

August 9, 2024

Mr. Jim Whittle
Director, Environmental Health Division
Shasta County Department of Resource Management
1855 Placer Street, Suite 201
Redding, California 96001-1759

Dear Mr. Whittle:

During September 2023, through May 2024, CalEPA and the Unified Program state agencies conducted a performance evaluation of the Shasta County Department of Resource Management 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, no program deficiencies were identified. A preliminary Summary of Findings report was developed to identify 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 meets or exceeds. I commend you and your team in the successful implementation of the Unified Program despite the numerous challenges over the past few years, including the response and management efforts of the Coronavirus (COVID-19) pandemic. The CUPA has managed to do an exemplary job of keeping up with a desirable Unified Program performance rating.

To demonstrate progress towards the resolution of the incidental finding 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 the incidental finding identified has been acknowledged as resolved by CalEPA. 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, Jessica Snow, via email at Jessica.Snow@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:

Mr. Paul Hellman
Director, Department of Resource Management
Shasta County Department of Resource Management
1855 Placer Street, Suite 201
Redding, California 96001-1759

Mr. Kevin Westlake
Senior REHS, CUPA Program Manager
Shasta County Department of Resource Management
1855 Placer Street, Suite 201
Redding, California 96001-1759

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

Mr. Jim Whittle
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cc sent via email:

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

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

Mr. Pheleep Sidhom
Environmental Scientist
Department of Toxic Substances Control

Ms. Mary Wren-Wilson
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

Mr. Jim Whittle
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cc sent via email:

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

Mr. Garrett Chan
Environmental Scientist
California Environmental Protection Agency

Ms. Jessica Snow
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Shasta County Department of Resource Management

Evaluation Period: September 2023 through May 2024

Evaluation Team Members:

- **CalEPA Team Lead:** Jessica Snow
- **DTSC:** Pheleep Sidhom
- **CalEPA:** Garrett Chan, Esme Hassell-Thean
- **State Water Board:** Magnolia Busse
- **CAL FIRE-OSFM:** Mary Wren-Wilson

This Final Summary of Findings includes:

- Accomplishments, Examples of Outstanding Implementation, and Challenges
- 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 meets or exceeds Unified Program standards.

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

Jessica Snow
CalEPA Unified Program
Phone: (916) 460-2394
E-mail: jessica.snow@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 jessica.snow@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 **October 21, 2024**.

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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. STAFFING SHORTAGES AND CORONAVIRUS (COVID-19) REASSIGNMENTS

The CUPA experienced significantly reduced staffing for implementation of the Unified Program due to reassignments, medical leave, and departures on several occasions. Beginning in 2020, and continuing through 2021, 60% of the full-time equivalent allocation for one CUPA inspector position was allocated toward COVID-19 response. Several other CUPA inspectors were intermittently out on leave between August 2021 and July 2022. To address the limited staffing of inspector positions, the CUPA contracted with the California Association of Environmental Health Administrators (CAEHA) to ensure continuity of Unified Program implementation, primarily in conducting inspections, during August 2019 through November 2020, and during October 2022 through December 2022.

2. DISASTER RECOVERY

In September of 2020, the Zogg Fire destroyed structures on over 140 parcels. Shasta Environmental Health Division (EHD) staff, including CUPA personnel, spent a significant amount of time during and after the fire coordinating debris removal efforts with property owners and the state.

In September of 2021, another wildfire, the Fawn Fire, occurred in Shasta County and destroyed structures on over 90 parcels. EHD staff, including CUPA personnel, spent significant time in the weeks following the fire dealing with site assessments, property posting, and phase I hazmat removal on affected properties. Shasta County EHD took the lead role once again in coordinating and overseeing the debris removal efforts for the county. This took a considerable amount of staff time in the months that followed.

3. ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM IMPLEMENTATION AND STATEWIDE SUPPORT:

Since the 2019 CUPA performance evaluation, the CUPA has met the mandated triennial inspection frequency for APSA tank facilities storing 10,000 gallons or more of petroleum. The CUPA has also met the triennial inspection frequency, established in the Inspection and Enforcement (I&E) Program Plan, for APSA tank facilities storing less than 10,000 gallons of petroleum.

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

The CUPA successfully enforced requirements of the APSA Program and obtained a high rate of compliance for APSA tank facilities cited with violations.

