



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Certified Mail: 7015 1730 0001 0036 5261

June 15, 2016

Ms. Liza Frias
Interim Director
Orange County Environmental Health
1241 East Dyer Road, Suite 120
Santa Ana, California 92705-5611

Dear Ms. Frias:

On May 13, 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 (SWRCB) completed a Unified Program evaluation of the Orange County Environmental Health 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.

Despite having 12 deficiencies (2 have already been corrected), the CUPA has been exemplary in their Unified Program implementation. There are 7 examples of outstanding program implementation in the Summary of Findings. The examples include outreach to the regulated community, coordination with other Unified Program Agencies, and an improved enforcement program.

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 August 4, 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, kareem.taylor@calepa.ca.gov.

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

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

During the evaluation, CalEPA also noted the CUPA has worked to bring about a number of local program innovations, including the Unified Program learning opportunities provided to students and the use of social media to convey regulatory information to businesses.

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, Kareem Taylor, at (916) 327-9557 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

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Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Mr. Kareem Taylor
Unified Program Evaluation Team Lead
California Environmental Protection Agency

CERTIFIED UNIFIED PROGRAM AGENCY
FINAL SUMMARY OF FINDINGS

EVALUATION YEAR:	2016	REVIEW PERIOD:	March 2016 through May 2016	ISSUANCE DATE:	June 15, 2016
CUPA:	Orange County Environmental Health				
EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	State Water Board	CAL FIRE - OSFM
	Kareem Taylor	Matthew McCarron	Fred Mehr	Sean Farrow	Jena 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 **Kareem Taylor**.

The CUPA is required to submit a **Deficiency Progress Report every 90 days** 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: August 4, 2016

Update 2: November 4, 2016

Update 3: February 6, 2017

Update 4: May 8, 2017

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

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EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently following-up and documenting return to compliance (RTC) for facilities cited with violations in inspection reports.</p> <p><u>Fiscal Year (FY) 2014/2015</u></p> <ul style="list-style-type: none"> • Hazardous Materials Business Plan (HMBP): Out of 3891 violations, 1149 RTC (30%) • California Accidental Release Prevention (CalARP): Out of 12 violations, 5 RTC (42%) • Underground Storage Tank (UST): Out of 837 violations, 622 RTC (74%) • Aboveground Petroleum Storage Act (APSA): Out of 99 violations, 65 RTC (66%) • Hazardous Waste Generator (HWG): Out of 857 violations, 576 RTC (67%) • Tiered Permit (TP): Out of 28 violations, 17 RTC (61%) <p><u>FY 2013/2014</u></p> <ul style="list-style-type: none"> • HMBP: Out of 1160 violations, 174 RTC (15%) • CalARP: Out of 122 violations, 43 RTC (35%) • UST: Out of 848 violations, 647 RTC (76%) • APSA: Out of 203 violations, 131 RTC (65%) • HWG: Out of 2133 violations, 1573 RTC (74%) • TP: Out of 228 violations, 159 RTC (70%) <p>DTSC observed the following facilities with</p>	<p>By August 4, 2016, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of the total number of facilities that have open violations. The CUPA will follow-up with the facilities listed in the provided spreadsheet and prioritize follow-up actions based on the level of hazard. At minimum, the spreadsheet will include:</p> <ul style="list-style-type: none"> • Facility name and address; • CERS ID number; • Facility ID number (if applicable); • Inspection and violation dates; • Scheduled RTC date; • Actual RTC date; • RTC qualifier; and • Follow-up actions. <p>By August 4, 2016, the CUPA will provide CalEPA with a timeframe for when all of the listed facilities will be followed-up with.</p> <p>By November 4, 2016, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet.</p> <p>By February 6, 2017, the CUPA will provide CalEPA with a copy of RTC documentation for 10 facilities requested by each state agency during the previous quarter. For the facility CERS IDs identified by DTSC in the deficiency, the CUPA will provide CalEPA with RTC documentation for each of the identified facilities.</p>

