



Edmund G. Brown Jr.  
Governor

Matthew Rodriguez  
Secretary for Environmental Protection

Certified Mail: 7003 1680 0000 6175 1975

January 21, 2016

Mr. Allan Hogue  
Interim Fire Marshal  
City of Anaheim Fire Department  
201 South Anaheim Boulevard, Suite 300  
Anaheim, California 92805

Dear Mr. Hogue:

On November 4-5, 2015, the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC), the California Office of Emergency Services (Cal OES), 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 City of Anaheim Fire Department 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.

Due to a delay in the final report, CalEPA will require the first update to be submitted 60 days after the issuance of this final report and every 90 days thereafter to document progress of the CUPA towards correcting identified deficiencies. The first Deficiency Progress Report is due March 21, 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. Allen Hogue  
Page 2

During the evaluation, CalEPA also noted the CUPA has worked to bring about a number of local program innovations, including exemplary training, outreach programs, and technical expertise of the UST program.

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

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Mr. Allen Hogue  
Page 3

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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 4-5, 2015</b>				
<b>CUPA:</b>	<b>City of Anaheim Fire Department</b>				
<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	Matt McCarron	Chief Thomas Campbell	Laura Fisher Lisa Jensen (observing)	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. Due to a delay in the final report, CalEPA will require the first update to be submitted 60 days after the issuance of the final report and every 90 days thereafter.

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: March 21, 2016**

**Update 2: June 21, 2016**

**Update 3: September 21, 2016**

**Update 4: December 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 is not ensuring all appropriate underground storage tank (UST) related fields in the California Environmental Reporting System (CERS) are properly completed by businesses.</p> <p>State Water Resources Control Board (State Water Board) review of CERS submittals finds the CUPA is accepting incomplete or inaccurate UST related fields in CERS. A few examples of incomplete or inaccurate data fields that have been accepted are as follows:</p> <ul style="list-style-type: none"> <li>• Incomplete CERS submittals include missing tank install dates, overflow protection, spill buckets, and financial responsibility.</li> <li>• Incorrect CERS submittals include reporting of Enhanced Leak Detection Testing when not relevant, and conversely failing to report Secondary Containment Testing when required.</li> <li>• UST monitoring site plan uploaded or provided elsewhere in CERS</li> </ul> <p>Note: The CUPA should reference the following published guidance and CERS FAQs from State Water Board and CalEPA:</p> <ul style="list-style-type: none"> <li>• “General Reporting Requirements for UST’s”;</li> <li>• “When to Issue a UST Operating Permit”;</li> <li>• “Common CERS Reporting Errors”;</li> <li>• “Setting Accepted Submittal Status”;</li> </ul>	<p>By March 21, 2016, the CUPA will develop and submit to CalEPA procedures regarding only accepting complete and accurate UST related fields and their maintenance in CERS as outlined in the listed guidance documents.</p> <p>The procedures will include, but not be limited to steps that staff will use to accept CERS submittals such as:</p> <ul style="list-style-type: none"> <li>• If staff “accept” submittals with minor errors, a condition is set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe;</li> <li>• If the submittal is not corrected within the specified timeframe, staff will change the submittal status from “accepted” to “not accepted”; and</li> <li>• The process staff uses to determine whether UST fields are complete and accurate.</li> </ul> <p>With respect to data already submitted to CERS and accepted by the CUPA, the CUPA will review UST related fields and require complete and accurate submittals for each facility no later than the due date of the next annual UST compliance inspection.</p> <p>This deficiency will be considered corrected at such time when accepted CERS submittals are complete and accurate, and existing CERS information is complete and accurate upon the close out of annual UST compliance inspections.</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>• “Which Forms Require Uploading to CERS”;</li> <li>• State Water Board Correspondence Letter dated January 29, 2015, regarding “When to Review Underground Storage Tank (UST) Records”; and</li> <li>• CalEPA Correspondence Letter October 27, 2014, regarding “Reporting Underground Storage Tank Information.”</li> </ul>	
<b>CITATION:</b>	
CCR, Title 27, Section 15185(a) CCR, Title 27, Section 15188(c) HSC, Chapter 6.11, Section 25404(a)(1)(C) <b>[CalEPA, State Water Board]</b>	
<b>2. DEFICIENCY:</b>	<b>CORRECTIVE ACTION:</b>
<p>The CUPA did not provide CalEPA with requested documents within 60-days of the request.</p> <p>However, at the beginning of the evaluation the CUPA provided the requested documentation.</p> <p>Note: It is critical and imperative that the CUPA responds to CalEPA’s documentation requests in accordance with state law. If the CUPA does not comply it could negatively affect the evaluation process and possibly the overall performance status of the CUPA.</p>	The deficiency is considered corrected. No further action is necessary.
<b>CITATION:</b>	
CCR, Title 27, 15290(d) <b>[CalEPA]</b>	

