



Edmund G. Brown Jr.  
*Governor*

Matthew Rodriguez  
*Secretary for Environmental Protection*

Certified Mail: 7015 0640 0000 9486 4451

April 27, 2017

Mr. Doug Danz  
Acting Director  
Butte County Environmental Health  
202 Mira Loma Drive  
Oroville, California 95965-3500

Dear Mr. Danz:

On February 1, 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 Butte 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, [kareem.taylor@calepa.ca.gov](mailto:kareem.taylor@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, including the hosting of Aboveground Petroleum Storage Act training.

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 sent via email

Mr. Sean Farrow  
Environmental Scientist  
State Water Resources Control Board  
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Mr. Glenn Warner  
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cc 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

<b>EVALUATION YEAR:</b>	<b>2017</b>	<b>REVIEW PERIOD:</b>	<b>December 19, 2016 – January 10, 2017</b>	<b>ISSUANCE DATE:</b>	<b>April 27, 2017</b>
<b>CUPA:</b>	Butte County Division of Environmental Health				
<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>
	Kareem Taylor	Elizabeth McElroy and Kevin Abriol	Jack Harrah	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 Kareem Taylor.

<p>The CUPA is required to submit a <b>Deficiency Progress Report every 90 days</b> 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>all</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: June 27, 2017</b>  <b>Update 2: September 27, 2017</b>  <b>Update 3: December 27, 2017</b>  <b>Update 4: March 27, 2018</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.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently requiring underground storage tank (UST) facilities to implement enhanced leak detection (ELD) testing, as required by state law and based on a facilities proximity to public drinking water wells.</p> <p>State Water Board records show the following UST facilities have neither completed the required ELD testing nor submitted a request for reconsideration (RFR) to perform ELD testing application:</p> <ul style="list-style-type: none"><li>• CERS ID 10169755</li><li>• CERS ID 10276303</li><li>• CERS ID 10276246</li><li>• CERS ID 10276297</li><li>• CERS ID 10276507</li><li>• 1225 Highway 99, Gridley, CA (not currently in CERS)</li></ul> <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 State Water Board. The application form 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, State Water Board will make a final determination whether or not ELD testing is required.</p> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.7, Section 25292.4 and 25292.5 CCR, Title 23, Section 2644.1 <b>[State Water Board]</b></p>	<p>By June 27, 2017, the CUPA will notify UST facility owners/operators that they are required to conduct ELD testing within 60 days or immediately submit an RFR. The notification letters will also include language stating noncompliance may lead to administrative or other formal enforcement measures including, but not limited to, permit revocation. The CUPA will provide CalEPA with a copy of the notification letters to document notification has been accomplished for all identified facilities.</p> <p>By September 27, 2017, if ELD testing has not been implemented or the owner/operator has not been granted approval of the RFR, the CUPA shall initiate appropriate enforcement.</p> <p>Once ELD testing has occurred, the CUPA will provide CalEPA with a copy of each facility's test results.</p>

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#### DEFICIENCIES IDENTIFIED DURING EVALUATION

2.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently reporting all UST Program inspection, violation, and enforcement information, also known as CME information, to CERS.</p> <p>The CUPA has reported multiple routine UST inspections for individual tank facilities over the last 3 FYs. A UST facility is required to be inspected once annually, therefore, follow-up inspections, secondary containment testing, and other applicable UST inspections are to be reported as "other." For example:</p> <ul style="list-style-type: none"><li>• The CUPA reports conducting multiple routine inspections at 4 facilities during FY 2015/2016. For example:<ul style="list-style-type: none"><li>○ CERS ID 10169755 – Inspections conducted 7/14/2015 and 12/21/2015.</li><li>○ CERS ID 10276252 – Inspections conducted 11/12/2015 and 11/17/2015.</li></ul></li><li>• The CUPA reports conducting multiple routine inspections at 5 facilities during FY 2014/2015. For example:<ul style="list-style-type: none"><li>○ CERS ID 10165903 – Inspections conducted 7/10/2014 and 9/18/2014.</li><li>○ CERS ID 10166033 – Inspections conducted 9/9/2014 and 9/30/2014.</li></ul></li><li>• The CUPA reports conducting multiple routine inspections at 6 facilities during FY 2013/2014. For example:<ul style="list-style-type: none"><li>○ CERS ID 10175747 – Inspections conducted 10/7/2013 and 10/30/2013.</li><li>○ CERS ID 10276363 – Inspections conducted 6/4/2014 and 6/19/2014.</li></ul></li></ul> <p>Violations, including significant operational compliance (SOC) criteria, have not been consistently or correctly reported in CERS:</p>	<p>By June 27, 2017, the CUPA will revise and provide CalEPA with the Data Management Procedure or other applicable procedure to ensure the CUPA personnel consistently and correctly report violation information to CERS.</p> <p>By September 27, 2017, the CUPA will, if necessary, amend the procedure based on feedback from the state agencies and submit the revisions to CalEPA.</p> <p>By October 27, 2017, the CUPA will implement and train personnel on the 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 in attendance.</p> <p>By June 27, 2018, the CUPA will have reported consistent inspection, violation, and enforcement information to CERS.</p>

