

December 20, 2024

Denise Tsuji
Trinity Branch Chief
Department of Toxic Substances Control
Trinity County CUPA
8800 Cal Center Drive, SAC
FO/CalCenter/R 1-3
Sacramento, California 95826-3200

Dear Ms. Tsuji:

During November 2023, through August 2024, CalEPA and the Unified Program state agencies conducted a performance evaluation of the Trinity County 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 Trinity County CUPA will continue to 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, or until the implementation of the Unified Program fully transitions to the Trinity County Environmental Health Department (TCEH) on July 1, 2025.

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", with a stylized flourish at the end.

Jason Boetzer
Deputy Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

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

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

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

Mary Wren-Wilson
Environmental Scientist
CAL FIRE - Office of the State Fire Marshal

cc sent via email:

Brennan Ko-Madden
Senior Environmental Scientist
Department of Toxic Substances Control

Kaitlin Cottrell
Environmental Scientist
State Water Resources Control Board

Magnolia Busse
Environmental Scientist
State Water Resources Control Board

John Paine
Unified Program Manager
California Environmental Protection Agency

John Elkins
Environmental Program Manager
California Environmental Protection Agency

Elizabeth Brega
Senior Environmental Scientist, Supervisor
California Environmental Protection Agency

Melinda Blum
Senior Environmental Scientist, Supervisor
California Environmental Protection Agency

Julie Unson
Environmental Scientist
California Environmental Protection Agency

Kaeleigh Pontif
Unified Program Evaluation Team Lead
California Environmental Protection Agency

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

CUPA: Department of Toxic Substances Control, Trinity County CUPA

2023 Evaluation Assessment: November 2023 through August 2024

Timeframe Evaluated: March 1, 2020, through December 31, 2023

Evaluation Team Members:

- **CalEPA Team Lead:** Kaeleigh Pontif
- **CalEPA:** Julie Unson
- **DTSC:** Brennan Ko-Madden
- **State Water Board:** Magnolia Busse
- **CAL FIRE-OSFM:** Mary Wren-Wilson

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. The Unified Program implementation and performance of the CUPA is considered satisfactory with improvements 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.

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 the Final Summary of Findings Report, and any applicable supporting documentation must be included with each Evaluation Progress Report.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

Effective July 1, 2024, the Trinity County Environmental Health Department (TCEH) was certified as the CUPA for Trinity County. Between July 1, 2024, and July 1, 2025, TCEH and the Trinity County DTSC CUPA will share responsibilities for administering the Unified Program in Trinity County. The Trinity County DTSC CUPA will continue the Evaluation Progress Report process until the implementation of the Unified Program fully transitions to TCEH, effective July 1, 2025. As addressed in the July 2, 2024, letter authorizing TCEH as the Trinity County CUPA, CalEPA, in collaboration with the Trinity County DTSC CUPA and TCEH CUPA, will jointly determine the best approach for addressing deficiencies and incidental findings remaining uncorrected or unresolved by each issuing Unified Program state agency, and in accordance with the established transition plan. TCEH will not continue the Evaluation Progress Report process resulting from the evaluation of the Trinity County DTSC CUPA.

The submittal date for the 1st Evaluation Progress Report is **February 28, 2025**.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

ACCOMPLISHMENTS, CHALLENGES, AND EXAMPLES OF OUTSTANDING IMPLEMENTATION

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

1. CUPA ASSISTANCE IN TRANSITIONING UNIFIED PROGRAM IMPLEMENTATION TO TRINITY COUNTY ENVIRONMENTAL HEALTH DEPARTMENT:

In October 2023, the Trinity County Environmental Health Department (TCEH) submitted an application to the CalEPA Secretary to become the Certified Unified Program Agency (CUPA) for Trinity County. In April, TCEH submitted a revised application, which was approved by the CalEPA Secretary on July 2, 2024, certifying TCEH as the CUPA for Trinity County effective July 1, 2024.

A year-long strategic transition period was established upon certification of TCEH, with each agency having shared responsibilities for each of the six Unified Program elements to ensure coordination of implementation by TCEH and the Trinity County DTSC CUPA, until July 1, 2025, when TCEH becomes the sole CUPA for Trinity County. The transition plan outlines the guidance, training, and oversight that will be provided to TCEH by the Trinity County DTSC CUPA in preparation for becoming the sole CUPA.

Until the TCEH has fully trained staff to independently implement all aspects of the Unified Program, the Trinity County DTSC CUPA will continue to provide oversight and training to TCEH staff. However, effective July 1, 2025, TCEH will be responsible for conducting inspections, and following up with cited violations to ensure enforcement is applied or RTC is obtained, even for those violations cited by the Trinity County DTSC CUPA. For formal enforcement actions underway and initiated prior to and on July 1, 2025, by the Trinity County DTSC CUPA, DTSC will continue to pursue any future action.

2. GEOGRAPHICAL AND STAFFING CHALLENGES:

The Trinity County DTSC CUPA is budgeted for one CUPA inspector. Currently the Unified Program is being implemented with one full-time inspector, and the support of an Associate Governmental Program Analyst (APGA), the Branch Chief, and the Division Chief.

The Trinity County DTSC CUPA is headquartered within the closest DTSC field office, which is approximately three hours south of Trinity County. Travel time from the DTSC field office to regulated facilities within Trinity County significantly limits the number of inspections that can be performed by the Trinity County DTSC CUPA annually. In addition to the distance between the DTSC field office and Trinity County, there are several other challenges impacting the ability of the Trinity County DTSC CUPA to maintain inspection frequencies of regulated facilities, such as: inclement weather, frequently poor air quality, fire hazards, multiple road closures, and dangerous driving conditions.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

3. 2019 CUPA PERFORMANCE EVALUATION DEFICIENCIES AND INCIDENTAL FINDINGS REQUIRING NO FURTHER ACTION:

The significant delay in the issuance of the 2019 Final Summary of Findings report, issued June 19, 2023, presented a hardship for the CUPA to complete the Progress Report process while simultaneously preparing for the 2023 CUPA Performance Evaluation due to limited staff and the existing workload in Unified Program implementation. Upon agreement between the CUPA and CalEPA, all uncorrected deficiencies and all unresolved incidental findings were carried forward to the 2023 CUPA Performance Evaluation.

In conducting the assessment for the 2023 CUPA Performance Evaluation, the following Deficiencies previously identified during the 2019 CUPA Performance Evaluation no longer require further action:

- *The CUPA's Single Fee System does not fund the necessary and reasonable costs to implement the Unified Program.*
- *The CUPA is not inspecting each UST Program facility at least once every 12 months.*
- *The CUPA is not consistently following up and documenting return to compliance (RTC) information in CERS for UST facilities cited with violations.*

In conducting the assessment for the 2023 CUPA Performance Evaluation, the following Incidental Findings previously identified during the 2019 CUPA Performance Evaluation no longer require further action:

- *The Standard Operating Procedures, with a revision date of May 16, 2019, have inaccurate information regarding permitting for the UST Program and civil penalty requirements.*

During the 2019 CUPA Performance Evaluation, the following Incidental Finding was identified:

- *The CUPA is not consistently classifying Aboveground Petroleum Storage Act (APSA) Program violations properly.*

An APSA tank facility (CERS ID 10207813) was issued a minor violation for not having, or failure to prepare, an SPCC Plan, on October 7, 2015. However, review during the 2023 CUPA Performance Evaluation revealed the facility was incorrectly cited for not having, or failure to prepare, an SPCC Plan. The correct violation should have been a failure to prepare an SPCC Plan that meets all applicable requirements. The instance of one violation being incorrectly cited is not considered an Incidental Finding. Thus, the Incidental Finding identified during the 2019 CUPA Performance Evaluation for not consistently classifying APSA Program violations properly is rescinded.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

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

1. DEFICIENCY:

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

Review of CERS CME information on December 12, 2024, and information from the CUPA's data management system finds there is no documented RTC for the following HWG Program violations cited between October 1, 2020, and September 30, 2023:

- 12 of 45 (27%)*
 - 3 of 4 (75%) Class I violations have no RTC
 - 1 of 2 (50%) Class II violations have no RTC
 - 8 of 39 (21%) Minor violations have no RTC
 - 27 of 39 (69%) obtained RTC.
 - 20 of 39 (51%) did not obtain RTC within 30 days.

*The CUPA has indicated four open violations are currently under formal enforcement.

Review of CERS CME information on March 26, 2024, finds there is no documented follow-up or RTC information for Class I and/or Class II violations cited for the following HWG Program facilities:

- CERS ID 10759816:
 - 21 violations cited on October 26, 2016.
 - A routine inspection was conducted on May 7, 2024. RTC is documented for each of the 21 violations cited on November 1, 2024.
- CERS ID 10207693:
 - 9 violations cited on June 16, 2014, and on March 22, 2017.
 - As of December 12, 2024, RTC is documented for 6 of 9 violations. Four new violations were cited during an inspection conducted on June 22, 2022, and remain without RTC.