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	<p>the following California Environmental Reporting System (CERS) identification numbers that have ongoing violations: 10516615, 10548250, 10516981, 10555018, 10540402, 10564951, 10562713, 10516309, 10543372, 10540927.</p> <p>CITATION: HSC, Chapter 6.11, Section 25404.1.2(c) CCR, Title 27, Section 15200(a) CCR, Title 27, Section 15185(a) and (c) [CalEPA, Cal OES, DTSC, OSFM, State Water Board]</p>	
2.	<p>DEFICIENCY:</p> <p>The CUPA's local reporting portal is not able to transfer or exchange electronic information submitted by regulated facilities to CERS.</p> <p>CalEPA identified only 3576 out of 10695 facilities listed in CERS have submitted data in CERS.</p> <p>CITATION: HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15187(a)(2) [CalEPA]</p>	<p>CORRECTIVE ACTION:</p> <p>By August 4, 2016, the CUPA will develop, implement, and submit to CalEPA a plan to successfully transfer facility submittals from the local reporting portal to CERS. The plan will identify:</p> <ul style="list-style-type: none"> • Problem areas and solutions; • Timeframe for implementing solutions; • The number of facility submittals that have been successfully transferred; • The number of those submittals that still need to be transferred; and • The expected completion date to correct this deficiency.
3.	<p>DEFICIENCY:</p> <p>The CUPA's data management system is not able to electronically transfer inspection, violation, and enforcement (CME) information to CERS.</p> <p><u>FY 2014/2015</u></p> <ul style="list-style-type: none"> • City of Orange: Of the 42 UST facilities in CERS, only 8 UST inspections have been reported. • City of Fullerton: Of the 40 UST facilities 	<p>CORRECTIVE ACTION:</p> <p>By August 4, 2016, the CUPA, in coordination with their Information Technology resource, will develop, implement, and submit to CalEPA a plan to successfully transfer the participating agencies' inspection, violation, and enforcement information to CERS. The plan will identify:</p> <ul style="list-style-type: none"> • Problem areas and solutions,

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	<p>in CERS, only 15 UST inspections have been reported.</p> <p><u>FY 2013/2014</u></p> <ul style="list-style-type: none"> City of Orange: CME spreadsheet provided by CUPA shows 39 UST inspections conducted. Only 5 total inspections were reported in CERS. City of Fullerton: CME spreadsheet provided by CUPA shows 436 inspections conducted. No inspections were reported in CERS. <p>CITATION:</p> <p>HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15187(c) [CalEPA]</p>	<ul style="list-style-type: none"> Timeframe for implementing solutions, The number of facilities with inspection, violation, and enforcement information that have been successfully transferred, The number of those that still need to be transferred, and The expected completion date to correct this deficiency.
<p>4.</p>	<p>DEFICIENCY:</p> <p>The CUPA is not consistently ensuring that all appropriate UST related information in CERS is accurate and complete.</p> <p>State Water Resources Control Board (State Water Board) review of UST facility submittals in CERS shows the CUPA is accepting inaccurate or incomplete UST related information in CERS.</p> <p>The following are examples of incomplete or inaccurate information in CERS:</p> <ul style="list-style-type: none"> Orange County Environmental Health: <ul style="list-style-type: none"> Tanks missing spill bucket information: <ul style="list-style-type: none"> CERS ID- 10617124 (Tanks 007, 008, 009), CERS ID- 10422457 (Tanks 24608008, 24608009), CERS ID- 10514029 (Tank 1) CERS ID- 10417009 	<p>CORRECTIVE ACTION:</p> <p>By August 4, 2016, the CUPA will revise, implement, and provide CalEPA with the Data Management Procedure, or other applicable procedure, to ensure the CUPA accepts accurate and complete UST information.</p> <p>The procedure will delineate the CUPA's process for managing CERS submittals including:</p> <ul style="list-style-type: none"> A process for reviewing and not accepting CERS submittals; AND A process for reviewing and accepting only accurate and complete CERS submittals; OR A process for reviewing and accepting submittals with minor errors <ul style="list-style-type: none"> A condition is set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe; If the submittal is not corrected, personnel will change the submittal