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#### DEFICIENCIES IDENTIFIED DURING EVALUATION

- CERS ID 10276168: Inspection report dated 4/29/2015 shows violations cited for under dispenser containment and sumps not being in good condition. However, the routine inspection in CERS shows no violations. Furthermore, the routine inspection in CERS dated 4/23/2014 does not identify if the facility is in compliance with SOC criteria.
- CERS ID 10276204: The routine inspection in CERS dated 7/7/2014 does not identify if the facility is in compliance with SOC criteria.
- CERS ID 10166033: The annual monitoring certification dated 8/27/2015 identifies the 89 grade automatic tank gauge sensor float being replaced in addition to removing a quarter gallon of liquid from 89 turbine sump. The associated inspection report and inspection information reported in CERS show no violations being cited. Furthermore, the routine inspection in CERS dated 9/30/2014 does not identify if the facility is in compliance with SOC criteria.
- CERS ID – 10413604: The annual monitoring certification dated 8/11/2014 identifies 87, 91, and diesel grade line leak detectors failing. The associated inspection report cites a violation where all three grades of fuel have air in product lines. However, the inspection information reported in CERS identifies no violations. Furthermore, the inspection information reported in CERS dated 8/11/2014 does not identify if the facility is in compliance with SOC criteria.

#### **CITATION:**

HSC, Chapter 6.11, Section 25404(e)(4)  
CCR, Title 27, Section 15290(b)  
CCR, Title 27, Section 15187(c)  
CCR, Title 27, Section 15110(f)  
**[CalEPA, State Water Board]**

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

3.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not properly classifying violations.</p> <p><u>Hazardous Waste Generator (HWG) Program</u></p> <p>In some cases, the CUPA is citing HWG violations as minor violations that are Class I or II violations. The following are some examples:</p> <ul style="list-style-type: none"><li>• Failure to make a hazardous waste determination was incorrectly cited as a minor violation. Failure to make a hazardous waste determination may result in illegal disposal of waste. Additionally, if waste is misclassified, it may not be treated according to the correct treatment standards to meet land disposal restriction requirements. There may be an economic benefit and avoided costs associated with this as well. This does not meet the definition of minor violation as defined in HSC, Section 25117.6.<ul style="list-style-type: none"><li>○ CERS ID 10277125, inspected on 1/8/2015</li></ul></li><li>• Exceeded authorized accumulation time (illegally stored hazardous waste) was incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25117.6.<ul style="list-style-type: none"><li>○ CERS ID 10277584, inspected on 1/9/2014</li><li>○ CERS ID 10276741, inspected on 11/12/2014</li><li>○ CERS ID 10277914, inspected on 10/7/2014</li><li>○ CERS ID 10004164, inspected on 5/6/2015</li><li>○ CERS ID 10159257, inspected on 7/1/2015</li></ul></li></ul>	<p>By June 27, 2017, the CUPA will train staff on the terms: minor, Class I, and Class II violations, as described in HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6; HSC, Chapter 6.11, Section 25404(a)(3); and CCR, Title 22, Section 66260.10, and how to properly classify hazardous waste and APSA violations during compliance inspections. The CUPA will provide CalEPA with proof of training.</p> <p>By September 27, 2017, the CUPA will provide CalEPA with a copy of inspection reports from 3 HWG and 3 APSA facilities (along with their CERS IDs), completed within the last 3 months, where the CUPA has cited at least 1 HWG or APSA violation.</p> <p>Note: CUPA inspectors can also review violation classification classes available in the video library on the CalCUPA Youtube website at: <a href="https://www.youtube.com/user/orangetreeweb/videos">https://www.youtube.com/user/orangetreeweb/videos</a> or the CalCUPA website at: <a href="https://calcupa.org/video-library.html">https://calcupa.org/video-library.html</a> or request additional assistance from OSFM.</p>



