



Edmund G. Brown Jr.  
Governor

Matthew Rodriguez  
Secretary for Environmental Protection

Certified Mail: 7015 0640 0000 9486 4413

April 1, 2016

Mr. Ross Kelly  
Deputy Fire Chief  
City of Bakersfield Fire Department  
2101 H Street  
Bakersfield, California 93301

Dear Mr. Kelly:

On February 16, 2016, 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 (State Water Board) completed a Unified Program evaluation of the City of Bakersfield Fire Department Certified Unified Program Agency (CUPA). The evaluation comprised of a remote assessment and oversight inspections.

Upon completion 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 completion of the evaluation to document progress of the CUPA towards correcting identified deficiencies. The first Deficiency Progress Report is due May 16, 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>

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During the evaluation, CalEPA also noted that the CUPA has worked to bring about a number of local program innovations, including vastly improving the hazardous waste generator inspection frequency in the last three years and improving the CUPA's process for archiving Unified Program information.

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's sent via email

Mr. Howard H. Wines, III  
Prevention Services Director  
City of Bakersfield Fire Department  
2101 H Street  
Bakersfield, California 93301

Mr. Sean Farrow  
Environmental Scientist  
State Water Resources Control Board  
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Sacramento, California 95812-0100

Ms. Jenna Yang  
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Sacramento, California 94244-2460

Mr. Ed Newman  
Environmental Scientist  
California Office of Emergency Services  
3650 Schriever Avenue  
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Mr. Ross Kelly  
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cc's sent via email

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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



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## CERTIFIED UNIFIED PROGRAM AGENCY

### FINAL SUMMARY OF FINDINGS

<b>EVALUATION YEAR:</b>	<b>2016</b>	<b>REVIEW PERIOD:</b>	<b>October 2015 - February 2016</b>	<b>ISSUANCE DATE:</b>	<b>April 1, 2016</b>
<b>CUPA:</b>	City of Bakersfield Fire Department				
<b>EVALUATION TEAM MEMBERS:</b>	<b>CalEPA Team Lead</b>	<b>DTSC</b>	<b>Cal OES</b>	<b>State Water Board</b>	<b>CAL FIRE - OSFM</b>
	Samuel Ferris	Matt McCarron	Ed Newman	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:

#### **Satisfactory with improvements needed**

Questions or comments regarding this evaluation should be directed to **Samuel Ferris**.

<p>The CUPA is required to submit a <b>Deficiency Progress Report every 90 days</b> from the last day the evaluation is conducted, until all deficiencies have been acknowledged as corrected.</p> <p>Each <b>Deficiency Progress Report</b> must include a narrative stating the correction of <u><i>all</i></u> deficiencies identified in the Summary of Findings evaluation report.</p>	<p><b>Deficiency Progress Report submittal dates for the first year following the evaluation are as follows:</b></p> <p><b>Update 1: May 16, 2016</b>  <b>Update 2: August 16, 2016</b>  <b>Update 3: November 16, 2016</b>  <b>Update 4: February 16, 2017</b></p> <p><b>Each Deficiency Progress Report must be submitted to the CalEPA Team Lead.</b></p>
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# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	<b>DEFICIENCY:</b>	<b>CORRECTIVE ACTION:</b>
	<p>The CUPA is not consistently collecting, retaining, and managing required underground storage tank (UST) documentation. In addition, the CUPA's information stored in Laserfiche and the California Environmental Reporting System (CERS) is incomplete.</p> <p>The CUPA's current file management process includes scanning and saving facility documents in one or more folders in Laserfiche. The naming scheme for files is generally informative and aids in searching for appropriate documents. Instances where filenames are not informative make locating necessary documentation unnecessarily challenging.</p> <p>State Water Resources Control Board (State Water Board) document search using Laserfiche indicates a number of annual UST compliance inspection reports, annual UST monitoring certifications, and triennial UST secondary containment test results could not be found. Out of 19 reviewed UST facility files, 15 are found to be missing one (1) or more of the identified documents.</p> <p>State Water Board requested assistance from CUPA staff to help locate specific UST documents in order to continue with the evaluation. CUPA staff took time to reorganize subsidiary folders within the facility folder, rename files and add additional documentation to the files.</p> <p>The missing records indicate:</p> <ol style="list-style-type: none"> <li>1. The CUPA is not consistently requiring owners or operators to submit UST documentation, or</li> <li>2. The CUPA is not properly archiving the UST documents in Laserfiche for easy retrieval.</li> </ol>	<p>By May 16, 2016, the CUPA will perform a thorough analysis of the UST program and identify the reasons UST compliance information is not consistently collected, retained, and managed. The CUPA will provide formal findings of the analysis to CalEPA.</p> <p>By May 16, 2016, the CUPA will review, amend, and submit to CalEPA a revised procedure for the file management of UST information. The procedure will include, but not be limited to, a description of all staff requirements for facility record keeping and document retention in Laserfiche to ensure all UST information is uploaded consistently and made readily accessible.</p> <p>By August 16, 2016, the CUPA will, if necessary, make amendments to this procedure, based on feedback from the State Water Board, and will submit the revisions to CalEPA.</p> <p>By November 16, 2016, the CUPA will implement and train staff on this new procedure. The CUPA will submit to CalEPA training records.</p> <p>By February 16, 2017, the State Water Board will select UST facilities and review the CUPA's Laserfiche database for the following documents:</p> <ol style="list-style-type: none"> <li>1. The most current routine UST inspection report;</li> <li>2. Annual UST monitoring certification test results for the last two (2) years;</li> <li>3. The last triennial secondary containment test; and</li> <li>4. Other facility records as identified by State Water Board.</li> </ol>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