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<ul style="list-style-type: none"><ul style="list-style-type: none">(Tanks 1, 2, 3, 4), and▪ CERS ID- 10412326 (Tanks 1, 2, 3).○ Tanks with installation dates identified as post July 1, 2004 show “none” for vent pipe transition sumps. (Vent pipe transition sumps are required for tanks installed after July 1, 2004).<ul style="list-style-type: none">▪ CERS ID- 10146207 (Tanks 1, 2, 3),▪ CERS ID- 10166139 (Tanks 1, 2),▪ CERS ID- 10452472 (Tanks 1, 2, 3) , and▪ CERS ID- 10343356 (Tanks 1, 2, 3).○ Piping identified as double-wall show “none” for secondary containment construction material.<ul style="list-style-type: none">▪ CERS ID- 10174325 (Tanks 2, 4),▪ CERS ID- 10513579 (Tanks 30000FA0051452003, 30000FA0051452001, 30000FA0051452002)▪ CERS ID- 10512331 (Tank 3)○ Tanks missing overflow prevention missing information:<ul style="list-style-type: none">▪ CERS ID- 10138379 (Tanks 1, 2, 3, 4),▪ CERS ID- 10516114 (Tanks 1, 2, 3), and▪ CERS ID- 10512499 (Tanks 1, 2) <p>Note: The data above were identified from CERS submittals and files reviewed by State Water Board during the CUPA evaluation and may not be the only facilities that have</p>	<p>status from “accept” to “not accept.”</p> <p>By November 4, 2016, the CUPA will implement and train personnel on the revised procedure. The CUPA will provide documentation of training to CalEPA.</p> <p>With respect to information already accepted in CERS, the CUPA will review UST related information and require accurate and complete submittals for each facility when the next submittal is made, but no later than the next annual UST facility compliance inspection.</p>
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	<p>incomplete or inaccurate UST related fields.</p> <p>Note: Please reference the following CERS 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>CITATION:</p> <p>HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15185(a) CCR, Title 27, Section 15188(c) [CalEPA, State Water Board]</p>	
5.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA and the City of Orange and Fullerton Fire Department Participating Agencies (PA) are not consistently reporting all violations, including significant operational compliance (SOC) criteria, in CERS when UST violations are cited during the annual UST compliance inspection.</p> <p>State Water Board review of CUPA and the PAs' annual UST compliance inspection reports, associated monitoring certifications, and CERS CME finds violations observed during annual UST compliance inspections are not consistently or correctly reported in CERS. The following are examples where violations are not consistent or incorrectly reported:</p> <ul style="list-style-type: none"> Orange County Environmental Health: <ul style="list-style-type: none"> CERS ID 10138227- CERS CME and routine annual UST compliance inspection report dated 2/11/15 show zero (0) violations. The associated monitoring certification shows the failure of the diesel line leak 	<p>From this point forward, the CUPA and the City of Orange and Fullerton Fire Department PAs will consistently report accurate compliance information in CERS.</p> <p>By August 4, 2016, the CUPA in coordination with the PAs, will revise, implement, and provide to CalEPA, a Data Management Procedure. The Data Management Procedure will include, but not be limited to, language ensuring personnel document and report compliance information in CERS. The CUPA and the PAs will make necessary changes to the Data Management Procedure based on feedback from the State Water Board.</p> <p>By November 4, 2016, the CUPA and the PAs will implement and train personnel on the new Data Management Procedure and provide training documentation to CalEPA.</p> <p>By February 6, 2017, the CUPA will provide to CalEPA, annual UST compliance inspection reports for fifteen (15) UST facilities selected by State Water Board. In addition, City of</p>