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#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"><li>○ CERS ID 10276498, inspected on 2/10/2016</li><li>● Failure to provide or conduct training for employees was incorrectly cited as a minor violation. Since no training had been provided, employees are not familiar with hazardous waste issues and handling, as well as, how to respond to emergencies. There may have been an economic benefit to the facility by not providing training. Additionally, there is an increased risk of releases or spills as evidenced by the level of non-compliance with other requirements. This does not meet the definition of minor violation as defined in HSC, Section 25117.6.</li><li>○ CERS ID 10277101, inspected on 11/10/2014</li><li>○ CERS ID 10276741, inspected on 11/12/2014</li><li>○ CERS ID 10277914, inspected on 10/7/2014</li></ul> <p><u>APSA Program</u></p> <p>OSFM's review of CERS indicates that the following facilities were cited minor violations for not having a Spill, Prevention, Control and Countermeasure (SPCC) Plan:</p> <ul style="list-style-type: none"><li>○ CERS ID 10600192</li><li>○ CERS ID 10473154</li><li>○ CERS ID 10140843</li><li>○ CERS ID 10276813</li><li>○ CERS ID 10443892</li><li>○ CERS ID 10277731</li></ul> <p>Not having an SPCC Plan is not considered a minor violation as defined in HSC, Chapter 6.11, Section 25404(a)(3). Based on the definition of a "minor violation", a minor violation does not include the following: (1) a violation that presents a significant threat to human health or the environment; or (2) a violation that enables the violator to benefit economically from the noncompliance, either by reduced costs or competitive advantage.</p>	
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# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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	<p>An SPCC Plan describes oil (including petroleum) handling operations, spill prevention practices, discharge or drainage controls, and the personnel, equipment and resources at the facility that are used to prevent oil spills.</p> <p>An APSA facility without an SPCC Plan may present a significant threat to human health or the environment and it also allows the facility owner/operator to benefit economically from the non-compliance through reduced costs. Therefore, a facility without an SPCC Plan is not considered a minor violation. Under APSA, facilities who fail to prepare a SPCC Plan may be subject to civil or administrative penalties.</p> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.67, Sections 25270.4, 25270.12, 25270.12.1, and 25270.12.5  HSC, Chapter 6.5, Sections 25110.8.5, 25117.6  HSC, Chapter 6.11, Sections 25404(a)(3) and 25404.2(a)(3) and (4)  CCR, Title 22, Section 66260.10  <b>[CalEPA, DTSC, OSFM]</b></p>	
4.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not inspecting all HWG facilities with the inspection frequency reported in their Inspection and Enforcement (I&amp;E) Plan for the HWG Program.</p> <p>The CUPA's I&amp;E Plan states that "generators will be inspected every 3 years if subject to HMRRP program based on inventory amounts. Generators that do not maintain hazardous materials or hazardous waste inventories in excess of HMRRP threshold quantities will be inspected every 5 years or sooner if a complaint is received regarding the facility."</p> <p>According to CERS, 130 out of the 851 HWG facilities (15%) have not been inspected since 7/1/2013.</p>	<p>By June 27, 2017, 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> <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; and</li> <li>• Future steps to ensure that all HWG facilities will be inspected within the required timeframe.</li> </ul>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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	<p>On 1/18/2017, during the Q&amp;A meeting with the CUPA, DTSC asked the CUPA to specifically provide a list of facilities that were inspected every 5 years. DTSC also said that if such a list was not provided, the inspection dates in CERS would be used to assess the 3 year frequency. The CUPA did not provide any supporting documentation to show which facilities are subject to an inspection every 5 years.</p> <p><b>CITATION:</b></p> <p>CCR, Title 27, Section 15200(a)(3) [CalEPA, DTSC]</p>	<p>By September 27, 2017, 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 March 27, 2018, the CUPA will have inspected each HWG facility within the required timeframe.</p>
5.	<p><b>DEFICIENCY:</b></p> <p>The CUPA is not processing and authorizing each annual Onsite Hazardous Waste Treatment Notification for facilities with a Fixed Treatment Unit (FTU) within 45 calendar days of receiving it.</p> <p>CERS data indicates the following Onsite Hazardous Waste Treatment Notifications were not reviewed by the CUPA within 45 days.</p> <ul style="list-style-type: none"> <li>• CERS ID 10276564, submitted on 12/24/2013 and accepted on 12/01/2014</li> <li>• CERS ID 10276528, submitted on 2/27/2014 and accepted on 10/19/2015</li> <li>• CERS ID 10276528, submitted on 2/26/2015 and accepted on 10/19/2015</li> <li>• CERS ID 10278244, submitted on 4/8/2015 and accepted on 7/2/2015</li> <li>• CERS ID 10277773, submitted on 4/13/2016 and accepted on 6/10/2016</li> </ul> <p><b>CITATION:</b></p> <p>CCR, Title 22, Section 67450.2(b)(4) CCR, Title 22, Section 67450.3(c)(1) [DTSC]</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>The CUPA will begin processing all treatment notifications within 45 calendar days of receiving them.</p> <p>By June 27, 2017, the CUPA will develop, implement, and provide CalEPA with an action plan on how the CUPA plans to review treatment notifications within 45 calendar days of receiving them.</p>

