

March 26, 2024

Mr. Jeff Williams
Environmental Health Manager
Sutter County Environmental Health
1130 Civic Center Boulevard, Suite A
Yuba City, California 95993-3009

Dear Mr. Williams:

During April 2023, through February 2024, CalEPA and the Unified Program state agencies conducted a performance evaluation of the Sutter County Environmental Health Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, review of regulated facility file documentation, California Environmental Reporting System information, and 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. Thereafter, the CUPA will submit each subsequent Evaluation Progress Report to CalEPA in accordance with the specified date provided in the Evaluation Progress Report response, 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, 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. Jeff Williams
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. If you would like to have specific comments remain anonymous, please indicate so on the survey.

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

Sincerely,



Jason Boetzer
Deputy Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

Mr. Sukhdev Sahota
Environmental Health Supervisor
Sutter County Environmental Health
1130 Civic Center Boulevard, Suite A
Yuba City, California 95993-3009

Mr. Octaviono Cuevas, REHS
Sutter County Environmental Health
1130 Civic Center Boulevard, Suite A
Yuba City, California 95993-3009

Ms. Cheryl Prowell
Supervising Water Resource Control Engineer
State Water Resources Control Board

Mr. Tom Henderson
UST Leak Prevention Unit and
Office of Tank Tester Licensing Manager
State Water Resources Control Board

Ms. Julie Pettijohn
Environmental Program Manager
CUPA Enforcement Branch
Department of Toxic Substances Control

Mr. Jeff Williams
Page 3

cc sent via email:

Ryan Miya, Ph.D.
Senior Environmental Scientist, Supervisor
Department of Toxic Substances Control

Ms. Jennifer Lorenzo
Senior Environmental Scientist, Supervisor
CAL FIRE - Office of the State Fire Marshal

Ms. Kaitlin Cottrell
Environmental Scientist
State Water Resources Control Board

Ms. Magnolia Busse
Environmental Scientist
State Water Resources Control Board

Ms. Michelle Suh
Environmental Scientist
State Water Resources Control Board

Ms. Mia Goings
Environmental Scientist
Department of Toxic Substances Control

Ms. Denise Villanueva
Environmental Scientist
CAL FIRE - Office of the State Fire Marshal

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. Jeff Williams
Page 4

cc sent via email:

Ms. Julie Unson
Environmental Scientist
California Environmental Protection Agency

Mr. Timothy Brandt
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Sutter County Environmental Health

Evaluation Period: April 2023 through February 2024

Evaluation Team Members:

- **CalEPA Team Lead:** Timothy Brandt
- **DTSC:** Mia Goings, Matthew McCarron
- **CalEPA:** Julie Unson
- **State Water Board:** Kaitlin Cottrell, Char'Mane Robinson
- **CAL FIRE-OSFM:** 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:

Tim Brandt

CalEPA Unified Program

Phone: (916) 323-2204

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

The CUPA is required to submit the first Evaluation Progress Report 60 days from receipt of the Final Summary of Findings Report. Thereafter, the CUPA will submit each subsequent Evaluation Progress Report to CalEPA in accordance with the specified date provided in the Evaluation Progress Report response. For each identified deficiency and incidental finding, the CUPA must complete the corrective action and resolution as indicated to demonstrate sufficient implementation of the Unified Program as required by regulation or statute. The Evaluation Progress Report process will continue until all deficiencies and incidental findings have been acknowledged as corrected or resolved by each issuing Unified Program state agency.

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead via email at 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 1st Evaluation Progress Report is **June 7, 2024**.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

ACCOMPLISHMENTS, CHALLENGES, AND EXAMPLES OF OUTSTANDING IMPLEMENTATION

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

1. ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM MANDATED INSPECTIONS:

Since the 2018 CUPA Performance Evaluation, the CUPA has met the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum.

2. QUALITY OF ADMINISTRATIVE AND PROCEDURAL DOCUMENTS AND CONSISTENCY IN REPORTING:

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

A program deficiency is considered a major deviation in implementation of the Unified Program from the expected standards set forth in statute or regulation. Commonly identified as a systemic problem in implementation of one or more program elements, a deficiency is likely to have an impact on the safety and protection of human health and the environment. Program deficiencies identify specific aspects regarding implementation of the Unified Program.

1. DEFICIENCY:

The CUPA is not consistently or correctly reporting inspection, violation, and enforcement information, also known as compliance, monitoring and enforcement (CME) information, to CERS for the APSA and the Hazardous Waste Generator (HWG) Programs.

Review of APSA Program inspection reports and CERS CME information finds the following examples when CME information was inconsistently or incorrectly reported to CERS:

- CERS ID 10193119
 - An inspection report, dated October 28, 2019, cites two violations. CERS reflects one violation for an inspection dated October 28, 2019.
 - An inspection report, dated October 25, 2022, cites one violation for failure to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan. CERS reflects one violation for an incomplete SPCC Plan, which should have been a violation for failure to prepare an SPCC Plan, for an inspection dated October 25, 2022.
- CERS ID 10194400
 - An inspection report dated May 5, 2023, cites 11 violations. CERS reflects eight violations for an inspection dated May 5, 2023.
 - An inspection report dated March 6, 2020, cites seven violations. CERS reflects five violations for an inspection dated March 6, 2020.
- CERS ID 10195120
 - An inspection report dated March 9, 2023, cites 18 violations. CERS reflects 11 violations for an inspection dated March 9, 2023.
 - An inspection report dated November 3, 2022, cites 14 violations. CERS reflects eight violations for an inspection dated November 3, 2022.
 - An inspection report dated October 21, 2019, cites one violation for an SPCC Plan not available onsite. CERS reflects one violation for an incomplete SPCC Plan for an inspection dated October 21, 2019.
- CERS ID 10195306
 - An inspection report dated February 28, 2023, cites four violations. CERS reflects two violations for an inspection dated February 28, 2023.
 - An inspection report dated September 14, 2021, cites three violations, including one violation for failure to promptly remove oil in secondary containment. CERS reflects three violations, including one violation for failure to provide and maintain sized secondary containment, which should have been failure to promptly remove oil in secondary containment, for an inspection dated September 14, 2021.
- CERS ID 10504807
 - An inspection report dated February 14, 2023, cites six violations. CERS reflects four violations for an inspection dated February 14, 2023.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- An inspection report dated January 28, 2020, cites three violations. CERS reflects zero violations for an inspection dated January 28, 2020.
- CERS ID 10194754
 - An inspection report dated February 9, 2023, cites one violation for failure to prepare an SPCC Plan. CERS reflects two violations for an incomplete SPCC Plan and for failure to implement an SPCC Plan, for an inspection dated February 9, 2023.
- CERS ID 10194151
 - An inspection report dated June 12, 2019, cites six violations. CERS reflects four violations for an inspection dated June 12, 2019.
- CERS ID 10194694
 - An inspection report dated March 7, 2019, cites two violations, including violations for failure to prepare an SPCC Plan and failure to promptly remove oil in secondary containment. CERS reflects two violations for an incomplete SPCC Plan and for failure to provide and maintain sized secondary containment for an inspection dated March 7, 2019.
- CERS ID 10194214
 - An inspection report dated August 22, 2022, cites one violation for failure to promptly remove oil in secondary containment. CERS reflects one violation for failure to provide and maintain sized secondary containment for an inspection dated August 22, 2022.
- CERS ID 10194853
 - An inspection report dated February 2, 2023, cites one violation for failure to prepare an SPCC Plan. CERS reflects one violation for an incomplete SPCC Plan for an inspection dated February 2, 2023.
- CERS ID 10194274
 - An inspection report dated April 19, 2022, cites one violation for failure to promptly remove oil in secondary containment. CERS reflects one violation for failure to provide and maintain sized secondary containment for an inspection dated April 19, 2022.
 - An inspection report dated February 25, 2020, cites three violations. CERS reflects four violations for an inspection dated February 25, 2020.
- CERS ID 10194280
 - An inspection report dated February 3, 2022, cites zero violations. The date of the current SPCC Plan is March 3, 2022. CERS has no record of an inspection dated February 3, 2022.
 - There is no inspection report for an inspection on March 3, 2022. CERS reflects zero violations for an inspection dated March 3, 2022.

