

June 4, 2024

Mr. Rob Robinette
Interim Environmental Health Director
Plumas County Environmental Health Department
270 County Hospital Road, Suite 127
Quincy, California 95971-9871

Dear Mr. Robinette:

During May 2023, through March 2024, CalEPA and the Unified Program state agencies conducted a performance evaluation of the Plumas County Environmental Health Department Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, review of regulated facility file documentation, 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, Kaeleigh Pontif, via email at Kaeleigh.Pontif@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.

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,

A handwritten signature in blue ink, appearing to read "Jason Boetzer".

Jason Boetzer
Deputy Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

Ms. Kathryn Wightman
Hazardous Materials Specialist II
Plumas County Environmental Health Department
270 County Hospital Road, Suite 127
Quincy, California 95971-9871

Mr. Dennis Eck
Hazardous Materials Specialist III
Plumas County Environmental Health Department
270 County Hospital Road, Suite 127
Quincy, California 95971-9871

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

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. Jenna Hartman, REHS
Environmental Scientist
State Water Resources Control Board

Ms. Kaitlin Cottrell
Environmental Scientist
State Water Resources Control Board

Mr. Glenn Warner
Senior Environmental Scientist, Specialist
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. Garrett Chan
Environmental Scientist
California Environmental Protection Agency

Ms. Kaeleigh Pontif
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Plumas County Environmental Health Department

Evaluation Period: May 2023 through March 2024

Evaluation Team Members:

- **CalEPA Team Lead:** Kaeleigh Pontif
- **CalEPA:** Garrett Chan
- **DTSC:** Ryan Miya, Matthew McCarron
- **State Water Board:** Kaitlin Cottrell, Char'Mane Robinson
- **CAL FIRE-OSFM:** Glenn Warne

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:

Kaeleigh Pontif
CalEPA Unified Program
Phone: (916) 803-0623
E-mail: Kaeleigh.pontif@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 Kaeleigh.pontif@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 **September 13, 2024**.

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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.

1. UNIVERSAL WASTE OUTREACH AND EDUCATION:

General universal waste outreach and education is routinely provided to businesses during inspections. Inspectors also provide Universal Waste Fact Sheets to new and prospective businesses, which are also available at the Environmental Health office.

2. ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM:

The CUPA met the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum, as well as the triennial inspection frequency for other APSA tank facilities in accordance with the Inspection and Enforcement (I&E) Plan. The CUPA ensured APSA tank facilities annually submitted a tank facility statement or provided a Hazardous Materials Business Plan (HMBP) in lieu of a tank facility statement to the California Environmental Reporting System (CERS).

These 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).

3. EMERGENCY RESPONSE:

The CUPA was impacted by the Dixie Fire, which spanned multiple counties, including Plumas, Butte, Lassen, Shasta, and Tehama. The Dixie Fire began in July of 2021 and was not fully contained until October of 2021. The CUPA assisted in the disaster response and recovery efforts, which included attending meetings, coordinating with other departments and agencies, as well as obtaining assistance from neighboring CUPAs. After the fire was contained, CUPA staff spent a majority of time conducting field surveys of damaged properties and data management of field surveys.

4. STAFFING CHALLENGES:

The CUPA faced a number of challenges since the 2019 Performance Evaluation, particularly with regard to staffing. In 2021, the CUPA manager retired, leaving two inspectors to continue implementation of the CUPA program however, one inspector left in April and the other in May. In addition, the CUPA lost the administrative staff trained in the program's financial and administrative tasks. The retired CUPA manager rejoined the department as a part-time contractor to maintain the CUPA program. Although the CUPA was able to hire two new CUPA staff, the Dixie Fire response and recovery efforts diverted training and overall implementation of the program. The CUPA was able to allocate a small portion of their time to maintain aspects of the program however, over the next year, limited contractor time and emergency response hindered the CUPA's ability to return to proper implementation of the program.

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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 following up and documenting return to compliance (RTC) information in CERS for Hazardous Waste Program facilities cited with violations.

Review of inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information, in CERS between July 1, 2020, and June 30, 2023, finds there is no documented RTC for the following Hazardous Waste Generator (HWG) Program violations:

- 19 of 156 (12)

CITATION:

California Health and Safety Code (HSC), Chapter 6.5, Sections 25110.8.5, 25117.6, and 25187.8(b) and (g)

HSC, Chapter 6.11, Section 25404.1.2(c)

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

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review, revise, and provide CalEPA with the I&E Plan, or other applicable procedure, which includes a delineated process to:

- 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.

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 CERS, that includes at minimum the following information for each HWG Program facility with an open violation (no RTC) cited between July 1, 2020, 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.

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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 to the I&E Plan are necessary, the CUPA will train 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 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, if amendments to the revised I&E Plan or other applicable procedure were necessary, the CUPA will train personnel on the amended I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which will at minimum will include the date training was conducted, an outline of the training conducted and a list of personnel in attendance. Once training is complete, the CUPA will implement the amended I&E Plan or other applicable procedure.

By the 4th Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three 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.

2. DEFICIENCY:

The CUPA is not consistently classifying HWG Program violations properly.

