



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Certified Mail: 7015 1730 0001 0036 7258

April 27, 2017

Mr. Michael Israel, Director
Amador County Environmental Health
810 Court Street
Jackson, California 95642-2132

Dear Mr. Israel:

On March 13, 2017, 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 Amador County Environmental Health 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 last day of the evaluation to document progress of the CUPA towards correcting identified deficiencies. Due to the delay with finalizing the Summary of Findings, the first Deficiency Progress Report is due June 27, 2017. 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, katrina.valerio@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 the CUPA has worked to bring about a number of local program innovations, outreach to business and first responders regarding the California Environmental Reporting System.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of the Unified Program.

If you have any questions or need further assistance, please contact the team lead, Katrina Valerio, at (916) 323-2204 or John Paine, Unified Program Manager, at (916) 327-5092.

Sincerely,

Original Signed by Jim Bohon

Jim Bohon
Assistant Secretary for Local Program Coordination and Emergency Response

Enclosure

cc sent via email

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cc sent via email

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

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

CERTIFIED UNIFIED PROGRAM AGENCY

FINAL SUMMARY OF FINDINGS

EVALUATION YEAR:	2017	REVIEW PERIOD:	January 13 – March 13, 2017	ISSUANCE DATE:	April 27, 2017
CUPA:	Amador County Environmental Health				
EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	State Water Board	CAL FIRE - OSFM
	Katrina Valerio	Matt McCarron Asha Arora	Denise Gibson	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 Katrina Valerio.

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: June 27, 2017

Update 2: September 27, 2017

Update 3: December 27, 2017

Update 4: March 27, 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 fully implementing the hazardous waste generator (HWG) program for Conditionally Exempt Small Quantity HWGs (CESQG).</p> <ul style="list-style-type: none">Specifically, the CUPA's Inspection and Enforcement (I&E) Plan maintains an exclusion from inspection for CESQGs.<ul style="list-style-type: none">Amador Inspection plan 2015 page 3, 7th bullet. <i>"CESQG – Combined with 3 year HMBP [Hazardous Materials Business Plan] inspection, or change in ownership or activity, CESQG's that do not handle hazardous materials at HMBP [Business Plan] threshold quantities are not inspected except on a complaint basis "</i>The CUPA does assess these facilities a \$97.00 fee, but does not consistently provide services. <p>Note: DTSC has provided the CUPA a comprehensive report from the Hazardous Waste Tracking System database on who is shipping hazardous waste on a manifest or modified manifest in their jurisdiction. The CUPA has agreed to use this list to check for businesses not in their Inspection listings.</p> <p>Note: Failure to properly implement the HWG program could affect the State's ability to maintain the State's Resource Conservation and Recovery Act authorization.</p>	<p>By June 27, 2017, the CUPA will have amended their I&E Plan to include CESQGs that do not handle hazardous materials at Business Plan threshold quantities to be inspected on a specific frequency. If amending the plan requires their Board of Supervisors approval, the CUPA can provide a copy of the amended Inspection plan to CalEPA, when it is updated.</p> <p>By June 27, the CUPA will develop a plan describing how they will proceed to identify new and closing CESQGs in their jurisdiction, so that they can monitor their inspection universe and include all CESQGs in their inspection effort.</p>
	CITATION:	
	HSC, Chapter 6.5, Sections 25101(d) 25150(b), 25404(c)(1)(i) Title 27 section 15200 (a)(2) [DTSC, CalEPA]	