Review of HWG Program inspection reports and CERS CME information finds the following examples when CME information was inconsistently or incorrectly reported to CERS:

- CERS ID 10194400
 - An inspection report dated March 6, 2020, cites six minor violations. CERS reflects five minor violations for an inspection dated March 6, 2020.
 - An inspection report dated May 5, 2023, cites seven Class II violations and three minor violations. CERS reflects six Class II violations and three minor violations for an inspection dated May 5, 2023.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- CERS ID 10194085:
 - An inspection report dated October 6, 2022, cites nine minor violations. CERS reflects 11 minor violations for an inspection dated October 6, 2022.
 - As of January 4, 2024, CERS reflects 10 minor violations for an inspection dated October 6, 2022.
 - An inspection report dated June 25, 2019, cites six minor violations. CERS reflects 10 minor violations for an inspection dated June 25, 2019.
- CERS ID 10116226:
 - An inspection report dated April 21, 2022, cites six minor violations. CERS reflects nine minor violations for an inspection dated April 21, 2022.
 - An inspection report dated May 3, 2019, cites 12 minor violations. CERS reflects 10 minor violations for an inspection dated May 3, 2019.
- CERS ID 10116244:
 - An inspection report dated September 10, 2020, cites six Class II violations and four minor violations. CERS reflects eight minor violations for an inspection dated September 10, 2020.
 - An inspection report dated June 26, 2018, cites zero violations. CERS reflects eight minor violations for an inspection dated June 26, 2018.
- CERS ID 10193068:
 - An inspection report dated October 19, 2021, cites three Class II violations and seven minor violations. CERS reflects two Class II violations and six minor violations for an inspection dated October 19, 2021.
 - As of January 4, 2024, CERS reflects three Class II violations and 8 minor violations for an inspection dated October 19, 2021.
 - An inspection report dated May 10, 2018, cites 11 minor violations. CERS reflects 10 minor violations for an inspection dated May 10, 2018.
- CERS ID 10194118:
 - An inspection report dated October 5, 2021, cites seven minor violations. CERS reflects eight minor violations for an inspection dated October 5, 2021.
 - As of January 4, 2024, CERS reflects 10 minor violations for an inspection dated October 5, 2021.
 - An inspection report dated October 26, 2017, cites zero violations. CERS has no record of this inspection.
 - As of January 4, 2024, CERS reflects an HWG inspection with six minor violations for an inspection dated October 26, 2017.
- CERS ID 10194499:
 - An inspection report dated June 19, 2018, cites three minor violations. CERS reflects five minor violations for an inspection dated June 19, 2018.
- CERS ID 10194505:
 - An inspection report dated May 2, 2022, cites 17 minor violations. CERS reflects 14 minor violations for an inspection dated May 2, 2022.
 - An inspection report dated February 12, 2019, cites seven minor violations. CERS reflects eight minor violations for an inspection dated February 12, 2019.
- CERS ID 10194595:
 - An inspection report dated October 24, 2018, is dated October 25, 2018, in CERS.
- CERS ID 10194679:
 - An inspection report dated July 12, 2022, cites 10 minor violations. CERS reflects 13 minor violations for an inspection dated July 12, 2022.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- As of January 4, 2024, CERS reflects 14 minor violations for an inspection dated July 12, 2022.
- An inspection report dated April 5, 2019, cites eight minor violations. CERS reflects five minor violations for an inspection dated April 5, 2019.
- CERS ID 10194685:
 - An inspection report dated August 3, 2021, cites nine minor violations. CERS reflects 10 minor violations for an inspection dated August 3, 2021.
 - An inspection report dated December 19, 2017, cites five minor violations. CERS reflects zero violations for an inspection dated December 19, 2017.
- CERS ID 10195243:
 - An inspection report dated October 17, 2017, cites seven minor violations. CERS reflects nine minor violations for an inspection dated October 17, 2017.
 - An inspection report dated April 8, 2021, cites five minor violations. CERS reflects three minor violations for an inspection dated April 8, 2021.
 - As of January 4, 2024, CERS reflects seven minor violations for an inspection dated April 8, 2021.
- CERS ID 10195303:
 - An inspection report dated December 9, 2021, cites 14 minor violations. CERS reflects 11 minor violations for an inspection dated December 9, 2021.
 - An inspection report dated September 10, 2018, cites five minor violations. CERS reflects three minor violations for an inspection dated September 10, 2018.
 - As of January 4, 2024, CERS reflects six minor violations for an inspection dated September 10, 2018.
- CERS ID 10195474:
 - An inspection report dated February 7, 2020, cites eight minor violations. CERS reflects nine minor violations for an inspection dated February 7, 2020.
- CERS ID 10829347:
 - An inspection report dated November 23, 2021, cites one Class II violation and 13 minor violations. CERS reflects 16 minor violations for an inspection dated November 23, 2021.
 - An inspection report dated February 24, 2020, cites 10 minor violations. CERS reflects eight minor violations for an inspection dated February 24, 2020.

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

CITATION:

HSC, Chapter 6.11, Section 25404(e)(4)
CCR, Title 27, Sections 15187(c) and 15290(a)(3) and (b)
[OSFM, DTSC]

CORRECTIVE ACTION:

During the evaluation, the CUPA corrected the CME information in CERS for the following HWG Program inspections:

- CERS ID 10194400: Inspections dated March 6, 2020, and May 5, 2023
- CERS ID 10116226: Inspection dated May 3, 2019
 - The CERS CME information for the inspection dated April 21, 2022, has not been corrected.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- CERS ID 10116244: Inspections dated September 10, 2020, and June 26, 2018
- CERS ID 10193068: Inspection dated May 10, 2018
 - The CERS CME information for the inspection dated October 19, 2021, has not been corrected.
- CERS ID 10194505: Inspection dated May 2, 2022
 - The CERS CME information for the inspection dated February 12, 2019, has not been corrected.
- CERS ID 10194595: Inspection dated October 24, 2018
- CERS ID 10194679: Inspection dated April 5, 2019
 - The CERS CME information for the inspection dated July 12, 2022, has not been corrected.
- CERS ID 10194685: Inspections dated August 3, 2021, and December 19, 2017
- CERS ID 10195303: Inspection dated December 9, 2021
 - The CERS CME information for the inspection dated September 10, 2018, has not been corrected.
- CERS ID 10829347: Inspection dated February 24, 2020
 - The CERS CME information for the inspection dated November 23, 2021, has not been corrected.