	<p>UST testing records, which were unable to be located in Laserfiche, cannot be properly reviewed and or responded to by the CUPA in a timely manner or made available for a public records request.</p> <p>Note: During this evaluation, City of Bakersfield Fire Department acknowledges Laserfiche has inherent filing errors and has dedicated clerical and inspection staff to ongoing facility file clean-up efforts.</p> <p>This deficiency was also cited during the 2013 evaluation, but considered corrected during the update reporting process.</p>	
	<p><b>CITATION:</b></p> <p>CCR, Title 27, Section 15180(e)(2)          CCR, Title 27, Section 15185(a)          CCR, Title 23, Section 2713(c)  <b>[State Water Board]</b></p>	
<b>2.</b>	<b>DEFICIENCY:</b>	<b>CORRECTIVE ACTION:</b>
	<p>The CUPA is not requiring facilities to submit UST testing and leak detection documents.</p> <p>The following documents, which are required to be submitted within 30 days of testing, could not found by State Water Board in Laserfiche or CERS:</p> <ul style="list-style-type: none"> <li>• Triennial UST secondary containment testing;</li> <li>• Annual UST monitoring certifications;</li> <li>• Tank and line integrity tests;</li> <li>• Enhanced Leak Detection (ELD) certifications;</li> <li style="padding-left: 20px;">and</li> <li>• Spill Bucket Testing.</li> </ul> <p>This deficiency was also cited during the 2013 evaluation, but considered corrected during the update reporting process.</p>	<p>From this point forward, in accordance with statute and regulation, the CUPA will require owners and operators to submit the appropriate UST testing and leak detection documents. In accordance with statute and regulation, the CUPA will also require owners and operators to comply with timely submittal of these documents.</p> <p>By May 16, 2016, the CUPA will develop outreach program materials and submit them to CalEPA for approval. In the submittal to CalEPA, the CUPA will outline how and when it will provide the outreach materials to the regulated community (both owners/operators and testers). The outreach materials will explain the requirement to submit the appropriate UST testing and leak detection documents in the timeframe required by regulation.</p> <p>By August 16, 2016, the CUPA will have completed the distribution of the outreach materials so the regulated community is notified of the requirements to submit appropriate UST testing and leak detection documents. The CUPA shall send CalEPA a final copy of the outreach program materials and a list of businesses the materials were sent to.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

