CERTIFIED UNIFIED PROGRAM AGENCY
Deficiency Progress Update Report 6

EVALUATION DATE(S):	September 23-24, 2014
CUPA:	Fresno County Environmental Health Division

Post-EVALUATION TEAM MEMBERS:	CalEPA **Team Lead**	DTSC	Cal OES	State Water Board	CAL FIRE - OSFM
	Katrina Valerio	Matt McCarron	Fred Mehr		Jenna Yang

Deficiency Pending	#2, 5, and 7
Deficiencies Corrected	# 1, 3, 4, 6, 8, 9, 10, and 11 - these deficiencies do not require further corrective action.
Next Update Due by	March 23, 2017

To complete the evaluation process, CUPAs submit Deficiency Progress Reports to CalEPA that explain their progress towards correcting the identified deficiencies. Deficiency Progress Reports are due quarterly after the evaluation date until all deficiencies have been corrected.

Questions or comments regarding this evaluation should be directed to the attention of the CalEPA Evaluation Team Lead:

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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 progress toward correction of **_all_** deficiencies identified in the Summary of Findings evaluation report.

1.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	The CUPA is not annually reviewing and updating its fee accountability program. The CUPA is currently operating on a fee accountability program from 2008. The status of the CUPA has changed significantly since then. Although the CUPA has identified many more facilities in each program element since 2008, it has not identified the total number of facilities that are required to be regulated in all programs including but not limited to retail stores, wells, and agricultural handlers within the CUPA's jurisdiction. Based on the CUPA's current status, it appears the CUPA does not have sufficient financial or personnel resources to maintain all program elements of the Unified Program including duties such as management and maintenance of submittals in its database management system (DMS), CERS quarterly reporting requirements, CUPA-to-state annual reporting requirements and the inspection and enforcement actions of all facilities within its jurisdiction.	By March 23, 2015, the CUPA will initiate a comprehensive review of its fee accountability program to determine the necessary and reasonable costs required to implement the Unified Program. At minimum the CUPA will address the elements listed in California Code of Regulations, Section 15220(a)(1) during the review process. (ref.Title 27) In addition, the fee accountability program review will include the number of facilities that will have the single fee and state surcharge fees waived and the fiscal impact to the CUPA for waiving those fees. By June 23, 2015, the CUPA will submit a report to CalEPA regarding the progress of the fee accountability program review. By September 23, 2015, the CUPA will submit a report to CalEPA regarding the results of the completed fee accountability program review. The report will determine whether or not the CUPA has the necessary financial and personnel resources to continue implementing the Unified Program including what actions the CUPA will take to ensure it will have necessary resources. The CUPA will prepare the 2014/2015 Self-Audit Report to include the results of the fee accountability program review. The CUPA will submit those reports to CalEPA.

Deficiency Progress Update 1: (on May 1, 2015)

The CUPA has approximately 4,096 unique facilities identified in our DMS. These facilities have either one or multiple programs to be inspected by the 12 inspection staff assigned to the CUPA. As of this date 2464 (60%) of these facilities have been inspected with the last 3 years. Several of the active facilities not inspected are Ag handlers, retail stores and well sites, which will increase the number of facilities assigned to the current staff.

We project for FY 15-16 our active facilities will increase with an additional 250 city well sites, approximately 200 unstaffed sites that are no longer exempt under the remote status. Ag handlers will add another estimated 1500 – 2000 sites. This number is very conservative due to the fact that many of the farms are also businesses that were required to submit an HMBP. We have 630 farm exempt sites identified on our DMS and many other businesses that also have farm operations. We have not required separate HMBP submittals for facilities on the same or contiguous parcels. Recent meetings with Farm Bureau representatives were

positive in the implementation of the program but their major issue was related to fees.

Currently there is 12 staff assigned to the CUPA program. Since 2004 there is documented growth of the number of regulated facilities each year (1,819 in FY 04 to 3,069 in FY 13). We have projected that 2 additional staff are needed for the program in order to handle the increase in assigned facilities.

Evaluation Team Response 1:

CalEPA Response: (on May 5, 2015) Based on the corrective action response for March 23, 2015, the CUPA has initiated a comprehensive Fee Accountability Program study to determine the necessary and reasonable costs needed to implement the Unified Program. So far the CUPA reported the total number of active facilities in their data management system (DMS), the number of currently employed inspectors, and total number of facilities inspected up until now. The CUPA proposes two additional inspectors/staff employees are needed to handle increasing needs. The CUPA also projected how many more potential facilities are going to be added to the CUPA during the next fiscal year which will also require even more financial and personnel resources to regulate.

For the next update report please expand on the Fee Accountability Program study by including the current CUPA-only revenues and expenses, proposed inspection frequency schedule for this and next fiscal year to ensure all facilities are inspected according to statute and regulation, the current status calculation of full-time equivalent hours to estimate the number of scheduled inspections per employee to meet the mandated inspection frequencies, etc. The Fee Accountability Program requirements are found in CCR, Title 27, Section 15220(a)(1). Please refer to that regulation to complete the Fee Accountability Program study. CalEPA also recommends using Title 27, Appendix B, Tables 1-3 as useful tools to capture and calculate the required data. Additionally, the CUPA may want to refer to the "CUPA Self-Auditing and Reporting Guidance" (2010) document found on CalEPA's website at http://www.calepa.ca.gov/CUPA/Publications/. Although, that document is old there is still useful information about Fee Accountability Program requirements on page 10 and 46, and examples of Self-Audit reports that address the Fee Accountability Program study on an annual basis on page 95-101.

Deficiency Progress Update 2: (on 6/22/2015)

We have reviewed the efficiency and the cost-effectiveness of the program and have concluded it is inadequate and inefficient due to the fact that fees have not been updated since 2007. Expenditures over the last several years have exceeded revenue amounts, revenue shortages have been offset with the use of Health Realignment funds and/or Administrative penalties collected as needed each fiscal year. The effectiveness of accounting for the fee schedule, the actual amount billed, the revenue collected, collections, is performed adequately each year and the CUPA program has met or exceeded revenue estimates each year. Attached to this response are copies of the current FY 14-15 budget and the FY 15-16 budget for the CUPA Program.

Evaluation Team Response 2:

CalEPA Response: (on July 7, 2015) With the next update report please follow CalEPA's suggestions above dated May 5, 2015, to complete a comprehensive and complete Fee Accountability Program Study that addresses all required elements of CCR, Title 27, Section 15220(a)(1).

Based on the attached expense/revenue worksheet the CUPA provided, using column W, the CUPA is operating at approximately 74% of the necessary costs required to fully implement the unified program within Fresno County. Please provide FTE analysis versus the number of current facilities in each program, and a separate FTE analysis versus the expected total number of facilities that still need to be identified and added to the program. Using that information estimate the necessary and reasonable values of the single fee schedule to fully cover the necessary and reasonable costs of implementing the unified program in Fresno County.

Deficiency Progress Update 3: (on October 1, 2015)

We have performed an analysis of our current revenue & fees and FTE needs assessment and possible future workload review. A complete review of all CUPA program time was analyzed and showed that 37% of staff time is occupied with uncategorized time, this is complaints, office time, training not associated with regulated facilities.

Based on our findings we have summarized the following:

- Current fees, penalties and fines generate approximately $1.3 – $1.5 million in revenue
- Current fees are known to lack the estimated 15% of overhead costs.
- Current fees are based on a rate of $98 an hour
- Current FTE (Salaries and benefits, and service and supply) costs are $1.7 million
- An estimated $2 million in revenue would occur if existing fees were applied to new facilities added to our program (facility type, i.e. farms, unstaffed sites, well sites). These new facilities do not currently have a fee associated with that activity.
- If the rate of inflation from 2007 to 2014 is applied our current hourly rate would be $111
  - Revenue generated would be approximately $1.8 million for current fees
  - Revenue if new program types were added in $2 million.
- If the 15% is accounted for in the new hourly rate, the rate would be $127 an hour which is in the range of current CUPA hourly rates found throughout the State. ($100- $135 per hour)
- Estimated revenue at $127 an hour would be $2.6 million for our program.
- This revenue amount would support the hiring of at least 4 new FTE for inspection purposes, bringing the program to the appropriate level of 16 FTE as noted in the Self Audit.

Evaluation Team Response 3:

DTSC response: (on January 5, 2016) The potential increase in revenue by updating the overhead due to several factors and capturing revenue from sites not currently in the program could provide significant resources to enable the program to catch up on the inspection frequency. There may be additional costs to implement these efforts and that would need to be addressed in any plan for implementation. Any approval to hire staff or raise revenue would need to be approved by the Board of Supervisors (BOS), is there a time table for the BOS review of any proposal?

