



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Certified Mail: 7015 1660 0000 1619 0430

October 12, 2015

Ms. Melissa Martel, Director
Environmental Health Division
Humboldt County
100 H Street, Suite 100
Eureka, California 95501

Dear Ms. Martel:

On September 22 - 23, 2015, the California Environmental Protection Agency (CalEPA), the CAL FIRE - Office of the State Fire Marshal (OSFM), and the State Water Resources Control Board (SWRCB) conducted a Unified Program evaluation of the Humboldt County Environmental Health Division Certified Unified Program Agency (CUPA). The evaluation comprised of an in-office review of regulated facility files and records.

Upon closing of the evaluation, the Unified Program Evaluation Team (team) developed a preliminary Summary of Findings, which identified program deficiencies and provided corrective actions with timeframes for correction. Program observations, recommendations and examples of outstanding implementation were also noted.

Enclosed, please find the final Summary of Findings. Based upon review and completion of the evaluation, the implementation and performance of the Unified Program by the CUPA is considered to meet or exceed Unified Program standards. Congratulations on a well-managed program.

The final Summary of Findings will be posted at:

<http://cersapps.calepa.ca.gov/Public/Directory/CUPAEvaluationDocuments>

During the evaluation, CalEPA also noted the CUPA has worked to bring about a number of local program innovations, including outstanding leadership and outreach to the community and neighboring CUPA's.

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

If you have any questions or need further assistance, please contact the team lead, Katrina Valerio, at (916) 323-2204 or John Paine, Unified Program Manager, at (916) 327-5092.

Sincerely,

Original signed by Jim Bohon

Jim Bohon
Assistant Secretary for Local Program Coordination and Emergency Response

Enclosure

cc sent via email

Mr. Larry Lancaster, Supervisor
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Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Ms. Katrina Valerio
Unified Program Evaluation Team Lead
California Environmental Protection Agency



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CERTIFIED UNIFIED PROGRAM AGENCY
FINAL SUMMARY OF FINDINGS

EVALUATION DATE(S):	September 22 – 23, 2015				
CUPA:	Humboldt County Environmental Health				
EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	SWRCB	CAL FIRE - OSFM
	Katrina Valerio	Matthew McCarron	Not Attending	Sean Farrow	Denise Gibson

This **FINAL SUMMARY OF FINDINGS** includes:

- deficiencies identified during the evaluation
- program observations and recommendations
- examples of outstanding program implementation

The findings contained within this evaluation report are considered final.

Based upon review and completion of the evaluation, the Unified Program implementation and performance of the CUPA are considered to be:

meets or exceeds Unified Program standards.

Questions or comments regarding this evaluation should be directed to **CalEPA Evaluation Team Lead**.

All deficiencies corrected prior to the completion of the evaluation. No updates are required.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA's local information management system is not able to transfer inspection, violation and enforcement information to CERS using the data elements in the data exchange technical specifications provided by CalEPA.</p> <p>Specifically, the activity codes established in the CUPA's data management system do not accurately differentiate routine and other inspections for the UST program element. This has resulted the double reporting of routine UST inspections conducted for fiscal year (FY) 2014/2015.</p> <p>During the evaluation, the CUPA identified all inspections that were incorrectly transferred to CERS as routine inspections, and established a new code for "other" inspections. The CUPA was able to correct the inspection type for 73 out of 73 facilities prior to the of the evaluation.</p>	<p>Correction of this deficiency was completed prior to the end of the evaluation.</p>
	CITATION:	
	CCR Title 27 Section 15110 (f)(2) [CalEPA] CCR Title 27 Section 15187 (c)	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA is implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. OBSERVATION:	The CUPA's self-audit report contains all required elements, however the CUPA's fee accountability study contains a narrative describing how the CUPA accounts for amount billed, and for revenue collected without disclosing the actual amounts of revenue and expenditure.
RECOMMENDATION:	CalEPA recommends that the CUPA disclose the amount of revenue and expenditure in the fee accountability section of the annual self-audit report.
2. OBSERVATION:	The CUPA is reviewing its Inspection and Enforcement Plan (I & E) at least once annual. The official I & E Plan goes through an official approval process when changes are made and contains a routing slip with a date and signature. There is no such document that indicates that review was carried out. CalEPA was able to determine that the CUPA has reviewed the I & E Plan more than once annually based on notation in the CUPA's SYSTEM IMPROVEMENT PLAN (SIP).
RECOMMENDATION:	CalEPA recommends that the CUPA note annual reviews of the I & E Plan either with the I & E Plan or in the annual self-audit report in years where the I & E Plan does not require revision.
3. OBSERVATION:	The CUPA is very efficient in maintaining a two-year inspection schedule for the APSA program, as outlined in the I & E Plan. During the OSFM review of the CUPA files and inspection reports, OSFM found that nine out of the thirteen facility files had return to compliance records but no documentation was included in the updated SPCC plan. The return to compliance information was only found when talking with CUPA inspectors for these facilities.
RECOMMENDATION:	OSFM recommends that the CUPA inspectors document the revision date of the SPCC plan whenever an SPCC Plan is reviewed.
4. OBSERVATION:	The CUPA is still using an outdated CUPA Forum Tier II template.
RECOMMENDATION:	OSFM recommends the CUPA utilize the Tier II template located at http://osfm.fire.ca.gov/cupa/apsa.php . This link also includes the revised USEPA SPCC Guidance for Regional Inspectors, which the CUPA may review as well.