Review of CERS CME information on December 11, 2024, finds there is no documented RTC for the following APSA Program violations cited between July 1, 2016, and September 30, 2023:

- 3 of 4 (75%) cited between January 1, 2023, and September 30, 2023

Note: This Deficiency was identified during the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued June 19, 2023, for the HWG Program and APSA Program. Due to the delay in issuance of the Final Summary of Findings for the 2019 CUPA Performance Evaluation, and in preparation for the onset of the 2023 CUPA Performance Evaluation, the CUPA and CalEPA agreed to forego the Progress Report Process applicable to the 2019 CUPA Performance Evaluation, thus this Deficiency remains uncorrected. However, in

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

conducting the assessment for the 2023 CUPA Performance Evaluation, review of CERS CME information for the APSA Program on November 6, 2023, finds RTC has been documented for APSA Program violations cited between July 1, 2016, and December 31, 2016, as well as between January 1, 2018, and December 31, 2018.

CITATION:

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)

HSC, Chapter 6.67, Section 25270.4.5(a)

CCR, Title 27, Sections 15185(a) and (c) and 15200(a) and (e)

[DTSC, OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from the CUPA's data management system or CERS, that includes: all open violations (no RTC) cited during the timeframe indicated below for each program element:

- All HWG Program violations (no RTC) cited between July 1, 2017, and September 30, 2023; and
- All APSA Program violations (no RTC) cited between January 1, 2017, and December 31, 2017, and between January 1, 2023, and September 30, 2023.

At minimum, the sortable spreadsheet will include the following information for each facility with open violations (no RTC):

- 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, a narrative of any applied enforcement or follow-up activity to ensure the facility obtains RTC.

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

Note: As established in the transition plan, effective July 1, 2025, TCEH will be responsible for following up with violations cited by the Trinity County DTSC CUPA to ensure enforcement is applied or RTC is obtained, unless an existing formal enforcement action is underway and has been initiated by the Trinity County DTSC CUPA prior to or on July 1, 2025. TCEH will not continue to report progress on obtaining RTC during the Evaluation Progress Report process of the 2023 Trinity County DTSC CUPA Performance Evaluation.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

2. DEFICIENCY:

The UST Permitted Operation(s) and Permit Conditions, issued as the UPFP, includes components that are inconsistent with CCR, Chapter 16 and HSC, Division 20, Chapter 6.7 requirements.

Review of the UST Permitted Operation(s) and Permit Conditions finds the following:

- The UST Permitted Operation(s) states, “Permits become void on change of ownership” and “Annual Fee Payments are NOT TRANSFERABLE”
 - This is more stringent than CCR, Chapter 16, Section 2712(d) and HSC, Section 25284(b), allowing for the transfer of permits.
- Page 2, Permit Condition (b)(1)(D) states, “The logs of all reading of gauges or other monitoring equipment, ground water elevations, or other test results, CALIFORNIA CODE OF REGULATIONS SECTIONS 2610 – 2728 85”
 - This is not a valid citation. The correct citation is CCR, Title 23, Section 2712 (b)(1)(D).
- Page 2, Permit Condition (c) states that the UST operating permit must include the state underground storage tank identification number.
 - The UST Permitted Operation(s) and Permit Conditions template does not include the state UST tank identification number, which is inconsistent with Permit Condition (c) and CCR, Title 23, Section 2712(c).
- Page 2, Permit Condition (e) states, “The DTSC TRINITY CUPA shall not renew an underground storage tank permit unless the storage tank has been inspected by the DTSC TRINITY CUPA or a special inspector within the previous 12 months and the inspection verified that the underground storage tank complied with the provisions of Article 3 or 4, as applicable, and with all existing permit conditions. The inspection shall be conducted as specified in section 25288 of Chapter 6.7 of Division 20 of the Health and Safety Code. If the inspection indicates noncompliance, then the DTSC TRINITY CUPA shall verify by a follow-up inspection that all required corrections have been implemented before reviewing the permit.”
 - This is inconsistent and more stringent than HSC, Section 25285(b), effective January 1, 2019.
- Page 2, Permit Condition (h) references applicable requirements of Chapter 6 and 6.75.
 - The CUPA does not have regulatory authority to enforce all of HSC, Chapter 6.75.
- Page 2, Permit Condition (j) states, “All primary containment shall be product-tight.”
 - This is less stringent for USTs that meet the design and construction elements of HSC, Sections 25290.1 and 25290.2.
- Page 2, Permit Conditions, cite HSC, Sections 25299.3 and 25299.7, and reference HSC, Sections 25284, 25285, 25286, 25288, 25289, 25293, 25294 and 25404; and Code of Federal Regulations (CFR), Title 40, Sections 280.30, 280.31, 280.32, 280.33, 280.34, 280.36, 280.45 and 281.32.
 - The CUPA does not have regulatory authority to enforce these citations. The correct citations are as follows:
 - CCR, Title 23, Sections 2610 through 2717.7
 - HSC, Chapter 6.7 Sections 25280 through 25296 and 25298 through 25299.6

Note: This Deficiency was identified as an Incidental Finding during the 2019 CUPA Performance Evaluation, relative to UPFP conditions indicating permit issuance and renewal is

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

based on compliance subsequent to the annual UST compliance inspection, as documented in the Final Summary of Findings issued June 19, 2023. Due to the delay in issuance of the Final Summary of Findings for the 2019 CUPA Performance Evaluation, and in preparation for the onset of the 2023 CUPA Performance Evaluation, the CUPA and CalEPA agreed to forego the Progress Report Process applicable to the 2019 CUPA Performance Evaluation, thus the Incidental Finding remains unresolved.

CITATION:

HSC, Chapter 6.7, Sections 258284(b), 25285(b), 25290.1, 25290.2 and 25297.01(b)
CCR, Chapter 16, Section 2712(d)
[State Water Board]

CORRECTIVE ACTION:

During the evaluation, the CUPA provided a revised UST Permitted Operation(s) and Permit Conditions template, which is consistent with CCR, Chapter 16, and HSC, Chapter 6.7 requirements.

By the 1st Progress Report, the CUPA will have issued the revised UST Permitted Operation(s) and Permit Conditions template to each UST facility and will provide CalEPA with the UST Permitted Operation(s) and Permit Conditions issued to three UST facilities using the revised template.

Note: The Trinity County DTSC CUPA issues UST Permitted Operation(s) and Permit Conditions to UST facilities after January 1st and before March 1st of each year.

3. DEFICIENCY:

The CUPA is not issuing the Unified Program Facility Permit (UPFP), which includes the UST Permitted Operation(s) and Permit Conditions, prior to, or upon the expiration date of an existing UPFP.

Review of facility files finds the following UPFPs, including the UST Permitted Operation(s) and Permit Conditions were issued to UST facility owners or operators after the expiration date of the previously issued UPFP:

- UPFPs issued on April 4, 2022, for the period of March 1, 2022, through March 1, 2023:
 - CERS ID 10165717
 - CERS ID 10207681
 - CERS ID 10207705
 - CERS ID 10207762
 - CERS ID 10207870
- UPFPs issued for the period of March 1, 2021, through March 1, 2022:
 - CERS ID 10165717: permit issued June 8, 2021
 - CERS ID 10207705: permit issued April 5, 2021
 - CERS ID 10207762: permit issued June 8, 2021
 - CERS ID 10207822: permit issued April 5, 2021
 - CERS ID 10207870: permit issued June 8, 2021
- UPFPs issued on May 21, 2020, for the period of March 1, 2020, through March 1, 2021:
 - CERS ID 10207681
 - CERS ID 10207705

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

- CERS ID 10207762
- CERS ID 10207822
- CERS ID 10207870

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

Note: This Deficiency was identified during the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued June 19, 2023. Due to the delay in issuance of the Final Summary of Findings for the 2019 CUPA Performance Evaluation, and in preparation for the onset of the 2023 CUPA Performance Evaluation, the CUPA and CalEPA agreed to forego the Progress Report Process applicable to the 2019 CUPA Performance Evaluation, thus this Deficiency remained uncorrected.

CITATION:

HSC, Chapter 6.7, Section 25284(a)
CCR, Title 23, Section 2712(c)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with the UPFP, including the UST Permitted Operation(s) and Permit Conditions, issued to the following six UST facilities:

- CERS ID 10165717
- CERS ID 10207681
- CERS ID 10207705
- CERS ID 10207762
- CERS ID 10207870
- CERS ID 10207822

Note: The Trinity County DTSC CUPA issues UST Permitted Operation(s) and Permit Conditions to UST facilities after January 1st and before March 1st of each year.