	<p><b>CITATION:</b>                  CCR, Title 23, Section 2637(e)                  CCR, Title 23, Section 2638(d)                  CCR, Title 23, Section 2643(g)                  CCR, Title 23, Section 2644.1(a)(5)                  HSC, Chapter 6.4, Section 25284.2  <b>[State Water Board]</b></p>	<p>This Deficiency will be considered corrected once there is consistent documentation over a one-year period showing the appropriate documents are being submitted, submitted in a timely manner, reviewed by International Code Council (ICC) certified staff, and retained by the CUPA.</p>
<p><b>3.</b></p>	<p><b>DEFICIENCY:</b>                  The CUPA is not ensuring all appropriate UST related fields in CERS are properly completed by businesses.</p> <p>State Water Board review of accepted CERS submittals finds the CUPA is accepting incomplete or inaccurate UST related fields. A few examples of incomplete or inaccurate data fields accepted are as follows:</p> <ul style="list-style-type: none"> <li>• Records missing Tank Installation dates;</li> <li>• Records with no Tank Overfill Protection; and</li> <li>• Records with no Spill Buckets.</li> </ul> <p>Note: Refer to State Water Board published guidance- FAQs “General Reporting Requirements for UST’s”, “When to Issue a UST Operating Permit”, “Common CERS Reporting Errors”, “Setting Accepted Submittal Status”, and “Which Forms Require Uploading to CERS.”</p> <p>This deficiency was also cited during the 2013 evaluation, but considered corrected during the update reporting process.</p> <p><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>[State Water Board]</b></p>	<p><b>CORRECTIVE ACTION:</b>                  By May 16, 2016, the CUPA will revise, implement, and submit to CalEPA, a procedure to ensure only accurate and complete UST information is submitted in CERS prior to acceptance. The procedure will include, but not be limited to, the following steps for accepting CERS submittals:</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 set timeframe;</li> <li>• If the submittal is not corrected, staff will change the submittal status from “accepted” to “not accepted”; and</li> <li>• How staff will 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><b>4.</b></p>	<p><b>DEFICIENCY:</b>                  The CUPA is not consistently requiring UST facilities to return to compliance for violations cited during annual UST compliance inspections.</p>	<p><b>CORRECTIVE ACTION:</b>                  By May 16, 2016, the CUPA will perform a thorough analysis of the UST program and conclude why return to compliance rates are low in CERS. The CUPA will provide formal findings of the analysis to CalEPA.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

<p>State Water Board review of CERS finds return to compliance dates for cited violations are not consistently uploaded and/or the CUPA is not enforcing UST requirements upon facilities requiring them to return to compliance. The following fiscal years (FY's) show low rates of return to compliance for violations cited during annual UST compliance inspections:</p> <ul style="list-style-type: none"> <li>• FY 2013/2014, CERS shows 72 percent of cited violations have a return to compliance date.</li> <li>• FY 2014/2015, CERS shows 66 percent of cited violations have a return to compliance date.</li> </ul> <p>This deficiency was also cited during the 2013 evaluation, but considered corrected during the update reporting process.</p>	<p>By May 16, 2016, the CUPA will revise its UST Inspection Standard Operating Procedures (UST SOP) to include specific time constraints to ensure staff follows up with cited violations and submit to CalEPA for review.</p> <p>By August 16, 2016, the CUPA will, if necessary, make amendments to this procedure, based on feedback from the State Water Board, and will submit the revisions to CalEPA.</p> <p>By November 16, 2016, the CUPA will implement and train staff on this revised procedure and provide a training log to CalEPA.</p> <p>By February 16, 2017, the State Water Board will select UST facilities and review the CUPA's Laserfiche database for the following documents:</p> <ol style="list-style-type: none"> <li>1. The most current Annual UST monitoring certification test results and associated inspection report; and</li> <li>2. Return to compliance documentation.</li> </ol>
<p><b>CITATION:</b></p> <p>CCR, Title 23, Section 2712(f) [<b>State Water Board</b>]</p>	
<p><b>5. DEFICIENCY:</b></p> <p>The CUPA is not always conducting complete annual UST compliance inspections in accordance with Chapter 6.7 of the Health and Safety Code.</p> <p>State Water Board review of the CUPA UST SOP finds, it does not address physically inspecting UST facilities when the annual UST monitoring certification is not witnessed. Additionally, the CUPA confirmed in our teleconference interview, that while CUPA UST inspectors in the past were not always conducting physical inspections to visually inspect tank system components during the annual monitoring certification, it is standard practice now.</p> <p>Note: Refer to State Water Board published guidance- Local Guidance Letter 159.</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By May 16, 2016, the CUPA will revise its UST SOP and submit it to CalEPA for review. The UST SOP will specifically outline the roles of UST inspectors, managers, and support staff as each relates to conducting a complete annual UST compliance inspection.</p> <p>This procedure will include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• How to conduct annual UST inspections when CUPA staff is on-site to witness the annual UST monitoring certification and visually confirm all UST components are in compliance;</li> <li>• How to conduct annual UST inspections in the event when CUPA staff is not on-site and cannot witness the annual UST monitoring certification and visually confirm all UST components are in compliance.</li> <li>• Facility record keeping and document retention;</li> <li>• Functionality of leak detection;</li> <li>• Facility operation in accordance with issued permit;</li> <li>• Compliance inspection report writing;</li> <li>• CUPA staff requirements for review and follow up of submitted UST testing reports.</li> </ul>
<p><b>CITATION:</b></p> <p>HSC, Chapter 6.7, Section 25288(a) [<b>State Water Board</b>]</p>	