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EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS

5. OBSERVATION:
Based on review of the CUPA files OSFM is concerned that the CUPA may have recycled USTs to ASTs within its jurisdiction.
RECOMMENDATION:
OSFM recommends the CUPA reviews the OSFM Information Bulletin 14-005 and Addendum 14-005 at http://osfm.fire.ca.gov/informationbulletin/informationbulletin.php . These information bulletins discuss how to identify recycled UST tanks, and codes, and laws related to these tanks.
6. OBSERVATION:
The CUPA is conducting inspection consistent with the two year inspection frequency identified in the CUPA's I & E Plan. Inspection data for the last three FYs are provided below and extracted from the FY 2012/2013 annual summary report and CERS: <ul style="list-style-type: none">• 569 hazardous waste generators were identified in FY 2012/2013 of which 304 were inspected• 548 hazardous waste generators were identified in FY 2013/2014 of which 234 were inspected• 557 hazardous waste generators were identified in FY 2014/2015 of which 261 were inspected.
RECOMMENDATION:
DTSC recommends that the CUPA continue its high frequency of inspections.
7. OBSERVATION:
The FY 2013-2014 self audit report states that there are 548 hazardous waste generators in the CUPA's jurisdiction. The list of current facilities from CERS on September 18, 2015 shows 617 businesses that are in the hazardous waste generator universe. The list from the Hazardous Waste Tracking System (HWTS) system on September 18, 2015 shows 683 active EPA ID numbers. There may be some turnover in businesses that have duplicate numbers at the same address, but there may be several new businesses that have not been captured in the CUPA registration efforts.
RECOMMENDATION:
DTSC recommends that the CUPA use the lists from HWTS and CERS to check for new and or unpermitted hazardous waste generators.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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EVALUATION: **FINAL SUMMARY OF FINDINGS**

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- 1. Outreach** – The CUPA has an exemplary record for public and in-house customer service and communication. To ensure facilities keep up with electronic reporting requirements, the CUPA has hired staff specifically dedicated to assisting facility operators with CERS compliance. Staff travel to facilities and assist facility operators with entering and uploading submittal documentation. Additionally, the CUPA sends out a letter reminding facilities of their obligation to recertify Business Plan information annually. The letter includes a quick guide that details the steps necessary to complete an electronic recertification. As a result of the CUPA's efforts, 95% of facilities in Humboldt County current with their annual business plan certification.

On July 25, 2012, the CUPA provided correspondence to all regulated Unified Program facilities regarding the requirements for the electronic reporting requirements beginning January 1, 2013. The correspondence includes five (5) dates and locations for training opportunities for owners and operators to meet with CUPA staff and get familiarized with the electronic reporting requirements. Trainings were held in the following cities:

- Willow Creek on August 1, 2012;
- Fortuna on August 8, 2012;
- Trinidad on August 15, 2012;
- Garberville on August 22, 2012; and
- Eureka on August 29, 2012.