4. DEFICIENCY:

The CUPA is not consistently conducting complete annual UST compliance inspections.

Review of UST compliance inspection reports, associated testing and leak detection documents, and CERS information finds the following:

- Non-compliance was not observed, and a violation was not issued in CERS for the following:
 - CERS ID 10207681
 - Monitoring System Certification dated July 12, 2022, states the “87 control box relay needs replacing. Keeps sticking in the run position”
 - CERS Violation Library Violation Type Number 2030025 – Leak Prevention (USEPATCR 9d) and CERS Violation Library Violation Type Number 2030042 – Release Detection (USEPATCR 9d)
 - Monitoring System Certification dated June 6, 2023, states the “87 control box relay needs replacing. Keeps sticking in the run position”

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- CERS Violation Library Violation Type Number 2030025 – Leak Prevention (USEPATCR 9d)
 - Relay stuck in the run position prevents the turbine from being shut down, resulting in failure of the line leak detector to monitor the piping, as the piping is always pressurized.
 - No line integrity test performed at least once every 12 months nor monitoring system programed as fail-safe-positive shutoff.
 - CERS Violation Library Violation Type Number 2030042 – Release Detection (USEPATCR 9d)
- CERS ID 10165717
 - Spill Containment dated April 14, 2022, had 87 and 91 spill bucket testing marked as failing, but with comment “All buckets passed a 4 hour lake test.”
 - CERS Violation Library Violation Type Number 2060020 – Spill Prevention (USEPATCR 9a)
- Non-compliance was noted in the CUPA Annual UST Inspection Report; however, a violation was not issued in CERS for the following:
 - CERS ID 10207762
 - UST DW Inspection Report dated July 23, 2022, item 9, Failure to have a properly qualified service technician test leak detection equipment as required every 12 months, marked as out.
 - CERS Violation Library Violation Type Number 2030025 – Release Detection (USEPATCR 9d)
 - CERS ID 10207705
 - UST DW Inspection Report dated October 3, 2022, item 6, Owner/Operator made false statements, representation or certification on an application, record, or other document.
 - CERS Violation Library Violation Type Number 2010006
- UST construction, testing and inspection discrepancies:
 - CERS ID 10165717
 - Overfill Prevention Equipment (OPE) Inspection Report Form dated April 21, 2021
 - Marked for restrict flow, which does not match OPE listed in CERS.
 - Monitoring System Certification Form dated April 27, 2023
 - Sensors do not match CERS.
 - CERS ID 10207870
 - Monitoring System Certification forms dated September 25, 2023, September 26, 2022, and October 4, 2021
 - Section 7, is missing the simulated release rate verification.
 - Monitoring System Certification Form dated October 4, 2021
 - Section 5 is missing the answer to if sump and/or UCD sensors initiate positive shut down.
 - OPE Inspection Report Form dated October 21, 2021
 - Results are for flapper only, CERS also lists ball float and audio/visual alarms.
 - OPE Inspection Report Form dated October 10, 2018
 - Results are for flapper only, CERS also lists ball float and audio/visual alarms.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

- CERS ID 10207762
 - 2023 Annual Monitoring Certification (AMC) Form annular sensors do not match CERS.
 - Monitoring System Certification Form dated June 23, 2022

Review of UST facility files finds the following testing and leak detection documents missing from facility records:

- CERS ID 10207822
 - Secondary Containment Testing Report Form from 2018

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

Note: This Deficiency was identified during the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued June 19, 2023. Due to the delay in issuance of the Final Summary of Findings for the 2019 CUPA Performance Evaluation, and in preparation for the onset of the 2023 CUPA Performance Evaluation, the CUPA and CalEPA agreed to forego the Progress Report Process applicable to the 2019 CUPA Performance Evaluation, thus this Deficiency remained uncorrected.

CITATION:

CCR, Chapter 16, Sections 2631, 2636, 2637.1(d), 2637.2(d), 2638(c) and 2715
HSC, Chapter 6.7, Sections 25288 and 25290.1
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will:

- provide CalEPA with the annual UST compliance inspection checklist template utilized to conduct annual UST compliance inspections;
- contact the State Water Board and revise the annual UST compliance inspection checklist template as necessary:

By the 1st Progress Report, the CUPA will provide CalEPA with UST facility records for the three most recent completed UST compliance inspections, including, at minimum, annual UST compliance inspection reports and associated testing and leak detection documents.

Note: As established in the transition plan, effective July 1, 2025, TCEH will be responsible for conducting inspections. TCEH will not continue to report progress on conducting inspections during the Evaluation Progress Report process of the 2023 Trinity County DTSC CUPA Performance Evaluation.

5. DEFICIENCY:

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

Review of 11 HMBP CERS submittals provided by regulated businesses subject to Business Plan reporting requirements, finds the following 5 were accepted with missing or incomplete required elements:

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- CERS ID 10207747
 - Inventory submitted on March 7, 2023, and accepted on March 9, 2023
 - Missing required site map elements such as evacuation staging areas.
- CERS ID 10511011
 - Inventory submitted on January 25, 2023, and accepted on January 26, 2023
 - Missing required site map elements such as adjacent streets.
- CERS ID 10511041
 - Inventory submitted on April 2, 2023, and accepted on April 5, 2023
 - Missing required site map elements such as adjacent streets.
- CERS ID 10532881
 - Inventory submitted on January 31, 2021, and accepted on February 1, 2021
 - Missing required site map elements such as north orientation.
- CERS ID 10207867
 - Emergency Response and Training Plans submitted on February 2, 2024, and accepted on February 5, 2024
 - Missing immediate notification contacts to the appropriate unified program agency.

CITATION:

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

CORRECTIVE ACTION:

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

- steps to follow-up with regulated businesses having an HMBP submittal that was reviewed and not accepted due to identified missing or incomplete elements; and
- training of CUPA personnel on the steps to follow-up with regulated businesses having an HMBP submittal that was reviewed and not accepted due to identified missing or incomplete elements.

By the 2nd Progress Report, the CUPA will:

- provide CalEPA with a narrative update on the implementation of the action plan;
- provide training documentation, which at minimum will include the date training was conducted, and outline of the training conducted and a list of CUPA personnel in attendance of the training on steps to follow-up with regulated businesses having an HMBP submittal that was reviewed and not accepted due to identified missing or incomplete elements; and
- ensure each regulated business subject to Business Plan reporting requirements has annually submitted a complete HMBP to CERS, or the CUPA will have applied enforcement.

Note: As established in the transition plan, effective July 1, 2025, TCEH will be responsible for following up with enforcement, unless an existing formal enforcement action is underway and has been initiated by the Trinity County DTSC CUPA prior to or on July 1, 2025. TCEH will not

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

continue to report progress on review and acceptance of HMBP submittals during the Evaluation Progress Report process of the 2023 Trinity County DTSC CUPA Performance Evaluation.

6. DEFICIENCY:

The 2022 area plan is missing required elements and contains inaccurate information.

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

- 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 5020.1\(d\)](#)
- Provisions for training of emergency response personnel in the following areas:
 - Health and safety procedures for response personnel;
 - [CCR, Title 19, Section 5020.5\(a\)\(2\)](#).
 - Use of emergency response equipment and supplies;
 - [CCR, Title 19, Section 5020.5\(a\)\(3\)](#).
 - Procedures for access to mutual-aid resources;
 - [CCR, Title 19, Section 5020.5\(a\)\(4\)](#).
 - Identification of medical facilities capable of providing treatment appropriate for hazardous material incidents, to include pesticide drift exposure incidents;
 - [CCR, Title 19, Section 5020.5\(a\)\(5\)](#).
 - Evacuation plans and procedures;
 - [CCR, Title 19, Section 5020.5\(a\)\(6\)](#).
 - Monitoring and decontamination procedures for emergency response personnel and equipment;
 - [CCR, Title 19, Section 5020.5\(a\)\(7\)](#).
 - First-aid procedures for hazardous material incidents, including pesticide exposure;
 - [CCR, Title 19, Section 5020.5\(a\)\(8\)](#).
 - Procedures for informing the public during emergencies; and
 - [CCR, Title 19, Section 5020.5\(a\)\(9\)](#).
 - Psychological stress that may be encountered during disaster operations.
 - [CCR, Title 19, Section 5020.5\(a\)\(10\)](#).
- Procedures to identify all languages known to be spoken in the administering agency's county or city, as the case may be, and ensure that any individual is able to access services in their native language as required by Section 11135 of the Government Code. The area plan will outline what these services are and how they will be provided in the languages identified;
 - [CCR, Title 19, Section 5020.6\(d\)](#).
- Provisions for evacuation plans for the following elements:
 - Determination of the necessity for evacuation.
 - [CCR, Title 19, Section 5020.6\(g\)\(1\)](#).
 - Centralized coordination of information with local law, fire, public health, medical, and other emergency response agencies.
 - [CCR, Title 19, Section 5020.6\(g\)\(2\)](#).
 - Timely notification of the affected public, including release of safety information to the public and to the local Emergency Broadcast System and informing medical and health facilities of the nature of the incident and the substances involved in an incident.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- [CCR, Title 19, Section 5020.5\(g\)\(3\).](#)
 - Properties of hazardous materials, such as quantity, concentration, vapor pressure, density, and potential health effects.
 - [CCR, Title 19, Section 5020.5\(g\)\(4\).](#)
 - Possible release scenarios.
 - [CCR, Title 19, Section 5020.6\(g\)\(5\).](#)
 - Facility characteristics, topography, meteorology, and demography of potentially affected areas.
 - [CCR, Title 19, Section 5020.6\(g\)\(6\).](#)
 - Ingress and egress routes and alternatives.
 - [CCR, Title 19, Section 5020.6\(g\)\(7\).](#)
 - Location of medical resources trained and equipped for hazardous material response.
 - [CCR, Title 19, Section 5020.6\(g\)\(8\).](#)
 - Mass-care facilities, reception areas, and sheltering.
 - [CCR, Title 19, Section 5020.6\(g\)\(9\).](#)
 - Procedures for post-emergency period population recovery.
 - [CCR, Title 19, Section 5020.6\(g\)\(10\).](#)
- 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 5020.3\(a\)](#)
- Provisions for access to state approved and permitted hazardous waste disposal facilities and emergency response contractors.
 - [CCR, Title 19, Section 5020.3\(e\)](#)
 - [HSC, Section 25503\(c\)\(7\)](#)
- 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 5020.7\(b\)](#)