Review of facility files and CERS CME information between July 1, 2020, and June 30, 2023, finds the following non-minor violations were classified as minor violations:

- Violation for failure to make a hazardous waste determination incorrectly cited as a minor violation. Failure to make a hazardous waste determination (CCR, Title 22, Section 66262.11) may result in illegal disposal of waste. Additionally, if waste is misclassified, it may not be treated according to the correct treatment standards to meet land disposal restriction requirements. There may be an economic benefit and avoided costs associated with this as well. This does not meet the definition of minor violation as described in HSC, Section 25404(a)(3).
 - Review of CERS CME information finds 1 of 2 (50%) violations cited for failure to make a hazardous waste determination were cited as a minor violation.
 - CERS ID 10617040: inspection dated May 12, 2022
- Violation for exceedance of authorized accumulation time (CCR, Title 22, Section 66262.34) incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - Review of CERS CME information finds 23 of 31 (74%) violations cited for exceedance of accumulation timeframe were classified as minor.
 - CERS ID 10001572: inspection dated June 29, 2023

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- CERS ID 10159359: inspections dated September 6, 2022, and June 20, 2023
 - CERS ID 10159923: inspection dated April 25, 2023
 - CERS ID 10202302: inspection dated July 29, 2022
 - CERS ID 10159763: inspection dated July 22, 2022
 - CERS ID 10208002: inspection dated July 19, 2022
 - CERS ID 10173085: inspection dated June 30, 2022
 - CERS ID 10173235: inspection dated June 23, 2022
 - CERS ID 10173225: inspection dated June 22, 2022
 - CERS ID 10173021: inspection dated June 22, 2022
 - CERS ID 10173077: inspection dated June 21, 2022
 - CERS ID 10339324: inspection dated June 14, 2022
 - CERS ID 10207066: inspection dated June 10, 2022
 - CERS ID 10207018: inspection dated May 11, 2022
 - CERS ID 10212685: inspection dated April 29, 2022
 - CERS ID 10401214: inspection dated April 28, 2022
 - CERS ID 10206931: inspection dated April 25, 2022
 - CERS ID 10207378: inspection dated April 22, 2022
 - CERS ID 10172803: inspection dated April 11, 2022
 - CERS ID 10239481: inspections dated November 10, 2020, and April 7, 2022
- Violation for failure to provide or conduct training for employees [CCR, Title 22, Section 66262.34(d)(2)] incorrectly cited as a minor violation. Since training was not provided, employees are not familiar with hazardous waste management and handling nor how to respond to emergencies. There may have been an economic benefit to the facility by not providing training. This does not meet the definition of minor violation as described in HSC, Section 25404(a)(3).
 - Review of CERS CME information finds 8 of 8 (100%) violations cited for failure to provide or conduct training for employees were cited as a minor violation.
 - CERS ID 10199962: inspection dated May 26, 2023
 - CERS ID 10199080: inspection dated May 25, 2023
 - CERS ID 10159923: inspection dated April 25, 2023
 - CERS ID 10207066: inspection dated June 10, 2022
 - CERS ID 10180239: inspection dated May 18, 2022
 - CERS ID 10172803: inspection dated April 11, 2022
 - CERS ID 10239481: inspection dated November 10, 2020
 - CERS ID 10166587: inspection dated September 24, 2020

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

HSC, Chapter 6.11, Section 25404(a)(3)

CCR, Title 22, Section 66260.10

[DTSC]

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CORRECTIVE ACTION:

Beginning immediately, the CUPA will ensure violations are correctly classified and appropriate enforcement actions are pursued for non-minor (Class I and Class II) violations.

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 are 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, citations, 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
<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

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- 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 “Annual Activities Registration,” issued as the Unified Program Facility Permit (UPFP), and the Underground Storage Tank (UST) operating permit and permit conditions, issued under the “Annual Activities Registration,” are inconsistent with HSC, Chapter 6.7 (HSC, Chapter 6.7), CCR, Title 23, Division 3, Chapter 16 (CCR, Chapter 16) requirements.

Review of the “Annual Activities Registration” and UST operating permit and permit conditions templates find the following inconsistencies:

- The “Annual Activities Registration” states “Non Transferable.”
 - This is more stringent than HSC, Section 25284(b), which allows for the transfer of UST Operating Permits.
- The “Annual Activities Registration” and the UST operating 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 agency, and therefore cannot cite HSC, Chapter 6.75 or CCR, Chapter 18. The correct citations are as follows:
 - HSC, Chapter 6.7, sections 25280 through 25296 and 25298 through 25299.6
 - CCR, Chapter 16, sections 2610 through 2717.7
- The UST operating permit states, “This permit must be kept at the UST location at all times, per Title 23, Section 2712 (I).”
 - This is more stringent than HSC, Chapter 6.7 and CCR, Chapter 16. and no local ordinance authority exists for this requirement.
 - There are no provisions of HSC, Chapter 6.7 requiring the permit to be posted at the facility.
 - CCR, Chapter 16 requires a paper or electronic copy of the UST operating permit to be readily accessible at the facility.

CITATION:

HSC, Chapter 6.7, Sections 25283(b)(1)(B), 25284(b), and 25297.01(b)
CCR, Chapter 16, Sections 2610 through 2717.7
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will revise the “Annual Activities Registration,” UST operating permit and permit conditions templates, to be consistent with HSC, Chapter 6.7 and CCR, Chapter 16 requirements. The CUPA will contact the State Water Board for assistance with revising the “Annual Activities Registration,” UST operating permit and permit conditions

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templates, if necessary. An example UST operating permit and permit conditions template has been made available by the State Water Board at:

https://www.waterboards.ca.gov/water_issues/programs/ust/docs/permit-template2.docx. The CUPA will provide the revised “Annual Activities Registration,” UST operating permit and permit conditions templates to CalEPA.