On March 7, 2014, as part of the CUPA's annual correspondence to all Unified Program Facilities, violation codes from CERS applicable to each facility were provided. The correspondence also communicated to owners/operators what is included as part of the UST inspection. The 2015 annual correspondence, dated February 2, 2015, further defined the routine inspection requirements and provides a link to the CERS website where owner and operators can view and download violations for their regulated facility(s).

In July 2015, the CUPA conducted a presentation regarding the CERS First Responder function to the Humboldt County Fire Chiefs. The CUPA also conducted an emergency response drill in August 2015 from Hazardous Materials Emergency Preparedness grant funds. The CUPA continues to maintain a high level of communication and trust, within their department, the public, and other governmental agencies.

- 2. Inspection and Enforcement Program** – The CUPA meets or exceeds mandatory inspection frequencies for all programs. The CUPA is meeting the required annual inspection frequency for Underground Storage Tank Facilities, has established a biennial inspection frequency for Aboveground Storage Tanks, Business Plan, and Tiered Permitting, and is meeting or exceeding a triennial inspection frequency for CalARP and Hazardous Waste Generator facilities. In most cases, the CUPA is able to conduct inspections electronically.

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The CUPA continues to find innovative ways to pursue hard to reach violators many of whom are proprietors of facilities that participate in clandestine activities. The CUPA created positions dedicated to pursuing enforcement. The CUPA has utilized the Sherriff department's Civil Service staff to serve facility owners. Private investigators have been employed to stake out and serve clandestine facilities. The CUPA has collaborated with detectives to acquire surveillance video and compile forensic evidence from illegal dumping sites to build a case that resulted in the arrest of responsible parties. The CUPA is continuing to research new ways to notify clandestine, and is researching the viability of serving Administrative Enforcement Orders though publishing notifications in the local newspaper.

- 3. Facilities of Concern** - The CUPA has created a process for inspectors to document and notify management of hazardous conditions at a regulated facility that will negatively impact or impede the inspectors ability to perform their duties. The completed facility of concern report form identifies the hazardous conditions and outlines a plan to mitigate the hazard. Hazards may include unsafe business activities that require additional safety measures, or even individuals that threaten an inspector or the inspection process.

- 4. Programmatic Review** – The CUPA has developed an outstanding approach to criticism. A complaint by the public about the CUPA's single fee structure led to a complete review of the CUPA's single fee program. completed a review of its single fee system. The impetus for this review was a complaint from the community that fees were excessive. through the fee study, completed in 2012, the CUPA discovered that existing fees were appropriate, but also that the fee schedule could be revised to better reflect the time required by program element rather than facility risk. The CUPA presented the outcome of the fee study at the 2014 CUPA Training Conference so that other CUPA's may benefit from Humboldt County's experiences.

After the fee study, and in response to issues discovered during the closure of the local pulp mill, the CUPA decided to scrutinize its practices and in December 2013 further, completed a review of the entire program. The System Review identified areas where improvement may be advised. The CUPA used the findings from the System Review and created a SIP. The SIP is comprehensive and provides a list of action items peer inspections, team approach to high-risk facilities, enforcement, and other outstanding aspects, which the CUPA has already incorporated in their program.

Additionally, to ensure files arrive where they need to be, the CUPA has created a "Communication Form" to help route data and file management through the many staff hands. This form incorporates the following sections: Inspector Complete; Program manager/Supervisor and Clerical with a final review signature and date for the Senior/Supervisor.

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EVALUATION: **FINAL SUMMARY OF FINDINGS**

- 5. Outstanding Unified Program Leadership** - The CUPA has been very instrumental in the training and development of UST inspection staff in Del Norte County. Upon the request of the State Water Board, the Humboldt County CUPA provided necessary tools such as the UST inspection cheat sheet and UST inspection training for a newly ICC UST certified inspector. The results of the training have been greatly noticed by the State Water Board staff during the UST oversight inspection conducted September 24, 2015 in Del Norte County.