During the evaluation, the CUPA corrected the CME information in CERS for the following APSA Program inspections:

- CERS ID 10193119: Inspections dated October 25, 2022, and October 28, 2019
- CERS ID 10194400: Inspections dated May 5, 2023, and March 6, 2020
- CERS ID 10195120: Inspections dated March 9, 2023, November 3, 2022, and October 21, 2019
- CERS ID 10195306: Inspections dated February 28, 2023, and September 14, 2021
- CERS ID 10504807: Inspections dated February 14, 2023, and January 28, 2020
- CERS ID 10194754: Inspection dated February 9, 2023
- CERS ID 10194151: Inspection dated June 12, 2019
- CERS ID 10194694: Inspection dated March 7, 2019
- CERS ID 10194214: Inspection dated August 22, 2022
- CERS ID 10194853: Inspection dated February 2, 2023
- CERS ID 10194274: Inspections dated April 19, 2022, and February 25, 2020
- CERS ID 10194280: Inspection dated February 3, 2022
 - The SPCC Plan dated March 3, 2022, has not been verified and the CERS CME information for the inspection dated March 3, 2022, has not been corrected.

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan for reporting APSA Program and HWG Program CME information consistently and correctly to CERS. The action plan will include, at minimum, the following:

- Identification and correction of the cause(s) of missing or incorrect APSA Program and HWG Program CME information reported to CERS, including any data transfer from the CUPA's data management system to CERS;
- Review and revision of the CME reporting component of the Data Management Procedure, or other applicable procedure, to ensure APSA Program and HWG Program CME information is consistently and correctly reported to CERS;

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- Identification of all APSA Program CME information not previously reported to CERS, or reported to CERS incorrectly, between January 1, 2019, and June 30, 2023.
- Identification of all HWG Program CME information not previously reported to CERS, or reported to CERS incorrectly, between January 1, 2018, and December 31, 2020.
- A process for reporting APSA Program and HWG Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS, including CME information for any revised inspection reports;
- A process for ensuring CUPA personnel and inspectors are trained in the consistent use of the most recent violations and citations of the CUPA's data management system and the Unified Program violation library; and
- Future steps to ensure all APSA Program and HWG Program CME information is consistently and correctly reported to CERS. This may generate the need for:
 - a comparison of APSA Program and HWG Program CME information in the CUPA's data management system with CERS to identify CME information not being reported or being reported incorrectly to CERS, and/or
 - establishment of a quality assurance and quality control process to confirm all CME information is correctly and consistently reported to CERS.

By the 2nd Progress Report, if amendments to the revised CME reporting component of the Data Management Procedure, or other applicable procedure are necessary based on feedback from OSFM and/or DTSC, the CUPA will provide CalEPA with the amended CME reporting component of the Data Management Procedure or other applicable procedure. If amendments are not necessary, the CUPA will train CUPA personnel on the revised CME reporting component of the Data Management Procedure, or other applicable procedure and will ensure CUPA personnel and inspectors review the most recent violations and citations of the CUPA's data management system and the Unified Program Violation Library. The CUPA will provide training documentation to CalEPA which will include, at minimum, the date training was conducted, an outline of the training conducted and a list of CUPA personnel in attendance. Once training is complete, the CUPA will implement the revised CME reporting component of the Data Management Procedure or other applicable procedure.

By The 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an update on the implementation of the action plan, including:

- data transfer from the CUPA's data management system to CERS;
- reporting APSA Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS between January 1, 2019, and June 30, 2023; and
- reporting HWG Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS between January 1, 2018, and December 31, 2020.

By the 3rd Progress Report, if amendments to the revised CME reporting component of the Data Management Procedure, or other applicable procedure were necessary, the CUPA will provide CalEPA with the amended CME reporting component of the Data Management Procedure or other applicable procedure. The CUPA will train CUPA personnel on the amended CME reporting component of the Data Management Procedure, or other applicable procedure and will ensure CUPA personnel and inspectors review the most recent violations and citations of the

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

CUPA's data management system and the Unified Program Violation Library. The CUPA will provide training documentation to CalEPA which will include, at minimum, the date training was conducted, an outline of the training conducted and a list of CUPA personnel in attendance. Once training is complete, the CUPA will implement the amended CME reporting component of the Data Management Procedure or other applicable procedure.

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three APSA tank facility records, as requested by OSFM, and three HWG facility records, as requested by DTSC, that include RTC documentation or an inspection report.

By the 4th Progress Report, the CUPA will consistently and correctly report all current and previous APSA Program and HWG Program CME information to CERS. The CUPA will provide a statement confirming the correct reporting of all CME information not previously reported to CERS, or previously reported to CERS incorrectly for the APSA Program between January 1, 2019, and June 30, 2023, and for the HWG Program between January 1, 2018, and December 31, 2020. If a statement confirming all CME information has been correctly reported to CERS for the APSA Program and the HWG Program cannot be provided, the CUPA will provide a narrative update on the progress made towards consistently and correctly reporting all CME information for the APSA Program and the HWG Program to CERS.

2. DEFICIENCY:

The CUPA is not consistently classifying HWG Program violations properly.

Review of facility files and CERS CME information between January 1, 2020, and December 31, 2022, finds non-minor violations were classified as minor violations in the following instances:

- Violation for exceedance of authorized accumulation time (CCR, Title 22, Section 66262.34) incorrectly cited as a minor violation in 202 instances. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3). The following are examples:
 - CERS ID 10116244: inspection dated September 10, 2020
 - CERSID 10192999: inspection dated June 17, 2021
 - CERS ID 10194499: inspection dated December 16, 2021
 - CERS ID 10194679: inspection dated July 12, 2022
- Violation for failure to accumulate hazardous waste in a container that is in good condition (CCR, Title 22, Section 66262.34) incorrectly cited as a minor violation in 56 instances. Storage of hazardous waste in damaged containers may lead to a release of hazardous waste to the environment. Failure to accumulate hazardous waste in a container that is in good condition may result in a failure to prevent releases of hazardous waste or constituents to the environment. This does not meet the definition of a minor violation as defined in HSC, Section 25404(a)(3). The following are examples:
 - CERS ID 10192945: inspection dated October 5, 2020
 - CERS ID 10194430: inspection dated February 1, 2021
 - CERS ID 10194466: inspection dated October 21, 2021
 - CERS ID 10194679: inspection dated July 12, 2022

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

- Violation for failure to conduct weekly hazardous waste container (storage area) inspections, and failure to conduct daily tank inspection of the discharge system, monitoring equipment, and tank levels (CCR, Title 22, Section 66265.174) incorrectly cited as a minor violation in 149 and 35 instances, respectively. An economic benefit is gained by not conducting weekly and/or daily inspections. This does not meet the definition of a minor violation as defined in HSC, Section 25404 (a)(3). The following are examples:
 - CERS ID 10194118: inspection dated October 5, 2021
 - CERS ID 10194217: inspection dated May 9, 2022
 - CERS ID 10193119: inspection dated October 25, 2022
 - CERS ID 10195120: inspection dated November 3, 2022

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

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6

CCR, Title 22, Sections 66260.10, 66262.34(a)(4) and 66262.34(d)(2)

[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will train inspection staff on the definition of minor violation as defined in HSC, Chapter 6.11, Section 25404(a)(3) and Class I and Class II violations as defined in HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6 and CCR, Title 22, Section 66260.10.

The CUPA will train inspection staff on how to properly classify HWG Program violations as minor, Class I and Class II. Training should include, at minimum, review of the following:

- 2020 Violation Classification Guidance for Unified Program Agencies
<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>
 - This document provides examples of what is considered minor versus non-minor violations.

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 CUPA inspection staff in attendance.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an inspection report citing at least one HWG Program violation, for three HWG Program facilities, as requested by DTSC, that have been inspected after training has been completed and within the last three months. Each inspection report will contain observations, factual basis, and corrective actions to correctly identify and classify each observed HWG Program violation.