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

6.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not ensuring that all businesses electronically submit a complete hazardous materials business plan annually to CERS.</p> <p>The evaluation team reviewed hazardous materials business plan submittals in CERS and found the following:</p> <ul style="list-style-type: none"> <li>Approximately 36% of business plan facilities have not submitted a chemical inventory within the past year.</li> <li>Approximately 31% of business plan facilities have not submitted an emergency response and training plan within the past year. Another 11% have never submitted plans.</li> </ul> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.95, Section 25505 HSC, Chapter 6.95, Section 25508(a) 2013 CFC, Chapter 50, Section 5001.5.1 and 5001.5.2 [Cal OES, OSFM]</p>	<p>By June 27, 2017, the CUPA will develop and provide a list to CalEPA, of all regulated businesses that have not annually submitted a complete hazardous materials business plan.</p> <p>With each Deficiency Progress Report, the CUPA will update the list with the status of business compliance.</p> <p>By September 27, 2017, the CUPA will follow-up with each regulated business identified on the list to ensure a complete hazardous materials business plan is submitted or will initiate appropriate enforcement actions.</p> <p>By March 27, 2018, the CUPA will ensure that each regulated business has submitted a complete business plan or appropriate actions were taken to enforce this requirement.</p>
7.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not inspecting all California Accidental Release Prevention (CalARP) facilities at least once every 3 years.</p> <p>Cal OES reviewed CalARP inspection information in CERS and found that 3 out of 9 CalARP facilities (33%) were not inspected within the last 3 years.</p> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.95, Section 25537(a) CCR, Title 19, Section 2775.3 [Cal OES]</p>	<p>By June 27, 2017, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each CalARP facility is inspected at least once every 3 years. The plan will include at minimum:</p> <ul style="list-style-type: none"> <li>The list of CalARP facilities that have not been inspected within the last 3 years;</li> <li>A proposed schedule to inspect those facilities by prioritizing the most delinquent inspections to be completed prior to any other CalARP inspection; and,</li> <li>Future steps to ensure that all CalARP facilities will be inspected at least once every 3 years.</li> </ul> <p>By September 27, 2017, and with each Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the CalARP facility list to show inspections that have occurred during the previous quarter.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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#### DEFICIENCIES IDENTIFIED DURING EVALUATION

		By June 27, 2018, the CUPA will have inspected each CalARP facility at least once in the last 3 years.
<b>8.</b>	<b>DEFICIENCY:</b>  The CUPA is not inspecting each facility subject to business plan requirements at least once every 3 years.  Cal OES reviewed business plan inspection information in CERS and found that 205 out of 881 business plan facilities (23%) were not inspected within the last 3 years. 197 of these facilities had no documented inspections in CERS.	<b>CORRECTIVE ACTION:</b>  By June 27, 2017, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each business plan facility is inspected at least once every 3 years. The plan will include at minimum: <ul style="list-style-type: none"> <li>• A list of business plan facilities that have not been inspected within the last 3 years;</li> <li>• A proposed schedule to inspect those facilities by prioritizing the most delinquent inspections to be completed prior to any other business plan inspection; and,</li> <li>• Future steps to ensure that all business plan facilities will be inspected at least once every 3 years.</li> </ul> By September 27, 2017, and with each Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the business plan facility list to show inspections that have occurred during the previous quarter.  By December 27, 2018, the CUPA will have inspected each business plan facility at least once in the last 3 years.
	<b>CITATION:</b>  HSC, Chapter 6.95, Section 25511(b) <b>[Cal OES]</b>	
<b>9.</b>	<b>DEFICIENCY:</b>  The CUPA did not complete or compile a CalARP Performance Audit Report.  The CUPA forwarded a CalARP Performance Audit Report for FYs 2012/2013 and 2015/2016, but did not provide Performance Audits for FYs 2013/2014 and 2014/2015.	<b>CORRECTIVE ACTION:</b>  By September 27, 2017, the CUPA will provide CalEPA with its FY 2016/2017 CalARP Performance Audit Report.
	<b>CITATION:</b>  CCR, Title 19, Section 2780.5 <b>[Cal OES]</b>	
<b>10.</b>	<b>DEFICIENCY:</b>  The CUPA did not complete a FY 2014/2015 Self-Audit Report.	<b>CORRECTIVE ACTION:</b>  By September 30, 2017, the CUPA will provide CalEPA with a completed FY 2016/2017 annual Self-Audit Report.