Review of the 2022 area plan finds the following information is inaccurate:

- Pages 9, 10, 20-22, 38, 42-43 – References to the California Emergency Management Agency (CalEPA) should be replaced with the California Office of Emergency Services (CalOES).

Note: Due to the response capabilities of TCEH and authority from the health officer, TCEH typically provides the area plan to the CUPA. The TCEH area plan was last updated March 2022. The CUPA has provided notification to TCEH regarding the missing and inaccurate information identified above. TCEH intends to address the missing and inaccurate information with the next update of the area plan, anticipated to occur between July and September of 2025.

CITATION:

HSC, Chapter 6.95, Section 25503(c)
CCR, Title 19, Division 5, Article 2, Sections 5020.1 through 5020.8
[CalEPA]

CORRECTIVE ACTION:

By the 2nd Progress Report, the CUPA will provide CalEPA with a narrative update on the status of TCEHD revising the area plan.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

7. DEFICIENCY:

The CUPA is not consistently documenting in sufficient detail whether the UST owner/operator has demonstrated to the satisfaction of the CUPA, that UST permanent closure, and soil and/or groundwater sampling complies with CCR, Title 23, Division 3, Chapter 16, Sections 2670 and 2672(d) (UST Regulations) and HSC, Division 20, Chapter 6.7, Section 25298(c).

Review of the UST facility files finds the CUPA did not document, in sufficient detail, satisfaction that tank closure complies with UST Regulations and HSC, and that closure records are maintained for UST closures at the following facilities.

- CERS ID 10207729
- CERS ID 10207702

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

Note: This Deficiency was identified during the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued June 19, 2023. Due to the delay in issuance of the Final Summary of Findings for the 2019 CUPA Performance Evaluation, and in preparation for the onset of the 2023 CUPA Performance Evaluation, the CUPA and CalEPA agreed to forego the Progress Report Process applicable to the 2019 CUPA Performance Evaluation, thus this Deficiency remained uncorrected.

CITATION:

HSC, Chapter 6.7, Sections 25283(b)(1)(B), 25296.10(g) and 25298(c)
CCR, Title 23, Sections 2670 and 2672(d)
[State Water Board]

CORRECTIVE ACTION:

By the 2nd Progress Report, with respect to facilities which have not been provided UST closure documentation, the CUPA will provide closure documentation in the event of a public request. Closure documentation will demonstrate the CUPA's satisfaction regarding UST closure, and soil and/or groundwater sampling complies with UST Regulations and HSC. If no public requests have been made for closure documentation, the CUPA will provide a statement that no such requests have been made.

Note: As established in the transition plan, the Trinity County DTSC CUPA will be providing facility information to TCEH. In the event a public request is made after July 1, 2025, TCEH will be responsible for providing the requested UST closure documentation.

8. DEFICIENCY:

The CUPA is not consistently requiring proper sampling and analysis of soil and/or groundwater as part of UST closure activities.

The CUPA is not requiring a minimum of two samples to be taken immediately beneath the removed portions of the UST, at a minimum of two feet into native material nor separate samples to be taken for each 20 linear feet of trench for piping.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

Review of UST facility files finds the CUPA did not properly sample soil and/or groundwater as part of UST closure activities at the following facility:

- CERS ID 10207702

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

Note: This Deficiency was identified as Deficiency 6 during the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued June 19, 2023. Due to the delay in issuance of the Final Summary of Findings for the 2019 CUPA Performance Evaluation, and in preparation for the onset of the 2023 CUPA Performance Evaluation, the CUPA and CalEPA agreed to forego the Progress Report Process applicable to the 2019 CUPA Performance Evaluation, thus this Deficiency remained uncorrected.

CITATION:

CCR, Title 23, Section 2672(d)
[State Water Board]

CORRECTIVE ACTION:

By the 2nd Progress Report, the CUPA will ensure UST closure activities include, at minimum:

- Taking soil samples immediately beneath the removed portions of the UST, at a minimum of two feet into native material at each end of the UST and/or groundwater samples if groundwater is found in the excavation pit.
- Taking separate samples for each 20 linear feet of trench for piping.
- Proper analysis of soil and/or groundwater samples;
- Providing a chain of custody for the proper number of samples taken;
- Permanent closure where USTs are closed, including taking a minimum of one boring sample as close as possible to the midpoint beneath the UST using a slant boring or other appropriate method.
- Providing documentation of proper disposal of the removed USTs or documentation that the USTs were filled with an inert solid;
- Providing UST closure documentation to the UST owner or operator which demonstrates to the satisfaction of the CUPA, UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC.

If no UST closures have occurred, the CUPA will provide a statement that no UST closures have occurred.

9. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA is not inspecting each facility subject to Hazardous Waste Generator (HWG) Program requirements, including Household Hazardous Waste (HHW) facilities, at least once every three years, per the inspection frequency established in the Inspection and Enforcement (I&E) Plan.

Review of inspection, violation, and enforcement information, also known as compliance, monitoring, and enforcement (CME) information in the California Environmental Reporting System (CERS), on March 26, 2024, between October 1, 2020, and September 30, 2023, finds:

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

- 14 of 57 (25%) facilities subject to HWG Program requirements, including HHW facilities, were not inspected within the last three years.
 - 4 of 57 (7%) facilities subject to HWG Program requirements, including HHW facilities, have not been inspected since 2016.

Note: This Deficiency was identified during the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued June 19, 2023. Due to the delay in issuance of the Final Summary of Findings for the 2019 CUPA Performance Evaluation, and in preparation for the onset of the 2023 CUPA Performance Evaluation, the CUPA and CalEPA agreed to forego the Progress Report Process applicable to the 2019 CUPA Performance Evaluation, thus this Deficiency remains uncorrected.

CITATION:

HSC, Chapter 6.5, Section 25201.4(b)(2)
CCR, Title 27, Section 15200(a)(3)(A)
[DTSC]

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA completed additional HWG facility inspections.

Review of CERS CME information on October 7, 2024, between October 1, 2020, and September 30, 2023, finds:

- 5 of 57 (9%) facilities subject to HWG Program requirements, including HHW facilities, were not inspected within the last three years.

This deficiency is considered corrected.

10. DEFICIENCY: CORRECTED DURING EVALUATION

The CUPA is not inspecting each APSA tank facility at least once every three years, in accordance with the I&E Plan.

Review of information provided by the CUPA, and CERS CME information on November 6, 2023, between November 6, 2020, and November 6, 2023, and finds:

- 4 of 10 (40%) APSA tank facilities that store 10,000 gallons or more of petroleum were not inspected within the last three years for compliance with SPCC Plan requirements of APSA.
- 7 of 19 (37%) other APSA tank facilities were not inspected within the last three years.

Note: This Deficiency was identified during the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued June 19, 2023. Due to the delay in issuance of the Final Summary of Findings for the 2019 CUPA Performance Evaluation, and in preparation for the onset of the 2023 CUPA Performance Evaluation, the CUPA and CalEPA agreed to forego the Progress Report Process applicable to the 2019 CUPA Performance Evaluation, thus this Deficiency remained uncorrected.

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

CITATION:

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

CORRECTIVE ACTION: COMPLETED

During the evaluation, the CUPA completed additional APSA tank facility inspections.