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

		<p>By August 16, 2016, the CUPA will, if necessary, make amendments to this procedure, based on feedback from the State Water Board, and will submit the revisions to CalEPA.</p> <p>By November 16, 2016, the CUPA will implement and train staff on this revised procedure and provide a training log to CalEPA.</p> <p>By February 16, 2017, the State Water Board will select UST facilities and review the CUPA's Laserfiche database for the following documents:</p> <ol style="list-style-type: none"> <li>1. Annual UST monitoring certification test results for the last two (2) years;</li> <li>2. The last triennial secondary containment test; and</li> <li>3. Other facility records as identified by State Water Board.</li> </ol>
<p><b>6.</b></p>	<p><b>DEFICIENCY:</b></p> <p>The CUPA is not requiring UST facilities to implement periodic enhanced leak detection (ELD) testing due to proximity to public drinking water wells.</p> <p>State Water Board records show there are 20 UST facilities, which neither completed the required ELD testing nor submitted a request for reconsideration (RFR) to perform ELD testing application.</p> <p>State Water Board has provided the CUPA with copies of the formal notification letters and noncompliance letters to implement required ELD testing.</p> <p>Note: If a UST owner/operator believes they are not within 1,000 feet of a public drinking water well, an RFR application must be submitted to the State Water Board. The application can be found at:  <a href="http://www.waterboards.ca.gov/ust/eld/index.shtml">http://www.waterboards.ca.gov/ust/eld/index.shtml</a>. Once received from the UST owner/operator, the State Water Board will make a final determination whether or not ELD testing is required.</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By May 16, 2016, the CUPA will notify UST facility owners/operators and inform them ELD testing is required. The notification letters shall include language stating noncompliance may lead to administrative or other formal enforcement measures. In addition to the notification letters, during the next annual UST compliance inspection, if ELD testing has not been implemented the CUPA shall cite the owner/operator for violation of Title 23, California Code of Regulations, Section 2644.1 for failure to implement ELD testing.</p> <p>The CUPA will copy CalEPA on this communication to document notification has been accomplished for all identified facilities.</p> <p>Once ELD testing has occurred, the CUPA will provide CalEPA with copies of the test results.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