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2.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently conducting complete annual Underground Storage Tank (UST) compliance inspections.</p> <p>State Water Board review of facility files and California Environmental Reporting System (CERS), finds the following:</p> <ul style="list-style-type: none">• The CUPA does not consistently identify violations when the annual monitoring certification identifies an action taken. For example:<ul style="list-style-type: none">○ CERS Identification (ID) 10238734 –The CUPA does not cite a violations for the Under Dispenser Containment (UDC's) containing diesel liquid identified by the Service Technician in the inspection report nor in CERS. The annual UST compliance inspection report and CERS routine inspection dated 9/22/2014 cites violations for cathodic protection and records for cathodic protection being retained. The annual monitoring certification dated 9/22/2014 identifies diesel liquid found in UDC's and states not enough liquid to trigger alarm. Furthermore, the Service Technician states tightening filters and cleaning up product. The CUPA's inspection report contains violation(s), for the UDC, sumps, and/or other secondary containment being in good condition and/or free of debris/liquid.○ CERS ID 10238959 –The CUPA does not cite a violations for the floats and float reservoirs in UDC 8 and 10 identified by the Service technician in the inspection report nor in CERS. The annual UST compliance inspection report and CERS routine inspection dated 3/29/2016 do not identify violations. However, the annual monitoring certification dated 3/29/2016 identifies the Service Technician adjusting the floats and float reservoirs in UDC 8 and 10; and	<p>By June 27, 2017, the CUPA will revise and provide CalEPA the I&E Plan, or other applicable procedure; describing activities performed by CUPA personnel to ensure complete annual UST compliance inspections are conducted.</p> <p>The plan or procedure should include but not be limited to:</p> <ul style="list-style-type: none">• CUPA personnel requirements for reviewing and the follow up of submitted UST testing reports as part of the inspection process;• CUPA personnel requirements for identifying the UST or UST system when citing violations on annual UST compliance inspection reports; and• CUPA personnel requirements for conducting appropriate enforcement. <p>By September 27, 2017, the CUPA will, if necessary, amend the I&E Plan, or other applicable procedure, based on feedback from State Water Board and submit the revisions to CalEPA.</p> <p>By October 27, 2017, the CUPA will implement and train personnel on the revised plan or procedure.</p> <p>By December 27, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel attending the training.</p> <p>By March 27, 2018, and each subsequent Deficiency Progress Report, the CUPA will provide five (5) UST facility records, as selected by State Water Board, that includes annual UST compliance inspection reports, monitoring certifications, and all other necessary testing and compliance documentation not found in CERS.</p>

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	<p>states chains and floats now operational. The CUPA's inspection report contains violations for the monitoring system in the UDCs activates an audible and visual alarm or stops the flow at the dispenser.</p> <ul style="list-style-type: none">○ CERS ID 10238755 –The CUPA does not cite a violations for the warning and power lights being inoperable identified by the Service Technician in the inspection report nor in CERS. The UST compliance inspection report and CERS routine inspection dated 6/14/2016 do not identify violations. However, the annual monitoring certification dated 6/14/2016 identifies the Service Technician stating the Veeder Root needing a new board. Furthermore, the Service Technician states the waring and power lights are inoperable on the Veeder Root TLS-350. The Service Technician also states it's not the bulbs; a new board is needed. The CUPA's inspection report contains violations for the leak detection system maintains continuous monitoring that activates an audible and visual alarm.● The CUPA does not consistently identify USTs or UST tank systems when citing violations. For example:<ul style="list-style-type: none">○ CERS ID 10136746 – annual UST compliance inspection report dated 12/12/2014 cites a violation for interstitial monitoring of the annular spaces of the UST is properly maintained. However, the CUPA does not identify which interstitial spaces are out of compliance.○ CERS ID 10156413 – annual UST compliance inspection report dated 2/11/2015 cites a violation for sensors not located correctly. However, the CUPA does identify which sensors are out of compliance. In addition, the CUPA cites a violation for spill bucket	
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	<p>being in good condition. However, the CUPA does identify which spill buckets are out of compliance.</p> <ul style="list-style-type: none"> ○ CERS ID 10238734 – annual UST compliance inspection report dated 9/30/2016 cites a violation for spill bucket not having 5-gallon capacity. However, the CUPA does identify which spill buckets are out of compliance. <p>Note: Refer to Local Guidance letter 159 “Annual Underground Storage Tank Compliance Inspection” and State Water Board correspondence dated November 29, 2016, “When to Review Underground Storage Tank Records.”</p> <p>CITATION:</p> <p>HSC, Chapter 6.7, Section 25288(a) [State Water Board]</p>	
3.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently ensuring that the site map component of the Business Plan contain all of the required elements.</p> <p>The following are examples of accepted Business Plan submittals that were incomplete:</p> <ul style="list-style-type: none"> • CERS ID 10414906 - was missing several components on its site map, including emergency shutoffs, evacuation areas, and emergency response equipment. • CERS ID 10000954- was missing several components on its site map, including access and exit points, emergency shutoffs, and evacuation staging areas. • CERS ID 10238962 - was missing several components on its site map, including north orientation, storm and sewer drains, emergency shutoffs, evacuation staging areas, and emergency response equipment. <p>Note: The examples provided above were identified during the CUPA evaluation and may not represent all instances of this deficiency.</p>	<p>By June 27, 2017, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure that future Business Plan submittals are thoroughly reviewed and contain all the required elements, including their site maps, emergency response plans and procedures, and training programs. The action plan will include steps to follow-up with rejected or incomplete submittals.</p> <p>By September 27, 2017, the CUPA will provide a list of facilities that have recently submitted Business Plans that have been reviewed and accepted. For facilities that have been rejected for a recent Business Plan submittal, the CUPA will provide a list of follow-up actions, including any formal enforcement.</p> <p>With each subsequent Deficiency Progress Report, the CUPA will update the list with the status of business compliance and provide it to CalEPA.</p> <p>By March 27, 2018, the CUPA will ensure that each regulated business has submitted all of the required elements for a Business Plan or appropriate actions were taken to enforce this requirement.</p>