CalEPA Response: (on March 7, 2016) Continue to review and update the Fee Accountability program on an annual basis pursuant to Title 27, section 15220. The results of this Fee Accountability assessment shows the CUPA needs to update their single fee schedule to include fee assessment of the various newly regulated facilities subject to single fees and state surcharges (including APSA). The fee schedule proposal should consider the current rate of inflation and reflect the CUPA's level of service and necessary costs to implement the Unified Program in The County of Fresno.

For the last part of the corrective action, please provide CalEPA with an expected plan of action and due date(s) to propose the information in the Fee Accountability study to the appropriate governing body to review and decide on.

Deficiency Progress Update 4:

(on July 7, 2016) Fresno Co. CUPA continues to review and update our Fee Accountability program on an annual basis. Our recent findings (Deficiency Progress Update 3 on October 1, 2015) was presented to our department management with recommendations that included new fees for APSA and CalARP/RMP facilities and new well sites. There are no immediate plans to present a new fee package proposal to the Board of Supervisors. PHD Administration believes that the amount of funds within the current CUPA enforcement account do not support the argument for additional staff and fee at this time if there are other funds available solely for the CUPA program. The plan is to develop projects for the expenditure of the funds. The CUPA is in the process of developing a "Request for Proposal" (RFP) for a "CUPA Compliance Outreach Project" which will provide free training and program compliance information for local businesses. Other projects are in the development stages and will be submitted for approval by our administration.

In addition to this, the CUPA will establish an Industry Roundtable to meet with local business leaders on the current fee situation and overall program performance. This will hopefully garner support for the program as we move forward for an overall program fee increase. It is the opinion of the administration for our department that the current Board of Supervisors would not support any increase in fee on local regulated businesses as long as the amount of funds present in our Administrative Enforcement Account remains at its current level. Once sufficient funds have been appropriated and expended the CUPA program will move forward with a new fee proposal with the support local businesses.

Evaluation Team Response 4:

CalEPA Response: (on August 2, 2016) This deficiency is considered corrected. The CUPA has completed an extensive Fee Accountability Review of implementing the Unified Program and forecasted potential revenue and expenses acquired if all facilities in each program element were assessed fees and regulated. The review included the need to identify and regulate additional businesses in their jurisdiction, the proposed hourly rate if inflation was calculated into the equation, total personnel hours needed, and a statewide comparison of their program with others. As a result the CUPA is operating at approximately 74%, or less, of their necessary needs, yet has the forecasted potential to add approximately four additional personnel if all facilities were properly regulated. Even still, the CUPA has yet to add all facilities within their jurisdiction, assess applicable fees, and regulate them.

With the FY 15/16 Self-Audit Report please include the CUPA's results of this deficiency and all other required components of the Fee Accountability program in the report. Please provide CalEPA with a copy of the FY 15/16 Self-Audit Report (see Deficiency 4) on or before October 30, 2016.

2.	DEFICIENCY:	CORRECTIVE ACTION:
	The current version of the CUPA's DMS, EnvisionConnect, is not able to electronically transfer facility submittals from the CUPA's local reporting portal to CERS. Specifically, the CUPA's local reporting portal was designed to electronically transfer facility submittals to the CUPA's DMS which in turn electronically transfers that data to CERS. The current version cannot make that transfer. The CUPA is in the process of acquiring a new version that will do that.	By March 23, 2015, the CUPA will report the planned implementation date of the appropriate version of the DMS with the capability to electronically transfer facility submittals from the CUPA's local reporting portal to CERS. By June 23, 2015, the CUPA will report to CalEPA the progress of transferring facility submittals to CERS. The report will include the number of facilities that have been transferred and the number of those that still need to be transferred.

Deficiency Progress Update 1: (on May 1, 2015)

Fresno County is working diligently to test and remediate all data currently in EnvisionConnect. Our eHazMat Portal will soon be accepting UST and Tiered Permit data as well as all HMBP data. Soon we will be accepting Tiered Permit data as well.

Decade Software is about to release a new version of the CERS Integration Wizard (CIW). CIW is the platform that the data from Envision Connect must go through when uploading Unified Program data into CERS. It is anticipated by Decade staff that this will decrease the problem with errors when uploading Unified Program information from the Envision Connect into CERS.

Evaluation Team Response 1:

CalEPA Response: (on May 5, 2015) Based on the corrective action response for March 23, 2015, the CUPA and Decade have been working to resolve the electronic data transfer issues. Please continue to work with Decade to resolve them. In the next update report please report the status of the CUPA's progress, planned date to upgrade to the newest version(s) of Decade products including CIW to ensure data can be electronically transferred, and the proposed date the CUPA will begin transferring data to CERS. Lastly, provide a proposed date the CUPA expects this deficiency will be completed.

Deficiency Progress Update 2: (6/22/2015)

Fresno County continues to work diligently to test and remediate all data currently in EnvisionConnect. Our eHazMat Portal will soon be accepting UST and Tiered Permit data as well as all HMBP data. Soon we will be accepting Tiered Permit data as well.

Decade Software has recently released a new version of the CERS Integration Wizard (CIW). CIW is the platform that the data from Envision Connect must go through when uploading Unified Program data into CERS. It is anticipated by Decade staff that this will decrease the problem with errors when uploading Unified Program information from the Envision Connect into CERS. We have requested the new CIW version be loaded into our test database this weekend (6/27/2015) so that immediate testing can be initiated so that we can assure all data transmissions will work correctly.

Evaluation Team Response 2:

CalEPA Response: (on July 7, 2015) Please update CalEPA on the CUPA's progress with upgrading all software necessary to make electronic data transfer possible. With the next progress report please provide an estimated date the CUPA expects to begin transferring data to CERS. The CUPA reported that CIW would be installed and tested during June 2015 with the expectation it would be implemented shortly afterward.

(as of September 9, 2015) A review of CERS since the evaluation shows 31 HMBP Inventory/ER plan submittals and 160 UST submittals.

Deficiency Progress Update 3: (on October 1, 2015)

Progress is being made in the EDT testing process. The most current version of the CERS Integration Wizard (CIW) has been installed in test and production databases. During testing approximately 82,000 data errors were discovered. We were successful during testing and did send one facility HMBP with no site map attachment to CERS Staging.

Many of these are simple fixes through scripts, but we need to assess the data to determine if all changes are needed.

During the data assessments and review of the errors we discovered our regulator number in CERS is 1000. We can't transmit data into CERS from production CIW because our regulator number for Fresno is 1000 and the CalEPA established range specified in the XML schema is (1001-9999). We have notified the CERS IT staff to this situation and they are working to change our regulator number into the specified range. Once this is corrected we can begin more thorough testing of EDT functions.

Evaluation Team Response 3:

DTSC Response: (on January 5, 2016) Please provide an update to Deficiency 2 and 3 in the next Deficiency Progress report.

CalEPA Response: (on March 7, 2016) It is paramount that the CUPA complete testing and begin successful electronic transfer of facility submittals to CERS as soon as possible. Absence of reporting information in CERS creates an inability for state evaluators to confirm progress with correcting other deficiencies in this report. The CUPA's prior responses indicated a number of significant data transfer problems from an outdated version of EnvisionConnect, to a new release of CIW, to incompatible Crystal Reports, to an invalid regulator number. According to CERS the CUPA's regulator code was reassigned to 7000. The CUPA also provided an error report of approximately 1,300 transfer errors found during testing of data transfer; a drastic improvement from over 82,000 as previously reported. And, the CUPA claims they upgraded CIW since the

last reporting period.

Please provide a narrative of the CUPA's current progress with correcting those past challenges and with correcting this deficiency. Also propose an expected date to begin electronically transferring all required facility submittals to CERS.

Deficiency Progress Update 4:

(on July 7, 2016) We continue to work diligently to test and remediate all data currently in EnvisionConnect. Our eHazMat Portal is accepting UST and Tiered Permit data will soon be accepted once the newest version of the Portal is installed after this latest round of testing.

Decade Software has recently released another new version of the CERS Integration Wizard (CIW). CIW is the platform that the data from Envision Connect must go through when uploading Unified Program data into CERS. It is anticipated by Decade staff that this will decrease the problem with errors when uploading Unified Program information from the Envision Connect into CERS. We are requesting the new CIW version be loaded into our test database as soon as possible so that immediate testing can be initiated so that we can assure all data transmissions will work correctly.

Current testing of CIW and the implementation of several scripts has reduced the number of errors that are occurring that prevent EDT to CERS.   We are making progress while be it slow, there is progress.

Evaluation Team Response 4:

CalEPA Response: (on August 2, 2016) It is paramount that the CUPA complete testing and begin successful electronic transfer of facility submittals for each program element to CERS as soon as possible. Please provide a narrative of the CUPA's current progress with correcting those past challenges and with correcting this deficiency. Also propose an expected date to begin electronically transferring all required facility submittals to CERS.