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS** DEFICIENCIES IDENTIFIED DURING EVALUATION

<b>3.</b>	<p><b>DEFICIENCY:</b></p> <p>The CUPA did not report all inspection, violation, and enforcement information in CERS on a quarterly basis.</p> <p>During fiscal year 2014/2015 the CUPA was not able to electronically transfer more than just a few inspections, violations, or enforcement actions due to issues electronically transferring information to CERS from the CUPA's data management system. Additionally, some inspections that occurred in earlier fiscal years were not reported in CERS.</p> <p>Note: The CUPA has already filed a Request for Proposal to the City of Anaheim to acquire a different data management system that will be able to electronically transfer information in CERS. The proposed acquisition is in May 2016. As of the beginning of fiscal year 2015/2016, the CUPA decided to manually report information in CERS until the new software is installed and successfully tested.</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By March 21, 2016, the CUPA will report to CalEPA the status of acquiring a new data management system. The CUPA will also report the progress of reporting all inspection, violation, and enforcement information in CERS, including information for fiscal year 2014/2015.</p> <p>By June 21, 2016, the CUPA will report to CalEPA the status of reporting inspection, violation, and enforcement information in CERS.</p> <p>By September 21, 2016, the CUPA will have all previous fiscal year's inspection, violation, and enforcement information in CERS.</p>
	<p><b>CITATION:</b></p> <p>CCR, Title 27, Section 15290(b)(3) [CalEPA]</p>	
<b>4.</b>	<p><b>DEFICIENCY:</b></p> <p>The CUPA is not ensuring that businesses annually submit their hazardous materials business plan (HMBP) information in the California Environmental Reporting System (CERS).</p> <p>Cal OES and OSFM's reviews of CERS show that 51% of facilities do not have an updated chemical inventory and site map and 56%</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By March 21, 2016, and with each Deficiency Progress Report, the CUPA will provide a status of this deficiency as a result of the NTC letter. The CUPA will provide a plan detailing how the CUPA will obtain compliance from the remaining facilities that have not submitted a complete business plan, any graduated series of enforcement actions taken to gain compliance in accordance with the CUPA's I&amp;E Plan, and how the CUPA intends to ensure that all facilities annually submit their business plan.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

<p>do not have an updated emergency response plan and training plan.</p> <p>The CUPA sent a newsletter with their annual billing on July 1, 2015, to inform businesses of the HMBP submittal requirement. The CUPA has identified all businesses that have not submitted an annual HMBP. On November 1, 2015, the CUPA sent Notice to Comply (NTC) letters to all facilities that do not have an updated HMBP, with a requirement to comply within 30 days.</p>	<p>By December 21, 2016, the CUPA will ensure that all regulated businesses have submitted a complete HMBP. The CUPA will submit an updated list to CalEPA showing that each facility has submitted the required elements or that appropriate enforcement actions have been taken.</p>
<p><b>CITATION:</b></p>	
<p>HSC, Chapter 6.95, Section 25505 and 25508(a) <b>[Cal OES]</b></p>	
<p>2013 CFC, Chapter 50, Section 5001.5.1 and 5001.5.2 <b>[OSFM]</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.*