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	<p>detector and the 87 tank annular sensor as being replaced.</p> <ul style="list-style-type: none">○ CERS ID 10146297- CERS CME and routine annual UST compliance inspection report dated 8/21/14 shows zero (0) violations. The associated monitoring certification states a defective Veeder-Root remote alarm bulb was replaced correcting the deficiency.○ CERS ID 10122613- CERS CME and routine annual UST compliance inspection report dated 9/9/13 show zero (0) violations. The associated monitoring certification shows the 91 line leak detector failed. <ul style="list-style-type: none">● City of Orange Fire Department:<ul style="list-style-type: none">○ CERS ID 10400746- CERS CME dated 7/28/15 shows a violation for spill bucket failure. The annual UST compliance inspection report and associated monitoring certification show a failure for line leak detector.○ CERS ID 10505200- CERS CME dated 1/15/15 shows violations for secondary containment and line leak detectors. The annual UST compliance inspection report shows violations for UST Forms violations, spill bucket failures, and line leak detectors.○ CERS ID 10538602- CERS CME dated 9/3/15 shows a violation for tampering with leak detection equipment. The annual UST compliance inspection report shows violations for sensor not placed at lowest point and dispenser containment not liquid free.	<p>Orange and Fullerton Fire Departments will each provide annual UST compliance inspection reports for ten (10) UST facilities selected by State Water Board. State Water Board will verify whether personnel are following the Data Management Procedure.</p>
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<ul style="list-style-type: none">• City of Fullerton Fire Department:<ul style="list-style-type: none">○ CERS ID 10443013- CERS CME dated 1/5/16 shows a violation for condition of secondary containment. The annual UST compliance inspection report shows violations for leak observed in dispenser 13/14 and brine solution was observed in bottom of 87A fill sump.○ CERS ID 10508668- CERS CME dated 1/21/16 shows a violation for Under Dispenser Containment (UDC) monitoring. The annual UST compliance inspection report identifies violations for failure to monitor tank system on permit- float chain assemblies failing in UDC's and failure to obtain/show proof of current financial responsibility.○ CERS ID 10403500- CERS CME dated 1/11/16 shows a violation for outdated site plan. The annual UST compliance inspection report shows violations for water present in both 87 and 91 fill sumps and the monitoring plan needs updating. <p>Note: The data above were identified from CERS submittals and files reviewed by State Water Board during the CUPA evaluation and may not be the only instances of reporting violations in CERS which are not consistent or violations are incorrectly reported.</p> <p>CITATION:</p>	
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	CCR, Title 27, Section 15290(b)(1) CCR, Title 23, Section 2713(d) [CalEPA, State Water Board]	
6.	DEFICIENCY: The CUPA is citing violations requiring direct bury spill buckets to be tested with electronic devices for which there is no authority under Chapter 6.7 or Local Ordinance. State Water Board review of CERS CME and annual UST compliance inspection reports finds the CUPA citing violations for direct bury spill buckets not being tested with an electronic device. The CUPA confirms there is no Local Ordinance in place requiring direct bury spill buckets to be tested electronically. The following are examples where the CUPA identifies direct bury spill buckets requiring electronic device testing or failed electronic testing: <ul style="list-style-type: none">• CERS ID 10138191- Violation Comment states, "Vapor and fill spill bucket testing was last performed on 7/31/2012. The buckets are direct bury and require electronic testing (INCON), equipment was not available on this day. Perform the tests and provide a copy of the results and tapes to this Agency within 30 days."• CERS ID 10512277- Violation Comment states, "On 4/16/14 during the annual monitor certification spill buckets (direct bury) were not tested, technician did not have an INCON. To abate this violation perform the .002 inch precision test on spill bucket and send the results to this	CORRECTIVE ACTION: Effective immediately, until such time the CUPA adopts a Local Ordinance to require direct bury spill buckets to be tested with an electronic device, the CUPA will cease issuing UST violations requiring direct bury spill buckets to be tested in such a manner. By August 4, 2016, the CUPA will develop and provide to CalEPA a formal strategy outlining the CUPA's commitment to correct this deficiency. The strategy will include, but not be limited to, how the CUPA will inform the regulated community on testing procedures, and revising current inspection procedures. The CUPA will make necessary changes to the strategy based on feedback from the State Water Board. By November 4, 2016, the CUPA will implement the strategy, train personnel on the strategy, and provide training documentation to CalEPA.

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	<p>agency within 30 days.”</p> <ul style="list-style-type: none">• CERS ID 10400470- Violation Comment states, “The diesel direct bury spill bucket did not pass IN CON testing before I had left the site. Repair this bucket and submit test results to this agency. Submit plans for repair if the concrete must be broken to do the repair. I contacted Steve Loera and he confirmed that the spill bucket passed INCON testing after he cleaned the drain line and the violation was abated.” <p>Note: The data above were identified from CERS submittals and files reviewed by State Water Board during the CUPA evaluation and may not be the only instances of direct bury spill buckets requiring electronic testing or failing electronic testing.</p> <p>CITATION:</p> <p>HSC, Chapter 6.7, Section 25299.2(a) [State Water Board]</p>	
7.	<p>DEFICIENCY:</p> <p>The CUPA and the City of Fullerton Fire Department PA are not consistently and correctly reporting UST violations in CERS.</p> <p>State Water Board review of CERS CME data finds the CUPA and the City of Fullerton Fire Department PA using the General or General Use-Local Ordinance Violation to cite UST violations when neither the CUPA or the City of Fullerton Fire Department PA have a Local Ordinance to cite and use these violations. The following are examples which show the CUPA and the City of Fullerton Fire Department PA using the General or General Use-Local Ordinance Violation for reporting UST inspection and violation information:</p>	<p>CORRECTIVE ACTION:</p> <p>From this point forward, the CUPA and the City of Fullerton Fire Department PA will consistently and correctly report in CERS, UST violations using the correct violation found in the Unified Program Violation Library.</p> <p>By August 4, 2016, the CUPA in coordination with the City of Fullerton Fire Department PA will revise, implement, and provide to CalEPA for review, a Data Management Procedure. The Data Management Procedure will include, but not be limited to, language for inspection personnel to correctly report UST inspection and violation information. The CUPA in coordination with the City of Fullerton Fire Department PA will make necessary changes to the Data Management</p>