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	The CUPA did not provide CalEPA with a Self-Audit Report for FY 2014/2015. The FY 2015/2016 Self-Audit Report was completed.	
	<b>CITATION:</b>	
	CCR, Title 27, Section 15280(a) [CalEPA]	
<b>11.</b>	<b>DEFICIENCY:</b>	<b>CORRECTIVE ACTION:</b>
	<p>The CUPA's I&amp;E Plan has inaccurate or incomplete information or is missing required components.</p> <p>The following information in the plan is either inaccurate, incomplete, or missing:</p> <ul style="list-style-type: none"><li>• Provisions for addressing complaints, including the receipt, enforcement, and closure of a complaint are missing.</li><li>• Inspection frequencies for the permit-by-rule, conditional authorization, and conditional exemption facilities states "At least once every 3 years." The frequency should state "initial inspection within two (2) years of notification and every three (3) years thereafter."</li><li>• Page 16 – A footer states that APSA facilities greater than 10,000 gallons are inspected every 3 years. However, the statute mandates that APSA facilities with 10,000 gallons or more of petroleum be inspected every 3 years.</li><li>• Page 28 – Under "Referral to State Agency," the State Water Board is listed for violations of APSA. The State Water Board no longer implements the APSA Program, so the reference should be removed. The State Water Board and Regional Water Boards retained the authority to oversee cleanup and abatement of a release at a tank facility.</li></ul>	<p>By June 27, 2017, the CUPA will review, revise, and provide CalEPA with a copy of the corrected I&amp;E Plan that includes revisions to the components listed in this deficiency.</p>

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"><li>Page 33, 43, and 51 – Several references to HSC 25270.5 are made regarding statutory authority, enforcement, and penalties for the APSA Program. HSC 25270.5 is the requirement for CUPAs to conduct triennial inspections of APSA facilities. The more appropriate reference for these sections should be HSC, Chapter 6.67, commencing with section 25270.</li></ul>	
	<b>CITATION:</b>	
	CCR, Title 27, Section 15200(a) [CalEPA, DTSC, OSFM]	
<b>12.</b>	<b>DEFICIENCY:</b>	<b>CORRECTIVE ACTION:</b>
	<p>The CUPA's Data Management Procedures are missing the following required components:</p> <ul style="list-style-type: none"><li>The collection, retention, and management of electronic data and documents in compliance with section 15185; and,</li><li>The transfer and exchange of electronic data through an applicable local information management system or local reporting portal in compliance with 15187.</li></ul> <p>Note: The incomplete Data Management Procedures are within the I&amp;E Plan and called "Data Tracking and Reporting."</p>	<p>By June 27, 2017, the CUPA will revise and provide CalEPA with a copy of the Data Management Procedures that includes the components listed in this deficiency.</p>
	<b>CITATION:</b>	
	CCR, Title 27, Section 15180(e)(7) [CalEPA]	
<b>13.</b>	<b>DEFICIENCY:</b>	<b>CORRECTIVE ACTION:</b>
	<p>The CUPA is not consistently following-up and documenting return to compliance (RTC) for facilities cited with violations in inspection reports.</p> <p>A review of information in CERS is as following:</p>	<p>By June 27, 2017, 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>