	<b>CITATION:</b>	
	HSC, Chapter 6.7, Section 25292.4 & 25292.5 CCR, Title 23, Section 2644.1 <b>[State Water Board]</b>	
<b>7.</b>	<b>DEFICIENCY:</b>	<b>CORRECTIVE ACTION:</b>
	<p>The CUPA is not consistently reporting all violations, including significant operational compliance (SOC) criteria, in CERS when UST violations have been cited during the annual UST compliance inspection.</p> <p>State Water Board review of CERS and annual UST compliance inspection reports finds, violations have been observed during annual UST compliance inspections. However, violations in CERS are inconsistent or incorrectly reported. For instance:</p> <ul style="list-style-type: none"> <li>• Report 6 (FY 13/14) identifies 124 inspections conducted, CERS CME (FY 13/14) identifies 151 routine inspections and self-audit does not report any inspections.</li> <li>• Report 6 (FY14/15) identifies 140 inspections conducted, CERS CME (FY 14/15) identifies 143 routine inspections conducted and the self-audit identifies 145 inspections conducted.</li> <li>• Annual UST compliance inspection reports show a different number of violations than CERS, in some cases CERS shows zero while inspection reports report more than zero.</li> <li>• Annual UST compliance inspection reports show different violations than identified in CERS.</li> </ul> <p>This deficiency was also cited during the 2013 evaluation, but considered corrected during the update reporting process.</p>	<p>From this point forward, the CUPA will collect and report accurate compliance information to the State Water Board.</p> <p>By May 16, 2016, the CUPA will develop and submit to CalEPA, written procedures for UST inspection staff for reporting compliance information.</p> <p>By August 16, 2016, the CUPA will, if necessary, make amendments to this procedure, based on feedback from the State Water Board, and will submit the revisions to CalEPA.</p> <p>By November 16, 2016, the CUPA will implement and train staff on this revised procedure and provide a training log to CalEPA.</p> <p>By November 16, 2016, the CUPA will submit its FY 2015/2016 self-audit report to CalEPA addressing the implementation of the reporting procedure. The CUPA will identify whether any changes are needed.</p> <p>By February 16, 2017, the State Water Board will select UST facilities and review in the CUPA's Laserfiche database, annual UST compliance inspection reports and associated documents.</p>
	<b>CITATION:</b>	
	CCR, Title 27, Section 15290(b)(1) CCR, Title 23, Section 2713(d) <b>[State Water Board]</b>	