Note: The following additional HWG inspection, accumulation and generator requirement training resources are available to assist in training CUPA inspectors:

- Advanced Hazardous Waste Inspector Training Video 2016 (1 of 2)
- <https://www.youtube.com/watch?v=Iqn3TJftSUM>
- Advanced Hazardous Waste Inspector Training Video 2012 (5 of 7): Tanks and Sumps

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

- <https://www.youtube.com/watch?v=oCrI3MvTd8M>
- Generator Requirements Fact Sheet
- https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM_FS_Generator_Requirements.pdf
- Accumulation Time Fact Sheet
- https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf
- Universal Waste
- https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/UW_Factsheet1.pdf
- Managing Used Oil Filters for Generators
- https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG_Used-Oil-Filters_Generators1.pdf
- Management of Spent Lead Acid Batteries
- https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_DutyOfficer_LeadAcidBatteries1.pdf
- Generator Summary Chart
- <https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/05/California-Generator-Chart.pdf> and https://www.acgov.org/forms/aceh/Generator_Requirements_Summary_Chart.pdf

3. DEFICIENCY:

The CUPA is not consistently following-up and documenting return to compliance (RTC) information in CERS for HWG Program facilities cited with Class II and/or minor violations.

Review of CERS CME information, Notices to Comply (NTCs), and inspection reports between January 1, 2020, and December 31, 2022, finds there is not documented RTC for the following HWG Program violations:

- 787 of 1,129 (70%)
 - 20 of 1,129 violations were classified as Class II, of which 2 (10%) have no RTC
 - 1,109 of 1,129 violations were classified as minor, of which 340 (31%) have no RTC
 - Examples include:
 - CERS ID 10194499: inspection dated December 16, 2021
 - CERS ID 10116226: inspection dated April 21, 2022
 - CERS ID 10637239: inspection dated October 18, 2022
 - There were no Class I violations cited.

CITATION:

HSC, Chapter 6.5, Section 25187.8(b) and (g)
HSC, Chapter 6.11, Section 25404.1.2(c)
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review the Inspection and Enforcement (I&E) Plan, or other applicable procedure, and revise as necessary, to ensure establishment of a delineated process to:

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- Ensure facilities cited with violations RTC through applied enforcement,
- Document follow-up actions applied by the CUPA to ensure RTC, and
- Document RTC in CERS

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

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from the CUPA's data management system or CERS, that includes at minimum the following information for each HWG facility with an open violation (no RTC) cited between January 1, 2020, and December 31, 2022:

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date (when applicable);
- RTC qualifier; and
- In the absence of obtained RTC, the spreadsheet should include a narrative of any applied enforcement or follow-up activity to ensure the facility obtains RTC.

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

By the 2nd Progress Report, if amendments to the revised I&E Plan or other applicable procedure are necessary based on feedback from DTSC, the CUPA will provide CalEPA with the amended I&E Plan or other applicable procedure. If no amendments are necessary, the CUPA will train CUPA personnel 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 CUPA personnel in attendance. Once training is complete, the CUPA will implement the revised I&E Plan or other applicable procedure.

By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with five HWG facility records, as requested by DTSC, that include RTC documentation, or a narrative of the follow-up activity and any enforcement applied in the absence of RTC.

4. DEFICIENCY:

The CUPA is not consistently ensuring Hazardous Materials Business Plan (HMBP) submittals are thoroughly reviewed and contain all applicable required elements before being accepted in CERS.

Review of 20 HMBP submittals provided to CERS by businesses subject to HMBP requirements finds the following 9 were recently accepted with missing or incomplete components:

- CERS ID 10194361
 - Site map submitted on November 28, 2017, and accepted on November 29, 2017
 - Missing required site map elements such as north orientation, adjacent streets, access and exit points, evacuation staging areas, hazardous material handling and storage areas, and emergency response equipment.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- CERS ID 10192915
 - Site map submitted and accepted on November 13, 2017
 - Missing required site map elements such as north orientation access and exit points, evacuation staging areas, hazardous material handling and storage areas, and emergency response equipment.
 - Emergency Response and Training Plans submitted and accepted on November 13, 2017
 - Missing required emergency response plan elements such as immediate notification contacts to the appropriate local emergency response personnel and to the unified program agency, 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.
 - Missing required training plan elements such as provisions for training for all new employees, annual training (including refresher courses) for all employees in safety procedures in the event of a release or threatened release of a hazardous material, including, but not limited to, familiarity with the emergency response plans and procedures, and provisions for training to be documented electronically or by hard copy and made available for a minimum of three years.
- CERS ID 10195219
 - Site map submitted on September 21, 2021, and accepted on September 22, 2021, and certified on February 6, 2023
 - Missing required site map elements such as north orientation, access and exit points, evacuation staging areas, and emergency response equipment.
 - Emergency Response and Training Plans submitted on October 8, 2021, accepted on October 11, 2021, and certified on February 6, 2023
 - Missing required emergency response plan elements such as immediate notification contacts to the Unified Program agency.
- CERS ID 10195033
 - Site map submitted and accepted on May 23, 2023
 - Missing required site map elements such as adjacent streets, evacuation staging areas, and emergency response equipment.
- CERS ID 10195303
 - Site map submitted and accepted on February 14, 2023
 - Missing required site map elements such as access and exit points, evacuation staging areas, and emergency response equipment.
 - Emergency Response and Training Plans submitted and accepted on February 14, 2023
 - Missing required emergency response plan elements such as immediate notification contacts to the unified program agency.
- CERS ID 10194163
 - Site map submitted on November 16, 2022, and accepted on November 22, 2022
 - Missing required site map elements such as adjacent streets, and access and exit points.
- CERS ID 10194568
 - Site map submitted and accepted on May 4, 2022

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

- Missing required site map elements such as evacuation staging areas and emergency response equipment.
- CERS ID 10194775
 - Site map submitted and accepted on July 7, 2023
 - Missing required site map elements such as evacuation staging areas and emergency response equipment.
- CERS ID 10195453
 - Site map submitted on September 26, 2022, and accepted on September 27, 2022
 - Missing required site map elements such as access and exit points and evacuation staging areas.

Review of 14 HMBP submittals provided to CERS by APSA tank facilities in lieu of a tank facility statement finds the following 8 were recently accepted with site maps missing applicable required elements:

- CERS ID 10194400
 - Site map submitted on July 19, 2023, and accepted on July 20, 2023
 - Missing emergency shut off, evacuation staging area, and emergency response equipment.
- CERS ID 10407496
 - Site map submitted on October 26, 2012, and accepted on October 27, 2012
 - Missing emergency shut off, evacuation staging area, and emergency response equipment.
- CERS ID 10195120
 - Site map submitted on November 17, 2020, and accepted on November 18, 2020
 - Missing emergency shut off, hazardous material handling and storage area.
- CERS ID 10194280
 - Site map submitted and accepted on January 31, 2023
 - Missing evacuation staging area.
- CERS ID 10194853
 - Site map submitted on March 1, 2023, and accepted on March 2, 2023
 - Missing evacuation staging area.
- CERS ID 10194754
 - Site map submitted and accepted on May 4, 2023
 - Missing evacuation staging area.
- CERS ID 10194694
 - Site map submitted on December 13, 2022, and accepted on December 14, 2022
 - Missing evacuation staging area.
- CERS ID 10193119
 - Site map submitted and accepted on February 7, 2023
 - Missing emergency shutoff.