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<ul style="list-style-type: none">• Orange County Environmental Health:<ul style="list-style-type: none">○ CERS ID 10138489- The CUPA cites a violation for the overfill light not working. The CUPA uses the General-Local Ordinance Violation Number 2030. The Unified Program Violation Library provides a specific description for this type of violation, such as Violation Number 2030036.○ CERS ID 10441591- The CUPA cites a violation for the 91 tank annular sensor failure. The CUPA uses General Violation Number 2010. The Unified Program Violation Library provides a specific description for this type of violation, such as Violation Number 2030016.○ CERS ID 10513690- The CUPA cites a violation for failing to submit UST documents electronically. The CUPA uses the General-Local Ordinance Violation Number 2010. The cited violation is associated with multiple sections of California Code of Regulations. Per CERS FAQ "Citations for Failure to Report Unified Program Information", each instance where failures to submit information electronically exist, a separate violation needs to be cited. The Unified Program Violation Library provides specific descriptions for these types of violations, such as Violation Numbers 2010007; 2010010; 2030011; 2030037; 2030041; and 2030046.	<p>Procedure based on feedback from the State Water Board.</p> <p>By November 4, 2016, the CUPA and the City of Fullerton Fire Department PA will train personnel on the new Data Management Procedure and provide training documentation to CalEPA.</p> <p>This deficiency will be considered corrected once State Water Board staff finds that the CUPA has consistently and correctly reported UST violations in CERS over a one-year period for the CUPA and the City of Fullerton Fire Department PA.</p>
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<ul style="list-style-type: none">• City of Fullerton Fire Department:<ul style="list-style-type: none">○ CERS ID 10138189- The PA cites a violation for minor corrections of the monitoring plan. The PA uses the General Violation Number 2010. The Unified Program Violation Library provides a specific description for this type of violation, such as Violation Number 2010010.○ CERS ID 10403800- The PA cites a violation for minor corrections to UST forms and monitoring plan. The PA uses the General Violation Number 2010. The Unified Program Violation Library provides a specific description for this type of violation, such as Violation Number 2010010.○ CERS ID 10450228- The PA cites a violation for UST forms, monitoring plan and monitoring site plan. The PA uses the General Violation Number 2010. The cited violation is associated with multiple sections of California Code of Regulations. Per CERS FAQ "Citations for Failure to Report Unified Program Information", each instance where failures to submit information electronically exist, a separate violation needs to be cited. The Unified Program Violation Library provides specific descriptions for these types of violations, such as Violation Numbers 2010010 and 2030041. <p>Note: The CUPA uses unique violation codes which are mapped to the Unified Program Violation Library which have not been</p>	
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	<p>reviewed by State Water Board.</p> <p>Note: The data above were identified from CERS submittals and files reviewed by State Water Board during the CUPA evaluation and may not be the only instances of the CUPA using the General or General Use-Local Ordinance Violation to cite UST violations.</p> <p>Note: Please reference the following CERS FAQ: "Citations for Failure to Report Unified Program Information."</p> <p>CITATION:</p> <p>HSC, Chapter 6.7, Section 25288(b) HSC, Chapter 6.7, Section 25299 CCR, Title 23, Section 2712(c), (e), and (g) CCR, Title 23, Section 2713(c) and (d) CCR, Title 27, Section 15290(b)(1) [CalEPA, State Water Board]</p>	
8.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA and the City of Orange Fire Department PA are not consistently 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 seven (7) UST facilities that have not completed the required ELD testing nor submitted a request for reconsideration (RFR) to perform ELD testing application. Of the seven (7) facilities, the CUPA has five (5) facilities that need to implement ELD while the City of Orange Fire Department PA has two (2) facilities that need to implement ELD.</p> <p>State Water Board has provided the CUPA</p>	<p>By August 4, 2016, the CUPA will begin implementing a graduated series of enforcement for ELD such as issuing a notice of violation, permit revocation, and red tag issuance.</p> <p>In addition to the notification letters, during the next annual UST compliance inspection, if ELD testing has not been implemented, the CUPA and PA will 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 and the City of Orange Fire Department PA will provide CalEPA a copy of the notification letters to document notification has been accomplished for all</p>