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	CITATION: HSC, Chapter 6.95, Section 25504(e) HSC, Chapter 6.95, Section 25505(a)(2) and (3) HSC, Chapter 6.95, Section 25508(a)(2) and (3) 2013 CFC, Chapter 50, Sections 5001.5.1, 5001.5.2, and Appendix H HSC Division 12, Part 2, Chapter 1, Section 13143.9 [OSFM][Cal OES]	
4.	DEFICIENCY: The CUPA's I&E Plan is missing provisions for addressing complaints. Additionally, as revisions are made to the I&E Plan an inaccurate reference to the California Uniform Fire Code on page 2 should be corrected. The correct reference should be California Fire Code. CITATION: CCR, Title 27, Section 15200(a)(9) [CalEPA]	CORRECTIVE ACTION: By June 27, 2017, the CUPA will review, revise, and provide CalEPA with a copy of the corrected I&E Plan that includes the components listed in this deficiency.
5.	DEFICIENCY: The CUPA did not establish and implement the following Unified Program administrative procedures: <ul style="list-style-type: none"> • Financial management procedures; • Procedures for forwarding Business Plan information. CITATION: CCR, Title 27, Section 15180(e) [CalEPA]	CORRECTIVE ACTION: By June 27, 2017, the CUPA will develop and provide CalEPA with Unified Program administrative procedures for those listed in this deficiency. By September 27, 2017 the CUPA will, if necessary, amend the procedures, based on feedback from the state and submit the revisions to CalEPA. By October 27, 2017, the CUPA will implement and train personnel on the revised procedures. By December 27, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel in attendance.