Review of CERS CME information on June 14, 2024, between November 6, 2020, and November 6, 2023, finds:

- 2 of 10 (20%) APSA tank facilities that store 10,000 gallons or more of petroleum were not inspected within the last three years for compliance with SPCC Plan requirements of APSA.
- 4 of 24 (17%) other APSA tank facilities were not inspected within the last three years.

This deficiency is considered corrected.

11. DEFICIENCY: CORRECTED DURING EVALUATION

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

Review of CERS CME information on February 20, 2024, between January 1, 2021, and December 31, 2023, finds:

- 32 of 142 (23%) facilities subject to HMBP requirements were not inspected within the last three years.

Note: This Deficiency was identified during the 2019 CUPA Performance Evaluation, as documented in the Final Summary of Findings issued June 19, 2023. Due to the delay in issuance of the Final Summary of Findings for the 2019 CUPA Performance Evaluation, and in preparation for the onset of the 2023 CUPA Performance Evaluation, the CUPA and CalEPA agreed to forego the Progress Report Process applicable to the 2019 CUPA Performance Evaluation, thus the Deficiency remained uncorrected.

CITATION:

HSC, Chapter 6.95, Section 25511(b)
[CalEPA]

CORRECTIVE ACTION:

During the evaluation the CUPA inspected additional facilities subject to HMBP requirements.

Review of CERS CME information on July 8, 2024, between April 1, 2021, and March 31, 2023, finds:

- 13 of 140 (9%) facilities subject to HMBP requirements were not inspected within the last three years.

This deficiency is considered corrected.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

INCIDENTAL FINDINGS REQUIRING RESOLUTION

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

1. INCIDENTAL FINDING:

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

The CUPA is not ensuring APSA tank facilities annually submit an HMBP to CERS, when an HMBP is provided in lieu of a tank facility statement.

Review of HMBPs on February 20, 2024, submitted to CERS between December 21, 2022, and February 20, 2024, by businesses subject to Business Plan reporting requirements finds:

- 25 of 142 (18%) Business Plan facilities have not submitted a chemical inventory (including site map) or a no-change certification.
- 24 of 142 (17%) Business Plan facilities have not submitted emergency response and employee training plans or a no-change certification.

Review of HMBPs on March 19, 2024, submitted to CERS between October 6, 2022, and November 6, 2023, by APSA tank facilities in lieu of tank facility statements finds:

- 7 of 34 (21%) APSA tank facilities have not submitted a chemical inventory and site map, including 2 APSA tank facilities that have never submitted a chemical inventory and site map.
- 7 of 34 (21%) APSA tank facilities have not submitted emergency response and employee training plans, including 2 APSA tank facilities that have never submitted emergency response and employee training plans.

CITATION:

HSC, Chapter 6.67, Section 25270.6(a)

HSC, Chapter 6.95, Sections 25505(a), 25508(a), and 25508.2

[CalEPA, OSFM]

RESOLUTION:

During the evaluation, additional HMBPs were submitted to CERS by APSA tank facilities in lieu of tank facility statements.

On October 7, 2024, review of HMBPs submitted to CERS between September 7, 2023, and October 7, 2024, by APSA tank facilities in lieu of tank facility statements finds:

- 6 of 34 (18%) APSA tank facilities have not submitted a chemical inventory and site map, including 2 APSA tank facilities that have never submitted a chemical inventory and site map.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- 6 of 34 (18%) APSA tank facilities have not submitted a chemical inventory and site map, including 2 APSA tank facilities that have never submitted a chemical inventory and site map.

This incidental finding is considered resolved relative to HMBPs submitted to CERS by APSA tank facilities in lieu of tank facility statements.

By the 1st Progress Report, the CUPA will develop, implement, and provide 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. The action plan, at minimum, will include how the CUPA will follow-up with businesses subject to Business Plan reporting requirements that have not annually submitted an HMBP to 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 the CUPA's data management system or CERS, that includes at minimum the following information for each regulated business subject to Business Plan reporting requirements that has not annually submitted an HMBP to CERS:

- Facility name;
- CERS ID;
- Follow-up actions including enforcement applied by the CUPA to ensure an HMBP or no-change certification is annually submitted to CERS.

By the 2nd Progress Report, the CUPA will ensure facility subject to Business Plan reporting requirements has annually submitted an HMBP to CERS, or the CUPA will have applied enforcement.

Note: The Trinity County DTSC CUPA requires businesses subject to Business Plan reporting requirements to submit an HMBP to CERS on or before March 1st. As established in the transition plan, effective July 1, 2025, TCEH will be responsible for following up with ensuring regulated businesses submit an annual HMBP or no-change certification to CERS, TCEH will not continue to report progress on review and acceptance of HMBP submittals during the Evaluation Progress Report process of the 2023 Trinity County DTSC CUPA Performance Evaluation.

2. INCIDENTAL FINDING:

The CUPA is not consistently or correctly reporting CME information to CERS for businesses subject to HMBP requirements.

Review of CERS CME information on February 20, 2024, between January 1, 2021, and December 21, 2023, inspection reports, and other information provided by the CUPA finds:

- Unified Program Violation Library Violation Type Number 1010 – “General – Administration/Documentation” is used to cite a violation not applicable to the HMBP program.
 - CERS ID 10207747: Inspection dated July 8, 2021:
- Unified Program Violation Library Violation Type Number 1030 - “General – Operations/Maintenance” is used to cite Fire Code violations.
 - CERS ID 10207747: Inspection dated July 8, 2021

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- CERS ID 10207762: Inspection dated June 24, 2020
- CERS ID 10511041: Inspection dated April 13, 2022
- Violations cited in inspection reports are not correctly reported to CERS.
 - CERS ID 10207747: Inspection dated November 3, 2015
 - The inspection report utilized is for the HWG Program and businesses subject to HMBP requirements. The inspection report cites a HWG Program training violation, and the violation is reported to CERS as an HMBP violation.

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

CITATION:

HSC, Chapter 6.11, Sections 25404(e)(4) and 25404.1.2(c)
[CalEPA]

RESOLUTION:

Effective immediately, the CUPA will cease reporting Fire Code violations and HWG Program violations to CERS as HMBP violations.

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure information in inspection reports and related HMBP CME information is consistently and correctly reported to CERS. The action plan will include, at minimum:

- Identification and correction of the cause(s) of inconsistent or incorrect reporting of HMBP CME information from inspection reports to CERS, including any inconsistencies in EDT from the CUPA's data management system to CERS;
- Review and revision of the CME reporting component of the Data Management Procedure, or other applicable procedure, to ensure HMBP CME information is consistently and correctly reported to CERS; and
- Training CUPA personnel on the action plan

By the 2nd Progress Report, the CUPA will:

- provide CalEPA with a narrative update on the progress made towards implementation of all components of the action plan; and
- consistently and correctly report all current and previous HMBP CME information to CERS.
 - The CUPA will provide a statement confirming all HMBP CME information not previously reported to CERS, or previously reported incorrectly to CERS, between January 1, 2021, and December 31, 2023, has been correctly reported to CERS. If a statement confirming all HMBP CME information has been correctly reported to CERS cannot be provided, the CUPA will provide a narrative update on the progress made towards consistently and correctly reporting HMBP CME information to CERS.

3. INCIDENTAL FINDING:

The Self-Audit Reports for FYs 2020/2021, 2021/2022, and 2022/2023 are missing required components.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

The following components are missing:

- An indication that the report is completed by September 30th of each year.
- The annual review and update of the fee accountability program as required by CCR, Title 27, Section 15220.

CITATION:

CCR, Title 27, Section 15280
[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.

By the 2nd Progress Report, due to the implementation of the Unified Program transitioning to TCEHD, effective July 1, 2025, in lieu of the CUPA providing a Self-Audit Report for FY 2024/2025, the CUPA will provide CalEPA with a completed Self-Audit Report covering the time period July 1, 2024, through May 31, 2025, which will include all required components.

Note: As established in the transition plan, TCEH will compile a Self-Audit Report for FY 2025/2026 covering the time period July 1, 2025, through June 30, 2026.

4. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA is not consistently or correctly reporting CME information to CERS for the HWG Program.

Review of CERS CME information on March 26, 2024, between October 1, 2020, and September 30, 2023, inspection reports and other information provided by the CUPA finds:

- Inspections for the following Household Hazardous Waste Collection Facilities (HHWCFs) were reported to CERS incorrectly as CME Program Type “HW”:
 - CERS ID 10207732: Inspection dated September 12, 2023
 - CERS ID 10207735: Inspection dated April 25, 2023
 - CERS ID 10207738: Inspection dated June 23, 2021
 - CERS ID 10207741: Inspection dated August 30, 2023
 - CERS ID 10207744: Inspection dated August 30, 2023
 - CERS ID 10207747: Inspection dated July 8, 2021

The correct CME Program Type for reporting HHWCF inspections to CERS is “HHW.”