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

<b>8.</b>	<p><b>DEFICIENCY:</b></p> <p>The CUPA is issuing Unified Program Facility Permits, which includes the UST operating permit, to facilities not in compliance with UST Program requirements.</p> <p>State Water Board review of CERS and CUPA submitted spreadsheets finds, the CUPA issues UST operating permits to facilities that have not returned to compliance for violations cited during UST inspections.</p> <p>Note: Refer to State Water Board published guidance- FAQs “When to Issue a UST Operating Permit.”</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By May 16, 2016, the CUPA will amend and submit to CalEPA, its procedures for issuing UST operating permits. The procedures will be amended to identify how CUPA inspectors, managers, and support staff confirm UST facility compliance before UST operating permits are issued.</p> <p>With respect to UST operating permits already issued to UST facilities not in compliance, the CUPA will require violations to be corrected within 30 calendar days or start enforcement proceedings, which includes permit revocation for UST facilities that fail to return to compliance.</p> <p>Sixty (60) days after the next permit issuance cycle, the CUPA will submit to CalEPA, a copy of the UST operating permit, testing and maintenance records along with any other necessary records to determine compliance for ten (10) UST facilities selected by State Water Board.</p>
	<p><b>CITATION:</b></p> <p>HSC, Chapter 6.7, Section 25285(b) CCR, Title 23, Section 2712(c) and (e) <b>[State Water Board]</b></p>	
<b>9.</b>	<p><b>DEFICIENCY:</b></p> <p>The CUPA is not consistently following-up and documenting return to compliance (RTC) for facilities cited with minor violations in Notices to Comply (NTC) or inspection reports.</p> <p>For the HWG program:</p> <ul style="list-style-type: none"> <li>• CERS shows 189 violations of 360 have return to compliance (53%)</li> <li>• From a review of HWG facility files in Laserfiche, the following did not have RTC documentation: <ul style="list-style-type: none"> <li>o Lucky 7 #3</li> <li>o Gasko Food Mart</li> <li>o Nissan of Bakersfield</li> </ul> </li> </ul> <p>For the APSA program:</p> <ul style="list-style-type: none"> <li>• OSFM’s review of CERS on January 12, 2016, shows that 21 (36%) of 53 APSA violations did not have an RTC date documented.</li> <li>• Five of those open violations were for facilities that did not have an SPCC Plan.</li> </ul>	<p><b>CORRECTIVE ACTION:</b></p> <p>By May 16, 2016, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of the total number of HWG facilities and APSA facilities that have open minor violations. At minimum, the spreadsheet will include:</p> <ul style="list-style-type: none"> <li>• Facility name, address,</li> <li>• CERS ID number,</li> <li>• Facility ID number (if applicable),</li> <li>• Inspection and violation dates,</li> <li>• Scheduled RTC date,</li> <li>• Actual RTC date,</li> <li>• RTC qualifier and</li> <li>• Follow-up actions.</li> </ul> <p>Also by May 16, 2016, the CUPA will follow-up with the facilities listed in this deficiency and provide CalEPA with a copy of RTC documentation for each one. In the absence of RTC documentation, the CUPA will document appropriate follow-up activity and report to CalEPA their progress with ensuring compliance with each facility.</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>• Additional information provided by the CUPA in January 2016 indicated that the three facilities below still have not returned to compliance with obtaining an SPCC Plan.             <ul style="list-style-type: none"> <li>o Branson Xpress Lube (CERS ID: 10133590)</li> <li>o Juarez Brothers Trucking (CERS ID: 10024675)</li> <li>o Mt Vernon Chevron Fast Lube (CERS ID: 10022599)</li> </ul> </li> </ul> <p><b>CITATION:</b> HSC, Chapter 6.5, Section 25187.8(b) and (g) [DTSC] HSC, Chapter 6.11, Section 25404.1.2(c) CCR, Title 27, Section 15200(a) CCR, Title 27, Section 15185(a) and (c) [CalEPA, OSFM]</p>	<p>By August 16, 2016, and with each Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet. The CUPA will also provide CalEPA with a copy of RTC documentation for 10 HWG facilities requested by DTSC during the previous quarter.</p>
<p><b>10. DEFICIENCY:</b></p> <p>The CUPA is not ensuring that all businesses electronically submit a complete hazardous materials business plan annually to the statewide information management system.</p> <p>Of the 1,227 regulated facility records in CERS, Cal OES and OSFM found that:</p> <ul style="list-style-type: none"> <li>• Approximately 414 businesses have not submitted a complete inventory and site map annually.</li> <li>• Approximately 544 businesses did not submit an updated Emergency Response Plan and Training Plan annually.</li> </ul> <p><b>CITATION:</b> HSC, Chapter 6.95, Section 25508(a) [Cal OES] 2013 CFC, Chapter 50, Section 5001.5.1 and 5001.5.2 [OSFM]</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By May 16, 2016, the CUPA will develop, and submit to CalEPA, a list of all regulated businesses that have not submitted their complete business plan annually.</p> <p>By August 16, 2016, the CUPA will follow up with each regulated business identified on the list to ensure a complete business plan is submitted or initiate appropriate enforcement actions against businesses that have not submitted a complete business plan within 30 days.</p> <p>With each Deficiency Progress Report, the CUPA will update the list with the status of business compliance.</p>
<p><b>11. DEFICIENCY:</b></p> <p>The CUPA is not inspecting all Hazardous Waste Generator (HWG) facilities with the inspection frequency reported in their Inspection and Enforcement (I&amp;E) Plan for the HWG program.</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By May 16, 2016, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each HWG facility is inspected within the required timeframe. The plan will include at minimum:</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

<p>The CUPA's I&amp;E plan says they will inspect all HWG facilities at least once every two years. With the frequency set for every two years CERS shows 548 inspections since 2013. Approximately 121 inspections coded as ROUTINE should be "other" as they were multiple inspections at the same location, and were not necessary to meet the two-year inspection target specified in the I&amp;E Plan.</p> <p>This translates to 427 routine inspections out of 585 facilities for a rate of 73%. Therefore, the CUPA did not meet the inspection frequency specified in the I&amp;E plan for all HWG facilities in the CUPA's jurisdiction.</p>	<ul style="list-style-type: none"><li>• A sortable HWG inspection tracking spreadsheet exported from their data management system or CERS, of each HWG facility that has not been inspected within the required timeframe. At minimum, the spreadsheet will include facility name, address, CERS ID number, Facility ID number (if applicable), and last routine inspection date;</li><li>• A proposed schedule to inspect those facilities by prioritizing the most delinquent inspections to be completed prior to any other HWG inspection;</li><li>• If necessary , a plan to reallocate resources and provide additional training to staff to meet the inspection frequency requirement; and,</li><li>• Future steps to ensure that all HWG facilities will be inspected within the required timeframe.</li></ul> <p>By August 16, 2016, and with each Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the HWG inspection tracking spreadsheet to show inspections that have occurred during the previous quarter.</p> <p>By February 16, 2017, the CUPA will have inspected each HWG facility within the required timeframe.</p>
<p><b>CITATION:</b></p>	
<p>CCR, Title 27, Section 15200(a)(3) [CalEPA]</p>	