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The inspection and enforcement efforts of the CUPA are considered above and beyond the standard expectations of the implementation of the APSA Program despite the many challenges presented over the years from reduced staffing, COVID-19, and wildfire impacts.

Additionally, the CUPA has actively participated and continues to be involved in, and support, the overall implementation of the APSA Program including:

- Fulfilling the previous co-chair role of the APSA Advisory Committee,
 - Current participation as a voting member on the APSA Advisory Committee,
 - Current participation on the CUPA Forum Board's APSA Technical Advisory Group (TAG),
 - Fulfilling the co-chair role of the APSA TAG (as of January 1, 2024),
 - Development of new and revision of old APSA violations for the Unified Program violation library,
 - Proposed rulemaking, and
 - Instructing an APSA session at the 2024 annual Unified Program training conference.
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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 Self-Audit Reports for Fiscal Years (FYs) 2020/2021, 2021/2022, and 2022/2023 have a missing component.

The following component is missing:

- A date of completion to demonstrate compilation by September 30th.

CITATION:

CCR, Title 27, Section 15280(a)
[CalEPA]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a completed Self-Audit Report for FY 2023/2024 that includes all required components and incorporates a date of compilation to demonstrate the report was compiled by September 30th. For each subsequent FY, the CUPA will complete a Self-Audit Report that includes all required components and incorporates a date of completion to demonstrate the report was compiled by September 30th.

2. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The annual CalARP performance audit report for Fiscal Years (FYs) 2020/2021, 2021/2022, and 2022/2023 have incomplete required elements.

The following elements are incomplete in the CalARP performance audit report for FY 2020/2021:

- A listing of stationary sources which have been audited.
 - The number of facilities that have been audited is included, however a listing of the facilities is not included as required.
- A listing of stationary sources which have been inspected.
 - The number of facilities that have been inspected is included, however a listing of the facilities is not included as required.
- A summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP Program.
 - Personnel is reported as a Full Time Equivalent (FTE) rather than Personnel Years (PYs) as required.

The following elements are incomplete in the CalARP performance audit report for FY 2021/2022:

- A summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP Program.
 - Personnel is reported as FTE rather than PYs as required.

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The following elements are incomplete in the CalARP performance audit report for FY 2022/2023:

- A listing of stationary sources which have been requested to develop Risk Management Plans (RMPs).
 - The number of facilities requested to develop RMPs is included, however a listing of the facilities is not included as required.
- A listing of stationary sources which have been inspected.
 - The number of facilities that have been inspected is included, however a listing of the facilities is not included as required.
- A summary of enforcement actions initiated by the UPA identifying each stationary source.
 - A summary of enforcement actions is included, however stationary sources are not identified as required.
- A summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP Program.
 - Personnel is reported as FTE rather than PYs as required.

CITATION:

CCR, Title 19, Section 5150.5(b)
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided an updated CalARP Performance Audit for FY 2022/2023 that contains all required elements and addressed all incomplete elements. This Incidental Finding is considered resolved.

3. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

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

Review of the I&E Program Plan finds the following required components are missing:

- Provisions for ensuring sampling capability and analysis performed by a state certified laboratory, pursuant to HSC, Chapter 6.5, Section 25198. Information should include training, identification of sampling equipment, methods to preserve physical evidence obtained through sampling and testing information. This information was required when the CUPA became certified and is necessary to proceed with any potential enforcement actions as needed.
 - Methods to preserve physical evidence are lacking information such as keeping samples at a certain temperature (i.e. put on ice) or delivered to the lab before the sample holding time is exceeded.
 - Methods to preserve physical evidence must address management of samples to ensure the laboratory receives the samples under acceptable conditions.
- Enforcement notification procedures that ensure appropriate confidentiality.