By the 2nd Progress Report, the CUPA will, if necessary, amend the revised “Annual Activities Registration,” UST operating permit and permit conditions templates, based on feedback from the State Water Board. The CUPA will provide the amended “Annual Activities Registration,” UST operating permit and permit conditions templates to CalEPA. If no amendments are necessary, the CUPA will begin to issue the revised “Annual Activities Registration,” and the UST operating permit and permit conditions templates as the UPFP. The CUPA will provide CalEPA with the “Annual Activities Registration,” UST operating permit and permit conditions” issued to one UST facilities using the revised templates.

By the 3rd Progress Report, if amendments to the revised “Annual Activities Registration,” UST operating permit and permit conditions templates were necessary, the CUPA will begin to issue the amended “Annual Activities Registration,” and the UST operating permit and permit conditions templates as the UPFP. The CUPA will provide CalEPA with the “Annual Activities Registration,” UST operating permit and permit conditions issued to five UST facilities using the amended templates.

4. DEFICIENCY:

The CUPA is not inspecting each facility subject to CalARP Program requirements at least once every three years. The CUPA is not ensuring personnel are properly trained to implement the CalARP Program, nor is the CUPA acquiring properly trained contracted staff to conduct inspections at CalARP facilities.

Review of CERS CME information on November 14, 2023, finds:

- 3 of 3 (100%) facilities subject to CalARP Program requirements were not inspected within the last three years.
 - CERS ID 10401214: last inspected on August 18, 2017
 - CERS ID 10198795: last inspected on December 4, 2018, and
 - CERS ID 10772632: last inspected on June 29, 2020.

CITATION:

HSC, Chapter 6.95, Section 25537(a); Section 25533(d)
CCR, Title 19, Section 2775.3
[CalEPA]

CORRECTIVE ACTION:

During the evaluation, the CUPA and CalEPA established an action plan to ensure each facility subject to CalARP Program requirements will be inspected at least once every three years, and to ensure CUPA personnel will be properly trained to implement the CalARP Program. Failure to execute any portion of the action plan may result in the establishment of a Program Improvement Agreement (PIA) for the CalARP Program.

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Prior to the conclusion of the evaluation, the CUPA addressed each of the following components of the established action plan:

- Each inspector completed the following certification and training, and training documentation was provided to CalEPA:
 - Fed Talent Courses
 - 40 CFR Part 68: Chemical Accident Prevention Provisions (Risk Management Program Rule)
 - OSHA Process Safety Management (PSM) Standard (29 CFR 1910.119)
 - CUPA Forum Board Learning Management System (LMS) Courses
 - CalARP 101
 - CalARP 201
 - Human Factors
 - Mechanical Integrity Inspection of an Ammonia Pressure Vessel
 - U.S. EPA Risk Management Program Training on Water and Wastewater Treatment
- The CUPA applied for and was an approved recipient of the CUPA Forum Board Rural Training Assistance support grant. The grant will enable an experienced CalARP Program inspector to provide training and assistance to Plumas County CUPA inspectors relative to reviewing RMPs and conducting CalARP Program inspections in the field. Having each Plumas County CUPA inspector trained by the same experienced CalARP Program inspector aims to ensure consistent and accurate CalARP Program implementation within the jurisdiction of the Plumas County CUPA.
- Regarding CERS ID 10401214:
 - By April 19th, a Plumas County CUPA inspector will work with the experienced inspector to review the process at the facility and conduct a preliminary review of the RMP.
 - By May 3rd, the experienced inspector will:
 - Review the facility information; and
 - Coordinate and establish a meeting with the Plumas County CUPA inspectors to provide feedback and training, pertaining to the preliminary RMP review and will coordinate the inspection of the facility.
 - An inspection has tentatively been scheduled to be conducted on May 10, 2024, by the CUPA with training and assistance from the experienced inspector.

The remaining components of the action plan to ensure each facility subject to CalARP Program requirements will be inspected at least once every three years, and to ensure CUPA personnel will be properly trained to implement the CalARP Program have been incorporated into the Progress Reporting process outlined below.

By the 1st Progress Report, the CUPA will:

- Develop, implement, and provide CalEPA with future steps that ensure:
 - Each facility subject to CalARP Program requirements will be inspected at least once every three years; and
 - Current and future staff are properly trained to implement the CalARP Program, including the creation of a contingency plan to be implemented in future instances when the CUPA does not have properly trained personnel to conduct CalARP facility inspections.

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- Provide a narrative update regarding:
 - the status of each Plumas County CUPA inspector receiving training from the experienced inspector on RMP review and preparing for and conducting CalARP Program facility inspections;
 - CERS ID 10401214
 - Completed review of the RMP for the facility;
 - Completion of the inspection with the experienced inspector, including the inspection date, violations cited, scheduled RTC date, actual RTC date and qualifier (if applicable), and any applied enforcement or follow-up activity to ensure the facility obtains RTC;
 - Subsequent tentative date for RMP review and inspection
 - CERS ID 10198795, a Plumas County CUPA inspector will:
 - review the RMP for the facility;
 - contacting the experienced inspector, if necessary, to obtain any additional assistance or training in completing the RMP review or in preparing for and conducting the inspection of the facility; and
 - the scheduled inspection date, to be conducted prior to September 2024.
 - CERS ID 10772632:
 - review the RMP for the facility;
 - contacting the experienced inspector, if necessary, to obtain any additional assistance or training in completing the RMP review or in preparing for and conducting the inspection of the facility; and
 - the scheduled inspection date, to be conducted prior to September 2024

By the 2nd Progress Report, the CUPA will provide a narrative update regarding the following:

