at a rate over 98%.
- The CUPA has ensured RTC for 16,692 of 18,471 (90%) cited violations.
- The CUPA completed separate formal enforcement actions for 68 different facilities with hazardous waste related violations having a cumulative total penalty amount of \$933,871.00, which also includes \$85,000.00 in Supplemental Environmental Projects (SEPs).
- Inspection reports contain detailed comments that note the factual basis of cited violations and indicate that consent to inspect was requested prior to the inspection being conducted.
- The CUPA's website is very helpful and includes nearly four dozen links to County factsheets, the DTSC website and factsheets on the U.S. EPA webpage, which address specific HWG issues. The CUPA's Certified Laboratory listing is dated November 2017. There is a 130-page Compliance Guideline for Hazardous Waste and Materials dated December 3, 2009. The CUPA's list of hazardous waste transporters is dated September 11, 2003.

**RECOMMENDATION:**

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 appropriate enforcement for facilities that do not RTC, per the I&E Plan. Continue to ensure that complete and thorough inspections are conducted to identify all violations at facilities.

Periodically check validity of external web links on the CUPA's website. After U.S. UPA Generator Improvement Rule requirements are adopted and incorporated into California regulations, reference and revise appropriate citation sections in available factsheets and other resources made publicly available. Update the following information: (1) the Certified Laboratory listing or establish a web-link to the State Water Quality Control Board's Environmental Laboratory Accreditation Program (ELAP); (2) DTSC hazardous waste transporter webpages to reference transporter information at <https://dtsc.ca.gov/transporters/>; and (3) the list of active hazardous waste transporters at <https://hwts.dtsc.ca.gov/transporters/>.

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**14. OBSERVATION:**

During FY 2019/2020, the CUPA submitted Quarterly Surcharge Transmittal Reports to CalEPA for the first, second, and third fiscal quarters (FQs) more than one week after the posted regulatory deadlines. In FYs 2020/2021, and 2021/2022, the CUPA self-corrected and submitted the majority of Quarterly Surcharge Transmittal Reports on time or nearly on time.



UNIFIED PROGRAM PERFORMANCE EVALUATION  
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

**RECOMMENDATION:**

Continue to evaluate and reevaluate internal accounting practices to ensure that all state-mandated reporting frequencies are being maintained.

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**15. OBSERVATION:**

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

- Los Angeles County Fire Department Health Hazardous Materials Division CUPA Application, dated April 8, 1996;
  - CERS “Summary Regulated Facilities by Unified Program Element” report, generated on April 7, 2023;
  - CERS “UST Inspection Summary Report (Report 6),” generated on April 7, 2023; and
  - Los Angeles County Fire Department Health Hazardous Materials Division Organizational Chart, dated October 20<sup>th</sup>, 2022;
  - The LA County CUPA Overview PowerPoint presentation given by the CUPA at the 2022 CUPA Performance Evaluation Kickoff Meeting on November 15<sup>th</sup>, 2022.
- Total Number of **Business Plan** Regulated Businesses and Facilities:
    - In 1996 Application: 7,910
    - Currently: 13,887
    - An increase of 5,977 facilities
  - Total Number of Regulated **Underground Storage Tank (UST)** Facilities:
    - In 1996 Application: 3,545
    - Currently: 1,709
    - A decrease of 1,836 facilities
    - Comments: The original CUPA application indicates 117 UST facilities would be regulated by the City of Burbank Fire Department PA, 136 would be regulated by the City of Torrance Fire Department PA, and 3,292 UST facilities would be regulated by the LADPW PA. Information provided during the 2022 Performance Evaluation Kickoff Meeting indicated 64 UST facilities are being regulated by the City of Burbank Fire Department PA, 51 are being regulated by the City of Torrance Fire Department PA, 1,539 are being regulated by the LADPW PA, and 55 UST facilities are being regulated by the City of Pasadena Fire Department PA.
  - Total Number of Regulated **USTs**:
    - In 1996 Application: 10,896
    - Currently: 4,711
    - A decrease of 6,185 USTs
    - Comments: The original CUPA application indicates 312 USTs would be regulated by the City of Burbank Fire Department PA, 396 would be regulated by the City of Torrance Fire Department PA, and 10,188 USTs would be regulated by the

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

LADPW PA. Information provided during the 2022 Performance Evaluation Kickoff Meeting indicated 153 USTs are being regulated by the City of Burbank Fire Department PA, 148 are being regulated by the City of Torrance Fire Department PA, 4,280 are being regulated by the LADPW PA, and 130 USTs are being regulated by the City of Pasadena Fire Department PA.

