



Edmund G. Brown Jr.  
*Governor*

Matthew Rodriguez  
*Secretary for Environmental Protection*

Certified Mail: 7003 1680 0000 6175 1968

January 15, 2016

Mr. Wesley Nicks  
Director of Environmental Health and Animal Services  
Placer County Environmental Health Services  
3091 County Center Drive, Suite 180  
Auburn, California 95603-6303

Dear Mr. Nicks:

On November 17-18, 2015, the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC), the California Office of Emergency Services (Cal OES), and the CAL FIRE - Office of the State Fire Marshal (OSFM) conducted a Unified Program evaluation of the Placer County Environmental Health Services Certified Unified Program Agency (CUPA). The evaluation comprised of an in-office review and oversight inspections.

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 be satisfactory with improvements needed.

Deficiency Progress Reports are due every 90 days from the last day of the evaluation to document progress of the CUPA towards correcting identified deficiencies. The first Deficiency Progress Report is due February 19, 2016. Submittal of Deficiency Progress Reports is required until all identified deficiencies have been corrected. Each Deficiency Progress Report should be emailed as a Microsoft Word document file to the team lead, Samuel Ferris@calepa.ca.gov.

The final Summary of Findings and Deficiency Progress Reports will be posted at:

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

Mr. Wesley Nicks  
Page 2

During the evaluation, CalEPA also noted the CUPA has worked to bring about a number of local program innovations, including drastically improving overall CUPA program performance, and coordination of CUPA program efforts with other county programs to provide improved and consolidated services to the regulated community.

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, Samuel Ferris, at (916) 322-2155 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. West Bourgault  
Supervisor of Hazardous Materials Section  
Placer County Environmental Health Services  
3091 County Center Drive, Suite 180  
Auburn, California 95603-6303

Ms. Jenna Yang  
Environmental Scientist  
CAL FIRE - Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460

Ms. Denise Gibson  
Senior Environmental Scientist, Specialist  
California Office of Emergency Services  
3650 Schriever Avenue  
Mather, California 95655-4203

Mr. Ari Erman, Ph.D.  
Environmental Scientist  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2721

Mr. Wesley Nicks  
Page 3

cc sent via email

Mr. Kevin Abriol  
Environmental Scientist  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2721

Ms. Laura Fisher, Chief  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100

Ms. Diana Peebler  
Senior Environmental Scientist, Supervisor  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2721

Mr. Greg Andersen, Chief  
CAL FIRE - Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460

Mr. Thomas E. Campbell, Chief  
California Office of Emergency Services  
3650 Schriever Avenue  
Mather, California 95655-4203

Mr. John Paine  
Unified Program Manager  
California Environmental Protection Agency

Mr. Samuel Ferris  
Unified Program Evaluation Team Lead  
California Environmental Protection Agency

**CERTIFIED UNIFIED PROGRAM AGENCY**  
**FINAL SUMMARY OF FINDINGS**

<b>EVALUATION DATE(S):</b>	<b>November 17-18, 2015</b>				
<b>CUPA:</b>	Placer County Environmental Health Services				
<b>EVALUATION TEAM MEMBERS:</b>	<b>CalEPA Team Lead</b>	<b>DTSC</b>	<b>Cal OES</b>	<b>SWRCB</b>	<b>CAL FIRE - OSFM</b>
	Samuel Ferris	Ari Erman Kevin Abriol (observing)	Denise Gibson		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:

**Satisfactory with improvements needed**

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

The CUPA is required to submit a **Deficiency Progress Report every 90 days** from the last day the evaluation is conducted, until all deficiencies have been acknowledged as corrected.

Each **Deficiency Progress Report** must include a narrative stating the correction of all deficiencies identified in the Summary of Findings evaluation report.