- the status of each Plumas County CUPA inspector receiving training from the experienced inspector on RMP review and preparing for and conducting CalARP Program facility inspections.
- CERS ID 10401214
 - any applied enforcement or follow-up activity to ensure the facility obtains RTC for any violations cited
- CERS ID 10198795
 - Completed review of the RMP for the facility;
 - Completion of the inspection, including the inspection date, violations cited, scheduled RTC date, actual RTC date and qualifier (if applicable), and any applied enforcement or follow-up activity to ensure the facility obtains RTC;
 - Subsequent tentative date for RMP review and inspection
- CERS ID 10772632
 - Completed review of the RMP for the facility;
 - Completion of the inspection, including the inspection date, violations cited, scheduled RTC date, actual RTC date and qualifier (if applicable), and any applied enforcement or follow-up activity to ensure the facility obtains RTC;
 - Subsequent tentative date for RMP review and inspection

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By the 3rd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a narrative update regarding:

- any applied enforcement or follow-up activity to ensure the following facilities obtain RTC for any violations cited:
 - CERS ID 10401214
 - CERS ID 10198795
 - CERS ID 10772632
- the status of each Plumas County CUPA inspector receiving training from the experienced inspector on RMP review and preparing for and conducting CalARP Program facility inspections

By the 4th Progress Report, the CUPA will have inspected each facility subject to CalARP Program requirements at least once every three years and will have ensured personnel are properly trained to implement the CalARP Program.

5. DEFICIENCY:

The CUPA is not consistently ensuring HMBP submittals are thoroughly reviewed and contain all applicable required elements before being accepted in CERS.

Review of 15 HMBP CERS submittals provided by regulated businesses subject to Business Plan reporting requirements, finds the following 12 were recently accepted with missing or incomplete required elements:

- CERS ID 10198795
 - Site map submitted on February 22, 2023, and accepted on February 23, 2023
 - Missing required evacuation staging area.
 - Emergency Response Plans submitted on February 22, 2023, and accepted on February 23, 2023
 - Missing required immediate notification contacts to the appropriate local emergency response personnel and to the unified program agency.
- CERS ID 10198831
 - Site map submitted and accepted on January 21, 2021
 - Missing required emergency response equipment.
- CERS ID 10404601
 - Emergency Response Plans submitted on January 22, 2023, and accepted on January 23, 2023
 - Missing required immediate notification contacts to the appropriate local emergency response personnel and to the unified program agency.
- CERS ID 10208002
 - Site map submitted and accepted on January 31, 2023
 - Missing required access and exit points, and evacuation staging areas.
 - Emergency Response Plans submitted and accepted on January 31, 2023
 - Missing required immediate notification contacts to the appropriate local emergency response personnel and to the unified program agency.
- CERS ID 10627936
 - Site map submitted on July 9, 2021, and accepted on July 12, 2021
 - Missing required access and exit points, and evacuation staging areas.

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- CERS ID 10339417
 - Site map submitted and accepted on February 14, 2023
 - Missing required emergency response equipment.
- CERS ID 10207066
 - Emergency Response Plans submitted on February 22, 2023, and accepted on March 2, 2023
 - Missing required procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.
- CERS ID 10176099
 - Site map submitted and accepted on February 16, 2023
 - Missing required access and exit points.
 - Emergency Response Plans submitted and accepted on February 16, 2023
 - Missing required evacuation plans and procedures, including immediate notice, for the business site.
- CERS ID 10742785
 - Site map submitted on February 14, 2022, and accepted on February 15, 2022
 - Missing required access and exit points.
- CERS ID 10639336
 - Emergency Response Plans submitted and accepted on May 12, 2023
 - Missing required evacuation plans and procedures, including immediate notice, for the business site.
- CERS ID 10159487
 - Site map submitted on February 15, 2023, and accepted on February 16, 2023
 - Missing required evacuation staging areas.
 - Emergency Response Plans submitted on January 22, 2023, and accepted on January 23, 2023
 - Missing required immediate notification contacts to the appropriate local emergency response personnel and to the unified program agency.
- CERS ID 10617040
 - Site map submitted on February 15, 2023, and accepted on February 16, 2023
 - Missing required access and exit points.

CITATION:

HSC, Chapter 6.95, Sections 25505(a), 25508(a)(3) and (4)
CCR, Title 19, Sections 2658 and 2659
[CalEPA]

CORRECTIVE ACTION:

During the evaluation, the CUPA has provided 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 includes steps to follow up with regulated businesses having an HMBP submittal identified with missing or incomplete components upon review.

By the 2nd Progress Report, the CUPA will train 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 personnel in attendance.

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By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide 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 or “no-change” submittal to CERS, or the CUPA will have applied enforcement.

6. DEFICIENCY:

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

Review of information provided by the CUPA finds:

- 1 of 3 (33%) stationary sources in the CalARP Program have not updated the RMP at least once in the last five years.

CITATION:

CCR, Title 19, Section 2745.10(a)(1) and (b)(1)
[CalEPA]

CORRECTIVE ACTION:

During the evaluation, the CUPA provided CalEPA with an action plan to ensure each stationary source in the CalARP Program has reviewed and updated the RMP at least once every five years. The plan includes a schedule to conduct RMP reviews under a CalARP trainer.

By the 1st Progress Report, the CUPA will provide CalEPA with a sortable spreadsheet obtained from CERS that includes, at minimum, the following for each stationary source:

- Facility name;
- CERS ID;
- Date the RMP was last reviewed and updated by the stationary source; and
- Recent follow-up actions with CalARP Program facilities that have not revised and updated the RMP at least once every five years.