Deficiency Progress Update 5:

(on September 30, 2016)
Progress has been made in the EDT functions between our Envision Connect Data base and CERS. We successfully completed the process of requesting CERS ID numbers for all of our facilities. This will provide the bridge for facility information exchanges. It had led to CME data being sent to CERS as well (more information in Deficiency 3 response). I order to transmit UST data the current version 1.3.18 of CERS Integration Wizard must be installed and tested. IT requests have been submitted and we are in the waiting process for its completion. We are also in the process of working with our vendor (Accela) write and test several scripts to clean up small but numerous data errors we encountered through ongoing data assessments. Examples on the data errors are NULL records on check boxes that should be "YES" or "NO" , old chemical inventory records prior to electronic submittal and CME violations for outdated or inactive violations. The newest CIW version also corrects many of the UST submittals issues between EnvisionConnect and CERS.

Evaluation Team Response 5:

CalEPA Response: (on October 25, 2016) As of 10/25/16, there are 417 unique CERS IDs (facilities) that have made one or more submittals in CERS for any program element since 1/1/2012. The CUPA is attempting to upgrade CIW to the current version which will correct some of the submittal transfer errors from the local reporting portal to CERS. The CUPA made significant progress during the last reporting period to correct this deficiency.

With the next update report provide the status of upgrading the CIW to correct errors with reporting UST, Inventory, ER Training Plan, and Tier Permitting submittals from the portal to CERS, NULL data fields, and confirmation that all past violations, return to compliance, and enforcement data is reported with a high degree of certainty.

Deficiency Progress Update 6:

Currently the new version of the CERS Integration Wizard (CIW) has been successfully installed into our TEST system for EDT testing of data with CERS Staging. As part of this ongoing testing we have successfully sent 2 facility submittals from our database (EnvisionConnect) to CERS. These submittals originated in our local portal and were passed to EnvisionConnect without attachments. We are in the process of being able to transmit facility maps to CERS as well as all the required Unified Program data. We area conducting ongoing data assessment and data remediation to ensure that, correct, a, accurate and up to date data is transmitted.

One point of clarification (as stated in Response Report 5 on Deficiency #5), the portal does not directly communicate with CERS. The issues for EDT all predominately reside with EnvisionConnect and CIW.   We are working with our vendor Accela on a weekly basis as well as our Portal vendor to be sure all data is correct and that data transfer from the Portal to EC to CERS seamlessly.

Evaluation Team Response 6:

The CUPA is continuing to make incremental progress in ensuring submittals are uploaded to CERS from their local portal. With the next deficiency progress update report, in addition to the number of submittals successfully uploaded to CERS, please state the number of submittals remaining to be transferred to CERS. Based on CalEPA's review of CERS as many as 1/2 of the CUPA's HMBP and 2/3 of UST and Tiered Permitting facilities submittals have not been successfully uploaded to CERS. Inclusion of the number of submittals awaiting transfer will allow CalEPA make a more clear determination of where the CUPA is in its progress.

3.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	The CUPA is not transferring inspection, violation, and enforcement data from the CUPA's DMS to CERS. Only 24 inspections dated from 2008 through 2011 were found in CERS. The CUPA estimates there are over 278 inspections in its DMS that are ready to be electronically transferred to CERS once the DMS is upgraded.	By March 23, 2015, the CUPA will ensure that inspection, violation, and enforcement data is electronically or manually transferred from its DMS to CERS.

By June 23, 2015, the CUPA will have transferred prior inspection, violation, and enforcement data in CERS from fiscal year 2013/2014 to current. |

Deficiency Progress Update 1: (on May 1, 2015)

Same situation and answer as for Deficiency #2 Decade Software is about to release a new version of the CERS Integration Wizard (CIW). CIW is the platform that the data from Envision Connect must go through when uploading Unified Program data into CERS. It is anticipated by Decade staff that this will decrease the problem with errors when uploading Unified Program information from the Envision Connect into CERS.

Evaluation Team Response 1:

CalEPA: (on May 5, 2015) Similar to CalEPA comments in Deficiency 2, please continue to work with Decade to correct the electronic transfer issues. In the next update report please provide the expected date of upgrading to the newest version of CIW, the date when the CUPA plans on beginning transferring data, and the date the CUPA expects to have this deficiency completed.

Deficiency Progress Update 2: (6/22/2015)

There has been a significant effort to date by the staff at Fresno County. Hundreds of staff hours have been utilized to manually cross reference the old Decade violation library to the current CERS violation library. The project is an estimated to be 80% complete and will require some testing prior to transmission of data.

Decade Software has recently released a new version of the CERS Integration Wizard (CIW). CIW is the platform that the data from Envision Connect must go through when uploading Unified Program data into CERS. It is anticipated by Decade staff that this will decrease the problem with errors when uploading Unified Program information from the Envision Connect into CERS. We have requested the new CIW version be loaded into our test database this weekend (6/27/2015) so that immediate testing can be initiated so that we can assure all data transmissions will work correctly.

Evaluation Team Response 2:

CalEPA: (on July 7, 2015) Please update CalEPA on the CUPA's progress with upgrading all software necessary to make electronic data transfer possible. With the next progress report please provide an estimated date the CUPA expects to begin transferring data to CERS.

(as of September 9, 2015) A review of CERS shows 0 records of inspection, violation, and enforcement reported between the evaluation and present. Please provide a status update of the progress the CUPA has made to correct this deficiency.

Deficiency Progress Update 3: (on October 1, 2015)

Progress is being made in the EDT testing process. We have been able to send CME data for 2 violations at one test facility to CERS Staging. As stated in the previous deficiency response we discovered our regulator number in CERS is 1000. We can't transmit data into CERS from production CIW because our regulator number for Fresno is 1000 and the CalEPA established range specified in the XML schema is (1001-9999). We have notified the CERS IT staff to this situation and they are working to change our regulator number into the specified range. Once this is corrected we can begin more thorough testing of EDT functions.

Evaluation Team Response 3:

DTSC Response: (on January 5, 2016) Please provide an update to Deficiency 2 and 3 in the next Deficiency Progress report.

CalEPA Response: (on March 7, 2016) It is paramount that the CUPA complete testing and begin successful electronic transfer of inspection, violation, and enforcement information to CERS. Absence of reporting information in CERS creates an inability for state evaluators to confirm progress with correcting other deficiencies in this report. The CUPA's prior responses indicated a number of significant data transfer problems from an outdated version of EnvisionConnect, to a new release of CIW, to incompatible Crystal Reports, to an invalid regulator number. According to CERS the CUPA's regulator code was reassigned to 7000. The CUPA also provided an error report of approximately 1,300 transfer errors found during testing of data transfer; a drastic improvement from over 82,000 as previously reported. And, the CUPA claims they upgraded CIW since the last reporting period.

Please provide a narrative of the CUPA's current progress with correcting those past challenges and with correcting this deficiency. Also include an expected date to begin electronically transferring inspection, violation, and enforcement information to CERS.

Deficiency Progress Update 4:

(on July 7, 2016) Decade Software has recently released a new version of the CERS Integration Wizard (CIW) 1.3.19. CIW is the platform that the data from Envision Connect must go through when uploading Unified Program data into CERS. It is anticipated by Decade staff that this will decrease the problem with errors when uploading Unified Program information from the Envision Connect into CERS. We are requesting the new CIW version be loaded into our test database as soon as possible so that immediate testing can be initiated so that we can assure all data transmissions will work correctly.

Current testing of CIW and the implementation of several scripts has reduced the number of errors that are occurring that prevent EDT to CERS. We are making progress while be it slow, there is progress. New violation library is being installed soon and staff continues to remediate CME data entered since July 1, 2013. Efforts continue to remediate data for EDT.

Evaluation Team Response 4:

CalEPA Response: (on August 2, 2016) CalEPA received a progress update from the CUPA on July 11, 2016, regarding successful transfer of 276 of 288 records of inspection, violation, and enforcement information during a testing attempt. Although, the CUPA is still experiencing some technical difficulties and transfer errors, it appears they are improving with reporting information in CERS. It also appears the CUPA has much more information to transfer in CERS in the coming months in order to report all inspection, violation, and enforcement information from FY 13/14 to current. With the next Deficiency Progress Report please provide a narrative on the number and types of inspection, violation, and enforcement information records that were successfully transferred for each program element beginning FY 13/14 to current. The CUPA will begin reporting current inspection, violation, and enforcement information in CERS at least on a quarterly basis in accordance with statute and regulation.

Deficiency Progress Update 5:

(on September 30, 2016)

As stated in Deficiency #2 response we have had successful EDT exchanges of CME data to CERS. AS of the writing of this report currently there are 5,361 inspection records in CERS for Fresno County since July 1, 2013. The breakdown is as follows:

HMBP – 2099

CalARP – 155

HWG – 1768

RCRA LQG – 19

TP – 12

UST – 965

APSA – 329

There were 455 facilities inspected that had data errors and we are working diligently to correct those that we can via our own efforts. In addition as stated we are working with Accela to correct errors and install the current version of CIW that should address some of the errors as well. A breakdown of the facilities waiting to have CME data sent to CERS is:

HMBP – 168

CalARP – 1

HWG – 54

UST – 206

APSA – 26

We'll continue to routinely send CME data to CERS now that the process had been successful and the number of violations without RTC data will continue to drop and staff are working to document and close any open violations reported to CERS. Updates will continue to occur.