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	<p>and the PA, City of Orange Fire Department 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: http://www.waterboards.ca.gov/ust/eld/index.shtml. 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>CITATION:</p> <p>HSC, Chapter 6.7, Section 25292.4 and 25292.5 CCR, Title 23, Section 2644.1 [State Water Board]</p>	<p>identified facilities.</p> <p>Once ELD testing has occurred, the CUPA and the City of Orange Fire Department PA will provide CalEPA with copies of the test results.</p>
<p>9.</p>	<p>DEFICIENCY:</p> <p>The CUPA and the City of Orange and Fullerton Fire Department PAs are not consistently collecting, managing and reporting the number of UST inspections.</p> <p>The following are examples of differing inspection counts:</p> <ul style="list-style-type: none"> • Orange County Environmental Health: <ul style="list-style-type: none"> ○ FY 2014/2015- The CUPA reports conducting 761 inspections in Semi Annual Report 6, while CERS CME shows 643 routine inspections; and ○ FY 2013/2014- The CUPA reports conducting 786 inspections in Semi Annual Report 6, while CERS CME shows 708 routine inspections. 	<p>CORRECTIVE ACTION:</p> <p>From this point forward, the CUPA and the City of Orange and Fullerton Fire Department PAs will consistently collect, manage, and report UST inspections in Semi Annual Report 6 and in CERS.</p> <p>By August 4, 2016, the CUPA in coordination with the City of Orange and Fullerton Fire Department PAs will perform a thorough analysis of the Data Management Procedure and conclude why reported inspection numbers differ between the different reporting formats. The CUPA in coordination with the City of Orange and Fullerton Fire Department PAs will provide formal findings of the analysis to CalEPA for review. By November 4, 2016, based on the CUPA and the City of Orange and Fullerton Fire Department PAs' analysis of the Data Management Procedure, the CUPA in</p>

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	<ul style="list-style-type: none"> City of Orange Fire Department: <ul style="list-style-type: none"> FY 2014/2015- The PA reports conducting 71 inspections in Semi Annual Report 6, while CERS CME shows seven (7) routine inspections. City of Fullerton Fire Department: <ul style="list-style-type: none"> FY 2014/2015- The PA reports conducting 43 inspections in Semi Annual Report 6, while CERS CME shows fifteen (15) routine inspections. <p>The CUPA confirms the discrepancies between Semi Annual Report 6 and CERS may be due to using the integration wizard for uploading CME from the CUPA's Envision database into CERS for FYs 2013/2014 and 2014/2015.</p> <p>CITATION: CCR, Title 27, Section 15280(c)(2)(B) CCR, Title 27, Section 15290(b)(1) CCR, Title 23, Section 2713(d) [CalEPA, State Water Board]</p>	<p>coordination with the PAs, will revise, implement, and provide to CalEPA for review, the revised Data Management Procedure. The CUPA and the PAs will make necessary changes to the revised Data Management Procedure based on feedback from the State Water Board. The Data Management Procedure will include, but not be limited to:</p> <ul style="list-style-type: none"> Collecting, retaining, managing, and reporting inspection information; How personnel report inspection information at the local level; and How inspection information is reported to state agencies. <p>By February 6, 2017, the CUPA and the PAs will implement and train personnel on the new Data Management Procedure and provide training documentation to CalEPA.</p> <p>This deficiency will be considered corrected when two consecutive Semi Annual Report 6 reports are consistent with CERS CME data.</p>
10.	<p>DEFICIENCY:</p> <p>The CUPA is not consistently managing enforcement information necessary to implement the Unified Program.</p> <p>The CUPA reported 193 Administrative Enforcement Orders (AEO) and 2 civil enforcement actions in CERS. However, enforcement information provided by the CUPA indicates that the CUPA has issued 76 AEOs (26 in 2013/2014, 42 in 2014/2015, and 8 in 2015/2016) and 47 cases have been closed and 3 were referred to the District Attorney. Upon review of the CERS enforcement data and the CUPA's enforcement information, CalEPA</p>	<p>CORRECTIVE ACTION:</p> <p>The CUPA removed the duplicate enforcement actions reported in CERS. This deficiency was corrected before the conclusion of the evaluation. No further actions are required.</p>

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	discovered that there are duplicate AEOs reported in CERS.	
	CITATION:	
	CCR, Title 27, Section 15185(a) [CalEPA]	
11.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not inspecting all HWG facilities with the inspection frequency reported in their Inspection and Enforcement (I&E) Plan for the HWG program.</p> <p>The CUPA's I&E Plan says they will inspect HWG facilities at least once every 3 years.</p> <p>Hazardous Waste inspection rate: I&E Plans shows 5930 facilities CERS shows 5046 Hazardous Waste inspections for 85% inspection rate.</p>	Before the conclusion of the evaluation, the CUPA submitted data showing that over 90% of HWG facilities have been inspected within the last 3 years. This deficiency is considered corrected. No further actions are required.
	CITATION:	
	CCR, Title 27, Section 15200(a)(3) [CalEPA, DTSC]	
12.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA CalARP Dispute Resolution is missing required elements.</p> <p>The CalARP Dispute Resolution is missing the appeals process in Title 19, section 2780.1 (b) through (e).</p>	The CUPA completed and submitted the missing CalARP Dispute Resolution elements before the conclusion of the evaluation. This deficiency is considered corrected. No further actions required.
	CITATION:	
	CCR, Title 19, Section 2780.1 [Cal OES]	