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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### 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>
	<p>On February 9, 10, and 11, 2016, State Water Board witnessed the City of Bakersfield Fire Department CUPA, conduct three (3) annual UST compliance inspections. On February 9, 2016, the inspection took place at Samco California Chevron located at 4100 California Avenue, Bakersfield with Inspector Shane Gardner. On February 10, 2016, the inspection took place at Bill Wright Toyota located at 5100 Gasoline Alley Drive, Bakersfield with Inspector Esther Duran. On February 11, 2016, the inspection took place at Wholesale Fuels # 1001 located at 2200 East Brundage Lane, Bakersfield with Inspector Kris Karns.</p> <p>The CUPA inspectors' attention to detail and knowledge of statute and regulations regarding UST design, construction, and operation, resulted in complete and thorough annual UST compliance inspections. State Water Board asked questions regarding how inspectors prepare for inspections, close out inspections, and finds CUPA staff are consistent with the inspection procedures.</p> <p>One concern State Water Board observed is regarding citing violations. Our inspection on February 10, 2016, found the under dispenser containment sump could not capture a leak from the entire dispenser. The inspector discussed the requirement for under dispenser containment with the facility representative however, a violation was not cited. All other observed inspections were satisfactory.</p> <p>Note: It should be pointed out that Inspector Esther Duran, conducting the February 10 inspection, is not inspecting UST facilities on a regular basis. Inspector Esther Duran is a backup inspector when monitoring certifications are double booked.</p>
	<b>RECOMMENDATION:</b>
	State Water Board recommends that the CUPA continue its training process for staff as consistency is valuable for the implementation of the Unified Program.
<b>2.</b>	<b>OBSERVATION:</b>
	State Water Board review of the CUPA's Inspection and Enforcement Plan finds reference to CERS. Additionally, the CUPA includes a CERS Guidance document, which covers the basics of what an owner/operator needs to submit for each program.
	<b>RECOMMENDATION:</b>
	State Water Board recommends that the CUPA further develop the CERS Guidance document specifically identifying the UST program and all of the required documents, which need to be submitted into CERS and or directly to the CUPA such as testing and leak detection documentation.

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

#### OBSERVATIONS AND RECOMMENDATIONS

<p><b>3. OBSERVATION:</b></p> <p>State Water Board observed the new ICC certified UST inspectors, Shane Gardner and Kris Karns, conduct thorough UST inspections including onsite record review and CERS verification. It appears that past inspectors may not have been conducting complete annual inspections or may not have been requiring cited violations to be corrected. For instance, Inspectors Shane Gardner and Kris Karns each cited violations for not meeting manufacturer construction and monitoring requirements in addition to issuing a UST Red Tag to a fill pipe and Fire Department Red Tags to electrical/circuit breakers.</p> <p>During the 2016 oversight inspections, State Water Board observed Inspectors Shane Gardner and Kris Karns cite violations for daisy chain wiring of leak detection sensors, and electronic line leak detectors not configured and installed correctly.</p> <p><b>RECOMMENDATION:</b></p> <p>State Water Board recommends that the current ICC UST inspectors continue their complete inspections and consistent procedures.</p>
<p><b>4. OBSERVATION:</b></p> <p>On February 9, 2016, DTSC conducted a CUPA Evaluation/Oversight Inspection with Bakersfield City Fire Department CUPA at Motor City Truck &amp; Fleet Center located at 4501 District Blvd, Bakersfield, CA 93313 and LensCrafters #2699 located at 9370 Rosedale Hwy #100, Bakersfield, CA 93312. Motor City Truck &amp; Fleet Center generates used oil, oil filters, and waste antifreeze. Violations were cited for open hazardous waste containers and labeling universal waste. LensCrafters #2699 has a Conditionally Exempt – Specified Waste stream, Tiered Permitting Unit, which is a Coburn Stratum Lens Coater. The coater overspray, LTI-SUN-400B, is used inside Stratum coater drains into an internal waste container for continuous UV curing. UV light curing of spent LTI-SUN-400B coating is cured to a non-hazardous solid waste. A violation was cited for not having treatment logs for 2014 and some of 2015. The inspector was well prepared, developed a rapport with the facility owner/operator and observed all the violations.</p> <p><b>RECOMMENDATION:</b></p> <p>DTSC recommends that the CUPA document facility processes and waste management activities with photographs. The CUPA should also plan for additional cross training opportunities with the newly employed staff.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS** EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