**Deficiency Progress Report** submittal dates for the first year following the evaluation are as follows:

**Update 1: February 19, 2016**

**Update 2: May 19, 2016**

**Update 3: August 19, 2016**

**Update 4: November 21, 2016**

**Each Deficiency Progress Report must be submitted to the CalEPA Team Lead.**

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA has not certified to Cal OES that it has completed a triennial review of the area plan and made necessary revisions. The latest copy of the area plan is dated 2010.</p> <p>In Placer County the area plan is an annex to the Placer County Emergency Operations Plan. Because the CUPA is not typically a lead agency in events requiring the use of the area plan, Placer County Office of Emergency Services was tasked with updating the entire Placer County Emergency Operations Plan.</p> <p>However, in July 2015 the CUPA completed an extensive review of Annex E, the Hazardous Materials Area Plan, of the Placer County Emergency Operations Plan.</p>	<p>By February 19, 2016, the CUPA will coordinate with Placer County Office of Emergency Services to review and update the Placer County Emergency Operations Plan.</p> <p>Also by February 19, 2016, and with each Deficiency Progress Report, the CUPA will provide CalEPA with an update on the progress toward correcting this deficiency.</p> <p>By August 19, 2016, the CUPA will submit a complete and updated area plan to Cal OES pursuant to state law, and provide CalEPA with a report of when the area plan was submitted.</p>
	<b>CITATION:</b>	
	HSC, Chapter 6.95, Section 25503(d)(2) [Cal OES]	
2.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>In some cases, the CUPA is not following-up and documenting return to compliance (RTC) for businesses cited with minor violations within 30 days of the inspection. Below are businesses that were cited for violations, but documentation of RTC or CUPA follow-up was not found:</p> <ul style="list-style-type: none"><li>• Golden Gas located at 13190 Lincoln Way, Auburn, CA, was inspected on 12/8/2014;</li><li>• Advanced Performance Coatings located at 12220 Shale Ridge Ln., Auburn, CA, was inspected on 9/10/2014;</li><li>• Homewood High and Dry Marina located at 5190 West Lake Blvd., Homewood, CA, was inspected on 7/24/2014; and</li></ul>	<p>By February 19, 2016, the CUPA will follow-up with the facilities listed in this deficiency and will provide CalEPA with a copy of the RTC documentation or other appropriate follow-up activity. The CUPA will also generate a list of facilities with open violations and provide the list to CalEPA. The list should include the name of the facility, the last inspection date, and the follow-up action taken.</p> <p>In addition, by February 19, 2016, the CUPA will provide CalEPA with three new examples of RTC documentation for facilities cited with violations in inspection reports. In the case where an extension is granted for an RTC, the extension shall be documented either in the file or the CUPA's database.</p> <p>By May 19, 2016, the CUPA will update and provide CalEPA with the list of facilities with open violations that have not become compliant.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"><li>A&amp;M Marine located at 700 N Lake Blvd., Tahoe City, CA, was inspected on 05/27/2015.</li></ul> <p>35 out of 192 facilities cited with minor hazardous waste violations in the past 3 years still have overdue open violations. In some cases the CUPA issued a notice of violation (NOV) letter to facilities. However, in many cases there was no follow-up action within a reasonable timeframe.</p> <p>Note: The CUPA is already in the process of implementing a new policy in which all facilities with overdue violations will receive either an NOV letter or another form of appropriate follow-up.</p> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.5, Section 25187.8(h) CCR, Title 27, Section 15200(a) CCR, Title 27, Section 15185(a) and (c) HSC, Chapter 6.11, Section 25404.1.1(c) <b>[CalEPA, DTSC]</b></p>	
3.	<b>DEFICIENCY:</b>	<b>CORRECTIVE ACTION:</b>
	<p>The CUPA did not correctly implement all the requirements for the Hazardous Waste Generator (HWG) Program.</p> <p>The following are instances observed by DTSC where HWG requirements were not correctly implemented:</p> <ul style="list-style-type: none"><li>During the inspection of CalTrans Tahoe City Maintenance Station located at 551 Nelson Ave., Tahoe City and North Tahoe Station located at 8070 North Lake Blvd., Kings Beach, the CUPA inspector requested employee training documentation from those Small Quantity Generator (SQG) facilities. SQG facilities are not required to document employee training. In addition the CUPA inspector did not have the facility owner/operator sign the inspection reports.</li></ul>	<p>By February 19, 2016, the CUPA will conduct an in-office meeting with CUPA staff to discuss the findings of this deficiency and ensure that the HWG program is implemented correctly.</p> <p>In addition, by May 19, 2016, the CUPA will provide LQG training to their staff. The CUPA will submit proof of training to CalEPA for each inspector who completed LQG training.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"><li>During the inspection of Eastern Regional Landfill (DK) located at 900 Cabin Creek Rd., Truckee, CA, a tank assessment violation was identified in the observations but was not cited as a violation.</li><li>During the inspection of Eastern Regional Landfill (DK) located at 900 Cabin Creek Rd., Truckee, CA, the inspector identified improper labeling of universal wastes as a violation in the observation section but did not cite the violation in the inspection report.</li></ul>	
	CITATION:	
	CCR, Title 22, Section 66265.192 CCR, Title 22, Section 66273.34(d) CCR, Title 22, Section 66262.34(d)(2) [DTSC]	
4.	<b>DEFICIENCY:</b>  The CUPA is not enforcing the Hazardous Waste Generator Program in accordance with state law and the CUPA’s Inspection and Enforcement Program (I&E) Plan when appropriate.  The CUPA is not implementing a graduated series of enforcement on facilities based on the severity of the violations. The CUPA did not initiate enforcement actions for the following facilities:  <ul style="list-style-type: none"><li>Rimnetics Inc., located at 3141 Swetzer Rd., Loomis, CA, was inspected on 12/19/2014 and was cited with 3 Class I violations.</li><li>Kings Beach Chevron located at 8369 N. Lake Blvd., Kings Beach, CA, was inspected on 12/10/2014 and was cited with 4 Class I violations.</li></ul> In addition to these facilities there were eight (8) facilities with Class I violations with inspection dates older than 90 days for which the CUPA did not initiate enforcement actions.	<b>CORRECTIVE ACTION:</b>  By February 19, 2016, the CUPA will have implemented the enforcement program as outlined in their I&E Plan for the HWG program.  By May 19, 2016, the CUPA will provide CalEPA with enforcement action updates for all facilities with Class I violations.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<p>Note: The CUPA is already in the process of implementing the Administrative Enforcement Order process as outlined in their I&amp;E Plan.</p>	
	<p><b>CITATION:</b></p>	
	<p>HSC, Chapter 6.11, Sections 25404.1.1(a) CCR, Title 27, Section 15200(a)(6), (a)(7), (a)(8), and (a)(9) <b>[DTSC, CalEPA]</b></p>	
<b>5.</b>	<p><b>DEFICIENCY:</b></p>	<p><b>CORRECTIVE ACTION:</b></p>
	<p>The CUPA did not submit Surcharge Transmittal Reports to CalEPA by the required due dates for each fiscal quarter.</p> <p>The majority of Surcharge Transmittal Reports in the last three fiscal years were submitted late and other report submittals had multiple fiscal quarters combined into one report.</p>	<p>By January 30, 2016, the CUPA will prepare the quarterly Surcharge Transmittal Report for the second quarter (October through December) of fiscal year 2015/2016. The CUPA will submit it in accordance with CCR, Title 27, Section 15250(b)(1)(C). Thereafter, the CUPA will prepare and submit each Surcharge Transmittal Report no later than 30 days after the end of each fiscal quarter.</p>
	<p><b>CITATION:</b></p>	<p>By February 19, 2016, and with each Deficiency Progress Report, the CUPA will provide CalEPA with a copy of the Surcharge Transmittal Report for the previous fiscal quarter.</p>
	<p>CCR, Title 27, Section 15250(b)(1) <b>[CalEPA]</b></p>	