Review of the I&E Program Plan finds the following inconsistencies with UST Regulations and HSC, Division 20, Chapter 6.7 requirements:

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- Page 6, Underground Storage Tank Facilities Section, states “Within 30 days of receiving a compliance report... pursuant to HSC Section 25288 (d)”
 - The requirement is within 60 days, per HSC, Chapter 6.7, Section 25288(d).
- Page 18, Revocation, Modification or Suspension of Permit:
 - Section A, “Grounds for Revocation, Modification or Suspension of UST Permit”
 - Section B, “The SCEHD may revoke, modify, or suspend a permit...”
 - Section B.1., “The revocation, modification, or suspension...”
 - Suspension of a UST Permit is more stringent than HSC, Chapter 6.7, Section 25285.1.
- Page 18, Affixing Red Tag Section, part 3 states, “A person shall not input or withdraw from an underground tank system that has a red tag affixed to the fill pipe, except to empty the underground storage tank pursuant to a direction issued in accordance with HSC section 25292.3(a)(2).”
 - The correct citation is HSC, Chapter 6.7, Section 25292.3(c)(1)(A).
- Page 29, Section 2. b. states “For violations of H&SC 25299 (c) and (e), the respondent is liable for no more than \$5,000 per day, per violation, per Underground Storage Tank.”
 - This is more stringent than HSC, Chapter 6.7, Section 25299(c), which is not more than \$5,000 for each UST.

CITATION:

HSC, Chapter 6.7, Sections, 25285.1, 25288(d), 25292.3(c)(1)(A)(c), and 25299(c)
CCR, Title 27, Section 15200(a)
[DTSC, State Water Board]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided a revised I&E Program Plan that adequately addresses all inconsistencies with UST Regulations and HSC, Division 20, Chapter 6.7 requirements, provisions for sampling capability, and enforcement notification procedures that ensure appropriate confidentiality. The CUPA will train CUPA personnel on the revised Unified Program I&E Plan. Once training is complete, the CUPA will implement the revised Unified Program I&E Plan. This Incidental Finding is considered resolved.

4. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

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

The following administrative procedures have components that are incomplete.

- Permitting
 - The CUPA shall provide for a single point of local contact for permit applicants.
 - The permitting procedure does not provide regulated businesses a single point of local contact for obtaining information on, the requirements for, and the application process for the Unified Program Facility Permit (UPFP).
- Records Maintenance
 - The records maintenance procedure does not specify the following documents are maintained for a minimum of five years:
 - Copies of self-audits, inspection reports, enforcement files, and UPCFs

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- All records related to hazardous waste enforcement actions from the date the enforcement action is resolved
- Detailed records used to produce the summary reports submitted to the state
- Surcharge billing and collection records following closure of any billing period, or until completion of any audit process, whichever is longer
- Training records required by section 15260 of this chapter and any other required training records specific to each program element.

CITATION:

CCR, Title 27, Sections 15185(b) and 15190(c)
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided revised Permitting and Records Maintenance procedures, which include all required components. The CUPA will train CUPA personnel on the revised Unified Program administrative procedures. Once training is complete, the CUPA will implement the revised Unified Program administrative procedures. 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 October 1, 2020, and September 30, 2023:

- CERS reflects 714 regulated HWG facilities, including seven Resource Conservation and Recovery Act (RCRA) Large Quantity Generators (LQG), and three Tiered Permitted (TP) facilities.
- The three-year inspection frequency for all HWG Program facilities is currently being met.
 - 655 of 714 (94%) HWG Program facilities have been inspected at least once in the last three years.
- CERS reflects the CUPA conducted 757 total HWG inspections.
 - The CUPA conducted 726 "routine" HWG inspections, of which 295 (41%) had no violations cited and 431 (59%) had at least one violation cited.
 - In the 431 routine inspections conducted having at least one violation, 850 total violations were cited, consisting of:
 - Four (<1%) Class I violations,
 - 525 (62%) Class II violations, and
 - 321 (38%) minor violations.
 - The CUPA conducted 31 "other" HWG inspections.
 - In the 31 other inspections performed, seven total violations were issued, consisting of:
 - 0 (0%) Class I violations,
 - five (70%) Class II violations, and
 - two (30%) minor violations.
- The CUPA has ensured RTC for 836 of 857 (98%) violations cited.
- 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 some inspection reports do not indicate whether consent to inspect was granted prior to the inspection.

DTSC was unable to conduct oversight inspections due to staffing challenges.

RECOMMENDATION:

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

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Conducting frequent inspections leads to better compliance rates and helps ensure that hazardous waste is being managed appropriately.

Ensure consent is obtained and documented prior to conducting a HWG inspection.

2. OBSERVATION:

The CUPA's area plan is comprehensive and contains all required elements.