Review of CERS finds a minimum of 15 APSA regulated farms recently submitted an incomplete HMBP in lieu of a tank facility statement by having selected 'stored at facility' for the emergency response and training plans submittals.

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

Note: Effective January 1, 2024, per Assembly Bill 1716, HMBP site maps will be required to have north orientation, adjacent streets, access and exit points, evacuation staging areas, hazardous material handling and storage areas, emergency response equipment, **and, if present**, loading areas, internal roads, storm and sewer drains, and emergency shutoffs, as well as additional map requirements the governing body of the unified program agency finds necessary.

CITATION:

HSC, Chapter 6.67, Section 25270.6(a)(2)

HSC, Chapter 6.95, Sections 25505(a), and 25508(a)(3) and (4)

California Fire Code (CFC), Chapter 50, Sections 5001.5.1 and 5001.5.2, and Appendix H [CalEPA, OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each future HMBP submittal is thoroughly reviewed and contains all applicable required elements before being accepted in CERS. The action plan will include:

- steps to follow up with regulated businesses having an HMBP submittal that was reviewed and not accepted due to identified missing or incomplete components; and
- steps to follow up with APSA tank facilities having an HMBP submittal provided in lieu of a tank facility statement, that was reviewed and not accepted due to identified missing or incomplete components.

By the 2nd Progress Report, the CUPA will train CUPA personnel on the steps in the action plan. 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 CUPA personnel in attendance.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a narrative of the implementation of the action plan.

By the 4th Progress Report, the CUPA will ensure:

- each regulated business subject to Business Plan reporting requirements
- has annually submitted a complete HMBP to CERS, or the CUPA will have applied enforcement, and
- each APSA tank facility has annually submitted a complete HMBP to CERS, when an HMBP is provided in lieu of a tank facility statement, or the CUPA will have applied enforcement.

5. DEFICIENCY:

The “Consolidated Permit,” issued as the Unified Program Facility Permit (UPFP) and the Underground Storage Tank (UST) Operating Permit and permit conditions, issued under the “Consolidated Permit,” are inconsistent with the requirements of HSC, Chapter 6.7 (HSC,

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

Chapter 6.7); CCR, Title 23, Division 3, Chapter 16 (CCR, Chapter 16); and the Sutter County Municipal Code (local ordinance).

Review of the “Consolidated Permit” and UST Operating Permit and permit conditions finds the following:

- The UST Operating Permit and permit conditions reference HSC, Chapter 6.75 and CCR, Chapter 18
 - The CUPA does not have regulatory authority to implement cleanup of USTs as a Local Oversight Program (LOP) agency, and therefore cannot cite HSC, Chapter 6.75 or CCR, Chapter 18. The correct citations are as follows:
 - CCR, Chapter 16, Sections 2610 - 2717.7
 - HSC, Chapter 6.7, Sections 25280-25296 and 25298-25299.6
 - Alternatively, the UST Program citations referenced could identify the sections of CCR, Chapter 16 and HSC, Chapter 6.7 that are excluded.
- The “Consolidated Permit” states, “PLEASE POST IN A CONSPICUOUS PLACE” and the UST Operating Permit and permit conditions state “This permit must be posted at the UST location at all times.”
 - This is more stringent than CCR, Chapter 16 and HSC, Chapter 6.7, and no local ordinance authority exists for this requirement.
 - CCR, Chapter 16 requires a paper or electronic copy of the UST operating permit be readily accessible at the facility.
 - The permit incorrectly cites HSC as the authority to require the UST operating permit to be posted. There are no provisions of HSC, Chapter 6.7 that require the UST operating permit to be posted at the facility.
- The UST Operating Permit and permit conditions state, “Monitoring and maintenance records must be maintained on-site for three years.”
 - Monitoring records can be maintained on-site or off-site, if approved by the Local Agency, for at least 36 months.

CITATION:

HSC, Chapter 6.7, Sections 25283(b)(1)(B), 25284(b), 25285.1 and 25297.01(b)
CCR, Chapter 16, Section 2712(d)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will revise the “Consolidated Permit” and UST Operating Permit and permit conditions templates to be consistent with HSC, Chapter 6.7; CCR, Chapter 16; and the local ordinance. The CUPA will contact the State Water Board for assistance with revising the “Consolidated Permit” and UST Operating Permit and permit conditions templates, if necessary. The CUPA will provide the revised “Consolidated Permit” and UST Operating Permit and permit conditions templates to CalEPA.

By the 2nd Progress Report, the CUPA will, if necessary, amend the revised “Consolidated Permit” and UST Operating Permit and permit conditions templates, based on feedback from the State Water Board. The CUPA will provide the amended “Consolidated Permit” and UST Operating Permit and permit conditions templates to CalEPA. If no amendments are necessary, the CUPA will begin to issue the revised “Consolidated Permit” and UST Operating Permit and permit conditions templates. The CUPA will provide CalEPA with the “Consolidated Permit” and

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

UST Operating Permit and permit conditions issued to five UST facilities using the revised templates.

By the 3rd Progress Report, if amendments to the revised “Consolidated Permit” and UST Operating Permit and permit conditions templates were necessary, the CUPA will begin to issue the amended “Consolidated Permit” and UST Operating Permit and permit conditions templates. The CUPA will provide CalEPA with the “Consolidated Permit” and UST Operating Permit and permit conditions issued to five UST facilities using the amended templates.

6. DEFICIENCY:

The CUPA is not consistently including all observations, citations, factual basis, and corrective action documentation for each violation cited in HWG inspection reports.

Review of HWG inspection reports and CERS CME information finds inspection reports to not include adequate documentation for cited violations, including:

- Full detail of each observation made at the facility
- Violation citations
- Factual basis for observed violations
- Corrective actions for each violation cited to be taken by the operator of the facility to ensure return to compliance

The following facilities have inspection reports with inadequate or improper documentation of cited violations:

- CERS ID 10193068: Inspection dated October 19, 2021:
 - The inspection report only provides statements such as:
 - “Label waste streams properly”
 - “Clean secondary containments. Manage hazardous waste properly”
 - Label satellite area with label. Manage yearly”
- CERS ID 10194400: Inspection dated May 5, 2023
 - The inspection report only provides statements such as:
 - “Clean oil storage area and manage buckets”
 - “Clean secondary containment of locations with spills”
 - “Remove ‘empty’ drums after 1 year if not used”
- CERS ID 10194505: Inspection dated May 2, 2022
 - The inspection report only provides statements such as:
 - “Remove and manage buckets at fuel island”
 - “Clean any spills and manage properly”
 - “Have ‘used oil’ picked up”
- CERS ID 10195474: Inspection dated February 7, 2020
 - The inspection report only provides statements such as:
 - “Petroleum mixed with water in 3 buckets. Manage and dispose of properly”
 - “Filters in small bucket. Manage properly”
 - “Label ‘used oil’ for container with used oil”

Note: The examples provided above may not represent all instances of this deficiency. It is not necessary to revise the HWG inspection reports for the facilities identified as examples above.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

CITATION:

HSC, Chapter 6.5, Section 25185(c)(2)(A)
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide inspection report writing training to each CUPA inspector to ensure all violations cited in HWG inspection reports include observations, citations, factual basis, and corrective actions. The CUPA may include review of HSC, Section 25185(c)(2)(A) as part of the inspector training.