Evaluation Team Response 5:

CalEPA Response: (on October 25, 2016) CalEPA considers this deficiency corrected. CalEPA appreciates the diligent work and progress the CUPA has made during this reporting cycle to successfully transfer the majority of inspection, violation, and enforcement information, also known as CME, from its DMS to CERS. CalEPA confirmed that nearly all of the past CME information is reported for each program element. The current version of the data transfer process (CIW) is not quite fully functional for all program elements, and is causing some CME information to not be transferred. This issue is being corrected or upgraded to be able to transfer another 455 facilities that were inspected and are waiting to be reported. Please report CME information to CERS no more than 30 days after the end of each fiscal quarter.

4.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	The CUPA did not report accurate or current information in its fiscal year 2012/2013 Self-Audit report to reflect the current status of the CUPA. During the evaluation it was	By March 23, 2015, the CUPA will review and revise the fiscal year 2013/2014 Self-Audit report to correct, at minimum, the examples given in this deficiency. The corrected report will reflect information relative to that

determined that the CUPA inadvertently provided CalEPA with a "draft" copy of the Self-Audit report that was not updated with current information for that fiscal year. The "final" copy could not be found during the evaluation. The following are only a few examples of outdated or inaccurate information found in the "draft" report: 1. Page 2 – the first paragraph refers to information from a 1999 fee accountability program review for estimating staff and financial resources. However, the CUPA is currently operating on a fee accountability program approved in 2008. 2. Page 2 – the paragraph about the Aboveground Petroleum Storage Act (APSA) program states the CUPA has not started implementing the APSA program, even though the CUPA currently does. 3. Page 2 – The Inspection Activity section has outdated numbers of inspections and regulated facilities in each program element. This section omits data for the APSA program. 4. Page 3 – The Enforcement Activity section has outdated numbers of enforcement activity. This section omits data for the APSA program. 5. Page 3 – The whole Permitting Activity section paragraph is outdated with references to 2008. A statement that the CUPA will not provide permits to APSA facilities until after 2010 is also outdated. Page 4 – The Fee Accountability Program section does not mention a fee accountability program review that was conducted in 2010 but did not get approved for implementation. The paragraph referring to waived	fiscal year. The CUPA will submit a copy of that report to CalEPA for review. By September 30, 2015, the CUPA will provide a copy of the 2014/2015 Self-Audit report to CalEPA for review.

	fees states the CUPA did not waive any fees, however the fiscal year 2012/2013 Annual Single Fee Summary Report showed $3,367.00 of waived fees.	

Deficiency Progress Update 1: (on May 1, 2015)

See attached response

Evaluation Team Response 1:

CalEPA Response: (on May 1, 2015) Based on the CUPA's response to corrective action dated March 23, 2015, the CUPA included a supplemental document with this report to address each item listed in the deficiency. However, the reviewed and updated Self-Audit report for fiscal year 2013-2014 was not included. With the next update report please send CalEPA a revised copy of the FY13-14 Self-Audit report that has current information in it, includes the edits the CUPA made for the items listed in the deficiency, and to fulfill requirements in CCR, Title 27, Section 15280(c).

Deficiency Progress Update 2: (6/22/2015)

We are still having significant data issues regarding extracting accurate FY13-14 data from the system. By September 30, 2015, we will provide a complete 2014/2015 Self-Audit report to CalEPA for review and FY13-14 data as requested.

Evaluation Team Response 2:

CalEPA Response: (on July 7, 2015) Please provide the revised fiscal year 2013/2014 Self-Audit report as well as the fiscal year 2014/2015 Self-Audit report. Please ensure all required elements are included in each report and that the information is current for each fiscal year requested.

Deficiency Progress Update 3: (on October 1, 2015)

An updated FY 13-14 Report 4 Enforcement Report is attached. We are continuing to work with Decade Software now Accela in the ongoing analysis and repairs to our Crystal Reports. All FY 12-13 reports will not run at this time. There have been attempts to repair with scripts in our test system but none have worked.

Evaluation Team Response 3:

CalEPA Response: (on March 7, 2016) CalEPA received and reviewed the CUPA's FY 14/15 Self-Audit report. It appears that the third item written in the deficiency, "Page 2 – The Inspection Activity section has outdated numbers of inspections and regulated facilities in each program element. This section omits data for the APSA program" was not included in the Self-Audit report.

With the next Deficiency Progress Report please draft an APSA section and provide CalEPA with a revised copy of the FY 14/15 Self-Audit report to address the number of inspections conducted for the APSA program – specifically APSA facilities with a storage capacity of 10,000 gallons or more of petroleum.

Also, as a recommendation, in the Enforcement Activity section of the report it would be helpful for the CUPA to separate out by each program element the 346 informal enforcement actions that were taken; similar to the second and third bullets of that section.

Deficiency Progress Update 4:

(on July 7, 2016) At the writing of this progress update we received an update from Decade/Accela that they have reviewed our ongoing issue with the existing CUPA to State Report #4 Annual Enforcement Summary report and have provided a script to fix the issue for accurate reporting. Multiple previous attempts to fix this report and others have been not been successful until today (7/7/2016), According to Accela staff they have tested this new script in their Fresno Test system this new script does work. It now must be loaded onto the server for our EnvisionConnect DMS by County IT staff and that process may take some time. Once that is done and we have confirmed it works, we should be able to run the reports for each fiscal year requested by the State.

Evaluation Team Response 4:

CalEPA Response: (on August 2, 2016) As of a review today, the FY 14/15 Self-Audit report still does not have all of the required corrections and, as of now, the CUPA will being preparing the FY 15/16 Self-Audit Report, due to be completed by September 30, 2016. Due to various complexities and challenges the CUPA has experienced with upgrading EnvisionConnect and querying reliable information required to be included in Self-Audit Reports, CalEPA requests the CUPA prepare and complete the FY 15/16 Self-Audit Report to include all aforementioned requirements (including Fee Accountability study results in Deficiency 1) and provide CalEPA with a copy of it on or before October 30, 2016.

Deficiency Progress Update 5:
(on September 30, 2016)

The successful transmission of CME data to CERS should eliminate the need for any reports to be created for annual reporting and Self Audits. However Accela did thoroughly review Report 2 the Single Fee Summary and we found some data entry errors but may have uncovered defects in the report as well. The Self Audit is drafted but we are verifying some of the data to be sure it is accurate. We will provide the Self Audit and Fee Accountability information from recent budget processes to CalEPA by Oct 30, 2016.

Evaluation Team Response 5:

CalEPA Response: (on October 30, 2016) CalEPA considers this deficiency corrected. CalEPA received the CUPA's Self-Audit report. Please conduct a self-audit and complete a self-audit report on an annual basis that includes the required components outlined in regulation.

5.	DEFICIENCY:	CORRECTIVE ACTION:
	The CUPA is not conducting hazardous waste generator (HWG) inspections with a frequency consistent with its I&E Plan. The I&E plan states the CUPA will inspect each HWG facility at least once every three years.	By March 23, 2015, the CUPA will develop a plan to meet the inspection frequency for the HWG program to ensure each facility is inspected at least once every three years. The plan will include the CUPA's expected HWG inspection frequency schedule, the number of HWG inspections that have occurred since the CUPA's

The CUPA has inspected 66.5% of its HWG facilities during fiscal years 2011 - 2014. The CUPA's Annual Inspection Summary Reports show the following: • 1,489 HWG facilities were identified in FY 2010/2011 of which 263 (17.6%) were inspected. • 1,371 HWG facilities were identified in FY 2011/2012 of which 245 (17.8%) were inspected. • 1,546 HWG facilities were identified in FY 2012/2013 of which 351 (22.7%) were inspected. • 1,959 HWG facilities were identified in FY 2013/2014 of which 517 (26%) were inspected. *This deficiency was identified during the 2011 CUPA evaluation.*	evaluation, and CERS I.D. numbers or names of those facilities. The CUPA will submit that plan to CalEPA for review. By June 23, 2015, the CUPA will report to CalEPA its progress with maintaining the scheduled inspection frequency for all HWG facilities, the number of additional HWG inspections that have occurred since the previous update report cycle, and CERS I.D. numbers or names of those facilities. By September 23, 2015, the CUPA will report to CalEPA the information listed above for this update cycle and make a determination as to whether it will be able to inspect all HWG facilities at least once every three years based on its performance up to this date.