<b>1.</b>	<b>OBSERVATION:</b>
	State Water Board found isolated instances of missing electronic UST document submittals.
	<b>RECOMMENDATION:</b>
	State Water Board recommends that the CUPA develop policies and procedures, and train staff to those procedures, to ensure required documents are electronically submitted as outlined in State Water Board published guidance: <i>UST FAQ: Which forms require uploading to CERS?</i>
<b>2.</b>	<b>OBSERVATION:</b>
	State Water Board found isolated instances of UST violations not captured in the significant operational compliance (Report 6) collection process.
	<b>RECOMMENDATION:</b>
	State Water Board recommends that the CUPA review State Water Board LG 159 to identify all release detection and release prevention violations, and subsequently, reconcile the CUPA's collection process to ensure all reportable violations are captured.
<b>3.</b>	<b>OBSERVATION:</b>
	The CUPA has completed the 3-year Area Plan update as of September 2015. It will still need to be approved by the City Council.
	<b>RECOMMENDATION:</b>
	Cal OES recommends that the CUPA send an electronic copy of the Area Plan to Cal OES once it has been approved.
<b>4.</b>	<b>OBSERVATION:</b>
	Return to compliance (RTC) information is not getting transferred correctly from the various computer systems used by the CUPA to CERS. This observation is indirectly related to the inspection, violation, and enforcement deficiency above. The CUPA has evidence in their two systems, Lazerfiche and Tidemark, showing RTC information. However, the CUPA has been having issues transferring some inspection, violation, and enforcement data to CERS. Also, in CERS there is some existing issues displaying successfully transferred data. In some cases CERS shows a violation RTC qualifier as "Observed" but no

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

	<p>RTC date is displayed, but in another screen in CERS it shows the violation description, RTC qualifier, and RTC date in the display. It is unknown if the CUPA can make changes directly to the RTC date field to correct the display without causing additional information conflicts in CERS. The end result of this issue is CERS shows less RTC compliance than what actually exists.</p>
	<p><b>RECOMMENDATION:</b></p>
	<p>DTSC recommends that the CUPA find a way to monitor these data gaps and work with CalEPA on elevation and correction of CERS data issues regarding reporting RTC information. Another option the CUPA has is to monitor and correct inspection, violation (RTC), and enforcement data in CERS prior to confirming facility compliance during the re-inspection.</p>
<b>5.</b>	<p><b>OBSERVATION:</b></p>
	<p>The CUPA has 900 facilities in the hazardous waste generator and tiered permit programs. The inspection frequency for those programs is every three years. The CUPA is up-to-date on the 3-year inspection cycle for all tiered permitting locations. The CUPA has maintained the inspection frequencies for those programs even with a decrease in staffing resources during the last three years. The CUPA is also active in checking on new businesses that are subject to those program requirements.</p> <ul style="list-style-type: none"><li>• Fiscal Year 12/13 288 Inspections</li><li>• Fiscal Year 13/14 392 Inspections</li><li>• Fiscal year 14/15 330 Inspections</li></ul>
	<p><b>RECOMMENDATION:</b></p>
	<p>DTSC recommends that the CUPA maintain the inspection frequencies for those programs and continue to look for unregulated businesses in their jurisdiction.</p>
<b>6.</b>	<p><b>OBSERVATION:</b></p>
	<p>DTSC conducted an oversight inspection with CUPA staff at General Electric, 3601 E. La Palma Ave., Anaheim, with EPA ID number CAD030584502. This facility repairs and services industrial electrical equipment for utilities and larger industrial facilities. This facility has an RCRA Treatment Storage and Disposal facility permit with DTSC. The facility has 70,000 square feet of space and is a Large Quantity Generator. The CUPA inspector conducted a thorough and good inspection. The inspector established rapport with the facility owner/operator, toured the entire site, checked all required documentation for an LQG facility, identified all violations, and accurately answered questions regarding hazardous waste laws and regulations. When applicable, the inspectors took photographs of violations.</p>
	<p><b>RECOMMENDATION:</b></p>
	<p>DTSC recommends that the CUPA maintain that level of service during their inspections.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