If a facility is no longer regulated as a CalARP facility, provide a brief explanation regarding the closure of the facility and de-registration pursuant to CCR, Title 19, Section 2745.10(c) or (d).

By the 2nd Progress Report, the CUPA will provide a statement to CalEPA confirming each stationary source has reviewed and updated the RMP at least once within the last five years, or the CUPA will have applied enforcement.

7. DEFICIENCY:

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

- FY 2020/2021

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CITATION:

CCR, Title 19, Section 2780.5
[CalEPA]

CORRECTIVE ACTION:

By the 2nd Progress Report, the CUPA will conduct an annual audit of its activities to implement the CalARP Program and provide CalEPA with the annual CalARP performance audit report for FY 2023/2024.

8. DEFICIENCY:

The 2023 area plan is missing required elements.

Review of the 2023 area plan finds the following required elements are missing:

- Provisions for integrating, in the final area plan, information from business plans submitted by handlers within the jurisdiction of an administering agency;
 - [CCR, Title 19, Section 2640\(b\)](#).
- A form providing information on the elements within the area plan, substantially equivalent to the following optional model reporting form for area plans;
 - [CCR, Title 19, Section 2640\(d\)](#).
- Pre-emergency Planning
 - 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 training of emergency response personnel in the following areas:
 - Monitoring and decontamination procedures for emergency response personnel and equipment;
 - [CCR, Title 19, Section 2645\(a\)\(7\)](#).
 - Emergency procedures for first response to a release or threatened release of hazardous materials, to include pesticide drift exposure incidents;
 - [CCR, Title 19, Section 2645\(a\)\(1\)](#) and [2640\(c\)](#).
 - Health and safety procedures for response personnel;
 - [CCR, Title 19, Section 2645\(a\)\(2\)](#).
 - Identification of medical facilities capable of providing treatment appropriate for hazardous material incidents, to include 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\(a\)\(7\)](#).
 - Procedures for informing the public during emergencies;
 - [CCR, Title 19, Section 2645\(a\)\(9\)](#).
- Public Safety and Information
 - 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

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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\(d\)](#).
- Provisions for informing medical and health facilities of the nature of the incident and the substance(s) involved in an incident;
 - [CCR, Title 19, Section 2646\(f\)](#).
- Provisions for evacuation plans that provide for:
 - Properties of hazardous materials, such as quantity, concentration, vapor pressure, density, and potential health effects;
 - [CCR, Title 19, Section 2646\(g\)\(4\)](#).
 - Possible release scenarios;
 - [CCR, Title 19, Section 2646\(g\)\(5\)](#).
 - Facility characteristics, topography, meteorology, and demography of potentially affected areas;
 - [CCR, Title 19, Section 2646\(g\)\(6\)](#).
 - Ingress and egress routes and alternatives;
 - [CCR, Title 19, Section 2646\(g\)\(7\)](#).
 - Location of medical resources trained and equipped for hazardous material response;
 - [CCR, Title 19, Section 2646\(g\)\(8\)](#).
 - Mass-care facilities, reception areas, and sheltering;
 - [CCR, Title 19, Section 2646\(g\)\(9\)](#).
 - Procedures for post-emergency period population recovery;
 - [CCR, Title 19, Section 2646\(g\)\(10\)](#).
- Supplies and Equipment
 - Listing and description of available emergency response supplies and equipment specifically designated for the potential emergencies presented by the hazardous materials which are handled within the jurisdiction of the administering agency. This information shall be presented to reflect response capability;
 - [CCR, Title 19, Section 2647\(a\)](#).
 - Provisions for regular testing, if applicable, and proper maintenance of emergency response equipment under the direct control of the county or city, as the case may be;
 - [CCR, Title 19, Section 2647\(b\)](#).
- Incident critique and follow-up
 - Provisions to include an interagency meeting to evaluate the response, to improve future response, and to determine if any area plan revisions are required; and
 - [CCR, Title 19, Section 2648](#).
 - Provisions for the critique and follow-up of major incidents of a release or threatened release of hazardous material, including pesticide drift exposure incidents.
 - [CCR, Title 19, Section 2648](#).

CITATION:

HSC, Chapter 6.95, Section 25503(c)

CCR, Title 19, Article 3, Sections 2640, and 2642 through 2648.

[CalEPA]

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CORRECTIVE ACTION:

By the 3rd Progress Report, the CUPA will provide CalEPA with the revised area plan that includes all required elements.

9. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA did not complete an annual Self-Audit Report for FY 2020/2021.

CITATION:

CCR, Title 27, Section 15280
[CalEPA]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA completed an annual Self-Audit Report for FY 2022/2023, which includes all required components.

This Deficiency is considered corrected.

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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 or correctly reporting CME information to CERS for the APSA Program.

Review of CERS CME information and APSA tank facility files finds the following:

- CERS ID 10172803:
 - An inspection report, dated March 29, 2019, cites zero violations and documents all previously cited violations have achieved RTC.
 - CERS has no record of an inspection on March 29, 2019.
 - An inspection report, and CERS reflect six violations cited during an inspection dated April 11, 2022.
 - Inspector notes related to email correspondence, dated April 12, 2022, reference an RTC inspection conducted on May 13, 2022.
 - CERS reflects an RTC date of May 13, 2022, with an “observed” RTC qualifier. for each of the six violations cited on April 11, 2022.
 - CERS has no record of an inspection on May 13, 2022.
- CERS ID 10776754:
 - An inspection report, dated December 18, 2018, indicates previously cited violations were corrected.
 - CERS has no record of an inspection on December 18, 2018.
- CERS ID 10170141:
 - An inspection report, dated February 11, 2020, cites one violation (tank inspection/testing by qualified person per industry standard).
 - An inspection report, dated March 15, 2022, cites three violations, one of which is a recurring violation (tank inspection/testing by qualified person per industry standard).
 - Email correspondence, dated September 15, 2022, includes RTC documentation for the recurring violation cited on March 15, 2022; however, CERS does not reflect RTC for the recurring violation when originally cited on February 11, 2020.