Deficiency Progress Update 1: (on May 1, 2015)

A review of all facility inspection dates was conducted. Currently, 77% of all hazardous waste generators have an inspection date within the last 3 years. A total of 1836 active HWG are identified and of those facilities there are 1414 that have an inspection completed within the last 3 fiscal years. There are 82 identified Used Oil Collection Centers in Fresno County that will be added to the active list once the authority is provided by statute, also identified are an additional electronic waste only generators and collection facilities which accounts for the difference between the 1959 HWG reported in FY 13/14.

Evaluation Team Response to Update 1:

DTSC Response: (on 5/7/15) DTSC is encouraged with the increase in effort to meet the inspection goal and looks forward to the CUPA meeting the frequency.

CalEPA Response: (on June 8, 2015) With the next update cycle please provide CalEPA with a proposed inspection frequency schedule to ensure each HWG facility is inspected at least once every three years, a report of the total number of HWG inspections that have occurred since the last update cycle and the progress the CUPA is having with maintaining the proposed inspection frequency to ensure each facility is inspected at least once every three years. Please continue to identify any additional facilities in the CUPA's jurisdiction that have not yet been regulated by the CUPA or added to the HWG program in Fresno County.

Report to CalEPA how many (if any) new facilities have been identified and added to the HWG program.

Deficiency Progress Update 2: (6/22/2015)

We believe we are current with our inspection frequency for hazardous waste with over 77% of current active facilities inspected well within the last 3 years. We have identified 584 that are due for inspection based on the last inspection date on record. This represents 32% of the known active hazardous waste generators and this demonstrates we are on frequency for HWG inspections.

Evaluation Team Response 2:

DTSC Response: (on August 21, 2015) The software vendor's lack of performance in delivering a solution to transfer data in your system aside, it was noted during the evaluation that CUPA's efforts on CME data transfer is still an issue with evaluation of inspection frequency on CERS. During the evaluation, DTSC was able to see extracted information from the CUPA's portal and internal system inspection list. The CUPA was well on its way to catching up to its inspection frequency in the months leading up to the evaluation, but outside the evaluation period. DTSC would like the CUPA to remit a spreadsheet of the above mentioned inspections from their data system in order to close out this deficiency.

CalEPA Response: (on September 9, 2015) In agreement with DTSC and due to a lack of inspection information being reported in CERS, please provide CalEPA with a spreadsheet of HWG inspections from the date of the evaluation (September 23, 2014) to present including the date of the inspection and facility name with the next update cycle. That spreadsheet report may be generated by the CUPA's data management system or another reporting method such as MS Excel or MS Word documents.

Deficiency Progress Update 3: (on October 1, 2015)

As of 9/15/15 there are 1784 hazardous waste generators identified in our database. A current list of our "prior inspection dates" shows that 1278 of the HWG sites have a current inspection completed in the last 2 fiscal years that is 72% of the known inventory as having been currently inspected. 506 HWG sites (28%) are scheduled for inspection for the remaining time of FY 14/15.

Evaluation Team Response 3:

DTSC Response: (on January 5, 2016) From above, we think you mean FY 15/16 for the balance of the inspection schedule. The 81 page PDF of inspection information is cumbersome to extract information from. We have not been able to convert data to a sortable spreadsheet in order to replicate / verify the CUPA's numbers. Please send the next update in a sortable data sheet like MS Excel. Since data is not available in CERS, and the CUPA does not have availability to generate a report of all HWG inspections, DTSC requests the CUPA to provide 10 inspection reports from FY 15/16 (PDFs Ok) with the next update. CERS data is still lacking for current efforts. DTSC notes that there is a drop in almost 200 generators from the program since the evaluation, yet there are currently 700 more active EPA ID numbers in HWTS for the county.

With the 506 potential inspections for the last part of FY 15/16 the CUPA should be caught up. This effort would be good to accomplish prior to the next evaluation.

CalEPA Response: (on March 17, 2016) CalEPA had a conversation with the CUPA manager regarding the PDF report. The CUPA manager explained the 81 page PDF was only a list of facilities that were cited with violations during inspections conducted in FY 14/15. He was able to get the document converted to a sortable workbook in MS Excel. However, the CUPA claimed they could not provide CalEPA with a report of the total number of HWG inspections that occurred during each FY because of the inability to generate a report in Crystal Reports from their version of EnvisionConnect. If that is still the case, please provide another form of documentation to show that the CUPA is performing inspections until such a time when the CUPA begins reporting inspection, violation, and enforcement information in CERS. For example, DTSC requests the CUPA to provide 10 HWG inspection reports with the next Deficiency Progress report.

Deficiency Progress Update 4:

(on July 7, 2016) We are confident that this deficiency has been corrected since approximately only 33-34% of the current HWG in Fresno County <u>are due for</u> inspection as of June 30, 2016. Current count of HWG in Fresno County as of 6/30/2016 – 1650

The break down by regulatory class and due dates

TOTAL COUNT	CLASS	Inspection DUE/NO DATE	Inspection due during FY 16/17
14	RCRA LQG	1	2
1041	CESQG	66	292
412	SQG	23	116
137	NON RCRA LQG	13	34
18	FARM	16	2
28	NO ONSITE STORAGE	5	6
1650		**124**	**452**

Additional breakdown of the HWG is provided in an attached spreadsheet. While there is no mandate to inspect one third or 33% of the facilities in a given year, the plan is to provide a more balanced inspection goal for each year at approximately 550 HWG per year to be inspected. The 124 facilities that indicate an inspection due or have no current date are being inspected and will continue into FY 16/17. There are 54 sites that had a possible data error in the date field but we have a high confidence that these sites are all current on their inspection dates.

FY 16/17 – 576 identified to be inspected
FY 17/18 – 798 identified to be inspected
FY -18/19 – 222 identified to be inspected

We understand that the farm category will grow over the next few fiscal years as we initiate our Education and Outreach project. The "No Onsite Storage" facilities have been identified for waste generation but there is no storage on site, the waste is either removed by a service company that arrives and generates the waste and removes it the same day or the owner/operator removes the waste immediately after generation. (Used oil to a certified UOCC). This status is verified during routine inspections for HMBP and HWG.

Evaluation Team Response 4:

DTSC Response: (on July 25, 2016) DTSC understands EDT issues. No new inspection data since 12/2014. Please advise when CERS data is up to date. The CUPA needs to demonstrate that they can complete this task, since the deficiency is reoccurring from 2011, 2008 and 2006.

In addition the CUPA's generator Universe has fluctuated wildly since the 2006 Evaluation. Between Progress reports 1 and 4 of this evaluation there was a drop of the CUPA's known universe from 1836 plus the oil collection center or 1954 (FY 13-14 number) to 1650; approximately 200 regulated businesses. There is 2755 "Active" EPA ID numbers in Fresno County, which means that those generators actively renewed their ID numbers in FY 15-16 with DTSC, while additionally there are still others shipping waste without active ID numbers. The gap of regulated businesses (1650) and active businesses (2755) shipping waste is growing since the evaluation. Potentially, 1105 businesses are not being regulated or inspected. The CUPA has demonstrated that the Portal transfer information is unreliable and that the inspection data transferred to CERS has not been successful since December 2014.

Based on oversight inspections and discussions with staff, the CUPA does good work when they are in the field, but the CUPA seems to lack the necessary amount of staff to complete the basic inspections in their service area (or include all regulated business into the HWG program element).

Deficiency Progress Update 5:
(on September 30, 2016)

As stated in Deficiency Responses #2 and 3 with the success of recent EDT efforts we would request DSTC to review CERS and provide any questions. We do believe that we have addressed this deficiency and it has been corrected based on the known inventory of facilities.

We would like to formally request from DTSC a thorough and detailed list (Excel Spreadsheet – comma delimited) of these 2755 facilities so that we can provide and accurate account of this gap of regulated businesses. By receiving this list we can perform comparative analysis and deduct which facilities we need to specifically follow up on and perform appropriate inspections. DTSC could provide this list it would be of great assistance to the CUPA program to further prove this program does not have the adequate resources (staff) to conduct all the work required in this program. It has been mentioned several times in this evaluation process and these reports by the State agencies that "the CUPA does not have sufficient financial or personnel resources to maintain all program elements of the Unified Program". The list will assist the

CUPA Program is requesting extra staff to address these possible unregulated facilities. We have a list from 2014 but would like a more current detailed list based on the FY 15-16 list indicated by DTSC, we would ask for business name, address, contact information etc., any pertinent information to assist us is greatly appreciated.

Also, a point of clarification needs to be addressed to the highlighted statement above: <u>"The CUPA has demonstrated that the Portal transfer information is unreliable and that the inspection data transferred to CERS has not been successful since December 2014</u>." The Portal is reliable in its specified role as a reporting system. The Portal has been proven to work and continues to do so. Where we think DTSC has incorrectly stated the Portal at fault when it has been proven the Accela product EnvisionConnect and more specifically CERS Integration Wizard (CIW) has been the unreliable factor in our efforts to comply. However we have made progress as stated in earlier responses.