The CUPA will provide CalEPA with training documentation, which at minimum will include the date training was conducted, an outline of the training conducted, and a list of CUPA personnel in attendance.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an inspection report citing at least one HWG violation, for three HWG facilities, as requested by DTSC, that have been inspected after training has been completed and within the last three months. Each inspection report will contain observations, citations, factual basis, and corrective actions to correctly identify and classify each observed HWG violation.

7. DEFICIENCY: CORRECTED DURING EVALUATION

Required components of the Inspection and Enforcement (I&E) Plan are inaccurate.

Review of the I&E Plan finds the following components are inaccurate:

- Page 5: The inspection frequency table needs the addition of the foot note, “initial inspection within two (2) years of notification and every three (3) years thereafter,” to On-Site Hazardous Waste Treatment Facilities, and removal of the foot note from Permit-By-Rule and Conditionally Authorized facilities.
- Section 3.3.2 Revocation, Modification or Suspension of Permit cites authority to suspend the UST permit.
 - The CUPA does not have authority to suspend a UST operating permit.
- Section 3.3.3 (c) Red Tag Procedures (USTs Only)
 - As written, the procedure of “No owner or operator of a UST system may deposit or allow for the deposit of any petroleum product into a UST which has a red tag affixed.” This is inconsistent with the requirements of HSC, Division 20, Chapter 6.7, Section 25292.3(c)(1)(c), effective January 1, 2019.
- Section 3.5.3 Initial Penalties, Table 2 Initial Penalty Matrix – Underground Storage Tanks
 - The minimum penalty is listed as \$0, and the average penalty is listed as \$250. This is inconsistent with HSC, Section 25299(a) and (b), which require penalties to be no less than \$500 or no more than \$5,000 per day, per violation, per UST.
- Page 35 – Section 3.5.3: The penalty amount/language for any business that knowingly violates HSC, Chapter 6.95, Article I, HMBP Program, is incorrect.
 - HSC, Section 25515(b) states that a business that knowingly violates shall be civilly liable in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

- Page 37 – Section 3.5.3: The penalty amount/language for any business that knowingly violates HSC, Chapter 6.95, Article II, CalARP Program, is incorrect.
 - HSC, Section 25540(a)(4) states that a violation committed knowingly after reasonable notice on or before January 1, 2019, not more than twenty-five thousand dollars (\$25,000) for each day that the violation occurs.

Note: This deficiency was identified during the 2018 CUPA Performance Evaluation, as documented in the Final Summary of Findings report issued February 1, 2023. Upon closing the 2018 CUPA Performance Evaluation on June 22, 2023, the deficiency remained uncorrected as the inspection frequency table provided (page 5) needed the addition of the foot note, “initial inspection within two (2) years of notification and every three (3) years thereafter,” to On-site Hazardous Waste Treatment Facilities, and removal of the foot note from Permit-By-Rule and Conditionally Authorized facilities.

CITATION:

HSC, Chapter 6.7, Sections 25285.1(a), 25292.3(c)(1)(C), and 25299
CCR, Title 27, Section 15200(a)
[DTSC, State Water Board, CalEPA]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA provided CalEPA with an updated I&E Plan that adequately addressed the inaccurate components identified above.

This Deficiency is considered corrected.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

INCIDENTAL FINDINGS REQUIRING RESOLUTION

An incidental finding is considered a minor deviation in implementation of the Unified Program from the expected standards set forth in statute or regulation. Commonly identified as a minor issue that may be problematic in implementation of one or more program elements, an incidental finding is not likely to have an impact on the safety and protection of human health and the environment.

1. INCIDENTAL FINDING:

The CUPA is not consistently following-up and documenting RTC information in CERS for APSA tank facilities cited with violations.

Review of CERS CME information between July 1, 2018, and June 30, 2023, indicates there is no documented RTC for the following violations:

- Fiscal Year (FY) 2022/2023
 - 41 of 75 (55%)

CITATION:

HSC, Chapter 6.11, Section 25404.1.2(c)
CCR, Title 27, Sections 15185(a) and (c) and 15200(a) and (e)
[OSFM]

RESOLUTION:

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from the CUPA's data management system or CERS, that includes at minimum the following information for each APSA tank facility with an open violation (no RTC) between July 1, 2022, and June 30, 2023.

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date (when applicable);
- RTC qualifier; and
- In the absence of obtained RTC, the spreadsheet should include a narrative of any applied enforcement or follow-up activity to ensure the facility obtains RTC.

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

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

2. INCIDENTAL FINDING:

The CUPA is not consistently classifying APSA Program violations properly.

Review of facility files between July 1, 2018, and June 30, 2023, indicates the following non-minor violation was classified as a minor violation in the following instances:

- Not having, or failure to prepare, an SPCC Plan was cited as a minor violation. Facilities that operate without an SPCC Plan present a significant threat to human health or the environment and may benefit economically from noncompliance either by reduced costs or by competitive advantage. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3). In addition, classifying a violation for not having an SPCC Plan as minor is inconsistent with, and less stringent than, the U.S. Environmental Protection Agency (EPA).
 - CERS ID 10194694: inspection report dated March 7, 2019
 - CERS ID 10193119: inspection report dated October 25, 2022

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

CITATION:

HSC, Chapter 6.67, Sections 25270.4.1(c), 25270.4.5(a), and 25270.6(a)(2)

HSC, Chapter 6.11, Sections 25404(a)(3) and 25404.2(a)(3)-(4)

CCR, Title 27, Section 15200(a) and (e)

[OSFM]

RESOLUTION:

By the 1st Progress Report, the CUPA will train inspection staff on the definition of minor violation as defined in HSC, Chapter 6.11, Section 25404(a)(3) and how to properly classify violations during compliance inspections as minor, Class I, and Class II. Training should include, at minimum, review of:

- [Violation Classification Training Video 2014](https://www.youtube.com/watch?v=RB-5V6RfPH8)
<https://www.youtube.com/watch?v=RB-5V6RfPH8>
- [2020 Violation Classification Guidance for Unified Program Agencies](https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf)
<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>
- The SPCC violations in the “[U.S. EPA Civil Penalty Policy for Section 311\(b\)\(3\) and Section 311\(j\) of the Clean Water Act, August 1998](https://19january2017snapshot.epa.gov/enforcement/civil-penalty-policy-section-311b3-and-section-311j-clean-water-act-cwa-august-1998.html)”, which specifies that a no SPCC Plan violation is not considered minor
<https://19january2017snapshot.epa.gov/enforcement/civil-penalty-policy-section-311b3-and-section-311j-clean-water-act-cwa-august-1998.html>

The CUPA will provide CalEPA with a statement that training has been conducted.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

3. INCIDENTAL FINDING:

The CUPA is not consistently citing correct HWG Program violations in accordance with hazardous waste control law and regulations.