### 1. IMPROVEMENT IN HAZARDOUS WASTE GENERATOR INSPECTION FREQUENCY:

The CUPA has made a tremendous improvement with the inspection frequency timeframe for the HWG program. In the past the CUPA did not have an inspection frequency timeframe for the HWG program. Consequently the CUPA had a very low inspection frequency prior to 2013. In fiscal year 2013/2014 the CUPA began an aggressive effort to achieve a two-year inspection frequency for the HWG program. An increase in staffing has assisted with this effort. A two-year inspection frequency means that the CUPA can assist business owners more often with compliance issues and better hazardous waste management practices. The following data from previous fiscal years show the improvement:

- Fiscal Year 12/13 - Of 585 facilities, 5 were inspected
- Fiscal Year 13/14 – Of 585 facilities, 200 were inspected
- Fiscal Year 14/15 – Of 573 facilities, 333 were inspected

Since 2013 CERS data indicates 548 HWG facilities have been inspected by the CUPA and reported in CERS. As stated in the deficiency for HWG inspections, DTSC found that multiple routine inspections were reported in CERS for the same facility in less than a two year timeframe. There was a subset of those that were not counted by DTSC as only one routine inspection was credited per facility in a two year period. The remaining subset of HWG facilities did not have a routine inspection reported in CERS within the last two years and became the basis for the deficiency. Nonetheless, the data shows that the CUPA has improved from inspecting less than 1% of the HWG facilities to inspecting nearly 74% of all HWG facilities at least once every two years. The CUPA is currently on track to achieve and maintain the two-year inspection frequency in the very near future for each facility in the HWG program.

### 2. REORGANIZATION OF PAPERLESS FACILITY FILE INFORMATION:

Since the last evaluation the CUPA has vastly improved the way facility file folders are maintained and archived. The CUPA began using a city-owned archiving software system called Laserfiche. Using the city's website a user is able to access public information about each facility including facility name, address and past Unified Program inspection information. Although during this evaluation the CUPA experienced some challenges with organizing and naming each facility file folder, and making sure all inspection information was in the system, they were quickly able to reorganize the folder naming system in Laserfiche and upload or relocate some additional information requested by state evaluators. This is an example of the efficiency and use of electronic archiving technology with the intent of maintaining a paperless system of Unified Program information.

### 3. EVALUATION BETA TEST PARTICIPATION:

The City of Bakersfield Fire Department CUPA was one of four CUPAs to participate in the CalEPA beta test of the new evaluation process. The new evaluation process requires the CUPA to electronically submit, not only the traditionally requested information, but also facility file documents for facilities selected by state evaluators. Under the new evaluation process, state agencies now review all evaluation information remotely rather than conducting an office visit. CalEPA contacted the CUPA in October 2015 with a special request for evaluation information to be submitted to CalEPA within 30 days. Pursuant to CCR, Title 27, the CUPA is required to provide requested information within 60 days. However, the CUPA complied with the special request and provided all of the requested information by November 6, 2015, which was well within the requested timeframe. The CUPA was very cooperative with the beta testing process and provided additional evaluation information that was not requested in the original evaluation notification.



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

#### EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

The CUPA also provided useful feedback to help improve the new evaluation process including discussions about:

- The cost incurred to provide evaluation documents
- Evaluators' request for facility file information should have a specific time range (i.e. Information from 2010 through 2015)
- Update or draft additional CERS FAQ guidance documents about annual business plan submittals; and
- In the future, providing a place in CERS to electronically upload facility permits to facilities rather than issue a hardcopy version of the permit.