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<p>FY 2015/2016</p> <ul style="list-style-type: none"><li>• Hazardous Materials Business Plan (HMBP): 128 out of 296 violations (43%) have no documented RTC</li><li>• CalARP: 7 out of 9 violations (78%) have no documented RTC</li><li>• UST: 70 out of 150 violations (47%) have no documented RTC</li><li>• ASPA: 130 out of 163 violations (80%) have no documented RTC</li><li>• HWG: 133 out of 271 violations (49%) have no documented RTC</li><li>• Tiered Permit: 2 out of 2 violations (100%) have no documented RTC</li></ul> <p>FY 2014/2015</p> <ul style="list-style-type: none"><li>• HMBP: 114 out of 456 violations (25%) have no documented RTC</li><li>• UST: 28 out of 138 violations (20%) have no documented RTC</li><li>• ASPA: 41 out of 101 violations (41%) have no documented RTC</li><li>• HWG: 161 out of 458 violations (35%) have no documented RTC</li></ul> <p>FY 2013/2014</p> <ul style="list-style-type: none"><li>• HMBP: 57 out of 280 violations (20%) have no documented RTC</li><li>• CalARP: 14 out of 17 violations (82%) have no documented RTC</li><li>• ASPA: 10 out of 30 violations (33%) have no documented RTC</li><li>• HWG: 88 out of 318 violations (28%) have no documented RTC</li></ul> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6 HSC, Chapter 6.5, Section 25187.8(b) and (g) HSC, Chapter 6.11, Section 25404.1.2(c) CCR, Title 27, Section 15200(a) CCR, Title 27, Section 15185(a) and (c) <b>[CalEPA, DTSC, OSFM, State Water Board]</b></p>	<ul style="list-style-type: none"><li>• Facility name and 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>By June 27, 2017, the CUPA will provide CalEPA with a timeframe for when all of the facilities listed in the tracking spreadsheet will be followed-up with.</p> <p>By September 27, 2017, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet.</p> <p>By December 27, 2017, the CUPA will provide CalEPA with a copy of RTC documentation for up to 3 facilities requested by state agencies during the previous quarter.</p>
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<b>14.</b>	<b>DEFICIENCY:</b>  The CUPA is not consistently pursuing all enforcement options in a graduated series of enforcement when facilities are cited with violations.  The following are examples of facilities that have not returned to compliance after being notified, yet the CUPA has not elevated the violation classification or level of enforcement to ensure RTC: <ul style="list-style-type: none"><li>• CERS ID 10276708: During the 2/17/2015 HWG inspection, the CUPA cited a Class I violation for failing to properly dispose of hazardous waste. A Notice of Violation (NOV) was issued. However, the violation has not been corrected and the CUPA has not elevated the level of enforcement.</li><li>• CERS ID 10276741: During the 1/23/2015 HWG inspection, the CUPA cited a Class I violation for failing to maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned release of hazardous waste to the air, soil, or surface water. A NOV was issued. However, the violation has not been corrected and the CUPA has not elevated the level of enforcement.</li></ul> <b>CITATION:</b>  HSC, Chapter 6.11, Section 25404.1.1 CCR, Title 27, Section 15200(a)(6) and (9) [CalEPA, DTSC]	<b>CORRECTIVE ACTION:</b>  By June 27, 2017, the CUPA will provide CalEPA with a list of all facilities that have been cited with violations that have not returned to compliance and that may warrant a graduated series of enforcement. The list should include the following: <ul style="list-style-type: none"><li>• Facility name;</li><li>• CERS ID number;</li><li>• A description of the enforcement options pursued to date;</li><li>• Current compliance status of the facility; and</li><li>• RTC date (if available).</li></ul> By September 27, 2017, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the list that shows the progress towards implementing a graduated series of enforcement for each facility. The CUPA will also include any additional facilities with violations that warrant a graduated series of enforcement since the previous Deficiency Progress Report.
<b>15.</b>	<b>DEFICIENCY:</b>  The CUPA's Unified Program Facility Permit (permit), that includes the UST Permit to Operate, does not contain all required components.	<b>CORRECTIVE ACTION:</b>  By June 27, 2017, the CUPA will provide CalEPA with 5 consolidated permits showing the CUPA is issuing the revised consolidated permit.