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

CITATION:

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

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

RESOLUTION: COMPLETED

During the evaluation, as of December 12, 2024, the CUPA has correctly reported the CME Program Type for the 6 identified facilities. This incidental finding is considered resolved.

5. INCIDENTAL FINDING: CLOSED DURING EVALUATION

Required components of the I&E Plan are missing, inaccurate or incomplete.

Review of the I&E Plan finds the following component is missing:

- An indication that the I&E Plan is reviewed annually, at minimum.
 - The I&E Plan reflects a revision date of July 2019.

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

- Page 12, Section 1.4.5 Return to Compliance (RTC) times, after violations are noted in an inspection report or audit
 - Subsection A. Business Plans, incorrectly cites HSC, Section 25508(a)(2) for thirty days from the date of deficiency notice. The correct citation is HSC, Section 25508(a)(3).
- Page 32, Section 2.1.1 California Environmental Reporting Systems (CERS)
 - Subsection B. incorrectly cites HSC, Section 25508(a)(1)(A) for handlers to electronically submit a business plan annually to CERS. HSC, Section 25508(a)(1)(A) is specific for handlers that are required to submit Tier II information. The correct citation for handlers to electronically submit a business plan annually to CERS is HSC, Section 25508(a)(1).
- Page 37, Section 4.0 CalARP Performance Standards
 - The second paragraph incorrectly states, "Threshold quantities range from 1 pound to 20,000 pounds depending on the material". Table 3 lists thresholds below a pound. The language should be revised to reference the threshold quantities of regulated substances listed in Title 19 CCR, Section 5130.6 in Tables 1, 2, and 3.
- Page 40, Section 5.1.8, Revoking UST Permits
 - Chapter 6.75 is incorrectly cited and should be removed. The CUPA does not have the authority to cite Chapter 6.75, Petroleum Underground Storage Tank Cleanup.

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

- Provisions for ensuring the CUPA has sampling capability.
 - Provisions for ensuring sampling capability, such as methods to preserve physical evidence obtained through sampling, are incorporated by reference to the "DTSC Sampling Policy," which is DTSC Policy Number DTSC-OP-0005, issued June 29, 2017.
 - The "DTSC Sampling Policy" is not listed in an appendix or included as an attachment to the I&E Plan
 - Information within the "DTSC Sampling Policy" is not included in the I&E Plan.
 - The I&E Plan does not reference the "Hazard Appraisal & Recognition Plan", which is DTSC Policy 1031B, however, this policy contains required components of the I&E Plan.
 - The following sampling provisions are not addressed in the I&E Plan:

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- sampling capability of the CUPA
- associated training on how to sample
- equipment available for sampling
 - a description of sampling equipment is incorporated by reference to the “DTSC Sampling Policy.”
- interpretation of lab results
- Identification of penalties that are consistent and predictable for similar violations and no less stringent than California statutes and regulations.
 - Page 19, Section 1.7, Selecting an Appropriate Enforcement Response (subparagraph C) and Page 20, Section 1.8.3, Administrative Enforcement
 - The hazardous waste penalty matrices nor a regulatory reference as to where the hazardous waste penalty matrices can be located are included. Instead, reference to DTSC’s Enforcement and Emergency Response Division (EERD) Enforcement Response Policy, dated June 29, 2017, is included.
 - The hazardous waste penalty matrices can be located in CCR, Title 22, Sections 66272.61 through 66272.69.
- Provisions for addressing closure of a complaint.
 - closure of complaints are not adequately addressed.
 - Page 6, the Complaint Investigations section includes discussion of receipt and investigation of a complaint.
 - Page 9, Section C, includes discussion of enforcement of a complaint.

CITATION:

HSC, Chapter 6.7, Section 25297.01(b)
CCR, Title 27, Section 15200(a)
[CalEPA, DTSC, State Water Board]

RESOLUTION: COMPLETED

Due to the implementation of the Unified Program transitioning to TCEH, effective July 1, 2025, in lieu of revising the I&E Plan, the CUPA will:

- Ensure HSC, Section 25508(a)(2) is not cited nor referenced relative to RTC thirty days from the date of deficiency notice.
- Ensure HSC, Section 25508(a)(1)(A) is not cited nor referenced relative to requiring handlers to electronically submit a business plan annually to CERS.
- Ensure threshold quantities of regulated substances is referenced as listed in CCR, Section 5130.6, Tables 1, 2, and 3.
 - Page 37, Section 4.0 CalARP Performance Standards of the I&E Plan should not be used to reference threshold quantities of regulated substances.
 - The second paragraph incorrectly states, “Threshold quantities range from 1 pound to 20,000 pounds depending on the material”. Table 3 lists thresholds below a pound.
- Ensure Chapter 6.75 is not cited nor referenced relative to revocation of UST Permits, as the CUPA does not have the authority to cite Chapter 6.75.
- Continue to collectively utilize DTSC Policy Number DTSC-OP-0005 (“DTSC Sampling Policy,” issued June 29, 2017), DTSC Policy 1031B (“Hazard Appraisal & Recognition Plan”), and the existing components of the I&E Plan, to ensure sampling capability.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

- Utilize the hazardous waste penalty matrices (CCR, Title 22, Sections 66272.61 through 66272.69) to identify penalties that are consistent and predictable for similar violations and no less stringent than California statutes and regulations.
 - The Enforcement Response Policy dated June 29, 2017, of DTSC's Enforcement and Emergency Response Division (EERD) should not be used.
- Ensure adequate closure of complaints.

This incidental finding is considered closed.

6. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

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

Review of the UST facility files finds the manufacturer certification of the service technician expired prior to the date of testing for the following facilities:

- CERS ID 10165717
 - Monitoring System Certification Form dated April 14, 2022, by a technician with certification expired on May 2, 2021. Veeder Root certification without an expiration date.
 - Monitoring System Certification Form dated April 21, 2021, by a technician with Veeder Root certification expired in August 2020.
 - OPE Inspection conducted April 21, 2021, by a technician without manufacturer specific training and certification.
 - OPE Inspection conducted October 31, 2018, by a technician without manufacturer specific training and certification.
- CERS ID 10207822
 - Monitoring System Certification Form dated September 16, 2021, by a technician without VMI specific manufacturing training and certification.
 - OPE Inspection conducted October 5, 2018, by a technician without manufacturer specific training and certification.
- CERS ID 10207681
 - Monitoring System Certification Form dated July 7, 2022, by a technician with a VMI certification expired on June 24, 2022.

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

CITATION:

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

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided methods that will be used to confirm certification(s) of the technician meet the requirements of the manufacturer of the equipment being inspected and/or tested. This incidental finding is considered resolved.

7. INCIDENTAL FINDING: CLOSED DURING EVALUATION

The CUPA has not established all Unified Program administrative procedures.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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

The following administrative procedure has not been established:

- Forwarding Hazardous Material Release Response Plan (HMRRP) Information
 - Though first responders have been instructed to set up user accounts in CERS, the CUPA has not established procedures for forwarding HMRRP information to emergency response personnel and other appropriate government entities in accordance with HSC, Section 25504(c).

The following administrative procedures have components that are incomplete:

- Record Maintenance
 - Title 27, Section 15185(a) is referenced as the citation for this procedure, however the citation should also include Title 27, Section 15185(b).
- Public Participation
 - Public notices
 - The Public Participation Procedure addresses public notices specific to the state adopting, amending, or repealing a regulation. Public Participation procedures are required to coordinate, consolidate, and make consistent public notices for CUPA activities related to any Unified Program element.

CITATION:

CCR, Title 27, Sections 15180(e) and 15185(b)
[CalEPA]

RESOLUTION: COMPLETED

Due to the implementation of the Unified Program transitioning to TCEH, effective July 1, 2025, in lieu of developing and revising the administrative procedures, the CUPA will:

- Ensure HMRRP information is forwarded to emergency response personnel and other appropriate government entities in accordance with HSC, Section 25504(c).
- Retain the following information for a minimum of five years in accordance with CCR, Title 27, Section 15185(b):
 - Copies of self-audits, inspection reports, enforcement files
 - 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 CCR, Title 27, Section 15260 and any other required training records specific to each program element.
- Ensure public notices for CUPA activities related to any Unified Program element are coordinated, consolidated, and consistent.

This incidental finding is considered resolved.

