



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Certified Mail: 7015 1660 0000 1619 0423

October 30, 2015

Ms. Carla Serio, Director
Environmental Health Division
Shasta County
1855 Placer Street, Suite 201
Redding, California 96001

Dear Ms. Serio:

On July 21 - 22, 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 Shasta County Department of Resource Management Certified Unified Program Agency (CUPA). The evaluation comprised of an in-office review.

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 to ensure businesses meet electronic reporting requirements.

Ms. Carla Serio, Director
Page 2

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. Jim Whittle
CUPA Program Manager
Environmental Health Division
Shasta County
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Redding, California 96001

Mr. Sean Farrow
Environmental Scientist
State Water Resources Control Board
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Ms. Jenna Yang
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Ms. Carla Serio, Director
Page 3

cc sent via email

Mr. Greg Andersen, Chief
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Mr. Thomas E. Campbell, Chief
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Mather, California 95655

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

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

CERTIFIED UNIFIED PROGRAM AGENCY

FINAL SUMMARY OF FINDINGS

EVALUATION DATE(S):	July 21 – 22, 2015				
CUPA:	Shasta County Environmental Health Division				
EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	SWRCB	CAL FIRE - OSFM
	Katrina Valerio	Not Attending	Not Attending	Sean Farrow	Jenna Yang

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 program standards

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

All deficiencies were corrected prior to the issuance of the final report.
No Deficiency Progress Reports will be required for this evaluation.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not maintaining the resources needed to implement the Unified Program as identified in its fee accountability program.</p> <p>The CUPA's Fiscal Year (FY) 2013/2014 <i>Review of the CUPA Fee Accountability Program</i> identifies 3.5 Full Time Equivalents (FTE) necessary to implement the program. Over the last few years, the CUPA has experienced recurring turnover of inspection staff. Due to the vacancy, the CUPA has experienced an annual funding surplus of more than 20% annually over the last three years.</p> <p>During FY 2012/2013, the CUPA collected \$512,464.99 in fees. Expenses for the same FY were estimated at \$380,595.</p> <p>During FY 2011/2012, the CUPA collected \$526,754.97 in fees. Expenses for the same FY were estimated at \$411,673.</p> <p>During FY 2010/2011, the CUPA collected \$469,060.86 in fees. Expenses for the same FY were estimated at \$361,000.</p> <p>The CUPA hired additional staff during the 2014/2015 fiscal year and the surplus reduction will be reflected in the FY 2014/2015 fee accountability review. The CUPA is also in the process of hiring an additional CUPA inspector. Filling of the additional vacancy should reduce the remaining revenue surplus by the close of FY 2015/2016.</p>	<p>This deficiency was corrected prior to the issuance of the final Summary of Findings Report.</p> <p>The CUPA provided a response letter dated October 7, 2015 to CalEPA documenting the correction of this deficiency.</p> <p>On August 24, 2015, the CUPA hired an additional inspector. The additional staff will increase the CUPA's expenditures by 28% annually eliminating the salary savings surplus.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

	<p>Despite the challenge of having fewer than necessary staff, the CUPA has been able to maintain its inspection frequencies, ensure facilities return to compliance, and assist facilities with electronic reporting requirements. The ability to meet program standards while understaffed is a credit to the experience and dedication of the CUPA Staff and management.</p> <p>CITATION:</p> <p>HSC, Chapter 6.11, Section 25404.4(a)(1) HSC, Chapter 6.11, Section 25404.5(a)(2)(A) CCR, Title 27, Section 15170 (a)(2)(C) CCR, Title 27, Section 15220 (a)(1)(C) [CalEPA]</p>	
2.	<p>DEFICIENCY:</p> <p>The CUPA did not report inspection, violation, and enforcement information for all program elements into the California Environmental Reporting System (CERS).</p> <p>Specifically, the CUPA has not reported all inspection, violation, and enforcement information for FY 2013/2014.</p> <p>The following is a list comparison (by program element) between the inspections reported into CERS and the inspections noted in the CUPA's Self-Audit Report for FY 2013/2014:</p> <ul style="list-style-type: none">• 170 of the 209 Hazardous Materials Business Plan (HMBP) - inspections noted in the Self-Audit Report were reported into CERS.• 14 of the 24 Aboveground Petroleum Storage Tank Act (APSA) inspections noted in the Self-Audit Report were reported into CERS.	<p>CORRECTIVE ACTION:</p> <p>This deficiency was corrected prior to the issuance of the final Summary of Findings Report.</p> <p>The CUPA provided a response letter dated October 7, 2015 to CalEPA documenting the correction of this deficiency.</p> <p>All inspections listed in the deficiency have been entered into CERS.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

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	<ul style="list-style-type: none">96 of the 126 Hazardous Waste Generator (HWG) inspections noted in the Self-Audit Report were reported into CERS.	
	CITATION:	
	CCR, Title 27, Section 15290(b) [CalEPA]	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