Review finds the following information is outdated:

- Part I-4 cites "California Health and Safety Code (H&SC) Title 20, Chapter 6.95, Article 1, § 25500." The correct citation is HSC, Division 20, Chapter 6.95, Article 1, Section 25500.
- The California Office of Emergency Services (Cal OES) is no longer the agency with authority over the HMBP requirements and CalARP Program. This should be updated to reflect the transfer of authority to CalEPA, per Assembly Bill 148 in July 2021.

Review finds the following information may benefit from improvement:

- Part I-15, item b-Pipelines
 - Pipelines relevant to this section are gas transmission lines and high-pressure natural gas transmission lines that are under the authority of the Public Utilities Commission. Remove the reference regarding contacting the OSFM Pipeline Safety Division for leaks or ruptures of these pipelines.
- Part III-128, State Contact Numbers
 - Update the OSFM contact number from (916) 323-7390 to (916) 568-3800. For inquiries specific to hazardous liquid pipelines, include the State Warning Center numbers 800-852-7550 and 916-263-6300.

RECOMMENDATION:

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

3. OBSERVATION:

Review of CERS and CME information on December 19, 2023, finds return to compliance (RTC) was entered as "Not Resolvable" for all resolvable UST Program violations cited in 2022 for CERS ID 10138521.

The "Not Resolvable" qualifier is reserved for instances where it is not possible to go back to the point in time where the violation occurred.

RECOMMENDATION:

UST Violation qualifier "Not resolvable" is intended for more unique situations where the initial violation cannot be resolved. UST Program violations for missed testing, and/or failures in testing for leak detection equipment are resolvable. "Not Resolvable" will be added to the Data Dictionary in 2026 and continuing to use "Not Resolvable" for violations that have not obtained RTC at the time of the subsequent inspection, which require continued citation, will be incorrect.

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4. OBSERVATION:

The CUPA is not consistently ensuring UST Program related information in CERS is accurate and complete.

Review of the UST Facility/Tank Data Download report obtained from CERS on December 19, 2023, finds the following UST monitoring and construction information is incorrect in accepted UST Program CERS submittals:

- 6 of 41 (15%) UST systems with secondary containment testing listed as “Yes” for continuous vacuum, pressure, or hydrostatic (VPH) systems:
 - CERS ID 10468642
 - CERS ID 10485529
- 5 of 16 (31%) UST systems with single-walled piping listed as “Yes” for continuous secondary monitoring:
 - CERS ID 10491121

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

RECOMMENDATION:

Continue to conduct detailed review of CERS UST submittals to ensure monitoring and construction information is accurate and complete before being accepted.

5. OBSERVATION:

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

- CERS ID 10483114
- CERS ID 10485313
- CERS ID 10485352
- CERS ID 10503649
- CERS ID 10504210
- CERS ID 10504363
- CERS ID 10756759

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

RECOMMENDATION:

Provide verbal and written reminders to all applicable UST owners/operators regarding the December 31, 2025, deadline for permanent closure of single-walled USTs.

6. OBSERVATION:

Some 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.

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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.

7. OBSERVATION:

The I&E Program Plan, revised in April 2024, contains the following information that may benefit from improvement:

- Page 4: Inspector Training, APSA section
 - In the statement, “Personnel may be assigned inspection responsibilities for facilities that store hazardous materials and/or hazardous waste in ASTs,” replace “hazardous materials and/or hazardous waste” with “petroleum.” As an alternative, the text could be revised as follows: “Personnel may be assigned inspection responsibilities for facilities that store petroleum hazardous materials and/or hazardous waste in ASTs.”

RECOMMENDATION:

Update the I&E Plan as indicated above.

8. OBSERVATION:

Review of CERS, GeoTracker, and UST facility file information finds the State Water Board was not notified by the CUPA that the following UST facilities with single-wall UST components are within a 1,000-foot radius of a public drinking water well, therefore, the State Water Board could not notify the facility owner(s)/operator(s) of enhanced leak detection (ELD) testing requirements, and, consequently, initial and subsequent triennial ELD testing has not been conducted:

- CERS ID 10483114
- CERS ID 10504210

Upon discovery of CERS ID 10483114 and CERS ID 10504210 having a UST with single-wall components located within a 1,000-foot radius of a public drinking water well, via certified mail on December 7, 2023, the State Water Board issued the UST owner(s)/operator(s) written notification of the requirement to complete one-time ELD testing or remove the single-wall UST by June 7, 2025 (within 18 months).