- **Total Number of Regulated Hazardous Waste Generator Facilities:**
  - In 1996 Application: 11,317
  - Currently: 19,252
  - An increase of 7,935 facilities
  
- **Total Number of Regulated Household Hazardous Waste (HHW) Facilities:**
  - In 1996 Application: Not specified
  - Currently: 24
  - Comments: HHW facilities were regulated under the Unified Program upon certification, though no count was provided in the application for certification. The difference between the current and historic number of facilities cannot be determined at this time.
  
- **Total Number of Regulated Tiered Permitting (TP) Facilities (Permit By Rule, Conditionally Authorized, Conditionally Exempt):**
  - In 1996 Application: 1,157
  - Currently: 334
  - A decrease of 823 facilities
  - Comments: The original CUPA application lists 97 PBR facilities, 112 CA facilities, and 938 CE facilities.
  
- **Total Number of Regulated Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Facilities:**
  - In 1996 Application: Not specified
  - Currently: 726
  - Comments: RCRA LQG facilities were regulated under the Unified Program upon certification, though no count was provided in the application for certification. The difference between the current and historic number of facilities cannot be determined at this time.
  
- **Total Number of Regulated Risk Management Prevention Plan (RMPP), also known as California Accidental Release Prevention (CalARP) Program Facilities:**
  - In 1996 Application: 572
  - Currently: 185
  - A decrease of 387 facilities

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### OBSERVATIONS AND RECOMMENDATIONS

- **Total Number of Regulated Aboveground Petroleum Storage Act (APSA) Tank Facilities:**
  - In 1996 Application: Not applicable
  - Currently: 1,343

Since the original application for certification was submitted in 1996, the CUPA has seen some fluctuations in the number of regulated facilities in nearly all Unified Program elements. In particular, the total number of regulated HMBP facilities increased by 5,977 (or 76%) and the total number of regulated HWG facilities increased by 7,935 (or 70%). The incorporation of the APSA program also added another 1,343 facilities not previously regulated by the CUPA when first certified. The CUPA's PAs also experienced a significant decrease in the total number of regulated UST facilities and total regulated USTs by 1,836 facilities (or 52%) and 6,185 USTs (or 57%), respectively. In addition, the total number of TP facilities decreased by 823 (or 71%) and the total number of RMPP/CalARP facilities decrease by 387 (or 68%).

Since the CUPA applied for certification in 1996, an expansion of responsibilities in the HMBP, HWG, and APSA programs has occurred, increasing the workload undertaken by the CUPA to further implement regulatory oversight of each of these programs. Additionally, the management of compliance, monitoring, inspection, and enforcement information transitioned from the use of Unified Program Consolidated Forms to the implementation of electronic data reporting through local data management systems and CERS.

Upon certification 13 PAs were established under the oversight of the CUPA. Of the 13 original PAs, the following agencies no longer have active PA agreements with the CUPA:

- City of Alhambra Fire Department
  - Implemented the HMRRP and CalARP Programs
  - Agreement ended in October 2014
- City of Compton Fire Department
  - Implemented the APSA, HMBP, CalARP, and UST Programs
  - Agreement ended in July 2017
  - Note: The City of Compton was not identified as a PA in the original CUPA application for certification. The CUPA certified the PA while awaiting CalEPA certification, during the 2001 CUPA Performance Evaluation.
- City of Gardena Fire Department
  - Implemented the HMRRP and CalARP Programs
  - Agreement ended in August 1999
- City of Inglewood Fire Department
  - Implemented the HMRRP and CalARP Programs
  - Agreement ended in August 1999
- City of Manhattan Beach Fire Department
  - Implemented the HMRRP and CalARP Programs
  - Agreement ended in September 1999

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

- City of Redondo Beach Fire Department
  - Implemented the HMRRP and CalARP Programs
  - Agreement ended in March 2017
- Note: Though listed in the original CUPA application as being responsible for implementing the HMRRP and CalARP Programs, a PA agreement between the City of El Monte Fire Department and the CUPA was never established.

The following agencies have active PA agreements with the CUPA:

- Los Angeles County Agricultural Commissioner of Weights and Measures
  - Implements the HMBP Program
  - Agreement established in December 1996
- Los Angeles County Department of Public Works
  - Implements the UST Program
  - Agreement established in December 1996
- City of Burbank Fire Department
  - Implements the HMBP, CalARP and UST Programs
  - Agreement established in December 1996
- Culver City Fire Department
  - Implements the HMBP and CalARP Programs
  - Agreement established in December 1996
- City of Downey Fire Department
  - Implements the HMBP and CalARP Programs
  - Agreement established in November 1996
- City of Monrovia Fire Department
  - Implements the HMBP and CalARP Programs
  - Agreement established in November 1996
- City of Pasadena Fire Department
  - Implements the HMBP, CalARP and UST Programs
  - Agreement established in October 1997
  - Note: The City of Pasadena Fire Department was not identified as a PA in the CUPA application for certification.
- City of Torrance Fire Department
  - Implements the HMBP, CalARP and UST Programs
  - Agreement established in December 1996

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 Los Angeles County Fire Department Health Hazardous Materials Division CUPA Application, dated April 8, 1996, and recent information provided by the CUPA.