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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.	<p>OBSERVATION:</p> <p>State Water Board review of accepted CERS UST submittals finds some limited instances of inaccurate data. This includes, but is not limited to, the following examples:</p> <ul style="list-style-type: none">• USTs with an installation date after January 1, 1984 are listed as single-wall. CERS ID 10206799 (tanks 1 and 2)• USTs with continuous monitoring, where the tank secondary containment system is blank. CERS IDs 10206799 (tank 4) and 10238959 (tank 3)• USTs with double-wall piping, where interstitial monitoring for piping is blank. CERS IDs 10206799 (tanks 1, 2, 3, 4); 10238728 (tanks 1, 2); and 10238854 (tanks 062326-4, 062326-2, 062326-1, 062326-3)• USTs identified as motor vehicle fueling, with no under dispenser containment. CERS ID 10238908 (tank 035865) <p>RECOMMENDATION:</p> <p>State Water Board recommends that the CUPA review accepted CERS UST submittals, including but not limited to the facilities identified above, for inaccurate data no later than the next annual UST compliance inspection.</p>
2.	<p>OBSERVATION:</p> <p>The evaluation team's review of the CUPA's Data Management Procedures finds them basic in nature. The CUPA does not include detailed information on the following:</p> <ul style="list-style-type: none">• A date when the procedures were created or revised.• A timeline when uploading inspection, violation, and enforcement information to CERS.• The CUPA's process for reviewing electronic facility submittals and either accepting, not accepting, or accepting with conditions. <p>The CUPA's Annual Self-Audit Report provides additional information about the CUPA's processes of electronic reporting and describes in brief detail how the CUPA follows up with facilities with not-accepted submittals.</p> <p>RECOMMENDATION:</p> <p>The CalEPA and the State Water Board recommend that the CUPA revise the Data Management Procedures to include but not be limited to the following:</p> <ul style="list-style-type: none">• A date for when the procedures are created or when reviewed.• A schedule/timeline for uploading inspection, violation, and enforcement information to CERS.• A process for reviewing electronic facility submittals and either accepting, not accepting, or accepting with conditions.

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OBSERVATIONS AND RECOMMENDATIONS

3.	OBSERVATION:
	Review of the CUPA's Records Retention Policy finds the CUPA has not updated the policy to reflect changes in California Code of Regulations (CCR). The CUPA cites CCR Title 27, section 15188 as the bases for Unified Program retention timeframes, while the correct citation is 15185.
	RECOMMENDATION:
	The evaluation team recommends that the CUPA revise the Records Retention Policy to include the correct code citation of CCR Title 27, section 15185.
4.	OBSERVATION:
	State Water Board review of provided facility files, finds one facility where testing documents were not part of the facility file or uploaded to CERS. CERS ID 10238968 is missing the spill bucket test for calendar year 2015.
	RECOMMENDATION:
	State Water Board recommends that the CUPA contact the facility owner/operator and have them provide a copy of the required testing.
5.	OBSERVATION:
	State Water Board review of Report 6 and CERS in regards to the reporting of annual UST compliance inspections finds the CUPA reporting consistent information for fiscal year (FY) 2014/2015. Information for FY 2013/2014 and FY 2015/2016 were not consistent. <ul style="list-style-type: none">• FY 2015/2016 – 30 vs. 29• FY 2014/2015 – 34 vs. 34• FY 2013/2014 – 31 vs. 30
	RECOMMENDATION:
	State Water Board recommends that the CUPA review CERS inspection information to ensure Report 6 and CERS reflect the same information prior to reporting Report 6.
6.	OBSERVATION:
	<p>DTSC staff conducted two (2) oversight HWG inspections with the CUPA's inspection staff. The first inspection was conducted at CERS ID # 10414906. The business makes concrete and services a fleet of trucks at that location. The inspector was well prepared, asked for consent to inspect, built a rapport with the facility and conducted a thorough inspection. The violations identified by the inspector were corrected during the inspection. An accumulation date was left off the used oil tank, but the inspector was able to verify the most recent pick up date for the oil removed and the label was corrected.</p> <p>The second facility was at CERS Id # 10149033. The facility, generates waste pharmaceuticals, automotive fluid and batteries, universal waste, abandoned waste and other returned items that are considered hazardous waste. The inspector was well prepared, asked for consent to inspect, built a rapport with the facility and conducted a thorough inspection. The violations identified by the inspector were corrected during the inspection. The inspector found an incomplete label that did not identify the waste stream in the pharmacy</p>