Evaluation Team Response 5:

DTSC Response: (on October 21, 2016) DTSC has provided lists from HWTS on active and Inactive EPA ID numbers in Fresno county and a TQR report that shows generators from Fresno County that have contributed to a consolidated manifest shipment for years 2013,2014, 2015, and 2016 to CalEPA who has sent them earlier to the CUPA. DTSC suggests that you check the active numbers against the CUPA's active list first. The active numbers are from generators that are keeping up on their ID number renewal on-line.   If you are able to compare inactive numbers to the TQR numbers you will have a list of generators that are shipping waste, but did not renew their ID number status.

DTSC stands corrected that the Portal data did not transfer correctly, but that the CME data was not being properly transferred previously by the CUPA's software to CERS. DTSC also sees tremendous improvement in the CME data to date for inspections, showing 803 routine inspections since January 2015 currently for HW Generators. DTSC will continue to monitor the progress of inspections over time to see if the CUPA can meet their inspection frequency goals. Please provide and updated count of inspections with the next progress report.

Deficiency Progress Update 6:

The current count of HWG inspections conducted since July 1, 2013 in CERS is 2,249, in addition 22 RCRA – LQG inspections have been conducted. In addition 987 violations have been cited during those inspections. We're also anticipating the addition of 2 new aide positions who will be assigned to reconcile the HWTS facilities list provided by DTSC with our current database.

Evaluation Team Response 6:

DTSC response:
In a review of CERS data (on 1.13.17), using the Facilities listing and sorting on Column CI for Hazardous Waste Generator = Y (Yes), only 882 facilities show. The data for the column CI comes from the business activity submitted by the facilities, most likely via the portal or CERS directly. Data errors by the business or the data transfer are affecting CERS data quality. In order to do a remote evaluation via CERS the CUPA's CERS data will need additional QA/QC.

The inspection numbers are better and very close on CERS with 1857 routine and 401 other inspection since 7/13 for a total of 2258 inspections. RCRA LQGs at 20 routines and 6 other, PBR at 9 routine and 6 other and 2 for CA and CE.

To better enable DTSC to determine the status of this deficiency, the CUPA (pursuant to a 1/20/2017 phone call with the CalEPA team lead) is compiling a list of HWG facilities and inspection dates. With the next update report please provide a list of all regulated HWG or list of HWG facilities overdue for inspection. These reports would assist DTSC us in understanding where the CUPA is in their in section frequency counts.

6.	DEFICIENCY:	CORRECTIVE ACTION:

	The CUPA is not meeting the mandated inspection frequency for the Tiered Permitting (TP) program. Each TP facility shall be inspected at least once every three years. Although the CUPA inspected 89% of the TP facilities in the past three fiscal years not all of them were inspected at least once every three years. The CUPA's Annual Inspection Summary Reports show the following:
	
	• 9 TP facilities were identified in FY 2010/2011 of which 4 (44%) were inspected.
	• 11 TP facilities were identified in FY 2011/2012 of which 2 (18%) were inspected.
	• 11 TP facilities were identified in FY 2012/2013 of which 3 (27%) were inspected.
	• 2 of the current 12 TP facilities missed the inspection cycle during fiscal years 2010-2013:
	   a. WCR
	   b. Pacific Anodizing
	Even though those two facilities were recently inspected by the CUPA, they were inspected beyond the mandated three year inspection frequency period.
	
	This deficiency was identified during the 2011 CUPA evaluation.
		By March 23, 2015, the CUPA will develop a plan to meet the inspection frequency for the TP program to ensure each facility is inspected at least once every three years. The plan will include the CUPA's expected TP inspection frequency schedule, the number of TP inspections that have occurred since the CUPA's evaluation, and CERS I.D. numbers or names of those facilities. The CUPA will submit that plan to CalEPA for review.
		
		By June 23, 2015, the CUPA will report to CalEPA its progress with the maintenance of inspection frequencies for all TP facilities, the number of additional TP inspections that have occurred since the previous update report cycle and CERS I.D. numbers or names of those facilities.
		
		By September 23, 2015, the CUPA will report to CalEPA the information listed above for this update cycle and make a determination as to whether it will be able to inspect all TP facilities at least once every three years based on its performance up to this date.

Deficiency Progress Update 1: (on May 1, 2015)

The CUPA conducted a review of the Annual Inspection Summary Reports and found that Pacific Coast Anodizing had been inspected on Nov. 9, 2014. Presently, there are ten (10) active TP facilities. By 6-23-2015, all the TP facilities shall have been inspected within the last three years. Also the Tiered Permit form will be active on our eHazMat Portal soon and staff will conduct outreach and inspections at each facility during the submittal process so that we can verify all information as current and correct before EDT to CERS is completed.

Evaluation Team Response 1:

DTSC Response: (on 5/7/15) DTSC in encouraged with the increase in effort to meet the inspection goal and looks forward to the CUPA meeting the frequency.

CalEPA Response: (on June 8, 2015) Please provide CalEPA with a proposed inspection frequency schedule to ensure each TP facility is inspected at least once every three years, a report of the number of TP inspections that have occurred since the last update cycle, and the progress the CUPA is having with maintaining the proposed inspection frequency in order to inspect each facility at least once every three years. Please report whether all ten TP facilities were inspected by June 23, 2015, and please explain the difference of the reported twelve facilities written in the deficiency versus the current number of ten the CUPA is reporting.

Deficiency Progress Update 2: (6/22/2015)

All active tiered permit units/sites have current inspection dates.

The current active TP units are broken down as follows:
- 9 – Permit by Rule
- 1 – Conditionally Authorized
- 1 – Conditionally Exempt

1 PBR facility was not counted due to recent closure.

Evaluation Team Response 2:

DTSC Response: (on August 21, 2015) Similar to Deficiency 5, due to uncertainty of CERS information, which shows no inspection information posted, DTSC would like to request a spreadsheet of the inspections, in order to close out this deficiency.

CalEPA Response: (on September 9, 2015) In agreement with DTSC and due to a lack of inspection information being reported in CERS, please provide CalEPA with a spreadsheet of the 11 TP inspections including the date of the inspection and facility name with the next update cycle. That spreadsheet report may be generated by the CUPA's data management system or another reporting method such as MS Excel or MS Word documents.

Deficiency Progress Update 3: (on October 1, 2015)

As of 9/15/15 there are 12 Tiered Permit units at 11 facilities identified in our database:
1 – Conditionally Exempt
1 – Conditionally Authorized

10 – Permit by Rule

All TP units/facilities have current inspections dates and none are due during the remaining current fiscal year. 100% inspection rate.

Evaluation Team Response 3:

DTSC Response: (on January 5, 2016) CERS data is still not current, with only 3 tiered permitting facilities showing 'applicable' in CERS to the tiered permitting program. Please provide a copy of the inspection reports of the last 3 tiered permitting facilities inspected with the next Deficiency Progress Report. Also, please provide a list of the 12 facilities required to be regulated in the tiered permit program with the next Deficiency Progress Report.

CalEPA Response: (on March 17, 2016) Even if the CUPA was able to electronically transfer inspection, violation, and enforcement information to CERS, the CUPA would find that the majority of facilities required to be regulated in the tiered permitting program are not registered and marked as 'applicable' for that program element. CalEPA requests that the CUPA contact each TP facility that is not registered and marked as 'applicable' for that program and require the owner/operator to become registered in CERS.
The CUPA claims they have inspected each TP facility. However, the CUPA claims they are still not able to report inspection, violation, and enforcement data in CERS. If that is still the case, please provide another form of documentation to show that the CUPA is performing inspections until such a time when the CUPA begins reporting inspection, violation, and enforcement information in CERS. For example, DTSC requests the CUPA to provide the last three inspection reports for the TP program with the next Deficiency Progress report.

Deficiency Progress Update 4:

(on July 7, 2016) All Tiered Permit sites have been inspected with current inspections dates. Once all EDT functions are operating, all CME data will be transmitted to CERS for review.

As of 7/7/16 there are 10 Tiered Permit units at 11 facilities identified in our database:
0 – Conditionally Exempt
1 – Conditionally Authorized
10 – Permit by Rule
All but one TP units/facilities have current inspections dates and one is due for an inspection and will be scheduled immediately.

Evaluation Team Response 4:

DTSC Response: (on July 25, 2016) Please advise when CERS data is up to date. Please provide a list of the 11 facilities and their recent inspection dates.

Deficiency Progress Update 5:

(on September 30, 2016)
As stated in Deficiency Responses #2 and 3 with the success of recent EDT efforts we would request DSTC to review CERS and provide any questions. We do believe that we have addressed this deficiency and it has

been corrected.   A list of inspections are attached as requested.

Evaluation Team Response 5:

DTSC Response: (on October 21, 2016) CERS data shows 8 inspections and one duplicate routine, 1 CA routine inspection. Some inspection data on CERS is incomplete compared to the CUPAs submitted file. DTSC will monitor TP data during next evaluation. DTSC considers this deficiency corrected.