<b>7.</b>	<b>OBSERVATION:</b>
	During a discussion with the CUPA, DTSC confirmed that the CUPA has provided sampling training and equipment to staff so they can take samples for hazardous waste investigations. The CUPA currently collects samples to support their investigations.
	<b>RECOMMENDATION:</b>
	DTSC recommends that the CUPA continue to offer sampling training to CUPA staff and maintain basic sampling tools and equipment in order to comply with CCR, Title 27, Section 15260(a)(1)(B).
<b>8.</b>	<b>OBSERVATION:</b>
	The CUPA did not initiate formal enforcement for the hazardous waste generator program in the last three years. The CUPA's formal enforcement process, as outlined in their I&E plan, consists of office meetings with the facility owner and CUPA management, issuing penalties and fines if applicable, and referral to the local DA for civil and criminal cases. The CUPA does not have an adopted Administrative Enforcement Order (AEO) process. The CUPA cited some Class I violations during the last three fiscal years and is currently packaging those case files to be sent to the Orange County District Attorney's (DA) office. No date has been set for when the CUPA will deliver those cases to the DA. If the DA's office does not want to pursue a case, the CUPA is left with no other formal enforcement options to pursue civil hazardous waste cases.
	<b>RECOMMENDATION:</b>
	DTSC recommends that the CUPA look into adopting an AEO process to give the CUPA another option for pursuing formal enforcement in addition to the ones they currently use.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

#### 1. TRAINING AND OUTREACH PROGRAMS

In the last three years the City of Anaheim Fire Department CUPA has provided various types of training courses for their staff, hosted multi-jurisdictional regional training meetings for other CUPAs or industry, and developed specialized outreach programs that offered one-on-one assistance to local owners and operators. Inspectors are trained and prepared to answer questions or concerns during the inspection regarding the specifics of observed violations, regulations, or with reporting information in CERS.

1. CUPA staff training. These specialized training courses are in addition to the minimally required training for each inspector.
  - a. McCoy's RCRA Training
  - b. USEPA and CSTI Advanced Environmental Crimes Course
  - c. CSTI Hazmat Specialist with refreshers
  - d. CSTI Assistant Safety Officer - HazMat
  - e. Other specialized training courses related to Hazardous Materials response and fire prevention
2. CUPA hosted or attended regional training meetings or industry training meetings
  - a. APSA Federal SPCC Regional Inspector Training
  - b. Cal CUPA Forum Board Train the Trainer
  - c. Coordinated multi-agency enforcement meetings
  - d. Orange County CUPA joint meetings and subcommittees
  - e. Orange County Hazardous Waste Strike Force
  - f. UST TAG
  - g. City of Anaheim government owned tanks training:

Above and beyond the normal course of program implementation, on September 30, 2015, Anaheim Fire Department staff provided specialized UST compliance training to city UST owners and operators. While this training focused on the technical requirements for compliance, it also emphasized the importance of leading by example. Staff reiterated to city UST owners and operators that compliance with all UST requirements is expected, and highlighted the State Water Board's government owned tank settlement cases as a deterrent.

The State Water Board appreciates the Anaheim Fire Department's leadership role and proactive approach in maintaining government owned UST compliance in the City of Anaheim.

#### 3. CERS outreach

In 2013 the CUPA scheduled some CERS outreach meetings at the office. However, there was a low attendance rate at the meetings. Those that attended did not bring all their business

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### **EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

information to report in CERS either. The CUPA modified their CERS outreach strategy by incorporating 30-60 minutes to each routine inspection to sit with each owner and operator while still at the facility. Each inspector is equipped with a mobile office and all the equipment needed to assist owners and operators with reporting facility information in CERS. This method required more investment of CUPA time and resources, but proved to be very effective with ensuring that facility information and submittals in CERS were accurate, it provided a higher level of service to the regulated community, and improved facility compliance through education and one-on-one assistance.

#### **2. TECHNICAL UST EXPERTISE**

The depth of technical knowledge within the CUPA, both with UST inspectors and the Assistant Fire Marshal, regarding the UST program, is excellent. This enables the CUPA to provide outstanding inspection quality and UST program implementation.