Review of CERS CME information finds the CUPA did not correctly cite HWG Program violations in the following examples:

- Small quantity generators (SQGs) of hazardous waste are not required to maintain training records. The following instances are examples of when the CUPA cited a violation for an SQG not providing documentation of training or maintaining training records:
 - CERS ID 10852900: inspection dated September 22, 2020
 - CERS ID 10195393: inspection dated May 11, 2021
 - CERS ID 10195546: inspection dated May 27, 2021
 - CERS ID 10193068: inspection dated October 19, 2021
 - CERS ID 10194247: inspection dated November 1, 2021
 - CERS ID 10194505: inspection dated May 2, 2022
 - CERS ID 10194601: inspection dated June 20, 2022

CITATION:

CCR, Title 22, Sections 66262.34, 66265.16 and 66279.21

Code of Federal Regulations (CFR), Title 40, Section 262.16 (previously Section 262.34)
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will ensure all HWG Program inspectors review the DTSC HWG fact sheets and information listed below:

- [DTSC Hazardous Waste Generator Requirements Fact Sheet](https://dtsc.ca.gov/hazardous-waste-generator-requirements-fact-sheet/)
<https://dtsc.ca.gov/hazardous-waste-generator-requirements-fact-sheet/>
- Universal Waste Fact Sheet
<https://dtsc.ca.gov/universal-waste-fact-sheet/>
- Managing Used Oil Filters for Generators Fact Sheet
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG_Used-Oil-Filters_Generators1.pdf
- Generator Summary Chart
<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/05/California-Generator-Chart.pdf>
and
https://www.acgov.org/forms/aceh/Generator_Requirements_Summary_Chart.pdf
- [Accumulating Hazardous Wastes at Generator Sites](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf)
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf
- Management of Spent Lead-Acid Batteries Fact Sheet:
https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_DutyOfficer_LeadAcidBatteries1.pdf

The CUPA will provide CalEPA with a narrative statement listing the information each HWG inspector reviewed and the date the review was completed.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

4. INCIDENTAL FINDING:

The annual California Accidental Release Prevention (CalARP) performance audit report for FYs 2019/2020, 2020/2021, and 2021/2022 is missing a required element.

The following element is missing:

- An executive summary and a brief description of how the Unified Program Agency (UPA) is meeting the requirements of the program as listed in Section 2780.3.

CITATION:

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

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with the most recent annual CalARP performance audit report that includes all required elements.

5. INCIDENTAL FINDING:

The CalARP Dispute Resolution Process is missing required elements.

Review of the CalARP Dispute Resolution Process finds the following elements are missing:

- Identification of the official(s) or other employee(s) of the UPA who will resolve disputes arising under CCR, Title 19, Section 2780.1(a)
- Set procedures and timetables for providing argument and supporting materials to the UPA, per CCR, Title 19, Section 2780.1(a)(3)

CITATION:

CCR, Title 19, Section 2780.1
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a revised CalARP Dispute Resolution Process that adequately incorporates all required elements.

6. INCIDENTAL FINDING:

The CUPA is not consistently ensuring technicians performing testing and/or equipment inspections of UST systems are trained and certified by the manufacturer of the equipment.

Review of UST facility files finds the manufacturer certifications of the service technicians were expired prior to the date of testing for the following facilities:

- CERS ID 10194259
 - Overfill Prevention Equipment Inspection was conducted January 15, 2021, by a technician with certification expired on December 13, 2020.
- CERS ID 1019184
 - Spill Container Testing was conducted March 1, 2021, by a technician with certification expired on January 9, 2021.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

- CERS ID 10194167
 - Spill Container Testing was conducted February 17, 2021, by a technician with certification expired on January 9, 2021.

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

CITATION:

CCR, Chapter 16, Sections 2715(f)(3) and/or 2638(b)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a revised I&E Plan, or other applicable procedure, that ensures the establishment of a process for UST inspection staff to confirm technicians performing UST testing and/or inspections of UST systems have valid certification by the manufacturer of the equipment. The process will include, at minimum, the methods the CUPA will use to confirm the certification of the technician meets the requirements of the manufacturer of the equipment being inspected or tested.

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

7. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA is not ensuring all businesses subject to Business Plan reporting requirements annually submit an HMBP or a no-change certification to CERS.

Review of HMBPs submitted to CERS between June 10, 2022, and July 11, 2023, by businesses subject to Business Plan reporting requirements finds:

- 77 of 587 (13%) Business Plan facilities have not annually submitted a chemical inventory (including site map) or a no-change certification.
- 79 of 587 (13%) Business Plan facilities have not annually submitted emergency response and employee training plans or a no-change certification.

CITATION:

HSC, Chapter 6.95, Sections 25505(a), 25508(a), and 25508.2.
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA ensured additional businesses subject to Business Plan reporting requirements submitted an HMBP or a no-change certification to CERS. Review of HMBPs submitted to CERS between January 13, 2023, and March 14, 2024, by businesses subject to Business Plan reporting requirements finds:

- 45 of 588 (8%) Business Plan facilities have not annually submitted a chemical inventory (including site map) or a no-change certification.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

- 43 of 588 (7%) Business Plan facilities have not annually submitted emergency response and employee training plans or a no-change certification.

This Incidental Finding is considered resolved.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

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

1. OBSERVATION:

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

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

RECOMMENDATION:

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

2. OBSERVATION:

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

RECOMMENDATION:

Encourage each APSA tank facility to use the current 2023 version of the consolidated emergency response and training plans template as part of the HMBP submittal, when providing an HMBP in lieu of a tank facility statement.

3. OBSERVATION:

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

- Page 4: The Unified Program elements list is missing the Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS) Program, which is consolidated with the HMBP requirements to streamline the regulatory requirements for regulated facilities.
- Pages 4, 5, 13, and 38: Update 'Above Ground Storage Tank (AST/AGT)' to 'Aboveground Petroleum Storage Act (APSA)' for consistency with the statute.
- Pages 8 and 11, Pre-inspection Procedures: Add review of any APSA facility information submitted to CERS prior to performing an on-site inspection.
- Page 9: A 30-day RTC timeframe from the date of the notice to comply (NTC) is indicated for all APSA violations. However, this 30-day RTC timeframe from the NTC date is applicable to minor violations only.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

RECOMMENDATION:

Update the I&E Plan as indicated above.

4. OBSERVATION:

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

Information on APSA and farms is available at: <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/farms>.

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

RECOMMENDATION:

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

Identify farms that are no longer regulated under APSA due to SB 612 and WRRDA oil applicability thresholds in CERS as “APSA Not Applicable” by changing the CERS APSA facility reporting requirement from “Applicable” to “Not Applicable” for such farms.

5. OBSERVATION:

The CERS reporting requirement is currently set as “APSA Applicable” for 143 APSA tank facilities. The CUPA’s data management system identifies 68 APSA tank facilities.

- 66 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- 77 tank facilities are reported as “APSA Applicable” in CERS but are not identified as APSA tank facilities in the CUPA’s data management system. Some of these facilities are likely not APSA regulated, and the CUPA should change the CERS APSA reporting requirement to “APSA Not Applicable” for each facility. Some of these facilities are APSA regulated, and the CUPA should update the local data management system accordingly.
- 2 tank facilities are identified as APSA tank facilities in the CUPA’s data management system but are not identified in CERS as APSA tank facilities. The CUPA should determine if the facilities are APSA facilities. If a facility is not subject to APSA, the APSA reporting requirement should be set to “Not Applicable” in CERS and the facility should not be identified as an APSA tank facility in the CUPA’s data management system. If a facility is subject to APSA, the APSA reporting requirement should be set to “Applicable” in CERS.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

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.

6. OBSERVATION:

The CUPA has webpages that contain resources for the public and regulated community; however, the following webpages contain information that may benefit from improvement.

- Certified Unified Program Agency (CUPA) webpage at <https://www.suttercounty.org/government/county-departments/development-services/environmental-health/cupa>
 - The Unified Program elements list is missing the HMMP-HMIS Program.
- Aboveground Storage Tanks – Forms and Documents webpage at <https://www.suttercounty.org/government/county-departments/development-services/environmental-health/cupa/aboveground-storage-tanks-forms-and-documents>
 - The APSA Tank Facility Statement is outdated (January 17, 2020). Update with the revised version dated March 12, 2021, which is available on the OSFM webpage at <https://osfm.fire.ca.gov/media/bpqbb0px/reset-fillable-accessible-tank-facility-statement-form-25jan2021.pdf>.