# 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.	<b>OBSERVATION:</b>
	The CUPA's Area Plan references the Uniform Fire Code (page E-2). The currently adopted fire code is the California Fire Code.
	<b>RECOMMENDATION:</b>
	OSFM recommends that the CUPA update their Area Plan to reference the California Fire Code.
2.	<b>OBSERVATION:</b>
	The CUPA has 38 APSA facilities that store 10,000 gallons or more of petroleum. Of those facilities, 35 have been inspected. The CUPA also has a higher inspection frequency than the required triennial inspection frequency. OSFM reviewed ten facility files and found that seven of the facilities were inspected within 1-2 years of the latest inspection.
	<b>RECOMMENDATION:</b>
	OSFM recommends that the CUPA continue this inspection frequency and commends the CUPA on their dynamic performance with their APSA inspection program.
3.	<b>OBSERVATION:</b>
	The CUPA inspectors have consistently and appropriately cited APSA violations. OSFM's review shows that APSA violations for not having an SPCC plan have been consistently cited as Class I violations and violations for inadequate secondary containment have been cited as Class II violations.
	<b>RECOMMENDATION:</b>
	OSFM recommends that the CUPA continue to ensure that APSA violations are appropriately cited, and commends the CUPA on the uniformity among all inspectors when citing APSA violations.
4.	<b>OBSERVATION:</b>
	The CUPA is meeting and exceeding their inspection frequencies for all hazardous waste generator facilities. The CUPA inspected 184 out of 451 (40.8%) in the 2012/2013 fiscal year, 243 out of 492 (49%) in the 2013/2014 fiscal year, and 434 out of 547 (79%) in the 2014/2015 fiscal year.  In addition the CUPA inspected all Tiered Permit (TP) facilities and all Resource Conservation Recovery Act Large Quantity Generators (RCRALQG) within their jurisdiction. Overall the CUPA conducted inspections with a frequency of 173% in the past 3 years.
	<b>RECOMMENDATION:</b>
	DTSC recommends that the CUPA continue to meet the inspection frequencies set forth in their I&E Plan.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### OBSERVATIONS AND RECOMMENDATIONS