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OBSERVATIONS AND RECOMMENDATIONS

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

1. OBSERVATION: The CUPA is transitioning away from its E-Submit portal to CERS for business submissions. The CUPA is working with their data management and portal vendors for assistance with the transition process. The CUPA will be working with businesses to move their submittal information to CERS. RECOMMENDATION: CalEPA recommends that the CUPA work with businesses during their routine inspections to transition their information to CERS.
2. OBSERVATION: On March 23 and 24, 2016 and April 6 and 7, 2016 respectively, State Water Board observed the City of Orange Fire Department and Orange County Environmental Health CUPA conduct four (4) annual UST compliance inspections. On March 23, 2016, the inspection took place at 1140 W La Veta Avenue, Orange and March 24, 2016 at 889 S Tustin Street, Orange. On April 6, 2016, the inspection took place at 13891 Red Hill Avenue, Tustin and April 7, 2016 the inspection took place at 7562 Center Avenue, Huntington Beach. The City of Orange Fire Department and Orange County Environmental Health's attention to detail and knowledge of statute and regulations regarding UST design, construction, and operation, resulted in complete physical annual UST compliance inspections. There was a slight inconsistency for the observed City of Orange Fire Department annual UST compliance inspections. During the March 24, 2016 inspection, State Water Board observed the inspector require the spill bucket drain valve be tested with a small amount of fuel for functionality while the inspector on March 23, 2016 did not require this physical test. State Water Board highly discourages this practice (testing the drain valve with fuel), as it is an environmental, health and safety risk. The Orange County Environmental Health inspections were not performed according to the CUPA's Standard Operating Procedure (SOP)- "Underground Storage Tank Facility Inspection Procedures" (herein after referred to as SOP). The SOP calls for the inspection report to be prepared on-site and signed and dated by the owner/operator. State Water Board did not observe the inspector fill out, prepare and have the owner/operator sign and date the inspection report. Staff confirms the completion of the inspection report is done at the office and emailed to the owner/operator.

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RECOMMENDATION: For the City of Orange Fire Department inspection staff, State Water Board recommends inspectors be consistent while conducting annual UST compliance inspections. Specifically, State Water Board recommends inspectors not use fuel when testing the functionality of a drain valve which resides inside a spill bucket. For the Orange County Environmental Health CUPA inspection staff, State Water Board recommends the following; 1) revise the CUPA's SOP for conducting annual UST compliance inspections to be consistent to inspection procedures witnessed by State Water Board or 2) train staff on the current SOP ensuring staff follows procedures already set in place.
3. OBSERVATION: State Water Board review of submitted SOP's finds outdated references or procedures for the following: <ol style="list-style-type: none">1. PA Evaluations- Page 2 identifies and refers to Reports 3 and 4;2. CUPA and PA Electronic Data Transfer Process- conversations with staff indicate CME information is currently entered into CERS by each local agency directly;3. Red Tag- This SOP on Page 1 identifies the CUPA manager or supervisor will call the District Attorney's (DA) office and request a DA investigator to meet staff onsite to observe the tagging procedure;4. Underground Storage Tank Facility Inspection Procedure- This SOP indicates Santa Ana is a PA who implements the UST program; and5. CUPA UST Permits- This SOP indicates the permit cycle is every five (5) years. RECOMMENDATION: State Water Board recommends the CUPA review and revise SOPs as appropriate. A few examples include but are not limited to: <ol style="list-style-type: none">1. Item 1, remove the reference to Reports 3 and 4 as this data is now captured in CERS as inspection, violation, and enforcement information also known as CME;2. Item 2, this SOP should reflect that each local agency which implements the Unified Program, directly reports CME information into CERS;3. Item 3, revise the Red Tag issuance process to include the CUPA's current procedure for issuing Red Tag;4. Item 4, remove the reference to Santa Ana as the city no-longer implements the UST program on behalf of the CUPA; and5. Item 5, this SOP should reflect the current permit cycle.