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: During the 2012 evaluation, CalEPA observed a lack of documentation in the facility files for civil or criminal cases that were referred to the Circuit Environmental Prosecutor. Since then, the CUPA has revised its case referral process and now includes thorough and complete documentation of the confidential referrals in facility files. RECOMMENDATION: CalEPA appreciates the CUPA's response to the observation made during the previous evaluation and recommends that the CUPA continue to retain formal enforcement documentation in the facility files.
2.	OBSERVATION: The "Enforcement Section" of the CUPA's Inspection and Enforcement (I & E) Plan inappropriately references Health and Safety Code (HSC) Chapter 6.67, Section 25270.5 as enforcement authority on pages 10 and 32. HSC 6.67, Section 25270.5 is not related to enforcement, but is the requirement for the CUPA to conduct triennial inspections at APSA facilities that have a storage capacity of 10,000 gallons or more of petroleum. RECOMMENDATION: Office of the State Fire Marshal (OSFM) recommends that the CUPA revise pages 10 and 32 of their plan to include the following correct reference citations: <ul style="list-style-type: none">• page 10 – "HSC 6.67 (commencing with Section 25270);" and,• page 32 - "HSC 6.67, Section 25270.12".
3.	OBSERVATION: The Aboveground Petroleum Storage/SPCC (Spill Prevention Control and Countermeasure) Plan page of the CUPA's website has hyperlinks to several documents applicable to the APSA program or federal SPCC rule. Some of the hyperlinks refer the public to outdated or incorrect information. The hyperlink for the "Tier II SPCC Plan Template" opens up a Tier I SPCC Plan template. The "APSA FAQ" hyperlink opens up an outdated APSA FAQ. OSFM has removed the 2011 FAQ from its website and is currently revising the document. RECOMMENDATION: OSFM recommends that the CUPA provide a link to the current Guidance For Tier II Qualified Facility SPCC Plan Template available through OSFM's website at http://osfm.fire.ca.gov/cupa/apsa.pdf

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS

4.	OBSERVATION:
	State Water Board file review shows that CUPA inspectors cite raised Underground Storage Tank sensors (UST) violations as Class I violations. The CUPA refers these cases to its Environmental and Workplace Safety Circuit Prosecutor and Deputy District Attorney for formal enforcement.
	RECOMMENDATION:
	State Water Board recommends that the CUPA implement the Administrative Enforcement Order process in accordance with their I & E Plan in the event that the Environmental and Workplace Safety Circuit Prosecutor or Deputy District Attorney decide not to pursue cases.
5.	OBSERVATION:
	State Water Board review of the CUPA I & E Plan indicates that the CUPA's annual UST compliance inspection procedures do not include the steps taken when a CUPA inspector cannot witness an annual UST monitoring certification. The CUPA stated that inspectors normally witness all annual UST monitoring certifications.
	RECOMMENDATION:
	State Water Board recommends that the CUPA revise their UST inspection procedures contained in their I & E Plan for conducting annual UST compliance inspections in the event that a CUPA inspector cannot witness an annual UST monitoring certification.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: FINAL SUMMARY OF FINDINGS

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- 1. CERS Outreach and Implementation** - To ensure that all regulated businesses electronically submit required information to CERS, the CUPA proactively decided to submit required information on behalf of their businesses, a proxy submittal approved by each business. Many business owners in the Shasta County consider electronic reporting difficult, so the CUPA allows businesses to submit an annual "Hazardous Materials Program Certification/Update Form" along with the required information so that CUPA staff may electronically enter it into CERS. A business owner certifies that their Owner identification, Facility Information, Chemical Inventory, Business Emergency Response/Contingency Plan, Facility Site Map, and Aboveground Storage Tank Statement, if applicable, are all accurate and complete. In the last two years, the CUPA has sent out informational fliers instructing facilities on how to create and maintain a CERS account, as well as, an "proxy" submittal authorization form. By signing the "proxy" submittal authorization form and providing the required information the CUPA, the business authorizing the CUPA to submit required information to CERS on its behalf. Many businesses are in compliance with their reporting requirements because the CUPA uses this process.

The CUPA's Information Technology Department designed a program that would extract chemical inventory information from the CUPA's DOS-based inventory database. The information can be populated into the CERS inventory upload template. The CUPA may send the populated CERS inventory upload template to business owners/operators so they can verify the accuracy of the information before it is reported.

- 2. CUPA OUTREACH** – Shasta County's CUPA manager is involved in a number of groups that coordinate, consolidate, and to make consistent the Unified Program.
 - Northern Region CUPA Forum Chair
 - Alternate CUPA Forum Board Member
 - Alternate APSA Advisory Committee
 - Northern Region HMBP issue Coordinator
 - APSA Technical Advisory Group Chair
 - CERS workgroup participant
 - APSA regulatory workgroup participant
 - Compliance Monitoring and Enforcement FAQ workgroup