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

CITATION:

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

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RESOLUTION:

During the evaluation, the CUPA developed and implemented an action plan for reporting APSA Program CME information consistently and correctly to CERS. The action plan included:

- Identification and correction of the cause(s) of missing or incorrect APSA Program CME information reported to CERS;
- Review and revision of the CME reporting component of the Data Management Procedure, or other applicable procedure, to ensure APSA Program CME information is consistently and correctly reported to CERS;
- Identification of all APSA Program CME information not previously reported to CERS, or reported to CERS incorrectly, between July 1, 2018, and June 30, 2023.
- A process for reporting APSA 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; and
- Future steps to ensure all APSA Program CME information is consistently and correctly reported to CERS. This may generate the need for the establishment of a quality assurance and quality control process to ensure all CME information is reported to CERS correctly.
- The CUPA provided a statement confirming the complete entry of all prior APSA Program CME information to CERS that was not previously reported to CERS, or was previously reported incorrectly to CERS between July 1, 2018, and June 30, 2023.

By the 1st 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 an inspection report.

With the 1st Progress Report, the CUPA will provide APSA tank facility records for CERSID 10752043, CERSID 10401214 and CERSID 10166587.

2. INCIDENTAL FINDING:

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

Review of HMBPs submitted to CERS between August 13, 2022, and September 12, 2023, by businesses subject to Business Plan reporting requirements finds:

- 35 of 273 (13%) Business Plan facilities have not submitted a chemical inventory (including site map) or a no-change certification.
- 29 of 265 (11%) Business Plan facilities have not 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]

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RESOLUTION:

During the evaluation, the CUPA has provided CalEPA with an action plan to ensure all businesses subject to Business Plan reporting requirements annually submit an HMBP or a no-change certification to CERS.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from CERS, that includes at minimum the following information for each business subject to Business Plan reporting requirements that has not submitted an HMBP or a no-change certification to CERS within the last 12 months:

- Facility name;
- CERS ID;
- Follow-up actions including:
 - Recent review, acceptance and rejection of HMBPs or no-change certifications; and
 - Enforcement applied by the CUPA to ensure an HMBP or no-change certification is annually submitted to CERS.
- [Note: If a sortable spreadsheet obtained from CERS is not provided by the CUPA, CalEPA will utilize CERS to evaluate the progress made towards the correction of this deficiency.]

By the 4th Progress Report, the CUPA will ensure each business subject to Business Plan reporting requirements has submitted an HMBP or a no change certification to CERS annually, or the CUPA will have applied enforcement.

3. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA is not consistently classifying APSA Program violations properly.

Review of facility files and CERS CME information between July 1, 2018, and June 30, 2023, finds the following non-minor violation was classified as a minor violation:

- Not having, or failure to prepare a Spill Prevention, Control, and Countermeasure (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 (US EPA).
 - Review of CERS CME information finds one violation cited between July 1, 2022, and June 30, 2023, for not having, or failure to prepare an SPCC Plan was classified as minor.
 - CERS ID 10165731

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.

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CITATION:

HSC, Chapter 6.11, Sections 25404(a)(3) and 25404.2(a)(3)-(4)
HSC, Chapter 6.67, Sections 25270.4.1(c) and 25270.4.5(a)
CCR, Title 27, Section 15200(a) and (e)
[OSFM]

RESOLUTION: COMPLETED

During the evaluation, the CUPA trained 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 included review of:

- Violation classification classes available in the video library on the CalCUPA Forum Board website at: <http://www.calcupa.org/videos/html>.
- 2020 Violation Classification Guidance for Unified Program Agencies
 - <https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Documents-accessible.pdf>
- 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, 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 provided CalEPA with a narrative statement listing the information each APSA inspector reviewed and the date the review was completed. This Incidental Finding is considered resolved.

4. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

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, finds there is no documented RTC for the following APSA Program violations:

- FY 2022/2023
 - 12 of 56 (21%)

CITATION:

HSC Chapter 6.11, Section 25404.1.2(c)
HSC, Chapter 6.67, Section 25270.4.5(a)
CCR, Title 27, Sections 15185(a) and (c) and 15200(a) and (e)
[OSFM]

RESOLUTION: COMPLETED

During the evaluation, the CUPA obtained RTC for all APSA violations cited during FY 2022/2023.

This Incidental Finding is considered resolved.

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5. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CalARP Dispute Resolution Process is missing a required element.

Review of the CalARP Dispute Resolution Process finds the following element is missing:

- Procedures that require the CUPA to render a written decision within 120 days after the owner or operator of a stationary source initiates the dispute resolution process.

CITATION:

CCR, Title 19, Section 2780.1
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided CalEPA with a revised CalARP Dispute Resolution Process that adequately incorporates all required elements. This Incidental Finding is considered resolved.

6. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

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

The following Unified Program administrative procedures are incomplete and inaccurate:

- Records Maintenance
 - Minimum retention times
 - The Records Maintenance Procedure stipulates that the following documents are maintained for three years, rather than the minimum requirement of five years:
 - Self-Audit Reports
 - Biennial and Quarterly Reports, Annual Summary Reports to the State
 - Training records
 - The procedure cites CCR, Title 27, Section 15188 however, the correct citation is CCR, Title 27, Section 15185.
 - Single Fee System
 - Fee Dispute Resolution
 - The Fee Dispute Resolution Procedure stipulates that the County's Board of Supervisors reserves authority to waive fees, however, the procedure does not include a plan to resolve fee disputes that arise between the CUPA and a regulated business, or between a regulated business and the state regarding the state surcharge.

CITATION:

CCR, Title 27, Sections 15185(b) and 15210(k)
[CalEPA]

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RESOLUTION: COMPLETED

During the evaluation, the CUPA revised the Records Maintenance Procedure to stipulate that all documents identified in CCR, Title 27, Section 15185 are retained for a minimum of five years. The CUPA revised their Single Fee Implementation Plan to include an adequate Fee Dispute Resolution Procedure.

The CUPA will train personnel on the amended Unified Program administrative procedures. Once training is complete, the CUPA will implement the amended Unified Program administrative procedures. This Incidental Finding is considered resolved.

7. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA is not submitting the Annual Single Fee Summary Report to CalEPA by September 30th.

Review finds the Annual Single Fee Summary Report was submitted to CalEPA after September 30th as follows:

- FY 2020/2021: submitted on December 7, 2021

CITATION:

CCR, Title 27, Section 15290(a)(2)
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA completed and submitted the Annual Single Fee Summary Report for FY 2022/2023 by September 14th, 2023.

Continue to submit Annual Single Fee Summary Report by September 30th for each subsequent FY. This Incidental Finding is considered resolved.

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OBSERVATIONS AND RECOMMENDATIONS

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

1. OBSERVATION:

The 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 and Self-Audit Reports between July 1, 2020, and June 30, 2023:

- CERS reflects 99 regulated HWG facilities, 1 Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) facility, and no Tiered Permitted facilities.
- The three-year inspection frequency for all HWG facilities is currently being met.
 - 90 of 99 (91%) HWG facilities have been inspected at least once in the last three years.
- The CUPA conducted 97 "Routine" and "Other" HWG and TP inspections at 90 HWG facilities.
- 45 of 97 (46%) inspections conducted had no violations cited and 52 (54%) had at least one violation cited.
 - In the 52 inspections conducted having at least one violation, 156 total violations were cited, consisting of:
 - 2 Class I violations,
 - 21 Class II violations, and
 - 133 minor violations.
 - The CUPA has ensured RTC for 137 of 156 (88%) violations.
- There were no formal enforcement actions for hazardous waste related violations.
- Inspection reports contain detailed comments that note the factual basis of cited violations; however, inspection reports do not indicate whether consent to inspect was requested prior to the inspection.

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. Ensure that complete and thorough inspections are conducted to identify all violations at facilities.

Follow the I&E Plan that delineates a three-year HWG inspection frequency and apply all appropriate enforcement in order to gain compliance with violations cited. Continue writing detailed inspection reports that include all factual basis of the violation and properly cite noted violations.

Revise the HWG inspection checklist to ensure consent is obtained and documented prior to conducting an HWG inspection.

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2. 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:

- CERS ID 10190459
- CERS ID 10397443
- CERS ID 10397755
- CERS ID 10400551

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

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.

3. OBSERVATION:

The I&E Plan contains information that is inaccurate and may benefit from improvement.

- Page 2: The introduction is missing a discussion on regulating aboveground petroleum storage tanks.
- Page 14: HSC, Section 25270.12 is incorrectly referenced as the assessment of administrative penalties for administrative enforcement orders under APSA. The correct reference is HSC, Chapter 6.67, Section 25270.12.1.
- Page 17: The reference to HSC, Chapter 6.7 for APSA is incorrect. The correct reference is HSC, Chapter 6.67.

RECOMMENDATION:

Update the I&E Plan as indicated above.

4. OBSERVATION:

An SPCC Plan was accepted by the CUPA for CERS ID 10776754 as the HMBP emergency response and training plans submittals.

An SPCC Plan is not the same as HMBP emergency response and training plans.

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

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

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RECOMMENDATION:

Utilize the regulator comments field in CERS to advise APSA tank facility owners and operators that future CERS submittals should not include SPCC Plans and that “provided elsewhere in CERS” should be selected within the APSA documentation upload section when an HMBP is being provided in lieu of a tank facility statement.

5. OBSERVATION:

The CERS reporting requirement is currently set as “APSA Applicable” for 63 APSA tank facilities. The CUPA’s Self-Audit Report for FY 2021/2022 states there are 64 APSA tank facilities identified in CERS.

- 1 facility, CERS ID 10159359, currently has the APSA reporting requirement set to “Not Applicable” but may be APSA regulated due to storing greater than 1,320 gallons of petroleum.

RECOMMENDATION:

Determine if CERS ID 10159359 is regulated under APSA, and if so, set the APSA reporting requirement in CERS to “Applicable.”

6. OBSERVATION:

The CUPA has webpages that contain multiple resources for the public and regulated community.