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4.	OBSERVATION: State Water Board review of the CUPA's I&E Plan finds no reference to CERS. In addition, the I&E Plan refers to Unified Program Consolidated Forms which are no-longer in use.
	RECOMMENDATION: State Water Board recommends the CUPA review and revise the I&E Plan to reference CERS submittals and the electronic reporting requirement.
5.	OBSERVATION: State Water Board review of Orange County Environmental Health UST inspection reports and observance of annual UST compliance inspections finds staff do not use an inspection checklist to conduct annual UST compliance inspections. Orange County Environmental Health inspection reports are observation style which are better suited for more advanced inspectors.
	RECOMMENDATION: State Water Board recommends the Orange County Environmental Health CUPA utilize a UST inspection checklist which will help with inspection consistency among new staff. The use of an inspection checklist would also help with consistent and accurate reporting of UST violations.
6.	OBSERVATION: The 2016 Orange County Environmental Health CUPA Evaluation also included the review of the City of Orange and Fullerton Fire Department PAs by the State Water Board. There are three sets of separate policies and procedures to reconcile, making it increasingly difficult for the CUPA to conduct self-audits, while at the same time, manage and evaluate the PAs.
	RECOMMENDATION: State Water Board recommends the CUPA include both PAs in the review, development, and implementation of all corrective actions to allow for ease and consistency in future CUPA self-audits and CUPA evaluation of PAs.
7.	OBSERVATION: State Water Board review of accepted CERS UST submittals for the CUPA and the City of Fullerton Fire Department PA finds a limited number of facilities where tank installation dates are missing or unknown.

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RECOMMENDATION:
State Water Board recommends the CUPA and the City of Fullerton Fire Department PA review UST related information and require complete and accurate submittals for each facility when new submittals are made, but no later than the due date of the next annual UST compliance inspection. Please refer to the email dated May 5, 2016 whereby State Water Board provides information for noting unknown UST installation dates for CERS submittals.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. **OUTREACH** – The CUPA has performed a number of outreach activities for its regulated community.
 - The CUPA uses laptops and iPhones to assist regulated businesses with reporting required information. Businesses are able to call inspectors' iPhones directly to address concerns. For network access while out in the field, the CUPA uses a secure internet connection by way of a Virtual Private Network for business submittals.
 - The CUPA has developed a "Hazardous Materials The Basics" guidebook as an instructional resource that describes the Hazardous Materials Business Emergency Plan, when a business plan is required to be reported, and how to electronically report a business plan. The guidebook includes examples explaining when a business plan must be reported, as well as, information about:
 - Business plan exemptions;
 - Unstaffed remote facilities reporting of hazardous materials;
 - E-Submit web portal and e-submit workshops; and
 - Steps to follow for a release or spill of hazardous materials.
 - The CUPA uses social media, such as a YouTube channel, to convey instructional information to regulate businesses that includes the requirements for used oil and HMBP submittals.
2. **STUDENT OPPORTUNITIES** – The CUPA partners with local universities and colleges to offer learning opportunities to students while providing benefits to the Unified Program. Students assist with the development of tutorial hazardous materials videos, guidebooks, and newsletters.
3. **EMERGENCY RESPONSE** – A team of 8 highly trained CUPA staff responders are available 24 hours to respond to requests from other agencies (i.e. drug labs) and to unauthorized releases or other incidents at regulated facilities.
4. **STAFF CONSISTENCY** – The CUPA ensures that staff implement the Unified Program consistently and are kept abreast of current CUPA activities by forming in-house UST, HWG, and hazardous materials committees. The committees meet regularly to discuss issues inspectors encounter during inspections and find resolutions.
5. **UNIFIED PROGRAM COORDINATION** - A few CUPA staff are participants in the UST and HWG Technical Advisory Groups. Participants are well-educated and their feedback has been essential in working through program issues.
6. **ENFORCEMENT** - After the previous evaluation, the CUPA completely overhauled their efforts for processing formal enforcement cases. During the previous evaluation, DTSC identified 3 AEOs for formal enforcement. During the current evaluation period, the CUPA has processed 76 AEOs for companies with violations. The CUPA has invested significant staff time, training and resources to execute the AEOs. While many of the AEOs were for hazardous waste issues, there were several for APSA, UST, and

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hazardous material violations. The CUPA also covered a wide range of business types in these violations, which levels the playing field for businesses that are compliant in the CUPA's jurisdictions. The CUPA also used the Supplemental Environmental Projects (SEP) process for assessing a significant portion of the fines assessed. The SEP process provides assistance through additional training resources for the benefit of the local community.

7. **APSA PROGRAM PARTICIPATION** – The CUPA staff actively provides their knowledge and expertise on the APSA program. They have participated as speakers for APSA track courses at the CUPA conference. Most notably, the CUPA has been helpful in the efforts to update the APSA Basic Inspector Training. Not only did CUPA staff participate in the workgroup meetings and contribute to updating training modules, the CUPA volunteered their time and resources to transcribe the audio files of the training. The efforts of the CUPA made it easier for workgroup members to update the training program.