7.	DEFICIENCY:	CORRECTIVE ACTION:
	The CUPA was not able to provide documentation that all facilities cited with minor violations have returned to compliance within 30 days of the violation. Based on a discussion with the CUPA manager, the number of facilities without a return to compliance date could not be easily determined using the CUPA's outdated version of EnvisionConnect. The CUPA must document the date the facility submitted a Return to Compliance Certification.	By March 23, 2015, the CUPA will report to CalEPA the status of the software issues that caused the data to be indeterminable including steps taken to resolve undetermined return to compliance dates. By June 23, 2015, the CUPA will submit to CalEPA the number of all facilities with minor violations that have not returned to compliance. The CUPA will have followed-up with those facilities to ensure compliance was achieved and documented in the CUPA's upgraded DMS. The CUPA will also review and update the Inspection and Enforcement (I&E) Plan as part of this corrective action. The updated I&E Plan will be submitted with the September update.

Deficiency Progress Update 1: (on May 1, 2015)

The CUPA has recently updated software and procedures to ensure that all minor violations cited and corrected within 30 days at facilities will be documented in the Envision Connect Database violation coding as follows: 1) D- Documented, 2) O- Observed, 3) N- Not Resolvable, 4) U- Unverifiable.

Evaluation Team Response to Update 1:

DTSC Response: **(on 5/7/15)** DTSC is unable to verify any changes in CERS for violations and return to compliance, as only minimal info is available.

CalEPA Response: (on June 8, 2015) Based on the CUPA's response to the corrective action dated March 23, 2015, the CUPA reported progress with updating RTC violation codes in EnvisionConnect and/or CERS. In the interim, while the CUPA works with Decade to correct electronic reporting issues, with the next update report please provide CalEPA with a list of facilities that the CUPA has issued minor violations to, since January 1, 2015, at minimum, for all unified program elements. Of that list please provide appropriate documentation of RTC for those facilities that have returned to compliance. Without a list from the CUPA state evaluators are not able to follow the CUPA's efforts with tracking RTC and/or CUPA follow-up activity to ensure each facility becomes compliant within the required timeframe. For those that have not returned to compliance please provide other documentation to show the CUPA has followed-up with the facility including but not

limited to emails, phone calls, letters to the facility, second notices of violation or other examples of a graduated series of enforcement, as described in the CUPA's I&E plan, to ensure each facility becomes compliant with minor violations within the required timeframe. Based on deficiency three of this report the CUPA will begin to transfer inspection, violation, and enforcement data to CERS as soon as the CUPA is able to. Please report that proposed implementation date with deficiency three and this deficiency.

Deficiency Progress Update 2: (6/22/2015)

There is no update to this deficiency; the EnvisionConnect data base is unable to extract the required information at this time. We will request specific assistance from Decade Software Co. to address this issue.

Evaluation Team Response 2:

CalEPA: (on September 9, 2015) Please refer to the Corrective Action written for this deficiency and CalEPA's previous response. State evaluators are not able to follow the progress the CUPA may be making with correcting this deficiency due to the CUPA's inability to extract required RTC information. The CUPA reported making progress with reporting RTC information in the CUPA's data management system, however has also reported not being able to extract it.

The CUPA will need to begin providing some supporting documentation or a spreadsheet of RTC information to CalEPA with the next update cycle. For each update cycle beginning with September 23, 2015, the spreadsheet will include all facilities inspected and cited with violations since the last update cycle (June 23, 2015) and the status of each facility's RTC, until the CUPA upgrades the data management system to be able to report RTC information in CERS.

Deficiency Progress Update 3: (on October 1, 2015)

Unfortunately there is no update to this deficiency; the EnvisionConnect data base is unable to extract the required information at this time. We have requested specific assistance from Decade Software Co. to address this issue. We are continuing to explore other options for improving / correcting our Crystal Report deficiencies.

Evaluation Team Response 3:

DTSC response: (on January 5, 2016) DTSC requests that the CUPA provide a report on violations cited during Hazardous waste inspections that do not have RTC for minor violations over 30 days past due and Class 1 and 2 violations that are 30, 60, or 90+ days overdue, that should be extractable in the Envision Connect system.

DTSC requests that the CUPA provide a report in MS Excel on violations cited during Hazardous waste inspections since the evaluation. The report should contain any RTC dates and how it was accomplished e.g. observed, certificate, photo, re-inspection etc. The information sent in the 81 page PDF does not have RTC dates or how the RTC was obtained. That information should be extractable in the Envision Connect system since the CUPA staff populate those fields in Envision. The fact that information is in Envision, but not transferred to CERS is not sufficient to identify any remedy to correcting RTC efforts for hazardous waste violations. Overdue minor violation corrections by the generator trigger additional violations and a graduated series of enforcement as identified in the CUPA's Inspection and Enforcement plan. The Report 4 submitted with the 81 page PDF of data from envision raises questions related to violations cited and informal enforcement, we would need more detail to understand the difference in the numbers cited.

There was a discussion of upgrading the CUPA's Envision Connect version during the evaluation to overcome data transfer issues. If there is no change to the software causing the problem, then some of these CME deficiencies are likely to continue. The CERS system needs to have correct data reported.

CalEPA Response: (on March 7, 2016) CalEPA requests the CUPA to remain in contact with the software vendor and develop a solution to the unresolved software challenges they are experiencing. It is necessary for the CUPA to report RTC information in CERS and establish progress with correcting this deficiency.

Deficiency Progress Update 4:

(on July 7, 2016) We have created a report for staff so that they can monitor and track all open violations they have entered in EnvisionConnect and will monitor monthly for all RTC information received from the facilities. Once all EDT functions are operable with EnvisionConnect and/or CIW we will transmit all CME data to CERS.

Evaluation Team Response 4:

DTSC response: (on July 25, 2016) Please advise when CERS is up to date. DTSC would like to request that when facilities come up for re-inspection that comprehensive descriptions and documentation accompany any open violations from previous inspections. A graduated series of enforcement may be required for those businesses that have not corrected violations or repeated violations and if formal enforcement occurs details to support the cases will be necessary for successful resolutions.

Deficiency Progress Update 5:

(on September 30, 2016)
As stated in Deficiency Responses #2 and 3 with the success of recent EDT efforts has provided us with an excellent list to direct staff to complete their documentation on the closure of the violations and RTC information. We are also awaiting an enhancement to the eHazMat Portal that will provide electronic exchange of RTC information with the facilities. This should improve the efforts greatly since it will place the emphasis on the facility operators to provide the information in a timely manner and assist staff with better management of the pending RTC information. This enhancement is in test with other CUPA who have the same Portal as we do. We should have a progress report for the testing CUPA's in Octobers.

Evaluation Team Response 5:

DTSC Response: (on October 21, 2016) DTSC will review the next submitted RTC information update and check against CERS in the next progress report.

Deficiency Progress Update 6:

We continue to work on this ongoing issue by working with our database vendor to assess and remediate the data prior to transmitting it to CERS. We have found several violation data issues that we need to study and remediate with our database vendor. We are working diligently to ascertain why some data is not transmitting to CERS nor updating as we send CME data. CUPA Staff are continuing to monitor EnvisionConnect utilizing reports showing their open violations.

The Portal enhancement stated in the previous progress report will be shown to the Portal User Group in January with the hope of activating it in our test Portal by the end of January. A demonstration will be provide to CalEPA at a later date.

Evaluation Team Response 6:

DTSC Response: (on February 17, 2017) DTSC will review the next submitted RTC information update and check against CERS in the next progress report.

8.	DEFICIENCY:	CORRECTIVE ACTION:
	The CUPA is not reviewing and updating its Area Plan every three years and submitting it to Cal OES to review. The CUPA has not revised the Area Plan since 2006.	By September 30, 2015, the CUPA will complete the necessary revisions to the Area Plan and submit it to Cal OES to review.

Deficiency Progress Update 1: (on May 1, 2015)

Fresno County CUPA is in the process of developing and releasing a Request for Proposal (RFP) from vendors who provide comprehensive Area Plan development services. Homeland Security Grant funds has been allocated to the completion of the project. Estimated time for completion for the RFP is July 1, 2015.

Evaluation Team Response 1:

Cal OES Response: (on June 2, 2015) Fresno CUPA is in the process of completing the Area Plan and Cal OES looks forward to reviewing the plan by September 30, 2015.

CalEPA Response: (on June 15, 2015) With the next update report please provide CalEPA with a progress report of the completion of the RFP, the acquisition of a contractor to develop the Area Plan, and the proposed completion date of the Area Plan. The CUPA should not exceed the due date of September 30, 2015, as written in this deficiency. Once completed, please provide the revised Area Plan to CalEPA and Cal OES for review.