5.	<p><b>OBSERVATION:</b></p> <p>The CUPA was able to demonstrate that the complaints that were referred by DTSC and/or CalEPA from November 2012 to November 2015 were followed-up with and tracked. Follow up documentation and/or written status updates were available for all complaints. The CUPA's complaint tracking information, including investigation reports are available through the EnvisionConnect database.</p> <p><b>RECOMMENDATION:</b></p> <p>DTSC recommends that the CUPA continue to follow-up with all complaints referred by DTSC.</p>
6.	<p><b>OBSERVATION:</b></p> <p>Sixteen hazardous waste generator facility inspection reports were reviewed. The CUPA is consistent in documenting all violations, factual basis of violations, corrective actions and observations, facility type, and violation classifications in the inspection reports. Inspection reports are inconsistent in documenting consent and in some cases they are not signed by the facility owner/operator. There was no documentation of applicable violations with photographs in the inspection reports.</p> <p><b>RECOMMENDATION:</b></p> <p>DTSC recommends that the CUPA consistently document consent and always have the owner/operator sign the inspection report during inspections. In addition, DTSC recommends that the CUPA document applicable violations with photographs during inspections.</p>
7.	<p><b>OBSERVATION:</b></p> <p>DTSC conducted two HWG oversight inspections with the CUPA. The first inspection was conducted at a large quantity generator (LQG) facility and the second at a LQG/tiered permit (TP) facility with one Conditionally Authorized (CA) unit. The inspectors were well prepared for the inspections. Prior to arriving at the facility, the inspectors reviewed the facility files, old inspection reports, permits, and reviewed the waste generation history of the facilities using the hazardous waste tracking system. During both inspections, the CUPA inspectors conducted thorough and good inspections.</p> <p>The inspectors established rapport with the facility owner/operator, toured the entire site, checked all required documentation for LQG and TP facilities, identified all violations, and answered questions regarding hazardous waste laws and regulations accurately.</p> <p><b>RECOMMENDATION:</b></p> <p>DTSC recommends that the CUPA continue conducting thorough and high quality inspections.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### OBSERVATIONS AND RECOMMENDATIONS

##### 1. IMPROVED PROGRAM PERFORMANCE

The CUPA has done an amazing job making major changes to the operation of the program. The CUPA developed and implemented the following programs:

- Increased inspection frequencies have improved dramatically over the last year with a goal to conduct inspections once a year for all CUPA programs;
- Increased contact and communication with the Placer County Agricultural Commission and increased inspections of farms and agricultural facilities have increased the number of facilities the CUPA regulates in the hazardous materials business plan program. In the past that coordination between departments was not as developed or utilized as well as it has been in the last year; and
- Increased use of technology, social media, and updated equipment has aided with the implementation of the Unified Program in Placer County. Computer tablets with Internet connectivity were purchased and are now being utilized by the inspectors to conduct inspections of facilities and assist owners/operators with CERS submittals at the facility.

The CUPA's emergency response system, and the fact that the Environmental Health Department has staff who are trained as first responders and are on-call to respond to an emergency, led to the development of an interactive and comprehensive data sharing website called the *Placer Incident Response*. This website also serves as a repository of all pertinent reference materials, documents, and emergency contact information that may be needed during an incident, but is not a local portal where facility owners/operators are required to submit facility information. Other state and county agencies, community partners, and health care providers have access to the website. This website was created by employees in the CUPA program using free Google tool software. In the past year this web tool has been used in large scale incidents including responses to major forest fires and was successful in aiding emergency first responders with hazardous materials management, the evacuation of residents, and the coordination of emergency shelters for both citizens and their animals. This website also provides real-time emergency management capabilities along with critical resource development and training tools including access to:

- A common calendar of emergency preparedness events;
- Current contact information for HCEC members;
- Common plans/protocols/procedures/guidelines;
- Grant information (contracts, etc.);
- Meeting agenda and minutes;
- A resource inventory; and
- An online means for submitting requests and situation reports during emergencies.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

Training of personnel has increased and is fully supported by the administration. CUPA employees have begun specializing in areas such as CalARP, UST, hazardous waste, APSA, or Enforcement. That allowed each employee to develop their skill set and become an expert in a specific area of the CUPA program that interested them. Because of this approach, employee morale is high and they feel fully supported by the administration for the first time in several years.

#### **2. COORDINATION AND CONSOLIDATION**

In the past the Placer County Environmental Health Services CUPA sent regulated business owners/operators a Unified Program facility permit (consolidated permit) for CUPA-only annual fees and surcharges. Each of the other non-CUPA programs of the Environmental Health Services Department also sent separate invoices to the owner/operator for fees assessed for each of their programs. Consequently, facility owners received multiple annual invoices from the county. As of fiscal year 2014/2015 the CUPA coordinated with the rest of the Environmental Health Services Department to consolidate both CUPA and non-CUPA regulated program fees and surcharges into one annual invoice per facility. The CUPA found that this approach was a positive change that provided a higher quality of service to the regulated community. The CUPA also adjusted the invoice issuance date to an earlier month in order to receive the bulk of CUPA fees and surcharges at or near the beginning of each fiscal year. Issuing invoices earlier made fee collections for the CUPA more efficient. The CUPA reported they collected about 98% of the assessed fees at the beginning of the fiscal year. This process was adopted by the CUPA and is now the current procedure for consolidating the annual permit.