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	<p>area. The label was corrected and advice given on continued training for the staff. The inspector checked the tank assessment records and inspection logs for their used oil tanks.</p>
	<p>RECOMMENDATION:</p>
	<p>DTSC recommends that the CUPA continue to conduct thorough inspections, document observations and violations. DTSC also recommends that the CUPA continue to maintain training efforts related to the hazardous waste inspection, violation classification and enforcement process programs.</p>
7.	<p>OBSERVATION:</p>
	<p>Based on a query of information in CERS, since July of 2013, the CUPA has issued 61 violations (3 Class II and 58 minor violations) in 168 routine and other inspections. The CUPA has inspected 141 facilities of the 150 facilities in their program for a 94% rate. The CUPA has not taken any formal enforcement for hazardous waste violations.</p>
	<p>RECOMMENDATION:</p>
	<p>DTSC recommends that the CUPA continue to try to accomplish the 100% inspection rate for the CUPA's HWG universe.</p>
8.	<p>OBSERVATION:</p>
	<p>The CUPA's Area Plan has inaccurate information regarding the California State Fire Marshal's responsibilities. Page Part III – 7 of the Area Plan indicates the State Fire Marshal is responsible for all interstate and intrastate hazardous liquid pipelines in California. The State Fire Marshal only has responsibility over intrastate pipelines.</p>
	<p>RECOMMENDATION:</p>
	<p>OSFM recommends that the CUPA update their Area Plan to correctly reference the State Fire Marshal's responsibility.</p>
9.	<p>OBSERVATION:</p>
	<p>The CUPA recovers only a portion of its costs from single fee assessed on businesses within its jurisdiction. The CUPA utilizes other funding sources including grants and health realignment funds from Amador County to bridge the funding gap between what industry can support and program funding needs.</p>
	<p>One of the CUPA's grant sources, the rural UST grant, expires in FY 2016/2017 and will not be reinstated. The CUPA does not receive rural reimbursement grant funding.</p>
	<p>The State Water Board has identified several areas where the CUPA's single fee for services provided is low comparative to other counties:</p>
	<ul style="list-style-type: none">• The annual permit fee is \$224.00 for the first tank and \$128.00 for each additional tank. For a three tank system, the CUPA assesses \$480.00 for 5.0 hours of work. This fee includes the time spent to review documents (reviewing CERS, prepping for inspection, conducting the annual compliance inspection and follow-up, review of all UST testing and certification documentation, CERS input of inspection, violation, and enforcement data, and permit review/issuance. State Water Board believes that this fee is not

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	<p>sufficient to properly implement the UST program element of the Unified Program. The typical amount of time per facility to complete these tasks annually is 10.0 (excluding travel).</p> <ul style="list-style-type: none">• The plan check/new installation fee is \$288.00 (for up to three (3) hours review and comment). The fee appears to be based on a flat rate. The typical amount of time that is necessary to adequately perform the review and inspections for a new UST installation is 20.0 hours (excluding travel).
	RECOMMENDATION:
	CalEPA and the State Water Board recommend that the CUPA increase the single fee assessed to businesses in order to reduce the CUPA's reliance on grants and health realignment funds, particularly due to the imminent expiration of the rural UST grant which will impact the CUPA's fee accountability program in the next FY.
10.	OBSERVATION:
	State Water Board review of UST return to compliance (RTC) information finds two (2) instances where the CUPA may not have followed its I&E Plan by pursuing a graduated series of enforcement for cited violations. Specifically, when RTC for UST violations take an excessive period of time, the CUPA did not have documentation showing the I&E Plan being followed.
	RECOMMENDATION:
	State Water Board recommends that the CUPA follow its I&E Plan by pursuing a graduated series of enforcement when cited violations take an excessive period of time to correct.

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EVALUATION: **FINAL SUMMARY OF FINDINGS**

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- 1. CERS Outreach to Businesses and First Responders** – The CUPA has engaged with businesses within their jurisdiction to assist with CERS compliance. The CUPA provides a computer at the CUPA office for facilities to use to submit information and documentation in CERS. CUPA staff also provide one-on-one assistance to businesses upon request. Businesses within Amador County utilize these services, as well as, phone in questions regarding CERS several times a week.

The CUPA has also conducted trainings in the use of the CERS first responder module at all fire stations within Amador County. Through this training, the CUPA has ensured first responders have access to and a working knowledge of CERS.