Deficiency Progress Update 2: (6/22/2015)

Fresno CUPA is in the process of completing the Area Plan and Cal OES looks forward to reviewing the plan by September 30, 2015. No RFP has been released as of this date.

Evaluation Team Response 2:

Cal OES Response: (on July 16, 2015) This deficiency is in the process of being corrected. Cal OES is waiting patiently to review the plan by September 30, 2015.

Deficiency Progress Update 3: (on October 1, 2015)

Fresno CUPA is in the process of completing the Area Plan and Cal OES looks forward to reviewing the plan by September 30, 2015. An RFP has been prepared for release by our Purchasing Division; we are awaiting their review and approval.

Evaluation Team Response 3:

Cal OES Response: (on February 18, 2016) This deficiency is in the process of being corrected. Cal OES is

looking forward to reviewing the plan.
Deficiency Progress Update 4:
(on July 7, 2016) The Fresno County Area Plan has been updated and approved by local emergency response agencies. A copy of the updated Area Plan had been accepted by Cal-OES for review and comment.
Evaluation Team Response 4:
Cal OES Response: (on July 15, 2016) This deficiency has been corrected. Cal OES has received the Area Plan and is in the process of review.

9.	DEFICIENCY:	CORRECTIVE ACTION:
	The CUPA has not conducted the annual Performance Audit for the California Accidental Release Prevention (CalARP) program for fiscal year 2013/2014. The audit shall include all of the components outlined in California Code of Regulations, Section 2780.5(b).	By March 23, 2015, the CUPA will submit the annual Performance Audit for the CalARP program for fiscal year 2013/2014 to CalEPA and Cal OES for review and approval. By September 30, 2015, the CUPA will perform the annual Performance Audit for the CalARP program for fiscal year 2014/2015 and submit it to CalEPA and Cal OES for review and approval.

Deficiency Progress Update 1: (on May 1, 2015)
See attached CalARP Self- Audit documentation
Evaluation Team Response 1:
Cal OES Response: (on June 2, 2015) The CUPA has submitted the annual Cal ARP performance audit for fiscal year 2013/2014, this part of the deficiency has been corrected. Cal OES looks forward to reviewing the annual Cal ARP performance audit for fiscal year 2014/2015 by September 30, 2015. **CalEPA Response: (on June 15, 2015)** By September 30, 2015, please provide CalEPA with the fiscal year 2014/2015 CalARP performance audit complete with all required components listed in CCR, Title 19, Section 2780.5(b).
Deficiency Progress Update 2: (6/22/2015)
The Cal ARP performance audit for fiscal year 2014/2015 will be submitted by September 30, 2015
Evaluation Team Response 2:
Cal OES Response: (on July 16, 2015) This deficiency is in the process of being corrected. Cal OES is waiting patiently to review the annual Cal ARP Performance Audit by September 30, 2015.
Deficiency Progress Update 3: (on October 1, 2015)
See attached CalARP Performance Audits for the last 2 fiscal years.

10.	DEFICIENCY:	CORRECTIVE ACTION:
	The CUPA has not inspected all facilities required to be regulated under the Hazardous Materials Business Plan (HMBP) Program at least once every three years. *This deficiency was identified during the previous three CUPA evaluations in 2006, 2008, and 2011.*	By March 23, 2015, the CUPA will develop a plan to meet the inspection frequency for the HMBP program to ensure each facility is inspected at least once every three years. The plan will include the CUPA's expected HMBP inspection frequency schedule, the number of HMBP inspections that have occurred since the CUPA's evaluation, and CERS I.D. numbers or names of those facilities. The CUPA will submit that plan to CalEPA for review. By June 23, 2015, the CUPA will report to CalEPA its progress with maintaining the scheduled inspection frequency for all HMBP facilities, the number of additional HMBP inspections that have occurred since the previous update report cycle, and CERS I.D. numbers or names of those facilities. By September 23, 2015, the CUPA will report to CalEPA the information listed above for this update cycle period and make a determination as to whether it will be able to inspect all HMBP facilities at least once every three years based on its performance up to this date.

Deficiency Progress Update 1: (on May 1, 2015)

A review of all facility inspection dates was conducted. Currently, 70% of all HMBP sites have an inspection date within the last 3 years. A total of 2776 active HMBP facilities have been identified, and of those facilities 1942 have an inspection completed within the last 3 fiscal years. This total does not include ag handlers, well sites and some unstaffed remote facilities. These are the target inspections for the upcoming fiscal year. Staff has been working diligently over the past two years to increase the number of inspections completed and completing the review of electronic submissions in the eHazMat portal and CERS.

Evaluation Team Response 1:

Cal OES Response: (on June 2, 2015) The Fresno CUPA has made great strides in identifying and inspecting HMBP facilities. Cal OES looks forward to following the CUPAs progress on inspecting HMBP facilities through September 30, 2015.

CalEPA Response: (on June 15, 2015) Please provide a proposed inspection frequency schedule to CalEPA with the next update cycle to ensure each HMBP facility will be inspected at least once every three years, a report of the number of HMBP inspections that have occurred since the last update cycle, and the progress the CUPA is having with maintaining the proposed inspection frequency in order to inspect each facility at least once every three years.

Deficiency Progress Update 2: (6/22/2015)

As of the date of this response there are 3,407 facilities within Fresno County that are regulated under the HMBP program. A breakdown of that count is as follows:
- 630 – Farms per H&SC 25507.1. (13 with current inspection dates)
- 251 – Unstaffed facilities per H&SC 25507.2 (12 with current inspection dates)
- 299 – Municipal water supply wells with liquid chlorine and/or back fuel for emergency pumps. (50 with current inspection dates)
- Remaining 2228 facilities are fully regulated per H&SC; of those 1989 facilities have been inspected within the last 3 years. **89% of the higher risk facilities have been inspected.**
- 14 Federal facilities were removed from the overall count. This number could grow over the next fiscal year.

2064 out of 3407 facilities with a current inspection date is a 60-61% inspection status. The remaining partial exempt sites (Farms, unstaffed sites and water wells are targeted for a specific project during the upcoming fiscal year.

Evaluation Team Response 2:

Cal OES Response: (on July 16, 2015) This deficiency is in the process of being corrected. Cal OES looks forward to following the CUPA's progress on inspecting facilities, farms and businesses.

CalEPA Response: (on September 9, 2015) Please continue to inspect HMBP sites as described above in order to ensure each facility is inspected at least once every three years. Also the CUPA has not begun reporting inspections in CERS. Please continue to work toward upgrading the data management system in order to report inspection information in CERS.

Deficiency Progress Update 3: (on October 1, 2015)

As of 9/15/15 there are 3400 HMBP facilities identified in our database. A current list of our "prior inspection dates" shows that 1747 of the HMBP sites have a current inspection completed in the last 2 fiscal years that is 63% of the known inventory as having been currently inspected. 1021 HMBP sites (37%) are scheduled for inspection for the remaining time of FY 14/15. New sites are being added to the inventory, which increase the workload on the existing staff. High risk sites such as EPCRA facilities are inspected with a higher priority. Currently the bulk of the sites due for inspection are low risk sites such as municipal well sites, with liquid chlorine or small amounts of fuel. In addition unstaffed facilities are being added since they are located within a half mile of an occupied structure.

Farms are being inspected as well, however no annual fee has been established but we continue to perform outreach and meet with the local farm bureau.

Evaluation Team Response 3:

Cal OES Response: (on February 18, 2016) This deficiency is corrected. The CUPA has developed a plan to meet the inspection frequency for the HMBP program, ensuring each facility is inspected at least once every three years. The CUPA has reported to CalEPA its progress with maintaining the scheduled inspection frequency for all HMBP facilities. The CUPA has reported to CalEPA information for this update cycle period and has made a determination that it will be able to inspect all HMBP facilities at least once every three years based on its performance up to this date.

11.	DEFICIENCY:	CORRECTIVE ACTION:
	A CUPA inspector is conducting APSA compliance inspections without having completed and passed the exam for the APSA training program. Prior to conducting any APSA compliance inspections, each CUPA inspector must first complete the training and pass the exam for the APSA Inspector Training program.	By March 23, 2015, the CUPA will submit to CalEPA a copy of the inspector's training certificate.

Deficiency Progress Update 1: (on May 1, 2015)

The identified CUPA inspector recently completed the APSA/SPCC Course and Exam on April 16, 2015. San Diego Environmental Health Department has forwarded the Exam pass results to the OSFM. She (San Diego Environmental Health Department staff) stated it may take up to 8 weeks to receive the Certificate.

Evaluation Team Response 1:

OSFM Response: (on May 29, 2015) OSFM appreciates the effort the CUPA made to correct this deficiency. OSFM has received the CUPA inspector's training and exam information and has issued a certificate to the CUPA inspector. OSFM considers this deficiency corrected.

CalEPA Response: (on June 15, 2015) CalEPA also appreciates the effort the CUPA made to correct this deficiency. No further action is necessary.