RECOMMENDATION:

Ensure each UST with single-walled components within a 1,000-foot radius of a public drinking water well has completed their initial ELD testing. For CERS ID 10483114 and CERS ID 10504210, prior to June 7, 2025, confirm the USTs have completed their initial ELD testing, USTs have been permanently closed, or an issuance of a red tag has been applied if ELD testing or permanent closure has not been completed.

9. OBSERVATION:

On February 16, 2024, a UST oversight inspection was conducted during the annual monitoring system certification (AMC), and the spill containment (SC) testing at CERS ID 10489525, a

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motor vehicle fueling facility with regular, premium, and diesel tanks. Service technicians and a facility representative were also on site.

The inspector was well prepared and organized for the inspection and reviewed the relevant information prior to being on site. Both the service technicians and the inspector were knowledgeable of UST regulations, HSC requirements, and the equipment on site. The inspector reviewed tank set up and alarm history, reviewed on-site documents, and performed a visual inspection of spill buckets, sumps, under dispenser containments (UDC), and measurements taken by the technicians. Observed incorrect sensor positioning in the sump and tightened test boot clamps were corrected on-site and properly noted in the provided inspection report. Additionally, UDC secondary containment testing “jumper cables” were identified, cited on the inspection report, and corrected on site.

Review of the testing documents submitted by the CUPA after the inspection finds:

- Monitoring System Certification Form missing CERS ID
- Spill Container Testing Report Form missing CERS ID
- Outdated Spill Containment Testing Report Form used

RECOMMENDATION:

Continue to conduct thorough UST Inspections. Reject documentation that is missing information or using incorrect testing forms. The most up-to-date UST Reporting and Inspection Forms may be found at <https://www.waterboards.ca.gov/ust/publications/forms.html>.

10. OBSERVATION:

On May 15, 2024, a CalARP oversight inspection was conducted at CERS ID 10621885. 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 RMP information, toured the entire site, and effectively communicated technical information to the facility operators.

On May 16, 2024, an HMBP oversight inspection was conducted at CERS ID 10872574. The inspector was well prepared for the inspection and reviewed relevant information prior to arriving at the facility. The inspector established rapport with the facility operator, toured the entire site, verified inventory, emergency response and training plan information on site, and effectively communicated technical information to the facility operators. The inspector educated the facility operators on emergency response plan and training plan information and the importance of the information. The inspector identified and disclosed all observed violations.

On May 16, 2024, an HMBP oversight inspection was conducted at CERS ID 10621606. The purpose of the inspection was to follow up with the facility and verify compliance with violations cited during a previous routine inspection. The inspector established rapport with the facility operator, verified inventory and toured the entire site, and effectively communicated technical information to the facility operator. It was not observed that the inspector verified emergency response and training plan information on site. The inspector identified and disclosed all observed violations.

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RECOMMENDATION:

Ensure emergency response and training plan information is verified on site during inspections. Continue to conduct thorough CalARP and HMBP inspections.

11. OBSERVATION:

Effective July 22, 2021, Assembly Bill 148 (Chapter 115, Statutes of 2021), transferred the oversight responsibility of the Hazardous Material Inventory and Response Plans (HMBP) Program and the CalARP Program from the California Governor's Office of Emergency Services (Cal OES) to CalEPA.

As a result, on March 6, 2024, the Office of Administrative Law (OAL) approved a rulemaking package submitted by CalEPA to amend and relocate portions of CCR, Title 19, Division 2, Chapters 4 and 4.5 into a new Division (Division 5). The rulemaking does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element. The final regulatory text for the rulemaking package revising the citations is available as follows:

- For HMBP Program requirements:
https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-1-Final_Underline_Strikeout.pdf
- For CalARP Program requirements:
https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-2-Final_Underline_Strikeout.pdf

CalEPA has developed a "regulatory crosswalk" to identify the changes to CCR, Title 19, effective March 6, 2024, available as Guidance Document 24-01, at:

- <https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/Guidance-Document-24-01-Regulatory-Crosswalk-for-HMBP-and-CalARP-Title-19-Changes.pdf>

RECOMMENDATION:

Update administrative documents, standard operating procedures, and other applicable documents to reflect the new citation references to CCR, Title 19 for the HMBP and CalARP Programs using [Guidance Document 24-01](#) as a reference.