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	<p>State Water Board review of permits finds that the permits are missing UST tank identification numbers and Board of Equalization numbers. The Board of Equalization numbers are required per the CUPA's implementation of the permit procedure.</p> <p>Note: During the evaluation, the CUPA provided CalEPA with a revised permit that includes the UST identification number(s). Additionally, the CUPA revised the permit procedure removing the Board of Equalization number requirement.</p> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.11, Section 25404.2 CCR, Title 27, Section 15190(h) CCR, Title 23, Section 2712(c) <b>[CalEPA, State Water Board]</b></p>	
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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.	<b>OBSERVATION:</b>
	<p>State Water Board review of accepted UST submittals in CERS finds some limited instances of inaccurate data. This includes, but is not limited to, the following examples:</p> <ul style="list-style-type: none"><li>• USTs where no striker plate/bottom protection is installed. CERS IDs 10276252 (tanks 1, 2, 3, 4), 10276114 (tanks 1, 2), and 10276339 (tanks 1, 2)</li><li>• Double-wall pressurized product pipe where no line leak detectors are installed (excluding emergency generators). CERS IDs 10276273 (tank 1); 10249222 and 10276435 (tanks 2, 3)</li><li>• USTs identified as having no tank installation dates. CERS IDs 10485568 (tank 1, 2, 3); 10278292 (tanks 868-PREM, 868-MID, 868-REG); and 10276219 (tanks diesel, 91, 87)</li><li>• Motor vehicle fueling systems with no under dispenser containment. CERS ID 10276396 (tanks 1, 2, 3, 4)</li></ul>
	<b>RECOMMENDATION:</b>
	<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.	<b>OBSERVATION:</b>
	<p>State Water Board review of the CUPA's Unified Program Facility Permit, which includes the UST Permit to Operate, finds the CUPA is including information that is above and beyond the required elements. Specifically, the permit identifies when the monitoring certification, line leak detectors, spill buckets, and secondary containment testing are required. This information is beneficial for owner/operators to keep track of required testing.</p>
	<b>RECOMMENDATION:</b>
	<p>State Water Board recommends that the CUPA include an "other" category to the permit that includes required testing, such as tank lining certifications, tank integrity testing, line integrity testing, cathodic protection testing, etc. if applicable.</p> <p>The CUPA provided a revised permit during the evaluation that incorporates the State Water Board recommendation.</p>
3.	<b>OBSERVATION:</b>
	<p>State Water Board attended a UST oversight inspection with Butte County Division of Environmental Health CUPA on 12/29/2016.</p>

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	<p>The CUPA conducted a complete and thorough physical inspection. The inspector obtained consent for the inspection, verified certifications and training for the 3 service technician's onsite, reviewed onsite documentation including training records for facility personnel, observed all aspects of the annual monitoring certification test, ensured monitoring certification tags were affixed, conducted a walk through and visual inspection of facility conditions, and verified CERS information.</p> <p>The CUPA utilized both the CUPA Forum Board UST inspection checklist and Envision Connect Remote to complete the annual UST compliance inspection report. The final inspection report consists of a summary of the inspection conducted capturing observations, violations, and return to compliance timeframes. Prior to printing out the final inspection report, the UST inspector discussed with the owner/operator/facility representative the outcome of the inspection and obtained their signature.</p>
	<b>RECOMMENDATION:</b>
	State Water Board recommends that the CUPA continue with conducting complete inspections.
<b>4.</b>	<p><b>OBSERVATION:</b></p> <p>On 12/14/2016, DTSC conducted 2 oversight HWG inspections with two different inspectors for each inspection. The first inspection occurred at CERS ID 10276789, which is a non-RCRA LQG. The inspector was prepared for the inspection, established rapport with the facility owners/operators, toured the entire site, and requested required documentation. The inspector identified several violations at this facility. Although consent was documented on the inspection report, consent was not obtained verbally at the start of the inspection.</p> <p>The second inspection occurred at CERS ID 10276309, which is a non-RCRA LQG. The inspector was prepared for the inspection, established rapport with the facility owners/operators, toured the entire site, and requested required documentation. The inspector identified all violations at the time of the inspection. Following DTSC's recommendation, consent was obtained verbally at the start of the inspection.</p> <p><b>RECOMMENDATION:</b></p> <p>DTSC recommends that the CUPA obtain verbal consent at the beginning of every inspection.</p>
<b>5.</b>	<p><b>OBSERVATION:</b></p> <p>The CUPA is not consistently ensuring that all operating hazardous waste generators have current active Environmental Protection Agency (EPA) ID numbers. Upon review, DTSC found that there are several hazardous waste generators within the CUPA's jurisdiction who are operating with an inactive EPA ID number.</p> <p>Examples include, but are not limited to, the following:</p> <ul style="list-style-type: none"><li>• CERS ID 10276909, EPA ID: CAL000058617 (inactive since 1993) and CAL000094016 (inactive since 1999)</li><li>• CERS ID 10278862, EPA ID: CAL000346866 (inactive since 2011)</li><li>• CERS ID 10277293, EPA ID: CAL000396436 (inactive since 2014)</li></ul>