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

OBSERVATIONS AND RECOMMENDATIONS

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

1. OBSERVATION:

The 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 50 regulated HWG facilities, including 6 HHWCFs and 2 Hazardous Waste Recyclers (Recyclers) within the jurisdiction of the CUPA.
 - CERS reflects no Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) facilities, and no Tiered Permit (TP) facilities.
- The CUPA's data management system reflects 57 regulated HWG facilities, 6 HHWCFs, and 1 RCRA LQG facility.
 - The CUPA's data management system reflects no TP facilities, and no Recyclers.
- The difference in the total number of HWG facilities reflected in CERS and the total number of HWG facilities reflected in the CUPA's data management system is likely due to some regulated facilities incorrectly identifying as HWGs in CERS.
- CERS reflects the CUPA inspected 43 of 57 (75%) regulated HWG facilities and conducted 43 HWG routine inspections and 0 HWG "Other" inspections.
 - 17 of 43 (40%) routine inspections had no violations cited.
 - 26 of 43 (60%) routine inspections had at least one violation cited.
 - In the 26 routine inspections conducted having at least one violation, 45 total violations were cited, consisting of:
 - 4 (9%) Class I violations
 - 2 (4%) Class II violations
 - 39 (87%) Minor violations
 - The CUPA has ensured RTC for 29 of 45 (64%) violations cited.
 - As of March 26, 2024, CERS reflects 59 open violations (no RTC) cited between October 26, 2016, and September 12, 2023.
- The inspection conducted on May 12, 2021, at CERS ID 10207822 incorrectly cites CCR, Title 22, Section 66266.130 for failing to retain consolidated manifests.
 - CCR, Title 22, Section 66266.130 is used for used oil filters that have been drained, exempt from regulation as a hazardous waste under the scrap metal provision found in federal law (40 CFR Section 261.6(a)(3)(iv)), and are shipped on a bill of lading.
 - Violations for retention of manifests should be supported with evidence of a HW shipment having been made. If there has been no evidence of a HW shipment, it is improper to cite a violation for retention of HW manifests.
 - The correct citation that should have been cited is CCR, Title 22, Section 66262.40(a).

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

- CERS reflects no formal enforcement actions were completed for hazardous waste related violations.
- Inspection reports document whether consent to inspect was requested prior to beginning the inspection.
- Violation observations and comments are consistently being entered into CERS.

RECOMMENDATION:

Continue with efforts to meet the three-year HWG inspection frequency as established in the I&E Plan.

Follow up with facilities that have not obtained RTC by the scheduled RTC date and apply enforcement when facilities do not RTC, per the I&E Plan, focusing efforts to obtain RTC for the most delinquent of all 59 open HWG violations.

Ensure inspection reports contain a detailed description of observations and factual basis for each cited violation and ensure comments in CERS reflect the detailed observations and factual basis for each violation cited in inspection reports to support any applicable enforcement efforts. Descriptions of observations and factual basis to support alleged violations, should be detailed enough to clearly demonstrate how a regulatory requirement was not met and support the violation classification. Ensure violations regarding retention of HW manifests or bills of lading are supported by qualified evidence. Corrective action language (i.e. language describing what must be done for the facility to obtain RTC) should be appropriately prescriptive and clearly describe what must be done for the facility to obtain RTC, including how corrective action documentation should be provided for RTC consideration.

Periodically review Business Activities submittals to identify new HWG facilities and facilities that fail to correctly identify as an HWG. The CERS Facility Listing (Details) download can be useful for this purpose. Additionally, it is recommended that the CUPA utilize US EPA's RCRAInfo database to identify RCRA LQGs within the jurisdiction of the CUPA. RCRA LQGs can be identified by confirming if the facility has submitted Biennial Reports through RCRAInfo.

Follow up with facilities that have incorrectly identified as HWGs in the Business Activities CERS submittal.

1. OBSERVATION:

On June 19, 2024, a Small Quantity Generator (SQG) oversight inspection was conducted at CERS ID 10207717.

Prior to the inspection, the inspector reviewed facility and submittal information in CERS and previous inspection reports. The inspector brought the CERS submittals as well as an inspection checklist to the facility. The pre-inspection preparation was appropriate, but not complete for the nature of the facility inspected.

The inspection was scheduled with the facility in advance. During the inspection, the inspector explained the purpose of the inspection, and clearly asked for and obtained consent to conduct the inspection. A full walkthrough of the facility was completed, with the exception of an area considered unsafe to inspect due to a cement mixer in operation above. The inspector observed all other areas where hazardous waste was generated and managed at the facility. The

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

inspector asked pertinent questions while maintaining control of the inspection. The appropriate documents required of SQG facilities were requested and reviewed, and a violation was noted when documents were not available for review.

The inspection report does not document key observations for determining a violation, such as the violation for labeling of HW containers does not describe the number of containers or where they are located in the facility; and the violation for accumulating waste anti-freeze over 270 days does not include the date of the last shipment or evidence of how the inspector knew the hazardous waste was accumulated for over 270 days.

After the inspection was completed, the DTSC evaluator informed the inspector that the facility's U.S. EPA ID number was reported as inactive in the Hazardous Waste Tracking System (HWTS). In response, the inspector took appropriate action and raised the issue with the facility representative(s). Suggestions for continuing training on those hazardous waste violation topics are detailed in the recommendation below.

The violations observed during the inspection were cited and reviewed with the facility representative(s) upon conclusion of the inspection. The violations cited in the inspection report contain a brief observation, correct citation(s), and corrective action(s).

Overall, the inspection was handled professionally and was conducted in a timely manner. The inspector demonstrated familiarity with general SQG requirements.

RECOMMENDATION:

Pre-inspection preparation should include review of the DTSC HWTS to identify any shipments of hazardous waste to or from the facility and to verify the status of the facility's U.S. EPA ID number.

The inspector is encouraged to take additional notes when conducting an inspection and incorporate those notes into the inspection report.

Include additional detail in inspection reports when drafting inspection observations. Incorporate the following topics into continuing training or improvement of inspector knowledge:

- HWTS – Transporter Quarterly Reports (TQR) should be reviewed ahead of time when inspecting facilities that primarily generate HW that is shipped on a consolidated manifest.
- DTSC Website – Review guidance on the Electronic Verification Questionnaire (eVQ) and maintaining an EPA ID number.

2. 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 March 5, 2024, finds the following UST monitoring and construction information is incorrect in accepted UST Program CERS submittals:

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

- 3 of 3 (100%) UST systems with secondary containment testing listed as “Yes” for continuous vacuum, pressure, or hydrostatic (VPH) systems:
 - CERS ID 10165717
- 2 of 20 (10%) UST systems with piping where the primary containment is blank:
 - CERS UST Tank ID 10207681-002
 - CERS UST Tank ID 10207681-003

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.

3. OBSERVATION:

The CUPA is accepting inaccurate or incomplete UST testing and leak detection information.

Review of UST compliance inspection reports, and associated testing and leak detection documents finds an outdated form was utilized for the following:

- An outdated form was utilized for the following:
 - CERS ID 10165717
 - 2021 and 2018 Overfill Prevention Equipment Inspection Form
 - 2023 and 2022 Spill Bucket Testing Report Form
 - 2023, 2022, and 2021 Monitoring System Certification Form
 - CERS ID 10207681
 - 2019 Overfill Prevention Equipment Inspection Form
 - 2022 and 2021 Spill Bucket Testing Report Form
 - CERS ID 10207705
 - 2023, 2022, and 2021 Spill Bucket Testing Report Form
- The following forms are missing the CERS ID for the applicable facility:
 - CERS ID 10207870
 - 2023 and 2019 Secondary Containment Testing Report Forms
 - CERS ID 10207822
 - 2023, 2022 and 2021 Monitoring System Certification Forms
 - 2023, 2022 and 2021 Spill Container Testing Report Form
 - 2021 Secondary Containment Testing Report Form
 - 2021 and 2018 Overfill Prevention Equipment Inspection Forms

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

RECOMMENDATION:

Continue to conduct detailed review of testing documentation to ensure information is accurate and complete. Reject forms that require corrections or are incomplete. Forms may be found on the website: <https://www.waterboards.ca.gov/ust/publications/forms.html>.