RECOMMENDATION:

Update the webpages as indicated above.

7. OBSERVATION:

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

- Part I, Page 3: The Unified Program elements list is missing the HMMP-HMIS Program.
- Part I, Pages 17, 34, and 37; Part II, Pages 44, 47, and 51; Part III, Pages 93, 94, 96, 97, and 108: Reference to the Department of Fish and Game should be replaced with the Department of Fish and Wildlife.
- Part III, Pages 63, 92, 93, 94 and 96: Reference to Cal EMA should be replaced with Cal OES.
- Part III, Page 94: Reference to 'California Fire – Pipeline Safety/Failure Investigation' should be replaced with 'Office of the State Fire Marshal - Pipeline Safety;' update the phone numbers with (916) 263-6300; and add the phone number (916) 568-3800 to the State Fire Marshal contact.

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

RECOMMENDATION:

With the next annual review, revise the area plan as indicated above.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

8. OBSERVATION:

The CUPA is not utilizing a comprehensive APSA facility inspection checklist.

The CUPA utilizes one checklist when conducting APSA tank facility compliance inspections. The inspection checklist identifies 39 APSA violations, while the Unified Program violation library currently identifies approximately 100 APSA violations. Also, the inspection checklist does not indicate whether an inspection is a “routine” or “other” type of inspection being conducted.

RECOMMENDATION:

Update the APSA tank facility inspection checklist to incorporate each of the current APSA violations in the Unified Program violation library, ensure each violation is applicable to the type of APSA facility being inspected, and indicate the type of inspection being conducted (routine or other) on the inspection report. As an alternative to updating the APSA tank facility inspection checklist, the CUPA may utilize the most recent version of the comprehensive CUPA Forum Board APSA facility inspection checklists for use at Conditionally Exempt facilities (SPCC Plan type or exemption), Tier I qualified facilities, Tier II qualified facilities and professional engineer-certified SPCC Plan facilities. The CUPA Forum Board APSA facility inspection checklists are available on the CUPA Forum Board website at <https://calcupa.org>.

9. OBSERVATION:

The annual CalARP performance audit report for FYs 2019/2020, 2020/2021, and 2021/2022 has an inaccurate required element.

The following elements are inaccurate:

- A summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP Program, per CCR, Title 19, Section 2780.5(b)(7)

RECOMMENDATION:

Ensure the CalARP performance audit report for FY 2022/2023, and each subsequent FY, includes a summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP Program.

10. OBSERVATION:

Review of the CUPA’s local ordinance finds references to HMBP and CalARP regulations and statutes are inaccurate, including but not limited to the following:

- Chapter 770-040, Hazardous Materials Release Response Plans and Inventories (Business Plans):
 - The reference to HSC, Chapter 6.95, Article 1, Sections 25500-25520 should be updated to HSC, Chapter 6.95, Article 1, Sections 25500 through 25519.
- Chapter 770-050, CalARP Program
 - HSC, Chapter 6.95, Article 2, Sections 25531 through 25543.3 is not referenced.
 - The reference to CCR, Title 19, Division 2, Chapter 4.5, Sections 2735-2785 should be updated to CCR, Title 19, Division 5, Chapter 1, Sections 5050.1 - 5160.1.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

RECOMMENDATION:

Update the local ordinance to reflect accurate references to CCR, Title 19 and HSC for HMBP requirements and the CalARP Program.

11. OBSERVATION:

Review of CERS finds the following facility has 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:

- CERS ID 10194184: Tanks IDs 1-2

RECOMMENDATION:

Continue to provide 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

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

12. OBSERVATION:

Review of the UST Facility/Tank Data Download report obtained from CERS on August 2, 2023, finds the following UST monitoring and construction information is incorrect for the following single-walled USTs:

- 1 of 1 (100%) Single-walled piping listed as "Yes" for continuous secondary monitoring
- 1 of 1 (100%) Single-walled pressurized pipe listed as using mechanical line leak detector
 - This was previously identified during the 2018 CUPA Performance Evaluation
- 1 of 1 (100%) Single-walled pressurized piping without pipeline integrity test
- 2 of 2 (100%) Single-walled steel tank with impressed current listed as "No" for corrosion protection logs
- 17 of 119 (14 %) USTs with Striker Plate/Bottom Protector listed as "no"
 - This was previously identified during the 2018 CUPA Performance Evaluation.

RECOMMENDATION:

With respect to UST submittals already accepted in CERS, 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.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

13. OBSERVATION:

The CUPA is not utilizing a comprehensive HMBP and CalARP facility inspection checklist. The CUPA utilizes one checklist when conducting an HMBP or CalARP inspection. The inspection checklist for the HMBP program identifies 7 violations with incorrect citations. While the Unified Program violation library identifies approximately 20 violations. The inspection checklist for the CalARP program identifies 15 violations, while the Unified Program violation library currently identifies approximately 139 CalARP violations.

RECOMMENDATION:

Update the HMBP and CalARP inspection checklists to incorporate each of the current HMBP and CalARP violations in the Unified Program violation library. Ensure each violation is applicable to the program level of the CalARP facility being inspected. As an alternative to updating the HMBP and CalARP inspection checklists, the CUPA may utilize the most recent version of the comprehensive CUPA Forum Board HMBP and CalARP inspection checklists. The CUPA may utilize the CUPA Forum Board CalARP inspection checklists for Program Level 1, Program Level 2, and Program Level 3 facilities. The CUPA Forum Board HMBP and CalARP inspection checklists are available on the CUPA Forum Board website at <https://calcupa.org>.

14. OBSERVATION:

On September 18, 2023, a CalARP oversight inspection was conducted at CERS ID 10194775. The inspector was prepared for the inspection and reviewed relevant information prior to arriving at the facility. The inspector was knowledgeable, established rapport with the facility operators, requested and reviewed the most current Risk Management Plan (RMP) information, toured the entire site, and effectively communicated technical information to the facility operators. CalEPA did not observe the CUPA verifying the Piping and Instrumentation Diagram (P&ID) at the facility.

On September 21, 2023, an HMBP oversight inspection was at CERS ID 10824688. The inspector was prepared for the inspection and reviewed relevant information prior to arriving at the facility. The inspector established rapport with the facility operators, toured the entire site, verified inventory and emergency response plan information, and employee emergency response training on site, and effectively communicated technical information to the facility operators. CalEPA did not observe the CUPA verifying the site map on site.

On September 21, 2023, an HMBP oversight inspection was conducted at CERS ID 10193161. The inspector was prepared for the inspection and reviewed relevant information prior to arriving at the facility. The inspector established rapport with the facility operators, toured the entire site, verified inventory and emergency response plan information on site, and effectively communicated technical information to the facility operators. CalEPA did not observe the CUPA verifying site map information or employee emergency response training on site.

RECOMMENDATION:

Continue to conduct thorough CalARP inspections.
Cite a violation when training documentation is not provided, per HSC, Section 25505(a)(4).
Continue to conduct thorough HMBP inspections.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

15. OBSERVATION:

The “Consolidated Permit Application Package” references use of the Unified Program Consolidated Forms (UPCFs). The use of CERS replaced the use of UPCFs effective January 1, 2013.

RECOMMENDATION:

Revise the “Consolidated Permit Application Package” to remove reference to use of UPCFs.