Review of the CUPA’s Aboveground Storage Tank webpage (<https://www.plumascounty.us/2407/Aboveground-Storage-Tanks-ASTs>) finds the following information may benefit from improvement:

- The April 2018 TIUGA Fact Sheet is outdated. The updated TIUGA FAQ content is available on the OSFM APSA webpage at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga>.
- The September 2018 Tier II Qualified Facility SPCC Plan template is outdated. The current May 2021 template is available on the OSFM APSA webpage at https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/pipeline-safety-and-hazardous-materials/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/calfire-osfm_tierii_spcc_plantemplate_05-2021-accessible.pdf?rev=0f2757843940483c88247338d4a5b31e.
- Under the Additional Resources section (which is also found under the CUPA’s HMBP webpage at <https://www.plumascounty.us/372/Hazardous-Materials-Business-Plan-HMBP>), the link to the Emergency Response/Contingency Plan template (March 2017) is outdated. The current 2023 template is available in CERS, on the CERS Central – Business webpage at <https://calepa.ca.gov/wp-content/uploads/sites/6/2022/03/Emergency-Response-Plan-corrected-6-27-22.pdf>, and the CalEPA Unified Program Publications and Guidance webpage at <https://calepa.ca.gov/wp-content/uploads/sites/6/2022/03/Emergency-Response-Plan-corrected-6-27-22.pdf>.

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Review of the CUPA's Electronic Reporting Information (CERS) webpage at <https://www.plumascounty.us/2424/Electronic-Reporting-Information-CERS> finds the following information may benefit from improvement.

- The "CERS FAQs Aboveground Petroleum Storage Tank" link mistakenly goes to the CUPA's UST webpage, rather than to the OSFM CUPA APSA webpage <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>, which is the same webpage link used on the CUPA's Aboveground Storage Tank webpage in the 'Additional Resources' section.

RECOMMENDATION:

Update the webpages as indicated above.

7. OBSERVATION:

Some APSA tank facilities submitted an HMBP 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 that utilizes the consolidated emergency response and training plans template to use the current 2023 version, when an HMBP is submitted in lieu of a tank facility statement. The current template is available in CERS (on the CERS Central – Business webpage at <https://cers.calepa.ca.gov/businesses/>, and the CalEPA Unified Program Publications and Guidance webpage at <https://calepa.ca.gov/cupa/publications/>.

8. OBSERVATION:

The following is a summary of inspection and violation information for the HMBP and CalARP Programs based on review of facility files and CERS CME information between July 1, 2020, and June 30, 2023:

- HMBP Program:
 - July 1, 2020, through June 30, 2021
 - The CUPA conducted routine inspections at 57 facilities, of which 22 (61%) had no violations cited and 22 (39%) had at least one violation cited.
 - A total of 99 violations were cited, consisting of:
 - 99 (100%) Minor violations
 - The CUPA has ensured RTC for 97 of 99 (98%) violations cited.
 - July 1, 2021, through June 30, 2022
 - The CUPA conducted routine inspections at 118 facilities, of which 77 (65%) had no violations cited and 41 (35%) had at least one violation cited.
 - A total of 65 violations were cited, consisting of:
 - 1 (2%) Class II violation
 - 64 (98%) Minor violations
 - The CUPA has ensured RTC for 60 of 65 (92%) violations cited.
 - July 1, 2022, through June 30, 2023
 - The CUPA conducted routine inspections at 76 facilities, of which 41 (54%) had no violations cited and 35 (46%) had at least one violation cited.

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- A total of 83 violations were cited, consisting of:
 - 6 (7%) Class II violations
 - 77 (93%) Minor violations
- The CUPA has ensured RTC for 60 of 83 (72%) violations cited.
- CalARP Program:
 - April 1, 2020, through March 31, 2021
 - The CUPA conducted a routine inspection at one facility.
 - A total of five Class II violations were cited.
 - The CUPA has ensured RTC for 1 of 5 (20%) violations cited.
 - April 1, 2021, through March 31, 2022
 - The CUPA conducted no routine inspections.
 - April 1, 2022, through March 31, 2023
 - The CUPA conducted no routine inspections.

RECOMMENDATION:

Maintain the triennial inspection frequency for all HMBP facilities and all CalARP facilities, per the inspection frequency as established in the I&E Plan. Ensure complete and thorough inspections are conducted to identify all violations at facilities. Generate detailed inspection reports that include all factual basis and proper citations for each identified violation. Follow up with facilities that have not obtained RTC by the scheduled RTC date and apply enforcement per the I&E Plan.

9. OBSERVATION:

The area plan contains the following outdated information:

- Page 23 – “Appendix O” does not exist within the area plan. The Resource List exists as “Appendix M” on page 69.
- Page 23 – “California Code of Regulations, Title 19, Section 2725” has been renumbered to “California Code of Regulations, Title 19, Section 5020.5”.
- Page 23 – “Appendix I,” as referenced, does not outline the considerations for the knowledge and skills which should be imparted by a local training program. The reference to “Appendix I” should be replaced with “Appendix G,” as “Appendix G” contains the outline the considerations for the knowledge and skills which should be imparted by a local training program.
- Page 112 – The phase, “Debriefing,” is cited as one of three phases within Termination, a portion of incident management, and what is conducted during this phase is not explained within the area plan.

RECOMMENDATION:

With the next annual review, revise the area plan to address outdated information.

10. OBSERVATION:

Two HMBP oversight inspections were conducted by different inspectors at CERS ID 10718779 on October 16, 2023, and at CERS ID 10398508 on October 17, 2023. Each inspector was well prepared for the inspection and reviewed relevant information prior to arriving at the facility. The

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inspectors established rapport with the facility operators, toured the entire site, verified inventory, and emergency response plan information and training on site, and effectively communicated technical information to the facility operators. The inspector identified and disclosed all violations.

RECOMMENDATION:

Continue to conduct thorough HMBP inspections.