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

4. OBSERVATION:

The CUPA has webpages that contain various resources for the public and regulated community. However, the webpage at <https://dtsc.ca.gov/trinity-county-cupa/trinity-cupa-aboveground-petroleum-storage-act-program/> contains the following sections with information that is incorrect or outdated and may benefit from improvement:

- Program Overview
 - The definition of an APSA ‘tank facility’ is incorrect. Tank facilities regulated under APSA are described in HSC, Section 25270.3, which include tank facilities that are subject to the Federal SPCC rule, tank facilities that store 1,320 gallons or more of petroleum, and tank facilities with one or more 55-gallon or larger TIUGAs.
 - Replace the word ‘businesses’ with ‘tank facilities.’
- Types of APSA Facilities
 - Update the first sentence in section 1- APSA Exempted Facilities as follows, “A tank facility located on *and operated by* a farm, nursery, logging site, or construction site...”
 - In sections 2, 3, and 4, replace petroleum with oil. A qualified facility is a Federal SPCC rule term, and the SPCC rule regulates all oils, not just petroleum.
 - In sections 2 and 3, update the following statement related to reportable discharge history, “Within any 12-month period, three years prior to Plan certification date, *or since becoming subject to the SPCC rule if the facility has been in operation for less than three years*, has had...”
 - In section 3, the link is broken for the Tier II Qualified Facility SPCC Plan template (<https://osfm.fire.ca.gov/Error-Pages/404>).
- APSA Forms and Publications
 - The link to How to Prepare Your Own SPCC Plan by San Diego County is no longer valid (https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hmd_apsa/hmd_tier_1_template_course.html).
- Flowchart
 - Update the text to reflect the current statute by incorporating the two other tank facilities regulated under APSA: a tank facility subject to the Federal SPCC rule and a tank facility with one or more 55-gallon or larger TIUGAs.
 - Update the statement on farms, nurseries etc. as follows, “A tank facility located on *and operated by* a farm, nursery, logging site, or construction site...”
 - Regarding the qualified facility status determination or determining the type of SPCC Plan to prepare, all *oils* subject to the Federal SPCC rule must be included in a facility’s total storage capacity, not just petroleum. Replace petroleum with oil in two statements.

Additionally, the webpage at <https://dtsc.ca.gov/trinity-county-cupa/> contains the following sections with information that may benefit from improvement:

- Various links are broken under Vision, including the Aboveground Storage Tanks link (<https://dtsc.ca.gov/imperial-county-cupa/trinity-cupa-aboveground-petroleum-storage-act-program/>)

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

RECOMMENDATION:

Update the webpages as indicated above.

5. 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.

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, CERS Central, on the Businesses webpage at <https://cers.calepa.ca.gov/businesses/> and on the CalEPA Unified Program Publications and Guidance webpage at <https://calepa.ca.gov/cupa/publications/>.

6. OBSERVATION:

As of November 6, 2023, the CERS reporting requirement is set as “APSA Applicable” for 34 APSA tank facilities. Information provided by the CUPA identifies 36 APSA tank facilities.

- 33 APSA tank facilities are identified in both CERS and the CUPA’s data management system.
- 1 facility is identified as “APSA Applicable” in CERS but is not identified as an APSA tank facility by the CUPA.
- 3 facilities are identified by the CUPA as “APSA Applicable” but are not identified as APSA tank facilities in CERS.

RECOMMENDATION:

Determine if each facility identified as “APSA Applicable” in CERS and not identified as an APSA tank facility in the CUPA’s data management system should be regulated under APSA.

Determine if each facility identified as an APSA tank facility in the CUPA’s data management system and not identified as “APSA Applicable” in CERS should be regulated under APSA.

Complete the reconciliation of the APSA Program information in the CUPA’s data management system with CERS to ensure all APSA tank facilities are consistently identified in the CUPA’s data management system and in CERS.

- If a facility is not subject to being regulated under APSA, the APSA reporting requirement should be set to “APSA Not Applicable” in CERS and the facility should not be identified as an APSA tank facility in the CUPA’s data management system.
 - If a facility is subject to being regulated under APSA, the APSA reporting requirement should be set to “APSA Applicable” in CERS and the facility should be identified as an APSA tank facility in the CUPA’s data management system.
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7. OBSERVATION:

The Standard Operating Procedures contain information that may benefit from improvement.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

- Page 3, Table of Contents: Replace the outdated “Uniform Fire Code (UFC)” with the California Fire Code (CFC).
- Page 4, Table 1: Change “AST” facilities to “APSA” facilities.
- Page 5, Aboveground Storage Tank: Change ‘Aboveground Storage Tank’ to APSA. Replace ‘businesses’ with facilities or tank facilities. The statement on inspection should be clarified and should be consistent with the frequency on Page 4, Table 1. The statement that tank facilities are required to have the SPCC Plan available on-site applies to those that are normally attended at least four hours per day, otherwise the SPCC Plan may be maintained at the nearest field office.
- Page 12, Section D: The 30-day RTC timeframe for minor violations applies to all Unified Program regulated facilities, including APSA tank facilities, per HSC, Section 25404.1.2(c)(1).
- Pages 28-29, Section D: Include HSC, Section 25270.12.1 (administrative penalties).
- Page 47, Sections 6.0 and 6.1: Change ‘Aboveground Storage Tank (AST)’ to APSA. Replace ‘businesses’ with facilities or tank facilities. Include the other tank facilities subject to APSA as described in HSC, Section 25270.3. Not all tank facilities are required to prepare an SPCC Plan under APSA if certain conditions are met. The inspection schedule for tank facilities storing less than 10,000 gallons of petroleum conflicts with the inspection frequency noted on Pages 4-5.
- The following references to CCR, Title 19 are outdated as a result of the amendments to CCR, Title 19, Division 2, Chapter 4, Sections 2640 through 2671, appendices and Chapter 4.5, effective March 6, 2024:
 - Page 37, CCR, Title 19, Section 2770.5 List of Substances Tables 1, 2, and 3.
 - Replace the reference to Section 2770.5 with Section 5130.6
 - Page 37, Performance Audit Standards
 - Replace the reference to CCR Title 19, Section 2780.5 with Section 5150.5
 - Page 38: Dispute Resolution
 - Replace the reference to CCR, Title 19, Section 2780.1 with Section 5150.1
 - Page 51, Section 8.0
 - Replace the reference to CCR, Title 19, Division 2, Chapter with CCR, Title 19, Division 5, Chapter 1.

The organization and structure of the Standard Operating Procedures (SOP) document may benefit from improvement.

- There is discrepancy between the page numbers listed on portions of the table of contents and the actual page numbers where the information is located.
 - For example, the table of contents lists Data Management procedures on Page 63 however, there are only 58 pages in the I&E Plan.
- Most Unified Program administrative policies and procedures, including the I&E Plan, are included within the SOP document. Though CCR, Title 27 does not stipulate administrative policies and procedures are to be maintained separate from the I&E Plan, it may benefit the functionality of the I&E Plan to only include procedures specific to inspection and enforcement, and it may benefit the functionality of the SOP to only include Unified Program administrative policies and procedures for overall Unified Program implementation.

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

RECOMMENDATION:

Provide the Trinity County Environmental Health Department with the identified aspects of the Standard Operating Procedures that may benefit from improvement.

8. OBSERVATION:

The CUPA is not consistently reporting CERS CME information for the APSA Program.

Review of CERS CME information and inspection reports provided by the CUPA finds APSA Program information for the following facility is missing:

- CERS ID 10002013
 - An inspection report dated May 13, 2021, is not reported to CERS.

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

RECOMMENDATION:

Identify and correct the cause(s) of inconsistent or incorrect reporting of APSA CME information from inspection reports to CERS, including any inconsistencies in EDT from the CUPA's data management system to CERS. Review, and revise, if necessary, the CME reporting component of the Data Management Procedure, or other applicable procedure, to ensure APSA CME information is consistently and correctly reported to CERS, and train APSA inspection staff on the Data Management Procedure, or other applicable procedure. Establish a quality assurance and quality control process to confirm all APSA CME information is consistently and correctly reported to CERS.

9. OBSERVATION:

The area plan contains information that may benefit from improvement:

- Page 9: The list of Unified Program elements is missing the Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements, which are consolidated with HMBP requirements.
- Page 41: The outdated 2001 edition of the CFC is referenced. Remove the edition (year) or update with reference to the current 2022 edition.

RECOMMENDATION:

Provide the Trinity County Environmental Health Department with the identified information to improve the area plan.

10. OBSERVATION:

Existing references to citations in CCR, Title 19, Division 2, Chapters 4 and 4.5 in administrative procedures, standard operating procedures and other documents associated with the HMBP and CalARP Program may be outdated.

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

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

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

RECOMMENDATION:

Update any applicable policies, procedures, or other documents to reflect the new citation references to CCR, Title 19 for the HMBP and CalARP Programs using the “regulatory crosswalk” developed by CalEPA, as Guidance Document 24-01, available 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>.
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11. OBSERVATION:

On June 18, 2024, a UST oversight inspection was conducted at CERS ID 10207762 during the annual monitoring system certification, spill containment testing, secondary containment testing, and overfill prevention equipment inspection. The UST facility inspected consisted of two USTs with safe suction piping. The service technician and facility operator were on site for the inspection. The inspector was knowledgeable, performed review of documentation, and performed visual inspection of sumps, spill buckets, and under dispenser containment.

Review of the inspection documentation finds that the inspector did not cite all violations observed at the inspection. Safe suction requires a method that readily demonstrates if the pipe meets all the requirements of Section 2636(a)(3)(D). The method provided did not confirm the system was safe suction.

RECOMMENDATION:

Continue to perform thorough UST inspections, and consistently document observed violations.