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	<p><b>RECOMMENDATION:</b></p> <p>DTSC recommends that, during HWG inspections, the CUPA check to determine that the generator has an active EPA ID number and is responding to DTSC's annual electronic verification questionnaire (eVQ). Shipping waste on an inactive EPA ID number is a violation of CCR, Title 22. If a HWG has an inactive or suspended number due to the fact that the generator did not submit an eVQ to DTSC and/or is not receiving email notification from DTSC to submit an eVQ, then please direct the HWG to submit DTSC Form 1358 and to the resources below:</p> <p>Form 1358 to Reactivate an EPA ID number: <a href="http://www.dtsc.ca.gov/HazardousWaste/upload/GISS_FORM_1358.pdf">http://www.dtsc.ca.gov/HazardousWaste/upload/GISS_FORM_1358.pdf</a></p> <p>Information Regarding EPA ID number Verification Questionnaire and FAQ: <a href="https://www.dtsc.ca.gov/IDManifest/VQ_FAQ.cfm">https://www.dtsc.ca.gov/IDManifest/VQ_FAQ.cfm</a></p> <p>Electronic Verification Questionnaire Homepage: <a href="https://evq.dtsc.ca.gov/evq/">https://evq.dtsc.ca.gov/evq/</a></p>
6.	<p><b>OBSERVATION:</b></p> <p>The CUPA notes in their I&amp;E Plan that they have approximately 808 hazardous waste generators in their jurisdiction. A review of CERS indicates 851 facilities reporting as HWGs. A review of the Hazardous Waste Tracking System (HWTS) indicates approximately 865 HWGs with active EPA ID numbers.</p> <p><b>RECOMMENDATION:</b></p> <p>DTSC recommends that the CUPA review active EPA ID numbers in HWTS, review the Transporter Quarterly Report (TQR), and review facilities in CERS that report as being HWGs in order to identify all HWGs within the CUPA's jurisdiction.</p>
7.	<p><b>OBSERVATION:</b></p> <p>The CUPA provides information and outreach materials on its website on the APSA Program at (<a href="http://www.buttecounty.net/ph/EnvironmentalHealth/Hazmat-CUPA/AbovegroundStorageTanks.aspx">http://www.buttecounty.net/ph/EnvironmentalHealth/Hazmat-CUPA/AbovegroundStorageTanks.aspx</a>).</p> <p>The document called "SPCC Plan Options and Requirements," provides a brief overview of SPCC Plan requirements for tank facilities. However, the document references the CUPA Forum Board's Tier II Qualified Facility SPCC Plan template. The template has been updated by OSFM to include additional requirements for compliance with the Federal SPCC rule.</p> <p>Also, due to SB 612 that revised requirements for farms, the "Farms SPCC/APSA Flowchart" contains outdated information.</p>

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	<p><b>RECOMMENDATION:</b></p> <p>OSFM recommends that the CUPA update the “SPCC Plan Options and Requirements” document to reference the updated Tier II Qualified Facility SPCC Plan template and to update the “Farms SPCC/APSA Flowchart.”</p> <p>The CUPA is encouraged to continue to maintain their website and ensure that information is correct and updated as necessary.</p>
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#### EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. **APSA/SPCC TRAINING** – The CUPA hosted a 2-day Federal SPCC training for the Northern Region in September 2016. This course, taught by US EPA, provided refresher SPCC training to over 30 APSA inspectors. In August 2015, the CUPA also hosted a training for the Northern Region inspectors called “SPCC Plan and AST Inspection Training.” For these trainings, the CUPA was responsible for providing certificates to trainees and continuing education unit (CEU) hours.
2. **UNIFIED PROGRAM COORDINATION** – The CUPA has hosted a number of meetings and workshops that are important for the maintenance of the Unified Program. For example:
  - **Release Reporting Regulation Workshops:** The CUPA hosted 2 public workshops for Cal OES on potential amendments to the Release Reporting regulations. These workshops were on April 9<sup>th</sup> and November 19<sup>th</sup> of 2015.
  - **Title 27 Rulemaking Workshop:** On 7/25/2017, the CUPA hosted an informal Title 27 regulatory workshop to discuss proposed amendments to the Unified Program regulations.
  - **CUPA Forum Board Meetings:** The CUPA has hosted the bimonthly Northern CUPA Forum Board meetings where CUPAs in the region discuss issues regarding the Unified Program.