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

- In 1996 Application
  - 145.0 FTEs budgeted for 145 total positions
    - 118 filled positions and 27 vacancies as of April 8, 1996
  - 88.0 FTEs budgeted for technical staff
    - Note: Budgeted FTEs for clerical and temporary positions were not provided in the original application.
- Currently
  - 127.0 FTEs budgeted for 127 total positions
    - 116 filled positions and 11 vacancies as of October 20, 2022
  - 90.0 FTEs budgeted for technical staff
    - 87 filled positions and 3 vacancies as of October 20, 2022
  - 31.0 FTEs budgeted for clerical staff
    - 27 filled positions and 4 vacancies as of October 20, 2022
  - 6.0 FTEs budgeted for temporary staff
    - 2 filled positions and 4 vacancies as of October 20, 2022

The CUPA is implementing the inspection and enforcement components of the Unified Program well.

#### **RECOMMENDATION:**

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

Continue to regularly assess the allocation of current staff assignments and existing resources to ensure adequate implementation of each program element within the Unified Program is obtained. In addition, continue to work collaboratively with each PA to ensure adequate implementation of the Unified Program is occurring for each delegated program element within the respective jurisdiction.

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#### **16. OBSERVATION:**

On March 30, 2023, an oversight inspection was conducted in Torrance. The oversight inspection consisted of an Annual Monitoring Certification and compliance inspection of two USTs at a Motor Vehicle Fuel Facility. The compliance inspection was performed by two inspectors from the City of Torrance Fire Department PA. A primary inspector did the walk through, with an additional inspector present for support as needed. Both International Code Counsel (ICC) California certified UST inspectors were knowledgeable of UST testing requirements and the equipment on site. They performed a full visual inspection for sumps, spill buckets, under dispenser containments (UDCs), and measurements taken by the testing team. Post inspection, the inspectors reviewed the results with site staff and confirmed the contact information for the report recipient.

On March 31, 2023, an oversight inspection was conducted in Burbank. The oversight inspection consisted of an Annual Monitoring Certification and compliance inspection of one UST at an Emergency Generator Facility. The compliance inspection was performed by an inspector from the City of Burbank Fire Department PA. The inspector was familiar with the site staff and

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

### OBSERVATIONS AND RECOMMENDATIONS

the service technician team. The service technician team performed the annual monitoring certification and monthly Designated Operator (DO) inspections. The training log for current employee trainings was not present, and the inspector cited the appropriate violation. The inspector requested a copy of the training log once the DO performed the training later that afternoon. The inspector and service technician team waited for the vacuum pressure to return before closing the Veeder Root and completing the inspection.

Inspectors were knowledgeable of UST Regulations and HSC requirements and were able to answer site specific questions.

#### **RECOMMENDATION:**

Ensure staff are properly trained in UST inspection procedures and all paperwork is on site to cover requirements outlined in the CCR and HSC.

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#### **17. OBSERVATION:**

Four HMBP oversight inspections were conducted with different inspectors from different district offices, all within the jurisdiction of the CUPA on the following dates at the following facilities:

- May 1, 2023, within the jurisdiction of the southeast district office
  - CERS ID 10855948
  - CERS ID 10269241
- May 2, 2023, within the jurisdiction of the east district office
  - CERS ID 10268587
  - CERS ID 10265335

During each inspection, each inspector was well prepared for the inspection and reviewed relevant information prior to arriving at the facility. The inspectors established rapport with the facility operators, toured each entire site, verified inventory, site map, and emergency response plan information and training at each site, and effectively communicated technical information to the facility operators. The inspectors identified and classified all violations.

On May 3, 2023, a CalARP oversight inspection was conducted within the jurisdiction of the CUPA at CERS ID 10460056. The inspector was well prepared for the inspection. Prior to arriving at the facility, the inspector reviewed relevant information, including the most current RMP, and requested all relevant program-specific documents in advance. The inspector was knowledgeable, established rapport with the facility operators, requested and reviewed the most current RMP information, toured the entire site, and effectively communicated technical information to the facility operators. The inspector continued to communicate with the facility following the inspection to address information that was unclear, incomplete, or identified as missing. The inspector returned to the facility on May 18, 2023, to complete the inspection. In between the two site visits, the inspector continued to communicate with the facility to identify and resolve missing information, ultimately citing five violations.

#### **RECOMMENDATION:**

CalEPA recommends the CUPA continues to conduct thorough HMBP and CalARP inspections.